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 1:07 p.m., on May 19, 2016.

BEFORE:

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

(225) 216-2036

APPEARANCES

Kerry Hill Chairman

Durwood Franklin
Jeff Baker
Gary Fulton
Cy Morin
Johnny Milazzo
Perry Theriot
Nick St. Romain
Steve Burnham
Roger Bright
Theresa Chatelain

Melissa Vizinat Sam Broussard Rhonda Cook Sherry Milam Jason Efferson Karyn Andrews Shawn King Lacey Vitteri Ian Kelley

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EXAMINATIO	N:	PAGE (S)		
None				
EXHIBITS:.				
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* * * * *

	* * * * * *
1	* * * *
2	MR. HILL:
3	Good afternoon. I'd like to call this
4	meeting to order, if you please. Let's
5	start with a roll call and consideration of
. 6	the February 18, 2016 board minutes.
7	MR. THERIOT:
8	Perry Theriot, Legal Division at LDEQ.
9	MR. FRANKLIN:
10	Durwood Franklin, DEQ Trust Fund.
11	MR. BAKER:
12	Jeff Baker, DEQ Trust Fund.
13	MR. FULTON:
14	Gary Fulton, Underground Storage Tank
15	Remediation Division.
16	MR. BRIGHT:
17	Roger Bright, Jones Environmental.
18	MR. BURNHAM:
19	Steve Burnham, Engineering Associates.
20	MR. HILL:
21	Kerry Hill, Louisiana Oil Marketers
22	and Convenient Store Association.
23	MR. ST. ROMAIN:
24	Nick St. Romain, Louisiana Oil
25	Marketers and Convenient Store Association.

1	MR. MILAZZO:								
2	Johnny Milazzo, Louisiana Oil								
3	Marketers and Convenient Store Association.								
4	MS. CHATELAIN:								
5	Theresa Chatelain, DEQ Financial								
6	Services.								
7	MR. MORIN:								
8	Cy Morin, DEQ Audit.								
9.	MS. VIZINAT:								
10	Melissa Vizinat, DEQ Trust Fund.								
11 .	MS. MILAM:								
12	Sherry Milam, PPM Consultants.								
13	MS. COOK:								
14	Rhonda Cook, PPM Consultants.								
15	MR. KING:								
16	Shawn King, Jones Environmental.								
17	MR. BROUSSARD:								
18	Sam Broussard, UST Division.								
19	MR. KELLEY:								
20	Ian Kelley, UST Trust Fund.								
21	MS. ANDREWS:								
22	Karyn Andrews, DEQ Management and								
23	Finance.								
24	MS. VITTERI:								
25	Lacey Vitteri, DEQ Financial Services.								

1	MR. EFFERSON:
2	Jason Efferson, DEQ Trust Fund.
. 3	MR. HILL:
4	Thank ya'll for joining us today. Do
5	I hear a motion to adopt the February 18
6	board minutes?
7	MR. BURNHAM:
8	Motion to adopt.
9	MR. HILL:
10	Got a motion. Do I hear a second?
11	MR. FULTON:
12	Second.
13	MR. HILL:
14	Okay. Let's move forward then. Thank
15	ya'll.
16	Item number three, the financial
17	services report. I'd like to ask Theresa to
<u>1</u> 8	deliver that message for us, please.
19	MS. CHATELAIN:
20	Okay. Good afternoon. Hello
21	everybody. I am Theresa Chatelain, as some
22	of you can read or may have heard. I'm
23	Karyn Andrews replacement in the fiscal
24	officer position in financial services since
25	she has been promoted to Undersecretary.

· 24

And I also brought with me today, Lacey

Vitteri, who introduced herself. She is an

accountant IV in financial services. And

she helps prepare this information and keep

it up to date for us.

So if ya'll would like to turn to tab three, we have the updated financial statements, through March 31st.

So the first page here is the -- where we project the program balance and what will need to be transferred from the fund into the environmental trust fund. So the 2015 and 2016 information, you've seen previously. That's our current projection through March 31st, as I mentioned previously. So right now, it looks like about 5.12 million will be transferred from the Motor Fuel Trust Fund to -- to ETF, to reimburse ETF.

And then if you'd turn to the next page. We have information on the total receipts, year to date. Also compared to the previous completed year. So our total receipts right now are 19,805,171, with interest income of 118,713, for the total of

1	19.9 million, receipts for the program. And
2	we've reimbursed RACs 9,179,956. Again, as
3	of March 31st. So our projection, based on
4 .	the total obligations of the fund, as of the
5	end of the year, it looks like we will have
6	about 1.87 million balance after
7 .	obligations, you see on the bottom right of
8	the page.
9	So that is the financial update. I
LO	don't know if anybody has any questions?
L1	I'll do my best to answer them.
12	MR. HILL:
13	Any questions?
14	MR. BURNHAM:
15	Why the big difference between the
16	unobligated balance in 2015 and 2016?
17	MS. CHATELAIN:
18	I think I my best answer would
19	be that it's just an estimate. It's our
20	best guess at that time. But I I think
21	we discussed this at the previous meeting
22	too. I did review the minutes. So I think
23	either we added some sites I don't know
24	if Jeff, if you know?
25	VD

```
1
                 We used a different methodology from
  2
           that time to now.
  3
           MR. BURNHAM:
  4
                 Where you --
  5
           MR. BAKER:
  6
                 Right.
  7
           MR. BURNHAM:
  8
                 -- took -- made -- took account of
 9
           some other --
10
           MR. BAKER:
11
                 Right.
12
           MS. CHATELAIN:
13
                 Changed it.
14
          MR. BURNHAM:
15
                 Okay. And that was --
16
          MR. BAKER:
17
                 We started that, I believe, in
18
          October.
19
          MR. BURNHAM:
20
                Okay.
21
          MS. CHATELAIN:
22
                This year.
23
          MR. HILL:
24
                Yes. I think you said that your new
25
          system was going to bring it a little more
```

1	current. Wouldn't
2	MR. BAKER:
3	Make it a little more accurate.
4	MR. HILL:
· 5	Accurate, I mean.
6	MR. BAKER:
7	Yes.
8	MR. HILL:
9	All right.
.10	MR. BAKER:
11	There were there were a number of
12	sites that were not being considered in the
1,3	original obligation calculation. The new
14	the new methodology brings those in and it's
15	just a much more accurate way of calculating
16	that obligation.
17	MS. CHATELAIN:
18	But in the last quarter too, we were -
19	- the unobligated balance was a negative
20	number. So we're we're on the flip side
21	of that now, based on this quarter. So our
22	receipts were good.
23	MR. BURNHAM:
24	Thank you.
25	MR. HILL:

```
1
                  Okay. Are there any other questions?
  2
           MR. MILAZZO:
                  I -- I do.
  3
  4
           MR. HILL:
  5
                 Okay. Johnny?
  6
           MR. MILAZZO:
  7
                 When you look at the bulk, the -- the
  8
           receipts, fiscal year 2015 -- and I'm
  9
           assuming that's for the entire 12 month
 10
           period? Is that -- would that be right?
11
           22 million, six hundred and --
12
           MS. CHATELAIN:
13
                 That is. That's for the entire year.
14
           MR. MILAZZO:
15
                 Okay. And so -- through the third
16
           quarter of the fiscal year, right, it's
17
           17 million, six hundred --
18
          MS. CHATELAIN:
19
                Correct. That does not have anything
20
          for the fourth quarter in there. So I don't
21
          know if that'd be helpful. We could -- you
22
          know, next quarter -- I guess the next
23
          meeting will be after the fourth quarter, so
24
          they'll match at that point in time.
25
          MR. MILAZZO:
```

1	Right.
2	MS. CHATELAIN:
3	But if it would be helpful going
4	forward in the quarters during the year if
5	we did a comparison of receipts for the
6	first quarter for the previous year.
7	MR. MILAZZO:
8	I think it's more relevant
9	MS. CHATELAIN:
10	Okay.
11	MR. MILAZZO:
12	when you're looking at it.
13 .	MS. CHATELAIN:
14	Sure. We can make that adjustment
15	or include both.
16	MR. MILAZZO:
17	And the the annual assessment fees,
18	that looks if I'm understanding am I
19 [.]	seeing this 19,546 through 12 months? Was
20	that
21	MS. CHATELAIN:
22	Yes.
23	MR. MILAZZO:
24	Versus 56,837 through
25	MS. CHATELAIN:

```
1
                  Nine months.
  2
            MR. MILAZZO:
  3
                  -- nine months?
           MS. CHATELAIN:
  5
                  Jeff, any insight on that? The second
  6
           row.
 . 7
           MR. MILAZZO:
  8
                 So is that --
  9
           MS. ANDREWS:
10
                 Karyn Andrews, Undersecretary.
11
           actually could have something to do with the
12
           timing of when we did our invoices.
           annual fees are for facilities that are not
13
14
           subject to some of our regulation -- to all
15
          the regulations, but we still deposit at the
16
          end of the year. And so it could just be a
17
          timing difference of when we billed and when
18
          we collected the money. Generally, we bill
1'9
          those out towards the end of our fiscal
20
          year. So it could be that it wasn't
21
          collected until the beginning --
          MR. MILAZZO:
                Okay.
          MS. ANDREWS:
                -- of the following. So that could be
```

23

24

1 what it is. 2 MR. MILAZZO: So is that -- fair to say though, - 3 that's the annual fee for the -- for the 4 5 tanks, right? MS. ANDREWS: 6 That's actually not the annual 7 8 fee. 9 MR. MILAZZO: So where does that hit? 10 11 MS. ANDREWS: That -- we're reporting to you our 12 motor fuel underground storage tank trust 13 14 That fee that you're talking about, the registration fee, the \$54, that goes 15 into our environmental trust fund. 16 17 MR. MILAZZO: 18 Okav. 19 MS. ANDREWS: 20 And that is not reported on here. 21 you'd like -- we can get that information. We can share that with you at the next 22 23 meeting. 24 MR. MILAZZO: 25 I guess it gives us a little bit of a

```
snapshot of what -- what are the tanks out
  2
           there, is that number growing, shrinking,
  3
           whatever.
  4
           MS. ANDREWS:
  5
                 We can definitely share that.
  6
           MR. MILAZZO:
  7
                 Okay. That's all I have.
  8
           MR. HILL:
  9
                 Any other questions related to the
10
           financial services report?
11
           (No response.)
12
           MR. HILL:
13
                 I'd like to make mention, we were just
14
           talking about the -- the interest rate.
15
           It's pretty good on them --
16
           (An off-the-record discussion followed.)
17
          MR. HILL:
18
                 Go ahead.
19
          MR. BROWN:
20
                 I just wanted to stick my head in and
21
          say hello, and of course, thank you for all
22
          your hard work. I appreciate everything you
23
          do.
24
          MR. FULTON:
25
                This is our -- this is our new
```

```
1
         secretary.
2
         MR. BROWN:
3
                Our new secretary.
         MR. FULTON:
 5
                Secretary Brown.
 6
         MR. BROWN:
                Yes.
 8
         MR. BURNHAM:
 9
                Hey Chuck. Good to see you.
10
          MR. BROWN:
11
                      How you doing?
                Hey.
12
          MR. BURNHAM:
13
                Yes, sir.
14
          MR. HILL:
15
                Thank you for joining us.
16
         MR. BROWN:
17
                       Good. Well, again, I just
18
          wanted to say hello to you. I appreciate
19
          all the hard work that you do.
                                           I know
20
          there's a bill that's directly impacting
21
          everything that goes on with this group.
22
          looks like it's going to -- going to -- it's
          going to win approval. So it's a good
23
          starting point for us. Anything ya'll need
24
25
          from me, just let me know. Okay?
```

```
1
            MR. HILL:
  2
                  Thank you very much.
  3
           MR. MILAZZO:
  4
                  Secretary, if I may. Only because we
  5
           -- we got some correspondence back just a
  6
           little while ago. I think -- I commend you
  7
           guys in the department that have been
  8
           working with -- with Louisiana Oil Marketers
  9
           on maybe some amendments to the bill that I
 10
           -- that I -- Natalie was very proud that had
 11
           been removed. And as of just a little while
12
           ago, she sent an email -- I think we've all
13
           received that -- that those same amendments
14
           are reattached to the bill. So I don't know
           if -- if it's bad information that's being
15
16
           shared, but I just -- she sent out an alert
17
          just a little while ago of -- of concern
18
          about that.
19
          MR. BROWN:
20
                 Do you know anything about that?
21
          MR. THERIOT:
22
                No.
          MR. BROWN:
23
24
                Well, we will check on it. But it
25
          shouldn't be --
```

