

In The Matter Of:
Oil Spill Interagency Council Meeting

LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
November 27, 2012

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2 LOUISIANA DEPARTMENT OF
3 PUBLIC SAFETY AND CORRECTIONS
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6 Oil Spill Interagency Council Meeting
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10 The public hearing in the above titled
11 matter was taken at the Louisiana Oil Spill
12 Coordinator's Office, 7979 Independence Blvd.,
13 Management & Finance Building, Room 308, Baton
14 Rouge, Louisiana, beginning at 1:08 p.m. on
15 November 27, 2012.
16
17 BEFORE: Jennifer Pickett, Certified
18 Stenomask Reporter, in and for the State of
19 Louisiana.
20
21
22
23
24
25

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1 H E A R I N G
2 MR. WYNNE
3 We'll call the interagency
4 counsel into session and we'll
5 begin with taking the roll. Todd
6 Perry?
7 MR. PERRY
8 Here.
9 MR. WYNNE
10 John Wiebe?
11 MR. WIEBE
12 Here.
13 MR. WYNNE
14 Karolien Dubusschere?
15 MS. DUBUSSCHERE
16 Here.
17 MR. WYNNE
18 Keith Lovell? (No response.)
19 Kevin Natali?
20 MR. NATALI
21 Here.
22 MR. WYNNE
23 Chip Kline?
24 MR. KLINE
25 Here.

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1 MR. WYNNE
2 Chris Guilbeaux?
3 MR. GUILBEAUX
4 Here.
5 MR. WYNNE
6 And Brian Wynne here as
7 chairman and president. Seven
8 members present, we have a quorum.
9 I would like to begin with just
10 thanking everybody for
11 participating. I know it's a
12 great service to LOSCO and the
13 Department of Public Safety, I
14 know you were probably volunteered
15 by your boss but I still
16 appreciate the fact that you are
17 serving, and you are willing to
18 participate and you're willing to
19 help us out. It's an important
20 process that we are undertaking
21 today. I've provided everyone
22 with a copy of Act 832 that was
23 passed in the recent legislative
24 session. It requires us to meet
25 - it requires us to look at two

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1 things. And those are those are
2 the only items we have on our
3 agenda. It's to conduct a study
4 that covers the sources of revenue
5 of the Oil Spill Contingency Fund
6 and the fee charge and then make
7 recommendations to the specific
8 committees of the House and
9 Senate. Just as a review, if you
10 hadn't had a chance I provided a
11 copy of the statutes for you to
12 review that deal with the Oil
13 Spill Contingency Fund. And
14 basically the Fund allows, it's
15 collected by the - it's paid to
16 the treasurer and collected by the
17 Department of Revenue. It's taxed
18 at a 2 cents per barrel of crude
19 oil that's transferred from a
20 vessel to a marine terminal. And
21 the fund caps at \$7 million, then
22 the treasurer will notify
23 secretary of revenue to cease
24 collections. If the fund goes
25 below \$5 million they will begin

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1 collections again. But the rate
2 that's it's collected at is 2
3 cents per barrel and if you're not
4 familiar a barrel of crude oil is
5 42 gallons. And the Oil Spill
6 Contingency Fund is used for
7 different purposes related to oil
8 spills and response, clean up
9 things like that. Does anyone
10 have any general comments they'd
11 like to make to begin with or do
12 you want to take a second to
13 review the statute, the existing
14 law? If we need to we can do
15 that, if you're not familiar with
16 it.
17 MR. WIEBE
18 Sir, I'm assuming based on
19 how this is written, that this is
20 a dedicated fund, and as such does
21 this fall under the confines of
22 the Governor's prerogative of
23 seeking additional funds. I know
24 with other dedicated funds he's
25 pulled out as much as 10% for

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1 funds throughout - I can speak
2 for Wild Life and Fisheries,
3 towards filling in inherent budget
4 gaps. And I was just curious if
5 this particular fund falls within
6 the confines of that.
7 MR. WYNNE
8 I don't have a copy of the
9 specific statute John, I'm looking
10 for it right now to see if I do,
11 but I know that it specifies --
12 MR. WIEBE
13 I don't need an answer right
14 now just educating myself.
15 MR. WYNNE
16 I know it specifies the usage
17 of the fund and I didn't take a
18 section of that log with me. Most
19 of our purpose is spelled out in
20 the amount of the funding.
21 MR. WIEBE
22 I was just looking at, if the
23 money was taken out going back
24 into the --
25 MR. BAUMANN

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1 They can not. They can take
2 5%.
3 MR. WYNNE
4 Just for the Record, would
5 you identify yourself.
6 MR. BAUMANN
7 Robert Baumann, I'm here for
8 Phillips 66.
9 MR. WYNNE
10 And Mr. Baumann certainly as
11 we go through the process we'll
12 give you a chance to address for
13 any comments you'd like to make.
14 MR. KLINE
15 Thank you.
16 MR. WIEBE
17 Thank you for the knowledge.
18 MR. WYNNE
19 Does anybody else have any
20 general comments or questions?
21 MR. GUILBEAUX
22 And this is just for my
23 knowledge cause I'm brand new to
24 this committee, this is pretty
25 much Boarded and run by LOSCO? I

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1 mean they are the agency that
2 someone would reach out to if
3 there was an abandoned oil field
4 or something like that?
5 MR. WYNNE
6 Just to give you an over-
7 view, there is different trustees,
8 LOSCO's one of them. Coastal
9 Restoration Protection Agency is
10 another one, Wild Life and
11 Fisheries, DEQ, DNR, anybody else?
12 MS. DUBUSSHERE
13 That's it.
14 MR. WYNNE
15 Those are the trustees. And
16 they have different roles that are
17 specified in different sections of
18 the law in terms of oil spill
19 response. (Inaudible) is also
20 involved in response to the
21 emergency itself and then the
22 clean up afterwards. And then
23 also the statute identifies, the
24 National Contingency Plan is
25 different than the Stafford Act in

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1 that it gives a role to the
 2 responsible party. And generally
 3 if you have a willing, responsible
 4 party things go a lot smoother.
 5 In terms of clean up, remediation,
 6 things like that. Does anybody
 7 else have anything they'd like to
 8 add? I mean certainly one of the
 9 recommendations we could make, and
 10 we can make multiple
 11 recommendations, but we can go for
 12 only one recommendation for the
 13 report but I would recommend
 14 making multiple recommendations to
 15 the committee and then I'll
 16 compile that report and distribute
 17 everybody a copy. But certainly
 18 one of them is we could leave the
 19 law as it is where we are
 20 collecting 2 cents on the barrel,
 21 that would be certainly one
 22 option. Yet another option would
 23 be to increase it or decrease. I
 24 know, for instance in doing a
 25 little research, Texas charges a

