

ORIGINAL

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

The above-entitled meeting was held at the
LSU AgCenter Research and Extension, 8105 Tom
Bowman Drive, Alexandria, Louisiana, beginning
at 1:04 p.m., on August 15, 2019.

BEFORE:

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

A P P E A R A N C E S

Nick St. Romain
Chairman

Kerry Hill
Durwood Franklin
Jeff Baker
Gary Fulton
Cy Morin
Roger Bright
Theresa Delafosse
Brandon Williams
Joe McCartney
Nathan McBride
Steve Burnham

Melissa Vizinat
Samuel Broussard
Tad Loupe
Shawn King
Rhonda Cook
DJ Corbin
Todd Perry

* * * * *

I N D E X

EXAMINATION:

PAGE(S):

None

EXHIBITS:

None

REPORTER'S PAGE

52

REPORTER'S CERTIFICATE

53

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MR. ST. ROMAIN:

Let's go ahead and call the meeting to order, the Q-3 meeting of the Louisiana Motor Fuel Underground Storage Tank Trust Fund Advisory Board. And we'll do a quick roll call. I guess we'll start with Melissa.

MS. VIZINAT:

 Melissa Vizinat, DEQ Trust Fund.

MR. WILLIAMS:

 Brandon Williams, DEQ Legal.

MR. FRANKLIN:

 Durwood Franklin, DEQ Trust Fund.

MR. BAKER:

 Jeff Baker, DEQ Trust Fund.

MR. FULTON:

 Gary Fulton, Underground Storage Tank Division.

MR. BRIGHT:

 Roger Bright, Jones Environmental.

MR. BURNHAM:

 Steve Burnham, Engineering Associates,

MR. McBRIDE:

 Nathan McBride, Louisiana Mid-

1 Continent Oil and Gas Association.

2 MR. McCARTNEY:

3 Joe McCartney, Louisiana Oil
4 Marketers.

5 MR. ST. ROMAIN:

6 Nick St. Romain, Louisiana Oil
7 Marketer Association.

8 MS. DELAFOSSE:

9 Theresa Delafosse, Louisiana DEQ
10 Management and Finance.

11 MR. MORIN:

12 Cy Morin, DEQ Audit.

13 MR. PERRY:

14 Todd Perry, PPM Consultants.

15 MS. COOK:

16 Rhonda Cook, PPM Consultants.

17 MR. BROUSSARD:

18 Sam Broussard, DEQ UST Division.

19 MR. LOUPE:

20 Tad Loupe, UST Division.

21 MR. KING:

22 Shawn King, Jones Environmental.

23 MR. CORBIN:

24 DJ Corbin, Jones Environmental.

25 MR. ST. ROMAIN:

1 All right. Thank you. And we'll now
2 move on to adoption of the June 20th, 2019
3 board minutes. Can I get a motion to adopt
4 the minutes as written?

5 MR. BURNHAM:

6 Motion to adopt.

7 MR. ST. ROMAIN:

8 Got a first from Steve. Can I get a
9 second?

10 MR. McBRIDE:

11 Second.

12 ST. ROMAIN:

13 Second from Nathan. Thank you.
14 Minutes are adopted.

15 Move on to item three, the financial
16 services report with Theresa.

17 MS. DELAFOSSE:

18 I want to apologize before I get
19 started for my missing voice. Hopefully, I
20 can still speak loudly enough. I think I
21 can. So ya'll are lucky.

22 If you turn to tab three in your
23 packet, it's the orange tab, we have the
24 year-end, fiscal year-end 2019 financial
25 statements. And on the left-hand side,

1 also, is the year-end statement from fiscal
2 year 2018, so we can compare the two.

3 As you see, the total receipts were --
4 were similar. 22.2 million last year versus
5 23 million for this year. However, we did
6 have significantly higher receipts in the --
7 for the abandoned tank program for the site
8 work that -- that they're doing with those
9 tanks. Last year, it was just under 1.6
10 million where this year, we had 4.4 million.
11 Due in large part to a settlement that we
12 received, but also, our interest earnings
13 were quite high at over 2.5 million. So
14 that's great news. That gives us some --
15 some good money to -- to do those -- do that
16 site work with.

17 Our claims for reimbursement were
18 quite in line with where they were last
19 year. And our total disbursements were
20 slightly down from 14 million down to 13.9
21 million, with an increase in the
22 disbursements for abandoned tank. Again, we
23 -- we had some tank pulls complete in fiscal
24 year 2019, so that's reflected there in that
25 101 number, in the abandoned tank column for

1 fiscal year 2019.

2 The fourth -- I guess the third
3 section, the other financing uses, that's
4 the transfer from the environmental -- from
5 the motor fuel trust fund to the
6 environmental trust fund at the end of the
7 year. And that was a decrease, as you can
8 see, from last year to this year. I'll go
9 into more detail as to why that decrease
10 occurred in my presentation.

11 And then I want to draw attention to
12 this second line here. You see the cash
13 sweep payback from House Bill 286. I did
14 mention that at our last board meeting, but
15 now it is reflected in our financial
16 statements, that one and a half million
17 dollars that was transferred into the fund.
18 So we're happy that the administration has
19 made steps towards paying back that -- I
20 think it was approximately seven million
21 dollars that was redirected. So 1.5 down,
22 5.5 to go.

23 And then just down at the bottom are
24 the final -- the -- the final numbers for
25 the year. Our cash balance in the fund

1 without the interest is 112 million dollars.
2 Total cash balance with the interest of
3 about -- approximately 12 million is 124
4 million.

5 And then that current site liability
6 is the number that was provided by the
7 actuary firm. We do hope to have an updated
8 number in the spring, based on our fiscal
9 year 2019 numbers. But we will repeat that
10 number for this quarter and the next two
11 quarters, I believe, because that's the most
12 recent current site liability we have.

13 So then that bottom line is our equity
14 balance at this time. When we compare the
15 cash balance to the current site liability,
16 we have a negative equity balance of 41
17 million dollars.

18 The next page is the detail on the
19 transfer from the motor fuel trust fund to
20 the environmental trust fund. I'm not going
21 to highlight anything on this page, but I
22 will go into more detail in the
23 presentation.

24 Ya'll let me know if ya'll have any
25 questions at this time, and if not, I will

1 move on up the podium and get started on the
2 slides.

3 (No response.)

4 MS. DELAFOSSE:

5 I don't know if I'm going to use it,
6 but Jeff brought this handy-dandy laser
7 pointer. So I wanted to test it out there.

8 I mentioned that the bulk distribution
9 fee revenues were fairly steady from '18 to
10 '19. You'll see here on this slide the past
11 four years. Again, this has remained
12 steady. We have our -- our fabulous
13 auditors that do some great audits of these
14 revenues just to make sure we're getting all
15 the deposits that we need and everyone is
16 paying accurately. So I think we have a
17 pretty high compliance rate and that shows
18 in our consistent collections from year to
19 year.

20 There has been some -- obviously, some
21 major growth in the interest income, which
22 as I mentioned is great news for Gary's
23 group, to do that abandoned site work
24 because we do have a -- quite long -- a long
25 list of tanks that need to be pulled and --

1 and possibly some remediation, depending on
2 what we discover when they're pulled. So
3 we've had some great growth there. Again,
4 the 2.5 million is the interest earnings for
5 fiscal year '19. So I expect we'll continue
6 to have some -- some pretty significant
7 earnings there. So, you know, I guess it's
8 a little disappointing, because in the past,
9 we had, you know, 160 percent change, this
10 year, it was only an 85 percent increase.
11 So, sorry about that.

12 These are the expenditures by the
13 different functions for the program. The
14 UST Core is Gary's group and the oversight
15 that they do on the remediation with the
16 team leaders. That's the -- again, the --
17 that's the majority of the total personnel
18 cost.

19 The enforcement group, ya'll are
20 familiar with them. I -- I hope not. But
21 they make sure that everyone is compliant
22 with our regulations. And that's a --
23 that's a fairly small amount of the total.
24 But -- and that's -- that's various
25 employees that will charge their time to

1 this program when they do enforcement for --
2 for tanks.

3 Motor Fuel Trust Fund is Jeff's
4 section. And they review the applications
5 and make sure they get paid out. I believe
6 Jeff is going to highlight some of their
7 results in his presentation, but I did want
8 to mention they've made some great strides.
9 I hope -- I hope that everyone has noticed
10 in the RAC community. They made some great
11 strides towards turning those applications
12 around faster, to make sure everybody gets
13 reimbursed and timely than ever.

14 And then the support and indirect,
15 we've -- we've had discussions, again, about
16 this. That's for those -- those folks who
17 don't charge directly to the program, like
18 Perry. He's not here with us today. But
19 Brandon, if he does any work for abandoned
20 tanks, anyone else in legal, like Jill, and
21 then the people in financial services and
22 then the executive level folks, again, like
23 Karyn and Dr. Brown and Roger Gingles, any
24 work that they do doesn't get charged
25 directly to the program. So that

1 calculation allows us to recapture those
2 costs.

3 These are the salaries and related
4 benefits information from '18 to '19. There
5 was an increase from '18 to '19 of 5.8
6 percent. Then the related benefits, there
7 was an increase as well.

8 The retirement costs are high. As you
9 can see, that bottom -- that top bullet in
10 the little bottom section, our retirement
11 cost in fiscal '19, were just under 38
12 percent per employee. And we're gonna see
13 an increase, unfortunately, in that amount
14 end of fiscal year '20. Most of that is to
15 pay for the unfunded accrued liability, so
16 paying for the past, to make sure that the
17 retirement system stays solvent and is able
18 to pay those benefits.

19 These related benefits numbers also
20 include the group benefits and that's
21 elected by the employees. I do believe
22 there's gonna be an increase in those costs
23 in this fiscal year, as well. I think --
24 they -- they operate on a calendar year, so
25 I think some of those premiums are going to

1 increase, both the employee's share and the
2 state's share, beginning of January.

3 Travel and training. These are some
4 minor costs. We spent 6,800 in fiscal '19.
5 It was an increase, but, again, a fairly --
6 fairly insignificant expenditure category.
7 That's some instate travel, anything
8 overnight. I know Jeff and Gary went
9 recently up to North Louisiana to observe
10 some work and site and they had to stay,
11 because it was a four-hour drive, so they
12 stayed. And -- and those -- those cost go
13 in there.

14 Our operating services, there was a
15 slight decrease, but they've stayed pretty
16 steady. That includes the list mentioned
17 below, some supplies, dues, our vehicle
18 maintenance, et cetera.

19 Professional services is a very small
20 category. There was a 26 percent increase,
21 but again, from 950 to 1,200. We have two
22 labs -- well, we have at least two labs on
23 contract and they -- they analyze our
24 samples. That's work that's outsourced that
25 used to be within the department. But any

1 time that samples are tested or analyzed
2 that relate to a trust fund -- or, an
3 underground storage tank site, then it's
4 charged out to the program.

5 This is the other charges category. A
6 lot of the more professional services-type
7 vendors, we actually charge to this category
8 now. So we have the tank operator training,
9 the evaluation, the compliance inspections.
10 We're still working with the same vendor in
11 fiscal '20 that we had previously for those.
12 The attorney's fees, that's for the ongoing
13 litigation. They totaled about half a
14 million dollars in fiscal '19. Then our
15 court reporter cost. And then the actuary
16 was 41,000, again, for fiscal '19. We do
17 still have some outstanding work items on
18 that contract. I think we're probably going
19 to amend it to change, I guess, some of the
20 work that they do, but I'm not sure what
21 other changes that would bring. And then
22 some court cost with the 19th JDC.

23 MR. McCARTNEY:

24 What was the total for those
25 actuaries, do you -- do you know that

1 number?

2 MS. DELAFOSSE:

3 That was the total so far for --

4 MR. McCARTNEY:

5 I'm talking about for --

6 MS. DELAFOSSE:

7 -- fiscal '19.

