

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

The above-entitled meeting was held at the  
LSU AgCenter Research and Extension, 8105 Tom  
Bowman Drive, Alexandria, Louisiana, beginning  
at 1:12 p.m., on August 9, 2018.

**BEFORE:**

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

A P P E A R A N C E S

Steve Burnham  
Chairman

Kerry Hill, via telephone  
Durwood Franklin  
Jeff Baker  
Gary Fulton  
Cy Morin  
Roger Bright  
Theresa Delafosse  
Perry Theriot  
Joe McCartney  
Nick St. Romain

Melissa Vizinat  
Natalie Isaacks  
Jason Efferson  
Samuel Broussard  
Shawn King  
Rhonda Cook  
Kristine Stanley  
Ian Kelly  
Michelle Gibbs

\* \* \* \* \*

I N D E X

EXAMINATION:	PAGE(S):
None	
EXHIBITS:	
None	
REPORTER'S PAGE	67
REPORTER'S CERTIFICATE	68

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MR. BURNHAM:

Okay. Our meeting is officially called to order. We'll start with a roll call. My name is Steve Burnham. I'm with Engineering Associates.

MR. ST. ROMAIN:

Nick St. Romain with St. Romain Oil and LOMA.

MS. DELAFOSSE:

Theresa Delafosse with the Louisiana DEQ.

MR. MORIN:

Cy Morin, LDEQ.

MS. VIZINAT:

Melissa Vizinat, DEQ Trust Fund.

MR. BRIGHT:

Roger Bright, Jones Environmental.

MR. McCARTNEY:

Joe McCarntey with LOMA.

MR. FULTON:

Gary Fulton, LDEQ.

MR. BAKER:

Jeff Baker, LDEQ.

MR. FRANKLIN:

1 Durwood Franklin, DEQ.

2 MR. THERIOT:

3 Perry Theriot, DEQ.

4 MR. BROUSSARD:

5 Sam Broussard, DEQ.

6 MR. KING:

7 Shawn King, Jones Environmental.

8 MS. ISAACKS:

9 Natalie Isaacks, Louisiana Oil.

10 MS. GIBBS:

11 Michelle Gibbs.

12 MS. Stanley:

13 Kristine Stanley, PPM.

14 MS. COOK:

15 Rhonda Cook, PPM.

16 MR. EFFERSON:

17 Jason Efferson, DEQ Trust Fund.

18 MR. BURNHAM:

19 Thank you. Do I hear a motion to  
20 adopt the minutes from our last meeting?

21 MR. BRIGHT:

22 Motion.

23 MR. BURNHAM:

24 Motion by Roger. Second?

25 MR. ST. ROMAIN:

1 I'll second.

2 MR. BURNHAM:

3 Second. All in favor say aye.

4 (All indicating "aye".)

5 MR. BURNHAM:

6 Any opposed?

7 (No response.)

8 MR. BURNHAM:

9 Okay. We'll move on to third party  
10 claims.

11 MS. VIZINAT:

12 Steve, can you have Kerry introduce  
13 himself.

14 MR. BURNHAM:

15 Oh, Kerry, would you introduce  
16 yourself on the phone, please. I'm sorry.

17 MS. VIZINAT:

18 For the log.

19 MR. HILL:

20 I'm sorry too. Kerry Hill with  
21 Louisiana Oil Marketers and Convenience  
22 Store Association.

23 MR. BURNHAM:

24 Thank you.

25 Okay. Mr. Theriot, third party

1 claims.

2 MR. THERIOT:

3 I'm pleased to announce that the trust  
4 fund has not received any new third party  
5 claims. And things on the horizon, we  
6 haven't heard a word on. So we're doing  
7 pretty well. We're down to, I believe, only  
8 one outstanding case that is probably  
9 abandoned. And so, we may have a clear  
10 docket on third party cases currently.

11 MR. BURNHAM:

12 Excellent. Does anybody have any  
13 questions for Perry before we move on to the  
14 next item?

15 (No response.)

16 MR. THERIOT:

17 I've got -- we got the legislative  
18 update on here.

19 MR. BURNHAM:

20 Oh, I'm sorry.

21 MR. ST. ROMAIN:

22 With -- with the third party claims,  
23 just real quick for my refreshment. Is that  
24 still sitting with the attorney general or  
25 has that -- some of that money been

1 transferred back?

2 MR. THERIOT:

3 That money was transferred back to us.

4 I think our finance people would be able to

5 give you some of the figures on it. But --

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

7 MR. THERIOT:

8 Not -- not all the money that was

9 sweep has been given back, but the -- what

10 was in the trust account was given back.

11 MS. ISAACKS:

12 The seven.

13 MS. DELAFOSSE:

14 None of the seven has been returned.

15 MS. ISAACKS:

16 None of the seven.

17 MS. DELAFOSSE:

18 The remaining settlement proceeds that

19 were not part of that have been moved to the

20 fund. That's still an issue.

21 MR. THERIOT:

22 We are currently in negotiations to

23 settle one of our cost recovery suits.

24 We're fairly close on it. We should be

25 hearing something soon on it. But it is



1           there. So actively negotiating the  
2           settlement amount and the counteroffer  
3           offer. That's not a third party suit. That  
4           is a cost recovery suit. So yes, that is  
5           still pending. And we have, I believe, one  
6           small one and one large one left. So  
7           there's still more money that we expect to  
8           be coming into the fund from the cost  
9           recovery.

10          MR. ST. ROMAIN:

11                    Okay. Thanks.

12          MR. THERIOT:

13                    The legislative update, we only had  
14           one bill that goes into effect as of eight  
15           days ago -- nine days now. Act 150, which  
16           went into effect on August 1st.

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

18          MR. THERIOT:

19                    Act 150 puts a couple of changes into  
20           effect into the trust fund statute. First  
21           of all, it requires that this board meet  
22           once every fiscal year and make a  
23           recommendation -- well, in one of the  
24           meetings during the fiscal year would be  
25           more correct -- to meet and make a

1            recommendation to the secretary for the  
2            amount they believe should be the fee on the  
3            -- the first withdrawal from bulk on the  
4            gasoline that funds the -- the trust fund.  
5            That is -- that will be in order for us to  
6            begin adjusting the amount of money that we  
7            take in to attempt to have it match the  
8            amount of money that goes out. At least  
9            within a close amount. Rather than, right  
10           now, we've been building reserves. Now --  
11           and we're getting close to having to stop  
12           collecting the fee and come back on the fee.  
13           But this will enable us, if we believe we're  
14           collecting too much, for the board to  
15           recommend to the secretary that we reduce  
16           the amount of the fee to better match our  
17           obligations and therefore stop building any  
18           further excesses that become attractive to  
19           other folks to use.

20                    So that is -- that went into effect  
21           August 1st.

22                    The other -- the other provision is  
23           very simply a requirement on the DEQ to  
24           forward to the board a copy of -- copies of  
25           any of our proposed regulations before going

1 through the enactment process. And that's a  
2 -- now required. It's not -- it's something  
3 we've been doing anyway, so the department  
4 will continue to forward -- we have  
5 workgroups with our stakeholders before we  
6 ever put regulations into place. So we're  
7 going to -- it's now formalized that the  
8 board will get a copy prior to, for it to  
9 consider, before we go to adoption. Prior  
10 to that.

11 That's all that we changed this year.

12 MR. BURNHAM:

13 Okay. Any questions for Perry before  
14 we move on?

15 (No response.)

16 MR. THERIOT:

17 Theresa -- before we go any further,  
18 Theresa, you're going to address the second  
19 part of what we plan to do with this?

20 MS. DELAFOSSE:

21 Yes.

22 MR. THERIOT:

23 Okay.

24 MR. BURNHAM:

25 Okay. We'll move on to Theresa.

1 MS. DELAFOSSE:

2 Little bit of spoilers from Perry  
3 there. I planned to address the other part  
4 that we need deal with, with regards to the  
5 fee. We mentioned at our last board meeting  
6 that Jeff and I and Perry had spoken to some  
7 actuarial firms who work on similar  
8 programs in other states and got quotes from  
9 them as far as what -- what they can do to -  
10 - to review our trust fund and make  
11 recommendations both with regards to how to  
12 set the fee on an annual basis and with  
13 regard to the obligation calculation that we  
14 currently undertake on a monthly basis.

15 So we spoke to two firms, which I  
16 believe we mentioned at the last meeting.  
17 And we've spent some time since then  
18 reviewing the proposals and discussing them  
19 internally. And this is the one that we  
20 wanted -- so this is the one that we were  
21 more impressed with on the phone. When we  
22 had the conversation with them, they asked a  
23 lot of questions about how we did certain  
24 things with the program, things that had  
25 changed over time, asked questions about

1           what our concerns were, et cetera. They  
2           also provided a report that they had done  
3           for another state, that we have a copy of  
4           and can share via email. If anybody is  
5           interested in seeing that for Utah. It's  
6           incredibly comprehensive. It goes through  
7           detailed analyses about all the facets of  
8           the program and -- and makes some great  
9           recommendations. And this -- so this  
10          actuarial group is familiar with these types  
11          of programs. They indicated that as part of  
12          their work, they'd like to visit DEQ at  
13          least twice, I think they said, to -- to  
14          discuss things with our staff and get a  
15          great understanding of the program and --  
16          and what our concerns are. You know, maybe  
17          even attend a board meeting if -- if that  
18          works out, or maybe do some -- some  
19          alternate meeting with -- with external  
20          stakeholders as well so it's not just the  
21          internal DEQ staff that has the input.

22                 So, you know, as I was saying, we --  
23          we think Pinnacle is probably going to do a  
24          more thorough job and has perhaps the, you  
25          know, better resume as far as reviewing

1           these type programs are concerned. However,  
2           their quote was a good bit higher than the  
3           other one. But it was in the ballpark of  
4           what we expected.

5                     Jeff, if you can get to those parts?

6           MR. BAKER:

7                     That John Wade that I was showing his  
8           -- his resume there, I've actually been to  
9           conferences and he has spoken and -- and was  
10          highly respected and -- and really -- in the  
11          conversations we had, he was very  
12          impressive. We were very impressed with  
13          what he was saying and -- and the level of  
14          review we think he could do.

15          MS. DELAFOSSE:

16                     Right.

17                     So here's kinda a timeline of the --  
18          you know, the -- when they'd like to begin  
19          and, you know, obviously, we're a little  
20          behind that because they have some June  
21          dates on there. But we wanted to discuss  
22          this with the board before we officially  
23          began the contracting process with the  
24          Office of State Procurement.

25                     So you see, their quote here is

1           89,500. If any -- you know, I think -- and  
2           then what was the other quote, about?

3           MR. BAKER:

4                     23.

5           MS. DELAFOSSE:

6                     23. So there's a -- there's a  
7           significant difference between the two.  
8           However, our -- our estimate when we began  
9           this process was that we anticipated the  
10          contract would be anywhere from 75 to  
11          100,000. So this is still within that  
12          range.

13                    Their work was about four months of  
14          work versus the other firm that just --

15          MR. BAKER:

16                    Five weeks.

17          MS. DELAFOSSE:

18                    Oh, that just -- just said five weeks.  
19          So it's a lot more comprehensive. And I  
20          think since we've never engaged an actuary  
21          for this type of review, something more  
22          comprehensive, I think, would be beneficial,  
23          especially because we do have the change  
24          with the fee and we're going to need to have  
25          a process established for that.

1           So again, that's our -- our  
2           recommendation. We've got a -- a better  
3           feel for -- for their work and just a little  
4           -- were a little more impressed with their  
5           experience and the questions that they asked  
6           us during the background. And then with  
7           their -- you know, the work they sent us, as  
8           well, that they done for Utah.

9           So, you know, they're both --  
10          obviously, you know, it's about three times  
11          as much but it's -- it's still very  
12          affordable for the trust fund and I think it  
13          would be a -- a good use of funds to hire  
14          somebody. You know, Jeff works -- Jeff has  
15          made lots of updates to the obligation  
16          calculation and we do our best to -- to  
17          figure all these things out, but neither of  
18          us are actuaries and that's a special -- a  
19          special talent and a special skill. And I  
20          think retaining one would be in the best  
21          interest of the group.

22                 So I don't know if ya'll have any  
23                 questions about the proposals or thoughts?

24                 MR. ST. ROMAIN:

25                 The purpose of them is to determine



1 future liabilities, to help determine what  
2 this adjustable fee will be?

3 MS. DELAFOSSE:

4 Exactly. Exactly. So they'll look --  
5 they can look at the obligation calculation  
6 and determine if we've over-estimated  
7 certain elements of it or if we've under-  
8 estimated other elements. And they -- they  
9 use a lot more complex analyses than we'd  
10 be able to. And then from that, once they  
11 review the obligation, they can determine a  
12 mechanism to identify what the fee should  
13 be, based on, you know, a new -- I guess a  
14 new obligation calculation essentially.

15 MR. McCARTNEY:

16 That doesn't seem to be a little  
17 overkill? I mean, I'm just curious.

18 MS. DELAFOSSE:

19 In my opinion, no. I mean, we've  
20 never had an actuary review the program. I  
21 would rather be right than to set a fee  
22 that's too low or too high. And, you know --  
23 -- too high, I guess, is -- is less of a  
24 concern, because, you know, then we'll learn  
25 from our mistakes and we can set it a little

1           lower in the future. But, you know, you  
2           hate to set it too low and -- and go -- you  
3           know, dip into your reserves too much and --  
4           and leave the program in a -- in a -- not a  
5           good position where it's in such a great  
6           position now. So --

7                         And there -- you know, Jeff and I  
8           discussed too, the task D that they have  
9           listed here is a little more of some kinda  
10          extra work that we had discussed with them.  
11          And what we could consider is eliminating  
12          the task D for their initial work and just  
13          focus on the claim reserves and project the  
14          liabilities et cetera and just leave that  
15          part out for now. And then, if we wanted to  
16          revisit that later and, you know, enter into  
17          another contract with the firm, then that's  
18          something we could do. And it would require  
19          less startup work at that time because they  
20          would be familiar with the program and the  
21          data et cetera, so --

22          MR. BRIGHT:

23                         Is this one -- is this like a one-time  
24          thing, or do they have to come back and  
25          revisit it later on or is --

1 MS. DELAFOSSE:

2 It's pretty much a one-time thing, in  
3 my opinion. I think you would maybe need  
4 some consulting on a minimal basis after  
5 that point, you know, maybe every other year  
6 or something like that, but nothing to this  
7 extent.

8 MR. BRIGHT:

9 Nothing like that?

10 MS. DELAFOSSE:

11 No. It wouldn't be an annual cost to  
12 this -- I -- I mean, I would say it'd be  
13 \$5,000 or less, after that for maintenance.

