

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

The above-entitled meeting was held at the LDEQ, Galvez Building, Conference Center, 602 North 5th Street, Baton Rouge, Louisiana, beginning at 1:05 p.m., on February 27, 2014.

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

Keith Baker
Chairman

Durwood Franklin
Perry Theriot
Jeff Baker
Gary Fulton
Shawn Ivey
Steve Burnham
John Milazzo
Grady Gaubert
Louis Saab
Cy Morin
Karyn Andrews

Melissa Vizinat
Kodi Brignac
Jason Efferson
Rhonda Cook
Linda Hicks
Natalie Isaacks
Vince Sagnibene

* * * * *

I N D E X

EXAMINATION:

PAGE(S):

None

EXHIBITS:

None

REPORTER'S PAGE

31

REPORTER'S CERTIFICATE

32

* * * * *

1 **MR. SAAB:**

2 Louis Saab, Louisiana Oil Marketers.

3 **MR. MORIN:**

4 Cy Morin, LDEQ.

5 **MS. ANDREWS:**

6 Karyn Andrews, LDEQ.

7 **MS. VIZINAT:**

8 Melissa Vizinat, Trust Fund.

9 **MS. COOK:**

10 Rhonda Cook, PPM Consultants.

11 **MS. HICKS:**

12 Linda Hicks, PPM Consultants.

13 **MR. EFFERSON:**

14 Jason Efferson, DEQ Trust Fund.

15 **MR. BRIGNAC:**

16 Kodi Brignac, DEQ Trust Fund.

17 **MR. SAGNIBENE:**

18 Vince Sagnibene, Undersecretary.

19 **MR. KEITH BAKER:**

20 Thank you. I believe we need to move
21 into executive session.

22 **MR. THERIOT:**

23 At this time, yes, I think we do since
24 I have to leave. Just let -- you know, so
25 that the record will reflect, we're going to

1 take it out of order because I have another
2 meeting that I have to attend in a little
3 bit. So yes, I would recommend we go into
4 executive session now.

5 **MR. KEITH BAKER:**

6 Motion.

7 **MR. FULTON:**

8 Second.

9 **MR. THERIOT:**

10 Okay. We're going to ask that
11 everybody leave the room that's not a board
12 member or someone who will be involved in
13 the discussion.

14 (A brief recess followed.)

15 **MR. KEITH BAKER:**

16 All right. I hope everybody has had
17 an opportunity to review the minutes. So
18 can I have a motion to adopt, if they're
19 aren't any questions?

20 **MR. IVEY:**

21 Motion to adopt.

22 **MR. MILAZZO:**

23 Second.

24 **MR. KEITH BAKER:**

25 Okay. Minutes adopted.

1 Third on our list is election for a
2 chairperson for 2014.

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

4 **MR. KEITH BAKER:**

5 Yes, third party claims. I apologize.
6 Go ahead.

7 **MR. THERIOT:**

8 Since our last meeting, there's been
9 one suit, third party suit filed. It was
10 filed on behalf of a corporation rather than
11 a neighboring landowner. I do not believe
12 they're going to be able to recover from us,
13 but you never know. The property damage
14 provision in the third party claims
15 provisions of the statute only allow
16 property claims for diminution of value.
17 They don't allow claims for damage to
18 property that doesn't result in a diminution
19 of value. So this -- there's only been one.
20 We haven't answered the suit yet. But I do
21 believe the prospects are not very good for
22 that, so, unless they can come up with
23 something --

24 **MR. KEITH BAKER:**

25 Thank you, sir. Any questions for Mr.

1 Perry before he leaves?

2 **MR. PERRY:**

3 Before I leave, if ya'll have any
4 questions that may be coming up in the rest
5 of the agenda, I'll be happy to entertain
6 them now, if ya'll have some of a legal
7 nature.

8 (No response.)

9 **MR. KEITH BAKER:**

10 Thank you, sir. All right. Number
11 three, election of a chairperson for 2014.
12 I'll open that for discussion.

13 **MR. GAUBERT:**

14 I nominate Keith Baker.

15 **MR. KEITH BAKER:**

16 You did that the first time.

17 That's fine. I accept it, unless
18 there's anymore.

19 **MR. FULTON:**

20 Second.

21 **MR. KEITH BAKER:**

22 All right. That was quick. All in
23 favor?

24 (All indicated, "Yes".)

25 **MR. KEITH BAKER:**

1 All right. Moving on. Ms. Karyn,
2 financial services.

3 **MS. ANDREWS:**

4 Thank you. If you'll turn to Tab 4.
5 As you know, at the beginning of the year,
6 we had transferred \$63,207,180.78 into the
7 trust fund. And as of December 31st, we
8 have deposited \$10,980,672.44. We have now
9 paid out reimbursements of \$4,544,960.59.
10 Our current liabilities on sites stand at
11 \$66,336,490. That leaves us with a balance
12 after obligations at \$3,306,402. Does
13 anybody have any questions about this tab?
14 (No response.)

15 Let's go ahead and turn the page.
16 This is our information report on the
17 interest revenues. Interest revenues
18 collected since inception on this fund is
19 \$6,560,775.58. The expenditure on this
20 revenue is \$1,229,930. And in this fiscal
21 year, we have spent \$1,600 on sites.

22 And one more page. Let's turn.

23 **MR. GAUBERT:**

24 Excuse me.

25 **MS. ANDREWS:**

1 Yes.

2 **MR. GAUBERT:**

3 I want to ask you one question on this
4 interest.

5 **MS. ANDREWS:**

6 Yes.

7 **MR. GAUBERT:**

8 I think we have a couple of new guys
9 here.

10 **MS. ANDREWS:**

11 Sure.

12 **MR. GAUBERT:**

13 Does -- is the interest dedicated to a
14 certain obligation? The interest, does it
15 go back into the -- just the general fund
16 balance?

17 **MS. ANDREWS:**

18 The interest money that comes into the
19 program is designated for abandoned tanks.
20 And it remains in there for abandoned tanks
21 as these tanks are identified. So it does
22 not -- so it's like a subset of money in the
23 fund that we keep separate to be used for
24 abandoned tanks.

25 **MR. GAUBERT:**

1 That's what I thought, but I just
2 wanted to --

3 **MS. ANDREWS:**

4 Yes. And so as the trust fund section
5 identifies abandoned tanks that are eligible
6 to utilize this money, we use it to clean up
7 those sites.

8 **MR. GAUBERT:**

9 Thank you.

10 **MS. ANDREWS:**

11 So let's go ahead and turn the page.
12 This next page details how we calculate the
13 amount transferred from the motor fuel trust
14 fund to our environmental trust fund. And
15 this is a detail of our revenues and
16 expenditures. We're estimating in fiscal
17 year '14 the reimbursement is going to be
18 \$3,131,213. And that includes the amount
19 paid and obligated for the legal fees.

20 And since there are some new folks on
21 the board, do you all have any questions
22 about this page?

23 (No response.)

24 Okay. One other item is, we also
25 recently closed out our fiscal year '13

1 audit. I believe those members that were on
2 the board during the time of fiscal year '13
3 should have received by link a copy of that
4 audit. If you did not, let me know. Those
5 members that are here at the meeting that
6 would like a copy of the audit that did not,
7 if they would like to leave their email
8 address at the desk, I can provide links to
9 them to get that. But it was a clean audit.
10 We had no issues that came up. So I'm very
11 happy to hear that. Any other questions?

12 **MR. GAUBERT:**

13 Before you finish. Back on the --

14 **MS. ANDREWS:**

15 Sure.

16 **MR. GAUBERT:**

17 -- on the reimbursement from the
18 environmental trust fund.

19 **MS. ANDREWS:**

20 Okay.

21 **MR. GAUBERT:**

22 The -- you know, this year -- this
23 year, of course, was significantly higher
24 than the previous years. It's been running
25 about \$2 million.

1 **MS. ANDREWS:**

2 Right.

3 **MR. GAUBERT:**

4 And then we had a \$350,000 commitment
5 for the legal fees. And in addition, there
6 was an \$800,000.

7 **MS. ANDREWS:**

8 Correct.

9 **MR. GAUBERT:**

10 And I don't remember if that \$800,000
11 was a one-time, or that's a continued. I
12 got to -- refresh my memory.

13 **MS. ANDREWS:**

14 That will be a continued. What we
15 have and what Vince and my predecessor had
16 discussed is, we are now going to have a
17 indirect cost. It will be one-half of our
18 approved rates that we go to EPA for every
19 year. We get -- we have an annual indirect
20 cost proposal that we bring to EPA. They
21 approve our proposal. And we use that
22 number that we bring -- that we charge on
23 sites when we have it, for our -- to
24 reimburse us for administrative costs for
25 sites or grants, things of that nature.

1 Instead of using the full amount that we're
2 eligible for, we had brought to the group
3 and proposed utilizing half of it. And so
4 the amount -- and I think I -- that was in
5 our minutes from the last meeting. The
6 amount that we would be using this year
7 would be 28.78 percent. And we've just --
8 we're just now finishing up our proposal for
9 fiscal year '15. So I don't have the number
10 yet, nor is it approved yet from EPA. So
11 we'll have that closer to May or June, what
12 that percentage would be. But it should be
13 around -- less than 30 percent, above 25.
14 It'll be in that neighborhood.

15 **MR. GAUBERT:**

16 So historically, we should -- other
17 than the \$350,000 commitment to legal fees,
18 we should see somewhere in the neighborhood
19 of \$2.8 million, roughly, give or take a
20 little bit.

21 **MS. ANDREWS:**

22 It could be. And we also had -- I
23 don't know if you remember last year when we
24 discussed the closeout. We also had
25 sequestration issues with the federal

1 government. A lot of what funds -- our
2 underground storage tank division is federal
3 grants. And when those grants get reduced,
4 the other portion that funds a lot of that
5 is these motor fuel trust fund fees. So you
6 see a little bit more of these trust fund
7 fees when we don't have grant dollars.
8 These dollars also have -- start
9 supplementing the reduction in federal
10 dollars. And so I think we had about a
11 \$250,000 reduction last year, which was a
12 little bit of that increase. I think if we
13 go back to the minutes when we closed out
14 last year in our August meeting, I believe
15 it was, we discussed that and -- when we
16 closed out the books, in those minutes.

17 **MR. GAUBERT:**

18 Thank you.

19 **MR. KEITH BAKER:**

20 Any other questions?

21 **MS. ANDREWS:**

22 But we really are trying to get it as
23 close to level as we can and -- and hope --
24 I think if you see down here at the bottom
25 on the page you're talking about, we're

1 looking at maybe a \$30,000 differential from
2 last year, if you look on that page.

3 **MR. GAUBERT:**

4 Yes. It was discussed at previous
5 meeting.

6 **MS. ANDREWS:**

7 Exactly. We're trying to find -- to
8 get this as level as we can so that it can
9 be very predictive.

10 **MR. GAUBERT:**

11 Good.

12 **MR. KEITH BAKER:**

13 Thank you. Now, the auditor's report,
14 Cy.

15 **MR. MORIN:**

16 Okay. We currently have 31 open audit
17 cases for motor fuel delivery fees. Nine of
18 the 31 have reached resolution and are being
19 prepared for closure. Twenty-two remain
20 active. Ten of the 22 audits have been
21 opened in fiscal year '14. That's ten of
22 the 16 planned for fiscal year '14. Field
23 work has been completed for five of the ten
24 fiscal year '14 audits resulting in four
25 potentially clean audits with no

1 assessments, and one potential assessment of
2 approximately \$500. These audits are
3 currently in the review process. Field work
4 is still in progress for the remaining five
5 open fiscal year '14 audits. Seven of the
6 22 active audits were opened in fiscal year
7 '13. One of the seven fiscal year '13
8 audits has been referred to legal for
9 collection. The legal status of this case
10 has not changed as of the November board
11 meeting. A demand had been sent out at that
12 time. Field work has been completed for
13 five of the seven open fiscal year audits --
14 sorry. Field work is still in progress for
15 the remaining fiscal year '13 audit. That's
16 one of the fiscal year '13 audits. We're
17 still trying to gather information. The
18 five remaining active audits were open prior
19 to fiscal year '13. After a secondary
20 review of one of these audits, we determined
21 that there were still an outstanding amount
22 of \$162.32 for late fee penalties. And
23 we've sent a demand out for that recently.
24 The other four audits opened prior to fiscal
25 year '13, as we've discussed before, they

1 remain in legal for collections. The legal
2 status of these four cases has not changed
3 since the last board meeting. We have
4 finalized and closed out three audits since
5 the last meeting. As of today, the total
6 confirmed outstanding delinquent fees and
7 penalties for the 22 active cases is
8 \$126,380.94. \$126,218.62 of this is tied to
9 five legal cases. And as I've mentioned
10 previously, we sent out a demand for the
11 remaining \$162.32. To date in fiscal year
12 '14, demand has been made for \$12,794.37 in
13 delinquent fees. And a credit was issued
14 for \$912.72 in overpaid fees.

