STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MOTOR FUELS UNDERGROUND STORAGE TANK TRUST

FUND ADVISORY BOARD

The above-entitled meeting was held at the LDEQ, Galvez Building, Conference Center, 602 North 5th Street, Baton Rouge, Louisiana, beginning at 1:09 p.m., on February 22, 2018.

BEFORE:

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

APPEARANCES

Kerry Hill Chairman

Durwood Franklin
Jeff Baker
Gary Fulton
Cy Morin
Johnny Milazzo
Perry Theriot
Nick St. Romain
Steve Burnham
Roger Bright, via telephone
Joe McCartney
Lacey Vitteri

Melissa Vizinat
Sam Broussard
Jason Efferson
Trey Kemp
Todd Perry
Roman Vixon
Fran Falke
Jill Carter
Kyle Blanchard
Vicky Hadlin

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EXAMINATION:	PAGE(S)

None

EXHIBITS:

None

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* * * * *

1	* * * *
2	MR. HILL:
3	I'd like to call this meeting to
4	order. Good evening, Ladies and Gentlemen.
5	Could we have a roll call and consideration
6	and adoption of the November 2017 board
7	minutes. Starting with Durwood.
8	MR. FRANKLIN:
9	Durwood Franklin, DEQ Trust Fund.
10	MR. BAKER:
11	Jeff Baker, DEQ Trust Fund.
12	MR. FULTON:
13	Gary Fulton, Underground Storage Tank
14	Division.
15	MR. THERIOT:
16	Perry Theriot, Legal Division.
17	MR. BURNHAM:
18	Steve Burnham, Engineering Associates.
19	MR. MILAZZO:
20	Johnny Milazzo, Louisiana Oil
21	Marketers and Convenience Store Association.
22	MR. HILL:
23	Kerry Hill, Louisiana Oil Marketers
24	and Convenience Store Association.
25	MR. ST. ROMAIN:

```
1
                Nicholas St. Romain, Louisiana Oil
 2
          Marketers and Convenience Store Association.
 3
          MS. VIZINAT:
 4
                Melissa Vizinat, Trust Fund.
 5
          MR. MORIN:
                Cy Morin, DEQ Audit.
          MS. VITTERI:
 7
 8
                Lacey Vitteri, Financial Services.
 9
          MR. VIXON:
10
                Roman Vixon, PPM Consultants.
          MR. PERRY:
11
12
                Todd Perry, PPM Consultants.
13
          MS. FALKE:
14
               Fran Falke, DEQ.
          MR. BROUSSARD:
15
16
                Sam Broussard, DEQ UST Division.
17
          MS. CARTER:
18
                Jill Carter, DEQ Legal Division.
19
          MR. KEMP:
20
                Trey Kemp, DEQ Trust Fund.
21
          MR. EFFERSON:
22
                Jason Efferson, DEQ Trust Fund.
23
          MR. BLANCHARD:
24
              Kyle Blanchard, UST Division.
25
          MS. HADLIN:
```

```
1
                Vicky Hadlin, UST Division.
          MR. BAKER:
 2
 3
                And on the phone.
          MR. BRIGHT:
 4
 5
               Roger Bright, Jones Environmental.
 6
          MR. HILL:
 7
                I think that's everyone. Thank ya'll.
                Let's move to item number three,
 9
          election of chairperson for 2018.
10
          (An off-the-record discussion followed.)
          MR. HILL:
11
                Oh, let's adopt -- I'm sorry. We'd
12
13
          like to adopt the minutes from the November
14
          2017 board meeting. Do I hear a motion?
15
          MR. FULTON:
16
               Motion.
17
          MR. HILL:
18
                I've got a motion by Gary. Second?
19
          MR. MILAZZO:
20
                Second.
21
          MR. HILL:
                Second by Johnny. So moved. Thank
22
23
          you.
                Now, let's go to item number three,
24
          election of chairperson for the calendar
25
```

```
1
          year 2018. Do we hear a nominee?
 2
          MR. MILAZZO:
 3
                 I'd like to -- Kerry, if you would
 4
          consider -- you've been -- you've done a
 5
          great job. I know it's a lot of travel.
          MR. BURNHAM:
 7
                 I agree with that.
          MR. MILAZZO:
 8
 9
                But my nomination is to re-elect Kerry
10
          Hill, if he's willing to accept.
          MR. HILL:
11
12
                I will accept it, Johnny.
13
          MR. BURNHAM:
14
                And I second that motion.
15
          MR. HILL:
16
               All in favor?
17
          (All indicated "aye".)
18
          MR. HILL:
19
                So moved. And we will continue on.
20
          And Johnny will be the vice-chairperson.
21
          MR. MILAZZO:
22
                At least I'd know what I'm getting
23
          into, right?
24
          MR. HILL:
```

If you will, let's go to number four,

```
the financial services report with Theresa,
1
          which I don't think is here.
2
 3
         MS. VITTERI:
                I'm taking her place. She's at a
 4
         meeting.
 5
          MR. HILL:
 6
                And you're going to replace her.
 7
          MS. VITTERI:
 8
                Yes.
 9
          MR. HILL:
10
                Okay. Well, it's all yours.
11
          MS. VITTERI:
12
                All right. Hi everyone. I'm Lacey
13
          Vitteri. I'm an accountant in financial
14
          services, and I prepare these quarterly
15
          reports, which are presented to you at these
16
          financial meetings.
17
                I'd like to begin by explaining why
18
          this report is only two columns compared to
19
          previous quarters which had three columns.
20
                As Theresa discussed, at the November
21
          board meeting, we have changed the
22
          presentation of financial statements to
23
          exclude the interest amounts that are
24
          dedicated to the abandoned tank program.
25
```

1	This includes all interest beginning July
2	1st, 2001. Because the interest is no
3	longer included in the trust fund balance or
4	the unobligated balance, we were able to
5	simplify the financials and remove the third
6	column which previously added in the
7	interest, which is now shown in the second
8	column of this report.

The interest total as of the second quarter of this fiscal year was 6.7 million. The amount Theresa discussed previously was approximately 11 million. The 11 million represented interest earned since the program was created. However, in reading the statute, we realized the only interest earned beginning July 1st, 2001 was dedicated to the abandoned tank program. So we isolated that interest amount in a separate column and removed it from the total to ensure the proper amount was shown that's available for that program.

Now, I'll discuss the reports for the second quarter of fiscal year 2018. You may want to turn to tab four to follow.

As you can see, when comparing the

center report to the report on the right, we 1 have collected approximately the same amount 2 of bulk distribution fees for the first two 3 quarters with a slight increase of two 4 hundred thousand. Moving down to the other 5 receipts line, you'll see that we did not 6 have a transfer for the DOJ for attorney 7 fees in the first two quarters of fiscal 8 year 2018, because the remaining funds for 9 the attorney general's escrow was 10 transferred in fiscal year 2017, as shown in 11 the report on the left. 12

In the disbursement section, you'll see that we have seen an increase in year-to-date claims for reimbursements of approximately one million.

And last, you'll see at the bottom of the report that the liabilities on current sites have remained about the same and is around 80 million. You'll hear more from Jeff on this.

The unobligated balance has increased to approximately 23.5 million, as of December 31, 2017. However, I believe the board has discussed a legislative solution

13

14

15

16

17

18

19

20

21

22

23

24

1	to correct the issue in the future.
2	The second page of the report includes
3	a projection of the transfer from the trust
4	fund to the ETF to cover administrative
5	expenses for both current fiscal year and
6	next fiscal year.
7	We expect the amount to stay fairly
8	steady over the next few years, barring any
9	unforeseen changes to federal funding or
10	other revenues.
11	Unfortunately today, we will not have
12	a power point presentation. Theresa had to
13	attend a meeting at the Capital and due to
14	other work priorities we were unable to
15	complete the power point report for this
16	quarter's meeting. This will resume at the
17	May board meeting.
18	If you have any questions or topics
19	you'd like Theresa to cover, please let me
20	know or send her an email. We apologize for
21	any inconvenience. Thank you.
22	MR. HILL:
23	Thank you. Does anybody have any
24	questions?
25	(No response.)

1	MR. HILL:
2	Thank you very much.
3	Let's go on to item number five, the
4	auditor's status report by Cy.
5	MR. MORIN:
6	Cy Morin, DEQ Audit.
7	Tab five is where my report will be
8	located.
9	This is as of February 14th. The
10	first page of the report details 20 open
11	motor fuel audit cases as of February 14th.
12	One case resulted in a credit of
13	\$579.61, due to a miscalculation for five
14	months. We're waiting on this credit
15	deduction from a current payment and we will
16	be able to close the case file.
17	Eleven cases are awaiting review.
18	Pending final review, there's one potential
19	credit of \$4,419.06, and ten potential clean
20	audits. Six cases are currently still in
21	progress with the results to be determined.
22	And two fiscal year cases are scheduled.
23	One for February 27th and one for March
24	27th.
0.5	cinco the last meeting, three new

2	cases have been closed and removed from the
3	list.
4	Of the six removed, five were clean
5	audits and one was assessed approximately
6	\$4,000, which was paid in full.
7	Any questions on this page?
8	(No response.)
9	MR. MORIN:
10	The second page is the same four cases
11	in legal that we've discussed many times
12	before. The first case and the fourth case
13	on the list are now ready to go to ODR. The
14	letters have already been mailed out and
15	legal is working to get everything completed
16	on that. So those two cases will be going
17	to ODR in the very near future.

cases have been added to this list, and six

The second case, they continue to make payments on that one. There was a \$250 payment received December 4, 2017. I would expect we will get another payment soon. If not, then that will be added to the list of cases that need to go to ODR.

And the third case on the list remains the same. It's at ODR and we have received

```
1
          no payments to date.
 2
                As you can see, the four cases now
 3
          represent a total remaining balance of
 4
          $118,223.30.
 5
               Any questions?
          MR. MILAZZO:
 6
 7
                Cy, I think I may have asked this last
 8
          time. I'm not looking at those notes, but
 9
          all four of these companies are no longer in
10
          business; is that --
11
          MR. MORIN:
12
                I -- I think that's an accurate
13
          statement, yes. It's -- I can say three for
14
          certain, and I think the fourth is as well,
15
          which would be the fourth one on there.
16
          It's a more recent audit. But I do believe
17
          -- I do believe that one is as well. I'll
18
          follow up and --
          MR. MILAZZO:
19
20
                Okay.
21
          MR. MORIN:
22
                -- and make sure.
          MR. HILL:
23
24
                Does anybody have anymore questions?
25
          (No response.)
```

1	MK. HILL:
2	If not, let's go to item number six,
3	the trust fund status report by Jeff.
4	MR. BAKER:
5	Good afternoon. If ya'll turn to tab
6	six in your packets. These are the figures
7	for the second quarter of fiscal year 2018.
8	During the second quarter of fiscal
9	year 2018, the trust fund received 194
10	applications, totaling approximately 3.6
11	million dollars. As of the end of December
12	2017, the trust fund had 147 pending
13	applications to process, which have
14	requested totals of approximately 2.1
15	million dollars. 159 applications were
16	processed for payment during this fiscal
17	quarter, totaling just over three million
18	dollars. And ten applications were returned
19	with deficiencies.
20	The next page titled report of
21	cumulative activities in the trust fund,
22	under the tab marked under this tab mark
23	the historical values related to the trust
24	fund is provided for the board's
25	informational purposes. It just kinda gives

```
you a history of what's gone on with the
 1
 2
          trust fund over the years.
                We gave ya'll a handout that wasn't
 3
          included in the packets, and we apologize
 4
          for that. Normally, we intend on including
 5
          these things in the packets. But if you'll
 6
          look at that, you'll see there's a -- the
 7
          first one is titled monthly motor fuel trust
 8
          fund obligation determination. I'm sorry.
 9
          That one was included in the packets. It's
10
          the next section that's not. That's
11
          actually in your packet. I apologize for
12
13
          that.
                This is the worksheet that list the
14
          various component determination of the
15
          potential obligation against the trust fund
16
          as of the end of December. Do ya'll see
17
          that page?
18
          MR. HILL:
19
                Oh, that's in the packet?
20
          MR. BAKER:
21
                It is. That's what I'm saying, I --
22
23
          T --
          MR. HILL:
24
```

Okay. I got you.

1 MR. BAKER:

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

25

2 The next section we're going to talk 3 about is not in the packet. I apologize for that.

> For the sites in the corrective action, the outstanding liability for corrective action plan budget and estimated cost to reach closure as of the end of December 2017 was approximately 27 million dollars. This total includes the CAP budget remaining amounts and the RAC estimated cost to closure. This is what I was talking about. In -- in the section, corrective action plan budget in your handout that you were given separate from the package, that gives you the -- that documents the individual CAP sites included in these amounts. Do ya'll see that? Yes, that one right there. Perry has got it in his hand. MR. MILAZZO:

21 That's what I thought, yes.

22 MR. BAKER:

23 That gives you an overall of the 24 individual sites and their -- their CAP budgets and where they are in their -- in their budget.

The next section is the fund obligation recognized for sites without ROG approved CAP budgets. And that's 22 -- well, basically 23 million dollars. This is determined using a three year average site closure cost and applying these costs to the average trust fund sites without a current CAP budget.

The next -- the next group in that handout we gave you is the non-CAP sites trust fund obligation estimates. It's a list of all of the sites that currently don't have CAPs and where they are, how much money we've spent on investigations and -- and some ICAP activities. So you'll see that.

You'll also notice that the total obligation for this section dropped dramatically. The reason is, is that we -- we use a three year average for these numbers. And what we did is, is that that average is going to change over the years. As we have high dollar sites come on and off, that average is going to fluctuate.

And this particular time period -- we do this every quarter. We recalculate that three year average on a quarterly basis. In this particular quarter, a number of high dollar sites rotated out of that three year cycle, so that average dropped dramatically, approximately about \$50,000. Next quarter, it may jump up some more. It's just going to fluctuate as those high dollar sites come on and off. But it does have an impact on the obligation.

The next section, the fund obligation recognized there were 30 sites that have been determined to be trust fund eligible, however, have not submitted a reimbursement application. It's approximately 8.2 million dollars. This is also determined using the three year site average cost and applying these costs to sites that have requested eligibility but have not -- not yet submitted a request for reimbursement from the fund. That number actually went up a little bit from last quarter, but the number of sites also went up. It went from 24 to 30. But because the average dropped some,

the difference wasn't as much as it would be.

The five year projected fund obligation related to the trust fund to the environmental trust fund transfers is 20.8 million dollars. That number stays the same throughout the fiscal year. That -- that was the number it was last quarter as well.

This number is based upon the three year average of the trust fund transfers and then multiply that average times five years.

The next section is -- well, the total is -- the total estimated obligated amount is 79.3 million dollars, which represents a four million dollar reduction from last quarters estimated amount.

Now, if you'll go back to your packet.

I'm sorry for the confusion. The -- the section labeled incidents determined eligible for the motor fuel trust, this report shows a total -- shows the number of potential trust fund sites that were reviewed and made eligible during the current fiscal year was 24. And that

represents 30 active incidents. So in this
quarter, we had 24 sites added to our list,
which represented 30 active incidents.

The next page in your packet labeled trust fund sites that had a release granted no further action status, the trust -- this represents the trust fund sites that have received a no further action status thus far in fiscal year 2018. And those are 24 locations.

Are there any questions at this point about what we've presented so far?

(No response.)

MR. BAKER:

Okay. We'll go on to points of interest related to the trust fund. The trust fund has noticed some habitual errors in a number of our recent reimbursement applications. Most of what we're seeing, we — we think it's attributable to staff turnover with some of the RACs. The types of errors — these types of errors slowdown our process time. And what the trust fund is looking to do is facilitate some training opportunities for the RAC's staff, to answer

questions and to share some of our experiences. This is very much in the beginning phases of our -- of our thoughts. So we're going to probably be getting with some of the RACs in the near future to talk about some -- how to do this and better --better ways to do it. We may even go up to some of the regional offices to try to facilitate allowing more of the RACs to come that are in different regions. But we are looking at that and we wanted to make ya'll aware of that.

Also, in the past year, the department has worked with the UST stakeholders to form multiple workgroups to address a number of critical issues. We've gotten very positive feedback from these workgroups and feel strongly that they help all parties see the various perspectives related to the UST issues. The department wants to continue down this path by having an annual stakeholder workgroup meeting. These meetings will provide the RACs, the owners and the department staff opportunities to bring forth critical issues for discussion

1	towards resolution. There would be a time
2	period prior to the meeting for participants
3 .	to provide written topics for discussions.
4	These topics will be compiled into an
5	agenda. On the day of the meeting, there
6	would also be time after the agenda items
7	have been addressed for open discussion
8	concerning ad hoc topics. We're hoping to
9	begin planning the first meeting some time
10	this summer. And we want to make ya'll
11	aware of what our thoughts were on it.
12	All right. Does anybody have any
13	questions about any of those points?
14	(No response.)
15	MR. BAKER:
16	If you'll look in the again, we're
17	flipping having ya'll flip back and
18	forth. If you'll look in your handout,
19	you'll see a couple pictures of a a
20	trailer. This is a picture of an 8X5
21	enclosed trailer. This was one of the first
22	ozone units purchased by the trust fund to
23	remediate a site. This unit has been used
24	to complete at least two trust fund sites.
25	It's now about ten years old. We had the

manufacturer look at the unit and he informed us, due to the age of the technology, it's really not worth refurbishing at this time. Typically, we do try to relocate these used remediation systems, but if we don't have another site to utilize the system, we will actually put the bid out to sale. Often, we don't get much resale values for these used systems. In fact, often, no bids are submitted and the RAC will end up taking the unit to the scrap yard and sell it for scrap metal.

