### 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

(225) 216-2036

### APPEARANCES

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

\* \* \* \* \*

### INDEX

| EXAMINATION | N .         | radb (5) |    |
|-------------|-------------|----------|----|
| None        |             |          |    |
| EXHIBITS:   |             |          |    |
| None        |             |          |    |
| REPORTER'S  | PAGE        | 3        | 31 |
|             | CERTIFICATE | 3        | 2  |

\* \* \* \* \*

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1
 2
         MR. KEITH BAKER:
 3
           All right, guys. Good afternoon.
         We'll call the meeting to order. We'll get
 5
         a roll call real quick.
 6
         MR. THERIOT:
 7
               Perry Theriot, Legal at LDEO.
 8
         MR. FRANKLIN:
 9
               Durwood Franklin, DEQ Trust Fund.
10
         MR. JEFF BAKER;
11
               Jeff Baker, DEQ Trust Fund.
12
         MR. FULTON:
13
              Gary Fulton, DEQ.
14
         MR. IVEY:
15
             Shawn Ivey, PPM Consultants.
16
         MR. BROWN:
17
               Steve Brown, Engineering Associates.
18
         MR. KEITH BAKER:
19
              Keith Baker, Louisiana Oil Marketers.
         MR. MILAZZO:
20
21
               Johnny Milazzo, Louisiana Oil
22
         Marketers.
23
         MR. GAUBERT:
24
              Grady Gaubert, Louisiana Oil
25
         Marketers.
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1
          MR. SAAB:
                Louis Saab, Louisiana Oil Marketers.
 2
          MR. MORIN:
                Cy Morin, LDEQ.
 4
          MS. ANDREWS:
                Karyn Andrews, LDEQ.
 6
 7
          MS. VIZINAT:
             Melissa Vizinat, Trust Fund.
 8
          MS. COOK:
 9
                Rhonda Cook, PPM Consultants.
10
         MS. HICKS:
11
                Linda Hicks, PPM Consultants.
12
         MR. EFFERSON:
13
                Jason Efferson, DEQ Trust Fund.
14
         MR. BRIGNAC:
15
                Kodi Brignac, DEQ Trust Fund.
16
         MR. SAGNIBENE:
17
               Vince Sagnibene, Undersecretary.
18
         MR. KEITH BAKER:
19
                Thank you. I believe we need to move
20
         into executive session.
21
         MR. THERIOT:
22
                At this time, yes, I think we do since
23
         I have to leave. Just let -- you know, so
24
         that the record will reflect, we're going to
25
```

```
. 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
          can I have a motion to adopt, if they're
18
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.
```

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

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:
                You did that the first time.
16
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:
```

### DEPARTMENT OF ENVIRONMENTAL QUALITY

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

| T  | 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.)                               |
| 2.4 | Okay. One other item is, we also             |

recently closed out our fiscal year '13

```
audit. I believe those members that were on
 1
 2
          the board during the time of fiscal year '13
          should have received by link a copy of that
 3
          audit. If you did not, let me know. Those
 4
          members that are here at the meeting that
 5
 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
          them to get that. But it was a clean audit.
 9
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:
                -- on the reimbursement from the
17
         environmental trust fund.
18
19
         MS. ANDREWS:
20
               Okay.
21
         MR. GAUBERT:
               The -- you know, this year -- this
22
23
         year, of course, was significantly higher
         than the previous years. It's been running
24
25
         about $2 million.
```

### 1 MS. ANDREWS:

2 Right.

### 3 MR. GAUBERT:

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

### MS. ANDREWS:

8 Correct.

9

13

14

15

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### MR. GAUBERT:

And I don't remember if that \$800,000

was a one-time, or that's a continued. I

got to -- refresh my memory.

#### MS. ANDREWS:

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

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

#### MR. GAUBERT:

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

### MS. ANDREWS:

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

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

```
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
         cases for motor fuel delivery fees. Nine of
17
18
         the 31 have reached resolution and are being
19
         prepared for closure. Twenty-two remain
         active. Ten of the 22 audits have been
20
21
         opened in fiscal year '14. That's ten of
22
         the 16 planned for fiscal year '14. Field
         work has been completed for five of the ten
23
         fiscal year '14 audits resulting in four
24
```

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    |

```
remain in legal for collections. The legal
 1
          status of these four cases has not changed
 2
          since the last board meeting. We have
 3
 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
          $126,380.94. $126,218.62 of this is tied to
 8
 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
         for $912.72 in overpaid fees.
14
15
                And finally, to date in fiscal year
          '14, we've collected $10,138.39 in fees and
16
         late penalties. And $172.90 in court costs.
17
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
```

### DEPARTMENT OF ENVIRONMENTAL QUALITY

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

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

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

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number of trust fund sites that have 1 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 quarter, but the fiscal year -- was 11 sites 11 and 12 active incidents. So one of the 12 13 sites had two incidents active at the same 14 time. So for this fiscal year, we've had 12 active sites made eligible and 12 incidents 15 16 made eligible. 17

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

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### DEPARTMENT OF ENVIRONMENTAL QUALITY

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

1 (No response.)

3

4

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2 MR. KEITH BAKER:

Thank you, sir. Any other business?

MR. GAUBERT:

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

# DEPARTMENT OF ENVIRONMENTAL QUALITY

| 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     |

instead of looking at it after the fact. 1 2 And what we need to do is -- again, Perry 3 would be the legal person that we would go 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 certification, again, that gets into the 9 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

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

MR. GAUBERT:

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I don't know of a documented case.