15 And finally, to date in fiscal year
16 '14, we've collected \$10,138.39 in fees and
17 late penalties. And \$172.90 in court costs.

18 Any questions?

19 **MR. KEITH BAKER:**

20 Any questions?

21 (No response.)

22 **MR. KEITH BAKER:**

23 Mr. Baker, trust fund report.

24 **MR. JEFF BAKER:**

25 Okay. If everyone will turn to Tab 6

1 in your packets. These are the figures of
2 the second quarter of fiscal year 2014.
3 During the second quarter of fiscal year
4 2014, the trust fund received 242
5 applications, totaling \$3,227,895. 196
6 applications were processed for payment
7 during the fiscal quarter, totaling
8 \$2,363,409. And 29 applications were
9 returned with deficiencies.

10 For sites in the corrective action
11 phase, the outstanding liability of the
12 correction action plan budget and estimated
13 cost to reach closure at the end of December
14 2013 was \$32,472,946. The additional
15 obligation recognized for non-capped sites,
16 plus the projected motor fuel trust fund and
17 the environmental trust fund transfers is
18 \$33,134,439. At the end of December 2013,
19 the trust fund had 116 pending applications
20 to process, which had amounts totaling
21 \$1,881,537. Of this amount, the estimated
22 requested obligations relating to cap
23 budgets and closure costs was \$1,152,432.

24 If you'll look at the last page of the
25 packet, it's the legal sized page. The

1 number of trust fund sites that have
2 received no further action thus far for the
3 current fiscal year -- this is not the
4 second quarter. This is for the entire
5 fiscal year of 2014 -- was 21 sites. So
6 we've had 21 sites that reached no further
7 action status that were trust fund sites.
8 The potential trust fund sites that were
9 reviewed and made eligible during the
10 current fiscal year -- again, not the second
11 quarter, but the fiscal year -- was 11 sites
12 and 12 active incidents. So one of the
13 sites had two incidents active at the same
14 time. So for this fiscal year, we've had 12
15 active sites made eligible and 12 incidents
16 made eligible.

17 Points of interest. The department
18 has a number of clarifications and
19 modifications to address in the current
20 trust fund cost control guidance document.
21 This is not anything out of the ordinary.
22 It's been almost two years since we updated
23 it. It's just time to go back through it.
24 An email was sent out to all the RACs and
25 the LOMCSA via Natalie a couple of weeks

1 ago, requesting any suggestions for changes
2 to the guidance document and whether someone
3 from the organization would be willing to
4 participate in any topic specific work
5 groups. These recommendations will be
6 compiled into a single document, including
7 department's modifications. This compiled
8 document will then be sent out to the RAC
9 community, LOMCSA and the trust fund board
10 for their review and comments. The compiled
11 document will highlight the proposed changes
12 with comments so it'll be easy for the
13 reviewers, basically the stakeholders, to
14 see any of the recommended changes. If
15 ya'll remember, the one we did last time, we
16 had a Word document. We had -- we
17 highlighted all the changes. And then we
18 also added comments out to the side to where
19 it was very easy to just go through and say,
20 "Here's a difference. Here's a difference."
21 So that's what we plan on doing again. Does
22 anybody have any questions?

23 (No response.)

24 **MR. KEITH BAKER:**

25 Any questions?

1 (No response.)

2 MR. KEITH BAKER:

3 Thank you, sir. Any other business?

4 MR. GAUBERT:

5 I have two things. Number one, is E-
6 15. And, you know, there's a -- there's
7 been a movement, I guess, in Washington to
8 move to an E-15 gasoline product. You know,
9 15 percent ethanol versus 10 percent
10 ethanol. And a lot of states are struggling
11 with -- the trust -- a lot of state trust
12 funds are struggling with how to deal with
13 putting E-15 into a tank that's only UL
14 listed or through an entire dispensing
15 system, piping and dispensers and so forth,
16 you know, that's only listed for -- those
17 systems are only UL listed for an E-10. And
18 how would the -- how do we look at putting
19 an E-15 uncertified product into an E-10
20 system and -- with the potential of leaks,
21 you know, being caused by going to a 15
22 percent ethanol blend in a non-certified
23 system? And how would the trust fund
24 address that issue if it does -- and some
25 people will do this voluntarily in their

1 systems because of a cost difference between
2 E-10 and E-15, E-15 being a little lesser
3 cost product. So they may voluntarily just
4 put E-15 in there, and you may see some
5 situations where it's still labeled for E-10
6 and it's an E-15 product in the ground. And
7 I don't think that -- you know, to my
8 knowledge, it's ever happened in Louisiana,
9 at least to my knowledge, but there is a
10 potential for that to happen. And how would
11 the trust fund address that issue of an E-15
12 product going into an E-10 tank and causing
13 a leak and it's not certified? If the
14 system's not certified to handle an E-15
15 product, the E-15 caused the leak, and
16 therefore, you have a non-certified product
17 and -- how would the trust fund address a
18 clean up with an uncertified product in a
19 tank that caused the leak and went into the
20 environment? And I'm -- I don't necessarily
21 mean to put you on the spot today. But it's
22 just an item that needs to be discussed.

23 **MR. JEFF BAKER:**

24 Well, that's something we need to be
25 aware of, and as you said, look at it now

1 instead of looking at it after the fact.
2 And what we need to do is -- again, Perry
3 would be the legal person that we would go
4 to and see what the statute says. As far as
5 I know, the statute basically refers to
6 motor fuel. It doesn't -- obviously when
7 they wrote it, there was no E-10 and E-15.
8 They just had motor fuel. Now, as for the
9 certification, again, that gets into the
10 legal issues. I'd want to sit down with
11 Perry and talk it through and come back to
12 ya'll with maybe some at least points of
13 interest, points of knowledge of what we can
14 determine from our research of what's going
15 on with the other states.

16 **MR. MILAZZO:**

17 Has there been some sort of scientific
18 waiver where they approved now that E-15 is
19 indeed the cause of a UST -- a failure in
20 the UST? I know there is some speculation
21 of that, but --

22 **MR. GAUBERT:**

23 I don't know of a documented case.
24 There are some people voluntarily putting E-
25 15 in other states into a system that's not

1 certified passed an E-10. It's going on
2 right now. And they're doing it
3 voluntarily. You know, whether that causes
4 a leak or not, you know, the industry is
5 saying that it will because the tank itself
6 is -- you know, could be compatible with E-
7 15, but the glues, resins, gaskets, you
8 know, and the lines may not be. And so
9 there's a potential for failure even though
10 -- in a laboratory, it's -- they've failed
11 -- they've failed. In the real world, I
12 don't know of any documented instance where
13 it has failed. But it -- there is a
14 potential for it.

15 **MR. FRANKLIN:**

16 And, Grady, when we say it's not
17 certified, you mean it's not certified by
18 the manufacturer?

19 **MR. GAUBERT:**

20 By UL.

21 **MR. FRANKLIN:**

22 Or the UL certification?

23 **MR. GAUBERT:**

24 UL. Yes, the systems are certified
25 for -- you know, for 10, but nothing beyond

1 that. You know, so the manufacturers are
2 saying if you don't know the glues, the
3 resins and stuff that put all this, you
4 know, fiberglass piping together and so
5 forth, even, you know, the pipe dope, you
6 know, screwing flanges together may not be
7 certified to handle higher than an E-10
8 blend. And so there's a potential for
9 leaks. And so the industry's at a
10 standstill. That's why there was a delay in
11 mandating an E-15 product in Washington.
12 About 85 percent of the infrastructure in
13 America, the underground infrastructure, is
14 not listed or not compatible beyond E-10.
15 That's how big the problem could be.

16 **MR. MILAZZO:**

17 So there should be some communication.
18 I mean, if someone were to do it today --
19 because I agree with you, I think it all
20 references motor fuel. So if someone,
21 whether they're voluntarily doing it or
22 they're doing it because they feel some
23 competitive advantage because of price
24 differentials would chose to opt into an E-
25 15 program, they would be doing that with

1 the assumption that the trust fund would be
2 there for protection. So unless there's
3 some correspondence that would go out from
4 the UST trust fund, or DEQ, I think the
5 assumption is, is that the trust fund would
6 indeed be responsible. That might be
7 something we want to get a legal opinion on.
8 But I just would sense that we would have a
9 responsibility to pay unless told otherwise.
10 And I would be willing to bet today that
11 there are some marketers contemplating the
12 possibilities of E-15. Because depending on
13 where you are, it could have some
14 competitive advantages to it. And that
15 would probably be something that should be
16 expedited. Or otherwise, the trust fund
17 would be responsible for that, as written.

18 **MR. JEFF BAKER:**

19 Well, I'm going to get with Perry.

20 **MR. SAGNIBENE:**

21 We'll get Perry to research that.

22 **MR. JEFF BAKER:**

23 Yes. And we will be getting back with
24 ya'll one way or the other, probably via
25 email.

1 **MR. MILAZZO:**

2 That's a great point.

3 **MR. GAUBERT:**

4 The other issue is not necessarily an
5 issue, but I think this is the last meeting
6 that we will have prior to this session. We
7 may have one more, but normally, we ask if
8 there are any legislative issues that need
9 to be addressed by the board at this time,
10 prior to the session that anybody is aware
11 of. I don't know that, you know, from the
12 marketers standpoint, the Louisiana Oil
13 Marketers, that we have any issues that we
14 would address. But if the department has
15 any issues that they would like to address
16 legislatively. Is there anything that you
17 know of or anything that may arise?

18 **MR. SAGNIBENE:**

19 You'll be the first to know. No, we
20 don't have anything other than the sunset
21 bill just -- we authorized in our
22 department. That's all in the department's
23 hands.

24 **MR. GAUBERT:**

25 The whole department?

1 **MS. ANDREWS:**

2 Yes.

3 **MR. SAGNIBENE:**

4 The whole department. Now, I'm not
5 going to say somebody's not going to
6 introduce something from left field. But we
7 would let you know --

8 **MR. GAUBERT:**

9 Okay.

10 **MR. SAGNIBENE:**

11 -- because we work as a team with
12 ya'll.

13 **MR. GAUBERT:**

14 Yes. Absolutely. Yes, sir. I'm
15 finished.

16 **MR. KEITH BAKER:**

17 Thank you. Any other new business?
18 (No response.)

19 **MR. KEITH BAKER:**

20 With that, I need a motion to close?

21 **MR. BURNHAM:**

22 Motion.

23 **MR. MILAZZO:**

24 Second.

25 **MR. KEITH BAKER:**

1
2
3

Okay. Thank ya'll.

THE MEETING ADJOURNED AT 1:46 P.M.

* * * * *

REPORTER'S PAGE

1
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
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9 That due to the interaction in the
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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 Lori Overland, C.C.R.

22 # 97083

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
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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 Lori Overland C.C.R.

