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 1:03 p.m., on August 15, 2013.

BEFORE:

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

ASSOCIATED REPORTERS, INC.

(225) 216-2036

## APPEARANCES

Grady Gaubert Chairman

Tom Harris
Roger Bright
Jeff Baker
Ryan Wooten
Karyn Andrews
Cy Morin
Perry Theriot
Durwood Franklin
Shawn Ivey

Melissa Vizinat
Jason Efferson
Shawn King
Vince Sagnibene
Sarah Wilkes
Kodi Brignac
Todd Perry
Paige Menier
Rhonda Cook
Linda Hicks

\* \* \* \* \*

## I N D E X

EXAMINATION	N :	PAGE (S	S):
None			
EXHIBITS:			
None			
REPORTER'S	PAGE		3 2
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\* \* \* \* \*

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1
 2
          MR. GAUBERT:
 3
                Good afternoon. We'll go ahead and
          call the meeting to order. May I have the
          roll call, please? Perry, could you start
 5
 6
          it off?
 7
          MR. THERIOT:
 8
                Perry Theriot, LDEQ Legal.
 9
          MR. FRANKLIN:
10
                Durwood Franklin, DEQ Trust Fund.
11
          MR. BAKER:
12
                Jeff Baker, DEQ Trust Fund.
13
          MR. HARRIS:
14
                Tom Harris, DEQ Underground Storage
15
          Tanks.
16
          MR. BRIGHT:
17
                Roger Bright, Jones Environmental.
18
          MR. GAUBERT:
19
                Grady Gaubert, Louisiana Oil
20
          Marketers.
21
          MR. IVEY:
22
                Shawn Ivey, PPM Consultants.
23
          MR. WOOTEN:
24
                Ryan Wooten, Louisiana Oil Marketers.
25
         MS. ANDREWS:
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1
                Karyn Andrews, LDEQ Financial
          Services.
 2
          MR. MORIN:
                Cy Morin, LDEQ Audit Services.
          MS. VIZINAT:
 5
                Melissa Vizinat, Trust Fund.
 7
          MS. HICKS:
                Linda Hicks, PPM Consultants.
          MS. COOK:
 9
10
                Rhonda Cook, PPM Consultants.
          MR. PERRY:
11
12
                Todd Perry, PPM Consultants.
          MR. KING:
13
                Shawn King, Jones Environmental.
14
15
          MS. WILKES:
16
                Sarah Wilkes, Jones Environmental.
17
          MS. MENIER:
                Paige Menier, DEQ Trust Fund.
18
          MR. EFFERSON:
19
20
                Jason Efferson, DEQ Trust Fund.
          MR. BRIGNAC:
21
22
                Kodi Brignac, LDEQ.
23
          MR. GAUBERT:
24
                Okay. Thank you. Our first order of
25
         business is to adopt and approve the minutes
```

```
1
          from the last meeting. After reviewing
 2
          them, I need a motion and a second.
 3
          MR. HARRIS:
 4
                Motion.
 5
          MR. GAUBERT:
 6
                Motion by Tom.
 7
          MR. IVEY:
                I second.
 9
          MR. GAUBERT:
10
                Seconded by Shawn. All in favor?
11
          (All indicated yes.)
12
          MR. GAUBERT:
13
                All right. Any other consideration of
14
          the minutes?
15
          (No response.)
16
          MR. GAUBERT:
17
                Then the minutes are approved.
18
                Cy Morin, I think, has an audit status
19
          report.
20
          MR. MORIN:
21
                Yes.
                      Currently, we have 26 open motor
          fuel delivery fee cases. Fiscal year '14,
22
23
          we've scheduled two audits, which have not
24
          been performed yet. For fiscal year '13, we
25
          have 13 outstanding open cases. Eleven of
```

1	those are in progress. Two are set to be
2	closed. The two cases set to be closed
3	resulted in a net assessment and collection
4	of \$10,534.98. The of the 11 in
5	progress, two cases have been assessed and
6	demand letters sent in the amount of
7	\$6,118.53. We received a check today for
8	one of those cases for full payment of
9	\$2,101.95. Seven cases are in the review
10	process. Five have potential assessments,
11	totaling approximately \$16,406.73.
12	Approximately \$5,900 of this has been
13	collected already, which would result in
14	demands for the remaining \$10,467.58. Two
15	cases are potentially clean audits with no
16	assessment, pending review. And we have two
17	that are still in progress at the auditor's
18	desk.
19	For cases prior to fiscal year 2013,
20	there are 11 open cases. Three are set to
21	be closed. One was no assessment, clean
22	audit. One was an assessment and collection
23	of \$86,030.71. And another was a credit
24	issued of \$10,464.01. Eight of the 11 open

cases prior to fiscal year '13 are somewhere

in the legal process. We have two cases 1 2 that have promissory notes for -- this 3 represents a balance of \$44,920.42. We have one with a consent agreement which 5 represents \$51,526.08. One in current 6 litigation representing \$11,503.42. One pending litigation for a total of 8 \$15,163.43. And we have three cases that 9 are bankruptcy, no assets pending, 10 uncollectible. The collection files have 11 been closed or will be closed. And that 12 represents \$302,929. These are older fiscal 13 year cases, which were not collected.

For fiscal year 2014 to date, we've collected \$3,461.95. And total collected for fiscal year '13 was \$108,667.51. And that's it.

### MR. GAUBERT:

14

15

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17

18

19

20

21

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23

24

25

Thank you, Cy. That's -- I mean, as taxpayers and owners of the -- you know, as companies that pay into the trust fund, you know, it's only fair that everybody pays their fair share. And I think, you know, for years -- well, several years ago, I don't think there were any audits being

1.	done. I think you mentioned that older
2	cases totaled up to about \$300,000 that are
3	in bankruptcies and they're prior to a
4	manual audit. And then now, you know, I
5	don't know the exact amount of the cases.
6	If you have an opportunity, it may help me
7	out, but it seemed to be pretty substantial.
8	MR. MORIN:
9	Yes. The total outstanding at this
10	point is \$430,060.99. \$4,016.58 of that is
11	a current assessment. We sent out a demand
12	letter August 1st. And payment is due
13	August 31st. The remaining \$426,044.35 is
14	tied to those legal cases.
15	MR. GAUBERT:
16	Yes. And then do we still have two
17	people assigned to audits within the
18	department, or is it
19	MR. MORIN:
20	We have one dedicated motor fuel
21	auditor.
22	MR. GAUBERT:
23	Okay. And this seems to be sufficient
24	enough to
25	MR. MORIN:

MR. MORIN:

```
1
                 I think so, yes.
          MR. GAUBERT:
 3
                 Is one -- and that's all -- would that
          be you, Cy?
 5
          MR. MORIN:
                What's that? No, it's not me. It's
 7
          Don Wiley.
 8
          MR. GAUBERT:
                Right.
          MR. MORIN:
10
11
                He's been here for approximately --
12
          approximately a year.
13
          MR. GAUBERT:
14
                Okay. Any questions for Cy?
15
          (No response.)
16
          MR. GAUBERT:
17
                Thank you for that report.
18
          MR. MORIN:
19
                You're welcome.
20
          MR. GAUBERT:
21
                The next item would be the financial
22
          services report from Ms. Karyn.
23
          MS. ANDREWS:
24
                Thank you. If you turn to --
25
          MR. HARRIS:
```

```
1
                 Perry Theriot has to leave early. Is
 2
          there any way we could have his report? I'm
 3
          sorry, Karyn.
          MR. THERIOT:
 5
                It's a very quick report.
          MR. GAUBERT:
 6
 7
                Okay. That's fine.
 8
          MR. THERIOT:
 9
                But I do have a court appearance in 15
          minutes.
10
          MR. GAUBERT:
11
12
                Okay. I'm sorry. Is it okay with
13
          you, Ms. Karyn?
          MS. ANDREWS:
14
15
                Not a problem.
16
          MR. THERIOT:
17
                On our third party claims, we've been
18
          doing well. We have had no new ones filed
19
          this quarter. We did report one filed last
20
          meeting, and that's the only new one we've
21
          had in this fiscal year. So if there are
22
          any other questions that you guys might have
23
          about any legal matters?
24
          MR. GAUBERT:
```

I don't. Anybody else does?