Any funds that are generated from that is -- from either the selling of the used system or the scrap metal, does come back into the trust fund. And you'll see that in the category, recovered cost.

option for this system and the scrap metal would be -- cost would be minimal, the department request the board's approval to donate the enclosed trailer to the department. The trailer could be used to transport weather sensitive equipment to emergency response sites, as well as other

```
1
          offsite assessment locations. It's a very
 2
          good trailer. It's enclosed. It's got an
 3
          AC on it. The department could utilize it
 4
          immensely. And we hated to see it go to
 5
          scrap.
 6
          MR. THERIOT:
 7
                Just to note, because I think it is
 8
          was -- it is very important. We would like
 9
          the board to recommend that it be made
10
          available to the department. I don't want
11
          you guys to be stuck in -- in actually
12
          making the decision.
13
          MR. HILL:
14
                Right.
15
          MR. THERIOT:
16
                So I -- I would recommend that you get
17
          the board to recommend to us that you would
18
          approve such.
          MR. HILL:
19
20
                I make a recommendation.
21
          (An off the record discussion followed.)
          MR. HILL:
22
23
                First, I'd like to recognize that Joe
24
          McCartney has arrived in our meeting. He
25
          got lost after lunch.
```

```
I make a motion -- or, I make a motion
1
          that we donate the trailer to the department
2
          for their further use. Do we hear a second?
 3
          MR. MILAZZO:
 4
                I -- I've got no problems with the
 5
          recommendation that -- and -- and motion or
 6
          second a motion to allow you guys use or
 7
          actually take ownership of the unit.
 8
          MR. HILL:
 9
                All in favor?
10
11
          (All indicated "aye".)
          MR. BAKER:
12
                That ends my section. Does anybody
13
          have any other questions?
14
          MR. HILL:
15
                Anybody have any other questions?
16
          MR. MILAZZO:
17
                I -- I do. On the -- on the
18
          corrective action plan -- and maybe I'm
19
          missing something here -- but are dates
20
          available when these sites come into the
21
22
          system?
23
          MR. BAKER:
                Absolutely.
24
          MR. MILAZZO:
25
```

1	is that a column maybe that you can
2	add to that? Is it too busy?
3	 MR. BAKER:
4	It might make it a little smaller
5	print, but if ya'll are okay with that.
6	MR. MILAZZO:
7	I know it just you know, we we
8	sit here I sit here sometimes wondering,
9	you know, what if we're looking at some
10	of this stuff and it and it you know,
11	and this some sort of chronological
12	order and says okay from first to last and
13	how long are these things in the system, and
14	I just maybe at some point feel like we're
15	greater contributors. Perhaps we're not the
16	scientist or certainly environmentalist. I
17	don't I don't want to necessarily get in
18	that space. But I'd be interested in
19	knowing how long some of these things are
20	out there.
21	MR. BAKER:
22	Not a problem. Would you like that
23	column also added to the second report?
24	MR. MILAZZO:
25	Please. Yes.

```
1
          MR. BAKER:
                No problem.
 2
 3
          MR. HILL:
                Any other questions?
 5
          (No response.)
          MR. HILL:
 6
 7
                If not, we will -- thank you, Jeff.
          We will move on to third party claims
 8
 9
          status. Perry.
10
          MR. THERIOT:
                I'm glad to say that we have received
11
          no new third party claims since the last
12
          meeting that we had. We are currently
13
          litigating two active suits. I expect one
14
          to be settled very soon. The other I think
15
16
          it may come abandoned, if the attorney does
          not move it soon. So we -- we are doing
17
          well so far on third party suits. Seems
18
19
          that way.
                On another legal note, just -- it's
20
          not on the agenda but I -- I can bring it up
21
22
          as a reminder, because I brought it up last
23
          meeting. Our changes in the statue last
          year do impose that two year limitation in
24
          order to institute the investigation work.
25
```

1	So I like to bring it up each meeting to
2	remind the RAC community and the owners that
3	the clock is running on releases that have
4	occurred subsequent to that date of the
5	effective statute. So just that's just a
6	word to the wise, that's all, as a reminder.
7	MR. BURNHAM:
8	That's after an incident number has
9	been assigned and
10	MR. MILAZZO:
11	Request for
12	MR. BURNHAM:
13	and some correspondence has been
14	sent.
15	MR. THERIOT:
16	Yes. They will be yes, that's
17	generally speaking, when the site is
18	reported to the department and a request for
19	eligibility is made.
20	MR. BURNHAM:
21	Right.
22	MR. BAKER:
23	And a request for assessment.
24	MR. FULTON:
25	Once we request the assessment work

```
1
          that's when --
 2
          MR. THERIOT:
 3
                The two-year clock starts.
 4
          MR. BAKER:
 5
                Those are sent out with green cards,
 6
          so when the green cards come back, then we
 7
          have that date as our start date.
 8
          MR. MILAZZO:
 9
                So for a bit of clarity on my part,
10
          you've had situations, I guess, where
11
          someone has reported, you guys request maybe
12
          further investigation and -- and literally
13
          years could go by before there's a followup.
14
          MR. THERIOT:
15
                That would be correct.
          MR. MILAZZO:
16
17
                Okay.
18
          MR. ST. ROMAIN:
19
                And I guess plumes grow and --
20
          MR. THERIOT:
21
                That -- and that is one of the reasons
22
          for us asking the legislature to give us the
23
          two year time period, because it ends up
24
          costing the fund more money the longer the
25
          delay.
```

```
1
          MR. MILAZZO:
 2
                And you really don't have an teeth in
 3
          that today to take some sort of action?
          MR. THERIOT:
 4
 5
                Well, we have teeth in some areas, but
 6
          some areas, we don't. If --
 7
          MR. FULTON:
 8
                I mean, if they're an active facility,
 9
          we can red tag them.
10
          MR. THERIOT:
11
                Yes. We can red tag them for not
12
          doing it.
13
          MR. MILAZZO:
14
               Okay.
          MR. THERIOT:
15
16
                But --
17
          MR. MILAZZO:
                But -- but then it -- but they don't
18
19
          have to do anything else then? How -- they
20
          just don't get anymore fuel.
21
          MR. THERIOT:
22
                That's correct. But --
23
          MR. MILAZZO:
24
                But they can still procrastinate.
25
          MR. THERIOT:
```

```
-- a facility -- that's usually a
 1
          pretty good -- that's better than anything
 2
 3
          the department can do.
          MR. FULTON:
              It's worked.
 5
 6
          MR. THERIOT:
 7
                It works better than --
          MR. ST. ROMAIN:
 8
 9
                Works at active sites.
          MR. THERIOT:
10
11
               Exactly.
12
          MR. ST. ROMAIN:
13
          Doesn't help if --
          MR. THERIOT:
14
15
                It's the inactive sites that --
16
          MR. HILL:
17
                The inactive is where the problem is.
18
          MR. FULTON:
                Yes.
19
20
          MR. MILAZZO:
21
                So again, I don't --
22
          MR. HILL:
                Do you have a lot of that?
23
          MR. THERIOT:
24
                Yes. We have a large list of inactive
25
```

1 sites where people were told to send in 2 investigation plans and it's been years and 3 we haven't gotten them. MR. MILAZZO: 5 I'm not sure that -- you know, if we 6 can help by going on the record, but from a 7 legislative standpoint, that's something 8 that I think we're all genuinely interested 9 in doing the right thing. And if there are 10 those that are not following those rules, 11 then we need to support the department in 12 their quest to the legislature --13 MR. ST. ROMAIN: 14 So the request would be that after two 15 years, they would no longer be trust fund 16 eligible? MR. THERIOT: 17 18 No. It's already -- it's already in 19 the law. MR. ST. ROMAIN: 20 21 It's already in it. 22 MR. THERIOT: 23 Yes. And after the two years from our 24 -- unless it's our fault, like, we got your 25 plan and we're -- because it extends the

```
clock while we're reviewing it.
1
          MR. ST. ROMAIN:
 2
 3
                Right.
          MR. THERIOT:
                But if the -- after that two year
 5
          period has run with no plan coming in, they
 6
 7
          become ineligible.
 8
          MR. HILL:
                And it could essentially cost the
 9
          department more money by the delay of
10
          addressing the --
11
          MR. THERIOT:
12
                Well, it'd cost the fund.
13
          MR. HILL:
14
                The fund, I mean. The fund, yes.
15
16
          MR. MILAZZO:
                So what -- what support could we give
17
          you in respect to making that better?
18
          MR. THERIOT:
19
                It -- well, we -- we have the statute
20
          now. We just try to remind everyone of the
21
22
          statute.
23
          MR. HILL:
                Okay.
24
          MR. THERIOT:
25
```

1		All your owners out there and and
2		the RAC community that is contacted by the
3		owners, that the clock is running.
4		MR. FULTON:
5	*	We try to keep them reminding
6		MR. BURNHAM:
7		I guess there would be multiple
8		attempts to contact in case a letter got
9		lost.
10		MR. FULTON:
11		Oh, yes.
12		MR. BURNHAM:
13		Yes.
14		MR. MILAZZO:
15		So you you're not even permitted to
16		really take any sort of civil action,
17		perhaps, if someone is is neglecting to
18		do or, respond to those requests?
19		MR. THERIOT:
20		It's difficult, okay. And it would
21		end up costing a lot of money to do that.
22		But we we we've got some like for
23		active stations, we we have some
24		remedies. The hard ones are the guys who
25		are not in business anymore, and you send

1 them things and they don't respond and they 2 -- you know, eventually we find out that they're on social security someplace and 3 they don't have the money to do what 4 they're asking them to do. But if we know 5 that, we have an abandoned tank program to 6 handle it. So that's -- we need that 7 information. It's when we get the request -8 9 - when we get the report and then nothing happens, okay, that's the worse situation. 10 11 MR. MILAZZO: And help me on the abandoned tank. 12 But where you guys take an active role in 13 that, you -- you lien that property for any 14 15 future transaction? 16 MR. FULTON: Yes, we do. We send it through the 17 enforcement process. We have a crew that 18 evaluates those and they get -- they 19 recommend it to the tank program. Then once 20 it comes up on the list to be mediated -- I 21 22 mean, we only get so much money. We got, you know, a large amount sites, then we 23 24 would place a lien on it, so --

MR. MILAZZO:

```
1
                 Is there any sort of mandate to force
 2
          that to a sheriff's sale perhaps to --
          MR. THERIOT:
 3
 4
                 No. It -- we're not --
 5
          MR. MILAZZO:
 6
                 So you just -- you just take the .
 7
          position that it could be there forever?
 8
          MR. THERIOT:
 9
                Yes -- well, no -- well, we -- what we
10
          do as a practical matter is if someone wants
11
          to purchase the property that has a lien on
12
          it, they can contact the department. We
13
          will negotiate a price to release the lien,
14
          okay, which goes back into the fund. But
15
          generally, we are going to be limited by the
16
          value of the property.
17
          MR. MILAZZO:
18
                Right.
19
          MR. THERIOT:
20
               I mean, no one is going to pay more
21
          than market value. So in the -- in the few
22
          cases we've done, we've asked that they have
23
          an assessment, you know, a property
24
          assessment done and we actually go spend a
```

few dollars -- we have some people on

25

```
contract that would do our own assessment to
1
         make sure that we're getting the market
2
         value of the property. And then, yes, we
3
         will negotiate and take market value of the
 4
         property in order to place it back into
 5
         commerce. You know, we don't want a piece
 6
          of property all over the state just sitting
 7
          and --
 8
          MR. MILAZZO:
 9
                Right
10
          MR. THERIOT:
11
                -- never -- never to be used.
12
13
          MR. MILAZZO:
                Right.
14
          MR. BURNHAM:
15
                Okay. Does the department see any
16
          other significant delays at any time during
17
          the process like between assessment and CAP
18
          or anything? There's not really a big --
19
          MR. FULTON:
20
                Not really.
21
          MR. BURNHAM:
22
                -- problem anywhere in there?
23
          MR. FULTON:
24
                It's -- it's actually getting them
25
```

```
either in the trust fund or finding funding
 1
 2
          to -- it's always -- it's very rare after
 3
          you get started that you have a problem.
          MR. HILL:
 4
 5
                Any other questions for Perry?
 6
          (No response.)
 7
          MR. HILL:
                If not, we're going to go to item
 8
 9
          number seven -- I mean, number eight,
10
          presentation, overview of the ages of
11
          Louisiana underground storage tanks by Mr.
12
          Sam Broussard.
13
                Sam you've got the floor.
14
          MR. BROUSSARD:
15
                All right. Thank you, Kerry.
16
                I put this together for Johnny because
17
          he requested it at the last meeting, so
18
          thank you, John.
19
          MR. MILAZZO:
20
                I figured I'd give you a little extra
21
                work, Sam.
22
          MR. HILL:
23
                Gave you a little time to put it
24
          together.
25
          MR. BROUSSARD:
```

1 Yes. 2 MR. MILAZZO: I know you like homework. 3 4 MR. BROUSSARD: 5 All right. So -- so what I did --6 hey, Roger, can you hear me? 7 MR. BRIGHT: 8 Yes, I can hear you fine. 9 MR. BROUSSARD: 10 All right. Great. So -- so what I 11 did was, we -- we have a database a tempo 12 database, we have all our UST information 13 and we gave them our registration form. The 14 database is new. We don't do queries on it 15 that often. So the last one I did was in 16 January of '15, so I added that information 17 with this one. And the data that I'm going 18 to give you today is November 30 of '17, so 19 about -- close to three years after I did my 20 first one. Just for a little comparison. 21 We have -- I don't have a pointer. 22 But we have 10,650 buyout tanks that are --23 it -- currently are not closed, either 24 active or temp closed in Louisiana. 9,551

of those are active. 1104 are in temp

25

closure. Just to give you an idea of the universe.

All right. So the average age -- as of November 30 of '17, the average age of our total universe is in the far right, the green column, 26.9 years. That includes active and temp closed tanks. Active tanks, the average age is 26.3 years. And average age of our temp closed tanks is 31.8. So comparing that to the early 2015, tanks are getting older, which is what we expected.

This is a chart that's -- number of tanks on the left, age on the bottom. And you can see that the bulk of our age of our tanks fall in between somewhere around 18 to say 39 or 40 years. So I -- we have a lot of old tanks in Louisiana is what this is telling us. The redline is half the tanks.

The double wall -- these -- the bulk of them are single wall. I think we have about a little under 15 percent double wall tanks.

MR. MILAZZO:

24 15, you said?

25 MR. BROUSSARD:

DEPARTMENT OF ENVIRONMENTAL QUALITY

1 But only --2 MR. MILAZZO: 15? 3 MR. BROUSSARD: 4 5 Pardon me? MR. MILAZZO: 6 15? 7 MR. BROUSSARD: 8 9 It's actually 14.9 percent are double wall. But of that, only seven -- I think 10 11 seven point four are required to do 12 interstitial monitoring. That's the ones installed say nine years ago, after our 13 14 12/2008 interstitial monitoring deadline. 15 Yes, seven -- seven point four percent are 16 doing interstitial monitoring, or have to submit. 17 I just broke it down, the ages, you 18 know, a ten year gap and five year gap so 19 20 you could see. You know, if we were to -- I -- I know there's been a lot of talk. 21 People ask me all the time, "would you make 22 tanks over 30 years close?" And if we did 23 24 that, you could look on the left, anything over 30 years, we're looking at somewhere 25

around close to 50 percent of our tank
universe is over 30 years old. So if we
said everybody over 30 years has to close,
that's gonna be close to half of our
universe.

So those things -- those are the reasons why we don't pursue those kind of regulations, because we know the impact to the universe. But if you guys want to propose something like that, you know, we'd listen to you.

I -- I think the take away is, you can look on the right, you know, 75 percent of our tanks are between 16 and 40 years old. So we have an old tank universe. And looking at releases is one of the things I do every year and the number of tank releases has been going up. It was -- we had seven documented tank releases two years ago. We had 15 last year. And I looked at the average age of those 15 tanks that leaked and they were average age of 30.8. And -- and what I've been seeing recently in the last year is older fiberglass tanks in the mid '80's are starting to leak. We've

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got -- I -- I saw on that list that Jeff had
of eligibility request, I saw a number of
those were on that list this year. So we
are starting to see these old FRT tanks
leak.

I will open it up to any questions you guys have.