25 # 97093

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

*FUND ADVISORY BOARD
February 27, 2014*

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(225) 216-2036*

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§	A	19:20 and/or (3) 31:5,12,17 ANDREWS (18) 5:5,6;9:3,25;10:5,10, 17;11:3,10;12:14,19; 13:1,7,13;14:21;15:21; 16:6;29:1 annual (1) 13:19 answered (1) 7:20 anymore (1) 8:18 apologize (1) 7:5 applications (4) 19:5,6,8,19 approve (1) 13:21 approved (3) 13:18;14:10;24:18 approximately (1) 17:2 arise (1) 28:17 around (1) 14:13 Article (1) 31:5 assessment (1) 17:1 assessments (1) 17:1 Associates (1) 4:17 assumption (2) 27:1,5 attend (1) 6:2 audit (6) 12:1,4,6,9;16:16; 17:15 auditor's (1) 16:13 audits (13) 16:20,24,25;17:2,5,6, 8,13,16,18,20,24;18:4 August (1) 15:14 authorized (1) 28:21 aware (2) 23:25;28:10	8:9,14,15,21,25;15:19; 16:12;18:19,22,23,24; 21:24;22:2;23:23; 27:18,22;29:16,19,25 balance (2) 9:11;10:16 basically (2) 21:13;24:5 beginning (1) 9:5 behalf (1) 7:10 bet (1) 27:10 beyond (2) 25:25;26:14 big (1) 26:15 bill (1) 28:21 bit (4) 6:3;14:20;15:6,12 blend (2) 22:22;26:8 board (7) 6:11;11:21;12:2; 17:10;18:3;21:9;28:9 books (1) 15:16 bottom (1) 15:24 brief (1) 6:14 BRIGNAC (2) 5:15,16 bring (2) 13:20,22 brought (1) 14:2 BROWN (2) 4:16,17 budget (1) 19:12 budgets (1) 19:23 BURNHAM (1) 29:21 business (2) 22:3;29:17	case (2) 17:9;24:23 cases (4) 16:17;18:2,7,9 cause (1) 24:19 caused (3) 22:21;23:15,19 causes (1) 25:3 causing (1) 23:12 CCR (1) 31:21 certain (1) 10:14 certification (2) 24:9;25:22 certified (8) 23:13,14;25:1,17,17, 24;26:7;31:2 chairperson (2) 7:2;8:11 changed (2) 17:10;18:2 changes (5) 21:1,11,14,17;31:11 charge (1) 13:22 chose (1) 26:24 Civil (2) 31:5,6 claims (4) 7:5,14,16,17 clarifications (1) 20:18 clean (4) 11:6;12:9;16:25; 23:18 close (2) 15:23;29:20 closed (4) 11:25;15:13,16;18:4 closeout (1) 14:24 closer (1) 14:11 closure (3) 16:19;19:13,23 code (1) 31:6 collected (2) 9:18;18:16 collection (1) 17:9 collections (1) 18:1 coming (1) 8:4 comments (3) 21:10,12,18 commitment (2)
		B	C	
\$1,152,432 (1)	abandoned (4) 10:19,20,24;11:5			
\$1,229,930 (1)	able (1) 7:12			
\$1,600 (1)	above (1) 14:13			
\$1,881,537 (1)	Absolutely (1) 29:14			
\$10,138.39 (1)	accept (1) 8:17			
\$10,980,672.44 (1)	action (4) 19:10,12;20:2,7			
\$12,794.37 (1)	active (7) 16:20;17:6,18;18:7; 20:12,13,15			
\$126,218.62 (1)	added (1) 21:18			
\$126,380.94 (1)	addition (1) 13:5			
\$162.32 (2)	additional (1) 19:14			
\$172.90 (1)	address (7) 12:8;20:19;22:24; 23:11,17;28:14,15			
\$2 (1)	addressed (1) 28:9			
\$2,363,409 (1)	ADJOURNED (1) 30:2			
\$2.8 (1)	administrative (1) 13:24			
\$250,000 (1)	adopt (2) 6:18,21			
\$3,131,213 (1)	adopted (1) 6:25			
\$3,227,895 (1)	advantage (1) 26:23			
\$3,306,402 (1)	advantages (1) 27:14			
\$30,000 (1)	afternoon (1) 4:3			
\$32,472,946 (1)	again (4) 20:10;21:21;24:2,9			
\$33,134,439 (1)	agenda (1) 8:5			
\$350,000 (2)	ago (1) 21:1			
\$4,544,960.59 (1)	agree (1) 26:19			
\$500 (1)	ahead (3) 7:6;9:15;11:11			
\$6,560,775.58 (1)	allow (2) 7:15,17			
\$63,207,180.78 (1)	almost (1) 20:22			
\$66,336,490 (1)	America (1) 26:13			
\$800,000 (2)	amount (7) 11:13,18;14:1,4,6; 17:21;19:21			
\$912.72 (1)	amounts (1)			
		back (6) 10:15;12:13;15:13; 20:23;24:11;27:23 BAKER (30) 4:2,10,11,18,19; 5:19;6:5,15,24;7:4,24;	calculate (1) 11:12 call (2) 4:4,5 came (1) 12:10 can (7) 6:18;7:22;12:8; 15:23;16:8,8;24:13 cap (1) 19:22	

13:4;14:17 communication (1) 26:17 community (1) 21:9 compatible (2) 25:6;26:14 competitive (2) 26:23;27:14 compiled (3) 21:6,7,10 completed (2) 16:23;17:12 confirmed (1) 18:6 Consultants (3) 4:15;5:10,12 contemplating (1) 27:11 continued (2) 13:11,14 control (1) 20:20 COOK (2) 5:9,10 copy (2) 12:3,6 corporation (1) 7:10 correction (1) 19:12 corrective (1) 19:10 correspondence (1) 27:3 cost (6) 13:17,20;19:13; 20:20;23:1,3 costs (3) 13:24;18:17;19:23 couple (2) 10:8;20:25 course (1) 12:23 court (3) 18:17;31:2,13 credit (1) 18:13 current (4) 9:10;20:3,10,19 currently (2) 16:16;17:3 Cy (2) 5:4;16:14	deal (1) 22:12 December (3) 9:7;19:13,18 dedicated (1) 10:13 deficiencies (1) 19:9 defined (1) 31:4 delay (1) 26:10 delinquent (2) 18:6,13 delivery (1) 16:17 demand (4) 17:11,23;18:10,12 denoted (1) 31:19 department (5) 20:17;28:14,22,25; 29:4 department's (2) 21:7;28:22 depending (1) 27:12 deposited (1) 9:8 DEQ (6) 4:9,11,13;5:14,16; 27:4 designated (1) 10:19 desk (1) 12:8 detail (1) 11:15 details (1) 11:12 determine (1) 24:14 determined (1) 17:20 difference (3) 21:20,20;23:1 differential (1) 16:1 differentials (1) 26:24 diminution (2) 7:16,18 discourse (1) 31:10 discussed (6) 13:16;14:24;15:15; 16:4;17:25;23:22 discussion (3) 6:13;7:3;8:12 dispensers (1) 22:15 dispensing (1) 22:14	division (1) 15:2 document (6) 20:20;21:2,6,8,11,16 documented (2) 24:23;25:12 dollars (3) 15:7,8,10 dope (1) 26:5 down (2) 15:24;24:10 due (1) 31:9 during (4) 12:2;19:3,7;20:9 Durwood (1) 4:9	everybody (2) 6:11,16 everyone (1) 18:25 Exactly (1) 16:7 Excuse (1) 9:24 executive (2) 5:21;6:4 expedited (1) 27:16 expenditure (1) 9:19 expenditures (1) 11:16	14:8 first (2) 8:16;28:19 fiscal (26) 9:20;11:16,25;12:2; 14:9;16:21,22,24;17:5, 6,7,13,15,16,19,24; 18:11,15;19:2,3,7;20:3, 5,10,11,14 five (5) 16:23;17:4,13,18; 18:9 flanges (1) 26:6 folks (1) 11:20 followed (2) 6:14;7:3 forth (2) 22:15;26:5 four (3) 16:24;17:24;18:2 FRANKLIN (4) 4:8,9;25:15,21 fuel (7) 11:13;15:5;16:17; 19:16;24:6,8;26:20 full (1) 14:1 FULTON (4) 4:12,13;6:7;8:19 Fund (32) 4:9,11;5:8,14,16;9:7, 18;10:15,23;11:4,14, 14;12:18;15:5,6;18:23; 19:4,16,17,19;20:1,7,8, 20;21:9;22:23;23:11, 17;27:1,4,5,16 funds (3) 15:1,4;22:12 further (2) 20:2,6	
D		E	F	G	
damage (2) 7:13,17 dashes (2) 31:10,14 date (2) 18:11,15		E- (4) 22:5;24:24;25:6; 26:24 E-10 (9) 22:17,19;23:2,5,12; 24:7;25:1;26:7,14 E-15 (14) 22:8,13,19;23:2,2,4, 6,11,14,15;24:7,18; 26:11;27:12 easy (2) 21:12,19 EFFERSON (2) 5:13,14 election (2) 7:1;8:11 eligible (5) 11:5;14:2;20:9,15,16 email (3) 12:7;20:24;27:25 end (2) 19:13,18 Engineering (1) 4:17 entertain (1) 8:5 entire (2) 20:4;22:14 environment (1) 23:20 environmental (3) 11:14;12:18;19:17 EPA (3) 13:18,20;14:10 estimated (2) 19:12,21 estimating (1) 11:16 ethanol (3) 22:9,10,22 even (2) 25:9;26:5	fact (1) 24:1 failed (3) 25:10,11,13 failure (2) 24:19;25:9 far (2) 20:2;24:4 favor (1) 8:23 federal (4) 14:25;15:2,9;31:4 fee (1) 17:22 feel (1) 26:22 fees (10) 11:19;13:5;14:17; 15:5,7;16:17;18:6,13, 14,16 fiberglass (1) 26:4 Field (5) 16:22;17:3,12,14; 29:6 figures (1) 19:1 filed (2) 7:9,10 finalized (1) 18:4 finally (1) 18:15 financial (1) 9:2 find (1) 16:7 fine (1) 8:17 finish (1) 12:13 finished (1) 29:15 finishing (1)	14:8 first (2) 8:16;28:19 fiscal (26) 9:20;11:16,25;12:2; 14:9;16:21,22,24;17:5, 6,7,13,15,16,19,24; 18:11,15;19:2,3,7;20:3, 5,10,11,14 five (5) 16:23;17:4,13,18; 18:9 flanges (1) 26:6 folks (1) 11:20 followed (2) 6:14;7:3 forth (2) 22:15;26:5 four (3) 16:24;17:24;18:2 FRANKLIN (4) 4:8,9;25:15,21 fuel (7) 11:13;15:5;16:17; 19:16;24:6,8;26:20 full (1) 14:1 FULTON (4) 4:12,13;6:7;8:19 Fund (32) 4:9,11;5:8,14,16;9:7, 18;10:15,23;11:4,14, 14;12:18;15:5,6;18:23; 19:4,16,17,19;20:1,7,8, 20;21:9;22:23;23:11, 17;27:1,4,5,16 funds (3) 15:1,4;22:12 further (2) 20:2,6	Gary (1) 4:13 gaskets (1) 25:7 gasoline (1) 22:8 gather (1) 17:17 GAUBERT (26) 4:23,24;8:13;9:23; 10:2,7,12,25;11:8; 12:12,16,21;13:3,9; 14:15;15:17;16:3,10; 22:4;24:22;25:19,23; 28:3,24;29:8,13 general (1) 10:15 gets (1)

24:9	identified (1)		28:8	mean (3)
glues (2)	10:21	J	legislatively (1)	23:21;25:17;26:18
25:7;26:2	identifies (1)		28:16	meeting (12)
Good (3)	11:5	Jason (1)	less (1)	4:4;6:2;7:8;12:5;
4:3;7:21;16:11	inaudible (1)	5:14	14:13	14:5;15:14;16:5;17:11;
government (1)	31:19	JEFF (6)	lesser (1)	18:3,5;28:5;30:2
15:1	inception (1)	4:10,11;18:24;23:23;	23:2	Melissa (1)
Grady (2)	9:18	27:18,22	level (2)	5:8
4:24;25:16	incidents (3)	Johnny (1)	15:23;16:8	member (1)
grant (1)	20:12,13,15	4:21	liabilities (1)	6:12
15:7	includes (1)	June (1)	9:10	members (2)
grants (3)	11:18	14:11	liability (1)	12:1,5
13:25;15:3,3	including (1)	K	19:11	memory (1)
great (1)	21:6		Linda (1)	13:12
28:2	increase (1)		5:12	mentioned (1)
ground (1)	15:12	Karyn (2)	lines (1)	18:9
23:6	indeed (2)	5:6;9:1	25:8	method (1)
group (1)	24:19;27:6	keep (1)	link (1)	31:13
14:2	indicate (1)	10:23	12:3	might (1)
groups (1)	31:11	KEITH (23)	links (1)	27:6
21:5	indicated (2)	4:2,18,19;5:19;6:5,	12:8	MILAZZO (7)
guess (1)	8:24;31:15	15,24;7:4,24;8:9,14,15,	list (1)	4:20,21;6:22;24:16;
22:7	indirect (2)	21,25;15:19;16:12;	7:1	26:16;28:1;29:23
guidance (2)	13:17,19	18:19,22;21:24;22:2;	listed (4)	million (2)
20:20;21:2	industry (1)	29:16,19,25	22:14,16,17;26:14	12:25;14:19
guys (2)	25:4	knowledge (3)	little (5)	minutes (5)
4:3;10:8	industry's (1)	23:8,9;24:13	6:2;14:20;15:6,12;	6:17,25;14:5;15:13,
H	26:9	Kodi (1)	23:2	16
	information (2)	5:16	LOMCSA (2)	modifications (2)
	9:16;17:17		20:25;21:9	20:19;21:7
half (1)	infrastructure (2)	L	look (4)	money (3)
14:3	26:12,13		16:2;19:24;22:18;	10:18,22;11:6
handle (2)	instance (1)	labeled (1)	23:25	more (3)
23:14;26:7	25:12	23:5	looking (2)	9:22;15:6;28:7
hands (1)	Instead (2)	laboratory (1)	16:1;24:1	MORIN (3)
28:23	14:1;24:1	25:10	Lori (2)	5:3,4;16:15
happen (1)	interaction (1)	landowner (1)	31:2,21	Motion (5)
23:10	31:9	7:11	lot (4)	6:6,18,21;29:20,22
happened (1)	Interest (8)	last (11)	15:1,4;22:10,11	motor (7)
23:8	9:17,17;10:4,13,14,	7:8;14:5,23;15:11,	Louis (1)	11:13;15:5;16:17;
happy (2)	18;20:17;24:13	14;16:2;18:3,5;19:24;	5:2	19:16;24:6,8;26:20
8:5;12:11	into (13)	21:15;28:5	Louisiana (8)	move (2)
hear (1)	5:21;6:3;9:6;10:15,	late (2)	4:19,21,24;5:2;23:8;	5:20;22:8
12:11	18;21:6;22:13,19;	17:22;18:17	28:12;31:3,6	movement (1)
hereby (1)	23:12,19;24:9,25;	LDEQ (3)	M	22:7
31:7	26:24	4:7;5:4,6		Moving (1)
Here's (2)	introduce (1)	leak (4)	mandating (1)	9:1
21:20,20	29:6	23:13,15,19;25:4	26:11	N
HICKS (2)	involved (1)	leaks (2)	manufacturer (1)	
5:11,12	6:12	22:20;26:9	25:18	names (1)
higher (2)	issue (4)	least (2)	manufacturers (1)	31:17
12:23;26:7	22:24;23:11;28:4,5	23:9;24:12	26:1	Natalie (1)
highlight (1)	issued (1)	leave (4)	Marketers (7)	20:25
21:11	18:13	5:24;6:11;8:3;12:7	4:19,22,25;5:2;	nature (2)
highlighted (1)	issues (6)	leaves (2)	27:11;28:12,13	8:7;13:25
21:17	12:10;14:25;24:10;	8:1;9:11	material (1)	necessarily (2)
historically (1)	28:8,13,15	left (2)	31:18	23:20;28:4
14:16	item (2)	29:6;31:16	may (8)	need (5)
hope (2)	11:24;23:22	Legal (14)	8:4;14:11;23:3,4;	5:20;23:24;24:2;
6:16;15:23	IVEY (3)	4:7;8:6;11:19;13:5;	25:8;26:6;28:7,17	28:8;29:20
I	4:14,15;6:20	19:25;24:3,10;27:7	maybe (2)	needs (1)
		legislative (1)	16:1;24:12	23:22