```
1
          (No response.)
 2
          MR. GAUBERT:
 3
                Okay.
          MR. HARRIS:
 4
 5
                Thank you.
 6
          MR. GAUBERT:
                Okay. Well, Mr. Perry, we --
          MR. THERIOT:
 8
 9
                I appreciate you letting me do mine.
          MR. GAUBERT:
10
11
                Okay. Thank you. Ms. Karyn?
12
          MS. ANDREWS:
               Thank you. If you could turn to Tab
13
14
              This is a final report from fiscal year
15
          2013. Our fiscal year ended on June 30th,
          and we actually closed the books on August
16
17
          14th, which was yesterday. As you'll note
18
          here, we transferred at the beginning of the
19
          year $55,644,214.10 into the trust fund at
20
          the beginning of the year. We transferred
21
          as reimbursements $11,666,687.42.
22
          transferred to the environmental trust fund
23
          for expenditures of the tanks program and
24
          trust fund sections that were over the UST
25
          federal and environmental trust fund fees
```

1	that were collected. That amount was
2	\$3,101,356.30. I would like to note that
3	this is approximately \$1.1 million over the
4	amount from fiscal year '12, which that was
5	primarily due to the overhead rates and a
6	reduction in federal dollars.
7	Current liabilities on the sites is
8	approximately \$70 million. This leaves a
9	negative balance after obligations of
10	\$6,793,675.22.
11	All right. If you'll turn the page.
12	This is an informational report concerning
13	our interest revenue from the trust fund.
14	Interest revenue collected inception to date
15	is \$6,386,252. Expenditures are
16	\$1,228,330.06. Details of the expenditures
17	are also included. You'll note here that no
18	expenditures in fiscal year '13 were made.
19	MR. GAUBERT:
20	Are there there will be expenses in
21	fiscal year 2013?
22	MS. ANDREWS:
23 .	In 2014?
24	MR. GAUBERT:
0.5	

No, '13.

## 1 MS. ANDREWS: 2 2013 has been closed. So this is the 3 final report for 2013. 4 And on the next page, this report 5 details how we calculate the amount 6 transferred from the motor fuel trust fund. 7 This details the revenues and expenditures. 8 And if you have any questions, I can go over 9 those. I would like to provide for 10 informational purposes, we had previously 11 discussed our overhead with the indirect 12 rate. Our last year's approved rate from 13 EPA was 60.86 percent. And so we applied 14 that rate, which was 30.43. Our new 15 approved rate, which we'll be using for 16 fiscal year '14 is 57.56 percent. So the 17 rate that we'll be using for the trust fund 18 will be 28.78 percent. So there will be a 19 slight reduction next year. I project that 20 the overhead estimate will be about 21 \$990,000. 22 MR. GAUBERT: 23 Versus approximately? 24 MS. ANDREWS: 25 It was -- it wound up being about \$1.1

```
million. And that was really primarily due
 1
          to like -- I think I discussed in the
 2
          previous reports, in one of the previous
 3
          reports we looked at, the amount had
          increased. It was -- we had some federal
 5
          dollars that were reduced. And so our
 6
          dollars for salaries are -- came from trust
 7
          fund a little bit more so overhead actually
          increased a little bit more than our
 9
          projections had -- that we had expected.
10
          Sequestration dollars didn't get finalized
11
          until about March of the year. And our
12
          projections that we have presented to all of
13
          the groups had been done prior to that date,
14
15
          so -- but it will be a reduction from -- we
          believe it'll be a reduction from what it
16
          was this year. Probably about $110,000
17
          less.
18
19
          MR. GAUBERT:
20
                Good. Does that complete your report,
21
          Ms. Karyn?
22
          MS. ANDREWS:
23
                Yes.
          MR. GAUBERT:
24
                Any questions for Ms. Karyn?
25
```

1 (No response.) 2 MR. GAUBERT: 3 Thank you. 4 Vince, I see you have joined us. 5 other business, if you could give us an 6 update on the pending lawsuit, we'll -- do 7 you have an update? MR. SAGNIBENE: 9 There's not much of an update, other 10 than it's moving forward. I talked to Megan 11 this morning. And they got a couple of 12 companies to sign a totaling agreement which 13 allows prescription to go on and not 14 prescribe. And we'll be filing -- they will 15 be filing suits against -- this Friday 16 against the companies that did not file the 17 totaling agreement. 18 MR. GAUBERT: 19 Okay. And what agreement? What's --20 MR. SAGNIBENE: 21 Totaling agreement. It did not -- and 22 I'm not an attorney. It doesn't allow 23 prescription to prescribe. Like if we're 24 over a year and a half, it stops 25 prescription.

```
MR. GAUBERT:
 1
 2
                Okay. And the lawsuit would be to get
 3
          the information from those particular
          companies?
          MR. SAGNIBENE:
                I hadn't talked to the attorneys. I
 6
 7
          assume to recover --
          MR. GAUBERT:
 8
 9
                Recover information at this time, yes.
10
          MR. SAGNIBENE:
                Yes.
11
          MR. GAUBERT:
12
                Okay. We can talk about it some more
13
14
15
          MR. SAGNIBENE:
16
                All right.
17
          MR. GAUBERT:
18
                -- later.
19
          MR. SAGNIBENE:
20
                And I know the next question you're
21
          going to ask, have I seen the bill yet?
22
          MR. GAUBERT:
23
                Have you seen it?
          MR. SAGNIBENE:
24
25
                No. I haven't seen the bill yet.
```

```
1
          MR. GAUBERT:
 2
                 Okay. Well, when you do, if you can
 3
           let us know what that is --
 4
          MR. SAGNIBENE:
 5
                 I'll be happy to.
 6
          MR. GAUBERT:
 7
                 -- we'd appreciate it.
          MS. ANDREWS:
 9
                We will make sure on our financial
10
          report, we will line item that for you.
11
          MR. GAUBERT:
12
                Okay.
13
          MS. ANDREWS:
14
                So that that will be noted for you.
15
          MR. GAUBERT:
16
                Good. Thank you.
17
          MR. SAGNIBENE:
18
                Karyn, backing up to that indirect
19
          rate again. Did we ever get that memorandum
20
          signed between us and the trust fund saying
21
          that whoever would be in this position would
22
          follow EPA's indirect rate? You remember we
23
          had talked about that?
24
          MS. ANDREWS:
25
                No, I'm not aware of that.
```