8 MR. McCARTNEY:

9 -- beginning until now.

10 MS. DELAFOSSE:

11 That's it. That's it so far.

12 MR. McCARTNEY:

13 41,000?

14 MS. DELAFOSSE:

15 Yes. The contract was around 100,000.

16 MR. BAKER:

17 Around 113,000, but there's --

18 MS. DELAFOSSE:

19 113,000 was the contract.

20 MR. BAKER:

21 -- there's a phase one and a phase

22 two. Phase one was what they've done so

23 far. Phase two was looking at long-term

24 projects, long-term sites, things that we

25 could do to help reduce the cost and things

1 of that nature, and some other ancillary
2 things we were gonna get them to work with
3 us on.

4 MS. DELAFOSSE:

5 And they were -- yes, they were maybe
6 gonna look at the above ground tanks.

7 MR. BAKER:

8 That was another thing --

9 MS. DELAFOSSE:

10 We're still gonna have to -- we're
11 gonna have to meet with them to work out
12 what those things will look like. And,
13 hopefully, we'll have a -- more of an update
14 as to what their objectives are going to be
15 and what the -- the rest -- the remainder
16 of their work will be at our next board
17 meeting in November.

18 This is some information on the
19 abandoned tank work that I mentioned. We
20 did work with two vendors in fiscal year
21 2019 to complete some tank pulls.
22 Expenditures for those two sites were 75.6 -
23 - \$75,600. We're working to get liens
24 placed on the property in the amount equal
25 to our expenditures to make sure -- and --

1 and that includes the -- what -- the work
2 that the vendors did and the work that the
3 agency did as well. So when that property
4 sells, to the extent possible, some revenue
5 will come back to us for that.

6 And then, like I mentioned, they're --
7 they're still doing some work on -- on a
8 good many sites, so I think we're going to
9 continue to see an up-tick in those
10 expenditures, as the years go by. So we'll
11 -- you know, we'll definitely spend more in
12 '20 than we did in '19. I think at some
13 point, we'll level off, but once we really
14 get up and running and at full capacity,
15 we'll see what the full -- the full volume,
16 looks like.

17 I mentioned previously the attorney
18 general fees. Again, we just have the one -
19 - I believe just one case remaining. And
20 the total recovery is approximately 21
21 million.

22 We had a -- a down trend in fiscal
23 year '18 and then a slight up-tick again in
24 '19. We did sign the interagency agreement
25 with the Department of Justice for fiscal

1 year '20 in the amount of one million
2 dollars. So the cost should not exceed one
3 million dollars in fiscal year '20. I would
4 expect that they'll be in the lower range,
5 like they've been in recent years and not --
6 they shouldn't reach the 900,000 area like
7 they have previously, because it's just the
8 one case. It's not five, six cases.

9 Other interagency transfer category,
10 that's any operating cost that we pay to
11 other state agencies. And that's why it
12 includes the rent. We did consolidate
13 within the Galvez Building and we got off a
14 floor and a half. So we will see some
15 changes there because we're not taking up as
16 much space. So we -- I think we had as an
17 agency 700,000 in savings due to that
18 annually. So some of that will trickle down
19 here.

20 The indirect costs we've discussed.
21 We have -- we do have the rate available now
22 for fiscal year '20. It stayed in -- in the
23 ballpark of the fiscal year '19 range. It
24 did increase from 60.23 percent to 62.36
25 percent. And again, we -- we use this

1 amount to calculate the indirect rate. We
2 use the half -- half of the rate here for
3 the trust fund. We began that process in
4 fiscal year '13.

5 We've talked fairly extensively about
6 the grant revenues before. At one point, we
7 had a -- our grant award was higher in
8 fiscal year '19, but some of that was
9 related to the hurricane grants and we
10 weren't able to fully tap into those
11 revenues in '19, but hopefully, will be able
12 to in '20. So that -- that's reflected in
13 those numbers, those changes.

14 So again, we've had some -- obviously,
15 some decreases from back in the past when we
16 were as high as 3.2 million in fiscal '12,
17 you see the change from '12 to '13 was 1.2
18 million. You know, we're down a lot closer
19 to a million now, but --

20 The tank fees, they are \$60 a tank
21 now. And we did collect -- in fiscal year
22 '18, we collected 661,000, which was an
23 increase from the previous year of about
24 eight percent. And then in '19, we
25 collected 695,000. I would expect it to

1 stay, like I mentioned at the top, in that
2 range from 675 to 700. You know, now, I
3 guess everybody had in their head for years
4 and years, it's \$54, it's \$54. Well, now,
5 they're going to know it's \$60. And
6 hopefully, we have great success with
7 everybody paying the right amount and -- and
8 no -- not having to send anybody a bill for
9 \$6.

10 And then this is the history of the
11 transfer from the motor fuel trust fund to
12 the environmental trust fund to cover the
13 remainder of the program expenditures that
14 cannot be covered with the tank fees and the
15 grant money. I have deducted the attorney
16 general expenses, as we did in the past,
17 from each year. And you see we remained
18 right around five million from '18 to '19,
19 once we take those out.

20 And there was a decrease, again, like
21 I mentioned, in the federal revenues from
22 '18 to '19 so that did cause a slight
23 increase in the transfer, but again, it was
24 about 24,000 more, so not -- not a large
25 increase.

1 That's all I have. Do ya'll have any
2 questions?

3 (No response.)

4 MS. DELAFOSSE:

5 I'll sit and ya'll can ask questions.

6 MR. ST. ROMAIN:

7 All right. Any -- thank you, Theresa.
8 Any other questions for Theresa or comments
9 around the financial services report?

10 (No response.)

11 MR. ST. ROMAIN:

12 All right. Well, if not, can I get a
13 motion and a second to accept the financial
14 services report, as read, or --

15 MR. FULTON:

16 Motion.

17 MR. ST. ROMAIN:

18 All right. Got a motion. Can I get a
19 second?

20 MR. McCARTNEY:

21 I'll second it.

22 MR. ST. ROMAIN:

23 All right. Thank you Gary and Joe.

24 We'll move on to the auditor status
25 report with Cy.

1 MR. MORIN:

2 Good afternoon. If you turn to tab
3 four, it's the yellow tab. So this first
4 page of the report details currently 20 open
5 motor fuel delivery fee audits that are not
6 in our legal department.

7 As of August 6, 2019, you'll find
8 three cases are awaiting payment, of a total
9 of approximately \$1,300. This -- this was
10 assessed for unpaid motor fuel delivery fees
11 and unpaid late fees.

12 Eight cases are awaiting review.
13 Pending the final review, these represent
14 one potential assessment of approximately
15 1,200. Of this, approximately 700 -- \$975
16 has -- has been received, leaving a balance
17 of around 250.

18 We have one potential credit of
19 \$44.68. And six potential clean audits with
20 no assessment.

21 Six cases are still in progress, with
22 result to be determined and finalized. And
23 one case has been paid in full and is
24 awaiting closure.

25 Since the last meeting, we've added

1 five new cases in -- for fiscal year '19.
2 One case -- one case that was clean with no
3 assessment has been removed and closed from
4 the list. And one case has been removed
5 from the list and referred to legal.

6 So you'll see the case that was
7 referred to legal on the next page.

8 So if there's no questions on this
9 page, we'll go ahead and turn to page two.
10 (No response.)

11 MR. MORIN:

12 So you'll see we have five cases on
13 this -- this list now. The fifth case is
14 the new case. It's only \$132.09. I do feel
15 like, once they receive a legal letter,
16 we'll probably get payment for this.
17 Although, the business is closed, so it may
18 take a little bit, but I think we'll collect
19 it.

20 The four -- the four remaining cases
21 are -- are the same status. Three cases are
22 in ODR. We have not received payments. And
23 case number two on the list, continues to
24 pay \$200 per month payments. The last one
25 was received 7/18/2019, leaving a \$3,500

1 balance. And if payments cease, we will
2 refer this case to ODR.

3 As you can see, the total of these
4 five cases is \$103,237.29. That's including
5 motor fuel delivery fees and late penalties
6 and then you'll see any attorney's fees,
7 court cost and judicial interest just
8 beneath that, for a total remaining balance
9 of approximately \$115,000.

10 And that's it.

11 MR. ST. ROMAIN:

12 All right. Thank you, Cy.

13 MR. MORIN:

14 You're welcome.

15 MR. ST. ROMAIN:

16 Can I get a motion and second to
17 accept the auditor's status report?

18 MR. BRIGHT:

19 Motion.

20 MR. ST. ROMAIN:

21 All right.

22 MR. BURNHAM:

23 Second.

24 MR. ST. ROMAIN:

25 Thank you, guys.

1 We'll move on to the trust fund status
2 report with Jeff Baker.

3 MR. BAKER:

4 Good afternoon. We're doing things a
5 little bit differently this time. We've
6 kinda changed some of our reports up. The -
7 - the law does naturally require us to do
8 the -- the obligation determination monthly
9 like it did last year. So, you know, now we
10 have the actuary doing those calculations
11 for us and we're going to continue to do
12 them on an annual basis. We will be -- we
13 will be providing an obligation liability to
14 the board probably in the -- either the late
15 fall or early spring each year, so ya'll
16 will have the numbers you need to make your
17 decisions and your recommendations.

18 So what we decided to do on the trust
19 fund side is, we wanted to provide ya'll
20 even more information than what we'd given
21 you before. So we kinda revamped some of
22 our reporting and it's included in your
23 packets. What I pull up here on the screen,
24 I know is very difficult to read and I
25 apologize. But I promise, except for one

1 slide, it's in your packets. Okay? So you
2 can actually look at those numbers at your
3 leisure and see what's there.

4 The first report is a new report.
5 It's a -- it's a trust fund status overview
6 report. And it kinda goes through and gives
7 you some numbers. Up here at the top,
8 you'll see the trust fund -- these are trust
9 fund eligible sites, okay? It shows you --
10 we've basically have broken -- and you'll
11 see this trend throughout these reports.
12 We've broken these into two different
13 categories, sites that are in the corrective
14 action phase and sites that are in the
15 investigation phase.

16 Right now, we have 143 sites currently
17 in the corrective action phase. And 132 in
18 the investigation phase. And you can see
19 there the average age of those different
20 categories, and the current cost that we've
21 spent on those -- on those sites in those
22 different categories.

23 Now, below that, you'll see
24 accumulative site closures. And this is
25 going back to the beginning of the program.

1 So, we've cleaned up 140 -- I'm sorry --
2 1,404 sites, totaling about 2,800
3 applications for over 285 million dollars.

4 The next section is the corrective
5 action approved budget summary for the
6 active sites. So this is CAPs that we have
7 right now. So for the sites that are in the
8 corrective action phase, you'll see we have
9 89 million dollars worth of CAP budgets
10 approved. We've spent approximately 71
11 million. And that leaves us with 17.8
12 million dollars remaining in CAP budgets to
13 be spent.

14 The next section down below that are
15 the sites that have been made trust fund
16 eligible in the last three years but have
17 not submitted a request for trust fund
18 reimbursement. At the end of the -- June
19 30, 2019, we had 26 sites.

20 At the end of June, we had 35 pending
21 applications for a total of 1.2 million
22 dollars, which was actually the lowest we've
23 had in quite some time at the end of a
24 quarter. We were real proud of that.

25 We have a total of 41 certified RACs

1 right now. 28 of them have active trust
2 fund sites.

3 The next category down at the bottom,
4 basically gives you the summary of
5 expenditures we've had this year. And, you
6 know, obviously for this quarter, we had --
7 we received 229 applications, totaling about
8 4.2 million dollars. We had -- 24 of those
9 applications were returned. 248 of those
10 applications were processed, where we
11 recommended approximately 3.7 million
12 dollars. We disallowed \$154,000 and we had
13 about \$67,000 in deductibles.