There are some people voluntarily putting E
15 in other states into a system that's not

```
certified passed an E-10. It's going on
 1
          right now. And they're doing it
 2
          voluntarily. You know, whether that causes
 3
          a leak or not, you know, the industry is
 4
          saying that it will because the tank itself
 5
          is -- you know, could be compatible with E-
 6
          15, but the glues, resins, gaskets, you
 7
          know, and the lines may not be. And so
          there's a potential for failure even though
 9
          -- in a laboratory, it's -- they've failed
10
          -- they've failed. In the real world, I
11
          don't know of any documented instance where
12
          it has failed. But it -- there is a
13
          potential for it.
14
         MR. FRANKLIN:
15
                And, Grady, when we say it's not
16
          certified, you mean it's not certified by
17
          the manufacturer?
18
         MR. GAUBERT:
19
                By UL.
20
21
         MR. FRANKLIN:
                Or the UL certification?
22
         MR. GAUBERT:
23
                UL. Yes, the systems are certified
24
          for -- you know, for 10, but nothing beyond
25
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that. You know, so the manufacturers are 1 2 saying if you don't know the glues, the resins and stuff that put all this, you 3 know, fiberglass piping together and so 4 forth, even, you know, the pipe dope, you 5 know, screwing flanges together may not be 6 certified to handle higher than an E-107 8 blend. And so there's a potential for leaks. And so the industry's at a 9 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 not listed or not compatible beyond E-10. 14 That's how big the problem could be. 15 16

### MR. MILAZZO:

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So there should be some communication. I mean, if someone were to do it today -because I agree with you, I think it all references motor fuel. So if someone, whether they're voluntarily doing it or they're doing it because they feel some competitive advantage because of price differentials would chose to opt into an E-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       |
| OF | omail  |

### 1 MR. MILAZZO:

That's a great point.

### MR. GAUBERT:

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

### MR. SAGNIBENE:

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

### MR. GAUBERT:

The whole department?

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

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

### 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               |
| .0 | spontaneous discourse of this proceeding, dashes |
|    | spontaneous discourse of this proceeding, dashes |
| .1 | () have been used to indicate pauses, changes    |
|    |  |

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

transcription of proceeding, and that the dashes

(--) do not indicated that words or phrases have

been left out of this transcript;

20

21

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Lori Overland, C.C.R.

22

# 97083

1-1

## CERTIFICATION

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

# 97093

### 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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| MOTOR FUELS UNI     | DERGROUND STORAGE                       | TANK TRUST                                 |  | February 27, 20               |
|---------------------|---|--|--|-------------------------------|
|                     |   | 19:20                                      | 8:9,14,15,21,25;15:19;   | case (2)                      |
| \$                  | A                                       | and/or (3)                                 | 16:12;18:19,22,23,24;  |                               |
| Φ                   | A                                       | 31:5,12,17                                 | 21:24;22:2;23:23;  | cases (4)                     |
| 01 150 100 (1)      | 1 1 1 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 | ANDREWS (18)                               | 27:18,22;29:16,19,25   | 16:17;18:2,7,9                |
| \$1,152,432 (1)     | abandoned (4)                           |  |  |                               |
| 19:23               | 10:19,20,24;11:5                        | 5:5,6;9:3,25;10:5,10,                      | balance (2)  | cause (1)                     |
| \$1,229,930 (1)     | able (1)                                | 17;11:3,10;12:14,19;                       | 9:11;10:16   | 24:19                         |
| 9:20                | 7:12                                    | 13:1,7,13;14:21;15:21;                     |  | caused (3)                    |
| \$1,600 (1)         | above (1)                               | 16:6;29:1                                  | 21:13;24:5   | 22:21;23:15,19                |
| 9:21                | 14:13                                   | annual (1)                                 | beginning (1)  | causes (1)                    |
| \$1,881,537 (1)     | Absolutely (1)                          | 13:19                                      | 9:5  | 25:3                          |
| 19:21               | 29:14                                   | answered (1)                               | behalf (1)   | causing (1)                   |
| \$10,138.39 (1)     | accept (1)                              | 7:20                                       | 7:10   | 23:12                         |
| 18:16               | 8:17                                    | anymore (1)                                | bet (1)  | CCR (1)                       |
| \$10,980,672.44 (1) | action (4)                              | 8:18                                       | 27:10  | 31:21                         |
| 9:8                 | 19:10,12;20:2,7                         | apologize (1)                              | beyond (2)   | certain (1)                   |
| \$12,794.37 (1)     | active (7)                              | 7:5  | 25:25;26:14  | 10:14                         |
| 18:12               | 16:20;17:6,18;18:7;                     | applications (4)                           | big (1)  | certification (2)             |
|                     |   | 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  |                               |
| \$126,380.94 (1)    | 21:18                                   |  | The second secon | 23:13,14;25:1,17,17,          |
| 18:8                | addition (1)                            | approved (3)                               | bit (4)  | 24;26:7;31:2                  |
| \$162.32 (2)        | 13:5                                    | 13:18;14:10;24:18                          | 6:3;14:20;15:6,12  | chairperson (2)               |
| 17:22;18:11         | additional (1)                          | approximately (1)                          | blend (2)  | 7:2;8:11                      |
| 6172.90 (1)         | 19:14                                   | 17:2                                       | 22:22;26:8   | changed (2)                   |
| 18:17               | address (7)                             | arise (1)                                  | board (7)  | 17:10;18:2                    |
| 52 (1)              | 12:8;20:19;22:24;                       | 28:17                                      | 6:11;11:21;12:2;   | changes (5)                   |
| 12:25               | 23:11,17;28:14,15                       | around (1)                                 | 17:10;18:3;21:9;28:9   | 21:1,11,14,17;31:11           |
|                     |   | 14:13                                      | books (1)  | charge (1)                    |
| 62,363,409 (1)      | addressed (1)                           | Article (1)                                | 15:16  | 13:22                         |
| 19:8                | 28:9                                    | 31:5                                       | bottom (1)   | chose (1)                     |
| 52.8 (1)            | ADJOURNED (1)                           | assessment (1)                             | 15:24  | 26:24                         |
| 14:19               | 30:2                                    | 17:1                                       | brief (1)  | Civil (2)                     |
| 6250,000 (1)        | administrative (1)                      | assessments (1)                            | 6:14   | 31:5,6                        |
| 15:11               | 13:24                                   | 17:1                                       | BRIGNAC (2)  | claims (4)                    |
| 53,131,213 (1)      | adopt (2)                               | Associates (1)                             | 5:15,16  | 7:5,14,16,17                  |
| 11:18               | 6:18,21                                 | 4:17                                       |  | clarifications (1)            |
| 3,227,895 (1)       | adopted (1)                             | 1  | bring (2)  |                               |
| 19:5                | 6:25                                    | assumption (2)                             | 13:20,22   | 20:18                         |
| 3,306,402 (1)       | advantage (1)                           | 27:1,5                                     | brought (1)  | clean (4)                     |
| 9:12                | 26:23                                   | attend (1)                                 | 14:2   | 11:6;12:9;16:25;              |
| 30,000 (1)          | advantages (1)                          | 6:2  | BROWN (2)  | 23:18                         |
| 16:1                | 27:14                                   | audit (6)                                  | 4:16,17  | close (2)                     |
| 32,472,946 (1)      | afternoon (1)                           | 12:1,4,6,9;16:16;                          | budget (1)   | 15:23;29:20                   |
| 19:14               | 4:3                                     | 17:15                                      | 19:12  | closed (4)                    |
| 33,134,439 (1)      | again (4)                               | auditor's (1)                              | budgets (1)  | 11:25;15:13,16;18:4           |
| 19:18               | 20:10;21:21;24:2,9                      | 16:13                                      | 19:23  | closeout (1)                  |
| 350,000 (2)         | agenda (1)                              | audits (13)                                | BURNHAM (1)  | 14:24                         |
| 13:4;14:17          | 8:5                                     | 16:20,24,25;17:2,5,6,                      | 29:21  | closer (1)                    |
|                     |   | 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)                               | 23.23,28.10                                | call (2)   | collection (1)                |
| 9:6                 | 7:15,17                                 | В  | 4:4,5  | 17:9                          |
| 66,336,490 (1)      | almost (1)                              | Б  |  |                               |
| 9:11                | 20:22                                   | 1-1-(6)                                    | came (1)   | collections (1)               |
| 800,000 (2)         | America (1)                             | back (6)                                   | 12:10  | 18:1                          |
| 13:6,10             | 26:13                                   | 10:15;12:13;15:13;                         | can (7)  | coming (1)                    |
| 912.72 (1)          | amount (7)                              | 20:23;24:11;27:23                          | 6:18;7:22;12:8;  | 8:4                           |
| 18:14               | 11:13,18;14:1,4,6;                      | BAKER (30)                                 | 15:23;16:8,8;24:13   | comments (3)                  |
| 10.17               |   |  | (1)  | 71.10 12 10                   |
| 10.17               | 17:21;19:21                             | 4:2,10,11,18,19;<br>5:19;6:5,15,24;7:4,24; | cap (1)<br>19:22   | 21:10,12,18<br>commitment (2) |

| repruary 27, 2014    |                    | MOTORFU                | JELS UNDERGROUND S   | STORAGE TANK TRUS      |
|----------------------|--------------------|------------------------|--|------------------------|
| 13:4;14:17           | deal (1)           | division (1)           | everybody (2)  | 14:8                   |
| communication (1)    | 22:12              | 15:2                   | 6:11,16  | first (2)              |
| 26:17                | December (3)       | document (6)           | The state of the s | 8:16;28:19             |
|                      | . ,                | , ,                    | everyone (1)   |                        |
| community (1)        | 9:7;19:13,18       | 20:20;21:2,6,8,11,16   | 18:25  | fiscal (26)            |
| 21:9                 | dedicated (1)      | documented (2)         | Exactly (1)  | 9:20;11:16,25;12:2;    |
| compatible (2)       | 10:13              | 24:23;25:12            | 16:7   | 14:9;16:21,22,24;17:5  |
| 25:6;26:14           | deficiencies (1)   | dollars (3)            | Excuse (1)   | 6,7,13,15,16,19,24;    |
| competitive (2)      | 19:9               | 15:7,8,10              | 9:24   | 18:11,15;19:2,3,7;20:3 |
| 26:23;27:14          | defined (1)        | dope (1)               | executive (2)  | 5,10,11,14             |
| compiled (3)         | 31:4               | 26:5                   | 5:21;6:4   | five (5)               |
| 21:6,7,10            | delay (1)          | down (2)               | expedited (1)  | 16:23;17:4,13,18;      |
| completed (2)        | 26:10              | 15:24;24:10            | 27:16  | 18:9                   |
| 16:23;17:12          | delinquent (2)     | due (1)                | expenditure (1)  | flanges (1)            |
| confirmed (1)        | 18:6,13            | 31:9                   | 9:19   | 26:6                   |
| 18:6                 | delivery (1)       | during (4)             | expenditures (1)   | folks (1)              |
| Consultants (3)      | 16:17              | 0 ( )                  | 11:16  | 11:20                  |
|                      |                    | 12:2;19:3,7;20:9       | 11:10  |                        |
| 4:15;5:10,12         | demand (4)         | Durwood (1)            | TG.  | followed (2)           |
| contemplating (1)    | 17:11,23;18:10,12  | 4:9                    | F  | 6:14;7:3               |
| 27:11                | denoted (1)        |                        |  | forth (2)              |
| continued (2)        | 31:19              | $\mathbf{E}$           | fact (1)   | 22:15;26:5             |
| 13:11,14             | department (5)     |                        | 24:1   | four (3)               |
| control (1)          | 20:17;28:14,22,25; | E- (4)                 | failed (3)   | 16:24;17:24;18:2       |
| 20:20                | 29:4               | 22:5;24:24;25:6;       | 25:10,11,13  | FRANKLIN (4)           |
| COOK (2)             | department's (2)   | 26:24                  | failure (2)  | 4:8,9;25:15,21         |
| 5:9,10               | 21:7;28:22         | E-10 (9)               | 24:19;25:9   | fuel (7)               |
| copy (2)             |                    |                        |  |                        |
|                      | depending (1)      | 22:17,19;23:2,5,12;    | far (2)  | 11:13;15:5;16:17;      |
| 12:3,6               | 27:12              | 24:7;25:1;26:7,14      | 20:2;24:4  | 19:16;24:6,8;26:20     |
| corporation (1)      | deposited (1)      | E-15 (14)              | favor (1)  | full (1)               |
| 7:10                 | 9:8                | 22:8,13,19;23:2,2,4,   | 8:23   | 14:1                   |
| correction (1)       | DEQ (6)            | 6,11,14,15;24:7,18;    | federal (4)  | FULTON (4)             |
| 19:12                | 4:9,11,13;5:14,16; | 26:11;27:12            | 14:25;15:2,9;31:4  | 4:12,13;6:7;8:19       |
| corrective (1)       | 27:4               | easy (2)               | fee (1)  | Fund (32)              |
| 19:10                | designated (1)     | 21:12,19               | 17:22  | 4:9,11;5:8,14,16;9:7,  |
| correspondence (1)   | 10:19              | EFFERSON (2)           | feel (1)   | 18;10:15,23;11:4,14,   |
| 27:3                 | desk (1)           | 5:13,14                | 26:22  | 14;12:18;15:5,6;18:23  |
| cost (6)             | 12:8               | election (2)           | fees (10)  | 19:4,16,17,19;20:1,7,8 |
| 13:17,20;19:13;      | detail (1)         | 7:1;8:11               | 11:19;13:5;14:17;  | 20;21:9;22:23;23:11,   |
| 20:20;23:1,3         | 11:15              | eligible (5)           | 15:5,7;16:17;18:6,13,  | 17;27:1,4,5,16         |
| costs (3)            | details (1)        | 11:5;14:2;20:9,15,16   | 14,16  | funds (3)              |
| 13:24;18:17;19:23    | 11:12              | email (3)              | fiberglass (1)   | 15:1,4;22:12           |
| couple (2)           | determine (1)      |                        |  | 1 / /                  |
|                      | . ,                | 12:7;20:24;27:25       | 26:4   | further (2)            |
| 10:8;20:25           | 24:14              | end (2)                | Field (5)  | 20:2,6                 |
| course (1)           | determined (1)     | 19:13,18               | 16:22;17:3,12,14;  | G                      |
| 12:23                | 17:20              | Engineering (1)        | 29:6   | G                      |
| court (3)            | difference (3)     | 4:17                   | figures (1)  |                        |
| 18:17;31:2,13        | 21:20,20;23:1      | entertain (1)          | 19:1   | Gary (1)               |
| credit (1)           | differential (1)   | 8:5                    | filed (2)  | 4:13                   |
| 18:13                | 16:1               | entire (2)             | 7:9,10   | gaskets (1)            |
| current (4)          | differentials (1)  | 20:4;22:14             | finalized (1)  | 25:7                   |
| 9:10;20:3,10,19      | 26:24              | environment (1)        | 18:4   | gasoline (1)           |
| currently (2)        | diminution (2)     | 23:20                  | finally (1)  | 22:8                   |
| 16:16;17:3           | 7:16,18            | environmental (3)      | 18:15  | gather (1)             |
| Cy (2)               | discourse (1)      | 11:14;12:18;19:17      | financial (1)  | 17:17                  |
| 5:4;16:14            | 31:10              | EPA (3)                | 9:2  | GAUBERT (26)           |
|                      | discussed (6)      | 13:18,20;14:10         | find (1)   | 4:23,24;8:13;9:23;     |
| D                    | 13:16;14:24;15:15; | estimated (2)          | 16:7   | 10:2,7,12,25;11:8;     |
|                      | 16:4;17:25;23:22   | 19:12,21               | fine (1)   | 12:12,16,21;13:3,9;    |
| damage (2)           | discussion (3)     | estimating (1)         | 8:17   | 14:15;15:17;16:3,10;   |