neighborhood (2) 14:14,18	26:24	19:11	progress (2) 17:4,14	21:5
neighboring (1) 7:11	order (2) 4:4;6:1	phrase (1) 31:19	projected (1) 19:16	recommended (1) 21:14
new (3) 10:8;11:20;29:17	ordinary (1) 20:21	phrases (1) 31:15	proper (1) 31:13	record (2) 5:25;31:8
next (1) 11:12	organization (1) 21:3	pipe (1) 26:5	property (3) 7:13,16,18	recover (1) 7:12
Nine (1) 16:17	otherwise (2) 27:9,16	pipng (2) 22:15;26:4	proposal (3) 13:20,21;14:8	reduced (1) 15:3
nominate (1) 8:14	out (15) 6:1;9:9;11:25;15:13, 16;17:11,23;18:4,10;	plan (2) 19:12;21:21	proposed (2) 14:3;21:11	reduction (2) 15:9,11
non-capped (1) 19:15	20:21,24;21:8,18;27:3; 31:16	planned (1) 16:22	prospects (1) 7:21	reference (1) 31:18
non-certified (2) 22:22;23:16	outstanding (3) 17:21;18:6;19:11	plus (1) 19:16	protection (1) 27:2	references (1) 26:20
nor (1) 14:10	Overland (2) 31:2,21	PM (1) 30:2	provide (1) 12:8	referred (1) 17:8
normally (1) 28:7	overpaid (1) 18:14	point (1) 28:2	provision (1) 7:14	refers (1) 24:5
November (1) 17:10	overs (1) 31:12	Points (3) 20:17;24:12,13	provisions (1) 7:15	reflect (1) 5:25
Number (6) 8:10;13:22;14:9; 20:1,18;22:5		portion (1) 15:4	put (3) 23:4,21;26:3	refresh (1) 13:12
	P	possibilities (1) 27:12	putting (3) 22:13,18;24:24	reimburse (1) 13:24
O	packet (1) 19:25	potential (7) 17:1;20:8;22:20; 23:10;25:9,14;26:8		reimbursement (2) 11:17;12:17
	packets (1) 19:1	potentially (1) 16:25	Q	reimbursements (1) 9:9
obligated (1) 11:19	page (9) 9:15,22;11:11,12,22; 15:25;16:2;19:24,25	PPM (3) 4:15;5:10,12	quarter (5) 19:2,3,7;20:4,11	relating (1) 19:22
obligation (2) 10:14;19:15	paid (2) 9:9;11:19	predecessor (1) 13:15	quick (2) 4:5;8:22	remain (2) 16:19;18:1
obligations (2) 9:12;19:22	participate (1) 21:4	predictive (1) 16:9	R	remaining (4) 17:4,15,18;18:11
obviously (1) 24:6	party (3) 7:5,9,14	prepared (1) 16:19	RAC (1) 21:8	remains (1) 10:20
officer (1) 31:4	passed (1) 25:1	previous (2) 12:24;16:4	RACs (1) 20:24	remember (3) 13:10;14:23;21:15
off-the-record (1) 7:3	pauses (1) 31:11	previously (1) 18:10	rates (1) 13:18	report (3) 9:16;16:13;18:23
Oil (5) 4:19,21,24;5:2;28:12	pay (1) 27:9	price (1) 26:23	rather (1) 7:10	Reporter (1) 31:3
one (14) 7:9,19;9:22;10:3; 11:24;17:1,7,16,20; 20:12;21:15;22:5; 27:24;28:7	payment (1) 19:6	prior (4) 17:18,24;28:6,10	reach (1) 19:13	Reporters's (1) 31:13
one-half (1) 13:17	penalties (3) 17:22;18:7,17	probably (2) 27:15,24	reached (2) 16:18;20:6	requested (1) 19:22
one-time (1) 13:11	pending (1) 19:19	problem (1) 26:15	real (2) 4:5;25:11	requesting (1) 21:1
only (5) 7:15,19;22:13,16,17	people (2) 22:25;24:24	Procedure (2) 31:5,6	really (1) 15:22	research (2) 24:14;27:21
open (5) 8:12;16:16;17:5,13, 18	percent (6) 14:7,13;22:9,9,22; 26:12	proceeding (2) 31:10,14	received (3) 12:3;19:4;20:2	resins (2) 25:7;26:3
opened (3) 16:21;17:6,24	percentage (1) 14:12	process (2) 17:3;19:20	recently (2) 11:25;17:23	resolution (1) 16:18
opinion (1) 27:7	Perry (7) 4:7;8:1,2;24:2,11; 27:19,21	processed (1) 19:6	recess (1) 6:14	response (7) 8:8;9:14;11:23; 18:21;21:23;22:1; 29:18
opportunity (1) 6:17	person (1) 24:3	product (9) 22:8,19;23:3,6,12,15, 16,18;26:11	recognized (1) 19:15	responsibility (1) 27:9
opt (1)	phase (1)	program (2) 10:19;26:25	recommend (1) 6:3	responsible (2) 27:6,17
			recommendations (1)	

rest (1) 8:4	separate (1) 10:23	17:9;18:2;20:7	three (2) 8:11;18:4	11:6;13:21
result (1) 7:18	sequestration (1) 14:25	statute (3) 7:15;24:4,5	thus (1) 20:2	used (2) 10:23;31:11
resulting (1) 16:24	services (1) 9:2	Steve (1) 4:17	tied (1) 18:8	using (2) 14:1,6
returned (1) 19:9	session (4) 5:21;6:4;28:6,10	still (5) 17:4,14,17,21;23:5	today (4) 18:5;23:21;26:18; 27:10	UST (3) 24:19,20;27:4
revenue (1) 9:20	Seven (3) 17:5,7,13	storage (1) 15:2	together (2) 26:4,6	utilize (1) 11:6
revenues (3) 9:17,17;11:15	Shawn (1) 4:15	struggling (2) 22:10,12	told (1) 27:9	utilizing (1) 14:3
review (4) 6:17;17:3,20;21:10	side (1) 21:18	stuff (1) 26:3	topic (1) 21:4	V
reviewed (1) 20:9	significantly (1) 12:23	subset (1) 10:22	total (1) 18:5	value (2) 7:16,19
reviewers (1) 21:13	single (1) 21:6	suggestions (1) 21:1	totaling (3) 19:5,7,20	verified (1) 31:18
Rhonda (1) 5:10	sit (1) 24:10	suit (3) 7:9,9,20	transcript (1) 31:16	versus (1) 22:9
right (7) 4:3;6:16;8:10,22; 9:1;13:2;25:2	sites (15) 9:10,21;11:7;13:23, 25;19:10,15;20:1,5,6,7, 8,11,13,15	sunset (1) 28:20	transcription (1) 31:14	via (2) 20:25;27:24
roll (1) 4:5	situations (1) 23:5	supplementing (1) 15:9	transferred (2) 9:6;11:13	Vince (2) 5:18;13:15
room (1) 6:11	sized (1) 19:25	Sure (2) 10:11;12:15	transfers (1) 19:17	VIZINAT (2) 5:7,8
roughly (1) 14:19	somebody's (1) 29:5	sworn (1) 31:7	Trust (31) 4:9,11;5:8,14,16;9:7; 11:4,13,14;12:18;15:5, 6;18:23;19:4,16,17,19; 20:1,7,8,20;21:9;22:11, 11,23;23:11,17;27:1,4, 5,16	voluntarily (5) 22:25;23:3;24:24; 25:3;26:21
Rule (1) 31:4	someone (4) 6:12;21:2;26:18,20	system (4) 22:15,20,23;24:25	trying (3) 15:22;16:7;17:17	W
Rules (1) 31:5	somewhere (1) 14:18	systems (3) 22:17;23:1;25:24	turn (5) 9:4,15,22;11:11; 18:25	waiver (1) 24:18
running (1) 12:24	sorry (1) 17:14	system's (1) 23:14	Twenty-two (1) 16:19	Washington (2) 22:7;26:11
S	sort (1) 24:17	T	two (3) 20:13,22;22:5	way (1) 27:24
SAAB (2) 5:1,2	specific (1) 21:4	Tab (3) 9:4,13;18:25	U	weeks (1) 20:25
SAGNIBENE (6) 5:17,18;27:20;28:18; 29:3,10	speculation (1) 24:20	talk (2) 24:11;31:12	UL (5) 22:13,17;25:20,22, 24	what's (1) 24:14
same (2) 20:13;31:12	spent (1) 9:21	talking (1) 15:25	uncertified (2) 22:19;23:18	whole (2) 28:25;29:4
saying (2) 25:5;26:2	spontaneous (1) 31:10	tank (5) 15:2;22:13;23:12,19; 25:5	underground (2) 15:2;26:13	willing (2) 21:3;27:10
scientific (1) 24:17	spot (1) 23:21	tanks (5) 10:19,20,21,24;11:5	Undersecretary (1) 5:18	Word (1) 21:16
screwing (1) 26:6	stakeholders (1) 21:13	team (1) 29:11	unless (4) 7:22;8:17;27:2,9	words (2) 31:15,17
Second (8) 6:8,23;8:20;19:2,3; 20:4,10;29:24	stand (1) 9:10	Ten (3) 16:20,21,23	up (6) 7:22;8:4;11:6;12:10; 14:8;23:18	work (6) 16:23;17:3,12,14; 21:4;29:11
secondary (1) 17:19	standpoint (1) 28:12	testimony (1) 31:7	updated (1) 20:22	world (1) 25:11
section (1) 11:4	standstill (1) 26:10	therefore (1) 23:16	use (2)	written (1) 27:17
sense (1) 27:8	start (1) 15:8	THERIOT (5) 4:6,7;5:22;6:9;7:7		wrote (1) 24:7
sent (5) 17:11,23;18:10; 20:24;21:8	state (3) 22:11;31:3,8	Third (4) 7:1,5,9,14		Y
	states (3) 22:10;24:15,25	though (1) 25:9		ya'll (7)
	status (3)	thought (2) 11:1;31:12		

8:3,6;21:15;24:12; 27:24;29:12;30:1 year (34) 9:5,21;11:17,25; 12:2,22,23;13:19;14:6, 9,23;15:11,14;16:2,21, 22,24;17:5,6,7,13,15, 16,19,25;18:11,15; 19:2,3;20:3,5,10,11,14 years (2) 12:24;20:22	30 (1) 14:13 31 (2) 16:16,18 31st (1) 9:7			
	4			
	4 (1) 9:4			
1	6			
1:46 (1) 30:2 10 (2) 22:9;25:25 11 (1) 20:11 116 (1) 19:19 12 (3) 20:12,14,15 13 (8) 11:25;12:2;17:7,7, 15,16,19,25 14 (7) 11:17;16:21,22,24; 17:5;18:12,16 1434b (1) 31:5 15 (7) 14:9;22:6,9,21; 24:25;25:7;26:25 16 (1) 16:22 196 (1) 19:5	6 (1) 18:25			
	8			
	85 (1) 26:12			
	9			
	97083 (1) 31:22			
2				
2013 (2) 19:14,18 2014 (5) 7:2;8:11;19:2,4;20:5 21 (2) 20:5,6 22 (3) 16:20;17:6;18:7 242 (1) 19:4 25 (1) 14:13 28 (1) 31:4 28.78 (1) 14:7 29 (1) 19:8				
3				

In The Matter Of:

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

FUND ADVISORY BOARD

February 27, 2014

Associated Reporters Incorporated

(225) 216-2036

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Page 1	Page 3
1	1
2	2
3	3
STATE OF LOUISIANA	I N D E X
4	4
DEPARTMENT OF ENVIRONMENTAL QUALITY	EXAMINATION: PAGE (S) :
5	5
MOTOR FUELS UNDERGROUND STORAGE TANK TRUST	None
6	6
FUND ADVISORY BOARD	EXHIBITS:
7	7
8	8
9	9
10	10
11	11
12	12
13	13
14	14
15	15
16	16
17	17
18	18
19	19
20	20
21	21
22	22
23	23
24	24
25	25
The above-entitled meeting was held at the LDEQ, Galvez Building, Conference Center, 602 North 5th Street, Baton Rouge, Louisiana, beginning at 1:05 p.m., on February 27, 2014.	REPORTER'S PAGE 31 REPORTER'S CERTIFICATE 32 * * * * *
BEFORE: Lori B. Overland Certified Court Reporter In and For the State of Louisiana	
Page 2	Page 4
1	1
2	2
3	3
A P P E A R A N C E S	* * * * *
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	11
12	12
13	13
14	14
15	15
16	16
17	17
18	18
19	19
20	20
21	21
22	22
23	23
24	24
25	25
Keith Baker Chairman Durwood Franklin Perry Theriot Jeff Baker Gary Fulton Shawn Ivey Steve Burnham John Milazzo Grady Gaubert Louis Saab Cy Morin Karyn Andrews Melissa Vizinat Kodi Brignac Jason Efferson Rhonda Cook Linda Hicks Natalie Isaacks Vince Sagnibene * * * * *	MR. KEITH BAKER: All right, guys. Good afternoon. We'll call the meeting to order. We'll get a roll call real quick. MR. THERIOT: Perry Theriot, Legal at LDEQ. MR. FRANKLIN: Durwood Franklin, DEQ Trust Fund. MR. JEFF BAKER; Jeff Baker, DEQ Trust Fund. MR. FULTON: Gary Fulton, DEQ. MR. IVEY: Shawn Ivey, PPM Consultants. MR. BROWN: Steve Brown, Engineering Associates. MR. KEITH BAKER: Keith Baker, Louisiana Oil Marketers. MR. MILAZZO: Johnny Milazzo, Louisiana Oil Marketers. MR. GAUBERT: Grady Gaubert, Louisiana Oil Marketers.

1 MR. SAAB:
2 Louis Saab, Louisiana Oil Marketers.
3 MR. MORIN:
4 Cy Morin, LDEQ.
5 MS. ANDREWS:
6 Karyn Andrews, LDEQ.
7 MS. VIZINAT:
8 Melissa Vizinat, Trust Fund.
9 MS. COOK:
10 Rhonda Cook, PPM Consultants.
11 MS. HICKS:
12 Linda Hicks, PPM Consultants.
13 MR. EFFERSON:
14 Jason Efferson, DEQ Trust Fund.
15 MR. BRIGNAC:
16 Kodi Brignac, DEQ Trust Fund.
17 MR. SAGNIBENE:
18 Vince Sagnibene, Undersecretary.
19 MR. KEITH BAKER:
20 Thank you. I believe we need to move
21 into executive session.
22 MR. THERIOT:
23 At this time, yes, I think we do since
24 I have to leave. Just let -- you know, so
25 that the record will reflect, we're going to

1 Third on our list is election for a
2 chairperson for 2014.
3 (An off-the-record discussion followed.)
4 MR. KEITH BAKER:
5 Yes, third party claims. I apologize.
6 Go ahead.
7 MR. THERIOT:
8 Since our last meeting, there's been
9 one suit, third party suit filed. It was
10 filed on behalf of a corporation rather than
11 a neighboring landowner. I do not believe
12 they're going to be able to recover from us,
13 but you never know. The property damage
14 provision in the third party claims
15 provisions of the statute only allow
16 property claims for diminution of value.
17 They don't allow claims for damage to
18 property that doesn't result in a diminution
19 of value. So this - there's only been one.
20 We haven't answered the suit yet. But I do
21 believe the prospects are not very good for
22 that, so, unless they can come up with
23 something --
24 MR. KEITH BAKER:
25 Thank you, sir. Any questions for Mr.

1 take it out of order because I have another
2 meeting that I have to attend in a little
3 bit. So yes, I would recommend we go into
4 executive session now.
5 MR. KEITH BAKER:
6 Motion.
7 MR. FULTON:
8 Second.
9 MR. THERIOT:
10 Okay. We're going to ask that
11 everybody leave the room that's not a board
12 member or someone who will be involved in
13 the discussion.
14 (A brief recess followed.)
15 MR. KEITH BAKER:
16 All right. I hope everybody has had
17 an opportunity to review the minutes. So
18 can I have a motion to adopt, if they're
19 aren't any questions?
20 MR. IVEY:
21 Motion to adopt.
22 MR. MILAZZO:
23 Second.
24 MR. KEITH BAKER:
25 Okay. Minutes adopted.

1 Perry before he leaves?
2 MR. PERRY:
3 Before I leave, if ya'll have any
4 questions that may be coming up in the rest
5 of the agenda, I'll be happy to entertain
6 them now, if ya'll have some of a legal
7 nature.
8 (No response.)
9 MR. KEITH BAKER:
10 Thank you, sir. All right. Number
11 three, election of a chairperson for 2014.
12 I'll open that for discussion.
13 MR. GAUBERT:
14 I nominate Keith Baker.
15 MR. KEITH BAKER:
16 You did that the first time.
17 That's fine. I accept it, unless
18 there's anymore.
19 MR. FULTON:
20 Second.
21 MR. KEITH BAKER:
22 All right. That was quick. All in
23 favor?
24 (All indicated, "Yes".)
25 MR. KEITH BAKER:

Page 9

1 All right. Moving on. Ms. Karyn,
2 financial services.
3 MS. ANDREWS:
4 Thank you. If you'll turn to Tab 4.
5 As you know, at the beginning of the year,
6 we had transferred \$63,207,180.78 into the
7 trust fund. And as of December 31st, we
8 have deposited \$10,980,672.44. We have now
9 paid out reimbursements of \$4,544,960.59.
10 Our current liabilities on sites stand at
11 \$66,336,490. That leaves us with a balance
12 after obligations at \$3,306,402. Does
13 anybody have any questions about this tab?
14 (No response.)
15 Let's go ahead and turn the page.
16 This is our information report on the
17 interest revenues. Interest revenues
18 collected since inception on this fund is
19 \$6,560,775.58. The expenditure on this
20 revenue is \$1,229,930. And in this fiscal
21 year, we have spent \$1,600 on sites.
22 And one more page. Let's turn.
23 MR. GAUBERT:
24 Excuse me.
25 MS. ANDREWS:

Page 10

1 Yes.
2 MR. GAUBERT:
3 I want to ask you one question on this
4 interest.
5 MS. ANDREWS:
6 Yes.
7 MR. GAUBERT:
8 I think we have a couple of new guys
9 here.
10 MS. ANDREWS:
11 Sure.
12 MR. GAUBERT:
13 Does - is the interest dedicated to a
14 certain obligation? The interest, does it
15 go back into the - just the general fund
16 balance?
17 MS. ANDREWS:
18 The interest money that comes into the
19 program is designated for abandoned tanks.
20 And it remains in there for abandoned tanks
21 as these tanks are identified. So it does
22 not - so it's like a subset of money in the
23 fund that we keep separate to be used for
24 abandoned tanks.
25 MR. GAUBERT:

Page 11

1 That's what I thought, but I just
2 wanted to -
3 MS. ANDREWS:
4 Yes. And so as the trust fund section
5 identifies abandoned tanks that are eligible
6 to utilize this money, we use it to clean up
7 those sites.
8 MR. GAUBERT:
9 Thank you.
10 MS. ANDREWS:
11 So let's go ahead and turn the page.
12 This next page details how we calculate the
13 amount transferred from the motor fuel trust
14 fund to our environmental trust fund. And
15 this is a detail of our revenues and
16 expenditures. We're estimating in fiscal
17 year '14 the reimbursement is going to be
18 \$3,131,213. And that includes the amount
19 paid and obligated for the legal fees.
20 And since there are some new folks on
21 the board, do you all have any questions
22 about this page?
23 (No response.)
24 Okay. One other item is, we also
25 recently closed out our fiscal year '13

Page 12

1 audit. I believe those members that were on
2 the board during the time of fiscal year '13
3 should have received by link a copy of that
4 audit. If you did not, let me know. Those
5 members that are here at the meeting that
6 would like a copy of the audit that did not,
7 if they would like to leave their email
8 address at the desk, I can provide links to
9 them to get that. But it was a clean audit.
10 We had no issues that came up. So I'm very
11 happy to hear that. Any other questions?
12 MR. GAUBERT:
13 Before you finish. Back on the -
14 MS. ANDREWS:
15 Sure.
16 MR. GAUBERT:
17 -- on the reimbursement from the
18 environmental trust fund.
19 MS. ANDREWS:
20 Okay.
21 MR. GAUBERT:
22 The -- you know, this year -- this
23 year, of course, was significantly higher
24 than the previous years. It's been running
25 about \$2 million.

1 MS. ANDREWS:
2 Right.
3 MR. GAUBERT:
4 And then we had a \$350,000 commitment
5 for the legal fees. And in addition, there
6 was an \$800,000.
7 MS. ANDREWS:
8 Correct.
9 MR. GAUBERT:
10 And I don't remember if that \$800,000
11 was a one-time, or that's a continued. I
12 got to -- refresh my memory.
13 MS. ANDREWS:
14 That will be a continued. What we
15 have and what Vince and my predecessor had
16 discussed is, we are now going to have a
17 indirect cost. It will be one-half of our
18 approved rates that we go to EPA for every
19 year. We get - we have an annual indirect
20 cost proposal that we bring to EPA. They
21 approve our proposal. And we use that
22 number that we bring -- that we charge on
23 sites when we have it, for our - to
24 reimburse us for administrative costs for
25 sites or grants, things of that nature.

1 government. A lot of what funds - our
2 underground storage tank division is federal
3 grants. And when those grants get reduced,
4 the other portion that funds a lot of that
5 is these motor fuel trust fund fees. So you
6 see a little bit more of these trust fund
7 fees when we don't have grant dollars.
8 These dollars also have - start
9 supplementing the reduction in federal
10 dollars. And so I think we had about a
11 \$250,000 reduction last year, which was a
12 little bit of that increase. I think if we
13 go back to the minutes when we closed out
14 last year in our August meeting, I believe
15 it was, we discussed that and - when we
16 closed out the books, in those minutes.
17 MR. GAUBERT:
18 Thank you.
19 MR. KEITH BAKER:
20 Any other questions?
21 MS. ANDREWS:
22 But we really are trying to get it as
23 close to level as we can and - and hope -
24 I think if you see down here at the bottom
25 on the page you're talking about, we're

1 Instead of using the full amount that we're
2 eligible for, we had brought to the group
3 and proposed utilizing half of it. And so
4 the amount - and I think I - that was in
5 our minutes from the last meeting. The
6 amount that we would be using this year
7 would be 28.78 percent. And we've just -
8 we're just now finishing up our proposal for
9 fiscal year '15. So I don't have the number
10 yet, nor is it approved yet from EPA. So
11 we'll have that closer to May or June, what
12 that percentage would be. But it should be
13 around -- less than 30 percent, above 25.
14 It'll be in that neighborhood.
15 MR. GAUBERT:
16 So historically, we should - other
17 than the \$350,000 commitment to legal fees,
18 we should see somewhere in the neighborhood
19 of \$2.8 million, roughly, give or take a
20 little bit.
21 MS. ANDREWS:
22 It could be. And we also had - I
23 don't know if you remember last year when we
24 discussed the closeout. We also had
25 sequestration issues with the federal

1 looking at maybe a \$30,000 differential from
2 last year, if you look on that page.
3 MR. GAUBERT:
4 Yes. It was discussed at previous
5 meeting.
6 MS. ANDREWS:
7 Exactly. We're trying to find - to
8 get this as level as we can so that it can
9 be very predictive.
10 MR. GAUBERT:
11 Good.
12 MR. KEITH BAKER:
13 Thank you. Now, the auditor's report,
14 Cy.
15 MR. MORIN:
16 Okay. We currently have 31 open audit
17 cases for motor fuel delivery fees. Nine of
18 the 31 have reached resolution and are being
19 prepared for closure. Twenty-two remain
20 active. Ten of the 22 audits have been
21 opened in fiscal year '14. That's ten of
22 the 16 planned for fiscal year '14. Field
23 work has been completed for five of the ten
24 fiscal year '14 audits resulting in four
25 potentially clean audits with no