14 The next page is a page we've had
15 pretty much since the beginning of time.
16 The -- the only difference here is, we've
17 actually wrote it out where you can see the
18 -- the quarter -- you'll see the -- the
19 month by quarter. And one of the -- one of
20 the board members asked us to show the
21 quarters separately to make it easier for
22 ya'll to follow. This -- all the -- most --
23 the majority of this information on this
24 page was actually shown in the summary
25 overview.

1 This next page -- if you go to the
2 next page -- is the -- kinda the summary of
3 -- of what's happened with the fund since
4 the beginning of time.

5 You'll see at the top, we've processed
6 almost 37,000 applications -- we received
7 37,000 and we -- and we processed about the
8 same amount.

9 You'll see the total expenditures.
10 You can see the -- down at the bottom,
11 you'll see the total expenditures by -- by
12 fiscal year, and you'll see we grouped '89
13 to -- to 2009 in one -- on one -- one row,
14 just because we ran out of room on the
15 report.

16 But that kinda gives you an idea of
17 the trust fund historically.

18 On the next page, this is kinda a
19 summary of what's going on with our
20 corrective actions sites. You'll see as we
21 showed on the first page, we have 143 of
22 those sites. If you'll look down below
23 that, you'll see the costing categories. Of
24 those 143 sites, we've spent about \$640,000
25 on emergency cost, about 10.6 million

1 dollars in investigation, .7.1 in interim
2 monitoring cost and about 8.8 million
3 dollars in reporting. And then, we've spent
4 a total of 99 million dollars.

5 Now, the difference -- if you total up
6 that column, it doesn't come up to 99
7 million dollars. The difference is the
8 corrective actions cost. And also, we
9 didn't always keep things -- didn't always
10 track things in those categories. If these
11 are older sites, the dollars aren't going to
12 totally come up to the same -- to -- you --
13 you're not going to get a dollar to dollar
14 match there, but it's close. Anything
15 before, I think, 2007, we didn't keep track
16 of in these costing categories. So all we
17 really had was a total reimbursement.

18 But the majority of that difference is
19 the corrective action expenditures you
20 see over here to the right, on this
21 category, where it shows CAP reimbursement.
22 So that's where the majority of that
23 difference is.

24 So what you see is, we have 17.8
25 million dollars left in CAP expenditures to

1 be spent. But also, you'll see here, we
2 tried to go through and do something a
3 little bit different. We've never done this
4 before. You see, we have the total current
5 reimbursements, we have the CAP budgeted
6 remaining and then we have the RAC estimated
7 cost beyond approved. So in other words, to
8 get to -- to closure, the RACs estimate how
9 long it's going to take to -- to -- what
10 it's going to take to get to closure. They
11 submit two-year budgets. And this is beyond
12 the two-year point.

13 So we've got 9.3 million dollars
14 there. And if you total all of that up, we
15 come up to 126 million dollars, is what
16 we're estimating we're going to spend on
17 those 143 sites. If you -- if you average
18 that out, that means we're going to spend an
19 average of \$883,000 to clean up those sites
20 in corrective action plan -- corrective
21 action plans.

22 Now, compared to our total average,
23 which includes sites that don't make it into
24 corrective action, you see that number right
25 there, we've got \$285,000 is our overall

1 average. So it shows you, if they get to
2 corrective action, our cost are going to be
3 much higher.

4 The next few pages are actually a
5 breakdown of the -- the -- the last page I
6 showed you. You'll see the totals at the
7 top that were included on that previous
8 page. What this is, is this is basically a
9 breakdown of each individual site that go
10 into that corrective action category. So if
11 you have a site there, you can look it up
12 and you can see what you've expended -- what
13 -- what's been expended at that point. See
14 the number of applications. You can see the
15 -- the date the first app was received, the
16 last app was received, total recommended
17 amount. And then, you'll also see the cost
18 categories. We have total emergency
19 investigation, interim monitoring and so on.
20 You'll also see the corrective action
21 budgets, how much has been spent. And you
22 can see the parish and the region that it's
23 in.

24 And this is just given to ya'll for
25 your information -- informative purposes.

1 Now, if you go -- now, again -- again,
2 you'll go to another section. And another
3 section is the in -- the sites in the
4 investigation phase. And that's again, a
5 breakdown of each individual site in the
6 investigation section. And you'll -- same
7 information is -- is on this chart as on the
8 previous one. And you'll see the total.
9 And I'm going to show ya'll those on the --
10 on the next page. But this is just to give
11 ya'll an overview of the sites we have.

12 The next section is -- again, it's an
13 overview, a total of what was on those
14 individual pages for the sites in the
15 investigation. And you can see, we have --
16 we've spent 158 -- \$157,000 approximately on
17 emergency cost for those 132 sites, about
18 5.9 million investigation cost, 2.4 in
19 interim monitoring, 2.6 in report cost and
20 about 789,000 on interim corrective actions.
21 We have about 112,000 pending. If you total
22 all that up, it comes up to 11. -- 11.1
23 million, and the average cost, right now, of
24 \$84,000. Now, I want to caution ya'll,
25 that's right now. That's where we are at

1 the end of June 2019, that's the
2 expenditures on these sites. All of these
3 sites are still being investigated, could go
4 into corrective action, may not. But that's
5 kinda where we are on these sites right now.

6 If anybody has got any questions, stop
7 me as we go. I know I'm throwing a lot of
8 data at you, but again, it's in your -- in --
9 -- it's on -- it's in your packets, so just
10 take a look at that. You can't -- you can't
11 see it on the screen. I know it's kinda
12 small.

13 Now, this is a new report. Actually,
14 I'm kinda excited about presenting the data
15 like this. Theresa is laughing at me over
16 here.

17 MS. DELAFOSSE:

18 Yes. He was excited about it.

19 MR. BAKER:

20 What we tried to do is, again, we're
21 trying to give ya'll more information. And
22 what we tried to do is we tried to break the
23 data we have into two different directions,
24 the corrective action sites and the
25 investigation sites. And then we tried to -

1 - to group it by the region. So here, you
2 can look at the region and you can see how
3 many sites are in Acadia Region. This is a
4 -- a DEQ Region, the Acadia Region. You can
5 see we have 24 sites in that region that are
6 in the corrective action phase and we have
7 39 sites in the investigation phase, with a
8 total of 63 sites. Under the corrective
9 action phase, you'll see, we've spent almost
10 20 million dollars on those 24 sites and
11 their average age is 14 and a half years.
12 In the investigation, we've spent 3.3
13 million and their average age is 4.4. And
14 if you look at the total, we've got -- we've
15 spent a total of 23.3 million, with an
16 average age of 8.3. So you can look in the
17 -- in each -- in each individual region and
18 kinda get a feel for where we're spending
19 our money throughout the state and what's --
20 what's going on.

21 If you go to the next page, this one
22 is the same data, but it's grouped a little
23 differently. What I did was, is I grouped
24 the data with sites that are less than two
25 years old, two to five years old, five to

1 ten years old and greater than ten years
2 old.

3 Now, the -- the way we calculate the
4 age is, we basically take the -- the time
5 difference between the first application
6 received and the report date. So we're not
7 actually going back to when the incident
8 occurred. We're actually looking at when
9 the trust fund has been paying out on these
10 sites.

11 And recognize that some of these ages
12 can be a little bit confusing too, because
13 some of these sites have multiple incidents
14 and if we're cleaning one incident and don't
15 clean the first one up before we get to the
16 next one, then the time span can get
17 stretched out over time, so --

18 But if you'll see here -- so, if you
19 look in the corrective action phase, you
20 kinda see what you'd expect, the site count
21 increases as you go in time. So, you know,
22 we really only have a couple of sites, three
23 in the corrective action phase, that are
24 less than two years old, but we have 91 that
25 are greater than ten, which is kinda what

1 you'd expect.

2 MS. DELAFOSSE:

3 And -- and I -- when Jeff sent these
4 to me a few weeks back, I pointed out too
5 that greater than ten, the average site age
6 is 17 and a half years. So that's -- you
7 know, they're not even just 10, 11, 12.
8 That's some old -- those -- those sites have
9 been out there quite -- quite some time,
10 those 91 sites.

11 MR. BAKER:

12 That's right. So -- and if you'll
13 look at the investigation phase, you'll see
14 the inverse. You'll see that we have 65
15 sites that are less than two years. And as
16 you stretch out the ten, we've only got --
17 we have 19 sites that are greater than ten
18 that are still being investigated.

19 And then you can see the total count,
20 where you see we have 110 sites that are
21 greater than ten years that we've spent
22 about -- as you would expect, we've spent a
23 lot of money on those sites. And our
24 average age is 17.2.

25 Anybody have any questions about that?

1 (No response.)

2 MR. BAKER:

3 Now, this one is kinda telling a tale
4 about the trust fund. This is our metrics.
5 It kinda shows you what we've done over the
6 last five years, the applications we've
7 received and then the average -- our average
8 process time. As you can see, we kinda had
9 a problem in '16 and '17. We -- we had a
10 flood locally that kinda impacted us and we
11 also had some -- some new staff that we were
12 training and it -- it -- it kinda -- it had
13 an impact on us, but we're working to
14 improve that and we had some -- we had great
15 improvement last year and we -- we're doing
16 some things this year we think will even
17 improve it more. It kinda gives you an idea
18 of the cost per application and the total
19 reimbursement for each year.

20 Anybody have any questions about that
21 one?

22 (No response.)

23 MR. BAKER:

24 The next page -- again, this is a new
25 -- new chart. What we tried to do is by --

1 by each fiscal year, over the last five
2 years, we tried to show the total
3 expenditures out of the trust fund for these
4 reporting categories, emergency,
5 investigation, air monitoring and so on.
6 And then down below, we've listed the
7 percentages of the total. So you can see on
8 an average over the last five years, we
9 spent .3 percent on emergency work, 14 and a
10 half percent on investigation, 6.3 percent
11 on interim monitoring, nine and a half on
12 reporting and 69 and a half on corrective
13 action, which is what you would expect based
14 upon the numbers we seen earlier in -- in
15 this report.

16 Anybody got any questions about that
17 one?

18 (No response.)

19 MR. BAKER:

20 Now, this is a report that some of the
21 board members have asked me about. It's
22 dealing with sites that we have made
23 eligible for the trust fund. And we -- we
24 always do a compliance review when we make
25 them eligible. And that depend -- that --

1 that relates to whatever the deductible is
2 gonna be. And going from 2011 to now, what
3 you'll see, we -- what we did was, we listed
4 the sites that were in compliance, ones that
5 were out of compliance and others. Others
6 are ones that we made eligible in that year,
7 but actually they were older incidents that
8 the deductible question related to
9 compliance didn't apply. So that's why we
10 have a separate category for that. And then
11 you see the total incidents. And then you
12 see the percentage of in compliance and out
13 of compliance.

14 Now, I want you to notice, back in
15 2011, 2012, our out of compliance sites were
16 about 70 percent, on average. But if you
17 look at 2018 and 2019, we're closer to 35
18 percent. That's a pretty distinct
19 difference. And I think the work that Sam
20 has done with the compliance inspections, I
21 think that tells the tale that that's being
22 very successful.

23 Any questions on this?

24 (No response.)

25 MR. BAKER:

1 Okay. Now, the next one, this is a
2 report that we -- we have been providing for
3 a while. This is the sites that we've --
4 that Gary's group has NFA'd. We -- we keep
5 a running total. But this is for the entire
6 year. We -- we NFA'd -- or, Gary's group
7 NFA'd 42 sites that were trust fund sites
8 this year. The average cost of those was
9 \$274,000. And we list each one of them for
10 your review.

11 If you'll go to the next page. This
12 page is a list of sites that were determined
13 to be eligible. And it list the -- the AI
14 and it list the incident number and the
15 eligibility date. During this fiscal year,
16 we had 45 sites that were made eligible,
17 which reflected 54 separate incidents.

18 Anybody have any questions on these
19 reports?

20 (No response.)

