

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 1:04 p.m., on November 16, 2017.

BEFORE:

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

A P P E A R A N C E S

Johnny Milazzo
Chairman

Kerry Hill
Durwood Franklin, via telephone
Jeff Baker
Gary Fulton
Cy Morin
Jill Carter
Nick St. Romain
Steve Burnham
Roger Bright, via telephone
Theresa Delafosse

Melissa Vizinat
Sam Broussard
Jason Efferson
Trey Kemp
Randi Stump
Todd Perry
Ian Kelly
Byron Blanchard
Aaron Bourgeois
Auburn Wilson
Roger Gingles

* * * * *

I N D E X

EXAMINATION:

PAGE(S):

None

EXHIBITS:

None

REPORTER'S PAGE

80

REPORTER'S CERTIFICATE

81

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MR. MILAZZO:

So Johnny Milazzo. I'll be acting as Chair today on behalf of Kerry Hill. And at this time, I'd like to call the meeting to order.

And I'd like to ask for a roll call, please.

MR. BURNHAM:

Steve Burnham with Engineering Associates.

MR. FULTON:

Gary Fulton, LDEQ.

MR. BAKER:

Jeff Baker, LDEQ Trust Fund.

MS. CARTER:

Jill Carter, Louisiana DEQ Legal Division.

MR. ST. ROMAIN:

Nick St. Romain, Louisiana Oil Marketers and Convenient Store Association.

MR. MILAZZO:

Johnny Milazzo, LOMA.

MS. DELAFOSSE:

Theresa Delafosse, DEQ Office of

DEPARTMENT OF ENVIRONMENTAL QUALITY

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1 Management and Finance.

2 MR. MORIN:

3 Cy Morin, DEQ Audit.

4 MS. VIZINAT:

5 Melissa Vizinat, DEQ Trust Fund.

6 MR. PERRY:

7 Todd Perry, PPM Consultants.

8 MR. BROUSSARD:

9 Sam Broussard, DEQ UST Division.

10 MR. BLANCHARD:

11 Byron Blanchard, DEQ Internal Auditor.

12 MR. EFFERSON:

13 Jason Efferson, DEQ Trust Fund.

14 MR. KEMP:

15 Trey Kemp, DEQ Trust Fund.

16 MS. STUMP:

17 Randi Stump, DEQ Trust Fund.

18 MR. BOURGEOIS:

19 Aaron Bourgeois, Louisiana Legislative
20 Auditor.

21 MS. WILSON:

22 Auburn Wilson, Louisiana Legislative
23 Auditor.

24 MR. MILAZZO:

25 And once again, on the phone, Kerry

DEPARTMENT OF ENVIRONMENTAL QUALITY

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1 Hill.

2 MR. HILL:

3 Kerry Hill, Louisiana Oil Marketers.

4 MR. MILAZZO:

5 Next.

6 MR. BRIGHT:

7 Roger Bright, Jones Environmental.

8 MR. FRANKLIN:

9 Durwood Franklin, DEQ Trust Fund.

10 MR. MILAZZO:

11 Anyone else?

12 (No response.)

13 MR. MILAZZO:

14 Okay. I'd like to call on Theresa to
15 give our financial services report.

16 MS. DELAFOSSE:

17 Thank you. If you will turn to tab
18 number --

19 (An off-the-record discussion followed.)

20 MR. MILAZZO:

21 Pardon me. Yes. I'd like to refer
22 you to the minutes from our meeting on
23 August 17th. If everyone has had an
24 opportunity to review those and if they
25 agree with them, I'd like to see if there's

1 a motion to adopt the minutes?

2 MR. FULTON:

3 Motion to adopt.

4 MR. BURNHAM:

5 Second.

6 MR. MILAZZO:

7 We got a second. All in favor?

8 (All indicated "aye".)

9 MR. MILAZZO:

10 Any opposed?

11 (No response.)

12 MR. MILAZZO:

13 Minutes adopted.

14 Thank you, Theresa. Now, I'd like to
15 call on you for the financial services
16 report.

17 MS. DELAFOSSE:

18 Thank you. Okay. So if you turn to
19 tab three, the first page that we have is
20 the fiscal year 2018 cash basis fund balance
21 report. That would be the -- there are
22 three blocks on the page, as we typically
23 have. The third block is what we have for
24 the first quarter of fiscal year 2018. The
25 middle block is a comparative statement,

1 showing you the first quarter from fiscal
2 year 2017. So you can see those two
3 compared to each other. And then we also
4 have the year end report from the fourth
5 quarter of fiscal year 2017, which you have
6 seen before, but it's just presented here
7 just so you have that historical information
8 available.