Page 17

1 assessments, and one potential assessment of
2 approximately \$500. These audits are
3 currently in the review process. Field work
4 is still in progress for the remaining five
5 open fiscal year '14 audits. Seven of the
6 22 active audits were opened in fiscal year
7 '13. One of the seven fiscal year '13
8 audits has been referred to legal for
9 collection. The legal status of this case
10 has not changed as of the November board
11 meeting. A demand had been sent out at that
12 time. Field work has been completed for
13 five of the seven open fiscal year audits -
14 sorry. Field work is still in progress for
15 the remaining fiscal year '13 audit. That's
16 one of the fiscal year '13 audits. We're
17 still trying to gather information. The
18 five remaining active audits were open prior
19 to fiscal year '13. After a secondary
20 review of one of these audits, we determined
21 that there were still an outstanding amount
22 of \$162.32 for late fee penalties. And
23 we've sent a demand out for that recently.
24 The other four audits opened prior to fiscal
25 year '13, as we've discussed before, they

Page 18

1 remain in legal for collections. The legal
2 status of these four cases has not changed
3 since the last board meeting. We have
4 finalized and closed out three audits since
5 the last meeting. As of today, the total
6 confirmed outstanding delinquent fees and
7 penalties for the 22 active cases is
8 \$126,380.94. \$126,218.62 of this is tied to
9 five legal cases. And as I've mentioned
10 previously, we sent out a demand for the
11 remaining \$162.32. To date in fiscal year
12 '14, demand has been made for \$12,794.37 in
13 delinquent fees. And a credit was issued
14 for \$912.72 in overpaid fees.
15 And finally, to date in fiscal year
16 '14, we've collected \$10,138.39 in fees and
17 late penalties. And \$172.90 in court costs.
18 Any questions?
19 MR. KEITH BAKER:
20 Any questions?
21 (No response.)
22 MR. KEITH BAKER:
23 Mr. Baker, trust fund report.
24 MR. JEFF BAKER:
25 Okay. If everyone will turn to Tab 6

Page 19

1 in your packets. These are the figures of
2 the second quarter of fiscal year 2014.
3 During the second quarter of fiscal year
4 2014, the trust fund received 242
5 applications, totaling \$3,227,895. 196
6 applications were processed for payment
7 during the fiscal quarter, totaling
8 \$2,363,409. And 29 applications were
9 returned with deficiencies.
10 For sites in the corrective action
11 phase, the outstanding liability of the
12 correction action plan budget and estimated
13 cost to reach closure at the end of December
14 2013 was \$32,472,946. The additional
15 obligation recognized for non-capped sites,
16 plus the projected motor fuel trust fund and
17 the environmental trust fund transfers is
18 \$33,134,439. At the end of December 2013,
19 the trust fund had 116 pending applications
20 to process, which had amounts totaling
21 \$1,881,537. Of this amount, the estimated
22 requested obligations relating to cap
23 budgets and closure costs was \$1,152,432.
24 If you'll look at the last page of the
25 packet, it's the legal sized page. The

Page 20

1 number of trust fund sites that have
2 received no further action thus far for the
3 current fiscal year - this is not the
4 second quarter. This is for the entire
5 fiscal year of 2014 - was 21 sites. So
6 we've had 21 sites that reached no further
7 action status that were trust fund sites.
8 The potential trust fund sites that were
9 reviewed and made eligible during the
10 current fiscal year -- again, not the second
11 quarter, but the fiscal year - was 11 sites
12 and 12 active incidents. So one of the
13 sites had two incidents active at the same
14 time. So for this fiscal year, we've had 12
15 active sites made eligible and 12 incidents
16 made eligible.
17 Points of interest. The department
18 has a number of clarifications and
19 modifications to address in the current
20 trust fund cost control guidance document.
21 This is not anything out of the ordinary.
22 It's been almost two years since we updated
23 it. It's just time to go back through it.
24 An email was sent out to all the RACs and
25 the LOMCSA via Natalie a couple of weeks

1 ago, requesting any suggestions for changes
2 to the guidance document and whether someone
3 from the organization would be willing to
4 participate in any topic specific work
5 groups. These recommendations will be
6 compiled into a single document, including
7 department's modifications. This compiled
8 document will then be sent out to the RAC
9 community, LOMCSA and the trust fund board
10 for their review and comments. The compiled
11 document will highlight the proposed changes
12 with comments so it'll be easy for the
13 reviewers, basically the stakeholders, to
14 see any of the recommended changes. If
15 ya'll remember, the one we did last time, we
16 had a Word document. We had - we
17 highlighted all the changes. And then we
18 also added comments out to the side to where
19 it was very easy to just go through and say,
20 "Here's a difference. Here's a difference."
21 So that's what we plan on doing again. Does
22 anybody have any questions?
23 (No response.)
24 MR. KEITH BAKER:
25 Any questions?

1 systems because of a cost difference between
2 E-10 and E-15, E-15 being a little lesser
3 cost product. So they may voluntarily just
4 put E-15 in there, and you may see some
5 situations where it's still labeled for E-10
6 and it's an E-15 product in the ground. And
7 I don't think that - you know, to my
8 knowledge, it's ever happened in Louisiana,
9 at least to my knowledge, but there is a
10 potential for that to happen. And how would
11 the trust fund address that issue of an E-15
12 product going into an E-10 tank and causing
13 a leak and it's not certified? If the
14 system's not certified to handle an E-15
15 product, the E-15 caused the leak, and
16 therefore, you have a non-certified product
17 and -- how would the trust fund address a
18 clean up with an uncertified product in a
19 tank that caused the leak and went into the
20 environment? And I'm - I don't necessarily
21 mean to put you on the spot today. But it's
22 just an item that needs to be discussed.
23 MR. JEFF BAKER:
24 Well, that's something we need to be
25 aware of, and as you said, look at it now

1 (No response.)
2 MR. KEITH BAKER:
3 Thank you, sir. Any other business?
4 MR. GAUBERT:
5 I have two things. Number one, is E-
6 15. And, you know, there's a -- there's
7 been a movement, I guess, in Washington to
8 move to an E-15 gasoline product. You know,
9 15 percent ethanol versus 10 percent
10 ethanol. And a lot of states are struggling
11 with -- the trust -- a lot of state trust
12 funds are struggling with how to deal with
13 putting E-15 into a tank that's only UL
14 listed or through an entire dispensing
15 system, piping and dispensers and so forth,
16 you know, that's only listed for - those
17 systems are only UL listed for an E-10. And
18 how would the - how do we look at putting
19 an E-15 uncertified product into an E-10
20 system and - with the potential of leaks,
21 you know, being caused by going to a 15
22 percent ethanol blend in a non-certified
23 system? And how would the trust fund
24 address that issue if it does - and some
25 people will do this voluntarily in their

1 instead of looking at it after the fact.
2 And what we need to do is - again, Perry
3 would be the legal person that we would go
4 to and see what the statute says. As far as
5 I know, the statute basically refers to
6 motor fuel. It doesn't - obviously when
7 they wrote it, there was no E-10 and E-15.
8 They just had motor fuel. Now, as for the
9 certification, again, that gets into the
10 legal issues. I'd want to sit down with
11 Perry and talk it through and come back to
12 ya'll with maybe some at least points of
13 interest, points of knowledge of what we can
14 determine from our research of what's going
15 on with the other states.
16 MR. MILAZZO:
17 Has there been some sort of scientific
18 waiver where they approved now that E-15 is
19 indeed the cause of a UST -- a failure in
20 the UST? I know there is some speculation
21 of that, but --
22 MR. GAUBERT:
23 I don't know of a documented case.
24 There are some people voluntarily putting E-
25 15 in other states into a system that's not

Page 25

1 certified passed an E-10. It's going on
2 right now. And they're doing it
3 voluntarily. You know, whether that causes
4 a leak or not, you know, the industry is
5 saying that it will because the tank itself
6 is - you know, could be compatible with E-
7 15, but the glues, resins, gaskets, you
8 know, and the lines may not be. And so
9 there's a potential for failure even though
10 - in a laboratory, it's -- they've failed
11 - they've failed. In the real world, I
12 don't know of any documented instance where
13 it has failed. But it - there is a
14 potential for it.
15 MR. FRANKLIN:
16 And, Grady, when we say it's not
17 certified, you mean it's not certified by
18 the manufacturer?
19 MR. GAUBERT:
20 By UL.
21 MR. FRANKLIN:
22 Or the UL certification?
23 MR. GAUBERT:
24 UL. Yes, the systems are certified
25 for - you know, for 10, but nothing beyond

Page 26

1 that. You know, so the manufacturers are
2 saying if you don't know the glues, the
3 resins and stuff that put all this, you
4 know, fiberglass piping together and so
5 forth, even, you know, the pipe dope, you
6 know, screwing flanges together may not be
7 certified to handle higher than an E-10
8 blend. And so there's a potential for
9 leaks. And so the industry's at a
10 standstill. That's why there was a delay in
11 mandating an E-15 product in Washington.
12 About 85 percent of the infrastructure in
13 America, the underground infrastructure, is
14 not listed or not compatible beyond E-10.
15 That's how big the problem could be.
16 MR. MILAZZO:
17 So there should be some communication.
18 I mean, if someone were to do it today --
19 because I agree with you, I think it all
20 references motor fuel. So if someone,
21 whether they're voluntarily doing it or
22 they're doing it because they feel some
23 competitive advantage because of price
24 differentials would chose to opt into an E-
25 15 program, they would be doing that with

Page 27

1 the assumption that the trust fund would be
2 there for protection. So unless there's
3 some correspondence that would go out from
4 the UST trust fund, or DEQ, I think the
5 assumption is, is that the trust fund would
6 indeed be responsible. That might be
7 something we want to get a legal opinion on.
8 But I just would sense that we would have a
9 responsibility to pay unless told otherwise.
10 And I would be willing to bet today that
11 there are some marketers contemplating the
12 possibilities of E-15. Because depending on
13 where you are, it could have some
14 competitive advantages to it. And that
15 would probably be something that should be
16 expedited. Or otherwise, the trust fund
17 would be responsible for that, as written.
18 MR. JEFF BAKER:
19 Well, I'm going to get with Perry.
20 MR. SAGNIBENE:
21 We'll get Perry to research that.
22 MR. JEFF BAKER:
23 Yes. And we will be getting back with
24 ya'll one way or the other, probably via
25 email.

Page 28

1 MR. MILAZZO:
2 That's a great point.
3 MR. GAUBERT:
4 The other issue is not necessarily an
5 issue, but I think this is the last meeting
6 that we will have prior to this session. We
7 may have one more, but normally, we ask if
8 there are any legislative issues that need
9 to be addressed by the board at this time,
10 prior to the session that anybody is aware
11 of. I don't know that, you know, from the
12 marketers standpoint, the Louisiana Oil
13 Marketers, that we have any issues that we
14 would address. But if the department has
15 any issues that they would like to address
16 legislatively. Is there anything that you
17 know of or anything that may arise?
18 MR. SAGNIBENE:
19 You'll be the first to know. No, we
20 don't have anything other than the sunset
21 bill just -- we authorized in our
22 department. That's all in the department's
23 hands.
24 MR. GAUBERT:
25 The whole department?

1 MS. ANDREWS:
2 Yes.
3 MR. SAGNIBENE:
4 The whole department. Now, I'm not
5 going to say somebody's not going to
6 introduce something from left field. But we
7 would let you know --
8 MR. GAUBERT:
9 Okay.
10 MR. SAGNIBENE:
11 -- because we work as a team with
12 ya'll.
13 MR. GAUBERT:
14 Yes. Absolutely. Yes, sir. I'm
15 finished.
16 MR. KEITH BAKER:
17 Thank you. Any other new business?
18 (No response.)
19 MR. KEITH BAKER:
20 With that, I need a motion to close?
21 MR. BURNHAM:
22 Motion.
23 MR. MILAZZO:
24 Second.
25 MR. KEITH BAKER:

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)."