14 MR. BAKER:

15 And from the board's perspective --  
16 and like I said, these people -- when we  
17 spoke to them on the phone, they were  
18 extremely knowledgeable of the UST universe.  
19 Okay? And if you look at that report -- and  
20 we'll be happy to provide it to ya'll. If  
21 ya'll look at that report, it is in great  
22 detail about trends with the industry and  
23 whatnot. They -- they -- they really  
24 impressed us with what they knew. And I  
25 think that's valuable. I think that adds a

1 lot of value.

2 Now, like Theresa said, down the line,  
3 you know, I think ya'll, as a board, are  
4 going to appreciate this level of review  
5 because ya'll are going to be the ones  
6 recommending to the secretary what that rate  
7 is gonna be. And I'm sure ya'll want to  
8 make sure that you've got something solid to  
9 stand on when you're making those  
10 recommendations. And -- but in the future --  
11 -- and I'm like Theresa -- I think, you know,  
12 you can probably -- they can probably give  
13 us an algorithm of what to do on an annual  
14 basis and maybe every couple of three years  
15 come in and kinda review it and make sure  
16 we're still on the right path and -- and I'm  
17 sure that would be dramatically less than  
18 what we're talking about.

19 MS. DELAFOSSE:

20 For sure.

21 MR. McCARTNEY:

22 You might run that by them before you  
23 sign the contract.

24 MR. BAKER:

25 I -- probably a good question.

1 MR. BURNHAM:

2 Yes. Probably ought to include that.

3 MS. DELAFOSSE:

4 Sure.

5 MR. BURNHAM:

6 Do they -- is it part of their scope  
7 of work to make any suggestions regarding  
8 efficiencies of our program, or that's  
9 really not in their --

10 MR. BAKER:

11 No. Actually, there is. Actually,  
12 that is part of it. That's what really  
13 impressed us. He came in and talked about  
14 actually bringing somebody in that -- that  
15 Perry knew from -- from his ASTSWMO  
16 interaction. And they were very  
17 knowledgeable of -- of the UST universe in -  
18 - and other funds and could make  
19 recommendations along those lines.

20 MR. ST. ROMAIN:

21 Is that kinda the part D --

22 MR. BAKER:

23 And I think that's kinda task C.

24 MR. ST. ROMAIN:

25 Oh, okay.

1 MR. BAKER:

2 When you've got high cost, no cost or  
3 -- or long-term claims, things -- you know,  
4 recommendations to reduce losses, things of  
5 that nature.

6 And, Nick, like you said, you would  
7 also take them into D and down the line, you  
8 know, we may -- that may be something we do  
9 in three or four years, if ya'll are -- if  
10 ya'll like what we got from these -- you  
11 know, then we -- then come along and --

12 MS. DELAFOSSE:

13 And -- and that may be a good thing  
14 about separating off those -- maybe -- you  
15 know, little extra things, because then --  
16 then we're not involving them and doing  
17 \$90,000 worth of work. We just do more --  
18 maybe more the core stuff and then we can  
19 engage them again if we really, you know,  
20 were impressed with their work and we want  
21 them to look into things that they weren't  
22 able to within the scope of the first  
23 contract. If that's something that the  
24 board would be more comfortable with too.

25 But, you know, it seems -- it sounds

1           like a lot, but I think actuaries are --  
2           they're expensive. There aren't many of  
3           them. They have certainly very impressive  
4           credentialing and they had a long list of  
5           actuaries that they have on their -- on  
6           their staff. I use to, you know,  
7           anecdotally do some work with actuaries when  
8           I worked at the legislative auditor's office  
9           and it's a -- a -- definitely a unique line  
10          of work and as far as getting the type of  
11          output that they can get, you're not going  
12          to get that from anybody but an actuary.  
13          And -- and this is -- this is, we believe,  
14          the crew that is the most experienced with  
15          the trust fund programs.

16          MR. BAKER:

17                 And as you can see here, they -- they  
18          done one for the Georgia fund, the Utah  
19          fund, Kentucky fund, Tennessee. I mean, a  
20          number of other similar funds. And then, if  
21          you go down here, there's some other -- some  
22          -- some -- but anyway, they -- this is not  
23          their first rodeo.

24          MS. DELAFOSSE:

25                 Any other questions or comments?

1 MS. ISAACKS:

2 What states were they again, Jeff? I  
3 couldn't keep up.

4 MR. BAKER:

5 Am I moving too quick?

6 MS. ISAACKS:

7 If I'm suppose to see it, yes.

8 MR. BAKER:

9 I'm sorry. Georgia, Utah, Kentucky,  
10 Ohio -- well, that's kinda financial  
11 assurance, but it does -- it is related.

12 MR. McCARTNEY:

13 Have ya'll -- have ya'll talked to  
14 Georgia or any of those people to see if --

15 MR. BAKER:

16 They were -- they --

17 MR. McCARTNEY:

18 -- some things you wanted to -- that  
19 they would do differently or add or delete?

20 MS. DELAFOSSE:

21 Yes. What did Georgia say?

22 MR. BAKER:

23 Well, they -- they -- they recommended  
24 them. Now, we didn't get into the level of  
25 detail of what you're talking about. Now,



1           we can. And I don't mind doing that. But  
2           they -- they -- they came recommended to us,  
3           before we even met with them. We called  
4           ASTSWMO, got some contacts of other states  
5           that had used different actuaries and to be  
6           honest with you, I spent a -- a big chunk of  
7           a day making phone calls, trying to get some  
8           actuaries and I came up with two. So --

9           MR. McCARTNEY:

10                    But, you know, that -- that would be  
11           worth it, if somebody else was telling you  
12           something about it.

13           MR. BAKER:

14                    That's a good question.

15           MR. HILL:

16                    This is Kerry Hill. I can -- I can  
17           hear a little bit but not real good. But  
18           there was a big difference between the  
19           90,000 and 20,000 and I couldn't hear ya'll  
20           explaining what that difference is.

21           MS. DELAFOSSE:

22                    It -- Kerry, this is Theresa. It's  
23           mostly going to boil down to the scope of  
24           work. The -- the Pinnacle --

25           MR. HILL:

1                   Okay.

2           MS. DELAFOSSE:

3                   The Pinnacle firm has four different  
4           major task areas within their proposal and  
5           about four or five months or estimated time  
6           to complete their work. Where the other  
7           firm had six weeks or five weeks of time to  
8           complete their work. And, you know, a lot -  
9           - a lot less comprehensive of a review.

10          MR. HILL:

11                   So you don't think we're getting our  
12          best bang for our buck with the \$20,000  
13          quote?

14          MS. DELAFOSSE:

15                   I -- I don't know if bang for the buck  
16          is the -- is the term I'd look at or the --  
17          the way I would want to approach this, I  
18          guess, because it is kinda of a -- I don't  
19          want to say a once in a lifetime, but it's a  
20          -- it's an occasional thing. You're not  
21          hiring these people every year to -- to  
22          review your program. It's -- it's a special  
23          thing. We've never hired an actuary before.  
24          And I know we've tweaked the obligation and  
25          tried to understand where our liabilities

1           are and -- and how much they are and make  
2           sure that the fund is -- is in a good  
3           position. But we're not experts. You know,  
4           I'm a CPA. Jeff is an engineer. But that  
5           certainly doesn't mean that we're --

6           MR. HILL:

7                     And I understand that, Theresa. And I  
8           can hear you well. And ya'll may have  
9           discussed that. I just couldn't hear.

10          MS. DELAFOSSE:

11                     Sure.

12          MR. HILL:

13                     I guess you're a little closer to the  
14          telephone.

15          MS. DELAFOSSE:

16                     I'm just a little bit louder, maybe.

17          MR. ST. ROMAIN:

18                     Kerry, something else she pointed out.  
19          There were -- they had broke their program  
20          into parts. And there was a part D that  
21          they said we may not need to do now, which  
22          was, I think, \$24,000. So we could bring  
23          that 89 down to, what is that, 65.

24          MR. HILL:

25                     Right.

1 MR. ST. ROMAIN:

2 55.

3 MR. BURNHAM:

4 Did we send a request for proposal --  
5 a formal request for proposal?

6 MS. DELAFOSSE:

7 We did not.

8 MR. BURNHAM:

9 Okay. So they -- they -- they may not  
10 be bidding apples to apples, the two firms,  
11 right? Because --

12 MS. DELAFOSSE:

13 May not be.

14 MR. HILL:

15 Okay.

16 MR. BURNHAM:

17 Okay.

18 MS. DELAFOSSE:

19 They -- and that's --

20 MR. BURNHAM:

21 All right.

22 MS. DELAFOSSE:

23 We had phone conversations with both  
24 of them to request these proposals from  
25 them. And the phone conversation with

1 Taylor & Moulder was eight minutes long.  
2 They didn't really have any questions for  
3 us. We shared some information -- we shared  
4 the exact same data with them both as far as  
5 some historical data from the program. And  
6 they came up with the proposals based on  
7 other work that they had done for other  
8 states and what our phone conversations  
9 yielded to them.

10 MR. BAKER:

11 And we also laid out goals, the same  
12 goals to each group, of what we were kinda  
13 looking for. And one fleshed it out in much  
14 more detail than the other one. And if  
15 you'll look at the timeline on the other  
16 one, they're ready -- they're pretty much  
17 going to have a draft report to us in 19  
18 days. Whereas, the other one is four  
19 months.

20 MR. HILL:

21 Okay.

22 MR. ST. ROMAIN:

23 Were they recommended by any other  
24 states, the other firm?

25 MR. BAKER:

1           Yes. They both were recommended. I  
2           wouldn't -- we wouldn't have called them if  
3           they hadn't had a recommendation. And they  
4           have done several with other states, as  
5           well.

6           MS. DELAFOSSE:

7           I don't -- I don't think you can go  
8           wrong with either. I just think, based on  
9           our -- the -- the amount of time that we've  
10          been able to look into this and the internal  
11          conversations that we've had, we just get a  
12          better feeling for the experience and the  
13          knowledge of the Pinnacle firm. But again,  
14          I -- they're -- they're both actuarial firms  
15          who have experience working with these type  
16          of programs. So it's not -- you know -- it  
17          -- but it may be, it is a bit apples to  
18          oranges, as far as the breathe and  
19          scope of their work.

20          MR. HILL:

21          And that -- and that's what it's  
22          about. That's -- that's the word I really  
23          meant to use, apples or oranges. So you --  
24          you answered my question, Theresa.

25          MS. DELAFOSSE:

1                   Okay. Great.

2                   So if ya'll want, what we can do is  
3                   email ya'll the report. I don't know what  
4                   information would be helpful for ya'll to  
5                   see. You know, it's -- it's hard to see on  
6                   this screen with Jeff scrolling a mile a  
7                   minute.

8                   MR. BAKER:

9                   There's a lot of information.

10                  MS. DELAFOSSE:

11                  There are. There's a lot of  
12                  information. There's certainly a lot of  
13                  information.

14                  But this is something we need to begin  
15                  fairly soon with the recommendation that the  
16                  board needs to make to the secretary in  
17                  mind. It does take a little bit of time to  
18                  get contracts approved by the State Office  
19                  of State Procurement. But fortunately for  
20                  ya'll, that contract approval process  
21                  reports to me. So I've got an inside track,  
22                  a little bit. But that's -- we wanted to  
23                  discuss that today in light of the  
24                  legislation being final.

25                  MR. BAKER:

1                   And recognize that what we'll -- ya'll  
2                   will be making the decision as to the  
3                   recommendation in the February board  
4                   meeting.

5                   MR. ST. ROMAIN:

6                   Right. That was what I was about to  
7                   ask.

8                   MR. BAKER:

9                   Because that gives you -- that gives  
10                  us three to four months to let them --

11                  MR. ST. ROMAIN:

12                  To get this completed.

13                  MR. BAKER:

14                  If ya'll decide to check -- drop it  
15                  down below the .08, then that gives the  
16                  marketers time to adjust their computers.

17                  MR. ST. ROMAIN:

18                  So if we get an email of this to  
19                  review -- ya'll are looking for a decision  
20                  on this today, one firm versus the other, in  
21                  other to have time to have a completed  
22                  report for the February meeting?

23                  MS. DELAFOSSE:

24                  I mean -- yes, and I don't know if  
25                  it's a decision that has to be voted on in



1 the full board with a quorum. I think we  
2 can communicate outside of the board to  
3 discuss that. But I don't know. That -- is  
4 that -- Perry?

5 MR. THERIOT:

6 The board doesn't -- this is not one  
7 of the things the board is empowered to do.

8 MS. DELAFOSSE:

9 Right.

10 MR. THERIOT:

11 It's just we bring it up to ya'll to  
12 let ya'll know. We will get asked by you,  
13 as is usually the practice, if we show an  
14 administrative jump of \$80,000 in expenses.  
15 So we would always consult with you guys to  
16 let ya'll know what we're considering, okay.  
17 And the information that they come up will  
18 be given to you because that's information  
19 that you guys are going to want to see in  
20 order to make that recommendation. That's -  
21 - that's the reason for the actuarial  
22 looking at the program was to supply you  
23 guys with the information that's necessary  
24 to make ya'll's decision.

25 MR. McCARTNEY:

1                   Do we make the call or -- or are ya'll  
2                   just making us aware of it and then the DEQ  
3                   makes the call?

4                   MR. THERIOT:

5                   No. We do. We -- the secretary --  
6                   this isn't going to be a contract with the  
7                   state --

8                   MR. McCARTNEY:

9                   Yes.

10                  MR. THERIOT:

11                  -- so, no, we would -- we would do it,  
12                  but we would always want you guys to know  
13                  ahead of time --

14                  MR. McCARTNEY:

15                  Yes, I just --

16                  MR. THERIOT:

17                  -- before we do that kinda thing. And  
18                  this is what we were considering. Given the  
19                  conversations that were had during the  
20                  screening of these two -- these two firms,  
21                  it does seem like a lot, but I sat in on  
22                  some of those conversations and it was  
23                  significantly different with the two of  
24                  them. I'm sure you're --

25                  MR. McCARTNEY:

1           I -- I think you're probably talking  
2           about two different reports. One is just a  
3           bigger -- how much money they think you're  
4           going to need and the other one is going to  
5           give you --

6           MR. THERIOT:

7           An overview of how you're operating.  
8           And the people, generally speaking, it's  
9           just a little rule of thumb, I would always  
10          prefer if I'm contracting with somebody who  
11          asks a lot of questions and wants to know  
12          more about my business before he jumps and  
13          says here's your bid. Okay. Now, that's  
14          just me. But that's been my experience, is  
15          that they need to know -- in order to  
16          prepare a document like this, you have to  
17          know a lot about what you're going to be  
18          doing, so I understand that the difference  
19          in the two bids is very significant, but I  
20          sat in on the conversations and I do  
21          understand that there is a difference  
22          between what was asked by one and what was  
23          asked by the other.