MR. MILAZZO:

6

7

8

9

10

11

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19

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21

22

23

24

25

So with that information and, you know, you look at cleanup cost today, impact to the trust fund, when you look at the demand, okay, there's some correlation to age and cost. As you guys begin to look at, as we look at, you know, what we think not too long ago, we thinking the fund is getting to a point where maybe you could rachet back a little bit, but if those numbers, if you look at tanks 30 and older, and it's one thing if folks are pro-actively upgrading, right? But if you only respond because the tank is end of life, and it's because you've had an event, it'd be a pretty hefty demand on the fund. MR. BROUSSARD:

Right.

```
1
           MR. HILL:
  2
                 So a tank installed in '87 or '88 is
  3
           at that 30 year mark right now.
           MR. THERIOT:
  4
  5
                 Yes. That would've been -- remember
  6
           the tank upgrade requirement, it had to be
 7
           upgraded by '90.
           MR. HILL:
 8
 9
                 By '90. That's right.
10
          MR. THERIOT:
11
                 Yes. And -- so many of those tanks,
12
          although they were old, were upgraded.
13
          MR. HILL:
14
                 Yes.
          MR. THERIOT:
15
16
                Many were lined.
17
          MR. HILL:
18
                That's right. We had an option to
19
          line or --
20
          MR. THERIOT:
21
                All those things had to be done in
22
          order to continue receiving fuel after '98.
23
          So I don't know how many -- I -- my guess
24
          would be -- and I'm not like Sam, I haven't
25
          gone out and looked. But I've been to a
```

1	couple presentations at the funds meetings,
2	the the older tanks, that they're older
3	than the 30 or 40 years olds, tend to be the
4	smaller facilities that are beginning to
5	close. A lot of them. And and we find a
6	lot of releases when phase two's are done on
7	the property transfers.
8	MR. HILL:
9	Would you agree with that, Sam?
10	MR. BROUSSARD:
11	Not necessarily. We are we're
12	seeing large companies that are buying
13	smaller companies that have older tanks. So
14	Circle K has a lot of old fiberglass tanks.
15	They bought Kangaroos. And as these larger
16	companies buy these smaller companies,
17	they're going to own them.
18	MR. ST. ROMAIN:
19	So
20	MR. BROUSSARD:
21	And and here's the other thing,
22	they have the money, when they do leak, to
23	go in and do the internal inspection and
24	repair them. And so we're seeing a lot
25	of repairs to old fiberglass tanks now.

```
1
          MR. ST. ROMAIN:
 2
                Now, Sam, isn't there a certain age or
 3
          certain tank type that if it leaks, it's not
 4
          eligible for repairs, it has to be removed
 5
          or closed?
 6
          MR. BROUSSARD:
 7
               Not necessarily.
          MR. ST. ROMAIN:
 8
 9
               Bare steel or --
10
          MR. THERIOT:
                There are some states --
11
12
          MR. BROUSSARD:
13
                Well, bare steel piping in our regs,
14
          if your piping is steel and it leaks, the
15
        total pipe, you have to replace the steel
16
          pipe.
17
          MR. ST. ROMAIN:
18
               But a steel tank does not -- it can
19
      still be --
20
          MR. BROUSSARD:
21
                No. It could be repaired.
22
          MR. ST. ROMAIN:
23
               -- repaired.
          MR. HILL:
24
25
                Even a steel tank that was relined
```

```
1
          back during that time period?
 2
          MR. BROUSSARD:
 3
                Yes. The relining thing, currently
 4
          those -- they can be relined again.
 5
          MR. HILL:
 6
                Do you see much of that anymore?
 7
          MR. BROUSSARD:
 8
                Yes.
 9
          MR. HILL:
10
                You do. Okay.
11
          MR. BROUSSARD:
12
                Yes, we are. When the new regs come
13
          out, tanks that had that -- that are lined,
14
          that don't have any other corrosion
15
          protection, the lining will have to be
16
          inspected again and -- whenever it's due.
17
          And if it can't be repaired, they'd have to
18
          close the tank. We're not going to let
19
          people reline older tanks anymore. So we're
20
          trying to get out of the business of
21
          allowing upgrades to older tanks. So this
22
          new reg packet -- I know some of you guys
23
          have seen it -- there's a lot of things
24
          built in to start phasing out that older
25
          universe.
```

```
1
          MR. ST. ROMAIN:
 2
                 Now -- now, when a -- I guess, is
 3
          there a percentage or -- of tanks that are
 4
          closed, is there a high amount of releases
 5
          that are found upon closure? Whereas, if
 6
          you had set a sunset date on tanks, and you
 7
          had a certain close on all these tanks,
 8
          would there be a sudden rush on the trust
 9
          fund, if all of a sudden you're finding --
10
          finding leaks that were previously
          undiscovered?
11
12
          MR. BROUSSARD:
                I don't have the data on closures --
13
14
          MR. ST. ROMAIN:
15
                Yes, right.
16
          MR. BROUSSARD:
17
                -- in my hand. I could -- we could
18
          get that for you, how many closures are
19
          actually doing remediation. We could get
20
          that for you at a later date. I don't have
21
          it today.
22
          MR. ST. ROMAIN:
23
                Right. If you pushed 1,000 tanks to
24
          closure, are you exposing yourself to 500
25
          new leaks or something like that?
```

DEPARTMENT OF ENVIRONMENTAL QUALITY

```
MR. BROUSSARD:
1
                My guess would be, yes.
 2
         MR. THERIOT:
 3
                That would be my guess as well.
 5 .
          MR. ST. ROMAIN:
                Right.
 6
 7
          MR. THERIOT:
                I haven't seen too many pulled where
 8
          you don't have to do work.
 9
          MR. HILL:
10
                So ya'll -- ya'll see -- ya'll see
11
          this everyday. And, you know, we see it or
12
          experience it and just, you know, by
13
          listening to what even Perry said, the --
14
          the -- and what you said Sam -- the 30 plus
15
          or 35 year plus old tanks could be a
16
          tremendous cost to the trust fund. Do ya'll
17
          have any suggestions going forward? And I
18
          think maybe you do.
19
20
          MR. BROUSSARD:
                No. Actually --
21
22
          MR. HILL:
                You don't? Okay.
23
          MR. BROUSSARD:
24
                Well -- and I can tell you, one of the
25
```

- things we did in this new reg packet is we
 do -- there's a lot of old temporary closed
 tanks.

 MR. HILL:
 Yes.

 MR. BROUSSARD:
 We have a bunch. And a lot of them,
 - the average age is 30 something, close to 32 years old. We've got a bunch that are over 30, over 40. We put in a lot of new regs in this reg packet to address those temp closed tanks. For instance, if they have internal lining and they don't do the inspection when they're suppose to or they have a (inaudible) exposure protecting it from corrosion and they're not operating it over a certain period of time, we're going to require them to permanently close those tanks. So we don't like to keep a bunch of old temporarily closed tanks that are not kept up with in our universe where somebody can come and buy it and put it back in service.
- 24 MR. FULTON:

10

11

12

13

14

15

.16

17

18

19

20

21

22

23

25 Especially when it's been in temp

1 closure for an extended amount of time. MR. ST. ROMAIN: 2 3 It's called temporary closure. there a limit on how long it can stay in 4 5 there? 6 MR. BROUSSARD: 7 There is no limit. And -- and we've 8 had many discussions on a limit. But -- and 9 -- and here's the reason. If you look at 10 our numbers, we got, you know, close to 11 whatever, 11.2 percent of them and 1.8 of 12 temp closed tanks that are under 20 years 13 old. Totally fine tanks that are in temp 14 closure that we don't want to force them to 15 temporarily close because they've been out 16 of service for a year. But we don't want to make somebody remove an asset if it's still 17 18 an asset. 19 MR. THERIOT: 20 Those were extensively debated during 21 the reg groups, because some states do, some 22 states don't. 23 MR. FULTON: 24 We believe it is an asset.

MR. THERIOT:

25

```
Some of them -- some of them are
 1
 2
          assets and some of them aren't.
          MR. FULTON:
 3
 4
                Yes.
 5
          MR. THERIOT:
                Okay. Is kinda how it breaks out.
 7
          And -- and rather than make a rule that
          classifies them all as non-assets, which is
 8
 9
          what would happen if you put a time limit on
10
          them, the decision was made to not put a
11
          time limit on them unless we get to one of
12
          the compliance issues that it's not being
13
          followed and gives rise to a greater chance
14
          that the tank would leak. So --
15
          MR. HILL:
16
                You're speaking of an asset to the
17
          property or the property owner?
18
          MR. THERIOT:
19
                Right. Somebody may want to buy and
20
          put the station back into service. There's
21
          a difference of opinion on it. That's the
22
          best I can tell.
23
          MR. HILL:
24
                Any other questions for Sam?
25
          MR. MILAZZO:
```

- 1 Thanks for doing that, Sam.
- 2 MR. HILL:
- 3 Thanks for doing it, Sam.
- 4 MR. MILAZZO:
- 5 You'll share that with us?
- 6 MR. BROUSSARD:
- 7 Yes. I think Jeff should've done
- 8 that.
- 9 MS. VIZINAT:
- 10 It's in your packet, Johnny.
- MR. BAKER:
- The hard copy is in the packet.
- MR. MILAZZO:
- I didn't see that.
- MR. FULTON:
- Well, we can get you one. If you need
- an electronic copy, we can certainly do
- 18 that.
- 19 MR. MILAZZO:
- Oh, I got it. I got it. Okay.
- MR. FULTON:
- We can certainly get you an electronic
- copy too.
- MR. MILAZZO:
- I've got what I need. Thank you.

1	MR. HILL:
2	Okay. At this time, is there anymore
3	questions for anybody today present at the
4	meeting?
5	(No response.)
6	MR. HILL:
7	And if not, do I hear a motion to
8	close the meeting?
9	MR. MILAZZO:
10	So moved.
11	MR. HILL:
12	Johnny makes a motion to close the
13	meeting. Do I hear a second?
14 .	MR. ST. ROMAIN:
15	Second.
16	MR. HILL:
17	Second by Nick.
18	Thank you everyone for attending.
19	THE MEETING ADJOURNED AT 1:54 P.M.
20	* * * *

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CERTIFICATION

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

23

Lori Overland C.C.R.

97083

In The Matter Of:

DEPARTMENT OF ENVIRONMENTAL QUALITY MOTOR FUELS UNDERGROUND STORAGE TANK TRUST

FUND ADVISORY BOARD MEETING February 22, 2018

Associated Reporters, Inc.

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\$	adopt (2)	31:5,6	21;28:1;29:22;30:4;	17:7,10,14;18:1,9
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\$118,223.30 (1)	4:6	arrived (1)	9:3,4;10:22;14:3	built (1)
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In The Matter Of:

DEPARTMENT OF ENVIRONMENTAL QUALITY
MOTOR FUELS UNDERGROUND STORAGE TANK TRUST

FUND ADVISORY BOARD MEETING February 22, 2018

Associated Reporters, Inc.

2431 South Acadian Thruway

Suite 550

Baton Rouge, La. 70808

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4	DEPARTMENT OF ENVIRONMENTAL QUALITY	3	EXAMINATION: PAGE (S)
		4	None
	MOTOR FUELS UNDERGROUND STORAGE TANK TRUST	5	EXHIBITS:
6	FUND ADVISORY BOARD	6	None
7		7	None
8		8	REPORTER'S PAGE 5
9		9	REPORTER'S CERTIFICATE 5
LO		18	
1		10	* * * *
.2	The share-entitled meeting use held at the	11	
13	The above-entitled meeting was held at the LDEQ, Galvez Building, Conference Center, 602	12	
14	North 5th Street, Baton Rouge, Louisiana, beginning at 1:09 p.m., on February 22, 2018.	13	
15		14	
16		15	
.7		16	
.8		17	
19	BEFORE:	18	
20	Lori B. Overland Certified Court Reporter	19	
	In and For the State of	20	
21	Louisiana	21	
22		22	
23		23	
24		24	
25		25	
1 2	Page 2 APPEARANCES	1	*****
3	Kerry Hill Chairman	2	MR. HILL:
4	Durwood Franklin	3	I'd like to call this meeting to
5	Jeff Baker Gary Fulton	4	order. Good evening, Ladies and Gentlemen.
6	Cy Morin Johnny Milazzo	5	Could we have a roll call and consideration
7	Perry Theriot Nick St. Romain	6	and adoption of the November 2017 board
8	Steve Burnham Roger Bright, via telephone	7	minutes. Starting with Durwood.
9	Joe McCartney Lacey Vitteri	8	MR. FRANKLIN:
.0		9	Durwood Franklin, DEQ Trust Fund.
.1	Melissa Vizinat Sam Broussard	10	MR. BAKER:
.2	Jason Efferson Trey Kemp Todd Perry	11	Jeff Baker, DEQ Trust Fund.
	Roman Vixon	12	MR. FULTON:
.3	Fran Falke Jill Carter	13	Gary Fulton, Underground Storage Tank
.4	Kyle Blanchard Vicky Hadlin	14	Division.
.5	* * * * *	15	MR. THERIOT:
.6		16	Perry Theriot, Legal Division.
.7		17	MR. BURNHAM:
		18	Steve Burnham, Engineering Associates.
.8		19	MR. MILAZZO:
.8			Johnny Milozzo Louiciana (hi
.8		20	Johnny Milazzo, Louisiana Oil
.8		21	Marketers and Convenience Store Association.
.8 .9 .0		21 22	Marketers and Convenience Store Association. MR. HILL:
.8 .9 .0 .1		21 22 23	Marketers and Convenience Store Association. MR. HILL: Kerry Hill, Louisiana Oil Marketers
18 19 20 21 22 23		21 22	Marketers and Convenience Store Association. MR. HILL:

February 22, 2018		MOTOR FUELS UNDERGROUND STORAGE TANK		
	Pag	e 5		Page 7
1	Nicholas St. Romain, Louisiana Oil	1	year 2018. Do we hear a nominee?	
2	Marketers and Convenience Store Association.	2	MR. MILAZZO:	
3	MS. VIZINAT:	3	I'd like to Kerry, if you would	
4	Melissa Vizinat, Trust Fund.	4	consider you've been you've done a	
5	MR. MORIN:	5	great job. I know it's a lot of travel.	
6	Cy Morin, DEQ Audit.	6	MR. BURNHAM:	
7	MS. VITTERI:	7	I agree with that.	
8	Lacey Vitteri, Financial Services.	8	MR. MILAZZO:	
9	MR. VIXON:	9	But my nomination is to re-elect Kerry	
10	Roman Vixon, PPM Consultants.	10	Hill, if he's willing to accept.	
11	MR. PERRY:	11	MR. HILL:	
12	Todd Perry, PPM Consultants.	12	I will accept it, Johnny.	
13	MS. FALKE:	13	MR. BURNHAM:	
14	Fran Falke, DEQ.	14	And I second that motion.	
15	MR. BROUSSARD:	15	MR. HILL:	
16	Sam Broussard, DEQ UST Division.	16	All in favor?	
17	MS. CARTER:	17	(All indicated "aye".)	
18	Jill Carter, DEQ Legal Division.	18	MR. HILL:	
19	MR. KEMP:	19	So moved. And we will continue on.	
20	Trey Kemp, DEQ Trust Fund.	20	And Johnny will be the vice-chairperson.	
21	MR. EFFERSON:	21	MR. MILAZZO:	
22	Jason Efferson, DEQ Trust Fund.	22	At least I'd know what I'm getting	
23	MR. BLANCHARD:	23	into, right?	
24	Kyle Blanchard, UST Division.	24	MR. HILL:	
25	MS. HADLIN:	25	If you will, let's go to number four,	
	Page	e 6		Page 8
1	Vicky Hadlin, UST Division.	1	the financial services report with Theresa,	
2	MR. BAKER:	2	which I don't think is here.	
3	And on the phone.	3	MS. VITTERI:	
4	MR. BRIGHT:	4	I'm taking her place. She's at a	
5	Roger Bright, Jones Environmental.	5	meeting.	
6	MR. HILL:	6	MR. HILL:	
7	I think that's everyone. Thank ya'll.	7	And you're going to replace her.	
8	Let's move to item number three,	8	MS. VITTERI:	
9	election of chairperson for 2018.	9	Yes.	
10	(An off-the-record discussion followed.)	10	MR. HILL:	
11	MR. HILL:	11	Okay. Well, it's all yours.	
12	Oh, let's adopt I'm sorry. We'd	12	MS. VITTERI:	
13	like to adopt the minutes from the November	13	All right. Hi everyone. I'm Lacey	
14	2017 board meeting. Do I hear a motion?	14	Vitteri. I'm an accountant in financial	
15	MR. FULTON:	15	services, and I prepare these quarterly	
16	Motion.	16	reports, which are presented to you at these	
17	MR. HILL:	17	financial meetings.	
	**	18	I'd like to begin by explaining why	
	I've got a motion by Gary. Second?	100000000000000000000000000000000000000		
18	I've got a motion by Gary. Second? MR. MILAZZO:	19	this report is only two columns compared to	
18 19	MR. MILAZZO: Second.	19 20	this report is only two columns compared to previous quarters which had three columns.	
18 19 20	MR. MILAZZO: Second. MR. HILL:			
18 19 20 21	MR. MILAZZO: Second.	20	previous quarters which had three columns. As Theresa discussed, at the November board meeting, we have changed the	
18 19 20 21 22	MR. MILAZZO: Second. MR. HILL: Second by Johnny. So moved. Thank you.	20 21	previous quarters which had three columns. As Theresa discussed, at the November board meeting, we have changed the presentation of financial statements to	
18 19 20 21 22 23 24 25	MR. MILAZZO: Second. MR. HILL: Second by Johnny. So moved. Thank	20 21 22	previous quarters which had three columns. As Theresa discussed, at the November board meeting, we have changed the	

February 22, 2018 MOTOR FUELS UNDERGROUND STORAGE TANK TRUST Page 11 Page 9 to correct the issue in the future. This includes all interest beginning July 1 1st, 2001. Because the interest is no The second page of the report includes 2 2 a projection of the transfer from the trust longer included in the trust fund balance or 3 3 fund to the ETF to cover administrative the unobligated balance, we were able to 4 4 expenses for both current fiscal year and simplify the financials and remove the third 5 5 column which previously added in the next fiscal year. 6 6 We expect the amount to stay fairly interest, which is now shown in the second 7 7 steady over the next few years, barring any column of this report. 8 8 unforeseen changes to federal funding or 9 The interest total as of the second 9 quarter of this fiscal year was 6.7 million. other revenues. 10 10 The amount Theresa discussed previously was Unfortunately today, we will not have 11 11 approximately 11 million. The 11 million a power point presentation. Theresa had to 12 12 represented interest earned since the attend a meeting at the Capital and due to 13 13 program was created. However, in reading other work priorities we were unable to 14 14 complete the power point report for this the statute, we realized the only interest 15 15 quarter's meeting. This will resume at the earned beginning July 1st, 2001 was 16 16 dedicated to the abandoned tank program. So May board meeting. 17 17 we isolated that interest amount in a If you have any questions or topics 18 18 you'd like Theresa to cover, please let me separate column and removed it from the 19 19 know or send her an email. We apologize for total to ensure the proper amount was shown 20 20 that's available for that program. any inconvenience. Thank you. 21 21 Now, I'll discuss the reports for the MR. HILL: 22 22 second quarter of fiscal year 2018. You may Thank you. Does anybody have any 23 23 want to turn to tab four to follow. questions? 24 24 25 As you can see, when comparing the (No response.) 25 Page 10 MR. HILL: 1

Page 12

- center report to the report on the right, we
- have collected approximately the same amount 2
- of bulk distribution fees for the first two 3
- quarters with a slight increase of two 4
- hundred thousand. Moving down to the other 5
- receipts line, you'll see that we did not 6
- have a transfer for the DOJ for attorney 7
- fees in the first two quarters of fiscal 8
- year 2018, because the remaining funds for
- the attorney general's escrow was 10
- transferred in fiscal year 2017, as shown in 11

the report on the left. 12

In the disbursement section, you'll 13 see that we have seen an increase in year-14 to-date claims for reimbursements of 15

approximately one million. 16

And last, you'll see at the bottom of 17 the report that the liabilities on current 18

sites have remained about the same and is 19 around 80 million. You'll hear more from 20

Jeff on this. 21

The unobligated balance has increased 22 to approximately 23.5 million, as of 23

December 31, 2017. However, I believe the 24

board has discussed a legislative solution 25

1

Thank you very much. 2

Let's go on to item number five, the 3

auditor's status report by Cy. 4

MR. MORIN: 5

6 Cy Morin, DEQ Audit.

Tab five is where my report will be 7

8

11

17

This is as of February 14th. The 9 first page of the report details 20 open 10

motor fuel audit cases as of February 14th.