Lori Overland, C.C.R.
97083

1 Okay. Thank ya'll.
2 THE MEETING ADJOURNED AT 1:46 P.M.
3 * * * * *

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

Lori Overland C.C.R.
97083

\$	A			
		19:20	8:9,14,15,21,25;15:19;	case (2)
		and/or (3)	16:12;18:19,22,23,24;	17:9;24:23
		31:5,12,17	21:24;22:2;23:23;	cases (4)
		ANDREWS (18)	27:18,22;29:16,19,25	16:17;18:2,7,9
\$1,152,432 (1)	abandoned (4)	5:5,6;9:3,25;10:5,10,	balance (2)	cause (1)
19:23	10:19,20,24;11:5	17;11:3,10;12:14,19;	9:11;10:16	24:19
\$1,229,930 (1)	able (1)	13:1,7,13;14:21;15:21;	basically (2)	caused (3)
9:20	7:12	16:6;29:1	21:13;24:5	22:21;23:15,19
\$1,600 (1)	above (1)	annual (1)	beginning (1)	causes (1)
9:21	14:13	13:19	9:5	25:3
\$1,881,537 (1)	Absolutely (1)	answered (1)	behalf (1)	causing (1)
19:21	29:14	7:20	7:10	23:12
\$10,138.39 (1)	accept (1)	anymore (1)	bet (1)	CCR (1)
18:16	8:17	8:18	27:10	31:21
\$10,980,672.44 (1)	action (4)	apologize (1)	beyond (2)	certain (1)
9:8	19:10,12;20:2,7	7:5	25:25;26:14	10:14
\$12,794.37 (1)	active (7)	applications (4)	big (1)	certification (2)
18:12	16:20;17:6,18;18:7;	19:5,6,8,19	26:15	24:9;25:22
\$126,218.62 (1)	20:12,13,15	approve (1)	bill (1)	certified (8)
18:8	added (1)	13:21	28:21	23:13,14;25:1,17,17,
\$126,380.94 (1)	21:18	approved (3)	bit (4)	24:26;7;31:2
18:8	addition (1)	13:18;14:10;24:18	6:3;14:20;15:6,12	chairperson (2)
\$162.32 (2)	13:5	approximately (1)	blend (2)	7:2;8:11
17:22;18:11	additional (1)	17:2	22:22;26:8	changed (2)
\$172.90 (1)	19:14	arise (1)	board (7)	17:10;18:2
18:17	address (7)	28:17	6:11;11:21;12:2;	changes (5)
\$2 (1)	12:8;20:19;22:24;	around (1)	17:10;18:3;21:9;28:9	21:1,11,14,17;31:11
12:25	23:11,17;28:14,15	14:13	books (1)	charge (1)
\$2,363,409 (1)	addressed (1)	Article (1)	15:16	13:22
19:8	28:9	31:5	bottom (1)	chose (1)
\$2.8 (1)	ADJOURNED (1)	assessment (1)	15:24	26:24
14:19	30:2	17:1	brief (1)	Civil (2)
\$250,000 (1)	administrative (1)	assessments (1)	6:14	31:5,6
15:11	13:24	17:1	BRIGNAC (2)	claims (4)
\$3,131,213 (1)	adopt (2)	Associates (1)	5:15,16	7:5,14,16,17
11:18	6:18,21	4:17	bring (2)	clarifications (1)
\$3,227,895 (1)	adopted (1)	assumption (2)	13:20,22	20:18
19:5	6:25	27:1,5	brought (1)	clean (4)
\$3,306,402 (1)	advantage (1)	attend (1)	14:2	11:6;12:9;16:25;
9:12	26:23	6:2	BROWN (2)	23:18
\$30,000 (1)	advantages (1)	audit (6)	4:16,17	close (2)
16:1	27:14	12:1,4,6,9;16:16;	budget (1)	15:23;29:20
\$32,472,946 (1)	afternoon (1)	17:15	19:12	closed (4)
19:14	4:3	auditor's (1)	budgets (1)	11:25;15:13,16;18:4
\$33,134,439 (1)	again (4)	16:13	19:23	closeout (1)
19:18	20:10;21:21;24:2,9	audits (13)	BURNHAM (1)	14:24
\$350,000 (2)	agenda (1)	16:20,24,25;17:2,5,6,	29:21	closer (1)
13:4;14:17	8:5	8,13,16,18,20,24;18:4	business (2)	14:11
\$4,544,960.59 (1)	ago (1)	August (1)	22:3;29:17	closure (3)
9:9	21:1	15:14		16:19;19:13,23
\$500 (1)	agree (1)	authorized (1)	C	code (1)
17:2	26:19	28:21		31:6
\$6,560,775.58 (1)	ahead (3)	aware (2)	calculate (1)	collected (2)
9:19	7:6;9:15;11:11	23:25;28:10	11:12	9:18;18:16
\$63,207,180.78 (1)	allow (2)		call (2)	collection (1)
9:6	7:15,17	B	4:4,5	17:9
\$66,336,490 (1)	almost (1)		came (1)	collections (1)
9:11	20:22	back (6)	12:10	18:1
\$800,000 (2)	America (1)	10:15;12:13;15:13;	can (7)	coming (1)
13:6,10	26:13	20:23;24:11;27:23	6:18;7:22;12:8;	8:4
\$912.72 (1)	amount (7)	BAKER (30)	15:23;16:8,8;24:13	comments (3)
18:14	11:13,18;14:1,4,6;	4:2,10,11,18,19;	cap (1)	21:10,12,18
	17:21;19:21	5:19;6:5,15,24;7:4,24;	19:22	commitment (2)
	amounts (1)			

13:4;14:17 communication (1) 26:17 community (1) 21:9 compatible (2) 25:6;26:14 competitive (2) 26:23;27:14 compiled (3) 21:6,7,10 completed (2) 16:23;17:12 confirmed (1) 18:6 Consultants (3) 4:15;5:10,12 contemplating (1) 27:11 continued (2) 13:11,14 control (1) 20:20 COOK (2) 5:9,10 copy (2) 12:3,6 corporation (1) 7:10 correction (1) 19:12 corrective (1) 19:10 correspondence (1) 27:3 cost (6) 13:17,20;19:13; 20:20;23:1,3 costs (3) 13:24;18:17;19:23 couple (2) 10:8;20:25 course (1) 12:23 court (3) 18:17;31:2,13 credit (1) 18:13 current (4) 9:10;20:3,10,19 currently (2) 16:16;17:3 Cy (2) 5:4;16:14	deal (1) 22:12 December (3) 9:7;19:13,18 dedicated (1) 10:13 deficiencies (1) 19:9 defined (1) 31:4 delay (1) 26:10 delinquent (2) 18:6,13 delivery (1) 16:17 demand (4) 17:11,23;18:10,12 denoted (1) 31:19 department (5) 20:17;28:14,22,25; 29:4 department's (2) 21:7;28:22 depending (1) 27:12 deposited (1) 9:8 DEQ (6) 4:9,11,13;5:14,16; 27:4 designated (1) 10:19 desk (1) 12:8 detail (1) 11:15 details (1) 11:12 determine (1) 24:14 determined (1) 17:20 difference (3) 21:20,20;23:1 differential (1) 16:1 differentials (1) 26:24 diminution (2) 7:16,18 discourse (1) 31:10 discussed (6) 13:16;14:24;15:15; 16:4;17:25;23:22 discussion (3) 6:13;7:3;8:12 dispensers (1) 22:15 dispensing (1) 22:14	division (1) 15:2 document (6) 20:20;21:2,6,8,11,16 documented (2) 24:23;25:12 dollars (3) 15:7,8,10 dope (1) 26:5 down (2) 15:24;24:10 due (1) 31:9 during (4) 12:2;19:3,7;20:9 Durwood (1) 4:9	everybody (2) 6:11,16 everyone (1) 18:25 Exactly (1) 16:7 Excuse (1) 9:24 executive (2) 5:21;6:4 expedited (1) 27:16 expenditure (1) 9:19 expenditures (1) 11:16	14:8 first (2) 8:16;28:19 fiscal (26) 9:20;11:16,25;12:2; 14:9;16:21,22,24;17:5, 6,7,13,15,16,19,24; 18:11,15;19:2,3,7;20:3, 5,10,11,14 five (5) 16:23;17:4,13,18; 18:9 flanges (1) 26:6 folks (1) 11:20 followed (2) 6:14;7:3 forth (2) 22:15;26:5 four (3) 16:24;17:24;18:2 FRANKLIN (4) 4:8,9;25:15,21 fuel (7) 11:13;15:5;16:17; 19:16;24:6,8;26:20 full (1) 14:1 FULTON (4) 4:12,13;6:7;8:19 Fund (32) 4:9,11;5:8,14,16;9:7, 18;10:15,23;11:4,14, 14;12:18;15:5,6;18:23; 19:4,16,17,19;20:1,7,8, 20;21:9;22:23;23:11, 17;27:1,4,5,16 funds (3) 15:1,4;22:12 further (2) 20:2,6	
D		E	F		
damage (2) 7:13,17 dashes (2) 31:10,14 date (2) 18:11,15		E- (4) 22:5;24:24;25:6; 26:24 E-10 (9) 22:17,19;23:2,5,12; 24:7;25:1;26:7,14 E-15 (14) 22:8,13,19;23:2,2,4, 6,11,14,15;24:7,18; 26:11;27:12 easy (2) 21:12,19 EFFERSON (2) 5:13,14 election (2) 7:1;8:11 eligible (5) 11:5;14:2;20:9,15,16 email (3) 12:7;20:24;27:25 end (2) 19:13,18 Engineering (1) 4:17 entertain (1) 8:5 entire (2) 20:4;22:14 environment (1) 23:20 environmental (3) 11:14;12:18;19:17 EPA (3) 13:18,20;14:10 estimated (2) 19:12,21 estimating (1) 11:16 ethanol (3) 22:9,10,22 even (2) 25:9;26:5	fact (1) 24:1 failed (3) 25:10,11,13 failure (2) 24:19;25:9 far (2) 20:2;24:4 favor (1) 8:23 federal (4) 14:25;15:2,9;31:4 fee (1) 17:22 feel (1) 26:22 fees (10) 11:19;13:5;14:17; 15:5,7;16:17;18:6,13, 14,16 fiberglass (1) 26:4 Field (5) 16:22;17:3,12,14; 29:6 figures (1) 19:1 filed (2) 7:9,10 finalized (1) 18:4 finally (1) 18:15 financial (1) 9:2 find (1) 16:7 fine (1) 8:17 finish (1) 12:13 finished (1) 29:15 finishing (1)		
				G	
				Gary (1) 4:13 gaskets (1) 25:7 gasoline (1) 22:8 gather (1) 17:17 GAUBERT (26) 4:23,24;8:13;9:23; 10:2,7,12,25;11:8; 12:12,16,21;13:3,9; 14:15;15:17;16:3,10; 22:4;24:22;25:19,23; 28:3,24;29:8,13 general (1) 10:15 gets (1)	

24:9	identified (1)		28:8	mean (3)
glues (2)	10:21	J	legislatively (1)	23:21;25:17;26:18
25:7;26:2	identifies (1)		28:16	meeting (12)
Good (3)	11:5	Jason (1)	less (1)	4:4;6:2;7:8;12:5;
4:3;7:21;16:11	inaudible (1)	5:14	14:13	14:5;15:14;16:5;17:11;
government (1)	31:19	JEFF (6)	lesser (1)	18:3,5;28:5;30:2
15:1	inception (1)	4:10,11;18:24;23:23;	23:2	Melissa (1)
Grady (2)	9:18	27:18,22	level (2)	5:8
4:24;25:16	incidents (3)	Johnny (1)	15:23;16:8	member (1)
grant (1)	20:12,13,15	4:21	liabilities (1)	6:12
15:7	includes (1)	June (1)	9:10	members (2)
grants (3)	11:18	14:11	liability (1)	12:1,5
13:25;15:3,3	including (1)	K	19:11	memory (1)
great (1)	21:6		Linda (1)	13:12
28:2	increase (1)		5:12	mentioned (1)
ground (1)	15:12	Karyn (2)	lines (1)	18:9
23:6	indeed (2)	5:6;9:1	25:8	method (1)
group (1)	24:19;27:6	keep (1)	link (1)	31:13
14:2	indicate (1)	10:23	12:3	might (1)
groups (1)	31:11	KEITH (23)	links (1)	27:6
21:5	indicated (2)	4:2,18,19;5:19;6:5,	12:8	MILAZZO (7)
guess (1)	8:24;31:15	15,24;7:4,24;8:9,14,15,	list (1)	4:20,21;6:22;24:16;
22:7	indirect (2)	21,25;15:19;16:12;	7:1	26:16;28:1;29:23
guidance (2)	13:17,19	18:19,22;21:24;22:2;	listed (4)	million (2)
20:20;21:2	industry (1)	29:16,19,25	22:14,16,17;26:14	12:25;14:19
guys (2)	25:4	knowledge (3)	little (5)	minutes (5)
4:3;10:8	industry's (1)	23:8,9;24:13	6:2;14:20;15:6,12;	6:17,25;14:5;15:13,
H	26:9	Kodi (1)	23:2	16
	information (2)	5:16	LOMCSA (2)	modifications (2)
	9:16;17:17	L	20:25;21:9	20:19;21:7
half (1)	infrastructure (2)		look (4)	money (3)
14:3	26:12,13	labeled (1)	16:2;19:24;22:18;	10:18,22;11:6
handle (2)	instance (1)	23:5	23:25	more (3)
23:14;26:7	25:12	laboratory (1)	looking (2)	9:22;15:6;28:7
hands (1)	Instead (2)	25:10	16:1;24:1	MORIN (3)
28:23	14:1;24:1	landowner (1)	Lori (2)	5:3,4;16:15
happen (1)	interaction (1)	7:11	31:2,21	Motion (5)
23:10	31:9	last (11)	lot (4)	6:6,18,21;29:20,22
happened (1)	Interest (8)	7:8;14:5,23;15:11,	15:1,4;22:10,11	motor (7)
23:8	9:17,17;10:4,13,14,	14;16:2;18:3,5;19:24;	Louis (1)	11:13;15:5;16:17;
happy (2)	18;20:17;24:13	21:15;28:5	5:2	19:16;24:6,8;26:20
8:5;12:11	into (13)	late (2)	Louisiana (8)	move (2)
hear (1)	5:21;6:3;9:6;10:15,	17:22;18:17	4:19,21,24;5:2;23:8;	5:20;22:8
12:11	18;21:6;22:13,19;	LDEQ (3)	28:12;31:3,6	movement (1)
hereby (1)	23:12,19;24:9,25;	4:7;5:4,6	M	22:7
31:7	26:24	leak (4)		Moving (1)
Here's (2)	introduce (1)	23:13,15,19;25:4	mandating (1)	9:1
21:20,20	29:6	leaks (2)	26:11	N
HICKS (2)	involved (1)	22:20;26:9	manufacturer (1)	
5:11,12	6:12	least (2)	25:18	names (1)
higher (2)	issue (4)	23:9;24:12	manufacturers (1)	31:17
12:23;26:7	22:24;23:11;28:4,5	leave (4)	26:1	Natalie (1)
highlight (1)	issued (1)	5:24;6:11;8:3;12:7	Marketers (7)	20:25
21:11	18:13	leaves (2)	4:19,22,25;5:2;	nature (2)
highlighted (1)	issues (6)	8:1;9:11	27:11;28:12,13	8:7;13:25
21:17	12:10;14:25;24:10;	left (2)	material (1)	necessarily (2)
historically (1)	28:8,13,15	29:6;31:16	31:18	23:20;28:4
14:16	item (2)	Legal (14)	may (8)	need (5)
hope (2)	11:24;23:22	4:7;8:6;11:19;13:5;	8:4;14:11;23:3,4;	5:20;23:24;24:2;
6:16;15:23	IVEY (3)	14:17;17:8,9;18:1,1,9;	25:8;26:6;28:7,17	28:8;29:20
I	4:14,15;6:20	19:25;24:3,10;27:7	maybe (2)	needs (1)
		legislative (1)	16:1;24:12	23:22