24          MS. DELAFOSSE:

25                 But we provided the same information

1 to each.

2 MR. THERIOT:

3 Same information was sent to both.

4 MS. DELAFOSSE:

5 Just their response thereto was  
6 different.

7 With that said, any other questions?  
8 Or, should we provide this information via  
9 email and -- and maybe see if anybody has  
10 any feedback -- additional feedback at that  
11 point?

12 MR. HILL:

13 That -- that's fine. That'll be fine.

14 MS. DELAFOSSE:

15 Okay.

16 MR. HILL:

17 Thank you.

18 MS. DELAFOSSE:

19 Okay. I guess I'll move to my -- my  
20 standard item now.

21 I would like to share with ya'll that  
22 this will be my last appearance at this  
23 quarterly meeting for this calendar year. I  
24 will send Lacey Vitteri from my staff who  
25 presented earlier this year. I don't

1           anticipate that she will do a full power  
2           point at the November board meeting, but I  
3           will not be here because I'll be on  
4           maternity leave. So don't -- don't expect  
5           to see me.

6                        So if you'll turn to tab four, that  
7           has the financial statements, the cash  
8           basis. And this is for the end of fiscal  
9           year 2018.

10                      Fiscal year 2018 ended on June 30th.  
11           This is the standard financial report that  
12           we present to ya'll each time. We collected  
13           pretty much exactly the same in bulk  
14           distribution fees this year, right at 22.1  
15           million dollars. So that's very steady with  
16           relation to the .08 percent. And then,  
17           you'll see the interest earnings, though, we  
18           had a lot. As the fund grows and as the  
19           interest rates increase, we're certainly  
20           going to see some increases in revenue  
21           there, which I know Gary is pleased about.  
22           We're still working on getting those  
23           contracts in place to have those abandoned  
24           tanks remediated, either pulled or the sites  
25           -- or the releases cleaned up. So we have a

1           good bit of revenue available for that  
2           process now, which is a -- a really great  
3           thing for the program.

4                    You'll see the claims for  
5           reimbursement. We saw a pretty nice  
6           increase there. Fiscal year 2017 was just  
7           at 10.7 million. And we were right under 14  
8           million for 2018. So that's good. Jeff's  
9           group was busy. And we -- we had a great  
10          year.

11                   And so then, the main numbers I'll  
12          point out now are at the bottom. As you  
13          see, the total cash balance in the fund is  
14          114 million dollars. Once you deduct the  
15          liability of 80 million, that leaves an  
16          unobligated balance of 26 million. So we  
17          are really grateful that that legislation  
18          was such a success this past session,  
19          because I think that will give us -- that'll  
20          help us, because we can collect less and -  
21          - and not have that large unobligated  
22          balance sitting there and -- and looking so  
23          appealing to the legislature.

24                    So the second page, too, is our  
25          underground storage tanks -- the transfer

1           that we've discussed in detail, as you can  
2           see, the transfer for 2018 was just under  
3           5.6 million. We saw a decrease to that  
4           transfer. And that's going to be -- it'll  
5           be right at 5.3 million. So, you know, our  
6           -- our administrative cost are staying  
7           pretty steady. And I'll go into these in a  
8           little more detail in the slide show.

9                   And ya'll stop me at any time with  
10           questions.

11                   Jeff, are you going to change the  
12           slides, or is there a clicker for me or --

13           MR. BAKER:

14                   I'll do it.

15           MS. DELAFOSSE:

16                   Okay.

17           MR. BAKER:

18                   Just point at me.

19           MS. DELAFOSSE:

20                   Okay. I'll point at you.

21                   Okay. So this is the -- this has a  
22           little more detail about the bulk  
23           distribution fees and the history of those  
24           collections. As I mentioned on the  
25           financial report, they have been steady.

1           There was a .1 percent increase from fiscal  
2           2017 to 2018. So they were virtually the  
3           same. But as you can see with the interest  
4           income, we have seen some great growth in  
5           that area. We earned almost 1.4 million  
6           dollars in interest in fiscal year 2018,  
7           which is fantastic.

8           These are the final expenditures by  
9           function for fiscal year 2018. As you can  
10          see, the majority of the program  
11          expenditures are with Gary's group, the UST  
12          Core Work and the team leaders that they do  
13          working with the sites. We also have some  
14          enforcement costs. And then Jeff's group is  
15          the motor fuel trust fund section that comes  
16          in right at 19 percent. And then our  
17          support services that my group does  
18          predominantly and any -- and our indirect  
19          cost that we charge and have discussed with  
20          ya'll is right at 1.9 million dollars for a  
21          total of 25 percent of the total.

22          This is a new slide. I got a little  
23          bit more information for our enforcement  
24          group, as far as the work that they've done,  
25          or did in the -- in the past three fiscal



1           years that they've been able to close out  
2           from an enforcement prospective. So I have  
3           fiscal year 2015, 2016 and 2017. You can  
4           see just a listing of all the different  
5           types of actions that they issue. With the  
6           most prevalent being the expedited  
7           penalties. I don't know as much as maybe  
8           some folks do, of course, about the  
9           enforcement process, but the expedited  
10          penalties are -- they're used often and  
11          they're voluntary so if -- if we have  
12          violations at a site and they want to just  
13          basically wipe the slate clean and be done  
14          with it once they get in compliance, they  
15          can enter into an expedited penalty  
16          agreement and then, you know, it saves them  
17          a lot of time, it saves the department a lot  
18          of time. It's a win, win. So the expedited  
19          penalties that were assessed in each year,  
20          you can see, they're just around 100,000 in  
21          the two most recent years that they've  
22          closed out and we've collected 57,000 and  
23          51,000. So -- but those -- those revenues  
24          for those penalties actually go into our  
25          hazardous waste site cleanup fund. That's

1           what our -- how our penalties function,  
2           which -- so it's a different -- they go into  
3           a different fund. But there are -- they do  
4           some great work ensuring compliance within  
5           the UST community as part of their work as  
6           well.

7                         These are the salaries and related  
8           benefits that were attributable to the  
9           program in fiscal year 2018. I also have  
10          the comparison with 2017. As you can see,  
11          there was an increase of 4.9 percent from  
12          one year to the next in the salary amount  
13          and a similar increase in the related  
14          benefits amount of 4.5 percent.

15                        As you can see, the related benefit  
16          costs are significant, particularly because  
17          of the retirement cost. They're, you know,  
18          approaching 40 percent per employee, so  
19          that's going to -- that's significant and --  
20          from a cost perspective. And we also had  
21          the changes in the pay plan that happened in  
22          January. So that's -- that's the main  
23          thrust of the increase in salaries and  
24          related benefits is those changes that took  
25          place in January.

1           We saw a pretty big decrease in the  
2           travel and training charges for the program.  
3           Just under 5,000 this year. I know some --  
4           a number of folks are going to the tanks  
5           conference this year, so we may see an  
6           increase, but a lot of those costs are paid  
7           for by outside organizations, so may not see  
8           any changes there. But we don't -- I don't  
9           have any numbers yet for fiscal year '19  
10          projections because it's so new, so early.

11          And then our operating services below  
12          were pretty -- pretty close to what they  
13          were the previous year. That includes, like  
14          we've discussed before, our -- our ASTSWMO  
15          dues, maintenance on our vehicles, supplies,  
16          et cetera.

17          Saw a large decrease in professional  
18          services. We used a -- a good bit more work  
19          from these vendors in our professional  
20          services contracts in fiscal year '17 than  
21          we did in '18. That's all the way down to  
22          under \$1,000 this past year for our  
23          professional services.

24          Some of this work can be done through  
25          our operating services. It depends on what

1 type of agreement we have with the vendor.  
2 So it's -- it's more of a technical  
3 distinction between the two.

4 So this is our other charges. This is  
5 the ones that I mentioned previously where  
6 some -- some of the labs are considered  
7 other charges and some of the labs are  
8 considered professional services. It's a  
9 technical distinction, depending on the  
10 vendor.

11 So for the tank operator training, you  
12 see we -- our expenditures were 204,000.  
13 For our compliance services who conduct the  
14 inspections, we expended 205,000. Then we  
15 had some lab -- very minimal lab costs. And  
16 a couple of different site investigation  
17 costs for the sites listed. And then the  
18 attorney general fees, our budget for that  
19 was over a million dollars, but as things  
20 are winding down and we're getting closer to  
21 settling those cases, those charges are --  
22 are going to, you know, stay in that realm  
23 and/or continue to decrease in future years.  
24 So those were just 265,000 and that was for  
25 the entire fiscal year. So in that

1 category, we saw a pretty significant  
2 decrease in cost from fiscal year '17 to  
3 fiscal year '18.

4 Here's a detailed slide on the  
5 attorney general charges. As I mentioned,  
6 they have decreased over time. When we were  
7 firing up this litigation and just beginning  
8 it, it was, you know, in the neighborhood of  
9 a million dollars, 900,000, but for fiscal  
10 year 2018, just -- just 265,000, as we wind  
11 down and get closer to settling those cases.

12 The interagency transfers category,  
13 there was a big decrease -- a fairly large  
14 decrease here. But it does include those  
15 costs that are listed below, the rent in  
16 those state owned buildings, security that  
17 we have to have in our buildings and some  
18 telephone charges to the Office of  
19 Telecommunications.

20 And then as -- as we discussed again  
21 previously are the indirect charges. We  
22 charge half of rate as the board agreed to,  
23 I believe, in fiscal year 2013. We  
24 recalculate this rate every year in the  
25 spring and have EPA review and approve it.

1           It did go down, as you can see, pretty  
2           significantly from fiscal year 2018 to 2019.  
3           And we expect that it should stay closer to  
4           that 60 percent figure. '18 was a high  
5           year.

6                     And there's no new information on the  
7           federal grant revenues, but we have  
8           discussed this in detail in the past. They  
9           have declined pretty significantly, but I  
10          think we are working on some new grant  
11          revenues. So perhaps fiscal year 2019 will  
12          have some larger stuff. But the fiscal year  
13          -- they operate on the federal fiscal year,  
14          so we won't know those amounts until a  
15          little closer to October. So that  
16          information -- if -- I can make sure Lacey  
17          presents that information, just to let the  
18          board know what the grant numbers look like  
19          for the next year, because hopefully they'll  
20          increase. But we'll see.

21                    Our tank registration fees. As we  
22          know, the registration fee went up ten  
23          percent for fiscal year 2019 -- 2018, sorry.  
24          And I have up there July 1, 2018, but that's  
25          not correct. It's July 1, 2017.

1           So the fees were previously \$54 a tank  
2           and now they're \$60 a tank. We did have, as  
3           of earlier this week, about \$95,000  
4           outstanding of our tank fees. We've  
5           collected around 85 percent, is what  
6           information got provided to me by the  
7           billing department. And we typically  
8           collect closer to 95 percent. But we do  
9           have to send those second notices and, you  
10          know, make sure people are paying attention  
11          to us. So we should collect a good  
12          percentage of that 95,000. Probably at  
13          least another 40,000 or 50,000 of the  
14          outstanding tank registration fees for this  
15          fiscal year.

16          MR. ST. ROMAIN:

17                 That registration fee, that doesn't go  
18                 into the trust fund, does it?

19          MS. DELAFOSSE:

20                 No. It's available in ETF though. It  
21                 does offset the -- the program cost for the  
22                 trust fund.

23          MR. ST. ROMAIN:

24                 Got you.

25          MS. DELAFOSSE:

1           So it gets spent by the trust fund.  
2           It just doesn't go into it.

3           And then, this is the transfer again  
4           from the motor fuel trust fund to the  
5           environmental trust fund to cover the  
6           program expenditures because the ETF  
7           revenues don't cover the expenditures.

8           I mentioned when I shared the pages  
9           with you in tab four that our net transfer  
10          had decreased. It appears to have increased  
11          on this slide but that's because the  
12          attorney general charges, I haven't deducted  
13          those from fiscal year 2018, because they  
14          weren't paid from settlement proceeds. They  
15          were paid -- they had to be paid directly  
16          that 265,000. Where in fiscal year 2017,  
17          they were paid from settlement proceeds. So  
18          there -- I think it's going to stay fairly  
19          steady. And we're making every effort to  
20          make sure it does not increase and it either  
21          decreases or stays the same.

22          I think that's it. That's all I have.  
23          Any questions?

24          MS. ISAACKS:

25          So the AG's office was paid -- or the



1 attorney fees were paid out of the  
2 environmental trust fund or am I --

3 MS. DELAFOSSE:

4 They're paid out of ETF and then  
5 reimbursed as part of the overall cost of  
6 the program.

7 MS. ISAACKS:

8 Is there a reason why it was there and  
9 not straight from the trust fund?

10 MS. DELAFOSSE:

11 Perry?

12 MR. THERIOT:

13 While the trust fund is authorized  
14 under the statute to pay legal fees, the way  
15 that the accounting system is setup, the  
16 daily operating expenses that the state  
17 incurs are paid by the ETF. It's setup that  
18 way. And then at the end of the fiscal  
19 year, the difference between the federal  
20 grant and the tank fees, which offset, those  
21 are put on it first and then only the amount  
22 that's left over is reimbursed by the fund.  
23 So actually, if you wanted to look at it, a  
24 percentage of those legal fees are being  
25 paid by the ETF and the -- and the grant

1 money, which also authorizes legal fees for  
2 cost recovery. So those are all in there.  
3 It just gets bunched together and then  
4 annually gets reimbursed by the trust fund.  
5 Whatever is left over, after those funds are  
6 --

7 MS. DELAFOSSE:

8 It's just how it has to be set up in  
9 the accounting system --

10 MR. THERIOT:

11 Yes.

12 MS. DELAFOSSE:

13 -- that it has to come from the  
14 environmental trust fund. But the  
15 environmental trust fund has sub-funds  
16 within it, so, you know, at the risk of  
17 being a little too technical, the  
18 environmental trust fund's Q02, we have  
19 Q0207, that's the motor fuel charges. So we  
20 can keep their -- they're not grouped  
21 together with all the ETF charges. We keep  
22 them separately so we can identify what --  
23 what are the motor fuel charges. And then  
24 we have separate ones for like our other --  
25 for like our air program and our water

1           program. You know, we -- we keep all those  
2           things -- they're together, but they're  
3           separate. So we can identify them.

4           MR. THERIOT:

5                     We only learned that when we fill out  
6           a travel report.

7           MS. DELAFOSSE:

8                     It's complicated. Yes, DEQ has a lot  
9           of funds, so that kinda complicates things.  
10          And some of them can't pay certain expenses  
11          and some of them can. And our escrow funds  
12          are a whole other story, so --

13          MR. BURNHAM:

14                     That was good information, Theresa.  
15          Does anybody else have any questions for  
16          Theresa before we move on?