9 The unobligated balance as of the end
10 of the first quarter was \$23,430,376. We --
11 we collected about 5.8 million dollars in
12 this first quarter, which you'll see is
13 right in line with what we collected in the
14 first quarter last year. And our claims for
15 reimbursement were high this quarter. Right
16 at 3.5 million. Which was higher than last
17 year by a good 20 or so percent.

18 And then we also have down here the
19 transfer to the environmental trust fund,
20 which we've discussed before. And that's
21 based on statute that -- for the -- because
22 the revenues aren't sufficient from the
23 environmental trust fund to operate the
24 program, we make that transfer each year.
25 And that -- that transfer happens to fall in

1 the first quarter of the following fiscal
2 year. So that transfer was for expenditures
3 for fiscal year 2017.

4 So if you'll turn to the second page.
5 This is -- so this -- I was just talking
6 about the transfer to the environmental
7 trust fund. This is a projection for what
8 the 2019 transfer will be. As you see,
9 there's a slight decrease in that transfer.
10 So that's a good thing, moving in the right
11 direction at this time. Just keeping those
12 expenditures in line with what they need to
13 be from year to year.

14 We may see an increase in the
15 environmental trust fund revenues -- that --
16 that first line that is not zero -- for this
17 year because of the fee increase. But those
18 fees are billed in March, so we don't know
19 exactly what that's going to look like yet.
20 But there -- there should be an increase in
21 that line. So we -- we do need to adjust
22 for that as well. So that'll make the
23 transfer even smaller.

24 If there are no questions at this
25 time, I'll go to the podium and proceed with

1 the -- with the long -- the detailed version
2 of the presentation.

3 (No response)

4 MS. DELAFOSSE:

5 Okay. So back by popular demand, we
6 have the -- the lovely slide show with
7 additional information.

8 As of last time, I've tried to add
9 some new -- some new information that we
10 haven't seen before, just so you can
11 continue to get -- get a good understanding
12 of the different financial components of the
13 program.

14 So this first slide is a new one.
15 This is the RAC reimbursement history from -
16 - for the last five complete fiscal years.
17 So, you know, it went down for a couple
18 years. It was high in '16 and then a little
19 bit down in '17. And then that -- that line
20 across the top is the average for the five
21 year period.

22 The next slide is a little crazy
23 looking, but -- and Jeff -- Jeff reviewed
24 the presentation for me and said, "I don't
25 know about this slide." But it just goes to

1 show you that the payments are not very
2 predictable. So they're high months, you
3 know, typically around the beginning or the
4 end of a quarter, just depends on what else
5 is going on. But, you know, most of the
6 sites, those -- those applications tend to
7 come toward the end of the quarter. So the
8 month, either at the end of the quarter or
9 the beginning of the next, is typically the
10 highest of that quarter. But in general,
11 just kinda all over the board. No -- no
12 real pattern.

13 These are some other statistics
14 relevant to reimbursement. The table shows
15 the average cost of closure, since fiscal
16 year 2011. So as you see, there was a --
17 you know, they -- they kinda bounce around
18 too. But in general, they're trending
19 upward. I could've -- I should've possibly
20 included some of the charts on that page and
21 kinda see a trend there. But it does appear
22 to be trending upward, slightly. So you see
23 in fiscal year '11, it was 238 thousand and
24 now it's 276 thousand. So, I mean, that's
25 not -- that's, you know, over ten percent

1 but it's not -- not large -- not incredibly
2 a large increase for that amount of time.

3 We did see the changes that we are
4 implementing in fiscal year 2018 with the
5 changes to the guidance document, with some
6 of the cost increases, the four percent that
7 we did for a lot of the categories. So we
8 will see some increases going forward. And
9 then with the -- with the in-compliance
10 deductible getting reduced to zero dollars,
11 we may see some changes and we may see some
12 sites come in actually that have lower
13 dollar values that would not have met the
14 deductible previously that may cause the
15 average to go down. So it -- it just kinda
16 remains to be seen. It's very -- it's very
17 difficult to predict what that will do.