21 MR. BAKER:

22 Now, the next one is actually not in
23 your packets. This is one that Theresa
24 asked me yesterday if there was anything
25 else that I wanted her to add to hers. And

1 I came up with this. And she said, "Well, I
2 don't think that fits mine." I said, "But I
3 like it. So we're going to" -- "going to do
4 it."

5 And it's kinda --

6 MS. DELAFOSSE:

7 It's a true story.

8 MR. BAKER:

9 It's a true story.

10 So I'm -- I'm -- again, I'm sorry the
11 numbers are so small. But what this is,
12 this is the average reimbursed amount by
13 agency interest, in other words, site, by AI
14 number, processed in a fiscal year. So what
15 you're seeing is, is this -- you've got
16 fiscal years. And this is the number of
17 AI's that we paid out on, so the trust fund
18 paid for. So in 2010, we paid out on 451
19 sites. Okay? And in 2019, we paid out on
20 260. Okay? Then you see the average
21 reimbursement by the site and you see the
22 average -- that's total reimbursement -- and
23 then you see the average corrective action
24 cost reimbursement by site. And as you can
25 see, those numbers are growing. Back in

1 2010, our average reimbursement -- our total
2 reimbursement per site was 35 -- 34.6
3 million dollars -- 34.6 thousand dollars per
4 -- per site. And in 2019, it was
5 approximately 54,000. So you can see there
6 was growth there. And again, for the
7 average CAP, you can see the numbers went
8 from 43,000 up to 78,000.

9 So as you look at those numbers, you
10 know, it kinda gives you an idea of what
11 we're looking at.

12 MS. DELAFOSSE:

13 And they're on the graph to the right
14 too. So you can see the gray line at the
15 top is the CAP --

16 MR. BAKER:

17 Total.

18 MS. DELAFOSSE:

19 -- right? Yes.

20 MR. BAKER:

21 No. That's total.

22 MS. DELAFOSSE:

23 Oh, total. Sorry.

24 MR. BAKER:

25 No. You're right. That's CAP.

1 That's CAP.

2 MS. DELAFOSSE:

3 Say that again.

4 MR. BAKER:

5 That's -- you've got total -- total
6 average. And then this is for the sites
7 with CAP.

8 So not all sites have CAP, have
9 corrective actions. So that CAP number can
10 be high.

11 So -- so do ya'll -- so ya'll kinda
12 get an idea -- the idea is that our cost are
13 increasing, you know. And the next
14 questions I know is why. You know, you can
15 break that up to a lot of different things.
16 We're not -- we're moving more and more
17 sites in to the corrective action. That's
18 gonna bring a lot of those cost up.
19 Percentage-wise, I think, our sites in
20 corrective action now are higher than they
21 were back in 2010. Also, the cost of
22 cleaning these sites up are going up. I
23 know when I started around 2012, the average
24 system was running 85 to \$95,000. Now, it
25 can run 130 to 150,000. So for similar

1 system -- RAC's ya'll -- I mean, am I in the
2 ballpark?

3 MR. BRIGHT:

4 Yes.

5 MR. BAKER:

6 So, you know, these -- these are
7 things that are driving the cost up. So we
8 wanted to kinda give ya'll a picture of what
9 we were looking at.

10 Anybody have any questions about that?

11 (No response.)

12 MR. BAKER:

13 And that's -- that's it for me. So
14 does anybody have any overall questions?

15 (No response.)

16 MR. BAKER:

17 Well, thank ya'll.

18 MR. ST. ROMAIN:

19 All right. Thank you, Jeff. Thanks
20 for the extensive report. And a lot of data
21 there, good data, different breakdowns,
22 different ways, so I appreciate that.

23 MR. BAKER:

24 Hey, I'm a data nerd. I know.

25 MR. ST. ROMAIN:

1 It looks like a lot -- a lot of work
2 went into that.

3 Can we get a -- a first and second to
4 accept the trust fund status report?

5 MR. FULTON:

6 Motion to accept.

7 MR. McCARTNEY:

8 Second.

9 MR. ST. ROMAIN:

10 All right. Thank you.

11 With that, we'll move on to third
12 party claim status. I see it says Perry
13 Theriot, but I don't see Perry here, so --

14 MR. WILLIAMS:

15 No. Perry is not here. My name is
16 Brandon Williams. I'm -- I work with Perry.
17 I'm regional counsel out of our Pineville
18 office --

19 MR. ST. ROMAIN:

20 Okay.

21 MR. WILLIAMS:

22 -- so it was shorter drive for me than
23 -- than it was for Perry today.

24 But Perry asked me just to report to
25 ya'll, that there has been no new third

1 party suits since the last meeting and --
2 and no new settlements. So if anybody has
3 any specific questions they'd like me to
4 take back to him, I'd be more than happy to
5 do so.

6 MR. ST. ROMAIN:

7 Any questions from anyone on third
8 party claims?

9 (No response.)

10 MR. ST. ROMAIN:

11 All right. Well, we'll move on. Can
12 we get a first and second to accept that
13 report?

14 MR. McBRIDE:

15 Move.

16 MR. ST. ROMAIN:

17 Thank you, Nathan.

18 MR. HILL:

19 Second.

20 MR. ST. ROMAIN:

21 All right. Thank you, Kerry.

22 With that, we'll move on to other
23 business. Does anybody have any other
24 business to bring up?

25 (No response.)

1 MR. ST. ROMAIN:

2 Oh, and I -- I'll just -- I'll just
3 add in on the other business, was just, I
4 wanted to recognize the decision of Dr.
5 Brown for the motor fuel delivery fee to
6 remain at .008 for this fiscal year. I just
7 wanted -- in case anybody hadn't got the
8 memo, that's -- that's where it ended up.

9 Any questions around that?

10 (No response.)

11 MR. ST. ROMAIN:

12 All right.

13 MS. DELAFOSSE:

14 And I was gonna say, relevant to that,
15 we are going to meet with the actuarial firm
16 to discuss what deliverables we have in the
17 current contract. And hopefully, we can
18 adjust those a little to make sure we
19 include an updated valuation number with the
20 2019 numbers. Like Jeff mentioned, I -- I
21 don't -- we could probably have that for
22 November. Because again, it's not a whole
23 lot. I mean, they did it through fiscal
24 '18. So it's not -- they're not reinventing
25 the wheel or, you know, analyzing our data

1 from square one.

2 So hopefully, that's something we can
3 work with them and get that amended and --
4 and definitely have it for February, if not
5 for November. So hopefully, we'll have
6 better information earlier so we can, you
7 know, use the -- the authority that was
8 given to the board to make a recommendation
9 to Dr. Brown with -- with a fuller picture
10 and, you know, more better information, and
11 more complete information and timely
12 information. So --

13 MR. ST. ROMAIN:

14 Okay. That'll be great.

15 All right. Thank you. Any -- any
16 other business or questions?

17 (No response.)

18 MR. ST. ROMAIN:

19 All right. With that, I guess, we'll
20 move to close the meeting. The -- the next
21 meeting is November 14th and that's back in
22 Baton Rouge at the DEQ office. So can we
23 get a motion to adjourn?

24 MR. HILL:

25 I make a motion to adjourn.

1 MR. ST. ROMAIN:

2 Thank you, Kerry.

3 MR. McCARTNEY:

4 I'll second.

5 MR. ST. ROMAIN:

6 All right, Joe.

7 Thank you, guys. I appreciate it.

8 THE MEETING ADJOURNED AT 1:48 P.M.

9 * * * * *

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R E P O R T E R ' S P A G E

I, Lori B. Overland, Certified Court Reporter, in and for the State of Louisiana, the officer, as defined in Rule 28 of the Federal Rules of Civil Procedure and/or Article 1434(b) of the Louisiana code of Civil Procedure, before whom this sworn testimony was taken, do hereby state on the Record

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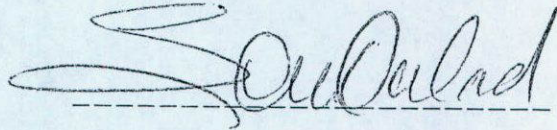


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97083

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18 by Louisiana Code of Civil Procedure Article 1434
19 and in rules and advisory opinions of the board;
20 that I am not related to counsel or to the parties
21 herein, nor am I otherwise interested in the outcome
22 of this matter.

23 
24 _____

Lori Overland C.C.R.

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In The Matter Of:

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

*FUND ADVISORY BOARD MEETING
August 15, 2019*

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In The Matter Of:

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

*FUND ADVISORY BOARD MEETING
August 15, 2019*

*Associated Reporters, Inc.
2431 South Acadian Thruway
Suite 550
Baton Rouge, La. 70808*

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3 STATE OF LOUISIANA
4 DEPARTMENT OF ENVIRONMENTAL QUALITY
5 MOTOR FUELS UNDERGROUND STORAGE TANK TRUST
6 FUND ADVISORY BOARD
7
8
9
10
11
12 The above-entitled meeting was held at the
13 LSU AgCenter Research and Extension, 8105 Tom
14 Bowman Drive, Alexandria, Louisiana, beginning
15 at 1:04 p.m., on August 15, 2019.
16
17
18
19 BEFORE:
20 Lori B. Overland
21 Certified Court Reporter
22 In and For the State of
23 Louisiana
24
25

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1 APPEARANCES
2
3 Nick St. Romain
4 Chairman
5
6 Kerry Hill
7 Durwood Franklin
8 Jeff Baker
9 Gary Fulton
10 Cy Morin
11 Roger Bright
12 Theresa Delafosse
13 Brandon Williams
14 Joe McCartney
15 Nathan McBride
16 Steve Burnham
17
18
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20
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22
23
24
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1 INDEX
2
3 EXAMINATION: PAGE (S):
4 None
5 EXHIBITS:
6 None
7
8 REPORTER'S PAGE 52
9 REPORTER'S CERTIFICATE 53
10
11 *****
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1 *****
2 MR. ST. ROMAIN:
3 Let's go ahead and call the meeting to
4 order, the Q-3 meeting of the Louisiana
5 Motor Fuel Underground Storage Tank Trust
6 Fund Advisory Board. And we'll do a quick
7 roll call. I guess we'll start with
8 Melissa.
9 MS. VIZINAT:
10 Melissa Vizinat, DEQ Trust Fund.
11 MR. WILLIAMS:
12 Brandon Williams, DEQ Legal.
13 MR. FRANKLIN:
14 Durwood Franklin, DEQ Trust Fund.
15 MR. BAKER:
16 Jeff Baker, DEQ Trust Fund.
17 MR. FULTON:
18 Gary Fulton, Underground Storage Tank
19 Division.
20 MR. BRIGHT:
21 Roger Bright, Jones Environmental.
22 MR. BURNHAM:
23 Steve Burnham, Engineering Associates,
24 MR. McBRIDE:
25 Nathan McBride, Louisiana Mid-

1 Continent Oil and Gas Association.
2 MR. McCARTNEY:
3 Joe McCartney, Louisiana Oil
4 Marketers.
5 MR. ST. ROMAIN:
6 Nick St. Romain, Louisiana Oil
7 Marketer Association.
8 MS. DELAFOSSE:
9 Theresa Delafosse, Louisiana DEQ
10 Management and Finance.
11 MR. MORIN:
12 Cy Morin, DEQ Audit.
13 MR. PERRY:
14 Todd Perry, PPM Consultants.
15 MS. COOK:
16 Rhonda Cook, PPM Consultants.
17 MR. BROUSSARD:
18 Sam Broussard, DEQ UST Division.
19 MR. LOUPE:
20 Tad Loupe, UST Division.
21 MR. KING:
22 Shawn King, Jones Environmental.
23 MR. CORBIN:
24 DJ Corbin, Jones Environmental.
25 MR. ST. ROMAIN:

1 also, is the year-end statement from fiscal
2 year 2018, so we can compare the two.
3 As you see, the total receipts were --
4 were similar. 22.2 million last year versus
5 23 million for this year. However, we did
6 have significantly higher receipts in the --
7 for the abandoned tank program for the site
8 work that -- that they're doing with those
9 tanks. Last year, it was just under 1.6
10 million where this year, we had 4.4 million.
11 Due in large part to a settlement that we
12 received, but also, our interest earnings
13 were quite high at over 2.5 million. So
14 that's great news. That gives us some --
15 some good money to -- to do those -- do that
16 site work with.
17 Our claims for reimbursement were
18 quite in line with where they were last
19 year. And our total disbursements were
20 slightly down from 14 million down to 13.9
21 million, with an increase in the
22 disbursements for abandoned tank. Again, we
23 -- we had some tank pulls complete in fiscal
24 year 2019, so that's reflected there in that
25 101 number, in the abandoned tank column for

1 All right. Thank you. And we'll now
2 move on to adoption of the June 20th, 2019
3 board minutes. Can I get a motion to adopt
4 the minutes as written?
5 MR. BURNHAM:
6 Motion to adopt.
7 MR. ST. ROMAIN:
8 Got a first from Steve. Can I get a
9 second?
10 MR. McBRIDE:
11 Second.
12 ST. ROMAIN:
13 Second from Nathan. Thank you.
14 Minutes are adopted.
15 Move on to item three, the financial
16 services report with Theresa.
17 MS. DELAFOSSE:
18 I want to apologize before I get
19 started for my missing voice. Hopefully, I
20 can still speak loudly enough. I think I
21 can. So ya'll are lucky.
22 If you turn to tab three in your
23 packet, it's the orange tab, we have the
24 year-end, fiscal year-end 2019 financial
25 statements. And on the left-hand side,

1 fiscal year 2019.
2 The fourth -- I guess the third
3 section, the other financing uses, that's
4 the transfer from the environmental -- from
5 the motor fuel trust fund to the
6 environmental trust fund at the end of the
7 year. And that was a decrease, as you can
8 see, from last year to this year. I'll go
9 into more detail as to why that decrease
10 occurred in my presentation.
11 And then I want to draw attention to
12 this second line here. You see the cash
13 sweep payback from House Bill 286. I did
14 mention that at our last board meeting, but
15 now it is reflected in our financial
16 statements, that one and a half million
17 dollars that was transferred into the fund.
18 So we're happy that the administration has
19 made steps towards paying back that -- I
20 think it was approximately seven million
21 dollars that was redirected. So 1.5 down,
22 5.5 to go.
23 And then just down at the bottom are
24 the final -- the -- the final numbers for
25 the year. Our cash balance in the fund

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1 without the interest is 112 million dollars.
 2 Total cash balance with the interest of
 3 about -- approximately 12 million is 124
 4 million.
 5 And then that current site liability
 6 is the number that was provided by the
 7 actuary firm. We do hope to have an updated
 8 number in the spring, based on our fiscal
 9 year 2019 numbers. But we will repeat that
 10 number for this quarter and the next two
 11 quarters, I believe, because that's the most
 12 recent current site liability we have.
 13 So then that bottom line is our equity
 14 balance at this time. When we compare the
 15 cash balance to the current site liability,
 16 we have a negative equity balance of 41
 17 million dollars.
 18 The next page is the detail on the
 19 transfer from the motor fuel trust fund to
 20 the environmental trust fund. I'm not going
 21 to highlight anything on this page, but I
 22 will go into more detail in the
 23 presentation.
 24 Ya'll let me know if ya'll have any
 25 questions at this time, and if not, I will

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1 move on up the podium and get started on the
 2 slides.
 3 (No response.)
 4 MS. DELAFOSSE:
 5 I don't know if I'm going to use it,
 6 but Jeff brought this handy-dandy laser
 7 pointer. So I wanted to test it out there.
 8 I mentioned that the bulk distribution
 9 fee revenues were fairly steady from '18 to
 10 '19. You'll see here on this slide the past
 11 four years. Again, this has remained
 12 steady. We have our -- our fabulous
 13 auditors that do some great audits of these
 14 revenues just to make sure we're getting all
 15 the deposits that we need and everyone is
 16 paying accurately. So I think we have a
 17 pretty high compliance rate and that shows
 18 in our consistent collections from year to
 19 year.
 20 There has been some -- obviously, some
 21 major growth in the interest income, which
 22 as I mentioned is great news for Gary's
 23 group, to do that abandoned site work
 24 because we do have a -- quite long -- a long
 25 list of tanks that need to be pulled and --

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1 and possibly some remediation, depending on
 2 what we discover when they're pulled. So
 3 we've had some great growth there. Again,
 4 the 2.5 million is the interest earnings for
 5 fiscal year '19. So I expect we'll continue
 6 to have some -- some pretty significant
 7 earnings there. So, you know, I guess it's
 8 a little disappointing, because in the past,
 9 we had, you know, 160 percent change, this
 10 year, it was only an 85 percent increase.
 11 So, sorry about that.
 12 These are the expenditures by the
 13 different functions for the program. The
 14 UST Core is Gary's group and the oversight
 15 that they do on the remediation with the
 16 team leaders. That's the -- again, the --
 17 that's the majority of the total personnel
 18 cost.
 19 The enforcement group, ya'll are
 20 familiar with them. I -- I hope not. But
 21 they make sure that everyone is compliant
 22 with our regulations. And that's a --
 23 that's a fairly small amount of the total.
 24 But -- and that's -- that's various
 25 employees that will charge their time to

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1 this program when they do enforcement for --
 2 for tanks.
 3 Motor Fuel Trust Fund is Jeff's
 4 section. And they review the applications
 5 and make sure they get paid out. I believe
 6 Jeff is going to highlight some of their
 7 results in his presentation, but I did want
 8 to mention they've made some great strides.
 9 I hope -- I hope that everyone has noticed
 10 in the RAC community. They made some great
 11 strides towards turning those applications
 12 around faster, to make sure everybody gets
 13 reimbursed and timely than ever.
 14 And then the support and indirect,
 15 we've -- we've had discussions, again, about
 16 this. That's for those -- those folks who
 17 don't charge directly to the program, like
 18 Perry. He's not here with us today. But
 19 Brandon, if he does any work for abandoned
 20 tanks, anyone else in legal, like Jill, and
 21 then the people in financial services and
 22 then the executive level folks, again, like
 23 Karyn and Dr. Brown and Roger Gingles, any
 24 work that they do doesn't get charged
 25 directly to the program. So that

1 calculation allows us to recapture those
2 costs.

3 These are the salaries and related
4 benefits information from '18 to '19. There
5 was an increase from '18 to '19 of 5.8
6 percent. Then the related benefits, there
7 was an increase as well.

8 The retirement costs are high. As you
9 can see, that bottom -- that top bullet in
10 the little bottom section, our retirement
11 cost in fiscal '19, were just under 38
12 percent per employee. And we're gonna see
13 an increase, unfortunately, in that amount
14 end of fiscal year '20. Most of that is to
15 pay for the unfunded accrued liability, so
16 paying for the past, to make sure that the
17 retirement system stays solvent and is able
18 to pay those benefits.

19 These related benefits numbers also
20 include the group benefits and that's
21 elected by the employees. I do believe
22 there's gonna be an increase in those costs
23 in this fiscal year, as well. I think --
24 they -- they operate on a calendar year, so
25 I think some of those premiums are going to

1 time that samples are tested or analyzed
2 that relate to a trust fund -- or, an
3 underground storage tank site, then it's
4 charged out to the program.

5 This is the other charges category. A
6 lot of the more professional services-type
7 vendors, we actually charge to this category
8 now. So we have the tank operator training,
9 the evaluation, the compliance inspections.
10 We're still working with the same vendor in
11 fiscal '20 that we had previously for those.
12 The attorney's fees, that's for the ongoing
13 litigation. They totaled about half a
14 million dollars in fiscal '19. Then our
15 court reporter cost. And then the actuary
16 was 41,000, again, for fiscal '19. We do
17 still have some outstanding work items on
18 that contract. I think we're probably going
19 to amend it to change, I guess, some of the
20 work that they do, but I'm not sure what
21 other changes that would bring. And then
22 some court cost with the 19th JDC.

23 MR. McCARTNEY:

24 What was the total for those
25 actuaries, do you -- do you know that

1 increase, both the employee's share and the
2 state's share, beginning of January.

3 Travel and training. These are some
4 minor costs. We spent 6,800 in fiscal '19.
5 It was an increase, but, again, a fairly --
6 fairly insignificant expenditure category.
7 That's some instate travel, anything
8 overnight. I know Jeff and Gary went
9 recently up to North Louisiana to observe
10 some work and site and they had to stay,
11 because it was a four-hour drive, so they
12 stayed. And -- and those -- those cost go
13 in there.

14 Our operating services, there was a
15 slight decrease, but they've stayed pretty
16 steady. That includes the list mentioned
17 below, some supplies, dues, our vehicle
18 maintenance, et cetera.

19 Professional services is a very small
20 category. There was a 26 percent increase,
21 but again, from 950 to 1,200. We have two
22 labs -- well, we have at least two labs on
23 contract and they -- they analyze our
24 samples. That's work that's outsourced that
25 used to be within the department. But any

1 number?

2 MS. DELAFOSSE:

3 That was the total so far for --

4 MR. McCARTNEY:

5 I'm talking about for --

6 MS. DELAFOSSE:

7 -- fiscal '19.

8 MR. McCARTNEY:

9 -- beginning until now.

10 MS. DELAFOSSE:

11 That's it. That's it so far.

12 MR. McCARTNEY:

13 41,000?

14 MS. DELAFOSSE:

15 Yes. The contract was around 100,000.

16 MR. BAKER:

17 Around 113,000, but there's --

18 MS. DELAFOSSE:

19 113,000 was the contract.

20 MR. BAKER:

21 -- there's a phase one and a phase
22 two. Phase one was what they've done so
23 far. Phase two was looking at long-term
24 projects, long-term sites, things that we
25 could do to help reduce the cost and things

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1 of that nature, and some other ancillary
2 things we were gonna get them to work with
3 us on.
4 MS. DELAFOSSE:
5 And they were -- yes, they were maybe
6 gonna look at the above ground tanks.
7 MR. BAKER:
8 That was another thing --
9 MS. DELAFOSSE:
10 We're still gonna have to -- we're
11 gonna have to meet with them to work out
12 what those things will look like. And,
13 hopefully, we'll have a -- more of an update
14 as to what their objectives are going to be
15 and what the -- the rest -- the remainder
16 of their work will be at our next board
17 meeting in November.
18 This is some information on the
19 abandoned tank work that I mentioned. We
20 did work with two vendors in fiscal year
21 2019 to complete some tank pulls.
22 Expenditures for those two sites were 75.6 -
23 - \$75,600. We're working to get liens
24 placed on the property in the amount equal
25 to our expenditures to make sure -- and --

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1 and that includes the -- what -- the work
2 that the vendors did and the work that the
3 agency did as well. So when that property
4 sells, to the extent possible, some revenue
5 will come back to us for that.
6 And then, like I mentioned, they're --
7 they're still doing some work on -- on a
8 good many sites, so I think we're going to
9 continue to see an up-tick in those
10 expenditures, as the years go by. So we'll
11 -- you know, we'll definitely spend more in
12 '20 than we did in '19. I think at some
13 point, we'll level off, but once we really
14 get up and running and at full capacity,
15 we'll see what the full -- the full volume
16 looks like.
17 I mentioned previously the attorney
18 general fees. Again, we just have the one -
19 - I believe just one case remaining. And
20 the total recovery is approximately 21
21 million.
22 We had a -- a down trend in fiscal
23 year '18 and then a slight up-tick again in
24 '19. We did sign the interagency agreement
25 with the Department of Justice for fiscal