17          (No response.)

18          MR. BURNHAM:

19                     Okay. We'll move to the auditor's  
20          status report. Cy Morin?

21          MR. MORIN:

22                     Yes. Good afternoon, Cy Morin. Turn  
23          to tab five. The first page of this report  
24          is the 21 open motor fuel cases as of August  
25          1st. We have 11 cases that are waiting

1 reviews. Pending final review, they  
2 represent one potential credit of \$4,400,  
3 two potential assessments totaling just  
4 under \$12,000 and seven potential clean  
5 audits with no assessment. Ten cases are  
6 still in progress with results to be  
7 determined.

8 Now, since the last meeting, four new  
9 cases have been added to this list and five  
10 cases previously mentioned have been closed  
11 and removed from the list.

12 Do you have any questions?

13 (No response.)

14 MR. MORIN:

15 The second page details the same four  
16 cases that are within our legal department.  
17 Three of the cases have been referred to ODR  
18 and as of August 1st, we have not received  
19 any payments or anything from ODR on those  
20 three cases. The second case on the list,  
21 they continue to send in payments of roughly  
22 200 to \$250 per month. The last payment was  
23 received on July 16th for \$200. If they  
24 fail to continue making payments, we will  
25 also refer them to ODR.

1           We completed 12 motor fuel delivery  
2           fee audits during fiscal year '18. We'll  
3           try to perform a similar number, if not a  
4           few more, during fiscal year '19.

5           We did begin a RAC audit. We've done  
6           some preliminary work and we will be getting  
7           out and into the fieldwork soon. And so  
8           we're going to have some results on that at  
9           the next meeting.

10           And we also continue to do reviews  
11           when there's a refund request. We had one  
12           major refund request during fiscal year '18.  
13           It resulted in an \$85,000 credit/refund for  
14           a large company. The fee was being  
15           collected by the large company when selling  
16           to another certificate holder. That  
17           certificate holder was also collecting a fee  
18           from the customer and submitting it to the  
19           department. So we did a review and  
20           confirmed this, and we recommended that the  
21           refund be made.

22           And that's all I have.

23           MR. BURNHAM:

24           Cy, out of curiosity, the -- the  
25           entity that's paying the 200 a month, do you

1 know what their balance is? Is that the  
2 same -- it's not the same entity as number  
3 one?

4 MR. MORIN:

5 The balance is on the spreadsheet.  
6 It's \$5,155.43.

7 MR. BURNHAM:

8 Okay. So it won't take them forever.

9 MR. MORIN:

10 It's gonna take a little while.

11 MR. BURNHAM:

12 I was wondering if it was \$100,000 and  
13 --

14 MS. DELAFOSSE:

15 It might feel that way to them.

16 MR. BURNHAM:

17 -- it was going to be a 30 year payout  
18 or whatever.

19 MR. MORIN:

20 They're chipping away at it.

21 MR. ST. ROMAIN:

22 25 more months.

23 MR. BURNHAM:

24 Yes. Okay.

25 Okay. Is that it, Cy?

1 MR. MORIN:

2 That's it.

3 MR. BURNHAM:

4 Any questions for Cy, before we move  
5 on?

6 (No response.)

7 MR. BURNHAM:

8 Okay. If not, Mr. Baker, trust fund  
9 status report.

10 MR. BAKER:

11 Good afternoon. If ya'll turn to tab  
12 number six. These are the figures for the  
13 fourth quarter of fiscal year 2018. During  
14 this quarter, the trust fund received  
15 approximately 235 applications, totaling  
16 just over four million dollars. As of the  
17 end of June 2018, the trust fund had 74  
18 pending applications to process, which had  
19 requested amounts totaling 1.2 -- just over  
20 1.2 million dollars. We had 262  
21 applications processed for payment during  
22 the fiscal quarter, totaling just under four  
23 million dollars and 47 applications were  
24 returned with deficiencies.

25 If you'll turn to the page entitled

1 report for the cumulative activities of the  
2 motor fuel trust fund obligation  
3 determination. This worksheet list the  
4 various component determinations of the  
5 potential obligation against the trust fund  
6 as of the end of June 2018. For the sites  
7 in the corrective action phase, the  
8 outstanding liability of the corrective  
9 action plan budget and estimated cost to  
10 reach closure at the end of June 2018 was  
11 \$28,417,275. This total included the CAP  
12 budget remaining amount and the RAC  
13 estimated cost to closure.

14 Now, if you'll look at your handouts -  
15 - these were not in your packets. If you'll  
16 look at your handouts, and if you'll look at  
17 the one that's entitled corrective action  
18 plan (CAP) summary report for motor fuel  
19 trust fund active sites, this will give you  
20 a detailed description of what's included in  
21 these numbers. It gives you all our active  
22 sites right now, and it gives you the -- you  
23 know, all the numbers associated with those  
24 sites, including total recommended payments,  
25 CAP's, CAP reimbursements and CAP budgets



1 and things of that nature, including pending  
2 cost.

3 Also, a couple of meetings ago, one of  
4 the board members requested that we include  
5 dates of how long the trust fund had been  
6 making payments for these sites. And you'll  
7 notice that under -- there's two columns  
8 added there. The first app receive date and  
9 the last app process date. So that kinda  
10 gives you an idea of -- of the -- how long  
11 we've been working on some of these sites.

12 Going back to our summary sheet for  
13 the obligation, if you'll look, the fund  
14 obligation recognized for sites without ROG  
15 approved CAP budgets was 23 -- just around  
16 23 million dollars. This is determined  
17 using a three-year average site closure and  
18 applying these costs to the active trust  
19 fund sites without current CAP budgets.

20 Again, if you'll flip over to your  
21 handout, there's -- there's a handout called  
22 summary report of the -- for motor fuel  
23 active sites without corrective action plan.  
24 Again, this is a summary detailed report  
25 including the first app and last app process

1           dates and it just kinda gives -- again, it  
2           gives you a more detailed summary of what's  
3           included in these numbers.

4                        Again, flipping back to the obligation  
5           determination summary sheet. The fund  
6           obligation recognized 27 sites that have  
7           been determined to be trust fund eligible,  
8           however, have not submitted a reimbursement  
9           application. That totals up to seven --  
10          just over 7.7 million dollars. And this is  
11          also determined by using the three year  
12          average closure cost and applying these cost  
13          to sites that have requested eligibility but  
14          have not yet submitted a request for  
15          reimbursement from the fund. These are  
16          sites we made eligible but haven't submitted  
17          any cost request to us.

18                       And then the last section is the five  
19          year projected fund obligation related to  
20          the motor fuel trust fund to the  
21          environmental trust fund transfers. And  
22          that -- that's a five year estimate of just  
23          over 21 million -- or, just under 21 million  
24          dollars. This estimate uses the three year  
25          average dollars transferred from motor fuel

1 trust fund to the environmental trust fund  
2 and multiplies that average by five years.

3 Thus, the estimated obligation amount  
4 is \$80,521,037, which represents a -- just  
5 over 3.5 million dollar decrease compared to  
6 last quarter's estimated amount. This  
7 reduction is attributed to the number of --  
8 the reduction in the number of non-CAP sites  
9 and a minor decrease in the three year  
10 average cost to close estimate.

11 Now, if you'll flip over to the page  
12 entitled incidents determined to be eligible  
13 for the motor fuel trust fund. This report  
14 shows the number of potential trust fund  
15 sites that were reviewed and made eligible  
16 during the current physical year was 43.  
17 And that represents 53 active incidents.  
18 Some of our sites have more than one  
19 incident. They have diesel and gas or -- or  
20 more than one release that happened in a  
21 similar time frame.

22 Does anybody have any questions on  
23 that page?

24 (No response.)

25 MR. BAKER:

1           If you'll go to the next page entitled  
2           trust fund sites that had a release granted  
3           non further action status. This tells you  
4           the trust fund sites that have not received  
5           -- that have received a no further action  
6           status thus far this fiscal year, and that's  
7           42 locations. So what we're basically  
8           saying here is that we added 43 sites to our  
9           trust fund and we took 42 of them out. So -  
10          -

11          MR. BURNHAM:

12                 How about that.

13          MR. BAKER:

14                 -- pretty even -- even go there.

15                 Some other points of interest. This  
16                 quarter, we did have a fair -- have some  
17                 fairly major productivity impacts. Our  
18                 department's primary computer systems and  
19                 our electronic document management system  
20                 were down for three to four weeks, due to  
21                 major server failures. However, we were  
22                 able to recover our systems and had a fairly  
23                 strong quarter, despite of the hindrances.

24                 Also, if you'll look at your handouts,  
25                 you'll find one that gives a summary of the

1 total trust fund reimbursements by response  
2 action contractor. This -- this only  
3 includes the registered RACs that have  
4 received payments during this fiscal year.  
5 So what I'm saying is, is that, we have more  
6 RACs than this registered; however, these  
7 are the ones that requested payments and  
8 have reimbursements issued.

9 Just kinda of an overview of the  
10 fiscal year. We had a very productive year.  
11 We processed almost 13 million dollars,  
12 which was an 11 percent increase in the  
13 previous three year average. We also  
14 reduced our application process time from  
15 fiscal years 2017 to 2018 by over 26  
16 percent.

17 Just to give you an idea of that, we  
18 went from like 63 days, average process  
19 time, to like 47 days. So we're -- we're  
20 working to improve those numbers and we hope  
21 to do that and we hope to continue that  
22 trend.

23 That's all I have for today. Does  
24 anybody have any questions?

25 (No response.)

1 MS. DELAFOSSE:

2 And I just want to piggy-back off of  
3 what Jeff said. His group has made some  
4 really great improvements in their  
5 efficiency and the process times this year  
6 and I hope that the RAC community has  
7 noticed that. I think it's -- it's a real  
8 testament to Jeff as a manager and it's a  
9 real testament to his staff. They've done a  
10 fantastic job really increasing their times  
11 and getting things out the door. So I --  
12 I'm really pleased with that.

13 MR. BURNHAM:

14 Jeff, are there a top one or two  
15 reasons why these 27 sites don't ever apply  
16 for reimbursement?

17 MR. BAKER:

18 It's just timing.

19 MR. BURNHAM:

20 They're come -- they're coming?

21 MR. BAKER:

22 Eventually. I -- I will say this, a  
23 very high percentage of them are going to  
24 come. Now, there's always a -- a few that -  
25 - they may not -- they may re-register or

1           may be determined to be eligible, except  
2           that they may have a \$10,000 deductible and  
3           when they go in and do the assessment, it's  
4           less than ten, so then we never see them.

5           MR. BURNHAM:

6                     Don't we have a mechanism now where  
7           you have a certain number of days after the  
8           approval letter is written where you --

9           MR. BAKER:

10                    We -- we do. If they don't -- if they  
11           don't get a work plan in within two years,  
12           they're no longer trust fund eligible. So  
13           that should keep some of these --

14           MR. BURNHAM:

15                    Yes. Right. Keeps them from going on  
16           forever.

17                    Okay. Any other questions for Jeff?

18                    (No response.)

19           MR. BURNHAM:

20                    Thank you, Jeff.

21                    Any other business?

22                    (No response.)

23           MR. BURNHAM:

24                    Ya'll ready to go home? I got a  
25           second on that.

1 All right. Anything else before we  
2 request a -- sir?

3 MR. FULTON:

4 I apologize. I was going to ask Sam -  
5 -

6 MR. BURNHAM:

7 No. That's all right.

8 MR. FULTON:

9 -- if he wanted to give us a little  
10 legislative update.

11 MR. BROUSSARD:

12 It's up to you guys.

13 MR. THERIOT:

14 Update on the new regulations.

15 MR. FULTON:

16 On the new regulations.

17 MR. BURNHAM:

18 Absolutely. Please.

19 MR. BROUSSARD:

20 So I'll give you an update on the  
21 status of the proposed UST regs.

22 MR. BURNHAM:

23 Yes, sir.

24 MR. BROUSSARD:

25 The reg number is UT018. The public



1 comment period ended on August 1st and we  
2 got zero comments. The -- we submitted them  
3 to the legislative oversight committee  
4 yesterday, which would be August 8th. They  
5 have a 30 day window to do any kind of  
6 hearings. And if they don't have any  
7 hearings in those 30 days, we will proceed  
8 with finalizing the rule. . And if there are  
9 no hearings by the legislative oversight  
10 committee, the rule will be final on  
11 September 20th of 2018. And if there are  
12 any hearings, then we will just see what  
13 happens.

14 MR. ST. ROMAIN:

15 When do they go into effect at that  
16 point?

17 MR. BROUSSARD:

18 They would go into effect on September  
19 20th. And the big-ticket items like spill-  
20 bucket testing, interstitial monitoring,  
21 sump testing, things like that have a three  
22 year implementation window. You wouldn't  
23 have to do your first until 2021.

24 MR. BURNHAM:

25 Okay. Thank you.

1                   Anything else?

2                   (No response.)

3                   MR. BURNHAM:

4                   Do I hear a motion to close our  
5 meeting?

6                   MR. BRIGHT:

7                   Motion.

8                   MR. BURNHAM:

9                   All right. Second?

10                  MR. FULTON:

11                  Second.

12                  MR. BURNHAM:

13                  I'm sorry. But did you make the  
14 motion or did you second it?

15                  MR. FULTON:

16                  Oh, I'm sorry. I thought Roger --

17                  MR. McCARTNEY:

18                  I'll second it.

19                  MR. BURNHAM:

20                  Okay. We got a second. Okay. The  
21 meeting is adjourned.. Thank you. Ya'll be  
22 safe driving.

23                                 **THE MEETING ADJOURNED AT 2:07 P.M.**

24   \* \* \* \* \*



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

1  
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.



Lori Overland C.C.R.