```
1
          MR. SAGNIBENE:
                Okay. Well, that's something I want.
 3
          Because I don't want the next guy to come in
          here and jack up ya'll indirect rate.
          MR. GAUBERT:
 5
 6
                Yes, we had talked about that. Yes.
 7
          It seems that the formula that, you know, we
 8
          all agreed to is going to be a reduction, it
 9
          equates to a reduction next year.
          MR. SAGNIBENE:
10
                Yes. What we'll do, we'll follow
11
          EPA's indirect rate. I don't want somebody
12
13
          to come in here and if the EPA says it's 30
          and jack it up to 60. That's -- that's --
14
15
          they can't.
16
          MR. GAUBERT:
17
                Right.
          MR. SAGNIBENE:
18
1.9
                So we need to get with Perry.
          MR. GAUBERT:
20
21
                So it worked for next year. Hopefully
22
          it works long term.
23
          MR. SAGNIBENE:
24
                Yes.
25
          MR. GAUBERT:
```

4

5

6

7

8

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All right. Mr. Jeff Baker?

MR. BAKER:

Yes, sir. If ya'll could refer to Tab Number 5 in your packets. These are the figures for the fourth quarter of fiscal year 2013. During the fourth quarter of fiscal year 2013, the trust fund received 203 applications, totaling \$3,373,209. 239 applications were processed for payment during the fiscal year, totaling \$3,215,312. And 22 applications were returned with deficiencies. For sites in the corrective action phase, the outstanding liability of the corrective action plan, budget and estimated costs to reach closure end of -of June 2013, was \$34,793,569. The additional obligation recognized for noncapped sites, plus the projected motor fuel trust fund and environmental trust fund transfers is \$34,921,986. This obligation value includes the new indirect rate transfer amount previously discussed by Karyn earlier in this meeting and at the last board meeting. At the end of June 2013, the trust fund had 83 pending

1.3

applications to process which had late requested amounts totaling \$1,478,026. Of this amount, the estimated requested obligation related to cap budget and closure costs was \$1,192,725.

If ya'll will turn to the legal size sheet at the last page of your packet. Please note that number of trust fund sites that received a no further action status during this period was seven. The number of trust fund sites that received a no further action status during the entire fiscal year of 2013 was 27. The number of potential trust fund sites that were reviewed and made eligible during this past quarter was nine. And the number of potential trust fund sites that were reviewed and made eligible during this past fiscal year was 29.

Points of interest. The department has continued to work on a revised trust fund reimbursement application form. The new Microsoft Excel version of the form was tested in-house and was sent to two of the RACs for beta testing. These two RACs both have a large number sites, and were

т.	excellent test subjects for the new tool.
2	The testing has gone well with numerous
3	minor changes and suggestions from the RACs.
4	The new Excel version will include a field
5	drop down with existing unit prices, and
6	will automatically characterize and sum the
7	various portions of the application on the
8	part five summary page, which will greatly
9	reduce the number of errors that we get. We
10	completed our testing of the Excel version
11	and will be emailing the board members the
12	Microsoft Word and Excel versions of the new
13	documents within the next day or so. Also
14	included in the email will be a user guide
15	to highlight changes of the new version and
16	to answer anticipated frequently asked
17	questions. This will give the board members
18	the opportunity to make comments and
19	suggestions. It is our hope to send the new
20	versions out to the RAC communities for
21	implementation for the first quarter of
22	fiscal year 2014. The new version will be
23	provided to the RAC community around the 1st
24	of September, 2013, which will give them one
25	month to become familiar with the new tool

prior to them working on the first quarter
of 2014 applications during the month of
October, 2013. That would give them a month
to get familiar with the tool prior to
having to use it in October.

Do ya'll have any questions about that?

#### MR. GAUBERT:

The new tool will become mandatory?

Is that the --

#### MR. BAKER:

It will be -- it will reflect the new guidance document unit rates. It will reflect just a new way -- it's just a new form for reimbursement applications. It's -- there's nothing dramatically different about it other than we tried to make it more streamline. We got rid of some fields that we didn't feel were useful that -- and we added a couple of additional fields that would give us additional information to help us review the applications. We created an Excel version to help the users fill out the form. It has drop downs with the unit rates on it. It automatically does summations.

1 It pulls numbers and does checks. And in 2 many ways, it actually inhibits a user from 3 making a math error, where on the current 4 form, we find numerous math errors. 5 Another point of interest is, we --6 due to recent vacancies within the trust 7 fund staff, we've hired two new trust fund 8 application reviewers, Kodi Brignac and 9 Paige Menier. They're in the back of the 10 room. Paige and Kodi, will ya'll stand up, 11 please? I told them I was going to -- I 12 told them I was going to make them tell us 13 about themselves. I was just picking on 14 Kodi is going to be reviewing 15 applications related to sites in the Capitol 16 region, as well as the sites in St. Landry 17 Parish. Paige will be reviewing 18 applications relating to sites in the 19 southwest region, as well as Acadia, 20 Evangeline, St. Martin and St. Mary 21 Parishes. And that concludes mine. 22 MR. GAUBERT: 23 Okay. Is there any questions for Mr. 24 Jeff? That's a good report, Mr. Jeff.

Thank you very much.

```
I do have one question. At an earlier
 1
 2
          meeting, it was brought to my attention that
          we were suppose to develop a list of slow
          sites, the sites that were taking, you know,
 4
 5
          an extra long time to close. To my
          knowledge, the slow site list has not been
 6
          developed. Is there a possibility that you
 7
          do -- that you can develop a slow site list
 8
 9
          and get it to the -- well, who would we get
10
          that to? Who needs a copy of the slow site
          list? Would that be the --
11
          MR. IVEY:
12
                I would say all of them.
13
14
          MR. GAUBERT:
                All the RACs?
15
          MR. IVEY:
16
                Yes, all the RACs would need a copy of
17
18
          it. And if your site is on there, you need
19
          to start moving it.
          MR. GAUBERT:
20
                Yes. So each site would be whatever
21
          RAC associated with it?
22
23
          MR. IVEY:
24
                Right.
25
          MR. GAUBERT:
```

So I guess the slow site list should go to the appropriate RACs?

## MR. BAKER:

Yes, sir. We can do that. We have developed a draft of that report. And we have provided it to the -- to Tom and to some of the team leaders to make them aware of these sites and have them start contacting the RACs and try to get them moving from that perspective. But we definitely can provide it to the RAC community.

## MR. GAUBERT:

Right. And there may be a RAC associated with a particular site that is not moving it for a particular reason. And, you know, I guess I would suggest that if that is the case, that we let the other RACs, you know, look at the site and, you know, provide a proposal to get it closed, to get a site closed. That's just a suggestion, though, from me that -- you know, to move those slow sites. It's been an issue, I think, and -- you know, that I think ya'll guys want to get these sites

1	closed. And I think it would be good to get
2	them off the books.
3	MR. SAGNIBENE:
4	Jeff had developed a list. The
5	problem was the explanation side of it. I
6	wanted to know why. And that's what he had
7	to do for me. So he has a list. He's just
8	working on the explanations of it.
9	MR. GAUBERT:
10	Sure.
11	MR. SAGNIBENE:
12	But I just don't want to give you a
13	list of slow sites and and there's a
14	reason sometimes.
15	MR. GAUBERT:
16	Right.
17	MR. SAGNIBENE:
18	Maybe we'll address each one in the
19	explanation column. But I think don't
20	you have that, Jeff?
21	MR. BAKER:
22	Yes, sir. We do. And that's what
23	we've been working with Tom on.
24	MR. SAGNIBENE:
25	Okay

```
1
           MR. BAKER:
  2
                 And working with some of the program
  3
           managers.
  4
           MR. SAGNIBENE:
 5
                 Because I want it updated.
 6
          MR. GAUBERT:
 7
                 All right. So you're reviewing the
 8
          sites -- so there is work going on around
 9
          the --
10
          MR. BAKER:
11
                 Yes. We have not dropped that. We
12
          have continued to work on it. And we have
13
          run that -- run the numbers about once a
14
          quarter. And we look at them. And we've
15
          contacted team leaders. And we've contacted
16
          those RACs.
17
          MR. GAUBERT:
18
                Okay.
19
          MR. SAGNIBENE:
20
                That list does exist.
21
          MR. GAUBERT:
22
                Okay. Thank you. Any other questions
23
          for Mr. Jeff?
24
          (No response.)
25
          MR. GAUBERT:
```

1	Thank you. Thank you, Jeff.				
2	Mr. Theriot's already given his third				
3	party claim status. We're moving to our				
4	next item which is other business. Before				
5	we get into the dates, I notice that Ms.				
6	Ravelle Jones is not here with us today.				
7	MR. SAGNIBENE:				
8	She is not.				
9	MR. GAUBERT:				
10	And I understand that she resigned.				
11	Whose responsibility would that be to				
12	replace her, or is				
13	MR. SAGNIBENE:				
14	That was LOMA's big conference				
15	representative. And we've already sent them				
16	a letter for a replacement.				
17	MR. GAUBERT:				
18	Okay. So was that recent, Ms. Ravelle				
19	resigned?				
20	MR. SAGNIBENE:				
21	A couple of weeks ago.				
22	MR. HARRIS:				
23	I think it was less than that. I				
24	believe it was dated a week ago.				
25	MR. BAKER:				

```
1
                 It was last week.
  2
          MR. SAGNIBENE:
  3
                I know the letter has already went
  4
          out.
 5
          MR. HARRIS:
 6
                Oh, here it is, dated August 6th.
 7
          MR. GAUBERT:
 8
                Okay.
 9
          MR. HARRIS:
10
                I'm sure we received it a couple of
11
          days after that.
12
          MR. GAUBERT:
13
                Okay. So that -- and that's --
14
          MR. SAGNIBENE:
15
                We're waiting on them to give us a
16
          name.
17
          MR. GAUBERT:
18
                Okay. All right. So the proposed
          dates for the board meetings for 2014:
19
20
          February 13th, June 5th, August 14th and
21
          November 13th. Is there any particular
22
          conflicts that you know of at this time?
23
          (No response.)
24
         MR. GAUBERT:
25
                Without any conflicts, I guess we'll
```

```
1
          go ahead with those dates. Who would be
 2
          responsible for that?
          MR. BAKER:
                We'll make everybody aware and remind
 5
          them.
          MR. GAUBERT:
 6
 7
                Okay. Any other business?
          (No response.)
          MR. GAUBERT:
10
                That wraps up our meeting. Thank
11
          ya'll.
12
              THE MEETING ADJOURNED AT 1:30 P.M.
13
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1	<u>REPORTER'S PAGE</u>
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Lori Overland C.C.R.