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1 year '20 in the amount of one million
2 dollars. So the cost should not exceed one
3 million dollars in fiscal year '20. I would
4 expect that they'll be in the lower range,
5 like they've been in recent years and not --
6 they shouldn't reach the 900,000 area like
7 they have previously, because it's just the
8 one case. It's not five, six cases.
9 Other interagency transfer category,
10 that's any operating cost that we pay to
11 other state agencies. And that's why it
12 includes the rent. We did consolidate
13 within the Galvez Building and we got off a
14 floor and a half. So we will see some
15 changes there because we're not taking up as
16 much space. So we -- I think we had as an
17 agency 700,000 in savings due to that
18 annually. So some of that will trickle down
19 here.
20 The indirect costs we've discussed.
21 We have -- we do have the rate available now
22 for fiscal year '20. It stayed in -- in the
23 ballpark of the fiscal year '19 range. It
24 did increase from 60.23 percent to 62.36
25 percent. And again, we -- we use this

Page 20

1 amount to calculate the indirect rate. We
2 use the half -- half of the rate here for
3 the trust fund. We began that process in
4 fiscal year '13.
5 We've talked fairly extensively about
6 the grant revenues before. At one point, we
7 had a -- our grant award was higher in
8 fiscal year '19, but some of that was
9 related to the hurricane grants and we
10 weren't able to fully tap into those
11 revenues in '19, but hopefully, will be able
12 to in '20. So that -- that's reflected in
13 those numbers, those changes.
14 So again, we've had some -- obviously,
15 some decreases from back in the past when we
16 were as high as 3.2 million in fiscal '12,
17 you see the change from '12 to '13 was 1.2
18 million. You know, we're down a lot closer
19 to a million now, but --
20 The tank fees, they are \$60 a tank
21 now. And we did collect -- in fiscal year
22 '18, we collected 661,000, which was an
23 increase from the previous year of about
24 eight percent. And then in '19, we
25 collected 695,000. I would expect it to

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1 stay, like I mentioned at the top, in that
2 range from 675 to 700. You know, now, I
3 guess everybody had in their head for years
4 and years, it's \$54, it's \$54. Well, now,
5 they're going to know it's \$60. And
6 hopefully, we have great success with
7 everybody paying the right amount and -- and
8 no -- not having to send anybody a bill for
9 \$6.

10 And then this is the history of the
11 transfer from the motor fuel trust fund to
12 the environmental trust fund to cover the
13 remainder of the program expenditures that
14 cannot be covered with the tank fees and the
15 grant money. I have deducted the attorney
16 general expenses, as we did in the past,
17 from each year. And you see we remained
18 right around five million from '18 to '19,
19 once we take those out.

20 And there was a decrease, again, like
21 I mentioned, in the federal revenues from
22 '18 to '19 so that did cause a slight
23 increase in the transfer, but again, it was
24 about 24,000 more, so not -- not a large
25 increase.

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1 That's all I have. Do ya'll have any
2 questions?
3 (No response.)
4 MS. DELAFOSSE:
5 I'll sit and ya'll can ask questions.
6 MR. ST. ROMAIN:
7 All right. Any -- thank you, Theresa.
8 Any other questions for Theresa or comments
9 around the financial services report?
10 (No response.)
11 MR. ST. ROMAIN:
12 All right. Well, if not, can I get a
13 motion and a second to accept the financial
14 services report, as read, or --
15 MR. FULTON:
16 Motion.
17 MR. ST. ROMAIN:
18 All right. Got a motion. Can I get a
19 second?
20 MR. McCARTNEY:
21 I'll second it.
22 MR. ST. ROMAIN:
23 All right. Thank you Gary and Joe.
24 We'll move on to the auditor status
25 report with Cy.

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1 MR. MORIN:
2 Good afternoon. If you turn to tab
3 four, it's the yellow tab. So this first
4 page of the report details currently 20 open
5 motor fuel delivery fee audits that are not
6 in our legal department.
7 As of August 6, 2019, you'll find
8 three cases are awaiting payment, of a total
9 of approximately \$1,300. This -- this was
10 assessed for unpaid motor fuel delivery fees
11 and unpaid late fees.
12 Eight cases are awaiting review.
13 Pending the final review, these represent
14 one potential assessment of approximately
15 1,200. Of this, approximately 700 -- \$975
16 has -- has been received, leaving a balance
17 of around 250.
18 We have one potential credit of
19 \$44.68. And six potential clean audits with
20 no assessment.
21 Six cases are still in progress, with
22 result to be determined and finalized. And
23 one case has been paid in full and is
24 awaiting closure.
25 Since the last meeting, we've added

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1 five new cases in -- for fiscal year '19.
2 One case -- one case that was clean with no
3 assessment has been removed and closed from
4 the list. And one case has been removed
5 from the list and referred to legal.
6 So you'll see the case that was
7 referred to legal on the next page.
8 So if there's no questions on this
9 page, we'll go ahead and turn to page two.
10 (No response.)
11 MR. MORIN:
12 So you'll see we have five cases on
13 this -- this list now. The fifth case is
14 the new case. It's only \$132.09. I do feel
15 like, once they receive a legal letter,
16 we'll probably get payment for this.
17 Although, the business is closed, so it may
18 take a little bit, but I think we'll collect
19 it.
20 The four -- the four remaining cases
21 are -- are the same status. Three cases are
22 in ODR. We have not received payments. And
23 case number two on the list, continues to
24 pay \$200 per month payments. The last one
25 was received 7/18/2019, leaving a \$3,500

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1 balance. And if payments cease, we will
2 refer this case to ODR.
3 As you can see, the total of these
4 five cases is \$103,237.29. That's including
5 motor fuel delivery fees and late penalties
6 and then you'll see any attorney's fees,
7 court cost and judicial interest just
8 beneath that, for a total remaining balance
9 of approximately \$115,000.
10 And that's it.
11 MR. ST. ROMAIN:
12 All right. Thank you, Cy.
13 MR. MORIN:
14 You're welcome.
15 MR. ST. ROMAIN:
16 Can I get a motion and second to
17 accept the auditor's status report?
18 MR. BRIGHT:
19 Motion.
20 MR. ST. ROMAIN:
21 All right.
22 MR. BURNHAM:
23 Second.
24 MR. ST. ROMAIN:
25 Thank you, guys.

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1 We'll move on to the trust fund status
2 report with Jeff Baker.
3 MR. BAKER:
4 Good afternoon. We're doing things a
5 little bit differently this time. We've
6 kinda changed some of our reports up. The -
7 - the law does naturally require us to do
8 the -- the obligation determination monthly
9 like it did last year. So, you know, now we
10 have the actuary doing those calculations
11 for us and we're going to continue to do
12 them on an annual basis. We will be -- we
13 will be providing an obligation liability to
14 the board probably in the -- either the late
15 fall or early spring each year, so ya'll
16 will have the numbers you need to make your
17 decisions and your recommendations.
18 So what we decided to do on the trust
19 fund side is, we wanted to provide ya'll
20 even more information than what we'd given
21 you before. So we kinda revamped some of
22 our reporting and it's included in your
23 packets. What I pull up here on the screen,
24 I know is very difficult to read and I
25 apologize. But I promise, except for one

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1 slide, it's in your packets. Okay? So you
2 can actually look at those numbers at your
3 leisure and see what's there.
4 The first report is a new report.
5 It's a -- it's a trust fund status overview
6 report. And it kinda goes through and gives
7 you some numbers. Up here at the top,
8 you'll see the trust fund -- these are trust
9 fund eligible sites, okay? It shows you --
10 we've basically have broken -- and you'll
11 see this trend throughout these reports.
12 We've broken these into two different
13 categories, sites that are in the corrective
14 action phase and sites that are in the
15 investigation phase.
16 Right now, we have 143 sites currently
17 in the corrective action phase. And 132 in
18 the investigation phase. And you can see
19 there the average age of those different
20 categories, and the current cost that we've
21 spent on those -- on those sites in those
22 different categories.
23 Now, below that, you'll see
24 accumulative site closures. And this is
25 going back to the beginning of the program.

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1 So, we've cleaned up 140 -- I'm sorry --
2 1,404 sites, totaling about 2,800
3 applications for over 285 million dollars.
4 The next section is the corrective
5 action approved budget summary for the
6 active sites. So this is CAPs that we have
7 right now. So for the sites that are in the
8 corrective action phase, you'll see we have
9 89 million dollars worth of CAP budgets
10 approved. We've spent approximately 71
11 million. And that leaves us with 17.8
12 million dollars remaining in CAP budgets to
13 be spent.
14 The next section down below that are
15 the sites that have been made trust fund
16 eligible in the last three years but have
17 not submitted a request for trust fund
18 reimbursement. At the end of the -- June
19 30, 2019, we had 26 sites.
20 At the end of June, we had 35 pending
21 applications for a total of 1.2 million
22 dollars, which was actually the lowest we've
23 had in quite some time at the end of a
24 quarter. We were real proud of that.
25 We have a total of 41 certified RACs

1 right now. 28 of them have active trust
2 fund sites.

3 The next category down at the bottom,
4 basically gives you the summary of
5 expenditures we've had this year. And, you
6 know, obviously for this quarter, we had --
7 we received 229 applications, totaling about
8 4.2 million dollars. We had -- 24 of those
9 applications were returned. 248 of those
10 applications were processed, where we
11 recommended approximately 3.7 million
12 dollars. We disallowed \$154,000 and we had
13 about \$67,000 in deductibles.

14 The next page is a page we've had
15 pretty much since the beginning of time.
16 The -- the only difference here is, we've
17 actually wrote it out where you can see the
18 -- the quarter -- you'll see the -- the
19 month by quarter. And one of the -- one of
20 the board members asked us to show the
21 quarters separately to make it easier for
22 ya'll to follow. This -- all the -- most --
23 the majority of this information on this
24 page was actually shown in the summary
25 overview.

1 dollars in investigation, 7.1 in interim
2 monitoring cost and about 8.8 million
3 dollars in reporting. And then, we've spent
4 a total of 99 million dollars.

5 Now, the difference -- if you total up
6 that column, it doesn't come up to 99
7 million dollars. The difference is the
8 corrective actions cost. And also, we
9 didn't always keep things -- didn't always
10 track things in those categories. If these
11 are older sites, the dollars aren't going to
12 totally come up to the same -- to -- you --
13 you're not going to get a dollar to dollar
14 match there, but it's close. Anything
15 before, I think, 2007, we didn't keep track
16 of in these costing categories. So all we
17 really had was a total reimbursement.

18 But the majority of that difference is
19 the corrective action expenditures you
20 see over here to the right, on this
21 category, where it shows CAP reimbursement.
22 So that's where the majority of that
23 difference is.

24 So what you see is, we have 17.8
25 million dollars left in CAP expenditures to

1 This next page -- if you go to the
2 next page -- is the -- kinda the summary of
3 -- of what's happened with the fund since
4 the beginning of time.

5 You'll see at the top, we've processed
6 almost 37,000 applications -- we received
7 37,000 and we -- and we processed about the
8 same amount.

9 You'll see the total expenditures.
10 You can see the -- down at the bottom,
11 you'll see the total expenditures by -- by
12 fiscal year, and you'll see we grouped '89
13 to -- to 2009 in one -- on one -- one row,
14 just because we ran out of room on the
15 report.

16 But that kinda gives you an idea of
17 the trust fund historically.

18 On the next page, this is kinda a
19 summary of what's going on with our
20 corrective actions sites. You'll see as we
21 showed on the first page, we have 143 of
22 those sites. If you'll look down below
23 that, you'll see the costing categories. Of
24 those 143 sites, we've spent about \$640,000
25 on emergency cost, about 10.6 million

1 be spent. But also, you'll see here, we
2 tried to go through and do something a
3 little bit different. We've never done this
4 before. You see, we have the total current
5 reimbursements, we have the CAP budgeted
6 remaining and then we have the RAC estimated
7 cost beyond approved. So in other words, to
8 get to -- to closure, the RACs estimate how
9 long it's going to take to -- to -- what
10 it's going to take to get to closure. They
11 submit two-year budgets. And this is beyond
12 the two-year point.