| 7:13,17              | 6:13;7:3;8:12      | 11:16                  | finish (1)   | 22:4;24:22;25:19,23;   |
| dashes (2)           | dispensers (1)     | ethanol (3)            | 12:13  |                        |
| 31:10,14             | 22:15              |                        | 1  | 28:3,24;29:8,13        |
|                      | dispensing (1)     | 22:9,10,22<br>even (2) | finished (1)<br>29:15  | general (1)            |
| late (2)             |                    | LEVELLA I              | 49.13  | 10:15                  |
| date (2)<br>18:11,15 | 22:14              | 25:9;26:5              | finishing (1)  | gets (1)               |

| MOTOR FUELS UNI | DERGROUND STORAGE  | TANK TRUST                                   |  | February 27, 201                 |
|-----------------|--|--|--|----------------------------------|
| 24:9            | identified (1)   |  | 28:8   | mean (3)                         |
|                 | 10:21  | *  | THE PARTY OF THE P |                                  |
| glues (2)       |  | 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)  | 14.11  | 19:11  | memory (1)                       |
| great (1)       | 21:6   | V  | Linda (1)  | 13:12                            |
| 28:2            | increase (1)   | K  | 5:12   | mentioned (1)                    |
|                 | 15:12  |  | The state of the s | 18:9                             |
| ground (1)      |  | Karyn (2)                                    | lines (1)  |                                  |
| 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)   |  | 7:1  | 26:16;28:1;29:23                 |
| guidance (2)    | 13:17,19   | 21,25;15:19;16:12;                           | listed (4)   | million (2)                      |
| 20:20;21:2      | industry (1)   | 18:19,22;21:24;22:2;                         | 22:14,16,17;26:14  | 12:25;14:19                      |
| guys (2)        | 25:4   | 29:16,19,25                                  | little (5)   | minutes (5)                      |
|                 | industry's (1)   | knowledge (3)                                | 6:2;14:20;15:6,12;   | 6:17,25;14:5;15:13,              |
| 4:3;10:8        | 26:9   | 23:8,9;24:13                                 | 23:2   | 16                               |
| H               |  | Kodi (1)                                     |  | modifications (2)                |
| Д               | information (2)  | 5:16   | LOMCSA (2)   | 20:19;21:7                       |
| 16 (1)          | 9:16;17:17<br>infractions (2)  | -  | 20:25;21:9   | money (3)                        |
| half (1)        | infrastructure (2)   | L  | look (4)   |                                  |
| 14:3            | 26:12,13   |  | 16:2;19:24;22:18;  | 10:18,22;11:6                    |
| nandle (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                   |
| ands (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                      |
| iappen (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               |
| nappened (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;                |
| арру (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)                         |
| near (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)                     |
| nereby (1)      | 23:12,19;24:9,25;  |  |  | 22:7                             |
| 31:7            | 26:24  | LDEQ (3)                                     | M  | Moving (1)                       |
| Here's (2)      | introduce (1)  | 4:7;5:4,6                                    |  | 9:1                              |
| 21:20,20        | 29:6   | leak (4)                                     | mandating (1)  |                                  |
|                 | involved (1)   | 23:13,15,19;25:4                             | 26:11  | N                                |
| HICKS (2)       | 6:12   | leaks (2)                                    | manufacturer (1)   |                                  |
| 5:11,12         | The state of the s | 22:20;26:9                                   | 25:18  | names (1)                        |
| igher (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)                      |
| ighlight (1)    | issued (1)   | leave (4)                                    |  |                                  |
| 21:11           | 18:13  | 5:24;6:11;8:3;12:7                           | Marketers (7)  | 20:25                            |
| ighlighted (1)  | issues (6)   | leaves (2)                                   | 4:19,22,25;5:2;  | nature (2)                       |
| 21:17           | 12:10;14:25;24:10;   | 8:1;9:11                                     | 27:11;28:12,13   | 8:7;13:25                        |
| istorically (1) | 28:8,13,15   | left (2)                                     | material (1)   | necessarily (2)                  |
| 14:16           | item (2)   | 29:6;31:16                                   | 31:18  | 23:20;28:4                       |
| ope (2)         | 11:24;23:22  | Legal (14)                                   | may (8)  | need (5)                         |
|                 | IVEY (3)   | 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      |  |  | 05006600515  | 20 0 20 20                       |
| 6:16;15:23      | 4:14,15;6:20   |  | 25:8;26:6;28:7,17  | 28:8;29:20                       |
| 6:16;15:23<br>I | 4:14,15;6:20   | 14:17;17:8,9;18:1,1,9;<br>19:25;24:3,10;27:7 | 25:8;26:6;28:7,17<br>maybe (2)<br>16:1;24:12   | 28:8;29:20<br>needs (1)<br>23:22 |

| noighbouhood (2)     | 26.24                          |                       | UELS UNDERGROUND      |                    |
|----------------------|--------------------------------|-----------------------|-----------------------|--------------------|
| neighborhood (2)     | 26:24                          | 19:11                 | progress (2)          | 21:5               |
| 14:14,18             | order (2)                      | phrase (1)            | 17:4,14               | recommended (1)    |
| neighboring (1)      | 4:4;6:1                        | 31:19                 | projected (1)         | 21:14              |
| 7:11                 | ordinary (1)                   | phrases (1)           | 19:16                 | record (2)         |
| new (3)              | 20:21                          | 31:15                 | proper (1)            | 5:25;31:8          |
| 10:8;11:20;29:17     | organization (1)               | pipe (1)              | 31:13                 | recover (1)        |
| next (1)             | 21:3                           | 26:5                  | property (3)          | 7:12               |
| 11:12                | otherwise (2)                  | piping (2)            | 7:13,16,18            | reduced (1)        |
| Nine (1)             | 27:9,16                        | 22:15;26:4            | proposal (3)          | 15:3               |
| 16:17                | out (15)                       | plan (2)              | 13:20,21;14:8         | reduction (2)      |
| nominate (1)         | 6:1;9:9;11:25;15:13,           | 19:12;21:21           | proposed (2)          | 15:9,11            |
| 8:14                 | 16;17:11,23;18:4,10;           | planned (1)           | 14:3;21:11            | reference (1)      |
| non-capped (1)       | 20:21,24;21:8,18;27:3;         | 16:22                 |                       | 31:18              |
| 19:15                | 31:16                          | plus (1)              | prospects (1)<br>7:21 |                    |
| non-certified (2)    | outstanding (3)                | 19:16                 |                       | references (1)     |
| 22:22;23:16          | 0 , ,                          |                       | protection (1)        | 26:20              |
|                      | 17:21;18:6;19:11               | PM (1)                | 27:2                  | referred (1)       |
| nor (1)              | Overland (2)                   | 30:2                  | provide (1)           | 17:8               |
| 14:10                | 31:2,21                        | point (1)             | 12:8                  | refers (1)         |
| normally (1)         | overpaid (1)                   | 28:2                  | provision (1)         | 24:5               |
| 28:7                 | 18:14                          | Points (3)            | 7:14                  | reflect (1)        |
| November (1)         | overs (1)                      | 20:17;24:12,13        | provisions (1)        | 5:25               |
| 17:10                | 31:12                          | portion (1)           | 7:15                  |                    |
| Number (6)           |                                | 15:4                  |                       | refresh (1)        |
| 8:10;13:22;14:9;     | P                              |                       | put (3)               | 13:12              |
| 20:1,18;22:5         | 1                              | possibilities (1)     | 23:4,21;26:3          | reimburse (1)      |
| 20.1,10,22.3         | naclest (1)                    | 27:12                 | putting (3)           | 13:24              |
| O                    | packet (1)                     | potential (7)         | 22:13,18;24:24        | reimbursement (2)  |
| 0                    | 19:25                          | 17:1;20:8;22:20;      |                       | 11:17;12:17        |
| 111                  | packets (1)                    | 23:10;25:9,14;26:8    | Q                     | reimbursements (1) |
| bligated (1)         | 19:1                           | potentially (1)       |                       | 9:9                |
| 11:19                | page (9)                       | 16:25                 | quarter (5)           | relating (1)       |
| obligation (2)       | 9:15,22;11:11,12,22;           | PPM (3)               | 19:2,3,7;20:4,11      | 19:22              |
| 10:14;19:15          | 15:25;16:2;19:24,25            | 4:15;5:10,12          | quick (2)             | remain (2)         |
| obligations (2)      | paid (2)                       | predecessor (1)       | 4:5;8:22              | 16:19;18:1         |
| 9:12;19:22           | 9:9;11:19                      | 13:15                 | 1.5,0.22              | remaining (4)      |
| byiously (1)         | participate (1)                | predictive (1)        | R                     |                    |
| 24:6                 | 21:4                           | 16:9                  | - A                   | 17:4,15,18;18:11   |
| officer (1)          | party (3)                      | prepared (1)          | PAC(1)                | remains (1)        |
| 31:4                 | 7:5,9,14                       | 16:19                 | RAC (1)               | 10:20              |
| off-the-record (1)   |                                |                       | 21:8                  | remember (3)       |
| 7:3                  | passed (1)                     | previous (2)          | RACs (1)              | 13:10;14:23;21:15  |
|                      | 25:1                           | 12:24;16:4            | 20:24                 | report (3)         |
| Oil (5)              | pauses (1)                     | previously (1)        | rates (1)             | 9:16;16:13;18:23   |
| 4:19,21,24;5:2;28:12 | 31:11                          | 18:10                 | 13:18                 | Reporter (1)       |
| ne (14)              | pay (1)                        | price (1)             | rather (1)            | 31:3               |
| 7:9,19;9:22;10:3;    | 27:9                           | 26:23                 | 7:10                  | Reporters's (1)    |
| 11:24;17:1,7,16,20;  | payment (1)                    | prior (4)             | reach (1)             | 31:13              |
| 20:12;21:15;22:5;    | 19:6                           | 17:18,24;28:6,10      | 19:13                 | requested (1)      |
| 27:24;28:7           | penalties (3)                  | probably (2)          | reached (2)           | 19:22              |
| ne-half (1)          | 17:22;18:7,17                  | 27:15,24              | 16:18;20:6            | requesting (1)     |
| 13:17                | pending (1)                    | problem (1)           | real (2)              | 21:1               |
| ne-time (1)          | 19:19                          | 26:15                 | 4:5;25:11             | research (2)       |
| 13:11                | people (2)                     | Procedure (2)         | really (1)            | 24:14;27:21        |
| nly (5)              | 22:25;24:24                    | 31:5,6                | 15:22                 | resins (2)         |
| 7:15,19;22:13,16,17  | percent (6)                    | proceeding (2)        | received (3)          | 25:7;26:3          |
| pen (5)              | 14:7,13;22:9,9,22;             | 31:10,14              | 12:3;19:4;20:2        |                    |
| 8:12;16:16;17:5,13,  | 26:12                          | process (2)           |                       | resolution (1)     |
| 18                   | percentage (1)                 | 17:3;19:20            | recently (2)          | 16:18              |
| pened (3)            | 14:12                          | processed (1)         | 11:25;17:23           | response (7)       |
| 16:21;17:6,24        | Perry (7)                      | 19:6                  | recess (1)            | 8:8;9:14;11:23;    |
| pinion (1)           |                                |                       | 6:14                  | 18:21;21:23;22:1;  |
| 27:7                 | 4:7;8:1,2;24:2,11;<br>27:19,21 | product (9)           | recognized (1)        | 29:18              |
| pportunity (1)       |                                | 22:8,19;23:3,6,12,15, | 19:15                 | responsibility (1) |
|                      | person (1)                     | 16,18;26:11           | recommend (1)         | 27:9               |
| 0.17                 | 24:3                           | program (2)           | 6:3                   | responsible (2)    |
| 6:17<br>pt (1)       | phase (1)                      | 10:19;26:25           | recommendations (1)   | 27:6,17            |

| MOTOR FUELS UNDE              | ERGROUND STORAGE   | TANK TRUST                |                         | February 27, 201   |
|-------------------------------|--|---------------------------|-------------------------|--|
| rest (1)                      | separate (1)   | 17:9;18:2;20:7            | three (2)               | 11:6;13:21   |
| 8:4                           | 10:23  | statute (3)               | 8:11;18:4               | used (2)   |
| result (1)                    | sequestration (1)  | 7:15;24:4,5               | thus (1)                | 10:23;31:11  |
| 7:18                          | 14:25  | Steve (1)                 | 20:2                    | The state of the s |
| resulting (1)                 | services (1)   | 4:17                      |                         | using (2)  |
|                               | The state of the s |                           | tied (1)                | 14:1,6   |
| 16:24                         | 9:2  | still (5)                 | 18:8                    | UST (3)  |
| returned (1)                  | session (4)  | 17:4,14,17,21;23:5        | today (4)               | 24:19,20;27:4  |
| 19:9                          | 5:21;6:4;28:6,10   | storage (1)               | 18:5;23:21;26:18;       | utilize (1)  |
| revenue (1)                   | Seven (3)  | 15:2                      | 27:10                   | 11:6   |
| 9:20                          | 17:5,7,13  | struggling (2)            | together (2)            | utilizing (1)  |
| revenues (3)                  | Shawn (1)  | 22:10,12                  | 26:4,6                  | 14:3   |
| 9:17,17;11:15                 | 4:15   | stuff (1)                 | told (1)                | **   |
| review (4)                    | side (1)   | 26:3                      | 27:9                    | V  |
| 6:17;17:3,20;21:10            | 21:18  | subset (1)                | topic (1)               |  |
| reviewed (1)                  | significantly (1)  | 10:22                     | 21:4                    | value (2)  |
| 20:9                          | 12:23  | suggestions (1)           | total (1)               | 7:16,19  |
| reviewers (1)                 | single (1)   | 21:1                      | 18:5                    | verified (1)   |
| 21:13                         | 21:6   | suit (3)                  | totaling (3)            | 31:18  |
| Rhonda (1)                    | sit (1)  | 7:9,9,20                  | 19:5,7,20               | versus (1)   |
| 5:10                          | 24:10  | sunset (1)                | transcript (1)          | 22:9   |
| right (7)                     | sites (15)   | 28:20                     | 31:16                   | via (2)  |
| 4:3;6:16;8:10,22;             | 9:10,21;11:7;13:23,  | supplementing (1)         | transcription (1)       | 20:25;27:24  |
| 9:1;13:2;25:2                 | 25;19:10,15;20:1,5,6,7,  |                           | 31:14                   | Vince (2)  |
| roll (1)                      | 8,11,13,15   | Sure (2)                  | transferred (2)         | 5:18;13:15   |
| 4:5                           | situations (1)   | 10:11;12:15               | 9:6;11:13               | VIZINAT (2)  |
| room (1)                      | 23:5   | sworn (1)                 | transfers (1)           | 5:7,8  |
| 6:11                          | sized (1)  | 31:7                      | 19:17                   | voluntarily (5)  |
| roughly (1)                   | 19:25  | system (4)                | Trust (31)              | 22:25;23:3;24:24;  |
| 14:19                         | somebody's (1)   | 22:15,20,23;24:25         | 4:9,11;5:8,14,16;9:7;   | 25:3;26:21   |
| Rule (1)                      | 29:5   | systems (3)               | 11:4,13,14;12:18;15:5,  | 10.0,20.21   |
| 31:4                          | someone (4)  | 22:17;23:1;25:24          | 6;18:23;19:4,16,17,19;  | W  |
| Rules (1)                     | 6:12;21:2;26:18,20   | system's (1)              | 20:1,7,8,20;21:9;22:11, |  |
| 31:5                          | somewhere (1)  | 23:14                     | 11,23;23:11,17;27:1,4,  | waiver (1)   |
| running (1)                   | 14:18  |                           | 5,16                    | 24:18  |
| 12:24                         | sorry (1)  | T                         | trying (3)              | Washington (2)   |
|                               | 17:14  |                           | 15:22;16:7;17:17        | 22:7;26:11   |
| S                             | sort (1)   | Tab (3)                   | turn (5)                | way (1)  |
|                               | 24:17  | 9:4,13;18:25              | 9:4,15,22;11:11;        | 27:24  |
| SAAB (2)                      | specific (1)   | talk (2)                  | 18:25                   | weeks (1)  |
| 5:1,2                         | 21:4   | 24:11;31:12               | Twenty-two (1)          | 20:25  |