1 MR. THERIOT: 2 I'll check on it. If it was done, it 3 would've been done --MR. MILAZZO: 5 Okav. Because --MS. CHATELAIN: T -- I don't believe the bill has been 7 amended since the first settlement? 9 MR. THERIOT: No. I -- I don't think so. 10 11 MR. MILAZZO: Well, I -- I -- according to her, 12 and her comments, that there -- after the 13 original bill, I think you guys had met and 14 maybe Wosworth or somebody was kind of 15 working through this. And then some of the 16 pieces that we were concerned about that was 17 18 part of it had been removed. 19 MR. BROWN: 20 That's correct. 21 MR. MILAZZO: 22 According to her notes a minute ago, they have been reattached. 23 24 MR. BROWN: Well, we don't know about that. 25

```
1
            MR. MILAZZO:
  2
                  Okay.
  3
            MR. BROWN:
  4
                  We had -- we had a meeting on the
  5
           House side after we had amended the bill.
  6
           MR. MILAZZO:
  7
                 Right. Well, that's what she said.
  8
           She was delighted to be working with you
  9
           guys.
.10
           MS. CHATELAIN:
11
                 It could be that she's referring to
12
           Legislative Bureau amendments. The
13
           Legislative Bureau is a body that reviews
14
           all the measure throughout session and makes
15
           changes -- technical corrections.
16
           MR. MILAZZO:
17
                 Okay.
18
          MS. CHATELAIN:
19
                 There were some legislative -- I just
20
          looked up the bill on the legislature's
21
          website and there were some Legislative
22
          Bureau amendments that were added. But that
23
          -- those weren't the --
24
          MR. MILAZZO:
25
                Okay.
```

```
1
         MR. CHATELAIN:
2
                It didn't return it to it's original
3
         version.
         MR. THERIOT:
                Those are usually not substantive.
5
6
         MS. CHATELAIN:
7
                No.
8
          MR. THERIOT:
 9
                Those are usually commas here and --
10
          MR. MILAZZO:
11
                Okay.
12
          MR. THERIOT:
                -- that kind of --
13
14
          MR. MILAZZO:
15
                Okay.
16
          MS. CHATELAIN:
17
                New paragraph -- second paragraph.
18
          MR. BROWN:
19
                We'll -- we'll check.
20
         MR. MILAZZO:
21
                Well, thank you very much. And
22
          really, thank you guys. When -- you know,
23
          when we see things that really do impact us
          and that -- your willingness to work with us
24
25
          is important. And thank you for it.
```

1	MR. BROWN:									
2	Right. Right. Well, we appreciate									
3	you guys. Take care.									
4	MR. HILL:									
5	Thank ya'll.									
6	If there's no more questions related									
7	to the financial services, do I									
8	MR. BURNHAM:									
9	You were about to mention the									
10	interest.									
11	MR. HILL:									
12	Well, I was going to mention, it looks									
13	like we're getting some real good interest									
14	on our money. It's got to be something like									
15	15 percent. Whoever whoever is in charge									
16	of that, my hats off to you.									
17	MS. CHATELAIN:									
18	I wish I could take credit.									
19	MR. HILL:									
20	Do I hear a motion to approve the									
21	financial report delivered by Theresa?									
22	MR. FULTON:									
23	I make the motion.									
24	MR. HILL:									
25	I got a motion. Do I have a second?									

1	MR. MILAZZO:
2	Second.
3	MR. HILL:
4	Okay. Motion and second carries.
5 .	Let's go to item number four, the
6	auditor's status report. I'd like to ask Cy
7	to give that.
8	MR. MORIN:
9	Yes, sir. Cy Morin, DEQ Audit.
10	So if you'll turn to tab four. The
11	first two pages of this report detail 32 of
12	the motor fuel audit cases initiated since
13	fiscal year 2014.
14	Currently, two cases are awaiting
15	payments, totaling, approximately, \$2,800.
16	Once the 30 day time frame is expired on the
17	invoices, we will forward these to legal for
18	collection, if we haven't made collection on
19	them. 25 of these cases are awaiting
20	review. Pending final review, these
21	represent two potential credits, totaling,
22	approximately, \$3,800; six potential
23	assessments, totaling, approximately,
24	\$1,600; and 17 potential clean audits with
25	no assessment.

15

16

17

18

19

20

21

22

23

24

25

1	And in our aim with with these 25
2	cases awaiting review is to reduce this
3	number of cases over the next few months.
4	First, focusing on the ones that do have
5	assessments or or credits. And then,
6	focusing on the ones that have no
7	assessments attached to them.
8	Four cases are still in progress with
9	results to be determined. And the last case
10	on the list is scheduled to be started next
11	week.
12	If you'll go ahead and turn if
13	there's no questions, we'll go ahead and
14	turn to page three of this report.

This report shows the five cases that are continuing to be pursued legally. There's been no change in the first case listed. The attorneys are continuing to prepare to request a status conference to set a trial date and prepare discovery.

For the second case, the business has been sending in monthly payments. The last payment was received in March, on March 14th in the amount of \$310. The April and May payments are currently due. The attorneys

1	were contacted yesterday. The owner said
2	that a payment was in the mail. If we don't
3	receive this payment, it will be prepared to
4 .	be sent to ODR for collections.
5	The status remains the same for case
6	number three. It's been with ODR since
7	October 14th.
8	The fourth and fifth cases remain the
9	same. The balance has not changed. The
10	files are ready for referral to ODR and
11	notices are being prepared by legal right
12	now:
13	The five case legal cases represent
14	a total of approximately \$121,000 of which
15	\$108,000 is delinquent motor fuel delivery
16	fees and late payment penalties and
17	approximately \$12,000 is attorneys fees,
18	court cost and judicial interest.
19	And that concludes mine.
20	MR. HILL:
21	Okay. Cy, thank you. Do we have any
22	questions related to Cy's
23	MR. MILAZZO:
24	Yes. Cy, are are all these folks
25	still in business or

```
1
           MR. MORIN:
  2
                  No, they're not. I think we've
  3
           discussed that in previous meetings.
           Probably the majority of them are not. As a
  4
  5
           matter of fact, one of the owners is
  6
           deceased. And I think that's probably the
  7
           difficulty in collecting some of these --
           MR. MILAZZO:
  8
  9
                 Yes.
10
           MR. MORIN:
11
                 -- is the -- you know, the businesses
12
           are no longer operating. And -- and I can
13
           get you information for the next --
14
           MR. MILAZZO:
15
                 No. Well --
16
          MR. MORIN:
17
                 -- meeting on specifically which ones
18
          -- if there are any still operating, I can
19
          get you those.
20
          MR. MILAZZO:
21
                I -- I commend you guys for doing --
22
          you know, being diligent about that.
          MR. MORIN:
                      I mean, we continue to pursue it
          through every avenue until it's -- there's
```

24

```
26
```

```
1
         no other choice but -- you know, to say that
2
         it's uncollectible.
3
         MR. HILL:
                Then you've got to clean it up and
         move on, right?
         MR. MORIN:
.6
7
                Correct.
 8
         MR. HILL:
 9
                Any other questions?
10
          (No response.)
11
          MR. HILL:
                Do I hear a motion to accept Cy's
12
13
          audit report?
14
          MR. MILAZZO:
15
                Motion.
16
          MR. FULTON:
                Second.
17
18
          MR. HILL:
                Motion by Johnny. Do I hear a second?
19
20 .
          MR. FULTON:
21 .
                Second.
22
          MR. HILL:
                Got a second by Gary. Motion carries.
23
                Let's move to item number five, the
24
          trust fund status report. Jeff, if I could
25
```

1	ask	you	to	go	through	that,	please,	sir.
2	MR.	BAKE	ER:					

Good afternoon. If ya'll would please refer to tab number five in your packets.

These are the figures for the third quarter of fiscal year 2016.

puring the third quarter of fiscal year 2016, the trust fund received 290 applications, totaling \$3,930,578. At -- as of the end of March 2016, the trust fund had 226 pending applications to process, which had requested amounts totaling \$3,209,099. 213 applications were processed for payment during the fiscal quarter, totaling \$3,159,011. And 12 applications were returned with deficiencies.

If you'll turn to the page titled monthly motor fuel trust fund obligation determination. This is the new worksheet listing the various components in the determination of the potential obligation against the trust fund as the end of March 2016.

For sites in the corrective action phase, the outstanding liability of the

corrective action plan budget and estimated cost to reach closure at the end of March was \$26,955,239. This total includes the CAP budget remaining amount and the RAC estimated cost to closure amount. The fund obligation recognized the sites without ROG approved CAP budgets is \$36,869,795. This is determined by using the three year average site closure cost and applying these costs to the active trust fund sites without current CAP budgets.

The trust fund obligation recognized for sites that have been determined to be trust fund eligible, however, have not submitted the reimbursement application is \$8,841,616. This is also determined by using the three year average site closure and applying these cost — costs of the sites that have requested eligibility but have yet to submit a request for reimbursement from the fund.

The five year projected fund obligation related to the trust fund -- motor fuel trust fund to the environmental trust fund transfer is \$17,020,861. This

. 6

estimate uses the three year average dollars
transferred from the motor fuel trust fund
to the environmental trust fund and
multiplies that average by five years.

You will note the legal-sized page at the back of your packet. The number of trust fund sites that have received no further action thus far in the fiscal year is 13 sites.

The number of potential trust fund sites that were reviewed and made eligible during the current fiscal year was 20.

Representing 22 active incidences.

Just some points of interest. As mentioned in the last quarters meeting, recently the trust fund had a number of our experienced application reviewers resign to pursue other opportunities. We have hired three new reviewers and they're actively being trained in their positions. These new reviewers represent 60 percent of staff processing these trust fund applications.

This has and will have an impact on our ability to timely process applications.

We are working to minimize this impact. And

the new staff are already -- have already begun contributing to help us deal with the current backlog of applications. And we're making very good headway with that. They're picking up very quickly.

Another point is the initial draft of the new motor fuel trust fund guidance document was sent out to the current and recent RAC representative advisory board members for comments. These individuals have all responded and their efforts are greatly appreciated.

The trust fund is currently reviewing these comments and updating the draft document. It is our intent to send this revised version of the guidance document to the workgroup in the next few weeks and begin meeting to address any questions that they may have concerning the draft.

We've also comprised a list of questions and/or issues related to the trust fund in the guidance document. We're hoping the workgroup will be able to help us assist -- or help assist us in resolving these issues in a way that addresses the

```
1
            concerns of the responsible parties, the
  2
           RACs and the department. If any of the
  3
           board members would like to participate in
  4
           the workgroup, their input would be very
  5
           welcomed.
  6
                 And that ends mine. Do ya'll have any
  7
           questions?
  8
           MR. HILL:
  9
                 Does anybody have any questions?
10
           (No response.)
11
           MR. HILL:
12
                 Thank you, Jeff. May I hear a motion
13
           to accept Jeff's trust fund report?
14
           MR. BURNHAM:
15
                 Motion to accept.
16
          MR. HILL:
17
                 I have a motion. Do I hear a second?
18
          MR. MILAZZO:
19
                 Second.
20
          MR. HILL:
21
               I have a second. Thank you, Jeff.
22
          Motion carries.
23
                Item number six, third party claims.
24
          I'd like to ask Mr. Perry to deliver that,
25
          please, sir. ·
```

1	MR. THERIOT:
2	I have good news to report, no new
3	claims have been filed. And the I
4	believe we have four current that are still
5	being litigated. Discovery ongoing in two.
6	Settlement negotiations in one. And a
7	mediation that's getting ready to proceed in
8	one of them.
9	So we but we've had no new third
10	party suits filed.
11	MR. HILL:
12	Okay. Any questions?
13	(No response.)
14	MR. HILL:
15	Do I hear a motion to accept Mr.
16	Perry's status report?
17	MR. ST. ROMAIN:
18	I move.
19	MR. HILL:
2.0	We've got a motion on the table. Do I
21	hear a second?
22	MR. MILAZZO:
23	Second.
24	MR. HILL:
25	Second. Motion carries.