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1 penny and a third on a gallon.
 2 And this is only on transfer from
 3 a vessel to a marine terminal. So
 4 it's a very limited application.
 5 This doesn't apply to anything
 6 through a pipeline or anything
 7 like that.
 8 MR. GUILBEAUX
 9 Which is most of our
 10 problems. Do we have more
 11 problems in standing facilities
 12 than in pipelines? Or vessels
 13 transferring from the platform?
 14 Is there a reason why they only
 15 gave one and not the other?
 16 MR. WYNNE
 17 I think when the law was
 18 adopted what 20 years ago roughly,
 19 I don't know '90, '91, in light of
 20 Exxon Valdez a lot of states
 21 adopted similar statutes and this
 22 was put in place. I know our
 23 statute and Texas is very similar.
 24 And I'm assuming the other Gulf
 25 states have similar although I

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1 haven't had a chance to look at
 2 them. It was primarily in
 3 response to clean up and
 4 remediation. I don't know if that
 5 answers your question or not.
 6 MR. GUILBEAUX
 7 It does, I'm just wondering,
 8 you most things that are 20 years
 9 old need to be re-looked at, you
 10 know.
 11 MR. WYNNE
 12 And just in terms of a little
 13 background, primarily there may be
 14 one or two companies that are
 15 shouldering the burden of this.
 16 Because they do the --
 17 MR. GUILBEAUX
 18 Do the transfers.
 19 MR. WYNNE
 20 Do the transfers through
 21 vessels to marine terminals.
 22 Other companies use other means,
 23 primarily pipeline I guess. I'm
 24 sure there are others.
 25 MR. KLINE

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1 I remember hearing that
 2 during session when we brought
 3 that up, that one or two companies
 4 take on the brunt of this fund.
 5 So it's because other companies
 6 aren't going through these marine
 7 transfer facilities? They are
 8 using pipelines or - so it's just
 9 companies that are going through
 10 marine transfer facilities that
 11 are paying?
 12 MR. WYNNE
 13 Yes. That's who the law
 14 applies to, and maybe we should
 15 get some public comment. They
 16 could add some background
 17 information.
 18 MR. CAGNOLATH
 19 Yeah, we have an idea to
 20 offer up to you in hopes that you
 21 would put it in your
 22 recommendations to the
 23 legislature. I'm Dave Cagnolath,
 24 my title is manager of State
 25 Government Affairs for Phillips

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1 66. And we are one of those two
2 refineries that are paying the
3 disproportionate burden on this
4 program. I'd like to begin my
5 comments by saying we have no
6 complaints whatsoever with the
7 operation of the Oil Spill
8 Coordinators Office. They are
9 doing a fine job, we support what
10 they are doing and we have no
11 complaints whatsoever. We do have
12 a problem with the way the
13 operation is funded. As was
14 stated the fee is 2 cents a barrel
15 and it's only on marine transfers.
16 At the time this program was
17 created that was an equitable
18 source of funding because all
19 refineries in Louisiana receive
20 the vast majority of their barrels
21 by marine tanker. That's changed
22 over the years and we think the
23 funding mechanism needs to change.
24 Now a lot of refineries accept a
25 lot of their barrels by pipeline.

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1 Primarily the Louisiana Offshore
2 Oil port and the pipeline that
3 connects all refineries along the
4 Mississippi River. So your two
5 refineries in Lake Charles which
6 is Phillips 66 and Citgo, those
7 two refineries don't have a
8 benefit of a pipeline. There is
9 some pipeline fed into our Lake
10 Charles refinery but it's only for
11 locally produced crude. It's
12 essentially a gathering system and
13 it's a very small percentage of
14 our run volume. So we end of
15 paying the fee on 95-98% of the
16 barrels that we process and Citgo
17 does the same. What we think
18 would be a more equitable way to
19 fund the program would be to
20 charge every barrel that arrives
21 at a refinery regardless of how
22 it's delivered. Whether it's by
23 pipeline, by truck, by rail,
24 tanker it doesn't matter. Charge
25 every barrel and you can reduce

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1 the rate down from 2 cents down to
2 I think we calculated it's a
3 quarter of a cent and still raise
4 the same amount of money. And you
5 could leave the ceiling and the
6 floor on the fund exactly where
7 they are, change the rate to a
8 quarter of a cent and capture
9 every barrel. And it would be
10 fair because the burden would be
11 shared by all refineries across
12 the state based on the volume they
13 processed.
14 MR. KLINE
15 So you would essentially be
16 lowering or leaving the rate the
17 same but broadening who pays?
18 MR. BAUMANN
19 Broaden the base, lower the
20 rate.
21 MR. CAGNOLATH
22 From 2 cents to a fourth of a
23 cent a barrel.
24 MR. BAUMANN
25 Let me go through a few

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1 things, we have a long 20 year
2 history now. The program here
3 really stems from the Valdez,
4 correct. Actually Alaska before
5 the Valdez had a program in place
6 but it wasn't substantial enough
7 they found in the first few days
8 of the crisis they didn't know who
9 to go to, this and that. They
10 wanted to use dispersants, who
11 could make the decision, know body
12 knew. Then the weather changed
13 and it was too late. In '89 after
14 that they redid the program and
15 Alaska imposed the first program
16 with a state fee. Now there is a
17 federal fee. The federal fee is 8
18 cents a barrel now, it was a
19 nickel and then for a number of
20 years it was zero, now it's eight
21 and it will go to nine in 2017.
22 The federal government, the policy
23 there is everybody pays. If you
24 produce it here in the US, you
25 pay. If it's shipped in from

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1 overseas, they pay. If it's piped
 2 in from Canada, it pays.
 3 Everybody pays. Alaska said all
 4 producers will pay. But you've
 5 got to understand Alaska is
 6 different from here, there's no
 7 oil brought in to Alaska, it comes
 8 out of Alaska. So all producers
 9 pay. California they set theirs
 10 up, and they're a mixed state, the
 11 people who pay in California is
 12 marine transports and if you pipe
 13 it in. And what that does is it
 14 excludes the heavy oil producers
 15 internal to southern California,
 16 which is a cheaper oil and they
 17 don't even charge service tax on
 18 the oil in California. So they
 19 get around by, so instead of just
 20 specifically excluding them they
 21 just charge everybody else. The
 22 state of Washington has a program
 23 but that's a totally different
 24 state, there it's only for those
 25 who import oil into the state.