# In The Matter Of:

DEPARTMENT OF ENVIRONMENTAL QUALITY
MOTOR FUELS UNDERGROUND STORAGE TANK TRUST FUND

MEETING August 15, 2013

Associated Reporters Incorporated (225) 216-2036

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## In The Matter Of:

DEPARTMENT OF ENVIRONMENTAL QUALITY
MOTOR FUELS UNDERGROUND STORAGE TANK TRUST FUND

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3	STATE OF LOUISIANA	2	777777777777777777777777777777777777777
4	DEPARTMENT OF ENVIRONMENTAL QUALITY	3	EXAMINATION: PAGE (S)
5	MOTOR FUELS UNDERGROUND STORAGE TANK TRUST	4	None
6	FUND ADVISORY BOARD	5	EXHIBITS:
7		6	None
8		7	PEDODETRIC DACE
9		8	REPORTER'S PAGE 3 REPORTER'S CERTIFICATE 3
10		9	REPORTER'S CERTIFICATE 3.
11		10	
12		11	
13	The above-entitled meeting was held at the LDEQ, Galvez Building, Conference Center, 602	12	
14	North 5th Street, Baton Rouge, Louisiana, beginning at 1:03 p.m., on August 15, 2013.	13	
15	beginning at 1.05 p.m., on August 15, 2015.	14	
16		15	
		16	
17		17	
18		18	
19	BEFORE: Lori B. Overland	19	
20	Certified Court Reporter In and For the State of	20	
21	Louisiana	21	
22		22	
23		23	
24		24	
25		25	
ļ			
	Page 2		Page 4
1	APPEARANCES	1	* * * *
2	Grady Gaubert	2	MR. GAUBERT:
3	Chairman	3	Good afternoon. We'll go ahead and
4	Tom Harris Roger Bright	4	call the meeting to order. May I have the
5	Jeff Baker Ryan Wooten	5	roll call, please? Perry, could you start
6	Karyn Andrews Cy Morin	6	it off?
7	Perry Theriot Durwood Franklin	7	MR. THERIOT:
8	Shawn Ivey	8	Perry Theriot, LDEQ Legal.
9	Melissa_Vizinat	9	MR. FRANKLIN:
10	Jason Efferson Shawn King	10	Durwood Franklin, DEQ Trust Fund.
11	Vince Sagnibene Sarah Wilkes	11	MR. BAKER:
12	Kodi Brignac Todd Perry	12	Jeff Baker, DEQ Trust Fund.
13	Paige Menier Rhonda Cook	13	MR. HARRIS:
14	Linda Hicks	14	Tom Harris, DEQ Underground Storage
15		15	Tanks.
16	* * * *	16	MR. BRIGHT:
17		17	Roger Bright, Jones Environmental. MR. GAUBERT:
18		18	
19		19 20	Grady Gaubert, Louisiana Oil Marketers.
20		21	MR. IVEY:
21		22	Shawn Ivey, PPM Consultants.
22		23	MR. WOOTEN:
23		24	Ryan Wooten, Louisiana Oil Marketers.
24 25		25	MS. ANDREWS:
23			

	1,200 10,100	, a Oat I	0.01	as cribbication of ordinar from the first
		Page 5		Page 7
1	Karyn Andrews, LDEQ Financial		1	those are in progress. Two are set to be
2	Services.		2	closed. The two cases set to be closed
3	MR. MORIN:	.	3	resulted in a net assessment and collection
4	Cy Morin, LDEQ Audit Services.	]	4	of \$10,534.98. The - of the 11 in
5	MS. VIZINAT:	1	5	progress, two cases have been assessed and
6	Melissa Vizinat, Trust Fund.	ŀ	6	demand letters sent in the amount of
7	MS. HICKS:		7	\$6,118.53. We received a check today for
8	Linda Hicks, PPM Consultants.		8	one of those cases for full payment of
9	MS. COOK:		9	\$2,101.95. Seven cases are in the review
10	Rhonda Cook, PPM Consultants.		10	process. Five have potential assessments,
11	MR. PERRY:	1	11	totaling approximately \$16,406.73.
12	Todd Perry, PPM Consultants.	i i	12	Approximately \$5,900 of this has been
13	MR. KING:	ŀ	13	collected already, which would result in
14	Shawn King, Jones Environmental.		14	demands for the remaining \$10,467.58. Two
15	MS. WILKES:		15	cases are potentially clean audits with no
16	Sarah Wilkes, Jones Environmental.		16	assessment, pending review. And we have two
17	MS. MENIER:	- 1	17	that are still in progress at the auditor's
18	Paige Menier, DEQ Trust Fund.		18	desk.
19	MR. EFFERSON:		19	For cases prior to fiscal year 2013,
20	Jason Efferson, DEQ Trust Fund.		20	there are 11 open cases. Three are set to
21	MR. BRIGNAC:		21	be closed. One was no assessment, clean
22	Kodi Brignac, LDEQ.		22	audit. One was an assessment and collection
23	MR. GAUBERT:		23	of \$86,030.71. And another was a credit
24	Okay. Thank you. Our first order of		23 24	issued of \$10,464.01. Eight of the 11 open
25	business is to adopt and approve the minutes		2 <b>4</b> 25	cases prior to fiscal year '13 are somewhere
23	ousiness is to adopt and approve the initiates	i	23	cases prior to fiscar year 13 are somewhere
	· · · · · · · · · · · · · · · · · · ·	Page 6		Page 8
1	from the last meeting. After reviewing		1	in the legal process. We have two cases
2	them, I need a motion and a second.		2	that have promissory notes for - this
3	MR. HARRIS:		3	represents a balance of \$44,920.42. We have
4	Motion.		4	one with a consent agreement which
5	MR. GAUBERT:		5	represents \$51,526.08. One in current
6	Motion by Tom.		6	litigation representing \$11,503.42. One
7	MR. IVEY:		7	pending litigation for a total of
8	I second.	İ	8	\$15,163.43. And we have three cases that
9	1 0000114.			
1	MR. GAUBERT:			
10	MR. GAUBERT: Seconded by Shawn. All in favor?		9	are bankruptcy, no assets pending,
10 11	Seconded by Shawn. All in favor?		9 10	are bankruptcy, no assets pending, uncollectible. The collection files have
11	Seconded by Shawn. All in favor? (All indicated yes.)	:	9 10 11	are bankruptcy, no assets pending, uncollectible. The collection files have been closed or will be closed. And that
11 12	Seconded by Shawn. All in favor? (All indicated yes.) MR. GAUBERT:	:	9 10 11 12	are bankruptcy, no assets pending, uncollectible. The collection files have been closed or will be closed. And that represents \$302,929. These are older fiscal
11 12 13	Seconded by Shawn. All in favor? (All indicated yes.) MR. GAUBERT: All right. Any other consideration of		9 10 11 12 13	are bankruptcy, no assets pending, uncollectible. The collection files have been closed or will be closed. And that represents \$302,929. These are older fiscal year cases, which were not collected.
11 12 13 14	Seconded by Shawn. All in favor? (All indicated yes.) MR. GAUBERT: All right. Any other consideration of the minutes?		9 10 11 12 13	are bankruptcy, no assets pending, uncollectible. The collection files have been closed or will be closed. And that represents \$302,929. These are older fiscal year cases, which were not collected.  For fiscal year 2014 to date, we've
11 12 13 14 15	Seconded by Shawn. All in favor?  (All indicated yes.)  MR. GAUBERT:  All right. Any other consideration of the minutes?  (No response.)		9 10 11 12 13 14	are bankruptcy, no assets pending, uncollectible. The collection files have been closed or will be closed. And that represents \$302,929. These are older fiscal year cases, which were not collected.  For fiscal year 2014 to date, we've collected \$3,461.95. And total collected
11 12 13 14 15	Seconded by Shawn. All in favor?  (All indicated yes.)  MR. GAUBERT:  All right. Any other consideration of the minutes?  (No response.)  MR. GAUBERT:		9 10 11 12 13 14 15	are bankruptcy, no assets pending, uncollectible. The collection files have been closed or will be closed. And that represents \$302,929. These are older fiscal year cases, which were not collected.  For fiscal year 2014 to date, we've collected \$3,461.95. And total collected for fiscal year '13 was \$108,667.51. And
11 12 13 14 15 16 17	Seconded by Shawn. All in favor?  (All indicated yes.)  MR. GAUBERT:  All right. Any other consideration of the minutes?  (No response.)  MR. GAUBERT:  Then the minutes are approved.		9 10 11 12 13 14 15 16	are bankruptcy, no assets pending, uncollectible. The collection files have been closed or will be closed. And that represents \$302,929. These are older fiscal year cases, which were not collected.  For fiscal year 2014 to date, we've collected \$3,461.95. And total collected for fiscal year '13 was \$108,667.51. And that's it.
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11 12 13 14 15 16 17 18 19	Seconded by Shawn. All in favor?  (All indicated yes.)  MR. GAUBERT:  All right. Any other consideration of the minutes?  (No response.)  MR. GAUBERT:  Then the minutes are approved.  Cy Morin, I think, has an audit status report.  MR. MORIN:		9 10 11 12 13 14 15 16 17 18 19 20	are bankruptcy, no assets pending, uncollectible. The collection files have been closed or will be closed. And that represents \$302,929. These are older fiscal year cases, which were not collected. For fiscal year 2014 to date, we've collected \$3,461.95. And total collected for fiscal year '13 was \$108,667.51. And that's it. MR. GAUBERT: Thank you, Cy. That's I mean, as taxpayers and owners of the - you know, as
11 12 13 14 15 16 17 18 19 20 21	Seconded by Shawn. All in favor?  (All indicated yes.)  MR. GAUBERT:  All right. Any other consideration of the minutes?  (No response.)  MR. GAUBERT:  Then the minutes are approved.  Cy Morin, I think, has an audit status report.  MR. MORIN:  Yes. Currently, we have 26 open motor		9 10 11 12 13 14 15 16 17 18 19 20 21	are bankruptcy, no assets pending, uncollectible. The collection files have been closed or will be closed. And that represents \$302,929. These are older fiscal year cases, which were not collected. For fiscal year 2014 to date, we've collected \$3,461.95. And total collected for fiscal year '13 was \$108,667.51. And that's it. MR. GAUBERT: Thank you, Cy. That's I mean, as taxpayers and owners of the - you know, as companies that pay into the trust fund, you
11 12 13 14 15 16 17 18 19 20 21 22	Seconded by Shawn. All in favor?  (All indicated yes.)  MR. GAUBERT:    All right. Any other consideration of the minutes?  (No response.)  MR. GAUBERT:    Then the minutes are approved.    Cy Morin, I think, has an audit status report.  MR. MORIN:    Yes. Currently, we have 26 open motor fuel delivery fee cases. Fiscal year '14,		9 10 11 12 13 14 15 16 17 18 19 20 21 22	are bankruptcy, no assets pending, uncollectible. The collection files have been closed or will be closed. And that represents \$302,929. These are older fiscal year cases, which were not collected. For fiscal year 2014 to date, we've collected \$3,461.95. And total collected for fiscal year '13 was \$108,667.51. And that's it. MR. GAUBERT: Thank you, Cy. That's I mean, as taxpayers and owners of the - you know, as companies that pay into the trust fund, you know, it's only fair that everybody pays
11 12 13 14 15 16 17 18 19 20 21 22 23	Seconded by Shawn. All in favor?  (All indicated yes.)  MR. GAUBERT:    All right. Any other consideration of the minutes?  (No response.)  MR. GAUBERT:    Then the minutes are approved.    Cy Morin, I think, has an audit status report.  MR. MORIN:    Yes. Currently, we have 26 open motor fuel delivery fee cases. Fiscal year '14, we've scheduled two audits, which have not		9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	are bankruptcy, no assets pending, uncollectible. The collection files have been closed or will be closed. And that represents \$302,929. These are older fiscal year cases, which were not collected.  For fiscal year 2014 to date, we've collected \$3,461.95. And total collected for fiscal year '13 was \$108,667.51. And that's it.  MR. GAUBERT:  Thank you, Cy. That's I mean, as taxpayers and owners of the - you know, as companies that pay into the trust fund, you know, it's only fair that everybody pays their fair share. And I think, you know,
11 12 13 14 15 16 17 18 19 20 21 22 23 24	Seconded by Shawn. All in favor?  (All indicated yes.)  MR. GAUBERT:  All right. Any other consideration of the minutes?  (No response.)  MR. GAUBERT:  Then the minutes are approved.  Cy Morin, I think, has an audit status report.  MR. MORIN:  Yes. Currently, we have 26 open motor fuel delivery fee cases. Fiscal year '14, we've scheduled two audits, which have not been performed yet. For fiscal year '13, we		9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	are bankruptcy, no assets pending, uncollectible. The collection files have been closed or will be closed. And that represents \$302,929. These are older fiscal year cases, which were not collected.  For fiscal year 2014 to date, we've collected \$3,461.95. And total collected for fiscal year '13 was \$108,667.51. And that's it.  MR. GAUBERT:  Thank you, Cy. That's I mean, as taxpayers and owners of the - you know, as companies that pay into the trust fund, you know, it's only fair that everybody pays their fair share. And I think, you know, for years - well, several years ago, I
11 12 13 14 15 16 17 18 19 20 21 22 23	Seconded by Shawn. All in favor?  (All indicated yes.)  MR. GAUBERT:    All right. Any other consideration of the minutes?  (No response.)  MR. GAUBERT:    Then the minutes are approved.    Cy Morin, I think, has an audit status report.  MR. MORIN:    Yes. Currently, we have 26 open motor fuel delivery fee cases. Fiscal year '14, we've scheduled two audits, which have not		9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	are bankruptcy, no assets pending, uncollectible. The collection files have been closed or will be closed. And that represents \$302,929. These are older fiscal year cases, which were not collected.  For fiscal year 2014 to date, we've collected \$3,461.95. And total collected for fiscal year '13 was \$108,667.51. And that's it.  MR. GAUBERT:  Thank you, Cy. That's I mean, as taxpayers and owners of the - you know, as companies that pay into the trust fund, you know, it's only fair that everybody pays their fair share. And I think, you know,