1		Number	seven,	other	business.
2	MS.	ANDREWS:			

Karyn Andrews, Undersecretary. I just wanted to let everyone know about the legislation that is moving through this session. I believe Dr. Brown mentioned Senate Bill 257, which we are working with some of your organizations to make sure it was in -- in the posture that -- that you all were comfortable with, and -- and it still allowed us to make the changes we

needed. And we thank you for that.

The other bill we do have moving through is our House Bill 900, which I've previously discussed with you. It is our fee package that will be affecting the gas station owners with tanks. And that fee package does have a -- have an increase of 10 percent on the underground tanks. So it will be going from \$54 to \$60, which we discussed in the last meeting.

We just went through our fourth committee and we are hoping to get that finalized on the Senate floor in the next week.

So 257 is -- is on the House side
right now. And we're hoping that will also
be moving on the floor in the next week or
so.

MR. MILAZZO:

7 .

Karyn, again, there's some discussion internally with our group. And for consideration as this moves through, reducing the -- the deductible for claims in compliance to zero from \$5,000 currently and maintaining the \$10,000 deductible for locations that are out of compliance, what consideration would you guys consider to do that?

MR. THERIOT:

I -- the board has the -- one of the powers that the board has is to recommend changes in deductible annually. That's one of the reasons for having this board. So if the board wishes to forward a recommendation to the Secretary: (A) you put it on the agenda, have a vote and forward your resolution on to the Secretary who will then make a decision. But that's how the statue requires that it be done.

```
1
           MR. HILL:
  2
                  Prior to the next board meeting do
  3
           that?
 · 4
           MR. THERIOT:
  5 .
                  It's -- it's annually. So I think
  6
           there's only one more meeting -- well,
  7
           there's two meetings this year.
  8
           MS. VIZINAT:
. 9
                 Yes. It's --
10
           MR. THERIOT:
11
                 And -- and it -- it's annually that
12
           you have to do it at one of the meetings, so
13
           -- but that's how it would be done.
14
           MR. MILAZZO:
15
                 So would that be considered your --
16
           annually, from your fiscal year standpoint?
17
           So would there be an opportunity maybe at
18
          the next meeting if -- if Louisiana Oil
19
          Marketers is so compelled to want -- want to
20
          do that? And I think the feedback that's
21
          come back to us -- I mean, you guys have
22
          been on -- in on most of those calls --
23
          MR. HILL:
24
                Yes.
          MR. MILAZZO:
```

1 -- was, you know, hey, we -- we're 2 okay with -- with the increase, but, you 3 know, could there be some consideration? We're in full compliance, you know, that the 5 trust fund meet the deductible for us and 6 just remove that? And the penalties that 7 are currently in place for out of compliance 8 stay where they are. 9

MR. HILL:

10

11

12

13

14

15

16

17

18

19

20

21 .

22

23

24

25

No problem with that at all.

MS. ANDREWS:

Yes, I think, Perry -- so, Perry, would your -- your recommendation is the board members bring to the meeting next month a resolution and vote on it, and then that is presented to Secretary Brown, the recommendation, and he can accept it as is or work with you guys in some other method? MR. THERIOT:

The statue says that -- it lays out the financial responsibility amount. And in Section 1 -- 2195.9(a)5, it says thereafter -- which meant the last time -- after 2001 -- this has been an annual event here. Advisory Board shall review the financial

```
1
            responsibility requirements on an annual
  2
           basis and may recommend to the Secretary
  3
           adjusting the requirements. The Secretary
           is going to determine and set the financial
  5
           responsibility requirements annually.
  6
                 So the only thing you would have to
  7
           probably meet is the listing it on the
  8
           agenda for the public records law. And then
  9
           you would have to have a motion in here to
 10
           make your recommendation. That motion would
 11
           be voted on and then forwarded to the
12
           Secretary for his consideration.
13
           MR. HILL:
14
                        So we bring that resolution to
15
           the next meeting, Perry, is that --
16
           MR. THERIOT:
·17
                 If -- if you want to have it on the
18
          next meeting, you just need to list it on
19
          the agenda.
20
          MR. HILL:
21
                Okay.
22
          MR. MILAZZO:
23
                Okay. Thank -- thank you quys.
24
          MR. HILL:
25
                Thank ya'll very much.
```

DEPARTMENT OF ENVIRONMENTAL QUALITY

1	MS. ANDREWS:
2	And I and if and if we and we
3	can definitely go ahead and bring that to
4	Dr. Brown in advance, that you all would
5	like to entertain that for the next meeting
6	so that if there's any discussion that needs
7	to be had, we can perhaps, you know, take
8	care of that. And and that way, we can
9	move forward with the recommendation fairly
10	expeditiously.
11	MR. HILL:
12	Would it be in our best interest to
13	provide you with a letter asking for that
14	consideration before the next the meeting?
15	MS. ANDREWS:
16	It certainly couldn't hurt.
17	MR. HILL:
18	For
19	MS. ANDREWS:
20	I I don't know that
21	MR. HILL:
22	So it could get on the agenda.
23	MS. ANDREWS:
24	I and I can't say that there's
25	going to be an objection from our

```
1
            standpoint.
  2
            MR. HILL:
  3
                          It's just -- it's just the
  4
           protocol, the way to do it.
 · 5
           MS. ANDREWS:
  6
                  Exactly.
  7
           MR. HILL:
  8
                 Okav.
  9
                 Johnny, does that answer your --
 10
           MR. MILAZZO:
 11
                 Yes. That's perfect. I think that's
 12
           what she -- she's going to be delighted to
13
           hear that.
14
           MR. BROUSSARD:
15
                 This is Sam Broussard from the UST
16
           Division. If I could add a couple of
17
           things?
18
          MR. HILL:
19
                 Sure.
20
          MR. BROUSSARD:
21
                 I'm -- I am working on a huge reg
22
          package to change our regs based on the new
23
          federal regs. And one of the things that I
24
          want to do in this package is pretty much
25
          align the way our UST regs and our statutes
```

```
1
         -- align them with respect to what we're
2
         actually doing for financial responsibility.
               So some of those things, we're going
3
         to talk about in our next reg workgroup
5.
         meeting. And that -- and we have some
6
         ideas. And we've kicked them around
7
         internally. And I'm going to be bringing
         these up to you guys. And we'll make sure
 8
 9
         to have that meeting before this next trust
10
          fund meeting. That way, if you guys like
          our ideas, we can bring them up all at once
11
12
          and kind of work on that as -- at one big
13
          main package all together instead of piece
14
          milling them like that.
15
          MR. HILL:
16
                Sounds good. Thank you, Sam.
17
          MR. MILAZZO:
18
                Great plan.
19
          MR. HILL:
20
                Any other business?
21
          MR. FULTON:
22
                I've got a quick question.
23
          MR. HILL:
24
                Okay.
25
          MR. FULTON:
```

```
Earlier in -- in the meeting, you'd
  2
           asked about the tank numbers. Is there
  3
           something specific? Because I can get those
           numbers. I -- I just -- is there something
  5
           specific we want to look at or --
  6
           MR. MILAZZO:
  7
                 Just the --
  8
           MR. FULTON:
  9
                 The number of tanks per year or --
10
           MR. MILAZZO:
11
                 Yes. When you look at the -- the --
12
           how the revenue comes in --
13
           MR. FULTON:
14
                 Yes.
15
           MR. MILAZZO:
16
                 -- you know, and that's all based on
17
           volume, right?
18
          MR. FULTON:
19
                 Right.
20
          MR. MILAZZO:
21
                And then, you know, are the tanks, is
22
          -- is that a growing number? Is that a
23
          declining number? Just out of curiosity --
24
          MR. FULTON:
25
                I mean, it's -- I think it's kind of
```

```
1
         steady, but I
2
         MR. MILAZZO:
3
                Yes.
         MR. FULTON:
· 5
                -- don't quote me on that.
6
         MR. THERIOT:
7
                It's steady a little bit.
                                             It was
8
          declining for a long time -- '
 9
          MR. FULTON:
10
                Yes.
11
          MR. THERIOT:
12
                -- as the mom's and pop's were
13
          closing.
14
          MR. FULTON:
15
                Yes.
16
          MR. ST. ROMAIN:
17
                Another -- another good, maybe, stat
18
          is the number of cleanups opening per year
19
          and closing per year. Like -- like a year's
20
          review of that. Are they -- are they
21
         becoming more frequent or less frequent?
22
          MR. FULTON:
23
                Yes. No, I -- we can give you the
24
          numbers on the -- the tank universe, because
25
          there's a little difference between the
```

```
1
           actual what's paid to the trust fund.
  2
           There's -- there's quite a few non-trust
  3
           fund eligible tanks that --
           MR. ST. ROMAIN:
  4
                 It seems over time that there's more
  5
           and more double-walled tanks.
  7
           MR. FULTON:
  8
                 Right.
  9
           MR. ST. ROMAIN:
10
                  More leaks should be caught in the
11
           interstitial space and eventually, there
12
           should be less cleanups --
13
           MR. FULTON:
1:4
                 Right.
15
           MR. ST. ROMAIN:
16
                 -- as old tanks are ---
17
           MR. THERIOT:
18
                 That was the hope of the Federal
19
          Entergy Act.
20
          MR. FULTON:
21
                 Yes.
22
          MR. ST. ROMAIN:
23
                 We're -- we're ten years in -- well,
          you're ten years in the double-wall, so is
24
25
          it -- is it starting to show?
```

1	MR. BURNHAM:
2	Yes.
3	MR. THERIOT:
4	We did there is ASTSWMO did some
_. 5	fact finding already. There is on
6	ASTSWMO, there's a report that's being put
7	on their website where they looked at small,
8	medium and large states based on tank
9	volume and whether whether there was
10	an increase in the number of releases or a
11	decrease or whether the federal regulation
12	was having an effect. It's still inclusive.
13	I worked on the committee that was gathering
14	the reasons not enough time yet,
15	because many people are still using the old
16	tanks.
17	MR. BURNHAM:
18	Right.
19	MR. THERIOT:
20	So one of the questions that was asked
21	was whether there's anybody keeping data on
22	these old tanks, because many of them are
23	now outliving their warranties. You know,
24	they were they were sold to the the
25	tank owners with a 30 year warranty and, you

1	know, a skiff tank. And the question would
2	be there was a question about can re-line
3	them, can we continue to using them? And
. 4	some states say yes, some states say no.
5	And it it's difficult to collect the data
. 6	that will give you an answer that is
7	trustworthy.
8	But they are working on it. ASTSWMO,
9	as a the sub tank sub committee has
10	looked at those to try and see if they can -
11	- if it's actually working. Because they
12	want to see if there's any difference
13	between states that have allowed the old
14	tanks to continue operating and states where
15	they've given them like a five year period

So -- but it's going to take a little time

where they have to upgrade anyway. ASTSWMO

is aware of this and they are looking at it.

19 before those -- that data gets reliable

enough to rely on.

16

17

20

21

25

MR. ST. ROMAIN:

I've talked to friends in other states
that when a tank gets a certain age, the
trust fund won't cover it if it leaks

Is there --

anymore.