# 97083

**In The Matter Of:**  
*DEPARTMENT OF ENVIRONMENTAL QUALITY  
MOTOR FUELS UNDERGROUND STORAGE TANK TRUST FUND*

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*MEETING  
August 9, 2018*

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*Associated Reporters, Inc.  
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**In The Matter Of:**

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

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*MEETING  
August 9, 2018*

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*Associated Reporters, Inc.  
2431 South Acadian Thruway  
Suite 550  
Baton Rouge, La. 70808*

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2  
3 STATE OF LOUISIANA  
4 DEPARTMENT OF ENVIRONMENTAL QUALITY  
5 MOTOR FUELS UNDERGROUND STORAGE TANK TRUST  
6 FUND ADVISORY BOARD  
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8  
9  
10  
11  
12 The above-entitled meeting was held at the  
13 LSU AgCenter Research and Extension, 8105 Tom  
14 Bowman Drive, Alexandria, Louisiana, beginning  
15 at 1:12 p.m., on August 9, 2018.  
16  
17  
18  
19 BEFORE:  
20 Lori B. Overland  
21 Certified Court Reporter  
22 In and For the State of  
23 Louisiana  
24  
25

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3 EXAMINATION: PAGE (S) :  
4 None  
5 EXHIBITS:  
6 None  
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8 REPORTER'S PAGE 67  
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Page 2

1 A P P E A R A N C E S  
2  
3 Steve Burnham  
4 Chairman  
5 Kerry Hill, via telephone  
6 Durwood Franklin  
7 Jeff Baker  
8 Gary Fulton  
9 Cy Morin  
10 Roger Bright  
11 Theresa Delafosse  
12 Perry Theriot  
13 Joe McCartney  
14 Nick St. Romain  
15  
16 Melissa Vizinat  
17 Natalie Isaacks  
18 Jason Efferson  
19 Samuel Broussard  
20 Shawn King  
21 Rhonda Cook  
22 Kristine Stanley  
23 Ian Kelly  
24 Michelle Gibbs  
25 \* \* \* \* \*

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1 \* \* \* \* \*  
2 MR. BURNHAM:  
3 Okay. Our meeting is officially  
4 called to order. We'll start with a roll  
5 call. My name is Steve Burnham. I'm with  
6 Engineering Associates.  
7 MR. ST. ROMAIN:  
8 Nick St. Romain with St. Romain Oil  
9 and LOMA.  
10 MS. DELAFOSSE:  
11 Theresa Delafosse with the Louisiana  
12 DEQ.  
13 MR. MORIN:  
14 Cy Morin, LDEQ.  
15 MS. VIZINAT:  
16 Melissa Vizinat, DEQ Trust Fund.  
17 MR. BRIGHT:  
18 Roger Bright, Jones Environmental.  
19 MR. McCARTNEY:  
20 Joe McCartney with LOMA.  
21 MR. FULTON:  
22 Gary Fulton, LDEQ.  
23 MR. BAKER:  
24 Jeff Baker, LDEQ.  
25 MR. FRANKLIN:

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1 Durwood Franklin, DEQ.  
2 MR. THERIOT:  
3 Perry Theriot, DEQ.  
4 MR. BROUSSARD:  
5 Sam Broussard, DEQ.  
6 MR. KING:  
7 Shawn King, Jones Environmental.  
8 MS. ISAACKS:  
9 Natalie Isaacks, Louisiana Oil.  
10 MS. GIBBS:  
11 Michelle Gibbs.  
12 MS. STANLEY:  
13 Kristine Stanley, PPM.  
14 MS. COOK:  
15 Rhonda Cook, PPM.  
16 MR. EFFERSON:  
17 Jason Efferson, DEQ Trust Fund.  
18 MR. BURNHAM:  
19 Thank you. Do I hear a motion to  
20 adopt the minutes from our last meeting?  
21 MR. BRIGHT:  
22 Motion.  
23 MR. BURNHAM:  
24 Motion by Roger. Second?  
25 MR. ST. ROMAIN:

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1 I'll second.  
2 MR. BURNHAM:  
3 Second. All in favor say aye.  
4 (All indicating "aye".)  
5 MR. BURNHAM:  
6 Any opposed?  
7 (No response.)  
8 MR. BURNHAM:  
9 Okay. We'll move on to third party  
10 claims.  
11 MS. VIZINAT:  
12 Steve, can you have Kerry introduce  
13 himself.  
14 MR. BURNHAM:  
15 Oh, Kerry, would you introduce  
16 yourself on the phone, please. I'm sorry.  
17 MS. VIZINAT:  
18 For the log.  
19 MR. HILL:  
20 I'm sorry too. Kerry Hill with  
21 Louisiana Oil Marketers and Convenience  
22 Store Association.  
23 MR. BURNHAM:  
24 Thank you.  
25 Okay. Mr. Theriot, third party

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1 claims.  
2 MR. THERIOT:  
3 I'm pleased to announce that the trust  
4 fund has not received any new third party  
5 claims. And things on the horizon, we  
6 haven't heard a word on. So we're doing  
7 pretty well. We're down to, I believe, only  
8 one outstanding case that is probably  
9 abandoned. And so, we may have a clear  
10 docket on third party cases currently.  
11 MR. BURNHAM:  
12 Excellent. Does anybody have any  
13 questions for Perry before we move on to the  
14 next item?  
15 (No response.)  
16 MR. THERIOT:  
17 I've got -- we got the legislative  
18 update on here.  
19 MR. BURNHAM:  
20 Oh, I'm sorry.  
21 MR. ST. ROMAIN:  
22 With -- with the third party claims,  
23 just real quick for my refreshment. Is that  
24 still sitting with the attorney general or  
25 has that -- some of that money been

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1 transferred back?  
2 MR. THERIOT:  
3 That money was transferred back to us.  
4 I think our finance people would be able to  
5 give you some of the figures on it. But --  
6 (An off-the-record discussion followed.)  
7 MR. THERIOT:  
8 Not -- not all the money that was  
9 sweep has been given back, but the -- what  
10 was in the trust account was given back.  
11 MS. ISAACKS:  
12 The seven.  
13 MS. DELAFOSSE:  
14 None of the seven has been returned.  
15 MS. ISAACKS:  
16 None of the seven.  
17 MS. DELAFOSSE:  
18 The remaining settlement proceeds that  
19 were not part of that have been moved to the  
20 fund. That's still an issue.  
21 MR. THERIOT:  
22 We are currently in negotiations to  
23 settle one of our cost recovery suits.  
24 We're fairly close on it. We should be  
25 hearing something soon on it. But it is

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1 there. So actively negotiating the  
2 settlement amount and the counteroffer  
3 offer. That's not a third party suit. That  
4 is a cost recovery suit. So yes, that is  
5 still pending. And we have, I believe, one  
6 small one and one large one left. So  
7 there's still more money that we expect to  
8 be coming into the fund from the cost  
9 recovery.  
10 MR. ST. ROMAIN:  
11 Okay. Thanks.  
12 MR. THERIOT:  
13 The legislative update, we only had  
14 one bill that goes into effect as of eight  
15 days ago -- nine days now. Act 150, which  
16 went into effect on August 1st.  
17 (An off-the-record discussion followed.)  
18 MR. THERIOT:  
19 Act 150 puts a couple of changes into  
20 effect into the trust fund statute. First  
21 of all, it requires that this board meet  
22 once every fiscal year and make a  
23 recommendation -- well, in one of the  
24 meetings during the fiscal year would be  
25 more correct -- to meet and make a

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1 recommendation to the secretary for the  
2 amount they believe should be the fee on the  
3 -- the first withdrawal from bulk on the  
4 gasoline that funds the -- the trust fund.  
5 That is -- that will be in order for us to  
6 begin adjusting the amount of money that we  
7 take in to attempt to have it match the  
8 amount of money that goes out. At least  
9 within a close amount. Rather than, right  
10 now, we've been building reserves. Now --  
11 and we're getting close to having to stop  
12 collecting the fee and come back on the fee.  
13 But this will enable us, if we believe we're  
14 collecting too much, for the board to  
15 recommend to the secretary that we reduce  
16 the amount of the fee to better match our  
17 obligations and therefore stop building any  
18 further excesses that become attractive to  
19 other folks to use.  
20 So that is -- that went into effect  
21 August 1st.  
22 The other -- the other provision is  
23 very simply a requirement on the DEQ to  
24 forward to the board a copy of -- copies of  
25 any of our proposed regulations before going

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1 through the enactment process. And that's a  
2 -- now required. It's not -- it's something  
3 we've been doing anyway, so the department  
4 will continue to forward -- we have  
5 workgroups with our stakeholders before we  
6 ever put regulations into place. So we're  
7 going to -- it's now formalized that the  
8 board will get a copy prior to, for it to  
9 consider, before we go to adoption. Prior  
10 to that.  
11 That's all that we changed this year.  
12 MR. BURNHAM:  
13 Okay. Any questions for Perry before  
14 we move on?  
15 (No response.)  
16 MR. THERIOT:  
17 Theresa -- before we go any further,  
18 Theresa, you're going to address the second  
19 part of what we plan to do with this?  
20 MS. DELAFOSSE:  
21 Yes.  
22 MR. THERIOT:  
23 Okay.  
24 MR. BURNHAM:  
25 Okay. We'll move on to Theresa.

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1 MS. DELAFOSSE:  
2 Little bit of spoilers from Perry  
3 there. I planned to address the other part  
4 that we need deal with, with regards to the  
5 fee. We mentioned at our last board meeting  
6 that Jeff and I and Perry had spoken to some  
7 actuarial firms who work on similar  
8 programs in other states and got quotes from  
9 them as far as what -- what they can do to -  
10 - to review our trust fund and make  
11 recommendations both with regards to how to  
12 set the fee on an annual basis and with  
13 regard to the obligation calculation that we  
14 currently undertake on a monthly basis.  
15 So we spoke to two firms, which I  
16 believe we mentioned at the last meeting.  
17 And we've spent some time since then  
18 reviewing the proposals and discussing them  
19 internally. And this is the one that we  
20 wanted -- so this is the one that we were  
21 more impressed with on the phone. When we  
22 had the conversation with them, they asked a  
23 lot of questions about how we did certain  
24 things with the program, things that had  
25 changed over time, asked questions about

1 what our concerns were, et cetera. They  
2 also provided a report that they had done  
3 for another state, that we have a copy of  
4 and can share via email. If anybody is  
5 interested in seeing that for Utah. It's  
6 incredibly comprehensive. It goes through  
7 detailed analyses about all the facets of  
8 the program and -- and makes some great  
9 recommendations. And this -- so this  
10 actuarial group is familiar with these types  
11 of programs. They indicated that as part of  
12 their work, they'd like to visit DEQ at  
13 least twice, I think they said, to -- to  
14 discuss things with our staff and get a  
15 great understanding of the program and --  
16 and what our concerns are. You know, maybe  
17 even attend a board meeting if -- if that  
18 works out, or maybe do some -- some  
19 alternate meeting with -- with external  
20 stakeholders as well so it's not just the  
21 internal DEQ staff that has the input.

22 So, you know, as I was saying, we --  
23 we think Pinnacle is probably going to do a  
24 more thorough job and has perhaps the, you  
25 know, better resume as far as reviewing

1 these type programs are concerned. However,  
2 their quote was a good bit higher than the  
3 other one. But it was in the ballpark of  
4 what we expected.

5 Jeff, if you can get to those parts?

6 MR. BAKER:

7 That John Wade that I was showing his  
8 -- his resume there, I've actually been to  
9 conferences and he has spoken and -- and was  
10 highly respected and -- and really -- in the  
11 conversations we had, he was very  
12 impressive. We were very impressed with  
13 what he was saying and -- and the level of  
14 review we think he could do.

15 MS. DELAFOSSE:

16 Right.

17 So here's kinda a timeline of the --  
18 you know, the -- when they'd like to begin  
19 and, you know, obviously, we're a little  
20 behind that because they have some June  
21 dates on there. But we wanted to discuss  
22 this with the board before we officially  
23 began the contracting process with the  
24 Office of State Procurement.

25 So you see, their quote here is

1 89,500. If any -- you know, I think -- and  
2 then what was the other quote, about?

3 MR. BAKER:

4 23.

5 MS. DELAFOSSE:

6 23. So there's a -- there's a  
7 significant difference between the two.  
8 However, our -- our estimate when we began  
9 this process was that we anticipated the  
10 contract would be anywhere from 75 to  
11 100,000. So this is still within that  
12 range.

13 Their work was about four months of  
14 work versus the other firm that just --

15 MR. BAKER:

16 Five weeks.

17 MS. DELAFOSSE:

18 Oh, that just -- just said five weeks.  
19 So it's a lot more comprehensive. And I  
20 think since we've never engaged an actuary  
21 for this type of review, something more  
22 comprehensive, I think, would be beneficial,  
23 especially because we do have the change  
24 with the fee and we're going to need to have  
25 a process established for that.

1 So again, that's our -- our  
2 recommendation. We've got a -- a better  
3 feel for -- for their work and just a little  
4 -- were a little more impressed with their  
5 experience and the questions that they asked  
6 us during the background. And then with  
7 their -- you know, the work they sent us, as  
8 well, that they done for Utah.

9 So, you know, they're both --  
10 obviously, you know, it's about three times  
11 as much but it's -- it's still very  
12 affordable for the trust fund and I think it  
13 would be a -- a good use of funds to hire  
14 somebody. You know, Jeff works -- Jeff has  
15 made lots of updates to the obligation  
16 calculation and we do our best to -- to  
17 figure all these things out, but neither of  
18 us are actuaries and that's a special -- a  
19 special talent and a special skill. And I  
20 think retaining one would be in the best  
21 interest of the group.

22 So I don't know if ya'll have any  
23 questions about the proposals or thoughts?

24 MR. ST. ROMAIN:

25 The purpose of them is to determine

1 future liabilities, to help determine what  
2 this adjustable fee will be?  
3 MS. DELAFOSSE:  
4 Exactly. Exactly. So they'll look --  
5 they can look at the obligation calculation  
6 and determine if we've over-estimated  
7 certain elements of it or if we've under-  
8 estimated other elements. And they -- they  
9 use a lot more complex analyses than we'd  
10 be able to. And then from that, once they  
11 review the obligation, they can determine a  
12 mechanism to identify what the fee should  
13 be, based on, you know, a new -- I guess a  
14 new obligation calculation essentially.  
15 MR. McCARTNEY:  
16 That doesn't seem to be a little  
17 overkill? I mean, I'm just curious.  
18 MS. DELAFOSSE:  
19 In my opinion, no. I mean, we've  
20 never had an actuary review the program. I  
21 would rather be right than to set a fee  
22 that's too low or too high. And, you know -  
23 - too high, I guess, is -- is less of a  
24 concern, because, you know, then we'll learn  
25 from our mistakes and we can set it a little

1 MS. DELAFOSSE:  
2 It's pretty much a one-time thing, in  
3 my opinion. I think you would maybe need  
4 some consulting on a minimal basis after  
5 that point, you know, maybe every other year  
6 or something like that, but nothing to this  
7 extent.  
8 MR. BRIGHT:  
9 Nothing like that?  
10 MS. DELAFOSSE:  
11 No. It wouldn't be an annual cost to  
12 this -- I -- I mean, I would say it'd be  
13 \$5,000 or less, after that for maintenance.  
14 MR. BAKER:  
15 And from the board's perspective --  
16 and like I said, these people -- when we  
17 spoke to them on the phone, they were  
18 extremely knowledgeable of the UST universe.  
19 Okay? And if you look at that report -- and  
20 we'll be happy to provide it to ya'll. If  
21 ya'll look at that report, it is in great  
22 detail about trends with the industry and  
23 whatnot. They -- they -- they really  
24 impressed us with what they knew. And I  
25 think that's valuable. I think that adds a

1 lower in the future. But, you know, you  
2 hate to set it too low and -- and go -- you  
3 know, dip into your reserves too much and --  
4 and leave the program in a -- in a -- not a  
5 good position where it's in such a great  
6 position now. So --  
7 And there -- you know, Jeff and I  
8 discussed too, the task D that they have  
9 listed here is a little more of some kinda  
10 extra work that we had discussed with them.  
11 And what we could consider is eliminating  
12 the task D for their initial work and just  
13 focus on the claim reserves and project the  
14 liabilities et cetera and just leave that  
15 part out for now. And then, if we wanted to  
16 revisit that later and, you know, enter into  
17 another contract with the firm, then that's  
18 something we could do. And it would require  
19 less startup work at that time because they  
20 would be familiar with the program and the  
21 data et cetera, so --  
22 MR. BRIGHT:  
23 Is this one -- is this like a one-time  
24 thing, or do they have to come back and  
25 revisit it later on or is --

1 lot of value.  
2 Now, like Theresa said, down the line,  
3 you know, I think ya'll, as a board, are  
4 going to appreciate this level of review  
5 because ya'll are going to be the ones  
6 recommending to the secretary what that rate  
7 is gonna be. And I'm sure ya'll want to  
8 make sure that you've got something solid to  
9 stand on when you're making those  
10 recommendations. And -- but in the future -  
11 - and I'm like Theresa -- I think, you know,  
12 you can probably -- they can probably give  
13 us an algorithm of what to do on an annual  
14 basis and maybe every couple of three years  
15 come in and kinda review it and make sure  
16 we're still on the right path and -- and I'm  
17 sure that would be dramatically less than  
18 what we're talking about.  
19 MS. DELAFOSSE:  
20 For sure.  
21 MR. McCARTNEY:  
22 You might run that by them before you  
23 sign the contract.  
24 MR. BAKER:  
25 I -- probably a good question.