13 So we've got 9.3 million dollars
14 there. And if you total all of that up, we
15 come up to 126 million dollars, is what
16 we're estimating we're going to spend on
17 those 143 sites. If you -- if you average
18 that out, that means we're going to spend an
19 average of \$883,000 to clean up those sites
20 in corrective action plan -- corrective
21 action plans.

22 Now, compared to our total average,
23 which includes sites that don't make it into
24 corrective action, you see that number right
25 there, we've got \$285,000 is our overall

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1 average. So it shows you, if they get to
2 corrective action, our cost are going to be
3 much higher.
4 The next few pages are actually a
5 breakdown of the -- the -- the last page I
6 showed you. You'll see the totals at the
7 top that were included on that previous
8 page. What this is, is this is basically a
9 breakdown of each individual site that go
10 into that corrective action category. So if
11 you have a site there, you can look it up
12 and you can see what you've expended -- what
13 -- what's been expended at that point. See
14 the number of applications. You can see the
15 -- the date the first app was received, the
16 last app was received, total recommended
17 amount. And then, you'll also see the cost
18 categories. We have total emergency
19 investigation, interim monitoring and so on.
20 You'll also see the corrective action
21 budgets, how much has been spent. And you
22 can see the parish and the region that it's
23 in.
24 And this is just given to ya'll for
25 your information -- informative purposes.

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1 Now, if you go -- now, again -- again,
2 you'll go to another section. And another
3 section is the in -- the sites in the
4 investigation phase. And that's again, a
5 breakdown of each individual site in the
6 investigation section. And you'll -- same
7 information is -- is on this chart as on the
8 previous one. And you'll see the total.
9 And I'm going to show ya'll those on the --
10 on the next page. But this is just to give
11 ya'll an overview of the sites we have.
12 The next section is -- again, it's an
13 overview, a total of what was on those
14 individual pages for the sites in the
15 investigation. And you can see, we have --
16 we've spent 158 -- \$157,000 approximately on
17 emergency cost for those 132 sites, about
18 5.9 million investigation cost, 2.4 in
19 interim monitoring, 2.6 in report cost and
20 about 789,000 on interim corrective actions.
21 We have about 112,000 pending. If you total
22 all that up, it comes up to 11. -- 11.1
23 million, and the average cost, right now, of
24 \$84,000. Now, I want to caution ya'll,
25 that's right now. That's where we are at

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1 the end of June 2019, that's the
2 expenditures on these sites. All of these
3 sites are still being investigated, could go
4 into corrective action, may not. But that's
5 kinda where we are on these sites right now.
6 If anybody has got any questions, stop
7 me as we go. I know I'm throwing a lot of
8 data at you, but again, it's in your -- in -
9 - it's on -- it's in your packets, so just
10 take a look at that. You can't -- you can't
11 see it on the screen. I know it's kinda
12 small.
13 Now, this is a new report. Actually,
14 I'm kinda excited about presenting the data
15 like this. Theresa is laughing at me over
16 here.
17 MS. DELAFOSSE:
18 Yes. He was excited about it.
19 MR. BAKER:
20 What we tried to do is, again, we're
21 trying to give ya'll more information. And
22 what we tried to do is we tried to break the
23 data we have into two different directions,
24 the corrective action sites and the
25 investigation sites. And then we tried to -

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1 - to group it by the region. So here, you
2 can look at the region and you can see how
3 many sites are in Acadia Region. This is a
4 -- a DEQ Region, the Acadia Region. You can
5 see we have 24 sites in that region that are
6 in the corrective action phase and we have
7 39 sites in the investigation phase, with a
8 total of 63 sites. Under the corrective
9 action phase, you'll see, we've spent almost
10 20 million dollars on those 24 sites and
11 their average age is 14 and a half years.
12 In the investigation, we've spent 3.3
13 million and their average age is 4.4. And
14 if you look at the total, we've got -- we've
15 spent a total of 23.3 million, with an
16 average age of 8.3. So you can look in the
17 -- in each -- in each individual region and
18 kinda get a feel for where we're spending
19 our money throughout the state and what's --
20 what's going on.
21 If you go to the next page, this one
22 is the same data, but it's grouped a little
23 differently. What I did was, is I grouped
24 the data with sites that are less than two
25 years old, two to five years old, five to

1 ten years old and greater than ten years
2 old.
3 Now, the -- the way we calculate the
4 age is, we basically take the -- the time
5 difference between the first application
6 received and the report date. So we're not
7 actually going back to when the incident
8 occurred. We're actually looking at when
9 the trust fund has been paying out on these
10 sites.

11 And recognize that some of these ages
12 can be a little bit confusing too, because
13 some of these sites have multiple incidents
14 and if we're cleaning one incident and don't
15 clean the first one up before we get to the
16 next one, then the time span can get
17 stretched out over time, so --

18 But if you'll see here -- so, if you
19 look in the corrective action phase, you
20 kinda see what you'd expect, the site count
21 increases as you go in time. So, you know,
22 we really only have a couple of sites, three
23 in the corrective action phase, that are
24 less than two years old, but we have 91 that
25 are greater than ten, which is kinda what

1 (No response.)
2 MR. BAKER:
3 Now, this one is kinda telling a tale
4 about the trust fund. This is our metrics.
5 It kinda shows you what we've done over the
6 last five years, the applications we've
7 received and then the average -- our average
8 process time. As you can see, we kinda had
9 a problem in '16 and '17. We -- we had a
10 flood locally that kinda impacted us and we
11 also had some -- some new staff that we were
12 training and it -- it -- it kinda -- it had
13 an impact on us, but we're working to
14 improve that and we had some -- we had great
15 improvement last year and we -- we're doing
16 some things this year we think will even
17 improve it more. It kinda gives you an idea
18 of the cost per application and the total
19 reimbursement for each year.

20 Anybody have any questions about that
21 one?

22 (No response.)

23 MR. BAKER:

24 The next page -- again, this is a new
25 -- new chart. What we tried to do is by --

1 you'd expect.
2 MS. DELAFOSSE:

3 And -- and I -- when Jeff sent these
4 to me a few weeks back, I pointed out too
5 that greater than ten, the average site age
6 is 17 and a half years. So that's -- you
7 know, they're not even just 10, 11, 12.
8 That's some old -- those -- those sites have
9 been out there quite -- quite some time,
10 those 91 sites.

11 MR. BAKER:

12 That's right. So -- and if you'll
13 look at the investigation phase, you'll see
14 the inverse. You'll see that we have 65
15 sites that are less than two years. And as
16 you stretch out the ten, we've only got --
17 we have 19 sites that are greater than ten
18 that are still being investigated.

19 And then you can see the total count,
20 where you see we have 110 sites that are
21 greater than ten years that we've spent
22 about -- as you would expect, we've spent a
23 lot of money on those sites. And our
24 average age is 17.2.

25 Anybody have any questions about that?

1 by each fiscal year, over the last five
2 years, we tried to show the total
3 expenditures out of the trust fund for these
4 reporting categories, emergency,
5 investigation, air monitoring and so on.
6 And then down below, we've listed the
7 percentages of the total. So you can see on
8 an average over the last five years, we
9 spent .3 percent on emergency work, 14 and a
10 half percent on investigation, 6.3 percent
11 on interim monitoring, nine and a half on
12 reporting and 69 and a half on corrective
13 action, which is what you would expect based
14 upon the numbers we seen earlier in -- in
15 this report.

16 Anybody got any questions about that
17 one?

18 (No response.)

19 MR. BAKER:

20 Now, this is a report that some of the
21 board members have asked me about. It's
22 dealing with sites that we have made
23 eligible for the trust fund. And we -- we
24 always do a compliance review when we make
25 them eligible. And that depend -- that --

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1 that relates to whatever the deductible is
2 gonna be. And going from 2011 to now, what
3 you'll see, we -- what we did was, we listed
4 the sites that were in compliance, ones that
5 were out of compliance and others. Others
6 are ones that we made eligible in that year,
7 but actually they were older incidents that
8 the deductible question related to
9 compliance didn't apply. So that's why we
10 have a separate category for that. And then
11 you see the total incidents. And then you
12 see the percentage of in compliance and out
13 of compliance.
14 Now, I want you to notice, back in
15 2011, 2012, our out of compliance sites were
16 about 70 percent, on average. But if you
17 look at 2018 and 2019, we're closer to 35
18 percent. That's a pretty distinct
19 difference. And I think the work that Sam
20 has done with the compliance inspections, I
21 think that tells the tale that that's being
22 very successful.
23 Any questions on this?
24 (No response.)
25 MR. BAKER:

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1 Okay. Now, the next one, this is a
2 report that we -- we have been providing for
3 a while. This is the sites that we've --
4 that Gary's group has NFA'd. We -- we keep
5 a running total. But this is for the entire
6 year. We -- we NFA'd -- or, Gary's group
7 NFA'd 42 sites that were trust fund sites
8 this year. The average cost of those was
9 \$274,000. And we list each one of them for
10 your review.
11 If you'll go to the next page. This
12 page is a list of sites that were determined
13 to be eligible. And it list the -- the AI
14 and it list the incident number and the
15 eligibility date. During this fiscal year,
16 we had 45 sites that were made eligible,
17 which reflected 54 separate incidents.
18 Anybody have any questions on these
19 reports?
20 (No response.)
21 MR. BAKER:
22 Now, the next one is actually not in
23 your packets. This is one that Theresa
24 asked me yesterday if there was anything
25 else that I wanted her to add to hers. And

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1 I came up with this. And she said, "Well, I
2 don't think that fits mine." I said, "But I
3 like it. So we're going to" -- "going to do
4 it."
5 And it's kinda --
6 MS. DELAFOSSE:
7 It's a true story.
8 MR. BAKER:
9 It's a true story.
10 So I'm -- I'm -- again, I'm sorry the
11 numbers are so small. But what this is,
12 this is the average reimbursed amount by
13 agency interest, in other words, site, by AI
14 number, processed in a fiscal year. So what
15 you're seeing is, is this -- you've got
16 fiscal years. And this is the number of
17 AI's that we paid out on, so the trust fund
18 paid for. So in 2010, we paid out on 451
19 sites. Okay? And in 2019, we paid out on
20 260. Okay? Then you see the average
21 reimbursement by the site and you see the
22 average -- that's total reimbursement -- and
23 then you see the average corrective action
24 cost reimbursement by site. And as you can
25 see, those numbers are growing. Back in

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1 2010, our average reimbursement -- our total
2 reimbursement per site was 35 -- 34.6
3 million dollars -- 34.6 thousand dollars per
4 -- per site. And in 2019, it was
5 approximately 54,000. So you can see there
6 was growth there. And again, for the
7 average CAP, you can see the numbers went
8 from 43,000 up to 78,000.
9 So as you look at those numbers, you
10 know, it kinda gives you an idea of what
11 we're looking at.
12 MS. DELAFOSSE:
13 And they're on the graph to the right
14 too. So you can see the gray line at the
15 top is the CAP --
16 MR. BAKER:
17 Total.
18 MS. DELAFOSSE:
19 -- right? Yes.
20 MR. BAKER:
21 No. That's total.
22 MS. DELAFOSSE:
23 Oh, total. Sorry.
24 MR. BAKER:
25 No. You're right. That's CAP.