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1 Now that could be from another
 2 state, but they don't produce any
 3 oil, so it's everybody pays.
 4 California everybody pays except
 5 for the heavy oil producers,
 6 that's southern California. Now
 7 Texas adopted theirs' in '91 and
 8 then we followed after Texas.
 9 Texas only charges on marine
 10 transport, a much lower percentage
 11 of the total oil in the state is
 12 from marine transport as compared
 13 to Louisiana. We produce
 14 something like, not including the
 15 offshore, around 50 million
 16 barrels internal to the state. We
 17 refine, the latest full year we
 18 have, crude oil now, 950 million
 19 barrels and it's a growing base.
 20 It's a growth industry, not huge
 21 but steady growth over the years.
 22 So it's a growth base. So we are
 23 only doing it on marine transport,
 24 now, Mr. Gisclair a couple of
 25 years ago helped me out quite

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1 extensively and we went through
 2 oil spills in the state. Now,
 3 there's 90-something thousand
 4 entries in the database at least
 5 through that time, it's probably
 6 over 100,000 now. But when I did
 7 the study there were 93,000. Many
 8 thousands of them, 10s of
 9 thousands of them are sheens that
 10 are seen in the Gulf, those are
 11 natural, blah, blah, blah. Not
 12 all of them are crude oil spills
 13 and so forth. So I narrowed it
 14 down to those spills of a 1,000
 15 gallons or more. So I'll call
 16 that a significant spill and there
 17 were about 600 of those in the
 18 state through the first 17 years,
 19 '91-'08. Now, here's the
 20 breakdown, percentage of incidents
 21 not counting the total volume just
 22 number of incidents, and this is
 23 of course was pre Macondo thing.
 24 7% were at refineries, 1.7% in oil
 25 transport vessels, 2.7% other

Page 20

1 vessels, 52.7% were in ENP
 2 operations, in the field that kind
 3 of thing. 17.7% pipelines, 18.5%
 4 were either unknown, they couldn't
 5 classify were they were or were
 6 from totally outside the oil
 7 industry kind of thing. So more
 8 than half the incidents were ENP,
 9 but from a volume point of view
 10 it's different up to that point in
 11 time. Roughly 70% was from marine
 12 transport on a volume basis. And
 13 we had 3 big incidents in that 17
 14 year time period, we had that
 15 tanker run aground at the mouth of
 16 the Mississippi, you had the
 17 barges down there in New Orleans
 18 on the river, and the third thing
 19 was the hurricane and a lot of
 20 stuff got wiped out among the
 21 different incidents. So, from a
 22 incident point of view it's ENP
 23 that dominates from a volume point
 24 of view to that point in time it
 25 was the marine transport, you know

Page 21

1 the big thing the Valdez kind of
2 thing. Then Macondo came along,
3 if you throw in the Macondo
4 statistics now marine transport
5 becomes small because Macondo, the
6 one event, just dwarfs everything
7 else. The bottom line is, it's
8 clear, that spills occur
9 throughout the different segments
10 of the industry. And we
11 understand and we agree collecting
12 it at the refinery is the most
13 simplistic way and it's easy for
14 the revenue to pull.
15 MR. CAGNOLATH
16 And that allows you to
17 capture every barrel.
18 MR. BAUMANN
19 And it allows you to capture
20 every barrel. We think this is a
21 fairness issue --
22 MR. WYNNE
23 Let me ask you this, do those
24 who don't fall under the purview
25 of the law would they agree with

Page 22

1 you that it's a fairness issue? I
2 mean I tend to agree with you but
3 I don't want to --
4 MR. CAGNOLATH
5 We've have someone who can
6 provide that -
7 MR. LYONS
8 My name is Mike Lyons. I'm
9 with the Mid-Continent Oil and Gas
10 Association. We represent all the
11 refineries in the state. We
12 polled our members to ask them if
13 they favored a change in fee and
14 basically there's a split. A 50-
15 50 split between those who favor a
16 change and those who would like to
17 see the fee stay the way it is.
18 So we have a neutral position as
19 an association representing
20 refineries as to the issue of
21 change or not change. Half of
22 them like the idea. Half of them
23 don't like the idea. Conoco
24 Phillips 66 is one of our members
25 so we took their suggestion and

Page 23

1 asked our members would you favor
2 this change. Half said yes, half
3 said no so we're neutral on the
4 issue. We take no position on it
5 but there are people on both
6 sides, obviously.
7 MR. WYNNE
8 David, just for my
9 clarification, as far as you know
10 is there anyone under the existing
11 law who is required to pay who is
12 not paying?
13 MR. GISCLAIR
14 No we don't know that.
15 MR. CAGNOLATH
16 We don't know that.
17 MR. WYNNE
18 Okay.
19 MR. BAUMANN
20 We have asked the revenue
21 department a number of questions.
22 Some of which they can not provide
23 us an answer for obvious reasons.
24 The legislature and the senate
25 during the last session when this

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1 bill was floating around got
2 interested in a number of things.
3 Not in the public, in the
4 committee but they made some
5 requests to the revenue
6 department. Some of which came
7 back and some of which revenue
8 would not provide them either for
9 the same kind of reasons. We have
10 these other side issues that we
11 would like to get out of which
12 this would do. For example
13 there's a cap of 7 million. We
14 have passed the cap on occasions
15 and one time there were some
16 refund checks. When the
17 legislature inquired this last
18 spring, early summer we were
19 informed from the legislature that
20 their inquiry said we were already
21 at the cap. But we were still
22 paying. So there is some obvious
23 issues here with this. If we pay
24 the quarter of a cent we don't
25 care about the cap, you follow me?

Page 25

1 MR. CAGNOLATH
 2 If I could clarify? When you
 3 reach the cap the fund doesn't
 4 automatically and instantaneously
 5 turn off.
 6 MR. WYNNE
 7 Yes, there is some mechanics
 8 that have to be -
 9 MR. CAGNOLATH
 10 It takes you through the end
 11 of the quarter, through the end of
 12 that calendar quarter and then
 13 it's turned off. So during the
 14 quarter it might reach the cap and
 15 then fall below the cap by the end
 16 of the quarter so you continue
 17 collecting for another quarter.
 18 MR. KLINE
 19 And this may be getting too
 20 in the weeds here but if the cap
 21 is reached revenue then notifies
 22 you all?
 23 MR. WYNNE
 24 No. It's the treasurer and
 25 revenue. Let me see if I can find

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1 it and I will read it to you.
 2 Because what he is saying is
 3 correct about the quarter and
 4 stuff like that. Let me see if I
 5 can find it.
 6 MR. CAGNOLATH
 7 I know there have been times
 8 when the cap was reached during
 9 the calendar quarter then the fund
 10 was below the cap on the date of
 11 the end of the calendar quarter so
 12 the fund didn't turn off. It has
 13 to be at the last day of the
 14 calendar quarter if the fund
 15 exceeds the cap then they turn the
 16 fee off.
 17 MR. WYNNE
 18 Have you talked to any
 19 representatives or senators about
 20 a mechanism besides this mechanism
 21 to address that or would you
 22 address that -
 23 MR. CAGNOLATH
 24 We have not. We've talked to
 25 the Lake Charles delegation

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1 because this is primarily a Lake
 2 Charles problem. We talked to
 3 them about it and we are going to
 4 ask them to file legislation to
 5 correct it. But no we haven't
 6 talked to the legislature about
 7 any other issues.
 8 MR. WYNNE
 9 Chip, to answer your question
 10 it is under Section 2486. It is
 11 30:2486, Determination of the Fee.
 12 MR. CAGNOLATH
 13 What bothers about the state
 14 of the fee, what I'll reiterate is
 15 that if you lower the rate to a
 16 quarter of a cent per barrel -
 17 MR. WYNNE
 18 You don't care.
 19 MR. BAUMANN
 20 You do away with that
 21 administrative nightmare. So we
 22 don't have to police it and see if
 23 we're overpaying. There is
 24 another component to this too and
 25 this transcends administration so