MO	TOR FUELS UNDERGROUND STORAGE TANK TR	U31	FUND August 15, 2013
	Page 9		Page 11
1	done. I think you mentioned that older	1	Perry Theriot has to leave early. Is
2	cases totaled up to about \$300,000 that are	2	there any way we could have his report? I'm
3	in bankruptcies and they're prior to a	3	sorry, Karyn.
4	manual audit. And then now, you know, I	4	MR. THERIOT:
5	don't know the exact amount of the cases.	5	It's a very quick report.
6	If you have an opportunity, it may help me	6	MR. GAUBERT:
7	out, but it seemed to be pretty substantial.	7	Okay. That's fine.
8	MR. MORIN:	8	MR. THERIOT:
9	Yes. The total outstanding at this	9	But I do have a court appearance in 15
10	point is \$430,060.99. \$4,016.58 of that is	10	minutes.
11	a current assessment. We sent out a demand	11	MR. GAUBERT:
12	letter August 1st. And payment is due	12	Okay. I'm sorry. Is it okay with
13	August 31st. The remaining \$426,044.35 is	13	you, Ms. Karyn?
14	tied to those legal cases.	14	MS. ANDREWS:
15	MR. GAUBERT:	15	Not a problem.
16	Yes. And then do we still have two	16	MR. THERIOT:
17	people assigned to audits within the	17	On our third party claims, we've been
18	department, or is it -	18	doing well. We have had no new ones filed
19	MR. MORIN:	19	this quarter. We did report one filed last
20	We have one dedicated motor fuel	20	meeting, and that's the only new one we've
21	auditor.	21	had in this fiscal year. So if there are
22	MR. GAUBERT:	22	any other questions that you guys might have
23	Okay. And this seems to be sufficient	23	about any legal matters?
24	enough to -	24	MR. GAUBERT:
1	MR. MORIN:	25	I don't. Anybody else does?
	,		
-	Page 10		Page 12
1	I think so, yes.	1	(No response.)
2	MR. GAUBERT:	2	MR. GAUBERT:
3	Is one - and that's all - would that	3	Okay.
4	be you, Cy?	4	MR. HARRIS:
5	MR. MORIN:	5	Thank you.
6	What's that? No, it's not me. It's	6	MR. GAUBERT:
7	Don Wiley.	7	Okay. Well, Mr. Perry, we
8	MR. GAUBERT:	8	MR. THERIOT:
9	Right.	9	I appreciate you letting me do mine.
10	MR. MORIN:	10	MR. GAUBERT:
11	He's been here for approximately -	11	Okay. Thank you. Ms. Karyn?
12	• •	1	j.
13	approximately a year.	12	MS. ANDREWS:
123	approximately a year. MR. GAUBERT:	12 13	MS. ANDREWS: Thank you. If you could turn to Tab
14	• •		
	MR. GAUBERT:	13	Thank you. If you could turn to Tab
14	MR. GAUBERT: Okay. Any questions for Cy?	13 14	Thank you. If you could turn to Tab 4. This is a final report from fiscal year
14 15	MR. GAUBERT: Okay. Any questions for Cy? (No response.)	13 14 15	Thank you. If you could turn to Tab 4. This is a final report from fiscal year 2013. Our fiscal year ended on June 30th,
14 15 16	MR. GAUBERT: Okay. Any questions for Cy? (No response.) MR. GAUBERT:	13 14 15 16	Thank you. If you could turn to Tab 4. This is a final report from fiscal year 2013. Our fiscal year ended on June 30th, and we actually closed the books on August
14 15 16 17	MR. GAUBERT: Okay. Any questions for Cy? (No response.) MR. GAUBERT: Thank you for that report.	13 14 15 16 17	Thank you. If you could turn to Tab 4. This is a final report from fiscal year 2013. Our fiscal year ended on June 30th, and we actually closed the books on August 14th, which was yesterday. As you'll note
14 15 16 17	MR. GAUBERT: Okay. Any questions for Cy? (No response.) MR. GAUBERT: Thank you for that report. MR. MORIN:	13 14 15 16 17 18	Thank you. If you could turn to Tab 4. This is a final report from fiscal year 2013. Our fiscal year ended on June 30th, and we actually closed the books on August 14th, which was yesterday. As you'll note here, we transferred at the beginning of the
14 15 16 17 18 19	MR. GAUBERT: Okay. Any questions for Cy? (No response.) MR. GAUBERT: Thank you for that report. MR. MORIN: You're welcome.	13 14 15 16 17 18 19	Thank you. If you could turn to Tab 4. This is a final report from fiscal year 2013. Our fiscal year ended on June 30th, and we actually closed the books on August 14th, which was yesterday. As you'll note here, we transferred at the beginning of the year \$55,644,214.10 into the trust fund at
14 15 16 17 18 19 20	MR. GAUBERT: Okay. Any questions for Cy? (No response.) MR. GAUBERT: Thank you for that report. MR. MORIN: You're welcome. MR. GAUBERT:	13 14 15 16 17 18 19 20	Thank you. If you could turn to Tab 4. This is a final report from fiscal year 2013. Our fiscal year ended on June 30th, and we actually closed the books on August 14th, which was yesterday. As you'll note here, we transferred at the beginning of the year \$55,644,214.10 into the trust fund at the beginning of the year. We transferred
14 15 16 17 18 19 20 21	MR. GAUBERT: Okay. Any questions for Cy? (No response.) MR. GAUBERT: Thank you for that report. MR. MORIN: You're welcome. MR. GAUBERT: The next item would be the financial	13 14 15 16 17 18 19 20 21	Thank you. If you could turn to Tab  4. This is a final report from fiscal year 2013. Our fiscal year ended on June 30th, and we actually closed the books on August 14th, which was yesterday. As you'll note here, we transferred at the beginning of the year \$55,644,214.10 into the trust fund at the beginning of the year. We transferred as reimbursements \$11,666,687.42. We also transferred to the environmental trust fund for expenditures of the tanks program and
14 15 16 17 18 19 20 21	MR. GAUBERT: Okay. Any questions for Cy? (No response.) MR. GAUBERT: Thank you for that report. MR. MORIN: You're welcome. MR. GAUBERT: The next item would be the financial services report from Ms. Karyn.	13 14 15 16 17 18 19 20 21 22	Thank you. If you could turn to Tab 4. This is a final report from fiscal year 2013. Our fiscal year ended on June 30th, and we actually closed the books on August 14th, which was yesterday. As you'll note here, we transferred at the beginning of the year \$55,644,214.10 into the trust fund at the beginning of the year. We transferred as reimbursements \$11,666,687.42. We also transferred to the environmental trust fund for expenditures of the tanks program and trust fund sections that were over the UST
14 15 16 17 18 19 20 21 22 23	MR. GAUBERT: Okay. Any questions for Cy? (No response.) MR. GAUBERT: Thank you for that report. MR. MORIN: You're welcome. MR. GAUBERT: The next item would be the financial services report from Ms. Karyn. MS. ANDREWS:	13 14 15 16 17 18 19 20 21 22 23	Thank you. If you could turn to Tab  4. This is a final report from fiscal year 2013. Our fiscal year ended on June 30th, and we actually closed the books on August 14th, which was yesterday. As you'll note here, we transferred at the beginning of the year \$55,644,214.10 into the trust fund at the beginning of the year. We transferred as reimbursements \$11,666,687.42. We also transferred to the environmental trust fund for expenditures of the tanks program and