| SAGNIBENE (6)                 | speculation (1)  | talking (1)               | 16:19                   | what's (1)   |
| 5:17,18;27:20;28:18;          | 24:20  | 15:25                     | two (3)                 | 24:14  |
| 29:3,10                       | spent (1)  | tank (5)                  | 20:13,22;22:5           | whole (2)  |
| same (2)                      | 9:21   | 15:2;22:13;23:12,19;      |                         | 28:25;29:4   |
| 20:13;31:12                   | spontaneous (1)  | 25:5                      | U                       | willing (2)  |
| saying (2)                    | 31:10  | tanks (5)                 |                         | 21:3;27:10   |
| 25:5;26:2                     | spot (1)   | 10:19,20,21,24;11:5       | UL (5)                  | Word (1)   |
| scientific (1)                | 23:21  | team (1)                  | 22:13,17;25:20,22,      | 21:16  |
| 24:17                         | stakeholders (1)   | 29:11                     | 24                      | words (2)  |
| screwing (1)                  | 21:13  | Ten (3)                   | uncertified (2)         | 31:15,17   |
| 26:6                          | stand (1)  | 16:20,21,23               | 22:19;23:18             | work (6)   |
| Second (8)                    | 9:10   | testimony (1)             | underground (2)         | 16:23;17:3,12,14;  |
| 6:8,23;8:20;19:2,3;           | standpoint (1)   | 31:7                      | 15:2;26:13              | 21:4;29:11   |
| 20:4,10;29:24                 | 28:12  | therefore (1)             | Undersecretary (1)      | world (1)  |
| secondary (1)                 | standstill (1)   | 23:16                     | 5:18                    | 25:11  |
| 17:19                         | 26:10  | THERIOT (5)               | unless (4)              | written (1)  |
| section (1)                   | start (1)  | 4:6,7;5:22;6:9;7:7        | 7:22;8:17;27:2,9        | 27:17  |
| 11:4                          | 15:8   | Third (4)                 | up (6)                  | wrote (1)  |
| sense (1)                     | state (3)  | 7:1,5,9,14                | 7:22;8:4;11:6;12:10;    | 24:7   |
| 27:8                          | 22:11;31:3,8   | though (1)                | 14:8;23:18              | 200.00   |
| sent (5)                      | states (3)   | 25:9                      | updated (1)             | Y  |
|                               |  |                           |                         |  |
| 17:11,23;18:10;<br>20:24;21:8 | 22:10;24:15,25<br>status (3)   | thought (2)<br>11:1;31:12 | 20:22<br>use (2)        | ya'll (7)  |

| 8-3,6/21-15/24-12; 772-4/29/12/20:1 9-5,21/11-17/25: 9-5,21/11-17/25: 12-22/23/13-19/146, 9-23/15/1,11-15, 16/19/25/18-11,15; 19-23/20-35/10,11/4 years (2) 1  | February 27, 2014   |  | MOTOR FUELS UNDERGROUND STORAGE TANK TRUST |
|--|---|--|--|
| 192,3:20:3,5;0,11,14   4 (II)   12:24;20:22   4 (II)   30:2   1 (II)   18:25   8   11 (II)   20:11   11 (II)   20:11   11 (II)   20:11   11 (II)   20:12   17:7,7,   | 27:24;29:12;30:1<br>year (34)<br>9:5,21;11:17,25;<br>12:2,22,23;13:19;14:6,<br>9,23;15:11,14;16:2,21,<br>22,24;17:5,6,7,13,15,          | 14:13<br>31 (2)<br>16:16,18<br>31st (1)<br>9:7 |  |
| 1 6 6  1.46 (I) 30.2   | 19:2,3;20:3,5,10,11,14 years (2)  | 4 (1)  |  |
| 30.2 10 (2) 22.9;25:25 11 (1) 20:11 116 (1) 19:19 12 (2) 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 13434b (1) 31:5 15 (7) 14:9;22:59,21; 24:25;25:7;26:25 16 (1) 19:5  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 |   |  |  |
| 229;25:25 8 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;19,27 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) 19:5  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 28 (1) 31:4 28.78 (1) 14:7 29 (1) 19:8                         | 30:2  | 6 (1) 18:25                                    |  |
| 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; 175;18:12,16 1433b (1) 31:5 15 (7) 14:9;22:6,9,21; 24:25;25:7;26:25 16 (1) 19:14,18 2014 (6) 7:2;8:11;19:2,4;20:5 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 28:78 (1) 14:7 28:78 (1) 14:7 29 (1) 19:8          | 22:9;25:25  | 8  |  |
| 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 (t) 31:5 15 (7) 14:9;22:6,9,21; 24:25;25:7;26:25 16 (1) 19:5  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  | 20:11<br>116 (1)  |  |  |
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| 3  | 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   |   | Page                                       |
| 1 2 3          |  | 1                                       | INDEX                                      |
| 3              | STATE OF LOUISIANA   | 2                                       | EXAMINATION: PAGE (S)                      |
| 4              | DEPARTMENT OF ENVIRONMENTAL QUALITY  | 3                                       | None                                       |
| 5              | MOTOR FUELS UNDERGROUND STORAGE TANK TRUST   | 4                                       | None                                       |
| 6              | FUND ADVISORY BOARD  | 5                                       | EXHIBITS:                                  |
| 7              |  | 6                                       | None                                       |
| 8              |  | 7                                       |  |
| 9              |  | 8                                       | REPORTER'S PAGE 3:                         |
| 10             |  | 9                                       | REPORTER'S CERTIFICATE 3                   |
| 11             |  | 10                                      |  |
|                |  | 11                                      | * * * *                                    |
| 12             | The above-entitled meeting was held at the   | 12                                      |  |
| 13             | LDEQ, Galvez Building, Conference Center, 602<br>North 5th Street, Baton Rouge, Louisiana, | 13                                      |  |
| 14             | beginning at 1:05 p.m., on February 27, 2014.  | 14                                      |  |
| 15             |  | 15                                      |  |
| 16             |  | 16                                      |  |
| 17             |  | 17                                      |  |
| 18             |  |   |  |
| 19             | BEFORE:  | 18                                      |  |
| 20             | Lori B. Overland<br>Certified Court Reporter   | 19                                      |  |
| 21             | In and For the State of Louisiana  | 20                                      |  |
| 22             |  | 21                                      |  |
| 23             |  | 22                                      |  |
| 24             |  | 23                                      |  |
| 25             |  | 24                                      |  |
|                | Page   | 2                                       | Page 4                                     |
| 1              | APPEARANCES  |   | * * * * *                                  |
| 2              |  | 1 2                                     | MR. KEITH BAKER:                           |
| 3              | Keith Baker<br>Chairman  | 3                                       | All right, guys. Good afternoon.           |
| 4              | Durwood Franklin   | 4                                       | We'll call the meeting to order. We'll get |
| 5              | Perry Theriot<br>Jeff Baker  | 5                                       | a roll call real quick.                    |
| 6              | Gary Fulton<br>Shawn Ivey  | 6                                       | MR. THERIOT:                               |
| 7              | Steve Burnham<br>John Milazzo  | 7                                       | Perry Theriot, Legal at LDEQ.              |
| 8              | Grady Gaubert<br>Louis Saab  | 8                                       | MR. FRANKLIN:                              |
| 9              | Cy Morin<br>Karyn Andrews  | 9                                       | Durwood Franklin, DEQ Trust Fund.          |
| 10             |  | 10                                      | MR. JEFF BAKER;                            |
| 11             | Melissa Vizinat<br>Kodi Brignac  | 11                                      | Jeff Baker, DEQ Trust Fund.                |
| 12             | Jason Efferson<br>Rhonda Cook  | 12                                      | MR. FULTON:                                |
| 13             | Linda Hicks<br>Natalie Isaacks   | 13                                      | Gary Fulton, DEQ.                          |
| 14             | Vince Sagnibene  | 14                                      | MR. IVEY:                                  |
| 15             | * * * *  | 15                                      | Shawn Ivey, PPM Consultants.               |
| 16             |  | 16                                      | MR. BROWN:                                 |
| 17             |  | 17                                      | Steve Brown, Engineering Associates.       |
| 18             |  | 18                                      | MR. KEITH BAKER:                           |
|                |  | 19                                      | Keith Baker, Louisiana Oil Marketers.      |
| 19             |  | 20                                      | MR. MILAZZO:                               |
|                |  |   | Johnny Milazzo, Louisiana Oil              |
| 19<br>20<br>21 |  | 21                                      |  |
| 20             |  | 21                                      | Marketers.                                 |
| 20             |  | 100000000000000000000000000000000000000 | Marketers. MR. GAUBERT:                    |
| 20<br>21<br>22 |  | 22                                      | Marketers.                                 |

|   | Page 5  | 5   | Page  |
|---|---|---|---|
| 1   | MR. SAAB:   | 1   | Third on our list is election for a   |
| 2   | Louis Saab, Louisiana Oil Marketers.  | 2   | chairperson for 2014.   |
| 3   | MR. MORIN:  | 3   | (An off-the-record discussion followed.)  |
| 4   | Cy Morin, LDEQ.   | 4   | MR. KEITH BAKER:  |
| 5   | MS. ANDREWS:  | 5   | Yes, third party claims. I apologize.   |
| 6   | Karyn Andrews, LDEQ.  | 6   | Go ahead.   |
| 7   | MS. VIZINAT:  | 7   | MR. THERIOT:  |
| 8   | Melissa Vizinat, Trust Fund.  | 8   | Since our last meeting, there's been  |
| 9   | MS. COOK:   | 9   | one suit, third party suit filed. It was  |
| .0  | Rhonda Cook, PPM Consultants.   | 10  | filed on behalf of a corporation rather than  |
| .1  | MS. HICKS:  | 11  | a neighboring landowner. I do not believe   |
| .2  | Linda Hicks, PPM Consultants.   | 12  | they're going to be able to recover from us,  |
| .3  | MR. EFFERSON:   | 13  | but you never know. The property damage   |
| 4   | Jason Efferson, DEQ Trust Fund.   | 14  | provision in the third party claims   |
| .5  | MR. BRIGNAC:  | 15  |   |
| .6  | Kodi Brignac, DEQ Trust Fund.   |   | provisions of the statute only allow  |
| 17  | MR. SAGNIBENE:  | 16  | property claims for diminution of value.  |
| .8  |   | 17  | They don't allow claims for damage to   |
| .9  | Vince Sagnibene, Undersecretary. MR. KEITH BAKER:   | 18  | property that doesn't result in a diminution  |
| 20  |   | 19  | of value. So this - there's only been one.  |
| 1   | Thank you. I believe we need to move into executive session.  | 20  | We haven't answered the suit yet. But I do  |
| 2   | MR. THERIOT:  | 21  | believe the prospects are not very good for   |
|   |   | 22  | that, so, unless they can come up with  |
| .3  | At this time, yes, I think we do since  | 23  | something   |
| 14  | I have to leave. Just let you know, so that the record will reflect, we're going to   | 24  | MR. KEITH BAKER:  |
|   | , , ,   |   | Thank you, sir. Any questions for Mr.   |
|   |   |   |   |
|   | Page 6  |   | Page  |
| 1   | take it out of order because I have another   | 1   | Page Perry before he leaves?  |
| 1 2   | take it out of order because I have another meeting that I have to attend in a little   |   |   |
| _   | take it out of order because I have another   | 1   | Perry before he leaves? MR. PERRY:  |
| 2   | take it out of order because I have another meeting that I have to attend in a little   | 1 2   | Perry before he leaves? MR. PERRY: Before I leave, if ya'll have any  |
| 2<br>3<br>4   | take it out of order because I have another meeting that I have to attend in a little bit. So yes, I would recommend we go into   | 1<br>2<br>3   | Perry before he leaves? MR. PERRY: Before I leave, if ya'll have any questions that may be coming up in the rest  |
| 2<br>3<br>4<br>5  | take it out of order because I have another meeting that I have to attend in a little bit. So yes, I would recommend we go into executive session now.  | 1<br>2<br>3<br>4  | Perry before he leaves? MR. PERRY: Before I leave, if ya'll have any questions that may be coming up in the rest of the agenda, I'll be happy to entertain  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>0<br>1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>9<br>9<br>9<br>9<br>9<br>9<br>9<br>9<br>9<br>9<br>9<br>9<br>9<br>9<br>9<br>9<br>9   | take it out of order because I have another meeting that I have to attend in a little bit. So yes, I would recommend we go into executive session now.  MR. KEITH BAKER:  Motion.  MR. FULTON:  Second.  MR. THERIOT:  Okay. We're going to ask that everybody leave the room that's not a board member or someone who will be involved in the discussion.  (A brief recess followed.)  MR. KEITH BAKER:  All right. I hope everybody has had an opportunity to review the minutes. So can I have a motion to adopt, if they're aren't any questions?  MR. IVEY:  | 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18                         | Perry before he leaves?  MR. PERRY:  Before I leave, if ya'll have any questions that may be coming up in the rest of the agenda, I'll be happy to entertain them now, if ya'll have some of a legal nature.  (No response.)  MR. KEITH BAKER:  Thank you, sir. All right. Number three, election of a chairperson for 2014.  I'll open that for discussion.  MR. GAUBERT:  I nominate Keith Baker.  MR. KEITH BAKER:  You did that the first time.  That's fine. I accept it, unless there's anymore.  |
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| MOT      | OR FUELS UNDERGROUND STORAGE TANK TR        | _   | Pega 11  |
|----------|---|-----|--|
|          | Page 9                                      |     | Page 11  |
| 1        | All right. Moving on. Ms. Karyn,            | 1   | That's what I thought, but I just  |
| 2        | financial services.                         | 2   | wanted to -  |
| 3        | MS. ANDREWS:                                | 3   | MS. ANDREWS:   |
| 4        | Thank you. If you'll turn to Tab 4.         | 4   | Yes. And so as the trust fund section  |
| 5        | As you know, at the beginning of the year,  | 5   | identifies abandoned tanks that are eligible   |
| 6        | we had transferred \$63,207,180.78 into the | 6   | to utilize this money, we use it to clean up   |
| 7        | trust fund. And as of December 31st, we     | 7   | those sites.   |
| 8        | have deposited \$10,980,672.44. We have now | 8   | MR. GAUBERT:   |
| 9        | paid out reimbursements of \$4,544,960.59.  | 9   | Thank you.   |
| 10       | Our current liabilities on sites stand at   | 10  | MS. ANDREWS:   |
| 11       | \$66,336,490. That leaves us with a balance | 11  | So let's go ahead and turn the page.   |
| 12       | after obligations at \$3,306,402. Does      | 12  | This next page details how we calculate the  |
| 13       | anybody have any questions about this tab?  | 13  | amount transferred from the motor fuel trust   |
| 14       | (No response.)                              | 14  | fund to our environmental trust fund. And  |
| 15       | Let's go ahead and turn the page.           | 15  | this is a detail of our revenues and   |
| 16       | This is our information report on the       | 16  | expenditures. We're estimating in fiscal   |
| 17       | interest revenues. Interest revenues        | 17  | year '14 the reimbursement is going to be  |
| 18       | collected since inception on this fund is   | 18  | \$3,131,213. And that includes the amount  |
| 19       | \$6,560,775.58. The expenditure on this     | 19  | paid and obligated for the legal fees.   |
| 20       | revenue is \$1,229,930. And in this fiscal  | 20  | And since there are some new folks on  |
| 21       | year, we have spent \$1,600 on sites.       | 21  | the board, do you all have any questions   |
| 22       | And one more page. Let's turn.              | 22  | about this page?   |
| 23       | MR. GAUBERT:                                | 23  | (No response.) Okay. One other item is, we also  |
| 24       | Excuse me. MS. ANDREWS:                     | 24  | recently closed out our fiscal year '13  |
|          | Page 10                                     |     | Page 12  |
| 1        | Yes.  | 1   | audit. I believe those members that were on  |
| 2        | MR. GAUBERT:                                | 2   | the board during the time of fiscal year '13   |
| 3        | I want to ask you one question on this      | 3   | should have received by link a copy of that  |
| 4        | interest.                                   | 4   | audit. If you did not, let me know. Those  |
| 5        | MS. ANDREWS:                                | 5   | members that are here at the meeting that would like a copy of the audit that did not, |
| 6        | Yes.<br>MR. GAUBERT:                        | 6   | if they would like to leave their email  |
| 7        | I think we have a couple of new guys        | 8   | address at the desk, I can provide links to  |
| 8        | here.                                       | 9   | them to get that. But it was a clean audit.  |
| 9        | MS. ANDREWS:                                | 10  | We had no issues that came up. So I'm very   |
| 11       | Sure.                                       | 11  | happy to hear that. Any other questions?   |
| 12       | MR. GAUBERT:                                | 12  | MR. GAUBERT:   |
| 13       | Does - is the interest dedicated to a       | 13  | Before you finish. Back on the -   |
| 14       | certain obligation? The interest, does it   | 14  | MS. ANDREWS:   |
| 15       | go back into the - just the general fund    | 15  | Sure.  |
| 16       | balance?                                    | 16  | MR. GAUBERT:   |
| 17       | MS. ANDREWS:                                | 17  | on the reimbursement from the  |
| 18       | The interest money that comes into the      | 18  | environmental trust fund.  |
| 19       | program is designated for abandoned tanks.  | 19  | MS. ANDREWS:   |
| 20       | And it remains in there for abandoned tanks | 20  | Okay.  |
| 21       | as these tanks are identified. So it does   | 21  | MR. GAUBERT:   |