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1 things get lost. Besides funding
 2 the program itself when something
 3 occurs, there is provisions in the
 4 law, we didn't know at the time in
 5 case you can't find a responsible
 6 party. Which has not occurred on
 7 any significant spill. You always
 8 found a responsible party. But in
 9 the interim there can be some
 10 payments made to State Police or
 11 DEQ or whatever. They will also
 12 hire consultants sometimes to
 13 collect like (inaudible) funds
 14 from the government. That was a 2
 15 million dollar contract from a
 16 consulting firm. I think under
 17 Kathleen but I'm not sure. Well,
 18 they use that fund but then you
 19 change governors, change
 20 administration and so forth and so
 21 on. And I can not tell you that I
 22 know for sure but we don't think
 23 the fund gets replenished like the
 24 law says it should be replenished.
 25 We want to get out of watch

Page 29	Page 31
<p>1 dogging that. We just want to get 2 out of that business and just pay 3 a straight up fee that is broad 4 based. 5 MR. CAGNOLATH 6 And be done with it. 7 MR. BAUMANN 8 And be done with it. If 9 there is money sitting there and 10 it is used for that and it is not 11 collected or they do collect it 12 and put the money -- we don't 13 care, you see, we are out of it. 14 MR. CAGNOLATH 15 We do not want to have to - 16 MR. BAUMANN 17 We do not want to have to 18 police this thing. 19 MR. CAGNOLATH 20 We would rather not have to 21 worry about whether the fund 22 should be turned on or turned off. 23 Or whether the state needs to 24 reimburse the fund for some other 25 expenditure.</p>	<p>1 MR. CAGNOLATH 2 Not yet. 3 MR. WYNNE 4 Okay. 5 MR. CAGNOLATH 6 We talked to Senator Johns. 7 Representative Guyman, 8 Representative (inaudible) and we 9 plan to talk to Mr. Speaker about 10 it. 11 MR. WYNNE 12 Okay. 13 MR. BAUMANN 14 Just some food for thought. 15 This is not part of our proposal 16 but I was there in '91. I was at 17 LSU at the time of the Energy 18 Center I was somewhat involved in 19 this thing. There is a lot of 20 details in this law because it was 21 new. The oil companies were a 22 little bit afraid of it. They put 23 a lot of restrictions. They put 24 caps within caps. So programs 25 have caps. You could get rid of</p>
Page 30	Page 32
<p>1 MR. BAUMANN 2 You just use it. 3 MR. WYNNE 4 And if you can disclose or 5 you wish to in your discussion 6 with the Lake Charles delegation 7 have you gotten any traction with 8 them? 9 MR. CAGNOLATH 10 Yes. 11 MR. WYNNE 12 I mean it seems reasonable 13 what you are saying. My 14 concern - 15 MR. CAGNOLATH 16 Senator Johns does intend to 17 file a bill. 18 MR. WYNNE 19 Okay. 20 MR. CAGNOLATH 21 To make the change in the fee 22 that I described to you. 23 MR. WYNNE 24 Okay. Have you talked to the 25 speaker?</p>	<p>1 all that if you wanted to. You 2 could simplify this whole dang 3 law. Even your interagency 4 counsel some of the title of this 5 positions are no longer valid in 6 the law. And it could be 7 separate, so you are not tangled 8 with the fee. Do an omnibus bill 9 to clean this up. Now we would 10 probably say contingent upon this 11 change of the fee. There is a lot 12 of clean up that clearly could be 13 done to make life simpler for the 14 program. Some of those sub 15 programs are not even funded 16 anymore. But that does not mean 17 you sort of keep them in the law 18 in case you do want to fund them 19 at some point. But take the caps 20 off and those kind of things. 21 There is a lot of clean up that 22 probably should be done to be 23 honest with you. But we are not 24 proposing that. 25 MR. CAGNOLATH</p>

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1 If somebody is going to write
 2 a bill we are saying why not make
 3 it an omnibus bill and put your
 4 whole wish list in?
 5 MR. PERRY
 6 Could I ask a question?
 7 MR. WYNNE
 8 Yes, sir.
 9 MR. PERRY
 10 Mike, the poll that you did
 11 to the members of LMOGA was that
 12 based on a 2 cent assumption. In
 13 other words did you pose the
 14 question as of the fee could be
 15 lowered or it is going to stay at
 16 2 cents which is just kind of
 17 general as it is now?
 18 MR. LYONS
 19 The options were as it is now
 20 or a quarter of a cent.
 21 MR. PERRY
 22 So it was put in there?
 23 MR. LYONS
 24 They could look at their own
 25 volumes, where they come from and

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1 figure out if they are going to
 2 come out better under this or
 3 worse.
 4 MR. PERRY
 5 Sure.
 6 MR. LYONS
 7 Some of them were neutral
 8 because very frankly some of them
 9 get crude oil transport from both
 10 pipeline and now they are talking
 11 about rail cars and they are
 12 talking about all kinds of things.
 13 So they could run the numbers.
 14 But we did not give them anything
 15 other than those two.
 16 MR. PERRY
 17 Sure. I was just curious
 18 because if it was posed of as it
 19 is now, 2 cents, you might have
 20 some that might come over the
 21 fence if it were lowered.
 22 MR. CAGNOLATH
 23 I can tell you LMOGA
 24 accurately described the proposal
 25 I just described.

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1 MR. PERRY
 2 Okay. Thanks.
 3 MR. BAUMANN
 4 Now he does have two
 5 refineries. One which pays an
 6 awful lot and one which pays zero.
 7 MR. CAGNOLATH
 8 So one of my refineries would
 9 start paying the fee and the other
 10 one would get relief.
 11 MR. WYNNE
 12 Balance it out. Okay.
 13 MR. NATALI
 14 My question to you Mike was
 15 how many of what percentage of
 16 your members actually pay into the
 17 fund now? Is that about fifty-
 18 fifty?
 19 MR. CAGNOLATH
 20 I think I can answer that.
 21 They all pay to some degree
 22 because even a refinery that is
 23 fed exclusively by pipeline is
 24 going to have an occasional marine
 25 transfer. Even if it's a small

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1 percentage.
 2 MR. BAUMANN
 3 Marathon you see 100 percent
 4 of it's crude through the LOOP
 5 system. But now that it's expanded
 6 the pipe can not handle that much.
 7 It has to take some (inaudible).
 8 MR. CAGNOLATH
 9 The same way Exxon Baton
 10 Rouge occasionally brings a tanker
 11 up the Mississippi River. They do
 12 not do it very often but I think
 13 they do it, I can not speak for
 14 them but I believe they do that to
 15 keep that option open should it be
 16 necessary. Keep the dock in
 17 order, keep it working.
 18 MR. BAUMANN
 19 Now in '91 there was a lot of
 20 sensitivity about LOOP. LOOP was
 21 a unique thing. I believe it was
 22 still losing money at the time.
 23 Also it is located in Federal
 24 waters so the law, those statutes
 25 include a specific exclusion of