DEPARTMENT OF ENVIRONMENTAL QUALITY

```
MR. THERIOT:
 1
 2
                There are states that say --
 3
          MR. ST. ROMAIN:
                -- anything like that in Louisiana?
 5
          MR. THERIOT:
 6
                -- that when -- when the warranty is
 7
          out, so is your coverage.
 8
          MR. ST. ROMAIN:
 9
                Like 50 years --
10
          MR. MILAZZO:
11
                Yes, that --
12
          MR. ST. ROMAIN:
13
                -- they say if the tanks 50 years old,
14
          it's got to come out.
15
          MR. THERIOT:
16
                But that's -- that -- those sort of
17
          little small provisions, those are all over
18
          the board in the United States. They --
19
          because if there's not a federal standard
20
          for it, which I -- there's no federal
21
          standard on the warranty business, then
22
          states are allowed to do whatever they want.
23
          And -- and so each state has chosen
24
          different. I think here in Louisiana, we've
          allowed, unless there's a release, you could
25
```

```
1
            continue using your old tanks unless you
  2
            replaced 20 percent of whatever your system
  3
                And then -- is that correct, Sam?
  4
            MR. BROUSSARD:
  5
                  25.
  6
           MR. THERIOT:
  7
                  25 percent. I knew it was around
  8
           that.
  9
                 And -- and then you have to upgrade,
 10
           if you replace 25 percent.
 11
           MR. ST. ROMAIN:
 12
                 Or if it has a release, you have to
13
           upgrade.
14
           MR. THERIOT:
15
                 Or if you have a release. If you have
16
           to replace the tank, it's gonna have to be
17
           double-walled.
18
           MR. HILL:
19
                 So it -- it's still -- ya'll -- ya'll
20
          really haven't decided -- I'm just sitting
21
          here thinking of some '87, '88 model tanks
22
          that -- that we own and it's -- it's pushing
23
          that 30 year deal, so, you know, another two
24
          or three years away. But it's still
25
          undecided as to what -- what's gonna happen
```

1

15

```
2
          MR. BROUSSARD:
3
                Well, we -- we don't --
4
          MR. THERIOT:
5
                Sam might be able to tell you on the
          new workgroup.
6
7
          MR. HILL:
8
                Right.
 9
          MR. BROUSSARD:
10
                       As of now, we do not have a
11
          provision to remove tanks at -- at a certain
12
          age.
13
          MR. HILL:
14
                Right.
```

when that 30 year time period expires.

16 Just -- just as you remove one, you 17 have to go to a double-wall. We can 18 entertain a -- an age if you guys want to 19 and our -- and our reg workgroup wants to 20 and -- and, you know, all the industries 21 stakeholders are on board with that, we can 22 entertain that. It -- it's not -- someone 23 actually mentioned it in our last workgroup 24 meeting of possibly putting a drop-dead date 25 for single-wall tanks, but it was just

MR. BROUSSARD:

```
1
            mentioned in passing. We've not had any --
  2
            any definite discussions on that.
  3
            it's --
  4.
           MR. HILL:
  5
                 Well --
  6
           MR. ST. ROMAIN:
  7
                 Before you classify it all single-
  8
           walls, you might go after bare steels or --
  9
           MR. BROUSSARD:
 10
                 Right.
 11
           MR. HILL:
12
                 Yes.
13
           MR. ST. ROMAIN:
14
                 -- stuff like that.
15
           MR. BROUSSARD:
16
                 And -- and some of the new regs --
17
           like Perry was saying, some of the new
18
          federal regs do require you to -- like say
19
          if you have a line tank and the lining
20
          fails, you have to remove the tank.
21
          there are some provisions in the new regs
22
          that will get rid of some of these very old
23
          substandard tanks, but there's nothing in
24
          the new federal regs that says you have to
25
          remove all your single-wall tanks.
```

MR. THERIOT: 1 Generally speaking, the guys who has 2 spent the money for the double-wall tanks on all their sites are gonna -- they want 4 everybody else to have to do it too. MR. HILL: 6 7 Right, right. 8 MR. THERIOT: And -- and so you -- you do have a 9 tank world out there that's very different. 10 Part of our legislative package bill that's 11 12 going through, if it makes it through, has a provision in it on low interest loans for 13 upgrading of tanks. We're using the money 14 that we recovered from the people who 15 double-dipped in the -- in the litigation 16 that we spoke of before. That money is 17 going to be available for a program if --18 19 it's envisioned to be available, but we haven't even set the program parameters yet. 20 21 But --MR. HILL: 22 Is that based on -- on -- on the 23 financial position of the person asking for 24

that or is that --

1 MR. THERIOT:

4

5

6

7

8

9

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11

12

13

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15

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17

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22

23

24

25

2 We -- that's -- that will have to be 3 determined. We'll have to put a workgroup together and put together this program. -- we thought of the program looking forward. But we haven't decided on the parameters of the program. Because with -we were -- we don't know if that legislative was gonna be approved. Once approved, we'll have to sit down with you guys and -- and work interest groups to decide how we're gonna run that program.

> But it's better than letting this money just sit.

MR. HILL:

That's true.

And, Sam, back to my question. wasn't using the -- the old term, if it's not broke -- you know, if it's broke, fix it, not broke, don't fix it. That's not what I meant by that, even though I some around 30 years old, fiberglass tanks. They're not lined tanks. But that was my reason for asking that. You know, I just Because they were 30 year

DEPARTMENT OF ENVIRONMENTAL QUALITY

- 1 warranty tanks when we installed them. 2 you know, I didn't -- I didn't know what any 3 other -- how any other states were looking 4 at that or viewing that or -- or whether it 5. was gonna be --6 MR. BROUSSARD: 7 There have been a few. Yes. 8 have been a few states that actually some 9 said, if they're single-wall tanks, Florida, 10 California and a couple in the east. 11 They're starting to do it in the northeast. 12 But we -- we haven't -- haven't even looked 13 at that seriously at this point.
- MR. HILL:

17

18

19

20

21

22

23

24

25

- 15 Right.
- 16 MR. BROUSSARD:

And -- and I want to say something
that -- about what Nick was talking about,
it's -- trying to correlate between the
amount of releases we have and new doublewall tanks. I've actually worked with a
statistician with EPA on some looking at
data and using our data in Louisiana to
actually show that, just to see if the
inspections we're doing on a three-year

· -	eyere is naving an impact on compilance.
2	And if you look at just the trend numbers,
3	it kinda looks like it is, but we actually
4	did some real statistics on it, threw out a
5 .	lot of different parameters to make sure
6	we're we're looking comparing apples
7	to apples. And and there is a
. 8	significant difference, you know, a
9	statistically significant difference in not
10	doing inspections every three years versus
11	doing inspections every three years. The
12	compliance rates are going up because of
. 13	that, increased inspection amounts. We're -
14	- the statistician is about to publish her
15	paper. After she's done with that, her and
16	I are going to work on looking at our
17	releases in Louisiana and comparing them to
18	actual UST system types to see if there is a
19	difference with a statistical significant
20	significant difference using double-walled
21	tanks versus single-walled. So more to come
22	on that.
23	MR. THERIOT:
24	There's there's a lot of interest

at both EPA and ASTSWMO and ECOS. There's a

1	lot going on behind in in the research
2	field on it to see if the Entergy Act is
3	actually resulted in what it what it was
4	set out to do.
5 ·	MR. HILL:
6	Okay. Anymore questions?
7 .	(No response.)
8	MR. HILL:
9	If there's no further questions, we'll
10	we'd like to bring this meeting to a
11	close and say thanks to everybody for
12	attending:
13	THE MEETING ADJOURNED AT 1:44 P.M.

1	REPORTER'S PAGE
2	I, Lori B. Overland, Certified Court
3	Reporter, in and for the State of Louisiana, the
4	officer, as defined in Rule 28 of the Federal
5	Rules of Civil Procedure and/or Article 1434(b)
6	of the Louisiana code of Civil Procedure, before
7	whom this sworn testimony was taken, do hereby
8	state on the Record
9	That due to the interaction in the
10	spontaneous discourse of this proceeding, dashes
11	() have been used to indicate pauses, changes
12	in thought, and/or talk overs; that same is the
13	proper method for a Court Reporters's
14	transcription of proceeding, and that the dashes
15	() do not indicated that words or phrases have
16	been left out of this transcript;
17	That any words and/or names which could not
18	be verified through reference material have been
19	denoted with the phrase "(inaudible)."
20	Daulbled
21	Lori Overland, C.C.R.
22	# 97083

1		C	E	R	T	I	F	I	С	A	T	I	0	N
	-													

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

23

24

Lori Overland C.C.R.

25

97083

AUG 0 2 2016

In The Matter Of:

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

MEETING May 19, 2016

Associated Reporters, Incorporated 225-216-2036

Original File Trust.txt
Min-U-Script® with Word Index

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3	STATE OF LOUISIANA		2	2	
4	DEPARTMENT OF ENVIRONMENTAL QUALITY		3		PAGE (S):
5	MOTOR FUELS UNDERGROUND STORAGE TANK TRUST		4	None	
6	FUND ADVISORY BOARD	31	5	EXHIBITS:	
7			6	None .	
8			1 7	of a service of the s	
9			8		. 55
10			9	REPORTER'S CERTIFICATE	56
11			10	to the	
12	*		11	* * * *	
13	The above-entitled meeting was held at	the	12		
	LDEQ, Galvez Building, Conference Center, North 5th Street, Baton Rouge, Louisiana, beginning at 1:07 p.m., on May 19, 2016.	602	13		
14	beginning at 1:07 p.m., on May 19, 2016.		14		
15			15		
16			16		
17			17		
18			18	*	
19	BEFORE:		19		
20	Lori B. Overland Certified Court Reporter		20		
21	In and For the State of Louisiana				
22			21		
23			22		
24			23		
25			24		
			25	* *	
		Page 2			Page 4
1	APPEARANCES		1	. ****	
2	Kerry Hill	1	2	MR. HILL:	
3	Chairman		3	Good afternoon. I'd like to call this	
4	Durwood Franklin Jeff Baker		4	meeting to order, if you please. Let's	
5	Gary Fulton Cy Morin		5	start with a roll call and consideration of	
6	Johnny Milazzo	- 1	6	the February 18, 2016 board minutes.	
7	Perry Theriot Nick St. Romain	- 1	7	MR. THERIOT:	
8	Steve Burnham Roger Bright		2000		
9	Theresa Chatelain		8	Perry Theriot, Legal Division at LDEQ. MR. FRANKLIN:	
0	Melissa Vizinat Sam Broussard				
1 .	Rhonda Cook Sherry Milam		10	Durwood Franklin, DEQ Trust Fund.	
	Jason Efferson Karyn Andrews		11	MR. BAKER:	
-				Jeff Baker, DEQ Trust Fund.	
	Shawn King		12		
3		1	.3	MR. FULTON:	
3	Shawn King Lacey Vitteri	1	.4	MR. FULTON: Gary Fulton, Underground Storage Tank	
3	Shawn King Lacey Vitteri Ian Kelley	1	.5	MR. FULTON: Gary Fulton, Underground Storage Tank Remediation Division.	
3 1 5 5 5	Shawn King Lacey Vitteri Ian Kelley	1	.5	MR. FULTON: Gary Fulton, Underground Storage Tank Remediation Division. MR. BRIGHT:	
3 1 5 5 7	Shawn King Lacey Vitteri Ian Kelley	111111111111111111111111111111111111111	.3 .4 .5 .6	MR. FULTON: Gary Fulton, Underground Storage Tank Remediation Division. MR. BRIGHT: Roger Bright, Jones Environmental.	
3 1 5 5 7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Shawn King Lacey Vitteri Ian Kelley	111111111111111111111111111111111111111	.3 .4 .5 .6	MR. FULTON: Gary Fulton, Underground Storage Tank Remediation Division. MR. BRIGHT: Roger Bright, Jones Environmental. MR. BURNHAM:	
3 4 5 5 6 7	Shawn King Lacey Vitteri Ian Kelley	111111111111111111111111111111111111111	.5 .6 .7	MR. FULTON: Gary Fulton, Underground Storage Tank Remediation Division. MR. BRIGHT: Roger Bright, Jones Environmental.	
3 11 5 5 7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Shawn King Lacey Vitteri Ian Kelley	1 1 1 1 1	.5 .6 .7 .8	MR. FULTON: Gary Fulton, Underground Storage Tank Remediation Division. MR. BRIGHT: Roger Bright, Jones Environmental. MR. BURNHAM:	
3 4 5 5 7 3 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9	Shawn King Lacey Vitteri Ian Kelley	1 1 1 1 1	.3 .4 .5 .6 .7 .8 .9	MR. FULTON: Gary Fulton, Underground Storage Tank Remediation Division. MR. BRIGHT: Roger Bright, Jones Environmental. MR. BURNHAM: Steve Burnham, Engineering Associates.	
3 4 5 5 7 8 8 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9	Shawn King Lacey Vitteri Ian Kelley	1 1 1 1 1 1 2	.3 .4 .5 .6 .7 .8 .9	MR. FULTON: Gary Fulton, Underground Storage Tank Remediation Division. MR. BRIGHT: Roger Bright, Jones Environmental. MR. BURNHAM: Steve Burnham, Engineering Associates. MR. HILL: Kerry Hill, Louisiana Oil Marketers	
3 4 5 5 6 7 3 8 9 9 9 1 1 2 2	Shawn King Lacey Vitteri Ian Kelley	1 1 1 1 1 1 2 2	.3 .4 .5 .6 .7 .8 .9 0	MR. FULTON: Gary Fulton, Underground Storage Tank Remediation Division. MR. BRIGHT: Roger Bright, Jones Environmental. MR. BURNHAM: Steve Burnham, Engineering Associates. MR. HILL: Kerry Hill, Louisiana Oil Marketers and Convenient Store Association.	
3 4 5 6 7 8 9 0 L	Shawn King Lacey Vitteri Ian Kelley	1 1 1 1 1 1 2 2 2	.3 .4 .5 .6 .7 .8 .9 0 1	MR. FULTON: Gary Fulton, Underground Storage Tank Remediation Division. MR. BRIGHT: Roger Bright, Jones Environmental. MR. BURNHAM: Steve Burnham, Engineering Associates. MR. HILL: Kerry Hill, Louisiana Oil Marketers and Convenient Store Association. MR. ST. ROMAIN:	
2 3 4 5 6 7 8 9 0 1 2 3 1 5	Shawn King Lacey Vitteri Ian Kelley	1 1 1 1 1 1 2 2 2 2	13 4 5 6 7 8 9 0 1 1 2 3 4	MR. FULTON: Gary Fulton, Underground Storage Tank Remediation Division. MR. BRIGHT: Roger Bright, Jones Environmental. MR. BURNHAM: Steve Burnham, Engineering Associates. MR. HILL: Kerry Hill, Louisiana Oil Marketers and Convenient Store Association.	