| 22       | not - so it's like a subset of money in the | 22  | The you know, this year this   |
| 23       | fund that we keep separate to be used for   | 23  | year, of course, was significantly higher  |
|          |   | 0.4 | than the previous years. It's been minning   |
| 24<br>25 | abandoned tanks. MR. GAUBERT:               | 24  | than the previous years. It's been running about \$2 million.                          |

|  | Page 13   | 3  | Page 1  |
|--|---|--|---|
| 1  | MS. ANDREWS:  | 1  | government. A lot of what funds - our   |
| 2  | Right.  | 2  | underground storage tank division is federal  |
| 3  | MR. GAUBERT:  | 3  | grants. And when those grants get reduced,  |
| 4  | And then we had a \$350,000 commitment  | 4  | the other portion that funds a lot of that  |
| 5  | for the legal fees. And in addition, there  | 5  | is these motor fuel trust fund fees. So you   |
| 6  | was an \$800,000.   | 6  | see a little bit more of these trust fund   |
| 7  | MS. ANDREWS:  | 7  | fees when we don't have grant dollars.  |
| 8  | Correct.  | 8  | These dollars also have - start   |
| 9  | MR. GAUBERT:  | 9  | supplementing the reduction in federal  |
| .0   | And I don't remember if that \$800,000  | 10   | dollars. And so I think we had about a  |
| 1  | was a one-time, or that's a continued. I  | 11   | \$250,000 reduction last year, which was a  |
| .2   | got to refresh my memory.   | 12   | little bit of that increase. I think if we  |
| .3   | MS. ANDREWS:  | 13   | go back to the minutes when we closed out   |
| 4  | That will be a continued. What we   | 14   | last year in our August meeting, I believe  |
| .5   | have and what Vince and my predecessor had  | 15   | it was, we discussed that and - when we   |
| .6   | discussed is, we are now going to have a  | 16   | closed out the healts in the service the  |
| .7   | indirect cost. It will be one-half of our   | 17   | closed out the books, in those minutes. MR. GAUBERT:  |
| .8   | approved rates that we go to EPA for every  |  |   |
| 9  | year. We get - we have an annual indirect   | 18   | Thank you.  |
| 0  | cost proposal that we bring to EPA. They  | 19   | MR. KEITH BAKER:  |
| 1  | approve our proposal. And we use that   | 20   | Any other questions?  |
| 2  | number that we bring that we charge on  | 21   | MS. ANDREWS:  |
| 3  | sites when we have it, for our - to   | 22   | But we really are trying to get it as   |
| 4  | reimburse us for administrative costs for   | 23   | close to level as we can and - and hope -   |
| 5  | sites or grants, things of that nature.   | 24   | I think if you see down here at the bottom  |
|  | sites of grants, things of that nature.   | 25   | on the page you're talking about, we're   |
|  |   |  |   |
|  | Page 14   |  | Page 16   |
| 1  |   | 1  |   |
|  | Instead of using the full amount that we're   | 1 2  | looking at maybe a \$30,000 differential from   |
| 2  | Instead of using the full amount that we're eligible for, we had brought to the group   | 2  | looking at maybe a \$30,000 differential from last year, if you look on that page.  |
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| 1<br>2<br>3                      | Dana 47   |                |  |
|----------------------------------|---|----------------|--|
| 2                                | Page 17   |                | Page 19  |
|                                  | assessments, and one potential assessment of                    | 1              | in your packets. These are the figures of  |
|                                  | approximately \$500. These audits are                           | 2              | the second quarter of fiscal year 2014.  |
|                                  | currently in the review process. Field work                     | 3              | During the second quarter of fiscal year   |
| 4                                | is still in progress for the remaining five                     | 4              | 2014, the trust fund received 242  |
| 5                                | open fiscal year '14 audits. Seven of the                       | 5              | applications, totaling \$3,227,895. 196  |
| 6                                | 22 active audits were opened in fiscal year                     | 6              | applications were processed for payment  |
| 7                                | '13. One of the seven fiscal year '13                           | 7              | during the fiscal quarter, totaling  |
| 8                                | audits has been referred to legal for                           | 8              | \$2,363,409. And 29 applications were  |
| 9                                | collection. The legal status of this case                       | 9              | returned with deficiencies.  |
| 10                               | has not changed as of the November board                        | 10             | For sites in the corrective action   |
| 11                               | meeting. A demand had been sent out at that                     | 11             | phase, the outstanding liability of the  |
| 12                               | time. Field work has been completed for                         | 12             | correction action plan budget and estimated  |
| 13                               | five of the seven open fiscal year audits -                     | 13             | cost to reach closure at the end of December   |
| 14                               | sorry. Field work is still in progress for                      | 14             | 2013 was \$32,472,946. The additional  |
| 15                               | the remaining fiscal year '13 audit. That's                     | 15             | obligation recognized for non-capped sites,  |
| 16                               | one of the fiscal year '13 audits. We're                        | 16             | plus the projected motor fuel trust fund and   |
| 17                               | still trying to gather information. The                         | 17             | the environmental trust fund transfers is  |
| 18                               | five remaining active audits were open prior                    | 18             | \$33,134,439. At the end of December 2013,   |
| 19                               | to fiscal year '13. After a secondary                           | 19             | the trust fund had 116 pending applications  |
| 20                               | review of one of these audits, we determined                    | 20             | to process, which had amounts totaling   |
| 21                               | that there were still an outstanding amount                     | 21             | \$1,881,537. Of this amount, the estimated   |
| 22                               | of \$162.32 for late fee penalties. And                         | 22             | requested obligations relating to cap  |
| 23                               | we've sent a demand out for that recently.                      | 23             | budgets and closure costs was \$1,152,432.   |
| 24                               | The other four audits opened prior to fiscal                    | 24             | If you'll look at the last page of the   |
| 25                               | year '13, as we've discussed before, they                       | 25             | packet, it's the legal sized page. The   |
|                                  | Page 18   |                | Page 20  |
| 1                                | remain in legal for collections. The legal                      | 1              | number of trust fund sites that have   |
| 2                                | status of these four cases has not changed                      | 2              | received no further action thus far for the  |
| 3                                | since the last board meeting. We have                           | 3              | current fiscal year - this is not the  |
| 4                                | finalized and closed out three audits since                     | 4              | second quarter. This is for the entire   |
| 5                                | the last meeting. As of today, the total                        | 5              | fiscal year of 2014 - was 21 sites. So   |
| 6                                | confirmed outstanding delinquent fees and                       | 6              | we've had 21 sites that reached no further   |
| 7                                | penalties for the 22 active cases is                            | 7              | action status that were trust fund sites.  |
| 8                                | \$126,380.94. \$126,218.62 of this is tied to                   | 8              | The potential trust fund sites that were   |
| 9                                | five legal cases. And as I've mentioned                         | 9              | reviewed and made eligible during the  |
| LO                               | previously, we sent out a demand for the                        | 10             | current fiscal year again, not the second  |
| 11                               | remaining \$162.32. To date in fiscal year                      | 11             | quarter, but the fiscal year - was 11 sites  |
| 12                               | '14, demand has been made for \$12,794.37 in                    | 12             | and 12 active incidents. So one of the   |
| 13                               | delinquent fees. And a credit was issued                        | 13             | sites had two incidents active at the same   |
| 4                                | for \$912.72 in overpaid fees.                                  | 14             | time. So for this fiscal year, we've had 12  |
| -                                | And finally, to date in fiscal year                             | 15             | active sites made eligible and 12 incidents  |
|                                  | '14, we've collected \$10,138.39 in fees and                    | 16             | made eligible.  Points of interest. The department   |
| .6                               | late penalties. And \$172.90 in court costs.                    | 17             | has a number of clarifications and   |
| L6<br>L7                         | Any questions?  | 18             |  |
| .6<br>.7                         |   | 10             | modifications to address in the current  |
| .6<br>.7<br>.8                   | MR. KEITH BAKER:  | 19             | modifications to address in the current  |
| .6<br>.7<br>.8<br>.9             | MR. KEITH BAKER: Any questions?                                 | 20             | trust fund cost control guidance document.   |
| 26<br>27<br>28<br>29<br>20       | MR. KEITH BAKER: Any questions? (No response.)                  | 20<br>21       | trust fund cost control guidance document. This is not anything out of the ordinary.   |
| 26<br>27<br>28<br>29<br>20<br>21 | MR. KEITH BAKER: Any questions? (No response.) MR. KEITH BAKER: | 20<br>21<br>22 | trust fund cost control guidance document. This is not anything out of the ordinary. It's been almost two years since we updated |
| 17<br>18<br>19<br>20<br>21<br>22 | MR. KEITH BAKER: Any questions? (No response.)                  | 20<br>21       | trust fund cost control guidance document. This is not anything out of the ordinary.   |

| rebruar        | y 27, 2014 M                                 | OTORF | TUELS UNDERGROUND STORAGE TANK TRUS   |
|----------------|--|-------|---|
|                | Page 21                                      |       | Page 23   |
| 1              | ago, requesting any suggestions for changes  | 1     | systems because of a cost difference between  |
| 2              | to the guidance document and whether someone | 2     | E-10 and E-15, E-15 being a little lesser   |
| 3              | from the organization would be willing to    | 3     | cost product. So they may voluntarily just  |
| 4              | participate in any topic specific work       | 4     | put E-15 in there, and you may see some   |
| 5              | groups. These recommendations will be        | 5     | situations where it's still labeled for E-10  |
| 6              | compiled into a single document, including   | 6     | and it's an E-15 product in the ground. And   |
| 7              | department's modifications. This compiled    | 7     | I don't think that - you know, to my  |
| 8              | document will then be sent out to the RAC    | 8     | knowledge, it's ever happened in Louisiana,   |
| 9              | community, LOMCSA and the trust fund board   |       | at least to my knowledge, but there is a  |
| 10             | for their review and comments. The compiled  | 10    | potential for that to happen. And how would   |
| 11             | document will highlight the proposed changes |       | the trust fund address that issue of an E-15  |
| 12             | with comments so it'll be easy for the       | 12    | product going into an E-10 tank and causing   |
| 13             | reviewers, basically the stakeholders, to    | 13    | a leak and it's not certified? If the   |
| 14             | see any of the recommended changes. If       | 14    | system's not certified to handle an E-15  |
| 15             | ya'll remember, the one we did last time, we | 15    | product, the E-15 caused the leak, and  |
| 16             | had a Word document. We had - we             | 16    |   |
| 17             | highlighted all the changes. And then we     | 17    | therefore, you have a non-certified product and how would the trust fund address a    |
| 18             | also added comments out to the side to where | 18    |   |
| 19             | it was very easy to just go through and say, | 19    | clean up with an uncertified product in a tank that caused the leak and went into the |
| 20             | "Here's a difference. Here's a difference."  | 20    |   |
| 21             | So that's what we plan on doing again. Does  | 21    | environment? And I'm - I don't necessarily  |
| 22             | anybody have any questions?                  | 22    | mean to put you on the spot today. But it's   |
| 23             | (No response.)                               | 23    | just an item that needs to be discussed.  MR. JEFF BAKER:                             |
| 24             | MR. KEITH BAKER:                             | 24    |   |
| 25             | Any questions?                               | 25    | Well, that's something we need to be<br>aware of, and as you said, look at it now     |
|                | D  |       |   |
|                | Page 22                                      |       | Page 24   |
| 1              | (No response.)                               | 1     | instead of looking at it after the fact.  |
| 2              | MR. KEITH BAKER:                             | 2     | And what we need to do is - again, Perry  |
| 3              | Thank you, sir. Any other business?          | 3     | would be the legal person that we would go  |
| 4              | MR. GAUBERT:                                 | 4     | to and see what the statute says. As far as   |
| 5              | I have two things. Number one, is E-         | 5     | I know, the statute basically refers to   |
| 6              | 15. And, you know, there's a there's         | 6     | motor fuel. It doesn't - obviously when   |
| 7              | been a movement, I guess, in Washington to   | 7     | they wrote it, there was no E-10 and E-15.  |
| 8              | move to an E-15 gasoline product. You know,  | 8     | They just had motor fuel. Now, as for the   |
| 9              | 15 percent ethanol versus 10 percent         | 9     | certification, again, that gets into the  |
| 10             | ethanol. And a lot of states are struggling  | 10    | legal issues. I'd want to sit down with   |
| 1              | with the trust a lot of state trust          | 11    | Perry and talk it through and come back to  |
| .2             | funds are struggling with how to deal with   | 12    | ya'll with maybe some at least points of  |
| .3             | putting E-15 into a tank that's only UL      | 13    | interest, points of knowledge of what we can  |
| .4             | listed or through an entire dispensing       | 14    | determine from our research of what's going   |
| .5             | system, piping and dispensers and so forth,  | 15    | on with the other states.   |
| .6<br>.7       | you know, that's only listed for - those     | 16    | MR. MILAZZO:  |
| .8             | systems are only UL listed for an E-10. And  | 17    | Has there been some sort of scientific  |
| .8             | how would the - how do we look at putting    | 18    | waiver where they approved now that E-15 is   |
| .9             | an E-15 uncertified product into an E-10     | 19    | indeed the cause of a UST a failure in  |
|                | system and - with the potential of leaks,    | 20    | the UST? I know there is some speculation   |
|                | you know, being caused by going to a 15      | 21    | of that, but  |
|                | nercent ethanol blend in a non contifical    |       | DALL CONTRACTOR   |
| 22             | percent ethanol blend in a non-certified     | 22    | MR. GAUBERT:  |
| 21<br>22<br>23 | system? And how would the trust fund         | 23    | I don't know of a documented case.  |
| 22             |  |       |   |

| MOTO | OR FUELS UNDERGROUND STORAGE TANK TR   | UST   | February 27, 2014   |
|------|--|---|---|
|      | Page 25  |   | Page 27   |
| 1    | certified passed an E-10. It's going on  | 1   | the assumption that the trust fund would be                                   |
| 2    | right now. And they're doing it  | 2   | there for protection. So unless there's                                       |
| 3    | voluntarily. You know, whether that causes                                     | 3   | some correspondence that would go out from                                    |
| 4    | a leak or not, you know, the industry is                                       | 4   | the UST trust fund, or DEQ, I think the                                       |
| 5    | saying that it will because the tank itself                                    | 5   | assumption is, is that the trust fund would                                   |
| 6    | is - you know, could be compatible with E-                                     | 6   | indeed be responsible. That might be  |
| 7    | 15, but the glues, resins, gaskets, you  | 7   | something we want to get a legal opinion on.                                  |
| 8    | know, and the lines may not be. And so   | 8   | But I just would sense that we would have a                                   |
| 9    | there's a potential for failure even though                                    | 9   | responsibility to pay unless told otherwise.                                  |
| 10   | - in a laboratory, it's they've failed   | 10  | And I would be willing to bet today that                                      |