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1 LOOP itself. And then of course
2 the pipe that comes in it does not
3 apply to that. But I believe LOOP
4 was still losing money in 1991.
5 MR. GUILBEAUX
6 Is LOOP still exempt on that
7 Federal or has that quit since
8 then?
9 MR. BAUMANN
10 Yes and no, and the reason I
11 answer that way is that it depends
12 on who owns the oil.
13 MR. GUILBEAUX
14 I got you.
15 MR. BAUMANN
16 And that is a problem even in
17 this and you do not need to get
18 involved in any of this. But who
19 owns the oil when it is
20 transferred? At what point does
21 who takes over the ownership of
22 the oil? Do you own it when it is
23 on the barge or when it is
24 actually in the refinery and that
25 takes care of a contract with the

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1 contracts.
2 MR. CAGNOLATH
3 It is a question of state
4 fee. If you tried to assess a fee
5 on LOOP in the offshore waters you
6 don't have nexus to do so.
7 MR. GUILBEAUX
8 Right you do not have
9 jurisdiction.
10 MR. CAGNOLATH
11 But if you assess the fee
12 where the pipe hits the refinery
13 you do have nexus there.
14 MR. GUILBEAUX
15 Okay. I think obviously that
16 makes sense. Obviously you did a
17 lot of research on exactly where
18 the spills are coming from and the
19 volume obviously is high because
20 we are talking about being
21 transported on the water which is
22 something else. Money comes from
23 the spill itself. But I fully
24 understand spills come from
25 everywhere it is not just

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1 transfers at marine facilities.
2 MR. CAGNOLATH
3 The simplest way to capture
4 every barrel is at the refinery
5 gate. Whether the oil is produced
6 offshore, onshore or imported or
7 delivered from a neighboring state
8 by truck or rail.
9 MR. GUILBEAUX
10 And by making it across the
11 border it becomes more efficient.
12 You don't have to segregate
13 things.
14 MR. CAGNOLATH
15 You have fewer payers. Every
16 refinery becomes a payer of the
17 fee. You do not have to worry
18 about everybody else. Currently
19 you have some upstream producers
20 who pay the fee because they load
21 oil on a barge and haul it to a
22 market station where it is stored
23 in tankage. We have barges of
24 crude oil going up and down the
25 Mississippi River or other rivers

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1 in Louisiana and that crude oil is
2 offloaded to a tank battery
3 somewhere. And so there you have
4 a marine transfer those barrels
5 are paying a few. Under our
6 proposal those barrels would no
7 longer pay the fee.
8 MR. WYNNE
9 Do any other members have any
10 other questions of anybody or any
11 other comment they would like to
12 make?
13 MR. PERRY
14 One last question I have, in
15 the history of the funding is it
16 once a year, a couple times a
17 year, once every few years that
18 the 7 million cap is reached? How
19 often has the cap been reached?
20 MR. BAUMANN
21 I would say on average over
22 the long term it is once every few
23 years.
24 MR. PERRY
25 Okay.

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1 MR. LYONS
 2 I can answer that more
 3 correctly, I think. At one point
 4 when the fee caps were at 15 and
 5 10 it would take us about 2 years
 6 to draw it down because we were
 7 spending those resources to do the
 8 job at hand. Judiciously but it
 9 would take about 2 years at 2.5
 10 million a year, 5 million window
 11 it took about 2 years. Then the
 12 fund was brought down between 7
 13 and 5 and if we are still
 14 expending at 2.5 it's going to be
 15 almost every year. That was the
 16 real big issue with the fund.
 17 MR. BAUMANN
 18 We just get rid of the caps.
 19 Just pay the fee.
 20 MR. LYONS
 21 That caused that issue
 22 depending on when or what point
 23 when we were in Foster there was a
 24 500 million dollar window. Now we
 25 are at a 2 million dollar window.

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1 MR. PERRY
 2 Conceptual math would be
 3 assume there is no cap, everyone
 4 pitched in across the board
 5 uniformly. The fee was basically
 6 done to where you are building
 7 about 2.5 million dollars a year
 8 into it. In ten years logically
 9 this fund would become about 25
 10 million assuming that you don't
 11 have any more increases in what
 12 you are putting out now?
 13 MR. BAUMANN
 14 No, he has to pay for the
 15 program.
 16 MR. LYONS
 17 No we have to pay for the
 18 program.
 19 MR. PERRY
 20 I understand. But if you are
 21 hitting your cap then you are
 22 obviously bringing more money in
 23 than you are spending?
 24 MR. BAUMANN
 25 Right.

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1 MR. LYONS
 2 That is correct.
 3 MR. PERRY
 4 So, over time with no cap,
 5 which is fine, I don't have an
 6 issue there, you wouldn't have to
 7 shut down just continue to build.
 8 You would never have that shut
 9 down base? Am I following you
 10 right or am I missing something?
 11 MR. BAUMANN
 12 That is correct, in theory.
 13 MR. CAGNOLATH
 14 In theory.
 15 MR. PERRY
 16 In theory, that is what I
 17 said, in theory.
 18 MR. BAUMANN
 19 In practice what happens is
 20 something happens over here there
 21 are spills and money is put out.
 22 MR. WYNNE
 23 It's up and down. It should
 24 be up and down.
 25 MR. BAUMANN

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1 And money is put out for
 2 whatever, consultants, but outside
 3 of the direct cost of the program.
 4 And then the law says at some
 5 point when you collect back from
 6 the responsible parties you are
 7 suppose to replace the fund.
 8 MR. PERRY
 9 Yes, sir.
 10 MR. BAUMANN
 11 Okay, and if that happened.
 12 If we got some big check to
 13 replace 7 million dollars, all of
 14 a sudden they wouldn't pay in
 15 theory, for several years.
 16 MR. CAGNOLATH
 17 If you went 20 years without
 18 an incident your fund would build
 19 up to 40 million dollars. That's
 20 a good thing.
 21 MR. BAUMANN
 22 There is 53 million in Alaska
 23 right now.
 24 MR. CAGNOLATH
 25 Some of those folks are