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

Vay	19, 2016 MOTOR FU	ELS U	NDERGROUND STORAGE TANK TRUST FUND
	Page 5		Page 7
1	MR. MILAZZO:	1	And I also brought with me today, Lacey
2	Johnny Milazzo, Louisiana Oil	2	Vitteri, who introduced herself. She is an
3	Marketers and Convenient Store Association.	3	accountant IV in financial services. And
4	MS. CHATELAIN:		she helps prepare this information and keep
		4	
5	Theresa Chatelain, DEQ Financial Services.	5	it up to date for us. So if ya'll would like to turn to tab
6	MR. MORIN:	6	
7		7	three, we have the updated financial
8	Cy Morin, DEQ Audit.	8	statements, through March 31st.
9	MS. VIZINAT:	9	So the first page here is the — where
10	Melissa Vizinat, DEQ Trust Fund.	10	we project the program balance and what will
11	MS. MILAM:	11	need to be transferred from the fund into
12	Sherry Milam, PPM Consultants.	12	the environmental trust fund. So the 2015
13	MS. COOK:	13	and 2016 information, you've seen
14	Rhonda Cook, PPM Consultants.	14	previously. That's our current projection
15	MR. KING:	15	through March 31st, as I mentioned
16	Shawn King, Jones Environmental.	16	previously. So right now, it looks like
17	MR. BROUSSARD:	17	about 5.12 million will be transferred from
18	Sam Broussard, UST Division.	18	the Motor Fuel Trust Fund to to ETF, to
19	MR. KELLEY:	19	reimburse ETF.
20	Ian Kelley, UST Trust Fund.	20	And then if you'd turn to the next
21	MS. ANDREWS:	21	page. We have information on the total
22	Karyn Andrews, DEQ Management and	22	receipts, year to date. Also compared to
23	Finance.	23	the previous completed year. So our total
24	MS. VITTERI:	24	receipts right now are 19,805,171, with
25	Lacey Vitteri, DEQ Financial Services.	25	interest income of 118,713, for the total of
L	• •		
	Page	6	Page 8
1	MR. EFFERSON:	1	19.9 million, receipts for the program. And
2	Jason Efferson, DEQ Trust Fund.	2	1 1D 10 0 100 000 A
3	A COLUMN LINE COLU	3	
4	Thank ya'll for joining us today. Do	4	2 1 11 .: CA C 1 CAL-
5	I hear a motion to adopt the February 18	5	end of the year, it looks like we will have
6		6	1 . 1 00
7	·	7	111
8		8	
9	N FIRE MANUAL IN		6 4 4 C 1 1 . T
		9	
10		10	
11		11	
1:2		12	
13		13	
14		14	
15		15	
16	,	16	
17		17	
18	deliver that message for us, please.	18	
19		19	be that it's just an estimate. It's our
	Olena Cood of TY-11-	20	best guess at that time. But I I think
20	Okay. Good atternoon. Hello	120	
	2	23	we discussed this at the previous meeting
20	everybody. I am Theresa Chatelain, as some	23	
20	everybody. I am Theresa Chatelain, as some of you can read or may have heard. I'm	22	too. I did review the minutes. So I think
22 22 23	everybody. I am Theresa Chatelain, as some of you can read or may have heard. I'm Karyn Andrews replacement in the fiscal	22 23	too. I did review the minutes. So I think either we added some sites — I don't know
20	everybody. I am Theresa Chatelain, as some of you can read or may have heard. I'm Karyn Andrews replacement in the fiscal officer position in financial services since	22	too. I did review the minutes. So I think either we added some sites — I don't know if — Jeff, if you know?

V	IOTOR FUELS UNDERGROUND STORAGE TAI			ST	FUND	lay 19, 2016
		Page	9		`	Page 11
	We used a different methodology from			1	Okay. Are there any other questions	2
	2 that time to now.			2	MR. MILAZZO:	
	3 MR. BURNHAM:		1	3	I-Ido.	
	Where you			4	MR. HILL:	
	5 MR. BAKER:			5	Okay. Johnny?	
1	6 Right.			6	MR. MILAZZO:	
1	7 MR. BURNHAM:			7	When you look at the bulk, the the	
	took made took account of			8	receipts, fiscal year 2015 and I'm	
	some other			9	assuming that's for the entire 12 month	İ
1.0	MR. BAKER:		1	-	period? Is that would that be right?	
1.3	Right.		1		22 million, six hundred and	
12	* ** *** *****************************		1		MS. CHATELAIN:	
13	Changed it.		1		That is. That's for the entire year.	
14	A CO. MINISTER WHILE I		1		MR. MILAZZO:	
1.5	Okay. And that was		1		Okay. And so through the third	
16	A CO TO L TENED		1	6	quarter of the fiscal year, right, it's	1
17	We started that, I believe, in		1.		17 million, six hundred	
18			18		MS. CHATELAIN:	
19	MR. BURNHAM:		19		Correct. That does not have anything	
20	Okay.	*	20		for the fourth quarter in there. So I don't	
21	MS. CHATELAIN:		21		know if that'd be helpful. We could you	
22	This year.		22		know, next quarter — I guess the next	
23	MR. HILL:		23		meeting will be after the fourth quarter, so	- 1
24	Yes. I think you said that your new		24		they'll match at that point in time.	
25	system was going to bring it a little more		25		MR. MILAZZO:	1
	Pa	ge 10	-			Page 12
1	current. Wouldn't		1		Right.	
2	MR. BAKER:		2		MS. CHATELAIN:	
3	Make it a little more accurate.		3		But if it would be helpful going	
4	MR. HILL:		1		Forward in the quarters during the year if	- 1
5	Accurate, I mean.		5		we did a comparison of receipts for the	
6	MR. BAKER:		1			
7	Yes.		6		irst quarter for the previous year. MR. MILAZZO:	
8	MR. HILL:		7	1/		
9	All right.		8	2	I think it's more relevant	
10	MR. BAKER:		9	IV	IS. CHATELAIN:	
11			10		Okay.	
	There were there were a number of	- 1	11	IV	IR. MILAZZO:	
12	sites that were not being considered in the	- 1	12		when you're looking at it.	
13	original obligation calculation. The new	- 1	13	N.	IS. CHATELAIN:	2
14	the new methodology brings those in and it's	- 1	14		Sure. We can make that adjustment	
15.	just a much more accurate way of calculating	- 1	15		r include both.	
16	that obligation.		16	M	IR. MILAZZO:	
17	MS. CHATELAIN:		17		And the the annual assessment fees,	
18	But in the last quarter too, we were -		18		at looks if I'm understanding am I	
19	- the unobligated balance was a negative		19		eing this 19,546 through 12 months? Was	
20	number. So we're we're on the flip side	1	20		at	
21	of that now, based on this quarter. So our	1	21	M	S. CHATELAIN:	
	receipts were good.	1:	22		Yes.	
23	MR. BURNHAM:	2	23	M	R. MILAZZO:	
24	Thank you.	2	24		Versus 56,837 through	
25	MR. HILL:	2	25	M	S. CHATELAIN:	
	*				HE WEST TO BE	