| 11   | - they've failed. In the real world, I   | 11  | there are some marketers contemplating the                                    |
| 12   | don't know of any documented instance where                                    | 12  | possibilities of E-15. Because depending on                                   |
| 13   | it has failed. But it - there is a   | 13  | where you are, it could have some   |
| 14   | potential for it.  | 14  | competitive advantages to it. And that  |
| 15   | MR. FRANKLIN:  | 15  | would probably be something that should be                                    |
| 16   | And, Grady, when we say it's not   | 16  | expedited. Or otherwise, the trust fund                                       |
| 17   | certified, you mean it's not certified by                                      | 17  | would be responsible for that, as written.                                    |
| 18   | the manufacturer?  | 18  | MR. JEFF BAKER:   |
| 19   | MR. GAUBERT:   | 19  | Well, I'm going to get with Perry.  |
| 20   | By UL.   | 20  | MR. SAGNIBENE:  |
| 21   | MR. FRANKLIN:  | 21  | We'll get Perry to research that.   |
| 22   | Or the UL certification?   | 22  | MR. JEFF BAKER:   |
| 23   | MR. GAUBERT:   | 23  | Yes. And we will be getting back with   |
| 24   | UL. Yes, the systems are certified   | 24  | ya'll one way or the other, probably via                                      |
| 25   | for - you know, for 10, but nothing beyond                                     | 25  | email.  |
|      | Page 26  |   | Page 28   |
| 1    | that. You know, so the manufacturers are                                       | 1   | MR. MILAZZO:  |
| 2    | saying if you don't know the glues, the  | 2   | That's a great point.   |
| 3    | resins and stuff that put all this, you  | 3   | MR. GAUBERT:  |
| 4    | know, fiberglass piping together and so  | 4   | The other issue is not necessarily an   |
| 5    | forth, even, you know, the pipe dope, you                                      | 5   | issue, but I think this is the last meeting                                   |
| 6    | know, screwing flanges together may not be                                     | 6   | that we will have prior to this session. We                                   |
| 7    | certified to handle higher than an E-10  | 7   | may have one more, but normally, we ask if                                    |
| 8    | blend. And so there's a potential for  | 8   | there are any legislative issues that need                                    |
| 9    | leaks. And so the industry's at a  | 9   | to be addressed by the board at this time,                                    |
| 10   | standstill. That's why there was a delay in                                    | 10  | prior to the session that anybody is aware                                    |
| 11   | mandating an E-15 product in Washington.                                       | 11  | of. I don't know that, you know, from the                                     |
| 12   | About 85 percent of the infrastructure in                                      | 12  | marketers standpoint, the Louisiana Oil                                       |
| 13   | America, the underground infrastructure, is                                    | 13  | Marketers, that we have any issues that we                                    |
| 14   | not listed or not compatible beyond E-10.                                      | 14  | would address. But if the department has                                      |
| 15   | That's how big the problem could be.   | 15  | any issues that they would like to address                                    |
| 16   | MR. MILAZZO:   | 16  | legislatively. Is there anything that you know of or anything that may arise? |
| 17   | So there should be some communication.   | 17  | MR. SAGNIBENE:  |
| 18   | I mean, if someone were to do it today   | 18<br>19  | You'll be the first to know. No, we   |
| 19   | because I agree with you, I think it all references motor fuel. So if someone, | 20  | don't have anything other than the sunset                                     |
| 20   | whether they're voluntarily doing it or  | 21  | bill just we authorized in our  |
| 21   | they're doing it because they feel some  | 22  | department. That's all in the department's                                    |
| 22   | competitive advantage because of price   | 23  | hands.  |
| 24   | differentials would chose to opt into an E-                                    | 24  | MR. GAUBERT:  |
| 25   | 15 program, they would be doing that with                                      | 25  | The whole department?   |
|      | To brogram, and mound and and  | Sept. |   |

| ren  | oruary 27, 2014 Mo                          | OIOI.  | FUELS UNDERGROUND STORAGE TANK TRUS   |
|--|---|--|---|
| F  | Page 29                                     |  | Page 31   |
| 1  | MS. ANDREWS:                                | 1  | REPORTER'S PAGE   |
| 2  | Yes.  | 2  | I, Lori B. Overland, Certified Court  |
| 3  | MR. SAGNIBENE:                              | 3  | Reporter, in and for the State of Louisiana, the  |
| 4  | The whole department. Now, I'm not          | 4  | officer, as defined in Rule 28 of the Federal   |
| 5  | going to say somebody's not going to        | 5  | Rules of Civil Procedure and/or Article 1434(b)   |
| 6  | introduce something from left field. But we | 6  | of the Louisiana code of Civil Procedure, before  |
| 7  | would let you know                          | 7  | whom this sworn testimony was taken, do hereby  |
| 8  | MR. GAUBERT:                                | 8  | state on the Record   |
| 9  | Okay.                                       | 9  | That due to the interaction in the  |
| 10   | MR. SAGNIBENE:                              | 10   | spontaneous discourse of this proceeding, dashes  |
| 11   | because we work as a team with              | 11   | () have been used to indicate pauses, changes   |
| 12   | ya'll.                                      | 12   | in thought, and/or talk overs; that same is the   |
| 13   | MR. GAUBERT:                                | 13   | proper method for a Court Reporters's   |
| 14   | Yes. Absolutely. Yes, sir. I'm              | 14   | transcription of proceeding, and that the dashes  |
| 15   | finished.                                   | 15   | () do not indicated that words or phrases have  |
| 16   | MR. KEITH BAKER:                            | 16   | been left out of this transcript;   |
| 17   | Thank you. Any other new business?          | 17   | That any words and/or names which could not   |
| 18   | (No response.)                              | 18   | be verified through reference material have been  |
| 19   | MR. KEITH BAKER:                            | 19   |   |
| 20   | With that, I need a motion to close?        | 20   | denoted with the phrase "(inaudible)."  |
| 21   | MR. BURNHAM:                                | 21   | Lori Overland C.C.P.  |
| 22   | Motion.                                     | 22   | Lori Overland, C.C.R.   |
| 23   | MR. MILAZZO:                                | 23   | # 97083   |
| 24   | Second.                                     | 24   |   |
| 25   | MR. KEITH BAKER:                            | 25   |   |
|  |   |  |   |
|  | Page 30                                     |  | Page 32   |
| 1  | Okay. Thank ya'll.                          | 1  | CERTIFICATION   |
| 2  | THE MEETING ADJOURNED AT 1:46 P.M.          | 2  | I, Lori B. Overland, Certified Court Reporter in  |
| 3  | * * * *                                     | 3  | and for the State of Louisiana, as the officer  |
| 4  |   | 4  | before whom this testimony was taken, do hereby   |
| 5  |   | 5  | certify that the above referenced individual to whom  |
| 6  |   | 6  | oath was administered, after having been duly sworn   |
| 7  |   | 7  | by me upon authority of R.S. 37:2554, did testify as  |
| 8  |   | 8  | hereinbefore set forth in the foregoing pages, that   |
| 9  |   | 9  | this testimony was reported by me in the stenomask  |
| 10   |   | 10   | reporting method, was prepared and transcribed by me  |
| 11   |   | 11   | or under my personal direction and supervision, and   |
|  |   |  | is a true and correct transcript to the best of my  |
| 12   |   | 12   | and correct transcript to the best of mo  |
|  |   | 12   |   |
| 13   |   |  | ability and understanding; that the transcript has  |
| 13<br>14   |   | 13   | ability and understanding; that the transcript has<br>been prepared in compliance with transcript format  |
| 13<br>14<br>15   |   | 13<br>14   | ability and understanding; that the transcript has<br>been prepared in compliance with transcript format<br>guidelines required by statute or by rules of the   |
| 13<br>14<br>15<br>16                                     |   | 13<br>14<br>15                                     | ability and understanding; that the transcript has<br>been prepared in compliance with transcript format<br>guidelines required by statute or by rules of the<br>board, that I have acted in compliance with the  |
| 13<br>14<br>15<br>16                                     |   | 13<br>14<br>15<br>16                               | ability and understanding; that the transcript has<br>been prepared in compliance with transcript format<br>guidelines required by statute or by rules of the<br>board, that I have acted in compliance with the<br>prohibition on contractual relationships, as defined  |
| 13<br>14<br>15<br>16<br>17                               |   | 13<br>14<br>15<br>16                               | ability and understanding; that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board, that I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434  |
| 13<br>14<br>15<br>16<br>17<br>18                         |   | 13<br>14<br>15<br>16<br>17                         | ability and understanding; that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board, that I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board;   |
| 13<br>14<br>15<br>16<br>17<br>18<br>19                   |   | 13<br>14<br>15<br>16<br>17<br>18                   | ability and understanding; that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board, that I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board; that I am not related to counsel or to the parties  |
| 13<br>14<br>15<br>16<br>17<br>18<br>19<br>20             |   | 13<br>14<br>15<br>16<br>17<br>18<br>19             | ability and understanding; that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board, that I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board; that I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome |
| 20<br>21   |   | 13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21 | ability and understanding; that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board, that I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board; that I am not related to counsel or to the parties  |
| 13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22 |   | 13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21 | ability and understanding; that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board, that I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board; that I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome |

| MOTOR FOELS ON            | JERGROUND STORAGE           | TAIN TROOT             |                        | rebruary 21, 20.                 |
|---------------------------|-----------------------------|------------------------|------------------------|----------------------------------|
|                           |                             | 19:20                  | 8:9,14,15,21,25;15:19; | case (2)                         |
| \$                        | A                           | and/or (3)             | 16:12;18:19,22,23,24;  | 17:9;24:23                       |
| Ψ                         | A                           | 31:5,12,17             | 21:24;22:2;23:23;      | cases (4)                        |
| £1 152 432 (1)            | abandanad (1)               | ANDREWS (18)           | 27:18,22;29:16,19,25   | 16:17;18:2,7,9                   |
| \$1,152,432 (1)<br>19:23  | abandoned (4)               | 5:5,6;9:3,25;10:5,10,  | balance (2)            | cause (1)                        |
|                           | 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)<br>28:9       | Article (1)            | 15:16                  | 13:22                            |
| 19:8<br>\$2.8 (1)         | ADJOURNED (1)               | 31:5                   | bottom (1)             | chose (1)                        |
| 14:19                     | 30:2                        | assessment (1)         | 15:24                  | 26:24                            |
| \$250,000 (1)             | administrative (1)          | 17:1                   | brief (1)              | Civil (2)                        |
| 15:11                     | 13:24                       | assessments (1)        | 6:14                   | 31:5,6                           |
| \$3,131,213 (1)           | adopt (2)                   | 17:1                   | BRIGNAC (2)            | claims (4)                       |
| 11:18                     | 6:18,21                     | Associates (1)         | 5:15,16                | 7:5,14,16,17                     |
| \$3,227,895 (1)           | adopted (1)                 | 4:17                   | bring (2)              | clarifications (1)               |
| 19:5                      | 6:25                        | assumption (2)         | 13:20,22               | 20:18                            |
| \$3,306,402 (1)           | advantage (1)               | 27:1,5                 | brought (1)            | clean (4)                        |
| 9:12                      | 26:23                       | attend (1)             | 14:2                   | 11:6;12:9;16:25;                 |
| \$30,000 (1)              | advantages (1)              | 6:2                    | BROWN (2)              | 23:18                            |
| 16:1                      | 27:14                       | audit (6)              | 4:16,17                | close (2)                        |
| 632,472,946 (1)           | afternoon (1)               | 12:1,4,6,9;16:16;      | budget (1)             | 15:23;29:20                      |
| 19:14                     | 4:3                         | 17:15                  | 19:12                  | closed (4)                       |
| 633,134,439 (1)           | again (4)                   | auditor's (1)<br>16:13 | budgets (1)<br>19:23   | 11:25;15:13,16;18:4 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                            |
| 64,544,960.59 (1)         | ago (1)                     | August (1)             | 22:3;29:17             | closure (3)                      |
| 9:9                       | 21:1                        | 15:14                  | 22.5,27.1              | 16:19;19:13,23                   |
| 5500 (1)                  | agree (1)                   | authorized (1)         | C                      | code (1)                         |
| 17:2                      | 26:19                       | 28:21                  |                        | 31:6                             |
| 66,560,775.58 (1)         | ahead (3)                   | aware (2)              | calculate (1)          | collected (2)                    |
| 9:19                      | 7:6;9:15;11:11<br>allow (2) | 23:25;28:10            | 11:12                  | 9:18;18:16                       |
| 663,207,180.78 (1)<br>9:6 | 7:15,17                     |                        | call (2)               | collection (1)                   |
| 666,336,490 (1)           | almost (1)                  | В                      | 4:4,5                  | 17:9                             |
| 9:11                      | 20:22                       |                        | came (1)               | collections (1)                  |
| 800,000 (2)               | America (1)                 | back (6)               | 12:10                  | 18:1                             |
| 13:6,10                   | 26:13                       | 10:15;12:13;15:13;     | can (7)                | coming (1)                       |
| 5912.72 (1)               | amount (7)                  | 20:23;24:11;27:23      | 6:18;7:22;12:8;        | 8:4                              |
| 18:14                     | 11:13,18;14:1,4,6;          | BAKER (30)             | 15:23;16:8,8;24:13     | comments (3)                     |
| AND THE RESERVED          | 17:21;19:21                 | 4:2,10,11,18,19;       | cap (1)<br>19:22       | 21:10,12,18<br>commitment (2)    |
|                           | _ , ,                       | 5:19;6:5,15,24;7:4,24; |                        |                                  |

| rebruary 27, 2014  |  | MOTORF   | UELS UNDERGROUND        | STORAGE TANK TRUS       |
|--------------------|--|--|-------------------------|-------------------------|
| 13:4;14:17         | deal (1)   | division (1)   | everybody (2)           | 14.0                    |
| communication (1)  | 22:12  |  | everybody (2)           | 14:8                    |
| 26:17              |  | 15:2   | 6:11,16                 | first (2)               |
|                    | December (3)   | document (6)   | everyone (1)            | 8:16;28:19              |
| community (1)      | 9:7;19:13,18   | 20:20;21:2,6,8,11,16   | 18:25                   | fiscal (26)             |
| 21:9               | dedicated (1)  | documented (2)   | Exactly (1)             | 9:20;11:16,25;12:2;     |
| compatible (2)     | 10:13  | 24:23;25:12  | 16:7                    | 14:9;16:21,22,24;17:5,  |
| 25:6;26:14         | deficiencies (1)   | dollars (3)  | Excuse (1)              | 6,7,13,15,16,19,24;     |
| competitive (2)    | 19:9   | 15:7,8,10  | 9:24                    | 18:11,15;19:2,3,7;20:3, |
| 26:23;27:14        | defined (1)  | dope (1)   | executive (2)           | 5,10,11,14              |
| compiled (3)       | 31:4   | 26:5   | 5:21;6:4                | five (5)                |
| 21:6,7,10          | delay (1)  | down (2)   | expedited (1)           | 16:23;17:4,13,18;       |
| completed (2)      | 26:10  | 15:24;24:10  | 27:16                   | 18:9                    |
| 16:23;17:12        | delinquent (2)   | due (1)  | 100,000,000             |                         |
| confirmed (1)      | 18:6,13  | 31:9   | expenditure (1)<br>9:19 | flanges (1)             |
| 18:6               | delivery (1)   | The second secon |                         | 26:6                    |
| Consultants (3)    |  | during (4)   | expenditures (1)        | folks (1)               |
| ` '                | 16:17  | 12:2;19:3,7;20:9   | 11:16                   | 11:20                   |
| 4:15;5:10,12       | demand (4)   | Durwood (1)  |                         | followed (2)            |