1 That's CAP.
2 MS. DELAFOSSE:
3 Say that again.
4 MR. BAKER:
5 That's -- you've got total -- total
6 average. And then this is for the sites
7 with CAP.
8 So not all sites have CAP, have
9 corrective actions. So that CAP number can
10 be high.
11 So -- so do ya'll -- so ya'll kinda
12 get an idea -- the idea is that our cost are
13 increasing, you know. And the next
14 questions I know is why. You know, you can
15 break that up to a lot of different things.
16 We're not -- we're moving more and more
17 sites in to the corrective action. That's
18 gonna bring a lot of those cost up.
19 Percentage-wise, I think, our sites in
20 corrective action now are higher than they
21 were back in 2010. Also, the cost of
22 cleaning these sites up are going up. I
23 know when I started around 2012, the average
24 system was running 85 to \$95,000. Now, it
25 can run 130 to 150,000. So for similar

1 It looks like a lot -- a lot of work
2 went into that.
3 Can we get a -- a first and second to
4 accept the trust fund status report?
5 MR. FULTON:
6 Motion to accept.
7 MR. McCARTNEY:
8 Second.
9 MR. ST. ROMAIN:
10 All right. Thank you.
11 With that, we'll move on to third
12 party claim status. I see it says Perry
13 Theriot, but I don't see Perry here, so --
14 MR. WILLIAMS:
15 No. Perry is not here. My name is
16 Brandon Williams. I'm -- I work with Perry.
17 I'm regional counsel out of our Pineville
18 office --
19 MR. ST. ROMAIN:
20 Okay.
21 MR. WILLIAMS:
22 -- so it was shorter drive for me than
23 -- than it was for Perry today.
24 But Perry asked me just to report to
25 ya'll, that there has been no new third

1 system -- RAC's ya'll -- I mean, am I in the
2 ballpark?
3 MR. BRIGHT:
4 Yes.
5 MR. BAKER:
6 So, you know, these -- these are
7 things that are driving the cost up. So we
8 wanted to kinda give ya'll a picture of what
9 we were looking at.
10 Anybody have any questions about that?
11 (No response.)
12 MR. BAKER:
13 And that's -- that's it for me. So
14 does anybody have any overall questions?
15 (No response.)
16 MR. BAKER:
17 Well, thank ya'll.
18 MR. ST. ROMAIN:
19 All right. Thank you, Jeff. Thanks
20 for the extensive report. And a lot of data
21 there, good data, different breakdowns,
22 different ways, so I appreciate that.
23 MR. BAKER:
24 Hey, I'm a data nerd. I know.
25 MR. ST. ROMAIN:

1 party suits since the last meeting and --
2 and no new settlements. So if anybody has
3 any specific questions they'd like me to
4 take back to him, I'd be more than happy to
5 do so.
6 MR. ST. ROMAIN:
7 Any questions from anyone on third
8 party claims?
9 (No response.)
10 MR. ST. ROMAIN:
11 All right. Well, we'll move on. Can
12 we get a first and second to accept that
13 report?
14 MR. McBRIDE:
15 Move.
16 MR. ST. ROMAIN:
17 Thank you, Nathan.
18 MR. HILL:
19 Second.
20 MR. ST. ROMAIN:
21 All right. Thank you, Kerry.
22 With that, we'll move on to other
23 business. Does anybody have any other
24 business to bring up?
25 (No response.)

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1 MR. ST. ROMAIN:
 2 Oh, and I -- I'll just -- I'll just
 3 add in on the other business, was just, I
 4 wanted to recognize the decision of Dr.
 5 Brown for the motor fuel delivery fee to
 6 remain at .008 for this fiscal year. I just
 7 wanted -- in case anybody hadn't got the
 8 memo, that's -- that's where it ended up.
 9 Any questions around that?
 10 (No response.)
 11 MR. ST. ROMAIN:
 12 All right.
 13 MS. DELAFOSSE:
 14 And I was gonna say, relevant to that,
 15 we are going to meet with the actuarial firm
 16 to discuss what deliverables we have in the
 17 current contract. And hopefully, we can
 18 adjust those a little to make sure we
 19 include an updated valuation number with the
 20 2019 numbers. Like Jeff mentioned, I -- I
 21 don't -- we could probably have that for
 22 November. Because again, it's not a whole
 23 lot. I mean, they did it through fiscal
 24 '18. So it's not -- they're not reinventing
 25 the wheel or, you know, analyzing our data

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1 from square one.
 2 So hopefully, that's something we can
 3 work with them and get that amended and --
 4 and definitely have it for February, if not
 5 for November. So hopefully, we'll have
 6 better information earlier so we can, you
 7 know, use the -- the authority that was
 8 given to the board to make a recommendation
 9 to Dr. Brown with -- with a fuller picture
 10 and, you know, more better information, and
 11 more complete information and timely
 12 information. So --
 13 MR. ST. ROMAIN:
 14 Okay. That'll be great.
 15 All right. Thank you. Any -- any
 16 other business or questions?
 17 (No response.)
 18 MR. ST. ROMAIN:
 19 All right. With that, I guess, we'll
 20 move to close the meeting. The -- the next
 21 meeting is November 14th and that's back in
 22 Baton Rouge at the DEQ office. So can we
 23 get a motion to adjourn?
 24 MR. HILL:
 25 I make a motion to adjourn.

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1 MR. ST. ROMAIN:
 2 Thank you, Kerry.
 3 MR. McCARTNEY:
 4 I'll second.
 5 MR. ST. ROMAIN:
 6 All right, Joe.
 7 Thank you, guys. I appreciate it.
 8 THE MEETING ADJOURNED AT 1:48 P.M.
 9 * * * * *

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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
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Lori Overland, C.C.R.
 # 97083

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

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

23 _____
24 Lori Overland C.C.R.

25 # 97083

<p style="text-align: center;">\$</p> <p>\$1,300 (1) 23:9</p> <p>\$103,237.29 (1) 25:4</p> <p>\$115,000 (1) 25:9</p> <p>\$132.09 (1) 24:14</p> <p>\$154,000 (1) 29:12</p> <p>\$157,000 (1) 34:16</p> <p>\$200 (1) 24:24</p> <p>\$274,000 (1) 42:9</p> <p>\$285,000 (1) 32:25</p> <p>\$3,500 (1) 24:25</p> <p>\$44.68 (1) 23:19</p> <p>\$54 (2) 21:4,4</p> <p>\$6 (1) 21:9</p> <p>\$60 (2) 20:20;21:5</p> <p>\$640,000 (1) 30:24</p> <p>\$67,000 (1) 29:13</p> <p>\$75,600 (1) 17:23</p> <p>\$84,000 (1) 34:24</p> <p>\$883,000 (1) 32:19</p> <p>\$95,000 (1) 45:24</p> <p>\$975 (1) 23:15</p>	<p>27:24</p> <p>accurately (1) 10:16</p> <p>action (21) 27:14,17;28:5,8; 31:19;32:20,21,24; 33:2,10,20;35:4,24; 36:6,9;37:19,23;40:13; 43:23;45:17,20</p> <p>actions (4) 30:20;31:8;34:20; 45:9</p> <p>active (2) 28:6;29:1</p> <p>actually (11) 15:7;27:2;28:22; 29:17,24;33:4;35:13; 37:7,8;41:7;42:22</p> <p>actuarial (1) 49:15</p> <p>actuaries (1) 15:25</p> <p>actuary (3) 9:7;15:15;26:10</p> <p>add (2) 42:25;49:3</p> <p>added (1) 23:25</p> <p>adjourn (2) 50:23,25</p> <p>ADJOURNED (1) 51:8</p> <p>adjust (1) 49:18</p> <p>administration (1) 8:18</p> <p>adopt (2) 6:3,6</p> <p>adopted (1) 6:14</p> <p>adoption (1) 6:2</p> <p>Advisory (1) 4:6</p> <p>afternoon (2) 23:2;26:4</p> <p>Again (26) 7:22;10:11;11:3,16; 12:15,22;14:5,21; 15:16;18:18,23;19:25; 20:14;21:20,23;34:1,1, 4,12;35:8,20;39:24; 43:10;44:6;45:3;49:22</p> <p>age (7) 27:19;36:11,13,16; 37:4;38:5,24</p> <p>agencies (1) 19:11</p> <p>agency (3) 18:3;19:17;43:13</p> <p>ages (1) 37:11</p> <p>agreement (1)</p>	<p>18:24</p> <p>ahead (2) 4:3;24:9</p> <p>AI (2) 42:13;43:13</p> <p>air (1) 40:5</p> <p>AI's (1) 43:17</p> <p>allows (1) 13:1</p> <p>almost (2) 30:6;36:9</p> <p>Although (1) 24:17</p> <p>always (3) 31:9,9;40:24</p> <p>amend (1) 15:19</p> <p>amended (1) 50:3</p> <p>amount (9) 11:23;13:13;17:24; 19:1;20:1;21:7;30:8; 33:17;43:12</p> <p>analyze (1) 14:23</p> <p>analyzed (1) 15:1</p> <p>analyzing (1) 49:25</p> <p>ancillary (1) 17:1</p> <p>and/or (3) 52:5,12,17</p> <p>annual (1) 26:12</p> <p>annually (1) 19:18</p> <p>apologize (2) 6:18;26:25</p> <p>app (2) 33:15,16</p> <p>application (2) 37:5;39:18</p> <p>applications (10) 12:4,11;28:3,21; 29:7,9,10;30:6;33:14; 39:6</p> <p>apply (1) 41:9</p> <p>appreciate (2) 46:22;51:7</p> <p>approved (3) 28:5,10;32:7</p> <p>approximately (11) 8:20;9:3;18:20;23:9, 14,15;25:9;28:10; 29:11;34:16;44:5</p> <p>area (1) 19:6</p> <p>around (8) 12:12;16:15,17;</p>	<p>21:18;22:9;23:17; 45:23;49:9</p> <p>Article (1) 52:5</p> <p>assessed (1) 23:10</p> <p>assessment (3) 23:14,20;24:3</p> <p>Associates (1) 4:23</p> <p>Association (2) 5:1,7</p> <p>attention (1) 8:11</p> <p>attorney (2) 18:17;21:15</p> <p>attorney's (2) 15:12;25:6</p> <p>Audit (1) 5:12</p> <p>auditor (1) 22:24</p> <p>auditors (1) 10:13</p> <p>auditor's (1) 25:17</p> <p>audits (3) 10:13;23:5,19</p> <p>August (1) 23:7</p> <p>authority (1) 50:7</p> <p>available (1) 19:21</p> <p>average (24) 27:19;32:17,19,22; 33:1;34:23;36:11,13, 16;38:5,24;39:7,7; 40:8;41:16;42:8;43:12, 20,22,23;44:1,7;45:6, 23</p> <p>awaiting (3) 23:8,12,24</p> <p>award (1) 20:7</p>	<p>ballpark (2) 19:23;46:2</p> <p>based (2) 9:8;40:13</p> <p>basically (4) 27:10;29:4;33:8; 37:4</p> <p>basis (1) 26:12</p> <p>Baton (1) 50:22</p> <p>began (1) 20:3</p> <p>beginning (5) 14:2;16:9;27:25; 29:15;30:4</p> <p>below (5) 14:17;27:23;28:14; 30:22;40:6</p> <p>beneath (1) 25:8</p> <p>benefits (5) 13:4,6,18,19,20</p> <p>better (2) 50:6,10</p> <p>beyond (2) 32:7,11</p> <p>Bill (2) 8:13;21:8</p> <p>bit (4) 24:18;26:5;32:3; 37:12</p> <p>Board (8) 4:6;6:3;8:14;17:16; 26:14;29:20;40:21; 50:8</p> <p>both (1) 14:1</p> <p>bottom (6) 8:23;9:13;13:9,10; 29:3;30:10</p> <p>Brandon (3) 4:12;12:19;47:16</p> <p>break (2) 35:22;45:15</p> <p>breakdown (3) 33:5,9;34:5</p> <p>breakdowns (1) 46:21</p> <p>BRIGHT (4) 4:20,21;25:18;46:3</p> <p>bring (3) 15:21;45:18;48:24</p> <p>broken (2) 27:10,12</p> <p>brought (1) 10:6</p> <p>BROUSSARD (2) 5:17,18</p> <p>Brown (3) 12:23;49:5;50:9</p> <p>budget (1) 28:5</p>
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