18 So then I just have some little notes
19 off to the right, based on the previous
20 slide. The highest month for reimbursement,
21 like I indicated, was typically a month near
22 the end or beginning of a quarter. The
23 lowest month can vary from year to year, but
24 for example, in fiscal year '17, our lowest
25 month was near the August flood. We were

1 closed for about two weeks so that's --
2 that's no big surprise there. And then the
3 monthly average is anywhere from 870
4 thousand to 1.16 million. So a pretty big
5 range there with the monthly average. But
6 they may be skewed a little by how fiscal
7 year '17 -- fiscal year '16 was.

8 This is a slide that we've had
9 previously, but I did change it. Instead of
10 doing the full year's deposits, I did just
11 the first quarter, just so you get some good
12 comparative information from one year to the
13 next. So you'll see they've been pretty
14 steady, the revenues. They were -- have
15 been high this year, so far. They did --
16 you know, last year, again, with the flood
17 and the August closures, that was low and
18 expected to be low. Our receivables group
19 took a little -- a little while to get
20 caught up on posting all that, classifying
21 those revenues. But from last year, we have
22 a 32 percent increase. And you'll see it's
23 even an increase from the fiscal year '15
24 and '16 where we did about 5.1 in the first
25 quarter. So we're doing -- doing well so

1 far.

2 And then a big increase -- we've seen
3 a very big increase in our interest income,
4 which we've discussed previously. Both
5 because the -- the principal is larger and
6 because the interest rates with the -- with
7 the treasury are bigger. So, you know, a
8 quarter of a million dollars just in three
9 months is what we've earned this year, just
10 in interest alone.

11 This is another new slide that I added
12 with help from Gary's group. And, you know,
13 it's going to become a -- a more prevalent
14 topic because we've had a lull in our
15 abandon site work, as you can see. There
16 are no expenditures represented here for
17 fiscal year '15, '16 and '17, because there
18 were no expenditures. So the last work for
19 abandoned sites was conducted in fiscal year
20 2014. So it's been a little while. But
21 we're actually doing a lot of things right
22 now to actively move toward remediating
23 those sites.

24 So right now, there are just 31 sites
25 and 82 tanks in the program. And -- but we

1 have approximately 260 additional sites
2 identified as potential candidates. And
3 that number will grow as well.

4 You have something to add?

5 MR. FULTON:

6 Yes. Well, I just wanted to -- the --
7 we had ARRA money. We also had two
8 hurricane monies that we had from the --
9 from the EPA. And during those years, those
10 sites were moved over to spend a lot of the
11 money under ARRA and also hurricane trust
12 fund money.

13 MS. DELAFOSSE:

14 Okay.

15 MR. FULTON:

16 So a lot of the -- the reason why you
17 see -- do see some zeros there, is because
18 those sites were moved and we spent federal
19 money for them.

20 MS. DELAFOSSE:

21 But -- yes, for the abandon site fund,
22 we got -- we haven't done a bunch lately.
23 But we're starting too.

24 MR. FULTON:

25 Right. Exactly.

1 MR. MILAZZO:

2 So let me ask -- and help me here. By
3 definition, what is considered an abandoned
4 site?

5 MR. FULTON:

6 The definition is they must have not -
7 - one, they don't have any money; two, they
8 did not comply with an enforcement action
9 and it went executory, or they just didn't
10 comply. Then -- then we have the ability to
11 rank it. And if it ranks high, then it will
12 go to the top of the list and then we will
13 try to spend money on it. So we don't get
14 to all the sites all at once. We only have,
15 you know, a little bit of money that we've
16 been using at other sites to clean up the
17 sites with. But in the future, we have
18 three contracts, we have tank pull, 24 month
19 assessment and we're working on remediation
20 corrective action contracts. So we will --
21 we will see an increase in those figures in
22 the next year or two.

23 MR. MILAZZO:

24 And then, is there a lien placed on
25 that property for any future transactions?

1 MR. FULTON:

2 Yes. Sure is. We will place a lien
3 for the total expenditures. And I think
4 like Perry said in the past, we try to get
5 the money out of it, as best we can, but it
6 -- a lot of times in the rural areas, you
7 know, you have that corner store that's
8 worth \$10,000, you know, and then -- and you
9 have water wells around every -- you know,
10 we just -- we've got to get it cleaned up so
11 it doesn't impact their groundwater and
12 you're just not gonna get --