| contemplating (1)  | 17:11,23;18:10,12  | 4:9  | $\mathbf{F}$            | 6:14;7:3                |
| 27:11              | denoted (1)  |  |                         | forth (2)               |
| continued (2)      | 31:19  | $\mathbf{E}$   | fact (1)                | 22:15;26:5              |
| 13:11,14           | department (5)   | 20 20  | 24:1                    | four (3)                |
| control (1)        | 20:17;28:14,22,25;   | E- (4)   | failed (3)              | 16:24;17:24;18:2        |
| 20:20              | 29:4   | The state of the s |                         |                         |
| COOK (2)           |  | 22:5;24:24;25:6;   | 25:10,11,13             | FRANKLIN (4)            |
|                    | department's (2)   | 26:24  | failure (2)             | 4:8,9;25:15,21          |
| 5:9,10             | 21:7;28:22   | E-10 (9)   | 24:19;25:9              | fuel (7)                |
| copy (2)           | depending (1)  | 22:17,19;23:2,5,12;  | far (2)                 | 11:13;15:5;16:17;       |
| 12:3,6             | 27:12  | 24:7;25:1;26:7,14  | 20:2;24:4               | 19:16;24:6,8;26:20      |
| corporation (1)    | deposited (1)  | E-15 (14)  | favor (1)               | full (1)                |
| 7:10               | 9:8  | 22:8,13,19;23:2,2,4,   | 8:23                    | 14:1                    |
| correction (1)     | DEQ (6)  | 6,11,14,15;24:7,18;  | federal (4)             | FULTON (4)              |
| 19:12              | 4:9,11,13;5:14,16;   | 26:11;27:12  | 14:25;15:2,9;31:4       | 4:12,13;6:7;8:19        |
| corrective (1)     | 27:4   | easy (2)   | fee (1)                 | Fund (32)               |
| 19:10              | designated (1)   | 21:12,19   | 17:22                   |                         |
| correspondence (1) | 10:19  | EFFERSON (2)   |                         | 4:9,11;5:8,14,16;9:7,   |
| 27:3               | desk (1)   | 5:13,14  | feel (1)                | 18;10:15,23;11:4,14,    |
| cost (6)           | 12:8   |  | 26:22                   | 14;12:18;15:5,6;18:23;  |
| 13:17,20;19:13;    |  | election (2)   | fees (10)               | 19:4,16,17,19;20:1,7,8, |
|                    | detail (1)   | 7:1;8:11   | 11:19;13:5;14:17;       | 20;21:9;22:23;23:11,    |
| 20:20;23:1,3       | 11:15  | eligible (5)   | 15:5,7;16:17;18:6,13,   | 17;27:1,4,5,16          |
| costs (3)          | details (1)  | 11:5;14:2;20:9,15,16   | 14,16                   | funds (3)               |
| 13:24;18:17;19:23  | 11:12  | email (3)  | fiberglass (1)          | 15:1,4;22:12            |
| couple (2)         | determine (1)  | 12:7;20:24;27:25   | 26:4                    | further (2)             |
| 10:8;20:25         | 24:14  | end (2)  | Field (5)               | 20:2,6                  |
| course (1)         | determined (1)   | 19:13,18   | 16:22;17:3,12,14;       | 2012,0                  |
| 12:23              | 17:20  | Engineering (1)  | 29:6                    | G                       |
| court (3)          | difference (3)   | 4:17   | figures (1)             |                         |
| 18:17;31:2,13      | 21:20,20;23:1  | entertain (1)  | 19:1                    | Gary (1)                |
| credit (1)         | differential (1)   | 8:5  | filed (2)               | 4:13                    |
| 18:13              | 16:1   | entire (2)   | 7:9,10                  | gaskets (1)             |
| current (4)        | differentials (1)  | 20:4;22:14   | finalized (1)           |                         |
| 9:10;20:3,10,19    | 26:24  | environment (1)  | 18:4                    | 25:7                    |
| currently (2)      | diminution (2)   | 23:20  |                         | gasoline (1)            |
| 16:16;17:3         | 7:16,18  |  | finally (1)             | 22:8                    |
| Cy (2)             | The state of the s | environmental (3)  | 18:15                   | gather (1)              |
| 5:4;16:14          | discourse (1)  | 11:14;12:18;19:17  | financial (1)           | 17:17                   |
| 5.7,10.14          | 31:10  | EPA (3)  | 9:2                     | GAUBERT (26)            |
| D                  | discussed (6)  | 13:18,20;14:10   | find (1)                | 4:23,24;8:13;9:23;      |
| D                  | 13:16;14:24;15:15;   | estimated (2)  | 16:7                    | 10:2,7,12,25;11:8;      |
| domana (2)         | 16:4;17:25;23:22   | 19:12,21   | fine (1)                | 12:12,16,21;13:3,9;     |
| damage (2)         | discussion (3)   | estimating (1)   | 8:17                    | 14:15;15:17;16:3,10;    |
| 7:13,17            | 6:13;7:3;8:12  | 11:16  | finish (1)              | 22:4;24:22;25:19,23;    |
| dashes (2)         | dispensers (1)   | ethanol (3)  | 12:13                   | 28:3,24;29:8,13         |
|                    | 22.15  | 22.0 10 22   | finished (1)            |                         |
| 31:10,14           | 22:15  | 22:9,10,22   | finished (1)            | general (1)             |
|                    | dispensing (1)<br>22:14  | even (2)   | 29:15                   | general (1)<br>10:15    |

| MOTOR FUELS UN   | DERGROUND STORAGI   | E TANK TRUST            |  | February 27, 2014      |
|------------------|---------------------|-------------------------|--|------------------------|
| 24:9             | identified (1)      |                         | 28:8   | mean (3)               |
| glues (2)        | 10:21               | *                       |  |                        |
| 25:7;26:2        |                     | J                       | legislatively (1)  | 23:21;25:17;26:18      |
|                  | 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)       | 14.11                   | 19:11  | memory (1)             |
| great (1)        | 21:6                | K                       | Linda (1)  | 13:12                  |
| 28:2             | increase (1)        | 1/2                     | 5:12   | mentioned (1)          |
| ground (1)       | 15:12               | 17 (2)                  | lines (1)  | 18:9                   |
| 23:6             | indeed (2)          | Karyn (2)               | 25:8   | method (1)             |
| group (1)        | 24:19;27:6          | 5:6;9:1                 | link (1)   | 31:13                  |
| 14:2             | indicate (1)        | keep (1)                | 12:3   |                        |
|                  |                     | 10:23                   | The state of the s | 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,    |
|                  | 26:9                | Kodi (1)                | 23:2   | 16                     |
| $\mathbf{H}$     | 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)                |  | 22:7                   |
| 31:7             | 26:24               | 4:7;5:4,6               | $\mathbf{M}$   | Moving (1)             |
| Here's (2)       | introduce (1)       | leak (4)                |  | 9:1                    |
| 21:20,20         | 29:6                | 23:13,15,19;25:4        | mandating (1)  |                        |
| HICKS (2)        | involved (1)        | leaks (2)               | 26:11  | N                      |
| 5:11,12          | 6:12                | 22:20;26:9              | manufacturer (1)   |                        |
| higher (2)       | issue (4)           |                         | 25:18  | names (1)              |
| 12:23;26:7       | 22:24;23:11;28:4,5  | least (2)<br>23:9;24:12 | manufacturers (1)  | 31:17                  |
| highlight (1)    | issued (1)          |                         | 26:1   | Natalie (1)            |
| 21:11            | 18:13               | leave (4)               | Marketers (7)  | 20:25                  |
| highlighted (1)  | issues (6)          | 5:24;6:11;8:3;12:7      | 4:19,22,25;5:2;  | nature (2)             |
| 21:17            | 12:10;14:25;24:10;  | leaves (2)              | 27:11;28:12,13   | 8:7;13:25              |
| historically (1) | 28:8,13,15          | 8:1;9:11                | material (1)   | necessarily (2)        |
| 14:16            | item (2)            | left (2)                | 31:18  | 23:20;28:4             |
| hope (2)         | 11:24;23:22         | 29:6;31:16              | may (8)  | need (5)               |
| 6:16;15:23       | IVEY (3)            | Legal (14)              | 8:4;14:11;23:3,4;  | 5:20;23:24;24:2;       |
| 0.10,10.20       | 4:14,15;6:20        | 4:7;8:6;11:19;13:5;     | 25:8;26:6;28:7,17  | 28:8;29:20             |
| I                | 1.11,10,0.20        | 14:17;17:8,9;18:1,1,9;  | maybe (2)  | needs (1)              |
|                  |                     | 19:25;24:3,10;27:7      | 16:1;24:12   | 23:22                  |
|                  |                     | legislative (1)         |  |                        |
|                  |                     |                         |  |                        |

| 27,2011   |  |  | 7   |   |
|---|--|--|---|---|
| neighborhood (2)  | 26:24  | 19:11  | progress (2)  | 21:5  |
| 14:14,18  | order (2)  | phrase (1)   | 17:4,14   | recommended (1)   |
| neighboring (1)   | 4:4;6:1  | 31:19  | projected (1)   | 21:14   |
| 7:11  | ordinary (1)   | phrases (1)  | 19:16   | record (2)  |
| new (3)   | 20:21  | 31:15  | proper (1)  | 5:25;31:8   |
| 10:8;11:20;29:17  | organization (1)   | pipe (1)   | 31:13   | recover (1)   |
| next (1)  | 21:3   | 26:5   | property (3)  | 7:12  |
| 11:12   | otherwise (2)  | piping (2)   | 7:13,16,18  | reduced (1)   |
| Nine (1)  | 27:9,16  | 22:15;26:4   | proposal (3)  | 15:3  |
| 16:17   | out (15)   | plan (2)   | 13:20,21;14:8   | reduction (2)   |
| nominate (1)  | 6:1;9:9;11:25;15:13,   | 19:12;21:21  |   |   |
| 8:14  |  |  | proposed (2)  | 15:9,11   |
|   | 16;17:11,23;18:4,10;   | planned (1)  | 14:3;21:11  | reference (1)   |
| non-capped (1)<br>19:15   | 20:21,24;21:8,18;27:3;<br>31:16  | 16:22  | prospects (1)   | 31:18   |
|   |  | plus (1)   | 7:21  | references (1)  |
| non-certified (2)   | outstanding (3)  | 19:16  | protection (1)  | 26:20   |
| 22:22;23:16   | 17:21;18:6;19:11   | PM (1)   | 27:2  | referred (1)  |
| nor (1)   | Overland (2)   | 30:2   | provide (1)   | 17:8  |
| 14:10   | 31:2,21  | point (1)  | 12:8  | refers (1)  |
| normally (1)  | overpaid (1)   | 28:2   | provision (1)   | 24:5  |
| 28:7  | 18:14  | Points (3)   | 7:14  | reflect (1)   |
| November (1)  | overs (1)  | 20:17;24:12,13   | provisions (1)  | 5:25  |
| 17:10   | 31:12  | portion (1)  | 7:15  | refresh (1)   |
| Number (6)  |  | 15:4   | put (3)   | 13:12   |
| 8:10;13:22;14:9;  | P  | possibilities (1)  | 23:4,21;26:3  | reimburse (1)   |
| 20:1,18;22:5  |  | 27:12  | putting (3)   | 13:24   |
|   | packet (1)   | potential (7)  | 22:13,18;24:24  | reimbursement (2)   |
| 0   | 19:25  | 17:1;20:8;22:20;   | 22.13,10,21.21  | 11:17;12:17   |
|   | packets (1)  | 23:10;25:9,14;26:8   | Q   | reimbursements (1)  |
| obligated (1)   | 19:1   | potentially (1)  | V   | 9:9   |
| 11:19   | page (9)   | 16:25  | quarter (5)   | relating (1)  |
| obligation (2)  | 9:15,22;11:11,12,22;   | PPM (3)  | 19:2,3,7;20:4,11  | 19:22   |
| 10:14;19:15   | 15:25;16:2;19:24,25  | 4:15;5:10,12   |   |   |
|   |  |  | quick (2)   | remain (2)  |
| obligations (2)   | paid (2)   | predecessor (1)  | 4:5;8:22  | 16:19;18:1  |
| 9:12;19:22<br>obviously (1)   | 9:9;11:19  | 13:15<br>predictive (1)  | R   | remaining (4)   |
|   |  | predictive (1)   | K   |   |
|   | participate (1)  |  |   | 17:4,15,18;18:11  |
| 24:6  | 21:4   | 16:9   |   | remains (1)   |
| 24:6<br>officer (1)   | 21:4<br>party (3)  | 16:9<br>prepared (1)   | RAC (1)   | remains (1)<br>10:20  |
| 24:6<br>officer (1)<br>31:4   | 21:4<br>party (3)<br>7:5,9,14  | 16:9<br>prepared (1)<br>16:19  | RAC (1)<br>21:8   | remains (1)<br>10:20<br>remember (3)  |
| 24:6<br>officer (1)<br>31:4<br>off-the-record (1)   | 21:4<br>party (3)<br>7:5,9,14<br>passed (1)  | 16:9<br>prepared (1)<br>16:19<br>previous (2)  | RAC (1)<br>21:8<br>RACs (1)   | remains (1)<br>10:20<br>remember (3)<br>13:10;14:23;21:15   |
| 24:6<br>officer (1)<br>31:4<br>off-the-record (1)<br>7:3  | 21:4<br>party (3)<br>7:5,9,14<br>passed (1)<br>25:1  | 16:9<br>prepared (1)<br>16:19<br>previous (2)<br>12:24;16:4  | RAC (1)<br>21:8<br>RACs (1)<br>20:24  | remains (1)<br>10:20<br>remember (3)<br>13:10;14:23;21:15<br>report (3)   |
| 24:6 officer (1) 31:4 off-the-record (1) 7:3 Oil (5)  | 21:4<br>party (3)<br>7:5,9,14<br>passed (1)<br>25:1<br>pauses (1)  | 16:9<br>prepared (1)<br>16:19<br>previous (2)<br>12:24;16:4<br>previously (1)  | RAC (1)<br>21:8<br>RACs (1)<br>20:24<br>rates (1)   | remains (1)<br>10:20<br>remember (3)<br>13:10;14:23;21:15   |
| 24:6 officer (1) 31:4 off-the-record (1) 7:3 Oil (5) 4:19,21,24;5:2;28:12   | 21:4<br>party (3)<br>7:5,9,14<br>passed (1)<br>25:1<br>pauses (1)<br>31:11   | 16:9<br>prepared (1)<br>16:19<br>previous (2)<br>12:24;16:4<br>previously (1)<br>18:10   | RAC (1)<br>21:8<br>RACs (1)<br>20:24  | remains (1)<br>10:20<br>remember (3)<br>13:10;14:23;21:15<br>report (3)   |
| 24:6 officer (1) 31:4 off-the-record (1) 7:3 Oil (5) 4:19,21,24;5:2;28:12 one (14)  | 21:4<br>party (3)<br>7:5,9,14<br>passed (1)<br>25:1<br>pauses (1)<br>31:11<br>pay (1)  | 16:9 prepared (1) 16:19 previous (2) 12:24;16:4 previously (1) 18:10 price (1)   | RAC (1)<br>21:8<br>RACs (1)<br>20:24<br>rates (1)   | remains (1)<br>10:20<br>remember (3)<br>13:10;14:23;21:15<br>report (3)<br>9:16;16:13;18:23   |
| 24:6 officer (1) 31:4 off-the-record (1) 7:3 Oil (5) 4:19,21,24;5:2;28:12 one (14) 7:9,19;9:22;10:3;  | 21:4<br>party (3)<br>7:5,9,14<br>passed (1)<br>25:1<br>pauses (1)<br>31:11   | 16:9<br>prepared (1)<br>16:19<br>previous (2)<br>12:24;16:4<br>previously (1)<br>18:10   | RAC (1)<br>21:8<br>RACs (1)<br>20:24<br>rates (1)<br>13:18  | remains (1)<br>10:20<br>remember (3)<br>13:10;14:23;21:15<br>report (3)<br>9:16;16:13;18:23<br>Reporter (1)   |
| 24:6  officer (1) 31:4  off-the-record (1) 7:3  Oil (5) 4:19,21,24;5:2;28:12  one (14) 7:9,19;9:22;10:3; 11:24;17:1,7,16,20;  | 21:4 party (3) 7:5,9,14 passed (1) 25:1 pauses (1) 31:11 pay (1) 27:9 payment (1)  | 16:9 prepared (1) 16:19 previous (2) 12:24;16:4 previously (1) 18:10 price (1) 26:23 prior (4)   | RAC (1)<br>21:8<br>RACs (1)<br>20:24<br>rates (1)<br>13:18<br>rather (1)  | remains (1)<br>10:20<br>remember (3)<br>13:10;14:23;21:15<br>report (3)<br>9:16;16:13;18:23<br>Reporter (1)<br>31:3   |
| 24:6  officer (1) 31:4  off-the-record (1) 7:3  Oil (5) 4:19,21,24;5:2;28:12  one (14) 7:9,19;9:22;10:3; 11:24;17:1,7,16,20; 20:12;21:15;22:5;  | 21:4<br>party (3)<br>7:5,9,14<br>passed (1)<br>25:1<br>pauses (1)<br>31:11<br>pay (1)<br>27:9  | 16:9 prepared (1) 16:19 previous (2) 12:24;16:4 previously (1) 18:10 price (1) 26:23   | RAC (1)<br>21:8<br>RACs (1)<br>20:24<br>rates (1)<br>13:18<br>rather (1)<br>7:10  | remains (1) 10:20 remember (3) 13:10;14:23;21:15 report (3) 9:16;16:13;18:23 Reporter (1) 31:3 Reporters's (1)  |
| 24:6  officer (1) 31:4  off-the-record (1) 7:3  Oil (5) 4:19,21,24;5:2;28:12  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   | 21:4 party (3) 7:5,9,14 passed (1) 25:1 pauses (1) 31:11 pay (1) 27:9 payment (1)  | 16:9 prepared (1) 16:19 previous (2) 12:24;16:4 previously (1) 18:10 price (1) 26:23 prior (4)   | RAC (1) 21:8 RACs (1) 20:24 rates (1) 13:18 rather (1) 7:10 reach (1)   | remains (1) 10:20 remember (3) 13:10;14:23;21:15 report (3) 9:16;16:13;18:23 Reporter (1) 31:3 Reporters's (1) 31:13  |
| 24:6  officer (1)     31:4  off-the-record (1)     7:3  Oil (5)     4:19,21,24;5:2;28:12  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  one-half (1)   | 21:4 party (3) 7:5,9,14 passed (1) 25:1 pauses (1) 31:11 pay (1) 27:9 payment (1) 19:6   | 16:9 prepared (1) 16:19 previous (2) 12:24;16:4 previously (1) 18:10 price (1) 26:23 prior (4) 17:18,24;28:6,10  | RAC (1) 21:8 RACs (1) 20:24 rates (1) 13:18 rather (1) 7:10 reach (1) 19:13   | remains (1) 10:20 remember (3) 13:10;14:23;21:15 report (3) 9:16;16:13;18:23 Reporter (1) 31:3 Reporters's (1) 31:13 requested (1) 19:22  |
| 24:6  officer (1)     31:4  off-the-record (1)     7:3  Oil (5)     4:19,21,24;5:2;28:12  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  one-half (1)     13:17   | 21:4 party (3) 7:5,9,14 passed (1) 25:1 pauses (1) 31:11 pay (1) 27:9 payment (1) 19:6 penalties (3) 17:22;18:7,17 pending (1)   | 16:9 prepared (1) 16:19 previous (2) 12:24;16:4 previously (1) 18:10 price (1) 26:23 prior (4) 17:18,24;28:6,10 probably (2)   | RAC (1) 21:8  RACs (1) 20:24  rates (1) 13:18  rather (1) 7:10  reach (1) 19:13  reached (2)  | remains (1) 10:20 remember (3) 13:10;14:23;21:15 report (3) 9:16;16:13;18:23 Reporter (1) 31:3 Reporters's (1) 31:13 requested (1)  |
| 24:6 officer (1) 31:4 off-the-record (1) 7:3 Oil (5) 4:19,21,24;5:2;28:12 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 one-half (1) 13:17  | 21:4 party (3) 7:5,9,14 passed (1) 25:1 pauses (1) 31:11 pay (1) 27:9 payment (1) 19:6 penalties (3) 17:22;18:7,17   | 16:9 prepared (1) 16:19 previous (2) 12:24;16:4 previously (1) 18:10 price (1) 26:23 prior (4) 17:18,24;28:6,10 probably (2) 27:15,24  | RAC (1) 21:8  RACs (1) 20:24  rates (1) 13:18  rather (1) 7:10  reach (1) 19:13  reached (2) 16:18;20:6   | remains (1) 10:20 remember (3) 13:10;14:23;21:15 report (3) 9:16;16:13;18:23 Reporter (1) 31:3 Reporters's (1) 31:13 requested (1) 19:22 requesting (1)   |
| 24:6 officer (1) 31:4 off-the-record (1) 7:3 Oil (5) 4:19,21,24;5:2;28:12 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 one-half (1) 13:17  | 21:4 party (3) 7:5,9,14 passed (1) 25:1 pauses (1) 31:11 pay (1) 27:9 payment (1) 19:6 penalties (3) 17:22;18:7,17 pending (1)   | 16:9 prepared (1) 16:19 previous (2) 12:24;16:4 previously (1) 18:10 price (1) 26:23 prior (4) 17:18,24;28:6,10 probably (2) 27:15,24 problem (1)  | RAC (1) 21:8 RACs (1) 20:24 rates (1) 13:18 rather (1) 7:10 reach (1) 19:13 reached (2) 16:18;20:6 real (2) 4:5;25:11   | remains (1) 10:20 remember (3) 13:10;14:23;21:15 report (3) 9:16;16:13;18:23 Reporter (1) 31:3 Reporters's (1) 31:13 requested (1) 19:22 requesting (1) 21:1  |
| 24:6  officer (1) 31:4  off-the-record (1) 7:3  Oil (5) 4:19,21,24;5:2;28:12  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  one-half (1) 13:17  one-time (1) 13:11   | 21:4 party (3) 7:5,9,14 passed (1) 25:1 pauses (1) 31:11 pay (1) 27:9 payment (1) 19:6 penalties (3) 17:22;18:7,17 pending (1) 19:19   | 16:9 prepared (1) 16:19 previous (2) 12:24;16:4 previously (1) 18:10 price (1) 26:23 prior (4) 17:18,24;28:6,10 probably (2) 27:15,24 problem (1) 26:15  | RAC (1) 21:8 RACs (1) 20:24 rates (1) 13:18 rather (1) 7:10 reach (1) 19:13 reached (2) 16:18;20:6 real (2)   | remains (1) 10:20 remember (3) 13:10;14:23;21:15 report (3) 9:16;16:13;18:23 Reporter (1) 31:3 Reporters's (1) 31:13 requested (1) 19:22 requesting (1) 21:1 research (2)   |