1 MR. BURNHAM:  
2 Yes. Probably ought to include that.  
3 MS. DELAFOSSE:  
4 Sure.  
5 MR. BURNHAM:  
6 Do they -- is it part of their scope  
7 of work to make any suggestions regarding  
8 efficiencies of our program, or that's  
9 really not in their --  
10 MR. BAKER:  
11 No. Actually, there is. Actually,  
12 that is part of it. That's what really  
13 impressed us. He came in and talked about  
14 actually bringing somebody in that -- that  
15 Perry knew from -- from his ASTSWMO  
16 interaction. And they were very  
17 knowledgeable of -- of the UST universe in -  
18 - and other funds and could make  
19 recommendations along those lines.  
20 MR. ST. ROMAIN:  
21 Is that kinda the part D --  
22 MR. BAKER:  
23 And I think that's kinda task C.  
24 MR. ST. ROMAIN:  
25 Oh, okay.

1 like a lot, but I think actuaries are --  
2 they're expensive. There aren't many of  
3 them. They have certainly very impressive  
4 credentialing and they had a long list of  
5 actuaries that they have on their -- on  
6 their staff. I use to, you know,  
7 anecdotally do some work with actuaries when  
8 I worked at the legislative auditor's office  
9 and it's a -- a -- definitely a unique line  
10 of work and as far as getting the type of  
11 output that they can get, you're not going  
12 to get that from anybody but an actuary.  
13 And -- and this is -- this is, we believe,  
14 the crew that is the most experienced with  
15 the trust fund programs.  
16 MR. BAKER:  
17 And as you can see here, they -- they  
18 done one for the Georgia fund, the Utah  
19 fund, Kentucky fund, Tennessee. I mean, a  
20 number of other similar funds. And then, if  
21 you go down here, there's some other -- some  
22 -- some -- but anyway, they -- this is not  
23 their first rodeo.  
24 MS. DELAFOSSE:  
25 Any other questions or comments?

1 MR. BAKER:  
2 When you've got high cost, no cost or  
3 -- or long-term claims, things -- you know,  
4 recommendations to reduce losses, things of  
5 that nature.  
6 And, Nick, like you said, you would  
7 also take them into D and down the line, you  
8 know, we may -- that may be something we do  
9 in three or four years, if ya'll are -- if  
10 ya'll like what we got from these -- you  
11 know, then we -- then come along and --  
12 MS. DELAFOSSE:  
13 And -- and that may be a good thing  
14 about separating off those -- maybe -- you  
15 know, little extra things, because then --  
16 then we're not involving them and doing  
17 \$90,000 worth of work. We just do more --  
18 maybe more the core stuff and then we can  
19 engage them again if we really, you know,  
20 were impressed with their work and we want  
21 them to look into things that they weren't  
22 able to within the scope of the first  
23 contract. If that's something that the  
24 board would be more comfortable with too.  
25 But, you know, it seems -- it sounds

1 MS. ISAACKS:  
2 What states were they again, Jeff? I  
3 couldn't keep up.  
4 MR. BAKER:  
5 Am I moving too quick?  
6 MS. ISAACKS:  
7 If I'm suppose to see it, yes.  
8 MR. BAKER:  
9 I'm sorry. Georgia, Utah, Kentucky,  
10 Ohio -- well, that's kinda financial  
11 assurance, but it does -- it is related.  
12 MR. McCARTNEY:  
13 Have ya'll -- have ya'll talked to  
14 Georgia or any of those people to see if --  
15 MR. BAKER:  
16 They were -- they --  
17 MR. McCARTNEY:  
18 -- some things you wanted to -- that  
19 they would do differently or add or delete?  
20 MS. DELAFOSSE:  
21 Yes. What did Georgia say?  
22 MR. BAKER:  
23 Well, they -- they -- they recommended  
24 them. Now, we didn't get into the level of  
25 detail of what you're talking about. Now,

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1 we can. And I don't mind doing that. But  
2 they -- they -- they came recommended to us  
3 before we even met with them. We called  
4 ASTSWMO, got some contacts of other states  
5 that had used different actuaries and to be  
6 honest with you, I spent a -- a big chunk of  
7 a day making phone calls, trying to get some  
8 actuaries and I came up with two. So --  
9 MR. McCARTNEY:  
10 But, you know, that -- that would be  
11 worth it, if somebody else was telling you  
12 something about it.  
13 MR. BAKER:  
14 That's a good question.  
15 MR. HILL:  
16 This is Kerry Hill. I can -- I can  
17 hear a little bit but not real good. But  
18 there was a big difference between the  
19 90,000 and 20,000 and I couldn't hear ya'll  
20 explaining what that difference is.  
21 MS. DELAFOSSE:  
22 It -- Kerry, this is Theresa. It's  
23 mostly going to boil down to the scope of  
24 work. The -- the Pinnacle --  
25 MR. HILL:

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1 Okay.  
2 MS. DELAFOSSE:  
3 The Pinnacle firm has four different  
4 major task areas within their proposal and  
5 about four or five months or estimated time  
6 to complete their work. Where the other  
7 firm had six weeks or five weeks of time to  
8 complete their work. And, you know, a lot -  
9 - a lot less comprehensive of a review.  
10 MR. HILL:  
11 So you don't think we're getting our  
12 best bang for our buck with the \$20,000  
13 quote?  
14 MS. DELAFOSSE:  
15 I -- I don't know if bang for the buck  
16 is the -- is the term I'd look at or the --  
17 the way I would want to approach this, I  
18 guess, because it is kinda of a -- I don't  
19 want to say a once in a lifetime, but it's a  
20 -- it's an occasional thing. You're not  
21 hiring these people every year to -- to  
22 review your program. It's -- it's a special  
23 thing. We've never hired an actuary before.  
24 And I know we've tweaked the obligation and  
25 tried to understand where our liabilities

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1 are and -- and how much they are and make  
2 sure that the fund is -- is in a good  
3 position. But we're not experts. You know,  
4 I'm a CPA. Jeff is an engineer. But that  
5 certainly doesn't mean that we're --  
6 MR. HILL:  
7 And I understand that, Theresa. And I  
8 can hear you well. And ya'll may have  
9 discussed that. I just couldn't hear.  
10 MS. DELAFOSSE:  
11 Sure.  
12 MR. HILL:  
13 I guess you're a little closer to the  
14 telephone.  
15 MS. DELAFOSSE:  
16 I'm just a little bit louder, maybe.  
17 MR. ST. ROMAIN:  
18 Kerry, something else she pointed out.  
19 There were -- they had broke their program  
20 into parts. And there was a part D that  
21 they said we may not need to do now, which  
22 was, I think, \$24,000. So we could bring  
23 that 89 down to, what is that, 65.  
24 MR. HILL:  
25 Right.

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1 MR. ST. ROMAIN:  
2 55.  
3 MR. BURNHAM:  
4 Did we send a request for proposal --  
5 a formal request for proposal?  
6 MS. DELAFOSSE:  
7 We did not.  
8 MR. BURNHAM:  
9 Okay. So they -- they -- they may not  
10 be bidding apples to apples, the two firms,  
11 right? Because --  
12 MS. DELAFOSSE:  
13 May not be.  
14 MR. HILL:  
15 Okay.  
16 MR. BURNHAM:  
17 Okay.  
18 MS. DELAFOSSE:  
19 They -- and that's --  
20 MR. BURNHAM:  
21 All right.  
22 MS. DELAFOSSE:  
23 We had phone conversations with both  
24 of them to request these proposals from  
25 them. And the phone conversation with

1 Taylor & Moulder was eight minutes long.  
2 They didn't really have any questions for  
3 us. We shared some information -- we shared  
4 the exact same data with them both as far as  
5 some historical data from the program. And  
6 they came up with the proposals based on  
7 other work that they had done for other  
8 states and what our phone conversations  
9 yielded to them.

10 MR. BAKER:

11 And we also laid out goals, the same  
12 goals to each group, of what we were kinda  
13 looking for. And one fleshed it out in much  
14 more detail than the other one. And if  
15 you'll look at the timeline on the other  
16 one, they're ready -- they're pretty much  
17 going to have a draft report to us in 19  
18 days. Whereas, the other one is four  
19 months.

20 MR. HILL:

21 Okay.

22 MR. ST. ROMAIN:

23 Were they recommended by any other  
24 states, the other firm?

25 MR. BAKER:

1 Okay. Great.

2 So if ya'll want, what we can do is  
3 email ya'll the report. I don't know what  
4 information would be helpful for ya'll to  
5 see. You know, it's -- it's hard to see on  
6 this screen with Jeff scrolling a mile a  
7 minute.

8 MR. BAKER:

9 There's a lot of information.

10 MS. DELAFOSSE:

11 There are. There's a lot of  
12 information. There's certainly a lot of  
13 information.

14 But this is something we need to begin  
15 fairly soon with the recommendation that the  
16 board needs to make to the secretary in  
17 mind. It does take a little bit of time to  
18 get contracts approved by the State Office  
19 of State Procurement. But fortunately for  
20 ya'll, that contract approval process  
21 reports to me. So I've got an inside track,  
22 a little bit. But that's -- we wanted to  
23 discuss that today in light of the  
24 legislation being final.

25 MR. BAKER:

1 Yes. They both were recommended. I  
2 wouldn't -- we wouldn't have called them if  
3 they hadn't had a recommendation. And they  
4 have done several with other states, as  
5 well.

6 MS. DELAFOSSE:

7 I don't -- I don't think you can go  
8 wrong with either. I just think, based on  
9 our -- the -- the amount of time that we've  
10 been able to look into this and the internal  
11 conversations that we've had, we just get a  
12 better feeling for the experience and the  
13 knowledge of the Pinnacle firm. But again,  
14 I -- they're -- they're both actuarial firms  
15 who have experience working with these type  
16 of programs. So it's not -- you know -- it  
17 -- but it may be, it is a bit apples to  
18 oranges, as far as the breathe and  
19 scope of their work.

20 MR. HILL:

21 And that -- and that's what it's  
22 about. That's -- that's the word I really  
23 meant to use, apples or oranges. So you --  
24 you answered my question, Theresa.

25 MS. DELAFOSSE:

1 And recognize that what we'll -- ya'll  
2 will be making the decision as to the  
3 recommendation in the February board  
4 meeting.

5 MR. ST. ROMAIN:

6 Right. That was what I was about to  
7 ask.

8 MR. BAKER:

9 Because that gives you -- that gives  
10 us three to four months to let them --

11 MR. ST. ROMAIN:

12 To get this completed.

13 MR. BAKER:

14 If ya'll decide to check -- drop it  
15 down below the .08, then that gives the  
16 marketers time to adjust their computers.

17 MR. ST. ROMAIN:

18 So if we get an email of this to  
19 review -- ya'll are looking for a decision  
20 on this today, one firm versus the other, in  
21 other to have time to have a completed  
22 report for the February meeting?

23 MS. DELAFOSSE:

24 I mean -- yes, and I don't know if  
25 it's a decision that has to be voted on in

1 the full board with a quorum. I think we  
2 can communicate outside of the board to  
3 discuss that. But I don't know. That -- is  
4 that -- Perry?  
5 MR. THERIOT:  
6 The board doesn't -- this is not one  
7 of the things the board is empowered to do.  
8 MS. DELAFOSSE:  
9 Right.  
10 MR. THERIOT:  
11 It's just we bring it up to ya'll to  
12 let ya'll know. We will get asked by you,  
13 as is usually the practice, if we show an  
14 administrative jump of \$80,000 in expenses.  
15 So we would always consult with you guys to  
16 let ya'll know what we're considering, okay.  
17 And the information that they come up will  
18 be given to you because that's information  
19 that you guys are going to want to see in  
20 order to make that recommendation. That's -  
21 - that's the reason for the actuarial  
22 looking at the program was to supply you  
23 guys with the information that's necessary  
24 to make ya'll's decision.  
25 MR. McCARTNEY:

1 I -- I think you're probably talking  
2 about two different reports. One is just a  
3 bigger -- how much money they think you're  
4 going to need and the other one is going to  
5 give you --  
6 MR. THERIOT:  
7 An overview of how you're operating.  
8 And the people, generally speaking, it's  
9 just a little rule of thumb, I would always  
10 prefer if I'm contracting with somebody who  
11 asks a lot of questions and wants to know  
12 more about my business before he jumps and  
13 says here's your bid. Okay. Now, that's  
14 just me. But that's been my experience, is  
15 that they need to know -- in order to  
16 prepare a document like this, you have to  
17 know a lot about what you're going to be  
18 doing, so I understand that the difference  
19 in the two bids is very significant, but I  
20 sat in on the conversations and I do  
21 understand that there is a difference  
22 between what was asked by one and what was  
23 asked by the other.  
24 MS. DELAFOSSE:  
25 But we provided the same information

1 Do we make the call or -- or are ya'll  
2 just making us aware of it and then the DEQ  
3 makes the call?  
4 MR. THERIOT:  
5 No. We do. We -- the secretary --  
6 this isn't going to be a contract with the  
7 state --  
8 MR. McCARTNEY:  
9 Yes.  
10 MR. THERIOT:  
11 -- so, no, we would -- we would do it,  
12 but we would always want you guys to know  
13 ahead of time --  
14 MR. McCARTNEY:  
15 Yes, I just --  
16 MR. THERIOT:  
17 -- before we do that kinda thing. And  
18 this is what we were considering. Given the  
19 conversations that were had during the  
20 screening of these two -- these two firms,  
21 it does seem like a lot, but I sat in on  
22 some of those conversations and it was  
23 significantly different with the two of  
24 them. I'm sure you're --  
25 MR. McCARTNEY:

1 to each.  
2 MR. THERIOT:  
3 Same information was sent to both.  
4 MS. DELAFOSSE:  
5 Just their response thereto was  
6 different.  
7 With that said, any other questions?  
8 Or, should we provide this information via  
9 email and -- and maybe see if anybody has  
10 any feedback -- additional feedback at that  
11 point?  
12 MR. HILL:  
13 That -- that's fine. That'll be fine.  
14 MS. DELAFOSSE:  
15 Okay.  
16 MR. HILL:  
17 Thank you.  
18 MS. DELAFOSSE:  
19 Okay. I guess I'll move to my -- my  
20 standard item now.  
21 I would like to share with ya'll that  
22 this will be my last appearance at this  
23 quarterly meeting for this calendar year. I  
24 will send Lacey Vitteri from my staff who  
25 presented earlier this year. I don't

1 anticipate that she will do a full power  
2 point at the November board meeting, but I  
3 will not be here because I'll be on  
4 maternity leave. So don't -- don't expect  
5 to see me.