One case resulted in a credit of 12 \$579.61, due to a miscalculation for five 13

months. We're waiting on this credit 14

deduction from a current payment and we will 15

be able to close the case file. 16

Eleven cases are awaiting review.

Pending final review, there's one potential 18 credit of \$4,419.06, and ten potential clean 19

audits. Six cases are currently still in 20

progress with the results to be determined. 21 And two fiscal year cases are scheduled.

22 One for February 27th and one for March 23

27th. 24

Since the last meeting, three new 25

Page 13 Page 15 cases have been added to this list, and six MR. HILL: 1 cases have been closed and removed from the 2 If not, let's go to item number six, 2 3 list. the trust fund status report by Jeff. 3 Of the six removed, five were clean 4 4 MR. BAKER: audits and one was assessed approximately 5 Good afternoon. If ya'll turn to tab 5 \$4,000, which was paid in full. 6 6 six in your packets. These are the figures Any questions on this page? 7 7 for the second quarter of fiscal year 2018. (No response.) 8 8 During the second quarter of fiscal MR. MORIN: 9 year 2018, the trust fund received 194 9 The second page is the same four cases 10 10 applications, totaling approximately 3.6 in legal that we've discussed many times 11 million dollars. As of the end of December 11 12 before. The first case and the fourth case 2017, the trust fund had 147 pending 12 on the list are now ready to go to ODR. The applications to process, which have 13 letters have already been mailed out and 14 requested totals of approximately 2.1 14 15 legal is working to get everything completed 15 million dollars. 159 applications were on that. So those two cases will be going 16 processed for payment during this fiscal 16 17 to ODR in the very near future. quarter, totaling just over three million 17 The second case, they continue to make 18 dollars. And ten applications were returned 18 19 payments on that one. There was a \$250 with deficiencies. 19 payment received December 4, 2017. I would 20 The next page titled report of 20 expect we will get another payment soon. If 21 cumulative activities in the trust fund, 21 not, then that will be added to the list of under the tab marked -- under this tab mark 22 23 cases that need to go to ODR. 23 the historical values related to the trust And the third case on the list remains 24 fund is provided for the board's 24 the same. It's at ODR and we have received informational purposes. It just kinda gives Page 14 Page 16 no payments to date. you a history of what's gone on with the 1 As you can see, the four cases now 2 trust fund over the years. 2 represent a total remaining balance of We gave ya'll a handout that wasn't 3 3 \$118,223.30. 4 included in the packets, and we apologize Any questions? 5 for that. Normally, we intend on including 5 MR. MILAZZO: 6 6 these things in the packets. But if you'll Cy, I think I may have asked this last 7 look at that, you'll see there's a -- the 7 time. I'm not looking at those notes, but 8 first one is titled monthly motor fuel trust all four of these companies are no longer in 9 fund obligation determination. I'm sorry. business; is that ---That one was included in the packets. It's 10 10 MR. MORIN: 11 the next section that's not. That's 11 12 I -- I think that's an accurate 12 actually in your packet. I apologize for statement, yes. It's -- I can say three for 13 13 certain, and I think the fourth is as well, This is the worksheet that list the 14 14 15 which would be the fourth one on there. various component determination of the 15 It's a more recent audit. But I do believe 16 potential obligation against the trust fund 16 17 -- I do believe that one is as well. I'll as of the end of December. Do ya'll see 17 follow up and --18 18 that page? MR. MILAZZO: 19 19 MR. HILL: 20 Okay. Oh, that's in the packet? 20 MR. MORIN: 21 21 MR. BAKER: -- and make sure. 22 It is. That's what I'm saying, I --22 MR. HILL: 23 23 I ---Does anybody have anymore questions? 24 24 MR. HILL: (No response.) 25 Okay. I got you. 25

Page 17 MR. BAKER: 1 The next section we're going to talk 2 about is not in the packet. I apologize for 3 4 For the sites in the corrective 5 action, the outstanding liability for 6 corrective action plan budget and estimated 7 cost to reach closure as of the end of 8 9 December 2017 was approximately 27 million dollars. This total includes the CAP budget 10 remaining amounts and the RAC estimated cost 11 to closure. This is what I was talking 12 about. In -- in the section, corrective 13 action plan budget in your handout that you 14 were given separate from the package, that 15 gives you the -- that documents the 16 individual CAP sites included in these 17 amounts. Do ya'll see that? Yes, that one 18 right there. Perry has got it in his hand. 19 20 MR. MILAZZO: That's what I thought, yes. 21

Page 19

- And this particular time period -- we do
- this every quarter. We recalculate that 2
- three year average on a quarterly basis. In 3
- this particular quarter, a number of high 4
- dollar sites rotated out of that three year 5
- cycle, so that average dropped dramatically, 6
- 7 approximately about \$50,000. Next quarter,
- it may jump up some more. It's just going 8
- to fluctuate as those high dollar sites come 9
- on and off. But it does have an impact on 10 the obligation. 11

The next section, the fund obligation recognized there were 30 sites that have

- been determined to be trust fund eligible, 14
- however, have not submitted a reimbursement 15
- application. It's approximately 8.2 million 16
- dollars. This is also determined using the 17
- three year site average cost and applying 18
- these costs to sites that have requested 19
- eligibility but have not -- not yet 20
- submitted a request for reimbursement from 21
- the fund. That number actually went up a 22
- little bit from last quarter, but the number 23
- of sites also went up. It went from 24 to 24
- 30. But because the average dropped some, 25

Page 18

Page 20

their budget. 1

MR. BAKER:

22

23

24

25

10

- The next section is the fund 2
- obligation recognized for sites without ROG 3

That gives you an overall of the

budgets and where they are in their -- in

individual sites and their -- their CAP

- approved CAP budgets. And that's 22 --4
- well, basically 23 million dollars. This is 5
- determined using a three year average site 6
- closure cost and applying these costs to the 7
- average trust fund sites without a current
- 8
- CAP budget. 9
 - The next -- the next group in that
- handout we gave you is the non-CAP sites 11
- trust fund obligation estimates. It's a 12
- list of all of the sites that currently 13
- don't have CAPs and where they are, how much 14
- money we've spent on investigations and --15
- and some ICAP activities. So you'll see 16
- that. 17

18

24

- You'll also notice that the total
- obligation for this section dropped 19
- dramatically. The reason is, is that we --20
- we use a three year average for these 21
- numbers. And what we did is, is that that 22
- average is going to change over the years. 23 As we have high dollar sites come on and
- off, that average is going to fluctuate. 25

- 1 the difference wasn't as much as it would
- 2 be.

12

13

- 3 The five year projected fund
- obligation related to the trust fund to the 4
- environmental trust fund transfers is 20.8 5
- 6 million dollars. That number stays the
- same throughout the fiscal year. That --7
- that was the number it was last quarter as 8 9
- well.

10 This number is based upon the three year average of the trust fund transfers and 11

then multiply that average times five years. 12 13

The next section is -- well, the total

- is -- the total estimated obligated amount 14 is 79.3 million dollars, which represents a 15
- 16
 - four million dollar reduction from last
- quarters estimated amount. 17
 - Now, if you'll go back to your packet.
- I'm sorry for the confusion. The -- the 19
- section labeled incidents determined 20
- eligible for the motor fuel trust, this 21
- report shows a total -- shows the number of 22
- potential trust fund sites that were 23
- reviewed and made eligible during the 24
- current fiscal year was 24. And that

18

Page 21 Page 23 towards resolution. There would be a time represents 30 active incidents. So in this quarter, we had 24 sites added to our list, 2 period prior to the meeting for participants which represented 30 active incidents. 3 to provide written topics for discussions. 3 The next page in your packet labeled These topics will be compiled into an 4 trust fund sites that had a release granted 5 agenda. On the day of the meeting, there 5 no further action status, the trust -- this would also be time after the agenda items 6 6 represents the trust fund sites that have 7 have been addressed for open discussion 7 received a no further action status thus far concerning ad hoc topics. We're hoping to 8 8 9 in fiscal year 2018. And those are 24 begin planning the first meeting some time locations. this summer. And we want to make ya'll 10 10 Are there any questions at this point aware of what our thoughts were on it. 11 11 about what we've presented so far? 12 All right. Does anybody have any 12 (No response.) questions about any of those points? 13 13 MR. BAKER: (No response.) 14 Okay. We'll go on to points of MR. BAKER: 15 15 interest related to the trust fund. The 16 If you'll look in the -- again, we're 16 trust fund has noticed some habitual errors 17 flipping -- having ya'll flip back and 17 in a number of our recent reimbursement 18 forth. If you'll look in your handout, 18 applications. Most of what we're seeing, we you'll see a couple pictures of a -- a 19 19 -- we think it's attributable to staff trailer. This is a picture of an 8X5 20 20 turnover with some of the RACs. The types enclosed trailer. This was one of the first 21 21 of errors -- these types of errors slowdown ozone units purchased by the trust fund to 22 22 23 our process time. And what the trust fund remediate a site. This unit has been used 23 is looking to do is facilitate some training 24 to complete at least two trust fund sites. 24 opportunities for the RAC's staff, to answer 25 It's now about ten years old. We had the Page 22 Page 24 manufacturer look at the unit and he 1 questions and to share some of our experiences. This is very much in the informed us, due to the age of the 2 beginning phases of our -- of our thoughts. technology, it's really not worth 3 3 So we're going to probably be getting with refurbishing at this time. Typically, we do 4 4 some of the RACs in the near future to talk try to relocate these used remediation 5 about some -- how to do this and better --6 6 systems, but if we don't have another site better ways to do it. We may even go up to to utilize the system, we will actually put 7 7 some of the regional offices to try to the bid out to sale. Often, we don't get 8 facilitate allowing more of the RACs to come much resale values for these used systems. 9 9 that are in different regions. But we are In fact, often, no bids are submitted and 10 10 looking at that and we wanted to make ya'll the RAC will end up taking the unit to the 11 11 aware of that. scrap yard and sell it for scrap metal. 12 12 Also, in the past year, the department Any funds that are generated from that 13 13 has worked with the UST stakeholders to form is -- from either the selling of the used 14 14 multiple workgroups to address a number of system or the scrap metal, does come back 15 15 critical issues. We've gotten very positive into the trust fund. And you'll see that in 16 16 the category, recovered cost. feedback from these workgroups and feel 17 17 strongly that they help all parties see the Since the refurbishment is not an 18 18 various perspectives related to the UST option for this system and the scrap metal 19 19 issues. The department wants to continue would be -- cost would be minimal, the 20 20 down this path by having an annual department request the board's approval to 21 21 stakeholder workgroup meeting. These donate the enclosed trailer to the 22 22 meetings will provide the RACs, the owners department. The trailer could be used to 23 23 and the department staff opportunities to transport weather sensitive equipment to 24 24 bring forth critical issues for discussion emergency response sites, as well as other 25

	FOR FUELS UNDERGROUND STORAGE TANK TR	February 22, 201		
	Page 25		Page 2	
1	offsite assessment locations. It's a very	1	Is that a column maybe that you can	
2	good trailer. It's enclosed. It's got an	2	add to that? Is it too busy?	
3	AC on it. The department could utilize it	3	MR. BAKER:	
4	immensely. And we hated to see it go to	4	It might make it a little smaller	
5	scrap.	5	print, but if ya'll are okay with that.	
6	MR. THERIOT:	6	MR. MILAZZO:	
7	Just to note, because I think it is	7	I know it just you know, we we	
8	was it is very important. We would like	8	sit here I sit here sometimes wondering,	
9	the board to recommend that it be made	9	you know, what if we're looking at some	
LO	available to the department. I don't want	10	of this stuff and it and it you know,	
1	you guys to be stuck in in actually	11	and this some sort of chronological	
.2	making the decision.	12	order and says okay from first to last and	
.3	MR. HILL:	13	how long are these things in the system, and	
4	Right.	14	I just maybe at some point feel like we're	
.5	MR. THERIOT:	15	greater contributors. Perhaps we're not the	
16	So I I would recommend that you get	16	scientist or certainly environmentalist. I	
17	the board to recommend to us that you would	17	don't I don't want to necessarily get in	
18	approve such. MR. HILL:	18 19	that space. But I'd be interested in knowing how long some of these things are	
20	I make a recommendation.	20	out there.	
21	(An off the record discussion followed.)	21	MR. BAKER:	
2	MR. HILL:	22	Not a problem. Would you like that	
3	First, I'd like to recognize that Joe	23	column also added to the second report?	
4	McCartney has arrived in our meeting. He	24	MR. MILAZZO:	
5	got lost after lunch.	25	Please. Yes.	
	Page 26		Page 2	
1	I make a motion or, I make a motion	1	MR. BAKER:	
2	that we donate the trailer to the department	2	No problem.	
3	for their further use. Do we hear a second?	3	MR. HILL:	
4	MR. MILAZZO:	4	Any other questions?	
5	I I've got no problems with the	5	(No response.)	
6	recommendation that and and motion or	6	MR. HILL:	
7	second a motion to allow you guys use or	7	If not, we will thank you, Jeff.	
8	actually take ownership of the unit.	8	We will move on to third party claims	
9	MR. HILL:	9	status. Perry.	
.0	All in favor?	10	MR. THERIOT:	
1	(All indicated "aye".)	11	I'm glad to say that we have received	
2	MR. BAKER:	12	no new third party claims since the last	
.3	That ends my section. Does anybody	13	meeting that we had. We are currently	
4	have any other questions?	14	litigating two active suits. I expect one	
5	MR. HILL:	15	to be settled very soon. The other I think	
6	Anybody have any other questions? MR. MILAZZO:	16 17	it may come abandoned, if the attorney does not move it soon. So we we are doing	
8	I I do. On the on the	18	well so far on third party suits. Seems	
0	corrective action plan and maybe I'm	19	that way.	
9			On another legal note, just it's	
	missing something here but are dates	120	on another regul note, just 115	
0	missing something here but are dates available when these sites come into the	20		
0	available when these sites come into the	21	not on the agenda but I I can bring it up	
1 2			not on the agenda but I I can bring it up as a reminder, because I brought it up last	
20 21 22 23	available when these sites come into the system?	21 22	not on the agenda but I I can bring it up	

Page 29	OR	FUELS UNDERGROUND STORAGE TANK	TRUS
ting to			Page 31
ting to	7	MR. MILAZZO:	
	2	And you really don't have an teeth in	
	3	that today to take some sort of action?	
0.1	4	MR. THERIOT:	
	5	Well, we have teeth in some areas, but	
	6	some areas, we don't. If	
	7	MR. FULTON:	
	8	I mean, if they're an active facility,	
	9	we can red tag them.	
10		MR. THERIOT:	
11		Yes. We can red tag them for not	
12		doing it.	
e has been 13		MR. MILAZZO:	
14		Okay.	
15		MR. THERIOT:	
nat's	6	But	
te is	7	MR. MILAZZO:	
a request for	8	But but then it but they don't	
19	9	have to do anything else then? How they	
20	0	just don't get anymore fuel.	
21		MR. THERIOT:	
22	2	That's correct. But	
nt. 23	3	MR. MILAZZO:	
24	4	But they can still procrastinate.	
ment work	5	MR. THERIOT:	
Page 30			Page 32
F = 01	1	a facility that's usually a	
2	2	pretty good that's better than anything	
3	3	the department can do.	
	4	MR. FULTON:	
	5	It's worked.	
eack, then we	6	MR. THERIOT:	
	7	It works better than	
	8	MR. ST. ROMAIN:	
P	9	Works at active sites.	
where 10	0	MR. THERIOT:	
s request maybe	1	Exactly.	
literally 12		MR. ST. ROMAIN:	
a followup.		Doesn't help if	
		MR. THERIOT:	
14		It's the inactive sites that	
15		MR. HILL:	
15		The inactive is where the problem is.	
15		MR. FULTON:	
15 16 17		Yes.	
15 16 17 18 nd		MR. MILAZZO:	
15 16 17 18 19			
nd 19 e reasons 23		WIK. MILL.	
nd 19 te reasons 22 give us the 22			
nd 19 e reasons 23	3	Do you have a lot of that? MR. THERIOT:	
a	he reasons 2	he reasons 21	he reasons give us the 21 So again, I don't 22 MR. HILL:

MO	TOR FUELS UNDERGROUND STORAGE TANK T	RUST	February 22,		
	Page 3	3	Page 35		
1	sites where people were told to send in	1	All your owners out there and and		
2	investigation plans and it's been years and	2	the RAC community that is contacted by the		
3	we haven't gotten them.	3	owners, that the clock is running.		
4	MR. MILAZZO:	4	MR. FULTON:		
5	I'm not sure that you know, if we	5	We try to keep them reminding		
6	can help by going on the record, but from a	6	MR. BURNHAM:		
7	legislative standpoint, that's something	7	I guess there would be multiple		
8	that I think we're all genuinely interested	8	attempts to contact in case a letter got		
9	in doing the right thing. And if there are	9	lost.		
10	those that are not following those rules,	10	MR. FULTON:		
11	then we need to support the department in	11	Oh, yes.		
12	their quest to the legislature	12	MR. BURNHAM:		
13	MR. ST. ROMAIN:	13	Yes.		
14	So the request would be that after two	14	MR. MILAZZO:		
15	years, they would no longer be trust fund	15	So you you're not even permitted to		
16	eligible?	16	really take any sort of civil action,		
17	MR. THERIOT:	17	perhaps, if someone is is neglecting to		
18	No. It's already it's already in	18	do or, respond to those requests?		
19	the law.	19	MR. THERIOT:		
20	MR. ST. ROMAIN:	20	It's difficult, okay. And it would		
21	It's already in it.	21	end up costing a lot of money to do that.		
22	MR. THERIOT:	22	But we we we've got some like for		
23	Yes. And after the two years from our	23	active stations, we we have some		
24	unless it's our fault, like, we got your	24	remedies. The hard ones are the guys who		
25	plan and we're because it extends the	25	are not in business anymore, and you send		
	Page 34		Page 36		
1	clock while we're reviewing it.	1	them things and they don't respond and they		
2	MR. ST. ROMAIN:	2	you know, eventually we find out that		
3	Right.	3	they're on social security someplace and		
4	MR. THERIOT:	4	they don't have the money to do what		
5	But if the after that two year	5	they're asking them to do. But if we know		
6	period has run with no plan coming in, they	6	that, we have an abandoned tank program to		
7	become ineligible.	7	handle it. So that's we need that		
8	MR. HILL:	8	information. It's when we get the request -		
9	And it could essentially cost the	9	- when we get the report and then nothing		
10	department more money by the delay of	10	happens, okay, that's the worse situation.		
11	addressing the	11	MR. MILAZZO:		
12	MR. THERIOT:	12	And help me on the abandoned tank.		
13	Well, it'd cost the fund.	13	But where you guys take an active role in		
14	MR. HILL:	14	that, you you lien that property for any		
15	The fund, I mean. The fund, yes.	15	future transaction?		
16	MR. MILAZZO:	16	MR. FULTON:		
17	So what what support could we give	17	Yes, we do. We send it through the		
18	you in respect to making that better?	18	enforcement process. We have a crew that		
19	MR. THERIOT:	19	evaluates those and they get they		
20	Tr - II - I - I - I - I - I	20	recommend it to the tank program. Then once		
	It well, we we have the statute	20			
		21			
21	now. We just try to remind everyone of the statute.		it comes up on the list to be mediated I		
21 22 23	now. We just try to remind everyone of the	21	it comes up on the list to be mediated I mean, we only get so much money. We got,		
21	now. We just try to remind everyone of the statute.	21 22	it comes up on the list to be mediated I		

	Page 37			Page 39
1	Is there any sort of mandate to force	1	either in the trust fund or finding funding	
2	that to a sheriff's sale perhaps to	2	to it's always it's very rare after	
3	MR. THERIOT:	3	you get started that you have a problem.	
4	No. It we're not	4	MR. HILL:	
5	MR. MILAZZO:	5	Any other questions for Perry?	
6	So you just you just take the	6	(No response.)	
7	position that it could be there forever?	7	MR. HILL:	
8	MR. THERIOT:	8	If not, we're going to go to item	
9	Yes well, no well, we what we	9	number seven I mean, number eight,	
.0	do as a practical matter is if someone wants	10	presentation, overview of the ages of	
.1	to purchase the property that has a lien on	11	Louisiana underground storage tanks by Mr.	
.2	it, they can contact the department. We	12	Sam Broussard.	
.3	will negotiate a price to release the lien,	13	Sam you've got the floor.	
4	okay, which goes back into the fund. But	14	MR. BROUSSARD:	
.5	generally, we are going to be limited by the	15	All right. Thank you, Kerry.	
.6	value of the property.	16	I put this together for Johnny because	
.7	MR. MILAZZO:	17	he requested it at the last meeting, so	
8	Right. MR. THERIOT:	18	thank you, John.	
.9		19	MR. MILAZZO:	
20	I mean, no one is going to pay more than market value. So in the in the few	20	I figured I'd give you a little extra work, Sam.	
22	cases we've done, we've asked that they have	21	MR. HILL:	
3	an assessment, you know, a property	23	Gave you a little time to put it	
4	assessment done and we actually go spend a	24	together.	
5	few dollars we have some people on	25	MR. BROUSSARD:	
	Page 38			Page 40
1	contract that would do our own assessment to	1	Yes.	
2	make sure that we're getting the market	2	MR. MILAZZO:	
3	value of the property. And then, yes, we	3	I know you like homework.	
4	will negotiate and take market value of the	4	MR. BROUSSARD:	
5	property in order to place it back into	5	All right. So so what I did	
6	37 1 1 1 1	3	All right. So so what I did	
0	commerce. You know, we don't want a piece	6	hey, Roger, can you hear me?	
7	of property all over the state just sitting		hey, Roger, can you hear me? MR. BRIGHT:	
	of property all over the state just sitting and	6	hey, Roger, can you hear me? MR. BRIGHT: Yes, I can hear you fine.	
7	of property all over the state just sitting and MR. MILAZZO:	6 7	hey, Roger, can you hear me? MR. BRIGHT: Yes, I can hear you fine. MR. BROUSSARD:	
7 8 9	of property all over the state just sitting and MR. MILAZZO: Right	6 7 8	hey, Roger, can you hear me? MR. BRIGHT: Yes, I can hear you fine. MR. BROUSSARD: All right. Great. So so what I	
7 8 9 .0	of property all over the state just sitting and MR. MILAZZO: Right MR. THERIOT:	6 7 8 9 10 11	hey, Roger, can you hear me? MR. BRIGHT: Yes, I can hear you fine. MR. BROUSSARD: All right. Great. So so what I did was, we we have a database a tempo	
7 8 9 0 1	of property all over the state just sitting and MR. MILAZZO: Right MR. THERIOT: never never to be used.	6 7 8 9 10 11 12	hey, Roger, can you hear me? MR. BRIGHT: Yes, I can hear you fine. MR. BROUSSARD: All right. Great. So so what I did was, we we have a database a tempo database, we have all our UST information	
7 8 9 .0 .1 .2	of property all over the state just sitting and MR. MILAZZO: Right MR. THERIOT: never never to be used. MR. MILAZZO:	6 7 8 9 10 11 12 13	hey, Roger, can you hear me? MR. BRIGHT: Yes, I can hear you fine. MR. BROUSSARD: All right. Great. So so what I did was, we we have a database a tempo database, we have all our UST information and we gave them our registration form. The	e
7 8 9 .0 .1 .2 .3	of property all over the state just sitting and MR. MILAZZO: Right MR. THERIOT: never never to be used. MR. MILAZZO: Right.	6 7 8 9 10 11 12 13 14	hey, Roger, can you hear me? MR. BRIGHT: Yes, I can hear you fine. MR. BROUSSARD: All right. Great. So so what I did was, we we have a database a tempo database, we have all our UST information and we gave them our registration form. The database is new. We don't do queries on it	e
7 8 9 .0 .1 .2 .3 .4	of property all over the state just sitting and MR. MILAZZO: Right MR. THERIOT: never never to be used. MR. MILAZZO: Right. MR. BURNHAM:	6 7 8 9 10 11 12 13 14 15	hey, Roger, can you hear me? MR. BRIGHT: Yes, I can hear you fine. MR. BROUSSARD: All right. Great. So so what I did was, we we have a database a tempo database, we have all our UST information and we gave them our registration form. The database is new. We don't do queries on it that often. So the last one I did was in	e
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7 8 9 .0 .1 .2 .3 .4 .15 .16	of property all over the state just sitting and MR. MILAZZO: Right MR. THERIOT: never never to be used. MR. MILAZZO: Right. MR. BURNHAM: Okay. Does the department see any other significant delays at any time during the process like between assessment and CAP	6 7 8 9 10 11 12 13 14 15 16 17	hey, Roger, can you hear me? MR. BRIGHT: Yes, I can hear you fine. MR. BROUSSARD: All right. Great. So so what I did was, we we have a database a tempo database, we have all our UST information and we gave them our registration form. The database is new. We don't do queries on it that often. So the last one I did was in January of '15, so I added that information with this one. And the data that I'm going to give you today is November 30 of '17, so	e
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7 8	of property all over the state just sitting and MR. MILAZZO: Right MR. THERIOT: never never to be used. MR. MILAZZO: Right. MR. BURNHAM: Okay. Does the department see any other significant delays at any time during the process like between assessment and CAP or anything? There's not really a big MR. FULTON: Not really.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	hey, Roger, can you hear me? MR. BRIGHT: Yes, I can hear you fine. MR. BROUSSARD: All right. Great. So so what I did was, we we have a database a tempo database, we have all our UST information and we gave them our registration form. The database is new. We don't do queries on it that often. So the last one I did was in January of '15, so I added that information with this one. And the data that I'm going to give you today is November 30 of '17, so about close to three years after I did my first one. Just for a little comparison. We have I don't have a pointer.	е

MO	TOR FUELS UNDERGROUND STORAGE TANK TR	UST	T February 22, 20		
	Page 41		Page 43		
1	closure. Just to give you an idea of the	1	around close to 50 percent of our tank		
2	universe.	2	universe is over 30 years old. So if we		
3	All right. So the average age as	3	said everybody over 30 years has to close,		
4	of November 30 of '17, the average age of	4	that's gonna be close to half of our		
5	our total universe is in the far right, the	5	universe.		
6	green column, 26.9 years. That includes	6	So those things those are the		
7	active and temp closed tanks. Active tanks,	7	reasons why we don't pursue those kind of		
8	the average age is 26.3 years. And average	8	regulations, because we know the impact to		
9	age of our temp closed tanks is 31.8. So	9	the universe. But if you guys want to		
10	comparing that to the early 2015, tanks are	10	propose something like that, you know, we'd		
11	getting older, which is what we expected.	11	listen to you.		
2	This is a chart that's number of	12	I I think the take away is, you can		
.3	tanks on the left, age on the bottom. And	13	look on the right, you know, 75 percent of		
4	you can see that the bulk of our age of our	14	our tanks are between 16 and 40 years old.		
.5	tanks fall in between somewhere around 18 to	15	So we have an old tank universe. And		
6	say 39 or 40 years. So I we have a lot	16	looking at releases is one of the things I		
17	of old tanks in Louisiana is what this is	17	do every year and the number of tank		
8	telling us. The redline is half the tanks.	18	releases has been going up. It was we		
19	The double wall these the bulk	19	had seven documented tank releases two years		
0	of them are single wall. I think we have	20	ago. We had 15 last year. And I looked at		
1	about a little under 15 percent double wall	21	the average age of those 15 tanks that		
2	tanks.	22	leaked and they were average age of 30.8.		
3	MR. MILAZZO:	23	And and what I've been seeing recently in		
4	15, you said?	24	the last year is older fiberglass tanks in		
25	MR. BROUSSARD:	25	the mid '80's are starting to leak. We've		
	Page 42		Page 44		
1	But only	1	got I I saw on that list that Jeff had		
2	MR. MILAZZO:	2	of eligibility request, I saw a number of		
3	15?	3	those were on that list this year. So we		
4	MR. BROUSSARD:	4	are starting to see these old FRT tanks		
5	Pardon me?	5	leak.		
6	MR. MILAZZO:	6	I will open it up to any questions you		
7	15?	7	guys have.		
8	MR. BROUSSARD:	8	MR. MILAZZO:		
9	It's actually 14.9 percent are double	9	So with that information and, you		
0	wall. But of that, only seven I think	10	know, you look at cleanup cost today, impact		
1	seven point four are required to do	11	to the trust fund, when you look at the		
2	interstitial monitoring. That's the ones	12	demand, okay, there's some correlation to		
3	installed say nine years ago, after our	13	age and cost. As you guys begin to look at,		
4	12/2008 interstitial monitoring deadline.	14	as we look at, you know, what we think not		
5	Yes, seven seven point four percent are	15	too long ago, we thinking the fund is		
6	doing interstitial monitoring, or have to	16	getting to a point where maybe you could		
7	submit.	17	rachet back a little bit, but if those		
8	I just broke it down, the ages, you	18	numbers, if you look at tanks 30 and older,		
9	know, a ten year gap and five year gap so	19	and it's one thing if folks are pro-actively		
0	you could see. You know, if we were to I	20	upgrading, right? But if you only respond		
1	I know there's been a lot of talk.	21	because the tank is end of life, and it's		
2	People ask me all the time, "would you make	22	because you've had an event, it'd be a		
3	tanks over 30 years close?" And if we did	23	pretty hefty demand on the fund.		
4	that, you could look on the left, anything	24	MR. BROUSSARD:		
_	20 1 1 1 1 1	1 100 100	D: 1.		

25

over 30 years, we're looking at somewhere

25

Right.

Febi	ruary 22, 2018	Charles and Charles	TO	R FUELS UNDERGROUND STORAGE TANK	
		Page 45			Page 47
1	MR. HILL:		1	MR. ST. ROMAIN:	
2	So a tank installed in '87 or '88 is		2	Now, Sam, isn't there a certain age or	
3	at that 30 year mark right now.		3	certain tank type that if it leaks, it's not	
4	MR. THERIOT:		4	eligible for repairs, it has to be removed	
5	Yes. That would've been remember		5	or closed?	
6	the tank upgrade requirement, it had to be		6	MR. BROUSSARD:	
7	upgraded by '90.		7	Not necessarily.	
8	MR. HILL:		8	MR. ST. ROMAIN:	
9	By '90. That's right.		9	Bare steel or	
10	MR. THERIOT:		10	MR. THERIOT:	
11	Yes. And so many of those tanks,		11	There are some states	
12	although they were old, were upgraded. MR. HILL:		12	MR. BROUSSARD:	
L3 L4	Yes.		13	Well, bare steel piping in our regs,	
1.5	MR. THERIOT:		14	if your piping is steel and it leaks, the	
.6	Many were lined.		15	total pipe, you have to replace the steel	
.7	MR. HILL:		16 17	pipe. MR. ST. ROMAIN:	
. 8	That's right. We had an option to		18	But a steel tank does not it can	
.9	line or		100000000000000000000000000000000000000	still be	
20	MR. THERIOT:		20	MR. BROUSSARD:	
21	All those things had to be done in		21	No. It could be repaired.	
2	order to continue receiving fuel after '98.		22	MR. ST. ROMAIN:	
23	So I don't know how many I my guess		23	repaired.	
4	would be and I'm not like Sam, I haven't		24	MR. HILL:	
25	gone out and looked. But I've been to a		25	Even a steel tank that was relined	
2000	F	Page 46			Page 48
1	couple presentations at the funds meetings,		1	back during that time period?	
2	the the older tanks, that they're older		2	MR. BROUSSARD:	
3	than the 30 or 40 years olds, tend to be the		3	Yes. The relining thing, currently	
4	smaller facilities that are beginning to		4	those they can be relined again.	
5	close. A lot of them. And and we find a		5	MR. HILL:	
6	lot of releases when phase two's are done on		6	Do you see much of that anymore?	
7	the property transfers.		7	MR. BROUSSARD:	
8	MR. HILL:		8	Yes.	
9	Would you agree with that, Sam?		9	MR. HILL:	
.0	MR. BROUSSARD:		10	You do. Okay.	
.1	Not necessarily. We are we're		11	MR. BROUSSARD:	
.2	seeing large companies that are buying		12	Yes, we are. When the new regs come	
.3	smaller companies that have older tanks. So		13	out, tanks that had that that are lined,	
4	Circle K has a lot of old fiberglass tanks.		14	that don't have any other corrosion	
.5	They bought Kangaroos. And as these larger		15	protection, the lining will have to be	
.6	companies buy these smaller companies,		16	inspected again and whenever it's due.	
.7	they're going to own them.		17	And if it can't be repaired, they'd have to	
.8	MR. ST. ROMAIN:		18	close the tank. We're not going to let	
.9	So		19	people reline older tanks anymore. So we're	9
20	MR. BROUSSARD:		20	trying to get out of the business of	
21	And and here's the other thing,		21	allowing upgrades to older tanks. So this	
22	they have the money, when they do leak, to		22	new reg packet I know some of you guys	
23	go in and do the internal inspection and		23	have seen it there's a lot of things	
24	repair them. And so we're seeing a lot		24	built in to start phasing out that older	
25	of repairs to old fiberglass tanks now.		25	universe.	
			1		