STATE OF LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

lay-]	19, 2016 MOTOR FUEL Page 13	35 0	NDERGROUND STORAGE TANK TRUST FU	Page 15
	Page 13			age 10
1.	Nine months.	1	snapshot of what what are the tanks out	
2	MR. MILAZZO:	2	there, is that number growing, shrinking,	
3	- nine months?	3	whatever.	
1	MS. CHATELAIN:	4	MS. ANDREWS:	
5	Jeff, any insight on that? The second	5	We can definitely share that.	
	row.	6	MR. MILAZZO:	
7	MR. MILAZZO:	7	Okay. That's all I have.	
8	So is that	8	.MR. HILL:	
9	MS. ANDREWS:	.9	Any other questions related to the	
0	Karyn Andrews, Undersecretary. That	10	financial services report?	
1	actually could have something to do with the	11	(No response.)	
2	timing of when we did our invoices. Those	12	MR. HILL:	
3	annual fees are for facilities that are not	13	I'd like to make mention, we were just	
4	subject to some of our regulation to all	14	talking about the the interest rate.	
5	the regulations, but we still deposit at the	15	It's pretty good on them -	
6	end of the year. And so it could just be a	16	(An off-the-record discussion followed.)	
.7	timing difference of when we billed and when	17	MR. HILL:	
8.	we collected the money. Generally, we bill	18	Go ahead.	
.9	those out towards the end of our fiscal	19	MR. BROWN:	
20	year. So it could be that it wasn't	20	I just wanted to stick my head in and	
21	collected until the beginning	21	say hello, and of course, thank you for all	
22	MR. MILAZZO:	22	your hard work. I appreciate everything you	
23	Okay.	23	do.	
24	MS. ANDREWS:	24	MR. FULTON:	
25	of the following. So that could be	25	This is our — this is our new	
	Page 14			Page 1
1	what it is.	1	secretary.	
2	MR. MILAZZO:	2	MR. BROWN:	
3	So is that fair to say though,	3	Our new secretary.	
4	that's the annual fee for the - for the	4	MR. FULTON:	
5	tanks, right?	5	Secretary Brown.	
6	MS. ANDREWS:	6	MR. BROWN:	
7	No. That's actually not the annual	7	Yes.	
8	fee.	8	MR. BURNHAM:	
9	MR. MILAZZO:	وا	Hey Chuck. Good to see you.	
10	So where does that hit?	10	MR. BROWN:	
11	MS. ANDREWS:	11		
12	That — we're reporting to you our	12		
13	motor fuel underground storage tank trust	13		
14	fund. That fee that you're talking about,	14		
15	the registration fee, the \$54, that goes	15		
		16		
	into our environmental trust fund		· ·	
16	into our environmental trust fund.		(index men again, i lust	
16 17	MR. MILAZZO:	17		
16 17 18	MR. MILAZZO: Okay.	17 18	wanted to say hello to you. I appreciate	
16 17 18 19	MR. MILAZZO: Okay. MS. ANDREWS:	17 18 19	wanted to say hello to you. I appreciate all the hard work that you do. I know	
16 17 18 19 20	MR. MILAZZO: Okay. MS. ANDREWS: And that is not reported on here. If	17 18 19 20	wanted to say hello to you. I appreciate all the hard work that you do. I know there's a bill that's directly impacting	
16 17 18 19 20 21	MR. MILAZZO: Okay. MS. ANDREWS: And that is not reported on here. If you'd like we can get that information.	17 18 19 20 21	wanted to say hello to you. I appreciate all the hard work that you do. I know there's a bill that's directly impacting everything that goes on with this group. It	•
16 17 18 19 20 21 22	MR. MILAZZO: Okay. MS. ANDREWS: And that is not reported on here. If you'd like we can get that information. We can share that with you at the next	17 18 19 20 21 22	wanted to say hello to you. I appreciate all the hard work that you do. I know there's a bill that's directly impacting everything that goes on with this group. It looks like it's going to — going to — it's	÷ .
16 17 18 19 20 21 22 23	MR. MILAZZO: Okay. MS. ANDREWS: And that is not reported on here. If you'd like we can get that information. We can share that with you at the next meeting.	17 18 19 20 21 22 23	wanted to say hello to you. I appreciate all the hard work that you do. I know there's a bill that's directly impacting everything that goes on with this group. It looks like it's going to — going to — it's going to win approval. So it's a good	•
16 17 18 19 20 21 22 23 24	MR. MILAZZO: Okay. MS. ANDREWS: And that is not reported on here. If you'd like we can get that information. We can share that with you at the next meeting. MR. MILAZZO:	17 18 19 20 21 22 23 24	wanted to say hello to you. I appreciate all the hard work that you do. I know there's a bill that's directly impacting everything that goes on with this group. It looks like it's going to — going to — it's going to win approval. So it's a good starting point for us. Anything ya'll need	
16 17 18 19 20 21 22 23	MR. MILAZZO: Okay. MS. ANDREWS: And that is not reported on here. If you'd like we can get that information. We can share that with you at the next meeting. MR. MILAZZO:	17 18 19 20 21 22 23	wanted to say hello to you. I appreciate all the hard work that you do. I know there's a bill that's directly impacting everything that goes on with this group. It looks like it's going to — going to — it's going to win approval. So it's a good starting point for us. Anything ya'll need	

	M	IOTOR FUELS UNDERGROUND STORAGE TANK	TRU	STF	L QUALITY JND	MEETING May 19, 2010
		Page			•	· Page 19
		1 MR. HILL:		- 7	AR. MILAZZO:	
		Thank you very much.	- 1			
		3 MR. MILAZZO:		2 3 N	Okay. AR. BROWN:	
		Secretary, if I may. Only because we				
		- we got some correspondence back just a		4 5 F	We had we had a meeting on the louse side after we had amended the b	
		little while ago. I think I commend you			IR. MILAZZO:	0111.
		guys in the department that have been	-	7		
	. 8			-	Right. Well, that's what she said.	
	1 9				he was delighted to be working with	you
	10		1,	-	uys. IS. CHATELAIN:	
	11			.1	It could be that she's referring to	
	12		-		egislative Bureau amendments. The	
	13	received that that those same amendments	1		egislative Bureau is a body that review	710
	14		1		I the measure throughout session and	
	15		1	5 cl	langes technical corrections.	Illakes
	16		1	6 M	R. MILAZZO:	
	17		1		Okay.	1
	18		11		S. CHATELAIN:	1
	19	MR. BROWN:	19		There were some legislative - I jus	+
	20	Do you know anything about that?	20		oked up the bill on the legislature's	1
	21	MR. THERIOT:	2	1 W	ebsite and there were some Legislative	_
	22	No.	22	2 Bi	reau amendments that were added. E	But that
	23	MR. BROWN:	23		those weren't the	out that
	24	Well, we will check on it. But it	24		R. MILAZZO:	1
	25	shouldn't be	25		Okay.	1
		Page 1	В			Page 20
	1	MR. THERIOT:	1	M	R. CHATELAIN:	
	2	I'll check on it. If it was done, it	2		It didn't return it to it's original	
	3	would've been done	3	ver	sion.	
	4	MR. MILAZZO:	4	MF	R. THERIOT:	- 1
	5	Okay. Because	5		Those are usually not substantive.	1
	6	MS. CHATELAIN:	6	MS	. CHATELAIN:	
	7	I I don't believe the bill has been	7		No.	**
	8	amended since the first settlement?	8	MR	THERIOT:	
	9	MR. THERIOT:	9		Those are usually commas here and	_
	10	No. I I don't think so.	10	MR	. MILAZZO:	
	11	MR. MILAZZO:	11	2000	Okay.	
	12	Well, I I according to her,	12	MR	. THERIOT:	
	13	and her comments, that there after the	13		that kind of	-
	14	original bill, I think you guys had met and	14	MR	. MILAZZO:	
	15	maybe Wosworth or somebody was kind of	15		Okay.	
	16	working through this. And then some of the	16	MS	CHATELAIN:	
	17	pieces that we were concerned about that was	17		New paragraph second paragraph.	
	18	part of it had been removed.	18		BROWN:	
		MR. BROWN:	19		We'll we'll check. But	
1	20	That's correct.	20		MILAZZO:	
	21	MR. MILAZZO:	21		Well, thank you very much. And	
1	22	According to her notes a minute ago,	22	reall	y, thank you guys. When you know	,,
- 1		they have been reattached.	23		n we see things that really do impact	
- 1		MR. BROWN:	24		that your willingness to work with	
- 1	25	Well, we don't know about that.	25		portant. And thank you for it.	us
		,	25	10 111	portain. And thank you for it.	

	Page 21		· Page:
1	MR. BROWN:	1	And in our aim with with these 25
2	Right. Right. Well, we appreciate	2	cases awaiting review is to reduce this
3	you guys. Take care.	3	number of cases over the next few months.
4	MR. HILL:	4	First, focusing on the ones that do have
5	Thank ya'll.	5	assessments or or credits. And then,
6	If there's no more questions related	6	focusing on the ones that have no
7	to the financial services, do I	7	assessments attached to them.
8	MR. BURNHAM:	8	Four cases are still in progress with
9	You were about to mention the	9	results to be determined. And the last case
0	interest.	10	on the list is scheduled to be started next
1	MR. HILL:	11	week.
2	Well, I was going to mention, it looks	12	If you'll go ahead and turn — if
3	like we're getting some real good interest	13	there's no questions, we'll go ahead and
4	on our money. It's got to be something like	14	turn to page three of this report.
5	15 percent. Whoever whoever is in charge	15	This report shows the five cases that
6	of that, my hats off to you.	16	are continuing to be pursued legally.
7	MS. CHATELAIN:	17	There's been no change in the first case
8	I wish I could take credit.	18	listed. The attorneys are continuing to
9	MR. HILL:	19	prepare to request a status conference to
0	Do I hear a motion to approve the	20	set a trial date and prepare discovery.
1	financial report delivered by Theresa?	21	For the second case, the business has
22	MR. FULTON:	22	been sending in monthly payments. The last
3	I make the motion.	23	payment was received in March, on March 14th
4	MR. HILL:	24	in the amount of \$310. The April and May
25	I got a motion. Do I have a second?	25	payments are currently due. The attorneys
_	Page 22	-	Page .
1	MR. MILAZZO:	1	were contacted yesterday. The owner said
2	Second.	2	that a payment was in the mail. If we don't
3	MR. HILL:	3	receive this payment, it will be prepared to
4	Okay. Motion and second carries.	4	be sent to ODR for collections.
5	Let's go to item number four, the	5	The status remains the same for case
.6	auditor's status report. I'd like to ask Cy	6	number three. It's been with ODR since
7	to give that.	7	October 14th.
8	MR. MORIN:	8	The fourth and fifth cases remain the
9	Yes, sir. Cy Morin, DEQ Audit.	9	same. The balance has not changed. The
10	So if you'll turn to tab four. The		files are ready for referral to ODR and
11		10	notices are being prepared by legal right
	first two pages of this report detail 32 of the motor fuel audit cases initiated since	11	0
12		12	now.
13	fiscal year 2014.	13	The five case legal cases represent
14	Currently, two cases are awaiting	14	a total of approximately \$121,000 of which
15	payments, totaling, approximately, \$2,800.	15	\$108,000 is delinquent motor fuel delivery
16	The state of the s	16	fees and late payment penalties and
17		17	approximately \$12,000 is attorneys fees,
18		18	
19		19	
20	review. Pending final review, these	20	
21	1	21	
22	approximately, \$3,800; six potential	22	
23	D) - FF	23	
24		24	Yes. Cy, are are all these folks
			will in Luciness on
25	no assessment.	25	still in business or



	177	OTOK FUELS UNDERGROUND STURAGE TANK	IKU	21.1	N	1ay 19, 2016
		. · Page	25			Page 27
	1 :	MR. MORIN:		1	ask you to go through that, please, sir.	
	2			2	MR. BAKER:	
	3			3	Good afternoon. If ya'll would please	e
	4				refer to tab number five in your packets.	
	5			5	These are the figures for the third quarter	
	6	deceased. And I think that's probably the		6	of fiscal year 2016.	
	7	difficulty in collecting some of these		7	During the third quarter of fiscal	
	8	MR. MILAZZO:		8.	year 2016, the trust fund received 290	
	9			9	applications, totaling \$3,930,578. At - as	S
	10		1	0	of the end of March 2016, the trust fund h	nad
	11	2	1		226 pending applications to process, which	
	12		1:		had requested amounts totaling \$3,209,09	
	13		1:		213 applications were processed for paym	nent
	14		1		during the fiscal quarter, totaling	
	15		1.		\$3,159,011. And 12 applications were	
	16		1	6	returned with deficiencies.	
	17	meeting on specifically which ones	1.	-	If you'll turn to the page titled	
	18	if there are any still operating, I can	18		monthly motor fuel trust fund obligation	- 1
	19	get you those.	15		determination. This is the new worksheet	
	20	MR. MILAZZO:	20		listing the various components in the	1
	21	I I commend you guys for doing	23		determination of the potential obligation	1
	22	you know, being diligent about that. MR. MORIN:	22		against the trust fund as the end of March 2016.	
	24	Yes. I mean, we continue to pursue it	23		For sites in the corrective action	1
	25	through every avenue until it's there's	25		phase, the outstanding liability of the	
		and the same and t		. 1	mass, the cutstanding masning of the	1
		. Page 26				Page 28
	1	no other choice but you know, to say that	1		corrective action plan budget and estimate	d
	2	it's uncollectible.	2	C	cost to reach closure at the end of March	
	3	MR. HILL:	3	v	was \$26,955,239. This total includes the	ſ
	4	Then you've got to clean it up and	4		CAP budget remaining amount and the RA	
	5	move on, right?	5		stimated cost to closure amount. The fund	
	6	MR. MORIN:	6		bligation recognized the sites without RO	
	7	Correct.	7		pproved CAP budgets is \$36,869,795. The	nis
	8	MR. HILL:	8		s determined by using the three year	
	9	Any other questions?	9		verage site closure cost and applying these	e
	10	(No response.)	10		osts to the active trust fund sites without	
	11	MR. HILL:	11		urrent CAP budgets.	
	12	Do I hear a motion to accept Cy's	12		The trust fund obligation recognized	
	13	audit report?	13		or sites that have been determined to be	
	14	MR. MILAZZO:	14		ust fund eligible, however, have not	
	15	Motion.	15		abmitted the reimbursement application is	
	16	MR. FULTON:	16	\$8	8,841,616. This is also determined by	
-11	4 77	Cocond	1	The same of		

23 Got a24 Let's n

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Second.