neighborhood (2) 14:14,18	26:24	19:11	progress (2) 17:4,14	21:5
neighboring (1) 7:11	order (2) 4:4;6:1	phrase (1) 31:19	projected (1) 19:16	recommended (1) 21:14
new (3) 10:8;11:20;29:17	ordinary (1) 20:21	phrases (1) 31:15	proper (1) 31:13	record (2) 5:25;31:8
next (1) 11:12	organization (1) 21:3	pipe (1) 26:5	property (3) 7:13,16,18	recover (1) 7:12
Nine (1) 16:17	otherwise (2) 27:9,16	pipng (2) 22:15;26:4	proposal (3) 13:20,21;14:8	reduced (1) 15:3
nominate (1) 8:14	out (15) 6:1;9:9;11:25;15:13, 16;17:11,23;18:4,10;	plan (2) 19:12;21:21	proposed (2) 14:3;21:11	reduction (2) 15:9,11
non-capped (1) 19:15	20:21,24;21:8,18;27:3; 31:16	planned (1) 16:22	prospects (1) 7:21	reference (1) 31:18
non-certified (2) 22:22;23:16	outstanding (3) 17:21;18:6;19:11	plus (1) 19:16	protection (1) 27:2	references (1) 26:20
nor (1) 14:10	Overland (2) 31:2,21	PM (1) 30:2	provide (1) 12:8	referred (1) 17:8
normally (1) 28:7	overpaid (1) 18:14	point (1) 28:2	provision (1) 7:14	refers (1) 24:5
November (1) 17:10	overs (1) 31:12	Points (3) 20:17;24:12,13	provisions (1) 7:15	reflect (1) 5:25
Number (6) 8:10;13:22;14:9; 20:1,18;22:5		portion (1) 15:4	put (3) 23:4,21;26:3	refresh (1) 13:12
	P	possibilities (1) 27:12	putting (3) 22:13,18;24:24	reimburse (1) 13:24
O	packet (1) 19:25	potential (7) 17:1;20:8;22:20; 23:10;25:9,14;26:8	Q	reimbursement (2) 11:17;12:17
obligated (1) 11:19	packets (1) 19:1	potentially (1) 16:25	quarter (5) 19:2,3,7;20:4,11	reimbursements (1) 9:9
obligation (2) 10:14;19:15	page (9) 9:15,22;11:11,12,22; 15:25;16:2;19:24,25	PPM (3) 4:15;5:10,12	quick (2) 4:5;8:22	relating (1) 19:22
obligations (2) 9:12;19:22	paid (2) 9:9;11:19	predecessor (1) 13:15	R	remain (2) 16:19;18:1
obviously (1) 24:6	participate (1) 21:4	predictive (1) 16:9	RAC (1) 21:8	remaining (4) 17:4,15,18;18:11
officer (1) 31:4	party (3) 7:5,9,14	prepared (1) 16:19	RACs (1) 20:24	remains (1) 10:20
off-the-record (1) 7:3	passed (1) 25:1	previous (2) 12:24;16:4	rates (1) 13:18	remember (3) 13:10;14:23;21:15
Oil (5) 4:19,21,24;5:2;28:12	pauses (1) 31:11	previously (1) 18:10	rather (1) 7:10	report (3) 9:16;16:13;18:23
one (14) 7:9,19;9:22;10:3; 11:24;17:1,7,16,20; 20:12;21:15;22:5; 27:24;28:7	pay (1) 27:9	price (1) 26:23	reach (1) 19:13	Reporter (1) 31:3
one-half (1) 13:17	payment (1) 19:6	prior (4) 17:18,24;28:6,10	reached (2) 16:18;20:6	Reporters's (1) 31:13
one-time (1) 13:11	penalties (3) 17:22;18:7,17	probably (2) 27:15,24	real (2) 4:5;25:11	requested (1) 19:22
only (5) 7:15,19;22:13,16,17	pending (1) 19:19	problem (1) 26:15	really (1) 15:22	requesting (1) 21:1
open (5) 8:12;16:16;17:5,13, 18	people (2) 22:25;24:24	Procedure (2) 31:5,6	received (3) 12:3;19:4;20:2	research (2) 24:14;27:21
opened (3) 16:21;17:6,24	percent (6) 14:7,13;22:9,9,22; 26:12	proceeding (2) 31:10,14	recently (2) 11:25;17:23	resins (2) 25:7;26:3
opinion (1) 27:7	percentage (1) 14:12	process (2) 17:3;19:20	recess (1) 6:14	resolution (1) 16:18
opportunity (1) 6:17	Perry (7) 4:7;8:1,2;24:2,11; 27:19,21	processed (1) 19:6	recognized (1) 19:15	response (7) 8:8;9:14;11:23; 18:21;21:23;22:1; 29:18
opt (1)	person (1) 24:3	product (9) 22:8,19;23:3,6,12,15, 16,18;26:11	recommend (1) 6:3	responsibility (1) 27:9
	phase (1)	program (2) 10:19;26:25	recommendations (1)	responsible (2) 27:6,17

rest (1) 8:4	separate (1) 10:23	17:9;18:2;20:7	three (2) 8:11;18:4	11:6;13:21
result (1) 7:18	sequestration (1) 14:25	statute (3) 7:15;24:4,5	thus (1) 20:2	used (2) 10:23;31:11
resulting (1) 16:24	services (1) 9:2	Steve (1) 4:17	tied (1) 18:8	using (2) 14:1,6
returned (1) 19:9	session (4) 5:21;6:4;28:6,10	still (5) 17:4,14,17,21;23:5	today (4) 18:5;23:21;26:18; 27:10	UST (3) 24:19,20;27:4
revenue (1) 9:20	Seven (3) 17:5,7,13	storage (1) 15:2	together (2) 26:4,6	utilize (1) 11:6
revenues (3) 9:17,17;11:15	Shawn (1) 4:15	struggling (2) 22:10,12	told (1) 27:9	utilizing (1) 14:3
review (4) 6:17;17:3,20;21:10	side (1) 21:18	stuff (1) 26:3	topic (1) 21:4	V
reviewed (1) 20:9	significantly (1) 12:23	subset (1) 10:22	total (1) 18:5	value (2) 7:16,19
reviewers (1) 21:13	single (1) 21:6	suggestions (1) 21:1	totaling (3) 19:5,7,20	verified (1) 31:18
Rhonda (1) 5:10	sit (1) 24:10	suit (3) 7:9,9,20	transcript (1) 31:16	versus (1) 22:9
right (7) 4:3;6:16;8:10,22; 9:1;13:2;25:2	sites (15) 9:10,21;11:7;13:23, 25;19:10,15;20:1,5,6,7, 8,11,13,15	sunset (1) 28:20	transcription (1) 31:14	via (2) 20:25;27:24
roll (1) 4:5	situations (1) 23:5	supplementing (1) 15:9	transferred (2) 9:6;11:13	Vince (2) 5:18;13:15
room (1) 6:11	sized (1) 19:25	Sure (2) 10:11;12:15	transfers (1) 19:17	VIZINAT (2) 5:7,8
roughly (1) 14:19	somebody's (1) 29:5	sworn (1) 31:7	Trust (31) 4:9,11;5:8,14,16;9:7; 11:4,13,14;12:18;15:5, 6;18:23;19:4,16,17,19; 20:1,7,8,20;21:9;22:11, 11,23;23:11,17;27:1,4, 5,16	voluntarily (5) 22:25;23:3;24:24; 25:3;26:21
Rule (1) 31:4	someone (4) 6:12;21:2;26:18,20	system (4) 22:15,20,23;24:25	trying (3) 15:22;16:7;17:17	W
Rules (1) 31:5	somewhere (1) 14:18	systems (3) 22:17;23:1;25:24	turn (5) 9:4,15,22;11:11; 18:25	waiver (1) 24:18
running (1) 12:24	sorry (1) 17:14	system's (1) 23:14	Twenty-two (1) 16:19	Washington (2) 22:7;26:11
S	sort (1) 24:17	T	two (3) 20:13,22;22:5	way (1) 27:24
SAAB (2) 5:1,2	specific (1) 21:4	Tab (3) 9:4,13;18:25	UL (5) 22:13,17;25:20,22, 24	weeks (1) 20:25
SAGNIBENE (6) 5:17,18;27:20;28:18; 29:3,10	speculation (1) 24:20	talk (2) 24:11;31:12	uncertified (2) 22:19;23:18	what's (1) 24:14
same (2) 20:13;31:12	spent (1) 9:21	talking (1) 15:25	underground (2) 15:2;26:13	whole (2) 28:25;29:4
saying (2) 25:5;26:2	spontaneous (1) 31:10	tank (5) 15:2;22:13;23:12,19; 25:5	Undersecretary (1) 5:18	willing (2) 21:3;27:10
scientific (1) 24:17	spot (1) 23:21	tanks (5) 10:19,20,21,24;11:5	unless (4) 7:22;8:17;27:2,9	Word (1) 21:16
screwing (1) 26:6	stakeholders (1) 21:13	team (1) 29:11	up (6) 7:22;8:4;11:6;12:10; 14:8;23:18	words (2) 31:15,17
Second (8) 6:8,23;8:20;19:2,3; 20:4,10;29:24	stand (1) 9:10	Ten (3) 16:20,21,23	updated (1) 20:22	work (6) 16:23;17:3,12,14; 21:4;29:11
secondary (1) 17:19	standpoint (1) 28:12	testimony (1) 31:7	use (2)	world (1) 25:11
section (1) 11:4	standstill (1) 26:10	therefore (1) 23:16		written (1) 27:17
sense (1) 27:8	start (1) 15:8	THERIOT (5) 4:6,7;5:22;6:9;7:7		wrote (1) 24:7
sent (5) 17:11,23;18:10; 20:24;21:8	state (3) 22:11;31:3,8	Third (4) 7:1,5,9,14		Y
	states (3) 22:10;24:15,25	though (1) 25:9		ya'll (7)
	status (3)	thought (2) 11:1;31:12		

8:3,6;21:15;24:12; 27:24;29:12;30:1 year (34) 9:5,21;11:17,25; 12:2,22,23;13:19;14:6, 9,23;15:11,14;16:2,21, 22,24;17:5,6,7,13,15, 16,19,25;18:11,15; 19:2,3;20:3,5,10,11,14 years (2) 12:24;20:22	30 (1) 14:13 31 (2) 16:16,18 31st (1) 9:7 4 4 (1) 9:4			
1	6			
1:46 (1) 30:2 10 (2) 22:9;25:25 11 (1) 20:11 116 (1) 19:19 12 (3) 20:12,14,15 13 (8) 11:25;12:2;17:7,7, 15,16,19,25 14 (7) 11:17;16:21,22,24; 17:5;18:12,16 1434b (1) 31:5 15 (7) 14:9;22:6,9,21; 24:25;25:7;26:25 16 (1) 16:22 196 (1) 19:5	6 (1) 18:25 8 85 (1) 26:12 9 97083 (1) 31:22			
2				
2013 (2) 19:14,18 2014 (5) 7:2;8:11;19:2,4;20:5 21 (2) 20:5,6 22 (3) 16:20;17:6;18:7 242 (1) 19:4 25 (1) 14:13 28 (1) 31:4 28.78 (1) 14:7 29 (1) 19:8				
3				