		OIOKE			
		Page 13		Р	age 15
1	that were collected. That amount was	ĺ	1	million. And that was really primarily due	
2	\$3,101,356.30. I would like to note that		2	to like - I think I discussed in the	
3	this is approximately \$1.1 million over the		3	previous reports, in one of the previous	
4	amount from fiscal year '12, which that was		4	reports we looked at, the amount had	
5	primarily due to the overhead rates and a		5	increased. It was - we had some federal	
6	reduction in federal dollars.		6	dollars that were reduced. And so our	
7	Current liabilities on the sites is		7	dollars for salaries are - came from trust	
8	approximately \$70 million. This leaves a		8	fund a little bit more so overhead actually	
9	negative balance after obligations of		9	increased a little bit more than our	
10	\$6,793,675.22.		10	projections had - that we had expected.	
11	All right. If you'll turn the page.	1	11	Sequestration dollars didn't get finalized	
12	This is an informational report concerning	I .	12	until about March of the year. And our	
13	our interest revenue from the trust fund.		13	projections that we have presented to all of	
14	Interest revenue collected inception to date	i	14	the groups had been done prior to that date,	
15	is \$6,386,252. Expenditures are		15	so but it will be a reduction from - we	
16	\$1,228,330.06. Details of the expenditures		16	believe it'll be a reduction from what it	
17	are also included. You'll note here that no	1	17	was this year. Probably about \$110,000	
18	expenditures in fiscal year '13 were made.		18	less.	
19	MR. GAUBERT:	1	19	MR. GAUBERT:	ĺ
20	Are there there will be expenses in		20	Good. Does that complete your report,	
21	fiscal year 2013?	J	21	Ms. Karyn?	
22	MS. ANDREWS:	i	22	MS. ANDREWS:	
23	In 2014?	i i	23	Yes.	
24	MR. GAUBERT:		24	MR. GAUBERT:	ŀ
25	No, '13.		25	Any questions for Ms. Karyn?	
				J.,	
		Page 14		Pa	age 16
1	MS ANDREWS:		1	(No reconned)	
1 2	MS. ANDREWS:		1	(No response.)	
2	2013 has been closed. So this is the		2	MR. GAUBERT:	
2	2013 has been closed. So this is the final report for 2013.		2 3	MR. GAUBERT: Thank you.	
2 3 4	2013 has been closed. So this is the final report for 2013.  And on the next page, this report		2 3 4	MR. GAUBERT: Thank you. Vince, I see you have joined us. In	
2 3 4 5	2013 has been closed. So this is the final report for 2013.  And on the next page, this report details how we calculate the amount		2 3 4 5	MR. GAUBERT: Thank you. Vince, I see you have joined us. In other business, if you could give us an	
2 3 4 5 6	2013 has been closed. So this is the final report for 2013.  And on the next page, this report details how we calculate the amount transferred from the motor fuel trust fund.		2 3 4 5 6	MR. GAUBERT: Thank you. Vince, I see you have joined us. In other business, if you could give us an update on the pending lawsuit, we'll - do	
2 3 4 5 6 7	2013 has been closed. So this is the final report for 2013.  And on the next page, this report details how we calculate the amount transferred from the motor fuel trust fund. This details the revenues and expenditures.		2 3 4 5 6 7	MR. GAUBERT:  Thank you.  Vince, I see you have joined us. In other business, if you could give us an update on the pending lawsuit, we'll - do you have an update?	
2 3 4 5 6 7 8	2013 has been closed. So this is the final report for 2013.  And on the next page, this report details how we calculate the amount transferred from the motor fuel trust fund. This details the revenues and expenditures. And if you have any questions, I can go over		2 3 4 5 6 7 8	MR. GAUBERT: Thank you. Vince, I see you have joined us. In other business, if you could give us an update on the pending lawsuit, we'll - do you have an update? MR. SAGNIBENE:	
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Page 19 Page 17 MR. SAGNIBENE: MR. GAUBERT: 1 Okay. Well, that's something I want. Okay. And the lawsuit would be to get 2 2 Because I don't want the next guy to come in the information from those particular 3 companies? here and jack up ya'll indirect rate. 4 4 MR. GAUBERT: MR. SAGNIBENE: 5 5 Yes, we had talked about that. Yes. I hadn't talked to the attorneys. I 6 6 It seems that the formula that, you know, we 7 assume to recover -7 all agreed to is going to be a reduction, it MR. GAUBERT: 8 8 Recover information at this time, yes. equates to a reduction next year. 9 9 MR. SAGNIBENE: MR. SAGNIBENE: 10 10 Yes. What we'll do, we'll follow Yes. 11 11 EPA's indirect rate. I don't want somebody MR. GAUBERT: 12 12 to come in here and if the EPA says it's 30 Okay. We can talk about it some more 13 13 and jack it up to 60. That's -- that's --14 14 they can't. MR. SAGNIBENE: 15 15 MR. GAUBERT: All right. 16 16 MR. GAUBERT: Right. 17 17 18 MR. SAGNIBENE: 18 -- later. So we need to get with Perry. MR. SAGNIBENE: 19 19 And I know the next question you're MR. GAUBERT: 20 20 going to ask, have I seen the bill yet? So it worked for next year. Hopefully 21 21 it works long term. MR. GAUBERT: 22 22 MR. SAGNIBENE: Have you seen it? 23 23 MR. SAGNIBENE: Yes. 24 24 MR. GAUBERT: No. I haven't seen the bill yet. 25 25 Page 20 Page 18 All right. Mr. Jeff Baker? MR. GAUBERT: 1 MR. BAKER: Okay. Well, when you do, if you can 2 2 let us know what that is --Yes, sir. If ya'll could refer to Tab 3 3 Number 5 in your packets. These are the MR. SAGNIBENE: 4 4 figures for the fourth quarter of fiscal I'll be happy to. 5 5 year 2013. During the fourth quarter of MR. GAUBERT: 6 6 fiscal year 2013, the trust fund received -- we'd appreciate it. 7 7 203 applications, totaling \$3,373,209. 239 MS. ANDREWS: 8 8 applications were processed for payment We will make sure on our financial 9 during the fiscal year, totaling \$3,215,312. report, we will line item that for you. 10 10 And 22 applications were returned with MR. GAUBERT: 11 11 deficiencies. For sites in the corrective Okay. 12 12 action phase, the outstanding liability of MS. ANDREWS: 13 13 the corrective action plan, budget and So that that will be noted for you. 14 14 estimated costs to reach closure end of -15 MR. GAUBERT: 15 of June 2013, was \$34,793,569. The Good. Thank you. 16 16 additional obligation recognized for non-MR. SAGNIBENE: 17 17 capped sites, plus the projected motor fuel Karyn, backing up to that indirect 18 18 trust fund and environmental trust fund rate again. Did we ever get that memorandum 19 19 signed between us and the trust fund saying transfers is \$34,921,986. This obligation 20 20 value includes the new indirect rate that whoever would be in this position would 21 21 follow EPA's indirect rate? You remember we transfer amount previously discussed by 22 22 had talked about that? Karyn earlier in this meeting and at the 23 23 last board meeting. At the end of June 24 MS. ANDREWS: 24 2013, the trust fund had 83 pending 25 25 No, I'm not aware of that.