MR. FULTON:

Second.

MR. HILL:

MR. HILL:

Got a second by Gary. Motion carries. Let's move to item number five, the

Motion by Johnny. Do I hear a second?

trust fund status report. Jeff, if I could

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Associated Reporters, Incorporated

using the three year average site closure

and applying these cost -- costs of the

sites that have requested eligibility but

The five year projected fund

motor fuel trust fund to the environmental

obligation related to the trust fund --

have yet to submit a request for

reimbursement from the fund.

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

Second. Motion carries.

Page 29 estimate uses the three year average dollars concerns of the responsible parties, the 1 transferred from the motor fuel trust fund 2 RACs and the department. If any of the to the environmental trust fund and board members would like to participate in multiplies that average by five years. 4 the workgroup, their input would be very 4 You will note the legal-sized page at 5 welcomed. the back of your packet. The number of 6 And that ends mine. Do ya'll have any trust fund sites that have received no 7 questions? 7 MR. HILL: further action thus far in the fiscal year 8 is 13 sites. 9 9 Does anybody have any questions? 10 The number of potential trust fund (No response.) 10 sites that were reviewed and made eligible 11 MR. HILL: 11 12 during the current fiscal year was 20. Thank you, Jeff. May I hear a motion 12 Representing 22 active incidences. 13 to accept Jeff's trust fund report? 13 Just some points of interest. As 14 14 MR. BURNHAM: mentioned in the last quarters meeting, 15 15 Motion to accept. recently the trust fund had a number of our 16 16 MR. HILL: experienced application reviewers resign to I have a motion. Do I hear a second? 17 17 pursue other opportunities. We have hired 18 MR. MILAZZO: 18 three new reviewers and they're actively 19 Second. 19 being trained in their positions. These new 20 MR. HILL: 20 21 reviewers represent 60 percent of staff I have a second. Thank you, Jeff. 21 processing these trust fund applications. 22 Motion carries. 22 23 This has and will have an impact on 23 Item number six, third party claims. 24 our ability to timely process applications. I'd like to ask Mr. Perry to deliver that, 24 We are working to minimize this impact. And 25 please, sir. Page 32 Page 30 the new staff are already -- have already MR. THERIOT: begun contributing to help us deal with the 2 I have good news to report, no new 2 current backlog of applications. And we're claims have been filed. And the -- I 3 3 making very good headway with that. They're believe we have four current that are still 4 picking up very quickly. 5 being litigated. Discovery ongoing in two. 6 Another point is the initial draft of Settlement negotiations in one. And a 6 7 the new motor fuel trust fund guidance mediation that's getting ready to proceed in 7 document was sent out to the current and 8 one of them. 8 9 recent RAC representative advisory board So we -- but we've had no new third 9 members for comments. These individuals 10 party suits filed. 10 have all responded and their efforts are 11 MR. HILL: 11 12 greatly appreciated. Okay. Any questions? 12 The trust fund is currently reviewing 13 13 (No response.) these comments and updating the draft 14 MR. HILL: 14 document. It is our intent to send this 15 Do I hear a motion to accept Mr. 15 revised version of the guidance document to 16 16 Perry's status report? 17 the workgroup in the next few weeks and MR. ST. ROMAIN: 17 begin meeting to address any questions that 18 18 I move. they may have concerning the draft. 19 MR. HILL: 19 We've also comprised a list of 20 20 We've got a motion on the table. Do I questions and/or issues related to the 21 hear a second? 21 trust fund in the guidance document. We're 22 22 MR. MILAZZO: hoping the workgroup will be able to help us 23 Second. 23 assist -- or help assist us in resolving 24 MR. HILL: 24

25

these issues in a way that addresses the

Page 36

Page 35

Page 33

Number seven, other business.

2 MS. ANDREWS:

Karyn Andrews, Undersecretary. I just

4 wanted to let everyone know about the

5 legislation that is moving through this

6 session. I believe Dr. Brown mentioned

7 Senate Bill 257, which we are working with

8 some of your organizations to make sure it

9 was in -- in the posture that -- that you

all were comfortable with, and -- and it
 still allowed us to make the changes we

needed. And we thank you for that.

The other bill we do have moving through is our House Bill 900, which I've previously discussed with you. It is our fee package that will be affecting the gas station owners with tanks. And that fee package does have a -- have an increase of 10 percent on the underground tanks. So it will be going from \$54 to \$60, which we

discussed in the last meeting.

We just went through our fourth
committee and we are hoping to get that
finalized on the Senate floor in the next

25 week.

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1 MR. HILL:

2 Prior to the next board meeting do

3 that?

MR. THERIOT:

5 It's -- it's annually. So I think

6 there's only one more meeting -- well,

7 there's two meetings this year.

8 MS. VIZINAT:

9 Yes. It's --

10 MR. THERIOT:

And -- and it -- it's annually that

12 you have to do it at one of the meetings, so

13 - but that's how it would be done.

14 MR. MILAZZO:

So would that be considered your -annually, from your fiscal year standpoint?

17 So would there be an opportunity maybe at

18 the next meeting if - if Louisiana Oil

19 Marketers is so compelled to want - want to

20 do that? And I think the feedback that's

21 come back to us -- I mean, you guys have

22 been on -- in on most of those calls --

23 MR. HILL:

24

Yes.

25 MR. MILAZZO:

Page 34

So 257 is — is on the House side right now. And we're hoping that will also

3 be moving on the floor in the next week or

4 SO.

5 MR. MILAZZO:

Karyn, again, there's some discussion
internally with our group. And for
consideration as this moves through,

reducing the -- the deductible for claims
 in compliance to zero from \$5,000 currently

and maintaining the \$10,000 deductible for

locations that are out of compliance, whatconsideration would you guys consider to do

that?

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MR. THERIOT:

requires that it be done.

I — the board has the — one of the powers that the board has is to recommend changes in deductible annually. That's one of the reasons for having this board. So if the board wishes to forward a recommendation to the Secretary: (A) you put it on the agenda, have a vote and forward your resolution on to the Secretary who will then

make a decision. But that's how the statue

1 -- was, you know, hey, we -- we're

okay with -- with the increase, but, youknow, could there be some consideration?

4 We're in full compliance, you know, that the

5 trust fund meet the deductible for us and

6 just remove that? And the penalties that

7 are currently in place for out of compliance

8 stay where they are.

9 MR. HILL:

No problem with that at all.

11 MS. ANDREWS:

Yes, I think, Perry -- so, Perry,

would your -- your recommendation is the
 board members bring to the meeting next

month a resolution and vote on it, and then

16 that is presented to Secretary Brown, the

17 recommendation, and he can accept it as is

or work with you guys in some other method?

19 MR. THERIOT:

The statue says that -- it lays out the financial responsibility amount. And in Section 1 -- 2195.9(a)5, it says thereafter

Section 1 -- 2195.9(a)5, it says thereafter
-- which meant the last time -- after 2001 -

24 - this has been an annual event here. The

25 Advisory Board shall review the financial

STATE OF LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

MOTOR FUELS UNDERGROUND STORAGE TANK TRUST FUND Page 37 responsibility requirements on an annual standpoint. 1 basis and may recommend to the Secretary 2 MR. HILL: adjusting the requirements. The Secretary Right. It's just -- it's just the is going to determine and set the financial 4 protocol, the way to do it. responsibility requirements annually. 5 MS. ANDREWS: So the only thing you would have to 6 Exactly. probably meet is the listing it on the 7 MR. HILL: agenda for the public records law. And then Okay. 8 8 you would have to have a motion in here to Johnny, does that answer your -make your recommendation. That motion would MR. MILAZZO: 10 10 be voted on and then forwarded to the Yes. That's perfect. I think that's 11 11 12 Secretary for his consideration. 12 what she -- she's going to be delighted to 13 MR. HILL: 13 hear that. 14 Okay. So we bring that resolution to 14 MR. BROUSSARD: the next meeting, Perry, is that --This is Sam Broussard from the UST 15 15 MR. THERIOT: Division. If I could add a couple of 16 16 17 If -- if you want to have it on the things? 17 next meeting, you just need to list it on 18 MR. HILL: 18 19 the agenda. Sure. 19 MR. HILL: 20 MR. BROUSSARD: 20 21 Okay. 21 I'm -- I am working on a huge reg MR. MILAZZO: 22 package to change our regs based on the new 22 Okay. Thank - thank you guys. federal regs. And one of the things that I 23 23 24 MR. HILL: want to do in this package is pretty much 24 25 Thank ya'll very much. align the way our UST regs and our statutes Page 38 Page 40 MS. ANDREWS: - align them with respect to what we're 1 2 And I -- and if -- and if we -- and we actually doing for financial responsibility. 2 can definitely go ahead and bring that to 3 So some of those things, we're going 3 Dr. Brown in advance, that you all would to talk about in our next reg workgroup 4 4 like to entertain that for the next meeting 5 meeting. And that -- and we have some 5 so that if there's any discussion that needs ideas. And we've kicked them around 6 6 7 to be had, we can perhaps, you know, take internally. And I'm going to be bringing 7 care of that. And -- and that way, we can these up to you guys. And we'll make sure move forward with the recommendation fairly to have that meeting before this next trust 9 expeditiously. fund meeting. That way, if you guys like 10 10 MR. HILL: our ideas, we can bring them up all at once 11 11 12 Would it be in our best interest to and kind of work on that as -- at one big 12 provide you with a letter asking for that main package all together instead of piece 13 13 consideration before the next the meeting? milling them like that. 14 14 15 MS. ANDREWS: MR. HILL: 15 It certainly couldn't hurt. Sounds good. Thank you, Sam. 16 16 17 MR. HILL: MR. MILAZZO: 17 18 For --18 Great plan. 19 MS. ANDREWS: MR. HILL: 19 20 I -- I don't know that --Any other business? 20 MR. HILL: 21 21 MR. FULTON: So it could get on the agenda. 22 I've got a quick question. 22 MS. ANDREWS: 23 MR. HILL: 23 24 I - and I can't say that there's 24 Okay. going to be an objection from our

MR. FULTON:

I	MOTOR FUELS UNDERGROUND STORAGE TANK	TRU	ST	FUND	May 19, 2010
	Pag	e 41			Page 43
	Earlier in in the meeting, you'd		1	actual what's paid to the trust fund	
	2 asked about the tank numbers. Is there	- 1	2	actual what's paid to the trust fund. There's — there's quite a few non-trust	
	3 something specific? Because I can get those		3	fund eligible tanks that	
	4 numbers. I I just is there something		4	MR. ST. ROMAIN:	
	5 specific we want to look at or	- 1	5	It seems over time that there's more	
	6 MR. MILAZZO:		6	and more double-walled tanks.	
	7 Just the	- 1	7	MR. FULTON:	
- 1	8 MR. FULTON:	- 1	8		
- 1	9 The number of tanks per year or		9	Right. MR. ST. ROMAIN:	
1		-	LO	More leaks should be caught in the	
1		- 1	11	interstitial space and eventually, there	
1			2	should be less cleanups	
1:			3	MR. FULTON:	
1			4	Right.	
1.			.5	MR. ST. ROMAIN:	
10			6	as old tanks are	
1.			7	MR. THERIOT:	- 1
18		1		That was the hope of the Federal	- 1
19		1		Entergy Act.	1
20		2		MR. FULTON:	
21		2		Yes.	*
22		2		MR. ST. ROMAIN:	ı
23		2		We're we're ten years in well,	
24	A man and the same of the same	2		you're ten years in the double-wall, so is	
25		2		it is it starting to show?	
		-		is to be starting to show.	
	Page	42			Page 44
1	steady, but I	١,	ι	MR. BURNHAM:	
2	MR. MILAZZO:			Yes.	
3	Yes.	3		MR. THERIOT:	. 1
4	MR. FULTON:	4		We did there is ASTSWMO did	some
5	 don't quote me on that. 	5		fact finding already. There is on	Some
6	MR. THERIOT:	6		ASTSWMO, there's a report that's being p	nut
7	It's steady a little bit. It was	7		on their website where they looked at small	
8	declining for a long time -	8		medium and large states based on tank	,
9	MR. FULTON:	9		volume and whether whether there was	
10	Yes.	10		an increase in the number of releases or a	
11	MR. THERIOT:	11		decrease or whether the federal regulation	
12	- as the mom's and pop's were	12			
13	closing.	13		was having an effect. It's still inclusive.	.
14	MR. FULTON:			worked on the committee that was gather	ring
15	Yes.	14		- the reasons not enough time yet,	.
16	MR. ST. ROMAIN:	15		pecause many people are still using the old	1
17	Another another good, maybe, stat	16		anks.	
18	is the number of cleanups opening per voor	17	ľ	AR. BURNHAM:	1
19	is the number of cleanups opening per year and closing per year. Like like a year's	18	>	Right.	
20	review of that. Are they are they	19	1/	AR. THERIOT:	
21		20		So one of the questions that was asked	
	becoming more frequent or less frequent?	21		vas whether there's anybody keeping data	on
22	MR. FULTON:	22		nese old tanks, because many of them are	
23	Yes. No, I we can give you the	23		ow outliving their warranties. You know	,
24	numbers on the the tank universe, because	24		ney were they were sold to the the	
25	there's a little difference between the	25	ta	ank owners with a 30 year warranty and, y	ou