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<p>1 operating off of the interest of 2 that. 3 MR. BAUMANN 4 Now we will, to help the 5 program out, point out that over 6 the years the amount of funds 7 available to the program to run 8 the people and here at the office 9 has been cut substantially even 10 though the fee has stayed the 11 same. 12 MR. PERRY 13 That helps. Thank you. 14 MR. WYNNE 15 Does anybody else have any 16 other comments or questions? 17 MR. NATALI 18 Yeah, quick question. You 19 guys have put together a lot of 20 research and time into this and my 21 question was more to grasp the 22 numbers that you have behind it. 23 Currently as the system stands 24 now. Since you guys have looked 25 at it what is the rough, at 2</p>	<p>1 This is getting a little bit 2 into the weeds but this is a tax 3 on crude oil. Not all inputs to 4 refineries, is crude oil. I 5 represent a small refinery in the 6 state that has limited capability 7 to produce the low sulfur diesel 8 fuel that EPA requires now. So 9 they are partially refined and 10 then that diesel that they produce 11 goes to another refinery to clean 12 it further. Well, that is another 13 input so it is not total runs. It 14 is the crude oil we are concerned 15 with. And that, the last four 16 year statistics is 950 millions. 17 Back in '91 when we were looking 18 at Foster, Campbell processing tax 19 the runs in refineries was about 20 714 so it's a growth thing. We 21 are trying to broaden the base and 22 lower the fee on our growth 23 industry. Whether marine 24 transport is growth or not is a 25 serious question. It may not be a</p>
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<p>1 cents a barrel, about how many 2 barrels a year is that from the 3 marine transfer and then if we 4 propose to go to this new method 5 to look at all of the barrels sent 6 to all of the refineries what 7 would that increase be. What 8 would be the rough number of 9 barrels that all of the refineries 10 in the state process in a year? 11 MR. BAUMANN 12 It's about, the last four 13 year data on the DNR was through 14 2010. It's about 950 million 15 barrels. 16 MR. CAGNOLATH 17 Louisiana refineries have 18 capacity of about one billion 19 barrels a year. It's real close 20 to that. Plus or minus a little 21 bit. They don't always run at 22 full capacity so your actual run 23 is going to be 950, 975, something 24 like that. 25 MR. BAUMANN</p>	<p>1 growth industry. 2 MR. CAGNOLATH 3 David may be able to tell you 4 how many barrels are currently 5 paying the fee but we couldn't do 6 that. 7 MR. NATALI 8 Okay. David, do you 9 have any idea? 10 MR. GISCLAIR 11 I have no idea. 12 MR. NATALI 13 From the Marine transfer 14 side? 15 MR. GISCLAIR 16 We have tried. I know 17 Roland tried to get some idea but 18 I don't believe he could. 19 MR. BAUMANN 20 We know, not because revenue, 21 revenue can not tell us and I 22 understand that. We just know 23 from talking to our colleagues 24 from Exxon oil. 25 MR. WYNNE</p>

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1 Anecdotally.
 2 MR. BAUMANN
 3 What they pay.
 4 MR. CAGNOLATH
 5 We got together with Citgo
 6 and we know how much we paid and
 7 we know how much the program
 8 spends and we are the bulk of it.
 9 MR. WYNNE
 10 Okay. Anymore comments from
 11 anybody? If there are none I will
 12 open the floor to motions or
 13 recommendations. And certainly
 14 the act that was passed says we
 15 can make recommendations and I
 16 would encourage us to do that but
 17 if anybody wants to make a motion
 18 I am willing to -
 19 MR. KLINE
 20 I would just like to hear,
 21 not to put you all on the spot but
 22 LOSCO's thoughts on this proposal.
 23 Obviously the legislation is
 24 something that we would work
 25 closely with you all on.

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1 MR. WYNNE
 2 You are putting us on the
 3 spot, Chip.
 4 MR. KLINE
 5 I just want to hear your
 6 thoughts on -- I mean obviously
 7 there was issues with the way the
 8 fund was the caps and the floors
 9 and now the fee. Does this solve
 10 -- are you comfortable?
 11 MR. WYNNE
 12 I think you just have to look
 13 at things in a larger political
 14 context. That is what we all have
 15 to deal with. Because it kind of
 16 gives me concerns if the fund
 17 stays where it is at regardless of
 18 how it is collected we are okay.
 19 Seven million dollars is seven
 20 million dollars. To me the real
 21 fight is in the industry because
 22 you have got some who are paying
 23 it in accordance with the law.
 24 You have got some that says it
 25 doesn't apply to me, I am not

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1 interested in paying it. I don't
 2 blame them because they are in the
 3 business of making money. I
 4 understand that. So that is where
 5 the fight happens.
 6 MR. GISCLAIR
 7 We are definitely, based off
 8 of the, shall we say, authorized
 9 expenditures that we can make and
 10 what is actually right now in
 11 house Bill 1 as to what we can
 12 expend is far different. Normally
 13 we are about 5.5 million dollars
 14 that we can expend on these
 15 various programs. And we are down
 16 to 1.8. Can you say well I do not
 17 know why. All I am saying is that
 18 if we are running at full capacity
 19 then you need to be looking at the
 20 revenue stream that we have
 21 generated, about 5.5 million a
 22 year.
 23 MR. WYNNE
 24 The executive budget is the
 25 executive budget. We all have to

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1 live with that as it is. To me
 2 just in the sense of fairness if
 3 you spread it around and reduce it
 4 like they are saying, I do not
 5 have a problem with that. Now, I
 6 am not the rest of the industry
 7 who has got to be writing a check.
 8 They might have a problem with it.
 9 I mean, I can see a couple of
 10 options. You can leave it as it
 11 is. We can go to what Texas has
 12 to reduce it to a penny and a
 13 third. You can go with a quarter
 14 cent on everything. I see those
 15 three.
 16 MR. BAUMANN
 17 You do not have to adopt the
 18 specific quarter cent, if you want
 19 to that is fine. We are trying to
 20 sell the concept of fairness,
 21 broaden the base and lower the
 22 rate. Whether it is .25, .22,
 23 .30, we can --
 24 MR. KLINE
 25 And you remove the caps.

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1 MR. BAUMANN
2 That is not a proposal, I am
3 just telling you we have been
4 dealing with this thing for a long
5 time and I would get rid of the
6 caps. I would if I was on.
7 MR. CAGNOLATH
8 You could even structure a
9 recommendation that we would be
10 very happy with if you just said
11 broaden the base to every barrel
12 received at a refinery and set the
13 rate sufficient to raise x dollars
14 per year and you pick the number.
15 What do you need per year?
16 MR. LYONS
17 Like I said in the stature
18 2484 in 302484 uses of the fund
19 they have specific limits as to
20 what we can do, how much we can
21 spend rather than just saying okay
22 on this program we are going to
23 spend 10 million but on this
24 program we are going to spend
25 zero. It was kind of divided up

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1 to make sure that the major areas
2 that needed to be addressed were
3 addressed.
4 MR. BAUMANN
5 That is true David but there
6 are some things from '91 some are
7 archaic. We don't have derelict
8 barges to clean up. That is, I
9 think, a 1 or 2 million dollar
10 allowance there.
11 MR. CAGNOLATH
12 One million for barges.
13 MR. LYONS
14 Two million.
15 MR. BAUMANN
16 Two million barges in the
17 state that nobody knew who the
18 ownership was at the time. There
19 is a lot of archaic things in the
20 law like that. And this
21 commission, under the existing
22 authority, not the newest law but
23 under the general statutes, one of
24 the responsibilities of this
25 interagency group is to make

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1 recommendations to the legislature
2 for changes. You are wide open to
3 anything.
4 MR. CAGNOLATH
5 I think if you go back and
6 look at the history in 1991 when
7 the program was created. The
8 industry was worried about a
9 potential run away state agency
10 without any bounds. So they
11 structured all these things into
12 the law to prevent it from
13 growing. I think now everybody in
14 the industry is pretty comfortable
15 with the program. We understand
16 how it works. We think the state
17 is doing a good job of operating
18 it. You could probably eliminate
19 all that language from the
20 statute. You just don't need it.
21 Let the oil spill office do
22 whatever they need to do to be
23 ready to respond to oil spills.
24 As long as it is related to oil
25 spills. And you can unchain the

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1 whole agency from all the
2 statutory languages.
3 MR. BAUMANN
4 For example you could
5 eliminate all that stuff about
6 research and the cap and all that
7 and just include under the
8 allowable expenditures the word
9 'research.' We had this issue on
10 this bill on the word 'legal.' It
11 turns out that you didn't need to
12 put all that legal stuff in it.
13 Of course the program is allowed
14 to spend on legal.
15 MR. CAGNOLATH
16 And if you allow research you
17 do not need to put a limit on the
18 amount of research because the
19 people that run the program are
20 not going to spend the fund broke
21 on research. They are going to
22 use restraint.
23 MR. WYNNE
24 I am not sure that
25 legislature sees things that way.