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- applications to process which had late
- requested amounts totaling \$1,478,026. Of 2
- this amount, the estimated requested 3
- 4 obligation related to cap budget and closure 5
  - costs was \$1,192,725.
  - If ya'll will turn to the legal size sheet at the last page of your packet.
  - Please note that number of trust fund sites
- 9 that received a no further action status
- during this period was seven. The number of 10
- 11 trust fund sites that received a no further
- action status during the entire fiscal year 12
- of 2013 was 27. The number of potential 13
- 14 trust fund sites that were reviewed and made
- 15 eligible during this past quarter was nine.
- And the number of potential trust fund sites 16
- that were reviewed and made eligible during 17
- this past fiscal year was 29. 18
- 19 Points of interest. The department
- 20 has continued to work on a revised trust 21
- fund reimbursement application form. The 22 new Microsoft Excel version of the form was
- 23 tested in-house and was sent to two of the
- 24 RACs for beta testing. These two RACs both
- 25 have a large number sites, and were

- prior to them working on the first quarter
- of 2014 applications during the month of 2
- 3 October, 2013. That would give them a month

Page 23

Page 24

- to get familiar with the tool prior to 4
- 5 having to use it in October.
- Do ya'll have any questions about 6
- 7 that?
- MR. GAUBERT: 8
- 9 The new tool will become mandatory?
- 10 Is that the -
- MR. BAKER: 11
- It will be it will reflect the new 12
- 13 guidance document unit rates. It will
- 14 reflect just a new way - it's just a new
- form for reimbursement applications. It's 15
- there's nothing dramatically different 16
- 17 about it other than we tried to make it more
- streamline. We got rid of some fields that 18
- we didn't feel were useful that and we 19
- added a couple of additional fields that 20
- would give us additional information to help 21
- 22 us review the applications. We created an
- 23 Excel version to help the users fill out the
- 24 form. It has drop downs with the unit rates
- on it. It automatically does summations. 25

Page 22

5

- excellent test subjects for the new tool. The testing has gone well with numerous 2
- 3 minor changes and suggestions from the RACs.
- The new Excel version will include a field 4
- 5 drop down with existing unit prices, and
- will automatically characterize and sum the 6
- 7 various portions of the application on the
- 8 part five summary page, which will greatly
- reduce the number of errors that we get. We 9
- completed our testing of the Excel version 10
- and will be emailing the board members the 11
- 12 Microsoft Word and Excel versions of the new
- documents within the next day or so. Also 13
- included in the email will be a user guide 14
- 15 to highlight changes of the new version and
- to answer anticipated frequently asked 16
- 17 questions. This will give the board members
- 18 the opportunity to make comments and
- 19 suggestions. It is our hope to send the new
- versions out to the RAC communities for 20
- 21 implementation for the first quarter of
- 22 fiscal year 2014. The new version will be
- 23 provided to the RAC community around the 1st
- 24 of September, 2013, which will give them one
- month to become familiar with the new tool 25

- It pulls numbers and does checks. And in
- 2 many ways, it actually inhibits a user from 3 making a math error, where on the current
- form, we find numerous math errors. 4

Another point of interest is, we --

- due to recent vacancies within the trust 6
- 7 fund staff, we've hired two new trust fund
- 8 application reviewers, Kodi Brignac and
- 9 Paige Menier. They're in the back of the
- room. Paige and Kodi, will ya'll stand up, 10
- please? I told them I was going to I 11 12 told them I was going to make them tell us
- 13 about themselves. I was just picking on
- them. Kodi is going to be reviewing 14
- 15 applications related to sites in the Capitol
- region, as well as the sites in St. Landry 16
- Parish. Paige will be reviewing 17
- 18 applications relating to sites in the
- southwest region, as well as Acadia, 19
- 20 Evangeline, St. Martin and St. Marv
- 21 Parishes. And that concludes mine.
- MR. GAUBERT: 22
- 23 Okay. Is there any questions for Mr.
- Jeff? That's a good report, Mr. Jeff. 24
- Thank you very much. 25

Page 27 Page 25 closed. And I think it would be good to get I do have one question. At an earlier 1 meeting, it was brought to my attention that them off the books. 2 MR. SAGNIBENE: we were suppose to develop a list of slow 3 Jeff had developed a list. The sites, the sites that were taking, you know, 4 4 problem was the explanation side of it. I an extra long time to close. To my 5 wanted to know why. And that's what he had knowledge, the slow site list has not been 6 6 to do for me. So he has a list. He's just developed. Is there a possibility that you 7 working on the explanations of it. do - that you can develop a slow site list 8 and get it to the - well, who would we get MR. GAUBERT: 9 that to? Who needs a copy of the slow site Sure. 10 10 MR SAGNIBENE: list? Would that be the -11 11 But I just don't want to give you a MR. IVEY: 12 12 list of slow sites and -- and there's a 13 I would say all of them. 13 reason sometimes. MR. GAUBERT: 14 14 MR. GAUBERT: All the RACs? 15 15 MR. IVEY: Right. 16 16 MR. SAGNIBENE: Yes, all the RACs would need a copy of 17 17 Maybe we'll address each one in the it. And if your site is on there, you need 18 18 explanation column. But I think -- don't to start moving it. 19 19 you have that, Jeff? MR. GAUBERT: 20 20 MR. BAKER: Yes. So each site would be whatever 21 21 Yes, sir. We do. And that's what RAC associated with it? 22 22 we've been working with Tom on. 23 MR. IVEY: 23 MR. SAGNIBENE: Right. 24 24 Okay. MR. GAUBERT: 25 25 Page 28 Page 26 MR. BAKER: So I guess the slow site list should 1 1 And working with some of the program go to the appropriate RACs? 2 2 MR. BAKER: 3 managers. 3 MR. SAGNIBENE: Yes, sir. We can do that. We have 4 4 Because I want it updated. developed a draft of that report. And we 5 5 have provided it to the - to Tom and to 6 MR. GAUBERT: 6 All right. So you're reviewing the some of the team leaders to make them aware 7 7 sites -- so there is work going on around of these sites and have them start 8 8 the --9 contacting the RACs and try to get them MR. BAKER: moving from that perspective. But we 10 10 Yes. We have not dropped that. We definitely can provide it to the RAC 11 11 have continued to work on it. And we have 12 community. 12 run that - run the numbers about once a MR. GAUBERT: 13 Right. And there may be a RAC quarter. And we look at them. And we've 14 14 contacted team leaders. And we've contacted associated with a particular site that is 15 15 16 those RACs. not moving it for a particular reason. And, 16 MR. GAUBERT: you know, I guess I would suggest that if 17 17 Okay. that is the case, that we let the other 18 18 MR. SAGNIBENE: RACs, you know, look at the site and, you 19 19 That list does exist. know, provide a proposal to get it closed, 20 20 MR. GAUBERT: to get a site closed. That's just a 21 21 Okay. Thank you. Any other questions suggestion, though, from me that - you 22 22 for Mr. Jeff? know, to move those slow sites. It's been 23 23 (No response.) an issue, I think, and -- you know, that I 24 24 MR. GAUBERT: think ya'll guys want to get these sites 25