MC	TOR FUELS UNDERGROUND STORAGE T		UST	February 22, 201
-		Page 49		Page 51
1	MR. ST. ROMAIN:		1	things we did in this new reg packet is we
2	Now now, when a I guess, is		2	do there's a lot of old temporary closed
3	there a percentage or of tanks that are		3	tanks.
4	closed, is there a high amount of releases		4	MR. HILL:
5	that are found upon closure? Whereas, if		5	Yes.
6	you had set a sunset date on tanks, and you		6	MR. BROUSSARD:
7	had a certain close on all these tanks,		7	We have a bunch. And a lot of them,
8	would there be a sudden rush on the trust		8	the average age is 30 something, close to 32
9	fund, if all of a sudden you're finding		9	years old. We've got a bunch that are over
10	finding leaks that were previously		10	30, over 40. We put in a lot of new regs in
11	undiscovered?		11	this reg packet to address those temp closed
12	MR. BROUSSARD:		12	tanks. For instance, if they have internal
13	I don't have the data on closures		13	lining and they don't do the inspection when
14	MR. ST. ROMAIN:		14	they're suppose to or they have a
15	Yes, right.		15	(inaudible) exposure protecting it from
16	MR. BROUSSARD:		16	corrosion and they're not operating it over
17	in my hand. I could we could		17	a certain period of time, we're going to
18	get that for you, how many closures are		18	require them to permanently close those
19	actually doing remediation. We could get		19	tanks. So we don't like to keep a bunch of
20	that for you at a later date. I don't have		20	old temporarily closed tanks that are not
21	it today.		21	kept up with in our universe where somebody
22	MR. ST. ROMAIN:		22	can come and buy it and put it back in
23	Right. If you pushed 1,000 tanks to		23	service.
24	closure, are you exposing yourself to 500		24	MR. FULTON:
25	new leaks or something like that?		25	Especially when it's been in temp
		Page 50		Page 52
1	MR. BROUSSARD:		1	closure for an extended amount of time.
2	My guess would be, yes.		2	MR. ST. ROMAIN:
3	MR. THERIOT:		3	It's called temporary closure. Is
4	That would be my guess as well.		4	there a limit on how long it can stay in
5	MR. ST. ROMAIN:		5	there?
6	Right.		6	MR. BROUSSARD:
7	MR. THERIOT:		7	There is no limit. And and we've
8	I haven't seen too many pulled where		8	had many discussions on a limit. But and
9	you don't have to do work.		9	and here's the reason. If you look at
10	MR. HILL:		10	our numbers, we got, you know, close to
11	So ya'll ya'll see ya'll see		11	whatever, 11.2 percent of them and 1.8 of
12	this everyday. And, you know, we see it or		12	temp closed tanks that are under 20 years
13	experience it and just, you know, by		13	old. Totally fine tanks that are in temp
14	listening to what even Perry said, the		14	closure that we don't want to force them to
15	the and what you said Sam the 30 plus		15	temporarily close because they've been out
16	or 35 year plus old tanks could be a		16	of service for a year. But we don't want to
17	tremendous cost to the trust fund. Do ya'll		17	make somebody remove an asset if it's still
18	have any suggestions going forward? And I		18	an asset.
19	think maybe you do.		19	MR. THERIOT:
20	MR. BROUSSARD:		20	Those were extensively debated during
21	No. Actually		21	the reg groups, because some states do, some
22	MR. HILL:		22	states don't.
23	You don't? Okay.		23	MR. FULTON:
24	MR. BROUSSARD:		24	We believe it is an asset.
25	Well and I can tell you, one of the		25	MR. THERIOT:

Feb	ruary 22, 2018 M	OTO	OR FUELS UNDERGROUND STORAGE TANK TRUS
	Page 5	3	Page 5:
1	Some of them some of them are	1	MR. HILL:
2	assets and some of them aren't.	2	Okay. At this time, is there anymore
3	MR. FULTON:	3	questions for anybody today present at the
4	Yes.	4	meeting?
5	MR. THERIOT:	5	(No response.)
6	Okay. Is kinda how it breaks out.	6	MR. HILL:
7	And and rather than make a rule that	7	And if not, do I hear a motion to
8	classifies them all as non-assets, which is	8	close the meeting?
9	what would happen if you put a time limit on	9	MR. MILAZZO:
0	them, the decision was made to not put a	10	6
1	time limit on them unless we get to one of	11	MR. HILL:
2	the compliance issues that it's not being	12	Johnny makes a motion to close the
.3	followed and gives rise to a greater chance	13	meeting. Do I hear a second?
4	that the tank would leak. So	14	MR. ST. ROMAIN:
15	MR. HILL:	15	Second.
6	You're speaking of an asset to the	16	MR. HILL:
.7	property or the property owner?	17	Second by Nick.
8	MR. THERIOT:	18	Thank you everyone for attending.
9	Right. Somebody may want to buy and	19	THE MEETING ADJOURNED AT 1:54 P.M.
20	put the station back into service. There's	20	****
21	a difference of opinion on it. That's the	21	
22	best I can tell.	22	
23	MR. HILL:	23	
24	Any other questions for Sam?	24	
25	MR. MILAZZO:	25	
	Page 5	1	Page 56
1	Thanks for doing that, Sam.		REPORTER'S PAGE
2	MR. HILL:	1 2	I, Lori B. Overland, Certified Court
3	Thanks for doing it, Sam.		Reporter, in and for the State of Louisiana, the
4	MR. MILAZZO:		officer, as defined in Rule 28 of the Federal
5	You'll share that with us?		Rules of Civil Procedure and/or Article 1434(b)
6	MR. BROUSSARD:		of the Louisiana code of Civil Procedure, before
7	Yes. I think Jeff should've done		whom this sworn testimony was taken, do hereby
	that.		state on the Record
8	MS. VIZINAT:	8	That due to the interaction in the
9		9	
0	It's in your packet, Johnny. MR. BAKER:	10	1 0,
1		11	, ,
.2	The hard copy is in the packet.	12	0 ,
.3	MR. MILAZZO: I didn't see that.	13	
.4	MR. FULTON:	14	transcription of proceeding, and that the dashes
.5		15	
6	Well, we can get you one. If you need		been left out of this transcript;
.7	an electronic copy, we can certainly do	17	That any words and/or names which could not
8.	that.	18	be verified through reference material have been
	MR. MILAZZO: Oh, I got it. I got it. Okay.	19	denoted with the phrase "(inaudible)."
	OII, I got It. I got It. Okav.	20	Lari Ornala di C.C.P.
20			Lori Overland, C.C.R.
20	MR. FULTON:	21	
20	MR. FULTON: We can certainly get you an electronic	22	# 97083
20 21 22 23	MR. FULTON: We can certainly get you an electronic copy too.	22	
19 20 21 22 23 24 25	MR. FULTON: We can certainly get you an electronic	22	

	Page 57
1	CERTIFICATION
2	I, Lori B. Overland, Certified Court Reporter in
3	and for the State of Louisiana, as the officer
4	before whom this testimony was taken, do hereby
5	certify that the above referenced individual to whom
6	oath was administered, after having been duly sworn
7	by me upon authority of R.S. 37:2554, did testify as
8	hereinbefore set forth in the foregoing pages, that
9	this testimony was reported by me in the stenomask
10	reporting method, was prepared and transcribed by me
11	or under my personal direction and supervision, and
12	is a true and correct transcript to the best of my
13	ability and understanding; that the transcript has
14	been prepared in compliance with transcript format
15	guidelines required by statute or by rules of the
16	board, that I have acted in compliance with the
17	prohibition on contractual relationships, as defined
18	by Louisiana Code of Civil Procedure Article 1434
19	and in rules and advisory opinions of the board;
20	that I am not related to counsel or to the parties
21	herein, nor am I otherwise interested in the outcome
22	of this matter.
23	(1997) T. J. C. C. B. L. C. L. C. L.
24	Lori Overland C.C.R.
25	# 97083

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	11:4	areas (2)	23:15;26:12,23;27:3,	budget (5)
\$	adopt (2)	31:5,6	21;28:1;29:22;30:4;	17:7,10,14;18:1,9
	6:12,13	around (3)	54:11	budgets (2)
\$118,223.30 (1)	adoption (1)	10:20;41:15;43:1	balance (4)	17:25;18:4
14:4	4:6	arrived (1)	9:3,4;10:22;14:3	built (1)
	afternoon (1)	25:24	Bare (2)	48:24
\$250 (1)	15:5	Article (1)	47:9,13	bulk (3)
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STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MOTOR FUELS UNDERGROUND STORAGE TANK TRUST

FUND ADVISORY BOARD

The above-entitled meeting was held at the LDEQ, Galvez Building, Conference Center, 602 North 5th Street, Baton Rouge, Louisiana, beginning at 1:09 p.m., on February 22, 2018.

BEFORE:

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

APPEARANCES

Kerry Hill Chairman

Durwood Franklin
Jeff Baker
Gary Fulton
Cy Morin
Johnny Milazzo
Perry Theriot
Nick St. Romain
Steve Burnham
Roger Bright, via telephone
Joe McCartney
Lacey Vitteri

Melissa Vizinat
Sam Broussard
Jason Efferson
Trey Kemp
Todd Perry
Roman Vixon
Fran Falke
Jill Carter
Kyle Blanchard
Vicky Hadlin

INDEX

EXAMINATION:	PAGE(S)
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None

EXHIBITS:

None

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* * * * *

1		****
2		MR. HILL:
3		I'd like to call this meeting to
4		order. Good evening, Ladies and Gentlemen.
5	5-1	Could we have a roll call and consideration
6		and adoption of the November 2017 board
7		minutes. Starting with Durwood.
8		MR. FRANKLIN:
9		Durwood Franklin, DEQ Trust Fund.
10		MR. BAKER:
11		Jeff Baker, DEQ Trust Fund.
12		MR. FULTON:
13		Gary Fulton, Underground Storage Tank
14		Division.
15		MR. THERIOT:
16		Perry Theriot, Legal Division.
17		MR. BURNHAM:
18		Steve Burnham, Engineering Associates.
19		MR. MILAZZO:
20		Johnny Milazzo, Louisiana Oil
21		Marketers and Convenience Store Association.
22		MR. HILL:
23		Kerry Hill, Louisiana Oil Marketers
24		and Convenience Store Association.
25		MR. ST. ROMAIN:

```
Nicholas St. Romain, Louisiana Oil
 1
 2
         Marketers and Convenience Store Association.
 3
         MS. VIZINAT:
               Melissa Vizinat, Trust Fund.
         MR. MORIN:
 5
             Cy Morin, DEQ Audit.
 6
         MS. VITTERI:
 7
 8
              Lacey Vitteri, Financial Services.
        MR. VIXON:
 9
               Roman Vixon, PPM Consultants.
10
11
         MR. PERRY:
              Todd Perry, PPM Consultants.
12
13
        MS. FALKE:
14
               Fran Falke, DEQ.
         MR. BROUSSARD:
15
16
             Sam Broussard, DEQ UST Division.
17
         MS. CARTER:
18
         Jill Carter, DEQ Legal Division.
         MR. KEMP:
19
20
              Trey Kemp, DEQ Trust Fund.
         MR. EFFERSON:
21
               Jason Efferson, DEQ Trust Fund.
22
23
         MR. BLANCHARD:
24
              Kyle Blanchard, UST Division.
25
       MS. HADLIN:
```

```
Vicky Hadlin, UST Division.
 1
 2
          MR. BAKER:
 3
                And on the phone.
 4
          MR. BRIGHT:
 5
                Roger Bright, Jones Environmental.
 6
          MR. HILL:
                I think that's everyone. Thank ya'll.
 7
                Let's move to item number three,
 9
          election of chairperson for 2018.
          (An off-the-record discussion followed.)
10
11
          MR. HILL:
12
                Oh, let's adopt -- I'm sorry. We'd
          like to adopt the minutes from the November
13
14
          2017 board meeting. Do I hear a motion?
15
          MR. FULTON:
16
                Motion.
17
          MR. HILL:
18
          I've got a motion by Gary. Second?
19
          MR. MILAZZO:
20
               Second.
21
          MR. HILL:
                Second by Johnny. So moved. Thank
22
23
          you.
                Now, let's go to item number three,
24
25
          election of chairperson for the calendar
```

```
1
          year 2018. Do we hear a nominee?
 2
          MR. MILAZZO:
 3
                I'd like to -- Kerry, if you would
          consider -- you've been -- you've done a
          great job. I know it's a lot of travel.
 5
          MR. BURNHAM:
 6
 7
                I agree with that.
          MR. MILAZZO:
                But my nomination is to re-elect Kerry
10
          Hill, if he's willing to accept.
          MR. HILL:
11
12
                I will accept it, Johnny.
13
          MR. BURNHAM:
14
                And I second that motion.
          MR. HILL:
15
                All in favor?
16
17
          (All indicated "aye".)
18
          MR. HILL:
19
                So moved. And we will continue on.
20
          And Johnny will be the vice-chairperson.
21
          MR. MILAZZO:
22
                At least I'd know what I'm getting
23
          into, right?
          MR. HILL:
24
25
                If you will, let's go to number four,
```

1	the financial services report with Theresa,
2	which I don't think is here.
3	MS. VITTERI:
4	I'm taking her place. She's at a
5	meeting.
6	MR. HILL:
7	And you're going to replace her.
8	MS. VITTERI:
9	Yes.
10	MR. HILL:
11	Okay. Well, it's all yours.
12	MS. VITTERI:
13	All right. Hi everyone. I'm Lacey
14	Vitteri. I'm an accountant in financial
15	services, and I prepare these quarterly
16	reports, which are presented to you at these
17	financial meetings.
18	I'd like to begin by explaining why
19	this report is only two columns compared to
20	previous quarters which had three columns.
21	As Theresa discussed, at the November
22	board meeting, we have changed the
23	presentation of financial statements to
24	exclude the interest amounts that are
25	dedicated to the abandoned tank program.

This includes all interest beginning July 1st, 2001. Because the interest is no longer included in the trust fund balance or the unobligated balance, we were able to simplify the financials and remove the third column which previously added in the interest, which is now shown in the second column of this report.

The interest total as of the second quarter of this fiscal year was 6.7 million. The amount Theresa discussed previously was approximately 11 million. The 11 million represented interest earned since the program was created. However, in reading the statute, we realized the only interest earned beginning July 1st, 2001 was dedicated to the abandoned tank program. So we isolated that interest amount in a separate column and removed it from the total to ensure the proper amount was shown that's available for that program.

Now, I'll discuss the reports for the second quarter of fiscal year 2018. You may want to turn to tab four to follow.

As you can see, when comparing the

1 center report to the report on the right, we 2 have collected approximately the same amount 3 of bulk distribution fees for the first two quarters with a slight increase of two 4 hundred thousand. Moving down to the other 5 6 receipts line, you'll see that we did not have a transfer for the DOJ for attorney 7 8 fees in the first two quarters of fiscal 9 year 2018, because the remaining funds for the attorney general's escrow was 10 11 transferred in fiscal year 2017, as shown in 12 the report on the left.

In the disbursement section, you'll see that we have seen an increase in year-to-date claims for reimbursements of approximately one million.

And last, you'll see at the bottom of the report that the liabilities on current sites have remained about the same and is around 80 million. You'll hear more from Jeff on this.

The unobligated balance has increased to approximately 23.5 million, as of December 31, 2017. However, I believe the board has discussed a legislative solution

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1	to correct the issue in the future.
2	The second page of the report includes
3	a projection of the transfer from the trust
4	fund to the ETF to cover administrative
5	expenses for both current fiscal year and
6	next fiscal year.
7	We expect the amount to stay fairly
8	steady over the next few years, barring any
9	unforeseen changes to federal funding or
LO	other revenues.
11	Unfortunately today, we will not have
12	a power point presentation. Theresa had to
13	attend a meeting at the Capital and due to
14	other work priorities we were unable to
.5	complete the power point report for this
.6	quarter's meeting. This will resume at the
.7	May board meeting.
.8	If you have any questions or topics
.9	you'd like Theresa to cover, please let me
20	know or send her an email. We apologize for
21	any inconvenience. Thank you.
22	MR. HILL:
23	Thank you. Does anybody have any
4	questions?

25

(No response.)

1		MR. HILL:
2		Thank you very much.
3		Let's go on to item number five, the
4		auditor's status report by Cy.
5		MR. MORIN:
6		Cy Morin, DEQ Audit.
7		Tab five is where my report will be
8		located.
9		This is as of February 14th. The
10		first page of the report details 20 open
11		motor fuel audit cases as of February 14th.
12		One case resulted in a credit of
13		\$579.61, due to a miscalculation for five
14	*	months. We're waiting on this credit
15		deduction from a current payment and we will
16		be able to close the case file.
17		Eleven cases are awaiting review.
18		Pending final review, there's one potential
19		credit of \$4,419.06, and ten potential clean
20		audits. Six cases are currently still in
21		progress with the results to be determined.
22		And two fiscal year cases are scheduled.
23		One for February 27th and one for March
24		27th.
0.5		girra the last mosting three new

2	cases have been closed and removed from the
3	list.
4	Of the six removed, five were clean
5	audits and one was assessed approximately
6	\$4,000, which was paid in full.
7	Any questions on this page?
8	(No response.)
9	MR. MORIN:
10	The second page is the same four cases
11	in legal that we've discussed many times
12	before. The first case and the fourth case
13	on the list are now ready to go to ODR. The
14	letters have already been mailed out and

cases have been added to this list, and six

The second case, they continue to make payments on that one. There was a \$250 payment received December 4, 2017. I would expect we will get another payment soon. If not, then that will be added to the list of cases that need to go to ODR.

legal is working to get everything completed

on that. So those two cases will be going

to ODR in the very near future.