| 24:6  officer (1) 31:4  off-the-record (1) 7:3  Oil (5) 4:19,21,24;5:2;28:12  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  one-half (1) 13:17  one-time (1) 13:11   | 21:4 party (3) 7:5,9,14 passed (1) 25:1 pauses (1) 31:11 pay (1) 27:9 payment (1) 19:6 penalties (3) 17:22;18:7,17 pending (1) 19:19 people (2)  | 16:9 prepared (1) 16:19 previous (2) 12:24;16:4 previously (1) 18:10 price (1) 26:23 prior (4) 17:18,24;28:6,10 probably (2) 27:15,24 problem (1) 26:15 Procedure (2)  | RAC (1) 21:8 RACs (1) 20:24 rates (1) 13:18 rather (1) 7:10 reach (1) 19:13 reached (2) 16:18;20:6 real (2) 4:5;25:11 really (1)  | remains (1) 10:20 remember (3) 13:10;14:23;21:15 report (3) 9:16;16:13;18:23 Reporter (1) 31:3 Reporters's (1) 31:13 requested (1) 19:22 requesting (1) 21:1 research (2) 24:14;27:21 resins (2)  |
| 24:6  officer (1)     31:4  off-the-record (1)     7:3  Oil (5)     4:19,21,24;5:2;28:12  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  one-half (1)     13:17  one-time (1)     13:11  only (5)     7:15,19;22:13,16,17  open (5)   | 21:4 party (3) 7:5,9,14 passed (1) 25:1 pauses (1) 31:11 pay (1) 27:9 payment (1) 19:6 penalties (3) 17:22;18:7,17 pending (1) 19:19 people (2) 22:25;24:24  | 16:9 prepared (1) 16:19 previous (2) 12:24;16:4 previously (1) 18:10 price (1) 26:23 prior (4) 17:18,24;28:6,10 probably (2) 27:15,24 problem (1) 26:15 Procedure (2) 31:5,6   | RAC (1) 21:8  RACs (1) 20:24  rates (1) 13:18  rather (1) 7:10  reach (1) 19:13  reached (2) 16:18;20:6  real (2) 4:5;25:11  really (1) 15:22   | remains (1) 10:20 remember (3) 13:10;14:23;21:15 report (3) 9:16;16:13;18:23 Reporter (1) 31:3 Reporters's (1) 31:13 requested (1) 19:22 requesting (1) 21:1 research (2) 24:14;27:21   |
| 24:6  officer (1) 31:4  off-the-record (1) 7:3  Oil (5) 4:19,21,24;5:2;28:12  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  one-half (1) 13:17  one-time (1) 13:11  only (5) 7:15,19;22:13,16,17  open (5) 8:12;16:16;17:5,13,   | 21:4 party (3) 7:5,9,14 passed (1) 25:1 pauses (1) 31:11 pay (1) 27:9 payment (1) 19:6 penalties (3) 17:22;18:7,17 pending (1) 19:19 people (2) 22:25;24:24 percent (6)  | 16:9 prepared (1) 16:19 previous (2) 12:24;16:4 previously (1) 18:10 price (1) 26:23 prior (4) 17:18,24;28:6,10 probably (2) 27:15,24 problem (1) 26:15 Procedure (2) 31:5,6 proceeding (2)  | RAC (1) 21:8  RACs (1) 20:24  rates (1) 13:18  rather (1) 7:10  reach (1) 19:13  reached (2) 16:18;20:6  real (2) 4:5;25:11  really (1) 15:22  received (3)   | remains (1) 10:20 remember (3) 13:10;14:23;21:15 report (3) 9:16;16:13;18:23 Reporter (1) 31:3 Reporters's (1) 31:13 requested (1) 19:22 requesting (1) 21:1 research (2) 24:14;27:21 resins (2) 25:7;26:3  |
| 24:6  officer (1)     31:4  off-the-record (1)     7:3  Oil (5)     4:19,21,24;5:2;28:12  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  one-half (1)     13:17  one-time (1)     13:11  only (5)     7:15,19;22:13,16,17  open (5)     8:12;16:16;17:5,13,     18  | 21:4 party (3) 7:5,9,14 passed (1) 25:1 pauses (1) 31:11 pay (1) 27:9 payment (1) 19:6 penalties (3) 17:22;18:7,17 pending (1) 19:19 people (2) 22:25;24:24 percent (6) 14:7,13;22:9,9,22;   | 16:9 prepared (1) 16:19 previous (2) 12:24;16:4 previously (1) 18:10 price (1) 26:23 prior (4) 17:18,24;28:6,10 probably (2) 27:15,24 problem (1) 26:15 Procedure (2) 31:5,6 proceeding (2) 31:10,14   | RAC (1) 21:8 RACs (1) 20:24 rates (1) 13:18 rather (1) 7:10 reach (1) 19:13 reached (2) 16:18;20:6 real (2) 4:5;25:11 really (1) 15:22 received (3) 12:3;19:4;20:2  | remains (1) 10:20 remember (3) 13:10;14:23;21:15 report (3) 9:16;16:13;18:23 Reporter (1) 31:3 Reporters's (1) 31:13 requested (1) 19:22 requesting (1) 21:1 research (2) 24:14;27:21 resins (2) 25:7;26:3 resolution (1)   |
| 24:6 officer (1) 31:4 off-the-record (1) 7:3 Oil (5) 4:19,21,24;5:2;28:12 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 one-half (1) 13:17 one-time (1) 13:11 only (5) 7:15,19;22:13,16,17 open (5) 8:12;16:16;17:5,13, 18 opened (3)   | 21:4 party (3) 7:5,9,14 passed (1) 25:1 pauses (1) 31:11 pay (1) 27:9 payment (1) 19:6 penalties (3) 17:22;18:7,17 pending (1) 19:19 people (2) 22:25;24:24 percent (6) 14:7,13;22:9,9,22; 26:12   | 16:9 prepared (1) 16:19 previous (2) 12:24;16:4 previously (1) 18:10 price (1) 26:23 prior (4) 17:18,24;28:6,10 probably (2) 27:15,24 problem (1) 26:15 Procedure (2) 31:5,6 proceeding (2) 31:10,14 process (2)   | RAC (1) 21:8  RACs (1) 20:24  rates (1) 13:18  rather (1) 7:10  reach (1) 19:13  reached (2) 16:18;20:6  real (2) 4:5;25:11  really (1) 15:22  received (3) 12:3;19:4;20:2  recently (2)  | remains (1) 10:20 remember (3) 13:10;14:23;21:15 report (3) 9:16;16:13;18:23 Reporter (1) 31:3 Reporters's (1) 31:13 requested (1) 19:22 requesting (1) 21:1 research (2) 24:14;27:21 resins (2) 25:7;26:3 resolution (1) 16:18   |
| 24:6 officer (1) 31:4 off-the-record (1) 7:3 Oil (5) 4:19,21,24;5:2;28:12 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 one-half (1) 13:17 one-time (1) 13:11 only (5) 7:15,19;22:13,16,17 open (5) 8:12;16:16;17:5,13, 18 opened (3) 16:21;17:6,24   | 21:4 party (3) 7:5,9,14 passed (1) 25:1 pauses (1) 31:11 pay (1) 27:9 payment (1) 19:6 penalties (3) 17:22;18:7,17 pending (1) 19:19 people (2) 22:25;24:24 percent (6) 14:7,13;22:9,9,22; 26:12 percentage (1)  | 16:9 prepared (1) 16:19 previous (2) 12:24;16:4 previously (1) 18:10 price (1) 26:23 prior (4) 17:18,24;28:6,10 probably (2) 27:15,24 problem (1) 26:15 Procedure (2) 31:5,6 proceeding (2) 31:10,14 process (2) 17:3;19:20  | RAC (1) 21:8 RACs (1) 20:24 rates (1) 13:18 rather (1) 7:10 reach (1) 19:13 reached (2) 16:18;20:6 real (2) 4:5;25:11 really (1) 15:22 received (3) 12:3;19:4;20:2 recently (2) 11:25;17:23   | remains (1) 10:20 remember (3) 13:10;14:23;21:15 report (3) 9:16;16:13;18:23 Reporter (1) 31:3 Reporters's (1) 31:13 requested (1) 19:22 requesting (1) 21:1 research (2) 24:14;27:21 resins (2) 25:7;26:3 resolution (1) 16:18 response (7)  |
| 24:6  officer (1)     31:4  off-the-record (1)     7:3  Oil (5)     4:19,21,24;5:2;28:12  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  one-half (1)     13:17  one-time (1)     13:11  only (5)     7:15,19;22:13,16,17  open (5)     8:12;16:16;17:5,13,     18  opened (3)     16:21;17:6,24  opinion (1)                           | 21:4 party (3) 7:5,9,14 passed (1) 25:1 pauses (1) 31:11 pay (1) 27:9 payment (1) 19:6 penalties (3) 17:22;18:7,17 pending (1) 19:19 people (2) 22:25;24:24 percent (6) 14:7,13;22:9,9,22; 26:12 percentage (1) 14:12  | 16:9 prepared (1) 16:19 previous (2) 12:24;16:4 previously (1) 18:10 price (1) 26:23 prior (4) 17:18,24;28:6,10 probably (2) 27:15,24 problem (1) 26:15 Procedure (2) 31:5,6 proceeding (2) 31:10,14 process (2) 17:3;19:20 processed (1)  | RAC (1) 21:8 RACs (1) 20:24 rates (1) 13:18 rather (1) 7:10 reach (1) 19:13 reached (2) 16:18;20:6 real (2) 4:5;25:11 really (1) 15:22 received (3) 12:3;19:4;20:2 recently (2) 11:25;17:23 recess (1)                                      | remains (1) 10:20 remember (3) 13:10;14:23;21:15 report (3) 9:16;16:13;18:23 Reporter (1) 31:3 Reporters's (1) 31:13 requested (1) 19:22 requesting (1) 21:1 research (2) 24:14;27:21 resins (2) 25:7;26:3 resolution (1) 16:18 response (7) 8:8;9:14;11:23;  |
| 24:6  officer (1)     31:4  off-the-record (1)     7:3  Oil (5)     4:19,21,24;5:2;28:12  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  one-half (1)     13:17  one-time (1)     13:11  only (5)     7:15,19;22:13,16,17  open (5)     8:12;16:16;17:5,13,     18  opened (3)     16:21;17:6,24  opinion (1)     27:7                  | 21:4 party (3) 7:5,9,14 passed (1) 25:1 pauses (1) 31:11 pay (1) 27:9 payment (1) 19:6 penalties (3) 17:22;18:7,17 pending (1) 19:19 people (2) 22:25;24:24 percent (6) 14:7,13;22:9,9,22; 26:12 percentage (1) 14:12 Perry (7)  | 16:9 prepared (1) 16:19 previous (2) 12:24;16:4 previously (1) 18:10 price (1) 26:23 prior (4) 17:18,24;28:6,10 probably (2) 27:15,24 problem (1) 26:15 Procedure (2) 31:5,6 proceeding (2) 31:10,14 process (2) 17:3;19:20 processed (1) 19:6                                   | RAC (1) 21:8 RACs (1) 20:24 rates (1) 13:18 rather (1) 7:10 reach (1) 19:13 reached (2) 16:18;20:6 real (2) 4:5;25:11 really (1) 15:22 received (3) 12:3;19:4;20:2 recently (2) 11:25;17:23 recess (1) 6:14                                 | remains (1) 10:20 remember (3) 13:10;14:23;21:15 report (3) 9:16;16:13;18:23 Reporter (1) 31:3 Reporters's (1) 31:13 requested (1) 19:22 requesting (1) 21:1 research (2) 24:14;27:21 resins (2) 25:7;26:3 resolution (1) 16:18 response (7) 8:8;9:14;11:23; 18:21;21:23;22:1;                          |
| 24:6  officer (1)     31:4  off-the-record (1)     7:3  Oil (5)     4:19,21,24;5:2;28:12  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  one-half (1)     13:17  one-time (1)     13:11  only (5)     7:15,19;22:13,16,17  open (5)     8:12;16:16;17:5,13,     18  opened (3)     16:21;17:6,24  opinion (1)     27:7  opportunity (1) | 21:4 party (3) 7:5,9,14 passed (1) 25:1 pauses (1) 31:11 pay (1) 27:9 payment (1) 19:6 penalties (3) 17:22;18:7,17 pending (1) 19:19 people (2) 22:25;24:24 percent (6) 14:7,13;22:9,9,22; 26:12 percentage (1) 14:12 Perry (7) 4:7;8:1,2;24:2,11; 27:19,21 person (1) | 16:9 prepared (1) 16:19 previous (2) 12:24;16:4 previously (1) 18:10 price (1) 26:23 prior (4) 17:18,24;28:6,10 probably (2) 27:15,24 problem (1) 26:15 Procedure (2) 31:5,6 proceeding (2) 31:10,14 process (2) 17:3;19:20 processed (1) 19:6 product (9)                       | RAC (1) 21:8  RACs (1) 20:24  rates (1) 13:18  rather (1) 7:10  reach (1) 19:13  reached (2) 16:18;20:6  real (2) 4:5;25:11  really (1) 15:22  received (3) 12:3;19:4;20:2  recently (2) 11:25;17:23  recess (1) 6:14  recognized (1)       | remains (1) 10:20 remember (3) 13:10;14:23;21:15 report (3) 9:16;16:13;18:23 Reporter (1) 31:3 Reporters's (1) 31:13 requested (1) 19:22 requesting (1) 21:1 research (2) 24:14;27:21 resins (2) 25:7;26:3 resolution (1) 16:18 response (7) 8:8;9:14;11:23; 18:21;21:23;22:1; 29:18                    |
| 24:6  officer (1)     31:4  off-the-record (1)     7:3  Oil (5)     4:19,21,24;5:2;28:12  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  one-half (1)     13:17  one-time (1)     13:11  only (5)     7:15,19;22:13,16,17  open (5)     8:12;16:16;17:5,13,     18  opened (3)     16:21;17:6,24  opinion (1)     27:7                  | 21:4 party (3) 7:5,9,14 passed (1) 25:1 pauses (1) 31:11 pay (1) 27:9 payment (1) 19:6 penalties (3) 17:22;18:7,17 pending (1) 19:19 people (2) 22:25;24:24 percent (6) 14:7,13;22:9,9,22; 26:12 percentage (1) 14:12 Perry (7) 4:7;8:1,2;24:2,11; 27:19,21            | 16:9 prepared (1) 16:19 previous (2) 12:24;16:4 previously (1) 18:10 price (1) 26:23 prior (4) 17:18,24;28:6,10 probably (2) 27:15,24 problem (1) 26:15 Procedure (2) 31:5,6 proceeding (2) 31:10,14 process (2) 17:3;19:20 processed (1) 19:6 product (9) 22:8,19;23:3,6,12,15, | RAC (1) 21:8  RACs (1) 20:24  rates (1) 13:18  rather (1) 7:10  reach (1) 19:13  reached (2) 16:18;20:6  real (2) 4:5;25:11  really (1) 15:22  received (3) 12:3;19:4;20:2  recently (2) 11:25;17:23  recess (1) 6:14  recognized (1) 19:15 | remains (1) 10:20 remember (3) 13:10;14:23;21:15 report (3) 9:16;16:13;18:23 Reporter (1) 31:3 Reporters's (1) 31:13 requested (1) 19:22 requesting (1) 21:1 research (2) 24:14;27:21 resins (2) 25:7;26:3 resolution (1) 16:18 response (7) 8:8;9:14;11:23; 18:21;21:23;22:1; 29:18 responsibility (1) |

| MOTOR FUELS UNDE     | RGROUND STORAGE T  | ANK TRUST            |  | February 27, 2    |
|----------------------|--|----------------------|--|-------------------|
| rest (1)             | separate (1)   | 17:9;18:2;20:7       | three (2)  | 11:6;13:21        |
| 8:4                  | 10:23  | statute (3)          | 8:11;18:4  | used (2)          |
| result (1)           | sequestration (1)  | 7:15;24:4,5          | thus (1)   | 10:23;31:11       |
| 7:18                 | 14:25  | Steve (1)            | 20:2   | using (2)         |
|                      | The second secon | 4:17                 | The state of the s | 14:1,6            |
| resulting (1)        | services (1)   |                      | tied (1)   |                   |
| 16:24                | 9:2  | still (5)            | 18:8   | UST (3)           |
| returned (1)         | session (4)  | 17:4,14,17,21;23:5   | today (4)  | 24:19,20;27:4     |
| 19:9                 | 5:21;6:4;28:6,10   | storage (1)          | 18:5;23:21;26:18;  | utilize (1)       |
| revenue (1)          | Seven (3)  | 15:2                 | 27:10  | 11:6              |
| 9:20                 | 17:5,7,13  | struggling (2)       | together (2)   | utilizing (1)     |
| revenues (3)         | Shawn (1)  | 22:10,12             | 26:4,6   | 14:3              |
| 9:17,17;11:15        | 4:15   | stuff (1)            | told (1)   | V                 |
| review (4)           | side (1)   | 26:3                 | 27:9   | Y                 |
| 6:17;17:3,20;21:10   | 21:18  | subset (1)           | topic (1)  |                   |
| reviewed (1)         | significantly (1)  | 10:22                | 21:4   | value (2)         |
| 20:9                 | 12:23  | suggestions (1)      | total (1)  | 7:16,19           |
| reviewers (1)        | single (1)   | 21:1                 | 18:5   | verified (1)      |
| 21:13                | 21:6   | suit (3)             | totaling (3)   | 31:18             |
| Rhonda (1)           | sit (1)  | 7:9,9,20             | 19:5,7,20  | versus (1)        |
| 5:10                 | 24:10  | sunset (1)           | transcript (1)   | 22:9              |
| right (7)            | sites (15)   | 28:20                | 31:16  | via (2)           |
| 4:3;6:16;8:10,22;    | 9:10,21;11:7;13:23,  | supplementing (1)    | transcription (1)  | 20:25;27:24       |
| 9:1;13:2;25:2        | 25;19:10,15;20:1,5,6,7,  | 15:9                 | 31:14  | Vince (2)         |
| roll (1)             | 8,11,13,15   | Sure (2)             | transferred (2)  | 5:18;13:15        |
| 4:5                  | situations (1)   | 10:11;12:15          | 9:6;11:13  | VIZINAT (2)       |
| oom (1)              | 23:5   | sworn (1)            | transfers (1)  | 5:7,8             |
| 6:11                 | sized (1)  | 31:7                 | 19:17  | voluntarily (5)   |
| oughly (1)           | 19:25  | system (4)           | Trust (31)   | 22:25;23:3;24:24; |
| 14:19                | somebody's (1)   | 22:15,20,23;24:25    | 4:9,11;5:8,14,16;9:7;  | 25:3;26:21        |
| Rule (1)             | 29:5   | systems (3)          | 11:4,13,14;12:18;15:5,   | 2010,             |
| 31:4                 | someone (4)  | 22:17;23:1;25:24     | 6;18:23;19:4,16,17,19;   | W                 |
| Rules (1)            | 6:12;21:2;26:18,20   | system's (1)         | 20:1,7,8,20;21:9;22:11,  |                   |
| 31:5                 | somewhere (1)  | 23:14                | 11,23;23:11,17;27:1,4,   | waiver (1)        |
| running (1)          | 14:18  |                      | 5,16   | 24:18             |
| 12:24                | sorry (1)  | T                    | trying (3)   | Washington (2)    |
| 12.2                 | 17:14  |                      | 15:22;16:7;17:17   | 22:7;26:11        |
| S                    | sort (1)   | Tab (3)              | turn (5)   | way (1)           |
| ~                    | 24:17  | 9:4,13;18:25         | 9:4,15,22;11:11;   | 27:24             |
| SAAB (2)             | specific (1)   | talk (2)             | 18:25  | weeks (1)         |
| 5:1,2                | 21:4   | 24:11;31:12          | Twenty-two (1)   | 20:25             |
| AGNIBENE (6)         | speculation (1)  | talking (1)          | 16:19  | what's (1)        |
| 5:17,18;27:20;28:18; | 24:20  | 15:25                | two (3)  | 24:14             |
| 29:3,10              | spent (1)  | tank (5)             | 20:13,22;22:5  | whole (2)         |
| ame (2)              | 9:21   | 15:2;22:13;23:12,19; |  | 28:25;29:4        |
| 20:13;31:12          | spontaneous (1)  | 25:5                 | $\mathbf{U}$   | willing (2)       |
| aying (2)            | 31:10  | tanks (5)            |  | 21:3;27:10        |
| 25:5;26:2            | spot (1)   | 10:19,20,21,24;11:5  | UL (5)   | Word (1)          |
| cientific (1)        | 23:21  | team (1)             | 22:13,17;25:20,22,   | 21:16             |
| 24:17                | stakeholders (1)   | 29:11                | 24   | words (2)         |
| crewing (1)          | 21:13  | Ten (3)              | uncertified (2)  | 31:15,17          |
| 26:6                 | stand (1)  | 16:20,21,23          | 22:19;23:18  | work (6)          |
| econd (8)            | 9:10   | testimony (1)        | underground (2)  | 16:23;17:3,12,14; |
| 6:8,23;8:20;19:2,3;  | standpoint (1)   | 31:7                 | 15:2;26:13   | 21:4;29:11        |
| 20:4,10;29:24        | 28:12  | therefore (1)        | Undersecretary (1)   | world (1)         |
| econdary (1)         | standstill (1)   | 23:16                | 5:18   | 25:11             |
| 17:19                | 26:10  | THERIOT (5)          | unless (4)   | written (1)       |
| ection (1)           | start (1)  | 4:6,7;5:22;6:9;7:7   | 7:22;8:17;27:2,9   | 27:17             |
| 11:4                 | 15:8   | Third (4)            | up (6)   | wrote (1)         |
| ense (1)             | state (3)  | 7:1,5,9,14           | 7:22;8:4;11:6;12:10;   | 24:7              |
| 27:8                 | 22:11;31:3,8   | though (1)           | 14:8;23:18   |                   |
| ent (5)              | states (3)   | 25:9                 | updated (1)  | Y                 |
| CIII (U)             | Detter (D)   |                      |  |                   |
| 17:11,23;18:10;      | 22:10;24:15,25   | thought (2)          | 20:22  |                   |

| February 27, 2014  |                    |   | MOTOR FU | IELS UNDE | RGROU | ND STORA | GE TANK | TRUST |
|--|--------------------|---|----------|-----------|-------|----------|---------|-------|
| 8:3,6;21:15;24:12;<br>27:24;29:12;30:1<br>year (34)<br>9:5,21;11:17,25;<br>12:2,22,23;13:19;14:6,<br>9,23;15:11,14;16:2,21,<br>22,24;17:5,6,7,13,15,<br>16,19,25;18:11,15;<br>19:2,3;20:3,5,10,11,14<br>years (2)<br>12:24;20:22 | 9:7                | 8 |          |           |       |          |         |       |
| 1  |                    | 6 |          |           |       |          |         |       |
| 1:46 (1)<br>30:2   | 6 (1)<br>18:25     |   |          |           |       |          |         |       |
| 10 (2)<br>22:9;25:25   |                    | 8 |          |           |       |          |         |       |
| 11 (1)<br>20:11<br>116 (1)<br>19:19  | 85 (1)<br>26:12    |   |          |           |       |          |         |       |
| 12 (3)<br>20:12,14,15  |                    | 9 |          |           |       |          |         |       |
| 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   | 97083 (1)<br>31:22 |   |          |           |       |          |         |       |
| 2  |                    |   |          |           |       |          |         |       |
| 2013 (2)<br>19:14,18<br>2014 (5)<br>7:2;8:11;19:2,4;20:5<br>21 (2)<br>20:5,6<br>22 (3)<br>16:20;17:6;18:7<br>242 (1)<br>19:4<br>25 (1)<br>14:13<br>28 (1)<br>31:4<br>28.78 (1)<br>14:7<br>29 (1)<br>19:8                         |                    |   |          |           |       |          |         |       |
| 3  |                    |   |          |           |       |          |         |       |
|  |                    |   |          |           |       |          |         |       |