25 for single-wall tanks, but it was just

Jay		LSU	NDERGROUND STORAGE TANK TRUST FU	עוני
	Page 45		P	Page 47
1	know, a skiff tank. And the question would	1	continue using your old tanks unless you	
2	be there was a question about can re-line	2	replaced 20 percent of whatever your system	
	them, can we continue to using them? And	3	is. And then — is that correct, Sam?	
4	some states say yes, some states say no.	4	MR. BROUSSARD:	
5	And it — it's difficult to collect the data	5	25.	
6	that will give you an answer that is	6	MR. THERIOT:	
7	trustworthy.	7	25 percent. I knew it was around	
8	But they are working on it. ASTSWMO,	8	that.	
9	as a — the sub — tank sub committee has	9	And and then you have to upgrade,	
0	looked at those to try and see if they can -	10	if you replace 25 percent.	
1	- if it's actually working. Because they	11	MR. ST. ROMAIN:	
2	want to see if there's any difference	12	Or if it has a release, you have to	
3	between states that have allowed the old	13	upgrade.	
4	tanks to continue operating and states where	14	MR. THERIOT:	
5	they've given them like a five year period	15	Or if you have a release. If you have	
.6	where they have to upgrade anyway. ASTSWMO	16	to replace the tank, it's gonna have to be	
.7	is aware of this and they are looking at it.	17	double-walled.	
.8	So — but it's going to take a little time	18	MR. HILL:	
.9	before those — that data gets reliable	19	So it it's still ya'll ya'll	
20	enough to rely on.	20	really haven't decided I'm just sitting	
21	MR. ST. ROMAIN:	21	here thinking of some '87, '88 model tanks	
2	I've talked to friends in other states	22	that that we own and it's it's pushing	
23			that 30 year deal, so, you know, another two	
24	trust fund won't cover it if it leaks	23	or three years away. But it's still	
25		24	undecided as to what what's gonna happen	
			and be the second of the secon	
	Page 46			Page 4
1	MR. THERIOT:	1	when that 30 year time period expires.	
2	There are states that say	2	MR. BROUSSARD:	
3	MR. ST. ROMAIN:	3	Well, we we don't	
4	anything like that in Louisiana?	4	MR. THERIOT:	•
5	MR. THERIOT:	5	Sam might be able to tell you on the	
6	that when when the warranty is	6	new workgroup.	
7	out, so is your coverage.	7	MR. HILL:	
8	MR. ST. ROMAIN:	8	Right.	
9	Like 50 years	9	MR. BROUSSARD:	
10	MR. MILAZZO:	10	** 1 0 1 11	
11	Yes, that	11	provision to remove tanks at at a certain	
12	MR. ST. ROMAIN:	12		
13	they say if the tanks 50 years old,	13		
14	it's got to come out.			
15	MR. THERIOT:	14		
15 16				
	But that's that those sort of	16		
17	1	17		
18	the board in the United States. They	18		
19	because if there's not a federal standard	19	0 0 .	
20		20		
21	standard on the warranty business, then	21		
22		22		
23	The state of the s	23		
24	a manufacture in Boundarie, no 10	24	0 1	
	allowed unless there's a release you could		for cingle well tanke but it was just	

25 allowed, unless there's a release, you could

Page 49 Page 51 mentioned in passing. We've not had any --1 MR. THERIOT: any definite discussions on that. It -2 2 We -- that's -- that will have to be 3 it's --3 determined. We'll have to put a workgroup MR. HILL: 4 together and put together this program. We Well -5 -- we thought of the program looking 5 6 MR. ST. ROMAIN: forward. But we haven't decided on the 6 7 Before you classify it all singleparameters of the program. Because with --7 8 walls, you might go after bare steels or -we were - we don't know if that legislative 9 MR. BROUSSARD: was gonna be approved. Once approved, we'll 9 Right. have to sit down with you guys and -- and 10 10 MR. HILL: 11 work interest groups to decide how we're 11 Yes. 12 gonna run that program. 12 MR. ST. ROMAIN: 13 But it's better than letting this 13 - stuff like that. 14 money just sit. 14 MR. BROUSSARD: 15 MR. HILL: 15 And -- and some of the new regs --16 16 That's true. 17 like Perry was saying, some of the new 17 And, Sam, back to my question. I 18 federal regs do require you to -- like say wasn't using the -- the old term, if it's 18 if you have a line tank and the lining 19 19 not broke -- you know, if it's broke, fix fails, you have to remove the tank. So 20 20 it, not broke, don't fix it. That's not there are some provisions in the new regs 21 what I meant by that, even though I some 21 that will get rid of some of these very old 22 22 around 30 years old, fiberglass tanks. substandard tanks, but there's nothing in 23 23 They're not lined tanks. But that was my the new federal regs that says you have to 24 24 reason for asking that. You know, I just 25 remove all your single-wall tanks. 25 wondered. Because they were 30 year Page 50 Page 52 MR. THERIOT: 1 warranty tanks when we installed them. And, 2 Generally speaking, the guys who has you know, I didn't -- I didn't know what any spent the money for the double-wall tanks on 3 other -- how any other states were looking 3 all their sites are gonna -- they want 4 at that or viewing that or -- or whether it 4 everybody else to have to do it too. 5 5 was gonna be --MR. HILL: 6 MR. BROUSSARD: 6 Right, right. 7 7 Yes. There have been a few. There MR. THERIOT: 8 have been a few states that actually some 9 And -- and so you -- you do have a 9 said, if they're single-wall tanks, Florida, tank world out there that's very different. 10 California and a couple in the east. 10 Part of our legislative package bill that's 11 They're starting to do it in the northeast. 11 going through, if it makes it through, has a But we -- we haven't -- haven't even looked 12 12 provision in it on low interest loans for 13 at that seriously at this point. 13 14 upgrading of tanks. We're using the money MR. HILL: 14 that we recovered from the people who 15 Right. 15 16 double-dipped in the -- in the litigation MR. BROUSSARD: 16 that we spoke of before. That money is 17 And -- and I want to say something 17 going to be available for a program if --18 that -- about what Nick was talking about, 18 it's envisioned to be available, but we 19 19 it's -- trying to correlate between the haven't even set the program parameters yet. 20 amount of releases we have and new double-20 21 But -wall tanks. I've actually worked with a 21 MR. HILL: 22 22 statistician with EPA on some looking at 23 Is that based on -- on -- on the data and using our data in Louisiana to 23 financial position of the person asking for 24 actually show that, just to see if the 24 25 that or is that -inspections we're doing on a three-year 25

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Page 53 cycle is having an impact on compliance. REPORTER'S PAGE And if you look at just the trend numbers, I, Lori B. Overland, Certified Court it kinda looks like it is, but we actually 3 Reporter, in and for the State of Louisiana, the did some real statistics on it, threw out a 4 officer, as defined in Rule 28 of the Federal 5 Rules of Civil Procedure and/or Article 1434(b) lot of different parameters to make sure we're -- we're looking -- comparing apples 6 of the Louisiana code of Civil Procedure, before to apples. And - and there is a whom this sworn testimony was taken, do hereby significant difference, you know, a state on the Record statistically significant difference in not That due to the interaction in the 10 spontaneous discourse of this proceeding, dashes doing inspections every three years versus 10 11 doing inspections every three years. The (--) have been used to indicate pauses, changes 12 in thought, and/or talk overs; that same is the compliance rates are going up because of 12 13 proper method for a Court Reporters's that, increased inspection amounts. We're -13 - the statistician is about to publish her 14 transcription of proceeding, and that the dashes 14 (--) do not indicated that words or phrases have paper. After she's done with that, her and 15 I are going to work on looking at our been left out of this transcript; 16 releases in Louisiana and comparing them to That any words and/or names which could not 17 18 actual UST system types to see if there is a be verified through reference material have been difference with a statistical significant -denoted with the phrase "(inaudible)." 19 20 significant difference using double-walled 20 Lori Overland, C.C.R. tanks versus single-walled. So more to come 21 21 #97083 on that. 22 22 MR. THERIOT: 23 23 There's -- there's a lot of interest 24 24 at both EPA and ASTSWMO and ECOS. There's a Page 56 Page 54 CERTIFICATION 1 lot going on behind - in - in the research I, Lori B. Overland, Certified Court Reporter in field on it to see if the Entergy Act is 2 and for the State of Louisiana, as the officer actually resulted in what it -- what it was 3 before whom this testimony was taken, do hereby set out to do. 4 certify that the above referenced individual to whom MR. HILL: oath was administered, after having been duly sworn 6 Okay. Anymore questions? by me upon authority of R.S. 37:2554, did testify as (No response.) 7 hereinbefore set forth in the foregoing pages, that MR. HILL: 8 this testimony was reported by me in the stenomask If there's no further questions, we'll 9 reporting method, was prepared and transcribed by me - we'd like to bring this meeting to a 10 10 or under my personal direction and supervision, and close and say thanks to everybody for 11 11 attending. is a true and correct transcript to the best of my 12 12 THE MEETING ADJOURNED AT 1:44 P.M. ability and understanding; that the transcript has 13 13 been prepared in compliance with transcript format 14 15 quidelines required by statute or by rules of the 16 board, that I have acted in compliance with the prohibition on contractual relationships, as defined 17 17 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 20 21 21 herein, nor am I otherwise interested in the outcome 22 of this matter. 23 23 24 Lori Overland C.C.R. 24 25

	ZZZGZGGCIND BIOKAGE	TANK IKOSI FOND		May 19, 201
	actively (1)	30:21;55:5,12,17	5:8;22:9,12;26:13	14:25;42:7
\$	29:19	ANDREWS (18)	auditor's (1)	board (13)
Ψ	actual (2)	5:21,22;6:23;13:9,	22:6	4:6;6:6;30:9;31:3;
\$1,600 (1)	43:1;53:18	10,24;14:6,11,19;15:4		
22:24	actually (10)	33:2,3;36:11;38:1,15,		34:16,17,19,20;35:2;
	13:11;14:7;40:2;	19,23;39:5	available (2)	36:14,25;46:18;48:21
\$10,000 (1)	45:11;48:23;52:8,21,			body (1)
34:11	24;53:3;54:3	12:17;13:13;14:4,7;	50:18,19	19:13
\$108,000 (1)	add (1)	36:24;37:1	avenue (1) 25:25	both (2)
24:15	39:16	annually (5)		12:15;53:25
\$12,000 (1)	added (2)	34:18;35:5,11,16;	average (4)	bottom (1)
24:17	8:23;19:22	37:5	28:9,17;29:1,4	8:7
\$121,000 (1)	address (1)	anymore (2)	awaiting (3)	BRIGHT (2)
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In The Matter Of:

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

MEETING May 19, 2016

Associated Reporters, Incorporated 225-216-2036

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