			The state of the s
	Page 2	9	Page 31
1	Thank you. Thank you, Jeff.	1,	go ahead with those dates. Who would be
2	The second of th	- 1	responsible for that?
3		- 1	B MR. BAKER:
4	next item which is other business. Before	- 1 -	We'll make everybody aware and remind
5	we get into the dates, I notice that Ms.	9	
6	Ravelle Jones is not here with us today.		
7	MR. SAGNIBENE:	1 7	
8	She is not.	۱	0.7
وا	MR. GAUBERT:	وا	
10		10	
11	Whose responsibility would that be to	11	
12	replace her, or is	12	
13	MR. SAGNIBENE:	13	
14	That was LOMA's big conference		
15	representative. And we've already sent them	14	
16	a letter for a replacement.		
17	MR. GAUBERT:	16	[
18	Okay. So was that recent, Ms. Ravelle	17	
19	resigned?	18	
20	MR. SAGNIBENE:	19	
21	A couple of weeks ago.	20	
22	MR. HARRIS:	21	
23	I think it was less than that. I	22	İ
24		23	1
25	believe it was dated a week ago. MR. BAKER:	24	
25	MIC. DAKER;	25	
		<b>-</b>	
	Page 30	)	Page 32
1	It was last week.	1	REPORTER'S PAGE
2	MR. SAGNIBENE:	2	I, Lori B. Overland, Certified Court
3	I know the letter has already went		Reporter, in and for the State of Louisiana, the
4	out.		officer, as defined in Rule 28 of the Federal
5	MR. HARRIS:		Rules of Civil Procedure and/or Article 1434(b)
6	Oh, here it is, dated August 6th.	6	of the Louisiana code of Civil Procedure, before
7	MR. GAUBERT:		whom this sworn testimony was taken, do hereby
8	Okay.		state on the Record
9	MR. HARRIS:	9	That due to the interaction in the
10	I'm sure we received it a couple of	1 -	spontaneous discourse of this proceeding, dashes
11	days after that.	111	() have been used to indicate pauses, changes
12	MR. GAUBERT:	12	in thought, and/or talk overs; that same is the
13	Okay. So that - and that's		proper method for a Court Reporters's
14	MR. SAGNIBENE:		transcription of proceeding, and that the dashes
15	We're waiting on them to give us a	7.5	() do not indicated that words or phrases have
16	Sometimes of the contract of t	123	
17	name.	115	
18	name. MR. GAUBERT:		been left out of this transcript; That any words and/or names which could not
	MR. GAUBERT:	17	That any words and/or names which could not
[	MR. GAUBERT: Okay. All right. So the proposed	17 18	That any words and/or names which could not be verified through reference material have been
19	MR. GAUBERT: Okay. All right. So the proposed dates for the board meetings for 2014:	17 18 19	That any words and/or names which could not
19 20	MR. GAUBERT: Okay. All right. So the proposed dates for the board meetings for 2014: February 13th, June 5th, August 14th and	17 18 19 20	That any words and/or names which could not be verified through reference material have been denoted with the phrase "(inaudible)."
19 20 21	MR. GAUBERT: Okay. All right. So the proposed dates for the board meetings for 2014: February 13th, June 5th, August 14th and November 13th. Is there any particular	17 18 19 20 21	That any words and/or names which could not be verified through reference material have been denoted with the phrase "(inaudible)."  Lori Overland, C.C.R.
19 20 21 22	MR. GAUBERT: Okay. All right. So the proposed dates for the board meetings for 2014: February 13th, June 5th, August 14th and November 13th. Is there any particular conflicts that you know of at this time?	17 18 19 20 21 22	That any words and/or names which could not be verified through reference material have been denoted with the phrase "(inaudible)."
19 20 21 22 23	MR. GAUBERT: Okay. All right. So the proposed dates for the board meetings for 2014: February 13th, June 5th, August 14th and November 13th. Is there any particular conflicts that you know of at this time? (No response.)	17 18 19 20 21 22 23	That any words and/or names which could not be verified through reference material have been denoted with the phrase "(inaudible)."  Lori Overland, C.C.R.
19 20 21 22 23 24	MR. GAUBERT: Okay. All right. So the proposed dates for the board meetings for 2014: February 13th, June 5th, August 14th and November 13th. Is there any particular conflicts that you know of at this time? (No response.) MR. GAUBERT:	17 18 19 20 21 22 23 24	That any words and/or names which could not be verified through reference material have been denoted with the phrase "(inaudible)."  Lori Overland, C.C.R.
19 20 21 22 23	MR. GAUBERT: Okay. All right. So the proposed dates for the board meetings for 2014: February 13th, June 5th, August 14th and November 13th. Is there any particular conflicts that you know of at this time? (No response.)	17 18 19 20 21 22 23	That any words and/or names which could not be verified through reference material have been denoted with the phrase "(inaudible)."  Lori Overland, C.C.R.

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1	CERTIFICATION
2	I, Lori B. Overland, Certified Court Reporter in
3	and for the State of Louisiana, as the officer
4	before whom this testimony was taken, do hereby
5	certify that the above referenced individual to whom
6	oath was administered, after having been duly sworn
7	by me upon authority of R.S. 37:2554, did testify as
8	hereinbefore set forth in the foregoing pages, that
9	this testimony was reported by me in the stenomask
10	reporting method, was prepared and transcribed by me
11	or under my personal direction and supervision, and
12	is a true and correct transcript to the best of my
13	ability and understanding; that the transcript has
14	been prepared in compliance with transcript format
15	guidelines required by statute or by rules of the
16	board, that I have acted in compliance with the
17	prohibition on contractual relationships, as defined
18	by Louisiana Code of Civil Procedure Article 1434
19	and in rules and advisory opinions of the board;
20	that I am not related to counsel or to the parties
21	herein, nor am I otherwise interested in the outcome
22	of this matter.
23	
24	Lori Overland C.C.R.
25	. # 97083

\$   \$6,386,252 (1)   \$13.15				·-·	<del> </del>
\$   \$1.515   \$5.192,725 (1)   \$13:10   \$20:38,91(121:123-2, 15); \$21.28,330:06 (1)   \$13:16   \$5.1,288,330:06 (1)   \$13:16   \$5.46,601 (1)   \$7.23   \$3.90 (0) (1)   \$1.291,127   \$3.90 (0) (1)   \$1.192,127   \$3.90 (0) (1)   \$1.192,127   \$3.90 (0) (1)   \$1.192,127   \$3.90 (0) (1)   \$1.192,127   \$3.90 (0) (1)   \$3.25   \$3.90 (1)   \$3.25   \$3.90 (1)   \$3.25   \$3.90 (0) (1)   \$3.25   \$3.90 (0) (1)   \$3.25   \$3.90 (0) (1)   \$3.25   \$3.33,130 (1)   \$3.25   \$3.33,130 (1)   \$3.12   \$3.33,130 (1)   \$3.25   \$3.34,144.55   \$3.34		\$6.386.252 (1)	application (3)	18.18	5 14
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Signature   Sign		1			
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