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1 I think they like to have limits
 2 on government and things like that
 3 to make sure we are accountable
 4 for what we do. Just to clarify
 5 things I have only been here two
 6 months so we are not going to run
 7 too wild yet. I would like to get
 8 my feet on the ground a little
 9 better but certainly we are open
 10 to exploring some of these issues
 11 with you.
 12 MR. NATALI
 13 Let me ask you guys a
 14 question. I know a couple years
 15 ago the idea was tossed around
 16 about a LOOP terminal offshore for
 17 the refineries in the Lake Charles
 18 area. Is that still being
 19 considered, being tossed around as
 20 an idea?
 21 MR. CAGNOLATH
 22 The volume that is run by
 23 those two refineries over there
 24 does not make it economically
 25 possible.

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1 MR. NATALI
 2 Okay.
 3 MR. CAGNOLATH
 4 The capitol cost is just too
 5 great.
 6 MR. NATALI
 7 Okay that more than likely
 8 will not happen. And the reason I
 9 ask if that did happen that could
 10 dry the fund source up without any
 11 changes to it.
 12 MR. CAGNOLATH
 13 That would definitely just
 14 about bankrupt the fund. I could
 15 tell you that there is no plans in
 16 the works right now to build it.
 17 About every five years Citgo and
 18 Phillips 66 will take the papers
 19 out and look at it again. Every
 20 time they determine it is just not
 21 feasible. The cost of building
 22 that would be about 250 million
 23 dollars and the time it would take
 24 you to recover that cost is
 25 several lifetimes.

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1 MR. WYNNE
 2 I do not want to cut the
 3 discussion off but I think we are
 4 about to lose our quorum and then
 5 I do not think we will be able to
 6 vote to accomplish our mission if
 7 we. If somebody could put a
 8 recommendation or -
 9 MR. GUILBEAUX
 10 Can we make a motion to --
 11 well, one let me ask are we going
 12 to have another one before the
 13 session is over?
 14 MR. WYNNE
 15 We are required by the law to
 16 meet in 2012 so we have done that.
 17 We are also required to make
 18 recommendation and we have to do a
 19 report that is due January the 15th
 20 to the committees.
 21 MR. GUILBEAUX
 22 So there is no chance we will
 23 meet again before the session
 24 gathers again?
 25 MR. WYNNE

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1 No I would like to, if we can
 2 get this business done now because
 3 it is so hard to get everybody
 4 together because they have busy
 5 schedules.
 6 MR. KLINE
 7 So we won't be meeting again
 8 before the 15th?
 9 MR. WYNNE
 10 I wasn't planning on it. I
 11 think we have had good discussion.
 12 I wish we could have scheduled
 13 this sooner. Like I said, I have
 14 only been here two months and I am
 15 trying to get up to speed, trying
 16 to learn about the industry and
 17 still do my job and certainly meet
 18 the requirements of the act that
 19 was passed. Does anybody want to
 20 form -
 21 MR. GUILBEAUX
 22 I would like to make one.
 23 Obviously we could use some more
 24 homework. I take their word for
 25 it that a quarter cent of

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1 everybody equals to 2 cents of the
2 ones that are playing on the
3 battle field right now. I would
4 like to be able to clarify that
5 and see some documents but it does
6 not look like we are going to get
7 them. As far as making a motion
8 that we recommend that it be on a
9 level field for all those
10 producers and an equal amount of
11 barrels regardless of how it
12 transfers or what vessels it
13 transfers from. I would like to
14 make that motion that we look at
15 doing that. And if a quarter of a
16 cent takes in equivalent to what
17 is taking in right now at 2 cents
18 for those that are there then if
19 you say the fund that you are
20 getting does not need to be
21 increased, we certainly do not
22 want to decrease it. If those two
23 match each other then I recommend
24 that we at least look at that or
25 try to get (inaudible).

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1 MR. WYNNE
2 Okay, so how can we put that
3 into.
4 MR. GUILBEAUX
5 I make a motion that -
6 MR. WYNNE
7 We recommend -
8 MR. GUILBEAUX
9 - fair and equitable means
10 of collecting per barrel through
11 all types of transfers?
12 MR. CAGNOLATH
13 Refineries.
14 MR. NATALI
15 You have got to collect it at
16 the refinery for all crude oil
17 received at the refinery.
18 MR. GUILBEAUX
19 Regardless of means of
20 transfer.
21 MR. CAGNOLATH
22 And it is important to say
23 crude oil because like Bob said
24 not everything that arrives at a
25 refinery can be processed as crude

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1 oil. Some of it is partially
2 refined product all ready.
3 MR. GUILBEAUX
4 So a billion barrels because
5 I do not think my calculator is
6 going to go that high. A billion
7 barrels at .25 cents is what? 3.5
8 million dollars a year?
9 MR. CAGNOLATH
10 Two and a half million a
11 year.
12 MR. GUILBEAUX
13 That is what I thought.
14 MR. WYNNE
15 I am trying to write this
16 down Chris. So we want to
17 recommend a fair and equitable
18 means to collect?
19 MR. GUILBEAUX
20 Collect from all refineries.
21 MR. WYNNE
22 For all crude oil received at
23 the refinery?
24 MR. GUILBEAUX
25 For all crude oil received at

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1 the refineries regardless of means
2 of delivery or transfer whatever
3 the word is. Delivery? I guess
4 we can put delivery it would
5 include pipeline.
6 MS. DUBUSSCHERE
7 And that would be with the
8 removal of the cap?
9 MR. KLINE
10 I would make that motion.
11 MR. GUILBEAUX
12 I guess you could remove the
13 cap. What is the cap right now?
14 MS. DUBUSSCHERE
15 Seven.
16 MR. GUILBEAUX
17 Seven. I am not sure if you
18 have a 2 million dollar program
19 and you are collecting 2.5 million
20 if they are ever going to reach
21 the cap. How did you all reach
22 the cap? Because it would be
23 obviously considerably less than
24 2.5 million a year?
25 MR. GISCLAIR

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1 Well, we reach it because
 2 again the rate at which we were
 3 expending it on the various
 4 programs was more in line with
 5 what the statutes allowed us to
 6 use. Meaning that we had 2
 7 million dollars a year that we
 8 were providing to DNR for them to
 9 deal with these leaking wells and
 10 we had a million dollars a year on
 11 the barges and obviously we didn't
 12 do a whole lot of barges. Once we
 13 did the initial clean up we
 14 weren't really spending that
 15 money. Because the RND program
 16 was defunded. There was several
 17 other things that are not being
 18 funded because there is not
 19 sufficient funding in the budget
 20 right now. It is a budgetary
 21 process to actually run these
 22 programs.
 23 MR. CAGNOLATH
 24 (Inaudible) that are well
 25 known today. Current