6 So if you'll turn to tab four, that  
7 has the financial statements, the cash  
8 basis. And this is for the end of fiscal  
9 year 2018.

10 Fiscal year 2018 ended on June 30th.  
11 This is the standard financial report that  
12 we present to ya'll each time. We collected  
13 pretty much exactly the same in bulk  
14 distribution fees this year, right at 22.1  
15 million dollars. So that's very steady with  
16 relation to the .08 percent. And then,  
17 you'll see the interest earnings, though, we  
18 had a lot. As the fund grows and as the  
19 interest rates increase, we're certainly  
20 going to see some increases in revenue  
21 there, which I know Gary is pleased about.  
22 We're still working on getting those  
23 contracts in place to have those abandoned  
24 tanks remediated, either pulled or the sites  
25 -- or the releases cleaned up. So we have a

1 that we've discussed in detail, as you can  
2 see, the transfer for 2018 was just under  
3 5.6 million. We saw a decrease to that  
4 transfer. And that's going to be -- it'll  
5 be right at 5.3 million. So, you know, our  
6 -- our administrative cost are staying  
7 pretty steady. And I'll go into these in a  
8 little more detail in the slide show.

9 And ya'll stop me at any time with  
10 questions.

11 Jeff, are you going to change the  
12 slides, or is there a clicker for me or --

13 MR. BAKER:

14 I'll do it.

15 MS. DELAFOSSE:

16 Okay.

17 MR. BAKER:

18 Just point at me.

19 MS. DELAFOSSE:

20 Okay. I'll point at you.

21 Okay. So this is the -- this has a  
22 little more detail about the bulk  
23 distribution fees and the history of those  
24 collections. As I mentioned on the  
25 financial report, they have been steady.

1 good bit of revenue available for that  
2 process now, which is a -- a really great  
3 thing for the program.

4 You'll see the claims for  
5 reimbursement. We saw a pretty nice  
6 increase there. Fiscal year 2017 was just  
7 at 10.7 million. And we were right under 14  
8 million for 2018. So that's good. Jeff's  
9 group was busy. And we -- we had a great  
10 year.

11 And so then, the main numbers I'll  
12 point out now are at the bottom. As you  
13 see, the total cash balance in the fund is  
14 114 million dollars. Once you deduct the  
15 liability of 80 million, that leaves an  
16 unobligated balance of 26 million. So we  
17 are really grateful that that legislation  
18 was such a success this past session,  
19 because I think that will give us -- that'll  
20 help us, because we can collect less and -  
21 - and not have that large unobligated  
22 balance sitting there and -- and looking so  
23 appealing to the legislature.

24 So the second page, too, is our  
25 underground storage tanks -- the transfer

1 There was a .1 percent increase from fiscal  
2 2017 to 2018. So they were virtually the  
3 same. But as you can see with the interest  
4 income, we have seen some great growth in  
5 that area. We earned almost 1.4 million  
6 dollars in interest in fiscal year 2018,  
7 which is fantastic.

8 These are the final expenditures by  
9 function for fiscal year 2018. As you can  
10 see, the majority of the program  
11 expenditures are with Gary's group, the UST  
12 Core Work and the team leaders that they do  
13 working with the sites. We also have some  
14 enforcement costs. And then Jeff's group is  
15 the motor fuel trust fund section that comes  
16 in right at 19 percent. And then our  
17 support services that my group does  
18 predominantly and any -- and our indirect  
19 cost that we charge and have discussed with  
20 ya'll is right at 1.9 million dollars for a  
21 total of 25 percent of the total.

22 This is a new slide. I got a little  
23 bit more information for our enforcement  
24 group, as far as the work that they've done,  
25 or did in the -- in the past three fiscal

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1 years that they've been able to close out  
2 from an enforcement prospective. So I have  
3 fiscal year 2015, 2016 and 2017. You can  
4 see just a listing of all the different  
5 types of actions that they issue. With the  
6 most prevalent being the expedited  
7 penalties. I don't know as much as maybe  
8 some folks do, of course, about the  
9 enforcement process, but the expedited  
10 penalties are -- they're used often and  
11 they're voluntary so if -- if we have  
12 violations at a site and they want to just  
13 basically wipe the slate clean and be done  
14 with it once they get in compliance, they  
15 can enter into an expedited penalty  
16 agreement and then, you know, it saves them  
17 a lot of time, it saves the department a lot  
18 of time. It's a win, win. So the expedited  
19 penalties that were assessed in each year,  
20 you can see, they're just around 100,000 in  
21 the two most recent years that they've  
22 closed out and we've collected 57,000 and  
23 51,000. So -- but those -- those revenues  
24 for those penalties actually go into our  
25 hazardous waste site cleanup fund. That's

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1 what our -- how our penalties function,  
2 which -- so it's a different -- they go into  
3 a different fund. But there are -- they do  
4 some great work ensuring compliance within  
5 the UST community as part of their work as  
6 well.  
7 These are the salaries and related  
8 benefits that were attributable to the  
9 program in fiscal year 2018. I also have  
10 the comparison with 2017. As you can see,  
11 there was an increase of 4.9 percent from  
12 one year to the next in the salary amount  
13 and a similar increase in the related  
14 benefits amount of 4.5 percent.  
15 As you can see, the related benefit  
16 costs are significant, particularly because  
17 of the retirement cost. They're, you know,  
18 approaching 40 percent per employee, so  
19 that's going to -- that's significant and --  
20 from a cost perspective. And we also had  
21 the changes in the pay plan that happened in  
22 January. So that's -- that's the main  
23 thrust of the increase in salaries and  
24 related benefits is those changes that took  
25 place in January.

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1 We saw a pretty big decrease in the  
2 travel and training charges for the program.  
3 Just under 5,000 this year. I know some --  
4 a number of folks are going to the tanks  
5 conference this year, so we may see an  
6 increase, but a lot of those costs are paid  
7 for by outside organizations, so may not see  
8 any changes there. But we don't -- I don't  
9 have any numbers yet for fiscal year '19  
10 projections because it's so new, so early.  
11 And then our operating services below  
12 were pretty -- pretty close to what they  
13 were the previous year. That includes, like  
14 we've discussed before, our -- our ASTSWMO  
15 dues, maintenance on our vehicles, supplies,  
16 et cetera.  
17 Saw a large decrease in professional  
18 services. We used a -- a good bit more work  
19 from these vendors in our professional  
20 services contracts in fiscal year '17 than  
21 we did in '18. That's all the way down to  
22 under \$1,000 this past year for our  
23 professional services.  
24 Some of this work can be done through  
25 our operating services. It depends on what

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1 type of agreement we have with the vendor.  
2 So it's -- it's more of a technical  
3 distinction between the two.  
4 So this is our other charges. This is  
5 the ones that I mentioned previously where  
6 some -- some of the labs are considered  
7 other charges and some of the labs are  
8 considered professional services. It's a  
9 technical distinction, depending on the  
10 vendor.  
11 So for the tank operator training, you  
12 see we -- our expenditures were 204,000.  
13 For our compliance services who conduct the  
14 inspections, we expended 205,000. Then we  
15 had some lab -- very minimal lab costs. And  
16 a couple of different site investigation  
17 costs for the sites listed. And then the  
18 attorney general fees, our budget for that  
19 was over a million dollars, but as things  
20 are winding down and we're getting closer to  
21 settling those cases, those charges are --  
22 are going to, you know, stay in that realm  
23 and/or continue to decrease in future years.  
24 So those were just 265,000 and that was for  
25 the entire fiscal year. So in that

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1 category, we saw a pretty significant  
2 decrease in cost from fiscal year '17 to  
3 fiscal year '18.  
4 Here's a detailed slide on the  
5 attorney general charges. As I mentioned,  
6 they have decreased over time. When we were  
7 firing up this litigation and just beginning  
8 it, it was, you know, in the neighborhood of  
9 a million dollars, 900,000, but for fiscal  
10 year 2018, just -- just 265,000, as we wind  
11 down and get closer to settling those cases.  
12 The interagency transfers category,  
13 there was a big decrease -- a fairly large  
14 decrease here. But it does include those  
15 costs that are listed below, the rent in  
16 those state owned buildings, security that  
17 we have to have in our buildings and some  
18 telephone charges to the Office of  
19 Telecommunications.  
20 And then as -- as we discussed again  
21 previously are the indirect charges. We  
22 charge half of rate as the board agreed to,  
23 I believe, in fiscal year 2013. We  
24 recalculate this rate every year in the  
25 spring and have EPA review and approve it.

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1 It did go down, as you can see, pretty  
2 significantly from fiscal year 2018 to 2019.  
3 And we expect that it should stay closer to  
4 that 60 percent figure. '18 was a high  
5 year.  
6 And there's no new information on the  
7 federal grant revenues, but we have  
8 discussed this in detail in the past. They  
9 have declined pretty significantly, but I  
10 think we are working on some new grant  
11 revenues. So perhaps fiscal year 2019 will  
12 have some larger stuff. But the fiscal year  
13 -- they operate on the federal fiscal year,  
14 so we won't know those amounts until a  
15 little closer to October. So that  
16 information -- if -- I can make sure Lacey  
17 presents that information, just to let the  
18 board know what the grant numbers look like  
19 for the next year, because hopefully they'll  
20 increase. But we'll see.  
21 Our tank registration fees. As we  
22 know, the registration fee went up ten  
23 percent for fiscal year 2019 -- 2018, sorry.  
24 And I have up there July 1, 2018, but that's  
25 not correct. It's July 1, 2017.

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1 So the fees were previously \$54 a tank  
2 and now they're \$60 a tank. We did have, as  
3 of earlier this week, about \$95,000  
4 outstanding of our tank fees. We've  
5 collected around 85 percent, is what  
6 information got provided to me by the  
7 billing department. And we typically  
8 collect closer to 95 percent. But we do  
9 have to send those second notices and, you  
10 know, make sure people are paying attention  
11 to us. So we should collect a good  
12 percentage of that 95,000. Probably at  
13 least another 40,000 or 50,000 of the  
14 outstanding tank registration fees for this  
15 fiscal year.  
16 MR. ST. ROMAIN:  
17 That registration fee, that doesn't go  
18 into the trust fund, does it?  
19 MS. DELAFOSSE:  
20 No. It's available in ETF though. It  
21 does offset the -- the program cost for the  
22 trust fund.  
23 MR. ST. ROMAIN:  
24 Got you.  
25 MS. DELAFOSSE:

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1 So it gets spent by the trust fund.  
2 It just doesn't go into it.  
3 And then, this is the transfer again  
4 from the motor fuel trust fund to the  
5 environmental trust fund to cover the  
6 program expenditures because the ETF  
7 revenues don't cover the expenditures.  
8 I mentioned when I shared the pages  
9 with you in tab four that our net transfer  
10 had decreased. It appears to have increased  
11 on this slide but that's because the  
12 attorney general charges, I haven't deducted  
13 those from fiscal year 2018, because they  
14 weren't paid from settlement proceeds. They  
15 were paid -- they had to be paid directly  
16 that 265,000. Where in fiscal year 2017,  
17 they were paid from settlement proceeds. So  
18 there -- I think it's going to stay fairly  
19 steady. And we're making every effort to  
20 make sure it does not increase and it either  
21 decreases or stays the same.  
22 I think that's it. That's all I have.  
23 Any questions?  
24 MS. ISAACKS:  
25 So the AG's office was paid -- or the

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1 attorney fees were paid out of the  
2 environmental trust fund or am I --  
3 MS. DELAFOSSE:  
4 They're paid out of ETF and then  
5 reimbursed as part of the overall cost of  
6 the program.  
7 MS. ISAACKS:  
8 Is there a reason why it was there and  
9 not straight from the trust fund?  
10 MS. DELAFOSSE:  
11 Perry?  
12 MR. THERIOT:  
13 While the trust fund is authorized  
14 under the statute to pay legal fees, the way  
15 that the accounting system is setup, the  
16 daily operating expenses that the state  
17 incurs are paid by the ETF. It's setup that  
18 way. And then at the end of the fiscal  
19 year, the difference between the federal  
20 grant and the tank fees, which offset, those  
21 are put on it first and then only the amount  
22 that's left over is reimbursed by the fund.  
23 So actually, if you wanted to look at it, a  
24 percentage of those legal fees are being  
25 paid by the ETF and the -- and the grant

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1 money, which also authorizes legal fees for  
2 cost recovery. So those are all in there.  
3 It just gets bunched together and then  
4 annually gets reimbursed by the trust fund.  
5 Whatever is left over, after those funds are  
6 --  
7 MS. DELAFOSSE:  
8 It's just how it has to be set up in  
9 the accounting system --  
10 MR. THERIOT:  
11 Yes.  
12 MS. DELAFOSSE:  
13 -- that it has to come from the  
14 environmental trust fund. But the  
15 environmental trust fund has sub-funds  
16 within it, so, you know, at the risk of  
17 being a little too technical, the  
18 environmental trust fund's Q02, we have  
19 Q0207, that's the motor fuel charges. So we  
20 can keep their -- they're not grouped  
21 together with all the ETF charges. We keep  
22 them separately so we can identify what --  
23 what are the motor fuel charges. And then  
24 we have separate ones for like our other --  
25 for like our air program and our water

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1 program. You know, we -- we keep all those  
2 things -- they're together, but they're  
3 separate. So we can identify them.  
4 MR. THERIOT:  
5 We only learned that when we fill out  
6 a travel report.  
7 MS. DELAFOSSE:  
8 It's complicated. Yes, DEQ has a lot  
9 of funds, so that kinda complicates things.  
10 And some of them can't pay certain expenses  
11 and some of them can. And our escrow funds  
12 are a whole other story, so --  
13 MR. BURNHAM:  
14 That was good information, Theresa.  
15 Does anybody else have any questions for  
16 Theresa before we move on?  
17 (No response.)  
18 MR. BURNHAM:  
19 Okay. We'll move to the auditor's  
20 status report. Cy Morin?  
21 MR. MORIN:  
22 Yes. Good afternoon, Cy Morin. Turn  
23 to tab five. The first page of this report  
24 is the 21 open motor fuel cases as of August  
25 1st. We have 11 cases that are waiting

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1 reviews. Pending final review, they  
2 represent one potential credit of \$4,400,  
3 two potential assessments totaling just  
4 under \$12,000 and seven potential clean  
5 audits with no assessment. Ten cases are  
6 still in progress with results to be  
7 determined.  
8 Now, since the last meeting, four new  
9 cases have been added to this list and five  
10 cases previously mentioned have been closed  
11 and removed from the list.  
12 Do you have any questions?  
13 (No response.)  
14 MR. MORIN:  
15 The second page details the same four  
16 cases that are within our legal department.  
17 Three of the cases have been referred to ODR  
18 and as of August 1st, we have not received  
19 any payments or anything from ODR on those  
20 three cases. The second case on the list,  
21 they continue to send in payments of roughly  
22 200 to \$250 per month. The last payment was  
23 received on July 16th for \$200. If they  
24 fail to continue making payments, we will  
25 also refer them to ODR.