And the third case on the list remains the same. It's at ODR and we have received

15

16

17

18

19

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21

22

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25

```
1
          no payments to date.
 2
                As you can see, the four cases now
 3
          represent a total remaining balance of
          $118,223.30.
 4
 5
                Any questions?
 6
          MR. MILAZZO:
 7
                Cy, I think I may have asked this last
 8
          time. I'm not looking at those notes, but
 9
          all four of these companies are no longer in
10
          business; is that --
11
          MR. MORIN:
                I -- I think that's an accurate
12
13
          statement, yes. It's -- I can say three for
          certain, and I think the fourth is as well,
14
15
          which would be the fourth one on there.
16
          It's a more recent audit. But I do believe
17
          -- I do believe that one is as well. I'll
18
          follow up and --
19
          MR. MILAZZO:
20
                Okay.
21
          MR. MORIN:
22
                -- and make sure.
          MR. HILL:
23
24
                Does anybody have anymore questions?
25
          (No response.)
```

1	MR. HILL:
2	If not, let's go to item number six,
3	the trust fund status report by Jeff.
4	MR. BAKER:
5	Good afternoon. If ya'll turn to tab
6	six in your packets. These are the figures
7	for the second quarter of fiscal year 2018.
8	During the second quarter of fiscal
9	year 2018, the trust fund received 194
10	applications, totaling approximately 3.6
11	million dollars. As of the end of December
12	2017, the trust fund had 147 pending
13	applications to process, which have
14	requested totals of approximately 2.1
15	million dollars. 159 applications were
16	processed for payment during this fiscal
17	quarter, totaling just over three million
18	dollars. And ten applications were returned
19	with deficiencies.
20	The next page titled report of
21	cumulative activities in the trust fund,
22	under the tab marked under this tab mark
23	the historical values related to the trust
24	fund is provided for the board's

informational purposes. It just kinda gives

```
you a history of what's gone on with the
 1
          trust fund over the years.
 2
 3
                We gave ya'll a handout that wasn't
          included in the packets, and we apologize
 4
          for that. Normally, we intend on including
 5
          these things in the packets. But if you'll
 6
          look at that, you'll see there's a -- the
 7
          first one is titled monthly motor fuel trust
 8
 9
          fund obligation determination. I'm sorry.
          That one was included in the packets. It's
10
          the next section that's not. That's
11
12
          actually in your packet. I apologize for
13
          that.
                This is the worksheet that list the
14
         various component determination of the
15
          potential obligation against the trust fund
16
          as of the end of December. Do ya'll see
17
18
          that page?
          MR. HILL:
19
                Oh, that's in the packet?
20
21
          MR. BAKER:
                It is. That's what I'm saying, I --
22
23
          T --
24
          MR. HILL:
25
                Okay. I got you.
```

1	MR. BAKER:
2	The next section we're going to talk
3	about is not in the packet. I apologize for
4	that.
5	For the sites in the corrective
6	action, the outstanding liability for
7	corrective action plan budget and estimated
8	cost to reach closure as of the end of
9	December 2017 was approximately 27 million
10	dollars. This total includes the CAP budget
11	remaining amounts and the RAC estimated cost
12	to closure. This is what I was talking
13	about. In in the section, corrective
14	action plan budget in your handout that you
15	were given separate from the package, that
16	gives you the that documents the
17	individual CAP sites included in these
18	amounts. Do ya'll see that? Yes, that one
19	right there. Perry has got it in his hand.
20	MR. MILAZZO:
21	That's what I thought, yes.
22	MR. BAKER:
23	That gives you an overall of the
24	individual sites and their their CAP

budgets and where they are in their -- in

1 their budget.

The next section is the fund obligation recognized for sites without ROG approved CAP budgets. And that's 22 -- well, basically 23 million dollars. This is determined using a three year average site closure cost and applying these costs to the average trust fund sites without a current CAP budget.

The next -- the next group in that handout we gave you is the non-CAP sites trust fund obligation estimates. It's a list of all of the sites that currently don't have CAPs and where they are, how much money we've spent on investigations and -- and some ICAP activities. So you'll see that.

You'll also notice that the total obligation for this section dropped dramatically. The reason is, is that we -- we use a three year average for these numbers. And what we did is, is that that average is going to change over the years. As we have high dollar sites come on and off, that average is going to fluctuate.

And this particular time period -- we do this every quarter. We recalculate that three year average on a quarterly basis. In this particular quarter, a number of high dollar sites rotated out of that three year cycle, so that average dropped dramatically, approximately about \$50,000. Next quarter, it may jump up some more. It's just going to fluctuate as those high dollar sites come on and off. But it does have an impact on the obligation.

The next section, the fund obligation recognized there were 30 sites that have been determined to be trust fund eligible, however, have not submitted a reimbursement application. It's approximately 8.2 million dollars. This is also determined using the three year site average cost and applying these costs to sites that have requested eligibility but have not -- not yet submitted a request for reimbursement from the fund. That number actually went up a little bit from last quarter, but the number of sites also went up. It went from 24 to 30. But because the average dropped some,

the difference wasn't as much as it would be.

The five year projected fund obligation related to the trust fund to the environmental trust fund transfers is 20.8 million dollars. That number stays the same throughout the fiscal year. That -- that was the number it was last quarter as well.

This number is based upon the three year average of the trust fund transfers and then multiply that average times five years.

The next section is -- well, the total is -- the total estimated obligated amount is 79.3 million dollars, which represents a four million dollar reduction from last quarters estimated amount.

Now, if you'll go back to your packet.

I'm sorry for the confusion. The -- the section labeled incidents determined eligible for the motor fuel trust, this report shows a total -- shows the number of potential trust fund sites that were reviewed and made eligible during the current fiscal year was 24. And that

represents 30 active incidents. So in this
quarter, we had 24 sites added to our list,
which represented 30 active incidents.

The next page in your packet labeled trust fund sites that had a release granted no further action status, the trust -- this represents the trust fund sites that have received a no further action status thus far in fiscal year 2018. And those are 24 locations.

Are there any questions at this point about what we've presented so far?

(No response.)

MR. BAKER:

Okay. We'll go on to points of interest related to the trust fund. The trust fund has noticed some habitual errors in a number of our recent reimbursement applications. Most of what we're seeing, we — we think it's attributable to staff turnover with some of the RACs. The types of errors — these types of errors slowdown our process time. And what the trust fund is looking to do is facilitate some training opportunities for the RAC's staff, to answer

questions and to share some of our experiences. This is very much in the beginning phases of our -- of our thoughts. So we're going to probably be getting with some of the RACs in the near future to talk about some -- how to do this and better --better ways to do it. We may even go up to some of the regional offices to try to facilitate allowing more of the RACs to come that are in different regions. But we are looking at that and we wanted to make ya'll aware of that.

Also, in the past year, the department has worked with the UST stakeholders to form multiple workgroups to address a number of critical issues. We've gotten very positive feedback from these workgroups and feel strongly that they help all parties see the various perspectives related to the UST issues. The department wants to continue down this path by having an annual stakeholder workgroup meeting. These meetings will provide the RACs, the owners and the department staff opportunities to bring forth critical issues for discussion

1	towards resolution. There would be a time
2	period prior to the meeting for participants
3	to provide written topics for discussions.
4	These topics will be compiled into an
5	agenda. On the day of the meeting, there
6	would also be time after the agenda items
7	have been addressed for open discussion
8	concerning ad hoc topics. We're hoping to
9	begin planning the first meeting some time
10	this summer. And we want to make ya'll
1	aware of what our thoughts were on it.
.2	All right. Does anybody have any
.3	questions about any of those points?
. 4	(No response.)
.5	MR. BAKER:
. 6	If you'll look in the again, we're
.7	flipping having ya'll flip back and
.8	forth. If you'll look in your handout,
.9	you'll see a couple pictures of a a
20	trailer. This is a picture of an 8X5
1	enclosed trailer. This was one of the first
.2	ozone units purchased by the trust fund to
13	remediate a site. This unit has been used
4	to complete at least two trust fund sites.

It's now about ten years old. We had the

manufacturer look at the unit and he informed us, due to the age of the technology, it's really not worth refurbishing at this time. Typically, we do try to relocate these used remediation systems, but if we don't have another site to utilize the system, we will actually put the bid out to sale. Often, we don't get much resale values for these used systems. In fact, often, no bids are submitted and the RAC will end up taking the unit to the scrap yard and sell it for scrap metal.

Any funds that are generated from that is -- from either the selling of the used system or the scrap metal, does come back into the trust fund. And you'll see that in the category, recovered cost.

Since the refurbishment is not an option for this system and the scrap metal would be -- cost would be minimal, the department request the board's approval to donate the enclosed trailer to the department. The trailer could be used to transport weather sensitive equipment to emergency response sites, as well as other

1	offsite assessment locations. It's a very
2	good trailer. It's enclosed. It's got an
3	AC on it. The department could utilize it
4	immensely. And we hated to see it go to
5	scrap.
6	MR. THERIOT:
7	Just to note, because I think it is
8	was it is very important. We would like
9	the board to recommend that it be made
10	available to the department. I don't want
11	you guys to be stuck in in actually
12	making the decision.
13	MR. HILL:
14	Right.
15	MR. THERIOT:
16	So I I would recommend that you get
17	the board to recommend to us that you would
18	approve such.
19	MR. HILL:
20	I make a recommendation.
21	(An off the record discussion followed.)
22	MR. HILL:
23	First, I'd like to recognize that Joe
24	McCartney has arrived in our meeting. He
25	got lost after lunch.

```
I make a motion -- or, I make a motion
 1
          that we donate the trailer to the department
          for their further use. Do we hear a second?
 3
          MR. MILAZZO:
 4
                I -- I've got no problems with the
 5
          recommendation that -- and -- and motion or
 6
          second a motion to allow you guys use or
 7
          actually take ownership of the unit.
 8
          MR. HILL:
 9
                All in favor?
10
         (All indicated "aye".)
11
          MR. BAKER:
12
                That ends my section. Does anybody
13
          have any other questions?
14
          MR. HILL:
15
                Anybody have any other questions?
16
          MR. MILAZZO:
17
                I -- I do. On the -- on the
18
          corrective action plan -- and maybe I'm
19
          missing something here -- but are dates
20
          available when these sites come into the
21
22
          system?
          MR. BAKER:
23
                Absolutely.
24
          MR. MILAZZO:
25
```

1	Is that a column maybe that you can
2	add to that? Is it too busy?
3	MR. BAKER:
4	It might make it a little smaller
5	print, but if ya'll are okay with that.
6	MR. MILAZZO:
7	I know it just you know, we we
8	sit here I sit here sometimes wondering,
9	you know, what if we're looking at some
10	of this stuff and it and it you know,
11	and this some sort of chronological
L2	order and says okay from first to last and
13	how long are these things in the system, and
L4	I just maybe at some point feel like we're
15	greater contributors. Perhaps we're not the
16	scientist or certainly environmentalist. I
L7	don't I don't want to necessarily get in
L8	that space. But I'd be interested in
L9	knowing how long some of these things are
20	out there.
21	MR. BAKER:
22	Not a problem. Would you like that
23	column also added to the second report?
24	MR. MILAZZO:
25	Please. Yes.

1	MR. BAKER:
2	No problem.
3	MR. HILL:
4	Any other questions?
5	(No response.)
6	MR. HILL:
7	If not, we will thank you, Jeff.
8	We will move on to third party claims
9	status. Perry.
10	MR. THERIOT:
11	I'm glad to say that we have received
12	no new third party claims since the last
13	meeting that we had. We are currently
14	litigating two active suits. I expect one
15	to be settled very soon. The other I think
16	it may come abandoned, if the attorney does
17	not move it soon. So we we are doing
18	well so far on third party suits. Seems
19	that way.
20	On another legal note, just it's
21	not on the agenda but I I can bring it up
22	as a reminder, because I brought it up last
23	meeting. Our changes in the statue last
24	year do impose that two year limitation in
25	order to institute the investigation work.

1	So I like to bring it up each meeting to
2	remind the RAC community and the owners that
3	the clock is running on releases that have
4	occurred subsequent to that date of the
5	effective statute. So just that's just a
6	word to the wise, that's all, as a reminder.
7	MR. BURNHAM:
8	That's after an incident number has
9	been assigned and
10	MR. MILAZZO:
11	Request for
12	MR. BURNHAM:
13	and some correspondence has been
14	sent.
15	MR. THERIOT:
16	Yes. They will be yes, that's
17	generally speaking, when the site is
18	reported to the department and a request for
19	eligibility is made.
20	MR. BURNHAM:
21	Right.
22	MR. BAKER:
23	And a request for assessment.
24	MR. FULTON:
25	Once we request the assessment work

1	that's when
2	MR. THERIOT:
3	The two-year clock starts.
4	MR. BAKER:
5	Those are sent out with green cards,
6	so when the green cards come back, then we
7	have that date as our start date.
8	MR. MILAZZO:
9	So for a bit of clarity on my part,
10	you've had situations, I guess, where
11	someone has reported, you guys request maybe
12	further investigation and and literally
13	years could go by before there's a followup.
14	MR. THERIOT:
15	That would be correct.
16	MR. MILAZZO:
17	Okay.
18	MR. ST. ROMAIN:
19	And I guess plumes grow and
20	MR. THERIOT:
21	That and that is one of the reasons
22	for us asking the legislature to give us the
23	two year time period, because it ends up
24	costing the fund more money the longer the
25	delay.

```
MR. MILAZZO:
 1
 2
            And you really don't have an teeth in
 3
          that today to take some sort of action?
          MR. THERIOT:
 4
 5
                Well, we have teeth in some areas, but
          some areas, we don't. If --
 6
 7
          MR. FULTON:
 8
                I mean, if they're an active facility,
 9
          we can red tag them.
10
          MR. THERIOT:
11
                Yes. We can red tag them for not
12
          doing it.
13
          MR. MILAZZO:
14
                Okay.
          MR. THERIOT:
15
16
                But --
          MR. MILAZZO:
17
                But -- but then it -- but they don't
18
19
          have to do anything else then? How -- they
20
          just don't get anymore fuel.
          MR. THERIOT:
21
22
                That's correct. But --
23
          MR. MILAZZO:
24
                But they can still procrastinate.
25
          MR. THERIOT:
```

```
-- a facility -- that's usually a
  1
           pretty good -- that's better than anything
  2
  3
           the department can do.
           MR. FULTON:
  4
                It's worked.
  5
           MR. THERIOT:
  6
  7
             It works better than --
           MR. ST. ROMAIN:
  8
  9
                 Works at active sites.
 10
           MR. THERIOT:
 11
           Exactly.
 12
           MR. ST. ROMAIN:
                 Doesn't help if --
 13
           MR. THERIOT:
 14
                It's the inactive sites that --
 15
           MR. HILL:
 16
17
                 The inactive is where the problem is.
           MR. FULTON:
 18
 19
               Yes.
           MR. MILAZZO:
 20
                So again, I don't --
 21
 22
           MR. HILL:
                 Do you have a lot of that?
 23
           MR. THERIOT:
 24
 25
                Yes. We have a large list of inactive
```

1	sites where people were told to send in
2	investigation plans and it's been years and
3	we haven't gotten them.
4	MR. MILAZZO:
5	I'm not sure that you know, if we
6	can help by going on the record, but from a
7	legislative standpoint, that's something
8	that I think we're all genuinely interested
9	in doing the right thing. And if there are
10	those that are not following those rules,
11	then we need to support the department in
12	their quest to the legislature
13	MR. ST. ROMAIN:
14	So the request would be that after two
15	years, they would no longer be trust fund
16	eligible?
17	MR. THERIOT:
18	No. It's already it's already in
19	the law.
20	MR. ST. ROMAIN:
21	It's already in it.
22	MR. THERIOT:
23	Yes. And after the two years from our
24	unless it's our fault, like, we got your
25	plan and we're because it extends the

```
clock while we're reviewing it.
 1
          MR. ST. ROMAIN:
 2
 3
                Right.
          MR. THERIOT:
 4
                But if the -- after that two year
 5
 6
          period has run with no plan coming in, they
 7
          become ineligible.
          MR. HILL:
 8
 9
                And it could essentially cost the
10
          department more money by the delay of
          addressing the --
11
12
          MR. THERIOT:
13
                Well, it'd cost the fund.
          MR. HILL:
14
15
                The fund, I mean. The fund, yes.
          MR. MILAZZO:
16
                So what -- what support could we give
17
18
          you in respect to making that better?
          MR. THERIOT:
19
                It -- well, we -- we have the statute
20
          now. We just try to remind everyone of the
21
22
          statute.
          MR. HILL:
23
24
                Okay.
```

MR. THERIOT:

1	All your owners out there and and
2	the RAC community that is contacted by the
3	owners, that the clock is running.
4	MR. FULTON:
5	We try to keep them reminding
6	MR. BURNHAM:
7	I guess there would be multiple
8	attempts to contact in case a letter got
9	lost.
10	MR. FULTON:
11	Oh, yes.
12	MR. BURNHAM:
13	Yes.
14	MR. MILAZZO:
15	So you you're not even permitted to
16	really take any sort of civil action,
17	perhaps, if someone is is neglecting to
18	do or, respond to those requests?
19	MR. THERIOT:
20	It's difficult, okay. And it would
21	end up costing a lot of money to do that.
22	But we we we've got some like for
23	active stations, we we have some
24	remedies. The hard ones are the guys who
25	are not in business anymore, and you send

1	them things and they don't respond and they
2	you know, eventually we find out that
3	they're on social security someplace and
4	they don't have the money to do what
5	they're asking them to do. But if we know
6	that, we have an abandoned tank program to
7	handle it. So that's we need that
8	information. It's when we get the request -
9	- when we get the report and then nothing
LO	happens, okay, that's the worse situation.
11	MR. MILAZZO:
12	And help me on the abandoned tank.
13	But where you guys take an active role in
L 4	that, you you lien that property for any
15	future transaction?
L6	MR. FULTON:
L7	Yes, we do. We send it through the
18	enforcement process. We have a crew that
9	evaluates those and they get they
20	recommend it to the tank program. Then once
21	it comes up on the list to be mediated I
22	mean, we only get so much money. We got,
23	you know, a large amount sites, then we
24	would place a lien on it, so
2.5	MR. MILAZZO:

```
1
                Is there any sort of mandate to force
 2
          that to a sheriff's sale perhaps to --
 3
          MR. THERIOT:
 4
                No. It -- we're not --
 5
          MR. MILAZZO:
 6
                So you just -- you just take the
 7
          position that it could be there forever?
          MR. THERIOT:
 8
                Yes -- well, no -- well, we -- what we
          do as a practical matter is if someone wants
10
11
          to purchase the property that has a lien on
12
          it, they can contact the department. We
13
          will negotiate a price to release the lien,
14
          okay, which goes back into the fund. But
15
          generally, we are going to be limited by the
16
          value of the property.
17
          MR. MILAZZO:
18
                Right.
19
          MR. THERIOT:
20
               I mean, no one is going to pay more
21
          than market value. So in the -- in the few
22
          cases we've done, we've asked that they have
23
          an assessment, you know, a property
24
          assessment done and we actually go spend a
```

few dollars -- we have some people on

```
contract that would do our own assessment to
 1
          make sure that we're getting the market
          value of the property. And then, yes, we
 3
          will negotiate and take market value of the
 4
          property in order to place it back into
 5
          commerce. You know, we don't want a piece
 6
          of property all over the state just sitting
 7
          and --
 8
          MR. MILAZZO:
 9
                Right
10
          MR. THERIOT:
11
                -- never -- never to be used.
12
          MR. MILAZZO:
13
                Right.
14
          MR. BURNHAM:
15
                Okay. Does the department see any
16
          other significant delays at any time during
17
          the process like between assessment and CAP
18
          or anything? There's not really a big --
19
          MR. FULTON:
20
                Not really.
21
22
          MR. BURNHAM:
                -- problem anywhere in there?
23
          MR. FULTON:
24
                It's -- it's actually getting them
25
```

```
1
          either in the trust fund or finding funding
 2
          to -- it's always -- it's very rare after
 3
          you get started that you have a problem.
          MR. HILL:
 4
 5
                Any other questions for Perry?
          (No response.)
 6
          MR. HILL:
 7
 8
                If not, we're going to go to item
 9
          number seven -- I mean, number eight,
10
          presentation, overview of the ages of
11
          Louisiana underground storage tanks by Mr.
12
          Sam Broussard.
13
                Sam you've got the floor.
14
          MR. BROUSSARD:
15
                All right. Thank you, Kerry.
16
                I put this together for Johnny because
17
          he requested it at the last meeting, so
18
          thank you, John.
19
          MR. MILAZZO:
20
                I figured I'd give you a little extra
21
                work, Sam.
22
          MR. HILL:
23
                Gave you a little time to put it
24
          together.
25
          MR. BROUSSARD:
```

1 Yes. 2 MR. MILAZZO: 3 I know you like homework. MR. BROUSSARD: 4 5 All right. So -- so what I did --6 hey, Roger, can you hear me? MR. BRIGHT: 7 Yes, I can hear you fine. 8 9 MR. BROUSSARD: 10 All right. Great. So -- so what I 11 did was, we -- we have a database a tempo 12 database, we have all our UST information 13 and we gave them our registration form. The 14 database is new. We don't do queries on it that often. So the last one I did was in 15 16 January of '15, so I added that information 17 with this one. And the data that I'm going 18 to give you today is November 30 of '17, so 19 about -- close to three years after I did my 20 first one. Just for a little comparison. 21 We have -- I don't have a pointer. 22 But we have 10,650 buyout tanks that are --23 it -- currently are not closed, either active or temp closed in Louisiana. 9,551 24

of those are active. 1104 are in temp

1 closure. Just to give you an idea of the universe.

All right. So the average age -- as of November 30 of '17, the average age of our total universe is in the far right, the green column, 26.9 years. That includes active and temp closed tanks. Active tanks, the average age is 26.3 years. And average age of our temp closed tanks is 31.8. So comparing that to the early 2015, tanks are getting older, which is what we expected.

This is a chart that's -- number of tanks on the left, age on the bottom. And you can see that the bulk of our age of our tanks fall in between somewhere around 18 to say 39 or 40 years. So I -- we have a lot of old tanks in Louisiana is what this is telling us. The redline is half the tanks.

The double wall -- these -- the bulk of them are single wall. I think we have about a little under 15 percent double wall tanks.

MR. MILAZZO:

24 15, you said?

MR. BROUSSARD:

```
But only --
 1
 2
          MR. MILAZZO:
                15?
 3
 4
          MR. BROUSSARD:
 5
                Pardon me?
          MR. MILAZZO:
 7
                15?
 8
          MR. BROUSSARD:
                It's actually 14.9 percent are double
 9
          wall. But of that, only seven -- I think
10
11
          seven point four are required to do
12
          interstitial monitoring. That's the ones
          installed say nine years ago, after our
13
14
          12/2008 interstitial monitoring deadline.
          Yes, seven -- seven point four percent are
15
          doing interstitial monitoring, or have to
16
17
          submit.
                I just broke it down, the ages, you
18
19
          know, a ten year gap and five year gap so
20
          you could see. You know, if we were to -- I
          -- I know there's been a lot of talk.
21
22
          People ask me all the time, "would you make
          tanks over 30 years close?" And if we did
23
24
          that, you could look on the left, anything
25
          over 30 years, we're looking at somewhere
```

around close to 50 percent of our tank
universe is over 30 years old. So if we
said everybody over 30 years has to close,
that's gonna be close to half of our
universe.

So those things -- those are the reasons why we don't pursue those kind of regulations, because we know the impact to the universe. But if you guys want to propose something like that, you know, we'd listen to you.

I -- I think the take away is, you can look on the right, you know, 75 percent of our tanks are between 16 and 40 years old. So we have an old tank universe. And looking at releases is one of the things I do every year and the number of tank releases has been going up. It was -- we had seven documented tank releases two years ago. We had 15 last year. And I looked at the average age of those 15 tanks that leaked and they were average age of 30.8. And -- and what I've been seeing recently in the last year is older fiberglass tanks in the mid '80's are starting to leak. We've

got -- I -- I saw on that list that Jeff had 1 of eligibility request, I saw a number of 2 those were on that list this year. So we 3 are starting to see these old FRT tanks 4 5 leak. I will open it up to any questions you 6 7 guys have. MR. MILAZZO: 8 So with that information and, you 9 know, you look at cleanup cost today, impact 10 to the trust fund, when you look at the 11 demand, okay, there's some correlation to 12 age and cost. As you guys begin to look at, 13 as we look at, you know, what we think not 14 too long ago, we thinking the fund is 15 getting to a point where maybe you could 16 rachet back a little bit, but if those 17 numbers, if you look at tanks 30 and older, 18 and it's one thing if folks are pro-actively 19 upgrading, right? But if you only respond 20 because the tank is end of life, and it's 21 because you've had an event, it'd be a 22 pretty hefty demand on the fund. 23

MR. BROUSSARD:

25 Right.

1 .	MR. HILL:
2	So a tank installed in '87 or '88 is
3	at that 30 year mark right now.
4	MR. THERIOT:
5	Yes. That would've been remember
6	the tank upgrade requirement, it had to be
7	upgraded by '90.
8	MR. HILL:
9	By '90. That's right.
10	MR. THERIOT:
11	Yes. And so many of those tanks,
12	although they were old, were upgraded.
13	MR. HILL:
14	Yes.
15	MR. THERIOT:
16	Many were lined.
17	MR. HILL:
18	That's right. We had an option to
19	line or
20	MR. THERIOT:
21	All those things had to be done in
22	order to continue receiving fuel after '98.
23	So I don't know how many I my guess
24	would be and I'm not like Sam, I haven't
25	gone out and looked. But I've been to a

1	couple presentations at the funds meetings,
2	the the older tanks, that they're older
3	than the 30 or 40 years olds, tend to be the
4	smaller facilities that are beginning to
5	close. A lot of them. And and we find a
6	lot of releases when phase two's are done on
7	the property transfers.
8	MR. HILL:
9	Would you agree with that, Sam?
10	MR. BROUSSARD:
11	Not necessarily. We are we're
12	seeing large companies that are buying
13	smaller companies that have older tanks. So
14	Circle K has a lot of old fiberglass tanks.
15	They bought Kangaroos. And as these larger
16	companies buy these smaller companies,
17	they're going to own them.
18	MR. ST. ROMAIN:
19	So
20	MR. BROUSSARD:
21	And and here's the other thing,
22	they have the money, when they do leak, to
23	go in and do the internal inspection and
24	repair them. And so we're seeing a lot

of repairs to old fiberglass tanks now.

```
MR. ST. ROMAIN:
 1
 2
                Now, Sam, isn't there a certain age or
 3
          certain tank type that if it leaks, it's not
          eligible for repairs, it has to be removed
 5
          or closed?
          MR. BROUSSARD:
 6
 7
                Not necessarily.
          MR. ST. ROMAIN:
 8
 9
               Bare steel or --
10
          MR. THERIOT:
                There are some states --
11
12
          MR. BROUSSARD:
13
                Well, bare steel piping in our regs,
          if your piping is steel and it leaks, the
14
15
         total pipe, you have to replace the steel
16
          pipe.
          MR. ST. ROMAIN:
17
                But a steel tank does not -- it can
18
19
      still be --
20
          MR. BROUSSARD:
21
                No. It could be repaired.
          MR. ST. ROMAIN:
22
                -- repaired.
23
24
          MR. HILL:
```

Even a steel tank that was relined

```
1
          back during that time period?
 2
          MR. BROUSSARD:
 3
                Yes. The relining thing, currently
 4
          those -- they can be relined again.
 5
          MR. HILL:
 6
                Do you see much of that anymore?
 7
          MR. BROUSSARD:
 8
                Yes.
 9
          MR. HILL:
10
                You do. Okay.
11
          MR. BROUSSARD:
12
                Yes, we are. When the new regs come
13
          out, tanks that had that -- that are lined,
14
          that don't have any other corrosion
15
          protection, the lining will have to be
16
          inspected again and -- whenever it's due.
17
          And if it can't be repaired, they'd have to
18
          close the tank. We're not going to let
19
          people reline older tanks anymore. So we're
20
          trying to get out of the business of
21
          allowing upgrades to older tanks. So this
22
          new reg packet -- I know some of you guys
23
          have seen it -- there's a lot of things
24
          built in to start phasing out that older
          universe.
25
```

```
1
          MR. ST. ROMAIN:
 2
                Now -- now, when a -- I guess, is
 3
          there a percentage or -- of tanks that are
          closed, is there a high amount of releases
 4
 5
          that are found upon closure? Whereas, if
 6
          you had set a sunset date on tanks, and you
 7
          had a certain close on all these tanks,
 8
          would there be a sudden rush on the trust
 9
          fund, if all of a sudden you're finding --
10
          finding leaks that were previously
11
          undiscovered?
12
          MR. BROUSSARD:
13
                I don't have the data on closures --
          MR. ST. ROMAIN:
14
15
                Yes, right.
16
          MR. BROUSSARD:
17
                -- in my hand. I could -- we could
18
          get that for you, how many closures are
19
          actually doing remediation. We could get
20
          that for you at a later date. I don't have
21
          it today.
22
          MR. ST. ROMAIN:
23
                Right. If you pushed 1,000 tanks to
24
          closure, are you exposing yourself to 500
25
          new leaks or something like that?
```

```
MR. BROUSSARD:
 1
                My guess would be, yes.
 2
 3
          MR. THERIOT:
                That would be my guess as well.
 4
          MR. ST. ROMAIN:
 5
                Right.
 6
 7
          MR. THERIOT:
                I haven't seen too many pulled where
 8
          you don't have to do work.
 9
          MR. HILL:
10
                So ya'll -- ya'll see -- ya'll see
11
          this everyday. And, you know, we see it or
12
          experience it and just, you know, by
13
          listening to what even Perry said, the --
14
          the -- and what you said Sam -- the 30 plus
15
          or 35 year plus old tanks could be a
16
          tremendous cost to the trust fund. Do ya'll
17
          have any suggestions going forward? And I
18
          think maybe you do.
19
          MR. BROUSSARD:
20
                No. Actually --
21
          MR. HILL:
22
                You don't? Okay.
23
          MR. BROUSSARD:
24
                Well -- and I can tell you, one of the
25
```

1	things we did in this new reg packet is we
2	do there's a lot of old temporary closed
3	tanks.
4	MR. HILL:
5	Yes.
6	MR. BROUSSARD:
7	We have a bunch. And a lot of them,
8	the average age is 30 something, close to 32
9	years old. We've got a bunch that are over
10	30, over 40. We put in a lot of new regs in
11	this reg packet to address those temp closed
12	tanks. For instance, if they have internal
13	lining and they don't do the inspection when
14	they're suppose to or they have a
15	(inaudible) exposure protecting it from
16	corrosion and they're not operating it over
17	a certain period of time, we're going to
18	require them to permanently close those
19	tanks. So we don't like to keep a bunch of
20	old temporarily closed tanks that are not
21	kept up with in our universe where somebody
22	can come and buy it and put it back in
23	service.
24	MR. FULTON:
25	Especially when it's been in temp

1 closure for an extended amount of time. 2 MR. ST. ROMAIN: 3 It's called temporary closure. Is there a limit on how long it can stay in 4 5 there? MR. BROUSSARD: 6 There is no limit. And -- and we've 7 had many discussions on a limit. But -- and 8 9 -- and here's the reason. If you look at 10 our numbers, we got, you know, close to 11 whatever, 11.2 percent of them and 1.8 of 12 temp closed tanks that are under 20 years old. Totally fine tanks that are in temp 13 14 closure that we don't want to force them to temporarily close because they've been out 15 of service for a year. But we don't want to 16 17 make somebody remove an asset if it's still 18 an asset. 19 MR. THERIOT: Those were extensively debated during 20 the reg groups, because some states do, some 21 22 states don't. MR. FULTON: 23 24 We believe it is an asset. MR. THERIOT:

1	Some of them some of them are
2	assets and some of them aren't.
3	MR. FULTON:
4	Yes.
5	MR. THERIOT:
6	Okay. Is kinda how it breaks out.
7	And and rather than make a rule that
8	classifies them all as non-assets, which is
9	what would happen if you put a time limit on
10	them, the decision was made to not put a
11	time limit on them unless we get to one of
12	the compliance issues that it's not being
13	followed and gives rise to a greater chance
14	that the tank would leak. So
15	MR. HILL:
16	You're speaking of an asset to the
17	property or the property owner?
18	MR. THERIOT:
19	Right. Somebody may want to buy and
20	put the station back into service. There's
21	a difference of opinion on it. That's the
22	best I can tell.
23	MR. HILL:
24	Any other questions for Sam?
0.5	MD MII 7770.

```
1
                 Thanks for doing that, Sam.
 2
          MR. HILL:
 3
                Thanks for doing it, Sam.
 4
          MR. MILAZZO:
 5
                You'll share that with us?
 6
          MR. BROUSSARD:
 7
               Yes. I think Jeff should've done
 8
          that.
          MS. VIZINAT:
 9
10
                It's in your packet, Johnny.
11
          MR. BAKER:
12
                The hard copy is in the packet.
13
          MR. MILAZZO:
14
                I didn't see that.
15
          MR. FULTON:
16
                Well, we can get you one. If you need
17
          an electronic copy, we can certainly do
18
          that.
          MR. MILAZZO:
19
20
                Oh, I got it. I got it. Okay.
          MR. FULTON:
21
22
                We can certainly get you an electronic
23
          copy too.
          MR. MILAZZO:
24
```

I've got what I need. Thank you.

1	MR. HILL:
2	Okay. At this time, is there anymore
3	questions for anybody today present at the
4	meeting?
5	(No response.)
6	MR. HILL:
7	And if not, do I hear a motion to
8	close the meeting?
9	MR. MILAZZO:
10	So moved.
11	MR. HILL:
12	Johnny makes a motion to close the
13	meeting. Do I hear a second?
14	MR. ST. ROMAIN:
15	Second.
16	MR. HILL:
17	Second by Nick.
18	Thank you everyone for attending.
19	THE MEETING ADJOURNED AT 1:54 P.M.
20	* * * *

1	REPORTER'S PAGE
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CERTIFICATION

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Lori Overland C.C.R.

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