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1 appropriation is appropriating
 2 about 1.8 million dollars a year
 3 to this program. The number that
 4 we recommended, a quarter of a
 5 cent will raise 2.5 million. So
 6 it would exceed the current amount
 7 that is being appropriated.
 8 MR. BAUMANN
 9 I think you also have right
 10 about 7 million dollars in the
 11 fund right now if that response
 12 was correct. We are agreeable to
 13 getting rid of all those caps.
 14 MR. GUILBEAUX
 15 The cap, I do not know what
 16 it was 1991 but 7 million dollars
 17 does not go that far, as far as it
 18 did in 1991 either. So I would
 19 add and also remove the cap on my
 20 motion.
 21 MR. WYNNE
 22 Okay. Let me read this and
 23 then we can amend this. The
 24 recommendation is to adopt a fair
 25 and equitable means to collect

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1 from all refineries located in the
 2 state of Louisiana for all crude
 3 oil received at a refinery
 4 regardless of the means of
 5 delivery to that refinery?
 6 MR. GUILBEAUX
 7 Yes.
 8 MR. WYNNE
 9 Okay, and then I think that
 10 gives them a broad field in which
 11 to come up with a rate. I do not
 12 know that we need to -
 13 MR. GUILBEAUX
 14 I would not put the rate on
 15 there because I do not think we
 16 need to.
 17 MR. WYNNE
 18 No. But I think that gives
 19 legislature the option to come up
 20 with the language that is
 21 acceptable to be battled over by
 22 the different parties and
 23 respective interests.
 24 MR. GUILBEAUX
 25 It depends on what a barrel

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1 of oil is at that time between 70
 2 and 90 dollars. I do not think we
 3 should get into prices more than
 4 procedure.
 5 MR. KLINE
 6 The bill that Senator Johns
 7 promoting would get into the rate?
 8 MR. BAUMANN
 9 That will not come out until
 10 next March. They have plenty of
 11 time. I don't know if you are
 12 going to meet as a formal group
 13 but we can certainly keep the
 14 dialog.
 15 MR. WYNNE
 16 Yes, absolutely.
 17 MR. BAUMANN
 18 We have to have a dialog
 19 among our own colleagues and see
 20 where we go. And you may come up
 21 with other things. There are a
 22 lot of things in that law that you
 23 may want to clean up.
 24 MR. CAGNOLATH
 25 Realistically the

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1 recommendation as you just
2 transcribed it, if that is the
3 recommendation of this counsel we
4 would be happy to let the
5 legislature work out the details.
6 They do not have to use our rate,
7 they can calculate their own rate
8 if that is a conflict.
9 MR. WYNNE
10 And that is what I was trying
11 to do, to leave it that we agree
12 with your position to an extent
13 that it should be fair. I am sure
14 that is going to be our opposition
15 from people that you work with
16 every day to that and that is what
17 the legislative process is about.
18 Let it take it's course and see
19 what happens.
20 MR. BAUMANN
21 LOSCO may be able to get
22 those numbers from revenue. We
23 are not allowed to be provided
24 those numbers. I do not know
25 whether they have that authority

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1 under the law or not.
2 MR. LYONS
3 Every time I talked to them,
4 I do not know, unless you know
5 something different, every time
6 LMOGA made an inquiry we never got
7 an answer. And all we were
8 looking for actually was we were
9 not looking for what I call
10 confidential information we were
11 just trying to get a list of
12 amounts. Facility number 1, we do
13 not know how many facilities and
14 who is paying what. How do we get
15 an annual total?
16 MR. WYNNE
17 Chip, let me read this again
18 if you want to second it I think
19 that is where we are at. It is a
20 recommendation to adopt a fair and
21 equitable means to collect from
22 all refineries located in the
23 state of Louisiana for all crude
24 oil received at a refinery
25 regardless of the means of

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1 delivery to that refinery. Is
2 there any more specifics we need
3 to leave or?
4 MR. GUILBEAUX
5 You can add and also lift the
6 caps. That is again not the
7 previous part of it but if you
8 think, if the committee thinks it
9 needs to be added to that. It is
10 my motion so go ahead and add it
11 to it and see if we get a second.
12 The addition of removing the caps.
13 MR. WYNNE
14 Okay. And the only phrase
15 that I would add -- I will reread
16 everything. Recommendation to
17 adopt a fair and equitable means
18 to collect from all refineries
19 located in the state of Louisiana
20 for all crude oil received at a
21 refinery regardless of means of
22 delivery to that refinery and to
23 remove the cap placed on, and I
24 will get the official name, the
25 Oil Spill Contingency Fund. I

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1 will probably enhance that as
2 established by RS so do we have a
3 second?
4 MR. KLINE
5 I will second it.
6 MR. WYNNE
7 Seconded by Mr. Kline. Do we
8 have any opposition? All in favor
9 signify by saying aye. Seven ayes
10 and no nays. Do we have any other
11 old business that we need to
12 conclude or any other business
13 that we need to address? I thank
14 everyone for their participation.
15 I know you have to go Chris. It
16 was a good discussion I wish we
17 could have continued it longer but
18 our regular jobs, our normal
19 duties call us away. And
20 certainly we look forward to
21 working with the industry. This
22 will be an interesting fight
23 gentlemen I am sure. Thank you
24 for attending. We'll stand
25 adjourned. Thank you.

1 (The meeting was concluded on or about 2:05
2 p.m.)

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

1 I, the undersigned reporter, do hereby
2 certify that the above and foregoing is a true
3 and correct transcription of the stenomask
4 tape of the proceedings had herein, taken down
5 by me and transcribed under my supervision, to
6 the best of my ability and understanding, at
7 the time and place hereinbefore noted, in the
8 above-entitled cause.

9 I further certify that the witness was
10 duly sworn by me in my capacity as a Certified
11 Court Reporter pursuant to the provisions of
12 R.S. 37:2551 et seq. in and for the state of
13 Louisiana; that I am not of counsel nor
14 related to any of the counsel of any of the
15 parties, nor in the employ of any of parties,
16 and that I have no interest in the outcome of
17 this action.

18 I further certify that my license is in
19 good standing as a court reporter in and for
20 the state of Louisiana.

21
22
23
24 Jennifer Pickett, C.C.R.
25 # 29011

1 REPORTER'S PAGE

2 I, Jennifer Pickett, Certified Court
3 Reporter, in and for the State of Louisiana,
4 the officer, as defined in Rule 28 of the
5 Federal Rules of Civil Procedure and/or
6 Article 1434(b) of the Louisiana Code of Civil
7 Procedure, before whom this sworn testimony
8 was taken, do hereby state on the record:

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

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

22
23 Jennifer Pickett, C.C.R.
24 # 29011
25

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