1 We completed 12 motor fuel delivery  
2 fee audits during fiscal year '18. We'll  
3 try to perform a similar number, if not a  
4 few more, during fiscal year '19.  
5 We did begin a RAC audit. We've done  
6 some preliminary work and we will be getting  
7 out and into the fieldwork soon. And so  
8 we're going to have some results on that at  
9 the next meeting.  
10 And we also continue to do reviews  
11 when there's a refund request. We had one  
12 major refund request during fiscal year '18.  
13 It resulted in an \$85,000 credit/refund for  
14 a large company. The fee was being  
15 collected by the large company when selling  
16 to another certificate holder. That  
17 certificate holder was also collecting a fee  
18 from the customer and submitting it to the  
19 department. So we did a review and  
20 confirmed this, and we recommended that the  
21 refund be made.  
22 And that's all I have.  
23 MR. BURNHAM:  
24 Cy, out of curiosity, the -- the  
25 entity that's paying the 200 a month, do you

1 MR. MORIN:  
2 That's it.  
3 MR. BURNHAM:  
4 Any questions for Cy, before we move  
5 on?  
6 (No response.)  
7 MR. BURNHAM:  
8 Okay. If not, Mr. Baker, trust fund  
9 status report.  
10 MR. BAKER:  
11 Good afternoon. If ya'll turn to tab  
12 number six. These are the figures for the  
13 fourth quarter of fiscal year 2018. During  
14 this quarter, the trust fund received  
15 approximately 235 applications, totaling  
16 just over four million dollars. As of the  
17 end of June 2018, the trust fund had 74  
18 pending applications to process, which had  
19 requested amounts totaling 1.2 -- just over  
20 1.2 million dollars. We had 262  
21 applications processed for payment during  
22 the fiscal quarter, totaling just under four  
23 million dollars and 47 applications were  
24 returned with deficiencies.  
25 If you'll turn to the page entitled

1 know what their balance is? Is that the  
2 same -- it's not the same entity as number  
3 one?  
4 MR. MORIN:  
5 The balance is on the spreadsheet.  
6 It's \$5,155.43.  
7 MR. BURNHAM:  
8 Okay. So it won't take them forever.  
9 MR. MORIN:  
10 It's gonna take a little while.  
11 MR. BURNHAM:  
12 I was wondering if it was \$100,000 and  
13 --  
14 MS. DELAFOSSE:  
15 It might feel that way to them.  
16 MR. BURNHAM:  
17 -- it was going to be a 30 year payout  
18 or whatever.  
19 MR. MORIN:  
20 They're chipping away at it.  
21 MR. ST. ROMAIN:  
22 25 more months.  
23 MR. BURNHAM:  
24 Yes. Okay.  
25 Okay. Is that it, Cy?

1 report for the cumulative activities of the  
2 motor fuel trust fund obligation  
3 determination. This worksheet list the  
4 various component determinations of the  
5 potential obligation against the trust fund  
6 as of the end of June 2018. For the sites  
7 in the corrective action phase, the  
8 outstanding liability of the corrective  
9 action plan budget and estimated cost to  
10 reach closure at the end of June 2018 was  
11 \$28,417,275. This total included the CAP  
12 budget remaining amount and the RAC  
13 estimated cost to closure.  
14 Now, if you'll look at your handouts -  
15 - these were not in your packets. If you'll  
16 look at your handouts, and if you'll look at  
17 the one that's entitled corrective action  
18 plan (CAP) summary report for motor fuel  
19 trust fund active sites, this will give you  
20 a detailed description of what's included in  
21 these numbers. It gives you all our active  
22 sites right now, and it gives you the -- you  
23 know, all the numbers associated with those  
24 sites, including total recommended payments,  
25 CAP's, CAP reimbursements and CAP budgets

1 and things of that nature, including pending  
2 cost.

3 Also, a couple of meetings ago, one of  
4 the board members requested that we include  
5 dates of how long the trust fund had been  
6 making payments for these sites. And you'll  
7 notice that under -- there's two columns  
8 added there. The first app receive date and  
9 the last app process date. So that kinda  
10 gives you an idea of -- of the -- how long  
11 we've been working on some of these sites.

12 Going back to our summary sheet for  
13 the obligation, if you'll look, the fund  
14 obligation recognized for sites without ROG  
15 approved CAP budgets was 23 -- just around  
16 23 million dollars. This is determined  
17 using a three-year average site closure and  
18 applying these costs to the active trust  
19 fund sites without current CAP budgets.

20 Again, if you'll flip over to your  
21 handout, there's -- there's a handout called  
22 summary report of the -- for motor fuel  
23 active sites without corrective action plan.  
24 Again, this is a summary detailed report  
25 including the first app and last app process

1 trust fund to the environmental trust fund  
2 and multiplies that average by five years.  
3 Thus, the estimated obligation amount  
4 is \$80,521,037, which represents a -- just  
5 over 3.5 million dollar decrease compared to  
6 last quarter's estimated amount. This  
7 reduction is attributed to the number of --  
8 the reduction in the number of non-CAP sites  
9 and a minor decrease in the three year  
10 average cost to close estimate.

11 Now, if you'll flip over to the page  
12 entitled incidents determined to be eligible  
13 for the motor fuel trust fund. This report  
14 shows the number of potential trust fund  
15 sites that were reviewed and made eligible  
16 during the current physical year was 43.  
17 And that represents 53 active incidents.  
18 Some of our sites have more than one  
19 incident. They have diesel and gas or -- or  
20 more than one release that happened in a  
21 similar time frame.

22 Does anybody have any questions on  
23 that page?

24 (No response.)

25 MR. BAKER:

1 dates and it just kinda gives -- again, it  
2 gives you a more detailed summary of what's  
3 included in these numbers.

4 Again, flipping back to the obligation  
5 determination summary sheet. The fund  
6 obligation recognized 27 sites that have  
7 been determined to be trust fund eligible,  
8 however, have not submitted a reimbursement  
9 application. That totals up to seven --  
10 just over 7.7 million dollars. And this is  
11 also determined by using the three year  
12 average closure cost and applying these cost  
13 to sites that have requested eligibility but  
14 have not yet submitted a request for  
15 reimbursement from the fund. These are  
16 sites we made eligible but haven't submitted  
17 any cost request to us.

18 And then the last section is the five  
19 year projected fund obligation related to  
20 the motor fuel trust fund to the  
21 environmental trust fund transfers. And  
22 that -- that's a five year estimate of just  
23 over 21 million -- or, just under 21 million  
24 dollars. This estimate uses the three year  
25 average dollars transferred from motor fuel

1 If you'll go to the next page entitled  
2 trust fund sites that had a release granted  
3 non further action status. This tells you  
4 the trust fund sites that have not received  
5 -- that have received a no further action  
6 status thus far this fiscal year, and that's  
7 42 locations. So what we're basically  
8 saying here is that we added 43 sites to our  
9 trust fund and we took 42 of them out. So -

10 -

11 MR. BURNHAM:

12 How about that.

13 MR. BAKER:

14 -- pretty even -- even go there.

15 Some other points of interest. This  
16 quarter, we did have a fair -- have some  
17 fairly major productivity impacts. Our  
18 department's primary computer systems and  
19 our electronic document management system  
20 were down for three to four weeks, due to  
21 major server failures. However, we were  
22 able to recover our systems and had a fairly  
23 strong quarter, despite of the hindrances.

24 Also, if you'll look at your handouts,  
25 you'll find one that gives a summary of the

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1 total trust fund reimbursements by response  
2 action contractor. This -- this only  
3 includes the registered RACs that have  
4 received payments during this fiscal year.  
5 So what I'm saying is, is that, we have more  
6 RACs than this registered; however, these  
7 are the ones that requested payments and  
8 have reimbursements issued.  
9 Just kinda of an overview of the  
10 fiscal year. We had a very productive year.  
11 We processed almost 13 million dollars,  
12 which was an 11 percent increase in the  
13 previous three year average. We also  
14 reduced our application process time from  
15 fiscal years 2017 to 2018 by over 26  
16 percent.  
17 Just to give you an idea of that, we  
18 went from like 63 days, average process  
19 time, to like 47 days. So we're -- we're  
20 working to improve those numbers and we hope  
21 to do that and we hope to continue that  
22 trend.  
23 That's all I have for today. Does  
24 anybody have any questions?  
25 (No response.)

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1 MS. DELAFOSSE:  
2 And I just want to piggy-back off of  
3 what Jeff said. His group has made some  
4 really great improvements in their  
5 efficiency and the process times this year  
6 and I hope that the RAC community has  
7 noticed that. I think it's -- it's a real  
8 testament to Jeff as a manager and it's a  
9 real testament to his staff. They've done a  
10 fantastic job really increasing their times  
11 and getting things out the door. So I --  
12 I'm really pleased with that.  
13 MR. BURNHAM:  
14 Jeff, are there a top one or two  
15 reasons why these 27 sites don't ever apply  
16 for reimbursement?  
17 MR. BAKER:  
18 It's just timing.  
19 MR. BURNHAM:  
20 They're come -- they're coming?  
21 MR. BAKER:  
22 Eventually. I -- I will say this, a  
23 very high percentage of them are going to  
24 come. Now, there's always a -- a few that -  
25 - they may not -- they may re-register or

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1 may be determined to be eligible, except  
2 that they may have a \$10,000 deductible and  
3 when they go in and do the assessment, it's  
4 less than ten, so then we never see them.  
5 MR. BURNHAM:  
6 Don't we have a mechanism now where  
7 you have a certain number of days after the  
8 approval letter is written where you --  
9 MR. BAKER:  
10 We -- we do. If they don't -- if they  
11 don't get a work plan in within two years,  
12 they're no longer trust fund eligible. So  
13 that should keep some of these --  
14 MR. BURNHAM:  
15 Yes. Right. Keeps them from going on  
16 forever.  
17 Okay. Any other questions for Jeff?  
18 (No response.)  
19 MR. BURNHAM:  
20 Thank you, Jeff.  
21 Any other business?  
22 (No response.)  
23 MR. BURNHAM:  
24 Ya'll ready to go home? I got a  
25 second on that.

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1 All right. Anything else before we  
2 request a -- sir?  
3 MR. FULTON:  
4 I apologize. I was going to ask Sam -  
5 -  
6 MR. BURNHAM:  
7 No. That's all right.  
8 MR. FULTON:  
9 -- if he wanted to give us a little  
10 legislative update.  
11 MR. BROUSSARD:  
12 It's up to you guys.  
13 MR. THERIOT:  
14 Update on the new regulations.  
15 MR. FULTON:  
16 On the new regulations.  
17 MR. BURNHAM:  
18 Absolutely. Please.  
19 MR. BROUSSARD:  
20 So I'll give you an update on the  
21 status of the proposed UST regs.  
22 MR. BURNHAM:  
23 Yes, sir.  
24 MR. BROUSSARD:  
25 The reg number is UT018. The public

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1 comment period ended on August 1st and we  
2 got zero comments. The -- we submitted them  
3 to the legislative oversight committee  
4 yesterday, which would be August 8th. They  
5 have a 30 day window to do any kind of  
6 hearings. And if they don't have any  
7 hearings in those 30 days, we will proceed  
8 with finalizing the rule. And if there are  
9 no hearings by the legislative oversight  
10 committee, the rule will be final on  
11 September 20th of 2018. And if there are  
12 any hearings, then we will just see what  
13 happens.  
14 MR. ST. ROMAIN:  
15 When do they go into effect at that  
16 point?  
17 MR. BROUSSARD:  
18 They would go into effect on September  
19 20th. And the big-ticket items like spill-  
20 bucket testing, interstitial monitoring,  
21 sump testing, things like that have a three  
22 year implementation window. You wouldn't  
23 have to do your first until 2021.  
24 MR. BURNHAM:  
25 Okay. Thank you.

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1 Anything else?  
2 (No response.)  
3 MR. BURNHAM:  
4 Do I hear a motion to close our  
5 meeting?  
6 MR. BRIGHT:  
7 Motion.  
8 MR. BURNHAM:  
9 All right. Second?  
10 MR. FULTON:  
11 Second.  
12 MR. BURNHAM:  
13 I'm sorry. But did you make the  
14 motion or did you second it?  
15 MR. FULTON:  
16 Oh, I'm sorry. I thought Roger --  
17 MR. McCARTNEY:  
18 I'll second it.  
19 MR. BURNHAM:  
20 Okay. We got a second. Okay. The  
21 meeting is adjourned. Thank you. Ya'll be  
22 safe driving.  
23 THE MEETING ADJOURNED AT 2:07 P.M.  
24 \* \* \* \* \*  
25

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

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

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25 Lori Overland C.C.R.  
# 97083

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