13 MR. MILAZZO:

14 So you're never gonna fully recover.

15 MR. FULTON:

16 Sometimes you're not -- now, if you
17 have a site on Airline Highway --

18 MR. MILAZZO:

19 Different story.

20 MR. FULTON:

21 It's a different story, right.

22 MR. MILAZZO:

23 Okay. Thank you.

24 MS. DELAFOSSE:

25 Sure. These are the projected

1 expenditures for fiscal year 2018 by
2 function. So as you'll see, the top -- you
3 know the -- the core functions, or the
4 UST core function is Gary's group and then
5 the motor fuel function that reviews the
6 applications from the RACs is Jeff's group,
7 that makes up a big chunk of the
8 expenditures, about two-thirds. And then
9 there's some enforcement cost, compliance
10 orders and ensuring that the owners of those
11 sites are compliant. And then, of course,
12 we have the support and indirect cost for
13 like legal and me and everyone else who does
14 work on the program.

15 In our salaries and related benefits,
16 so far this year, it has our actual figures,
17 along with our projected figures for fiscal
18 year '18. There is an increase in related
19 benefits and salaries projected between last
20 year and this year. I would say that that's
21 due partially to the retirement increase. I
22 believe last year, the retirement percent
23 that we paid per employee was 35.8. It's
24 gone up to 37.9. And the civil service pay
25 plan changes are going into effect. So each

1 -- each employee gets -- will get a two
2 percent adjustment on January 1st and then
3 some folks will come up the minimum, the new
4 minimum pay scale. So those changes are
5 reflected here in these projections for
6 fiscal year '18 expenditures.

7 Travel and training. We expect a
8 slight down-tick this year from last year.
9 No -- not as many big -- big expenditures
10 projected. But that's still a pretty low
11 dollar value cost, \$6,000 throughout the
12 year which -- or just \$500 a month for
13 travel.

14 And then our operating services is
15 simply our supplies, as well, and dues for
16 our major associations and then rent in our
17 regional offices, as well, which is the
18 largest component. We have six regional
19 offices throughout the state.

20 Our professional services. A small --
21 small budge for professional services, with
22 lab analysis and some site consultation
23 work. Not -- barely -- barely any
24 expenditures year-to-date, so we're gonna
25 see some in the last three quarters of the

1 year.

2 Other charges. This is a pretty large
3 category for the program, as well. You
4 know, we don't -- we haven't had too many
5 expenditures, year-to-date, as you can see,
6 just -- just around 27,000. So I included
7 instead the budget figures for each of the
8 contract. Again, those budget figures are
9 just maximums. For example the attorney
10 general fees, like last -- last year, our
11 total attorney general fee was just over
12 900,000. So I don't anticipate that we will
13 be billed that full amount. We actually
14 just got the first bill from them today and
15 I think it was only 30 -- around 30,000. So
16 -- and that's the first one for the fiscal
17 year and we're all the way in November. So
18 that should definitely be lower. I did a
19 projection at 1.6 million, but I do
20 anticipate that it should be lower than
21 that. And probably around the last years
22 final total or maybe -- maybe slightly less.
23 So I -- I mentioned we weren't yet billed
24 for the attorney general charges until this
25 morning. So I didn't -- I did not make the

1 slide to reflect that, but we have a little
2 bit of charges so far for the ongoing
3 litigation.

4 Our total gross recovery to date is
5 19.15 million. And as -- as everyone knows,
6 the remaining settlement proceeds were
7 transferred to the motor fuel trust fund in
8 April of 2017.

9 Interagency transfers is another small
10 category. Just -- just some rent, building
11 security and telephone expenses. And we
12 expect them to be slightly below what they
13 were last year.

14 I don't think anything changed with
15 this slide from the last presentation, but
16 we do have in here the fiscal year 2018
17 approve full overhead rate and then we're
18 using half of the rate in our motor fuel
19 calculations which is applied to just the
20 salaries and related benefit charges for the
21 direct charge employees who do work full
22 time for the motor fuel trust fund.

23 We also have now available our
24 information on our grant revenues for this
25 fiscal year. There was a slight increase of

1 about 57,000, so we will be getting 1.6
2 million dollars for those grants. And those
3 are revenues that weren't -- that help pay
4 for the operation of the -- of the program.

5 As I mentioned when I was sitting down
6 showing ya'll the financial statements for
7 the first quarter, we bill these changed
8 registration fees, which are gonna be \$60
9 this year with an increase of ten percent
10 from our fee package. We bill these in
11 March. So nothing has been sent out yet.
12 We should be on target to send those in
13 March. With the fee package, we've had a
14 lot of changes that we've had to integrate
15 into our -- our billing system and our
16 permit system, as well. So that's kinda
17 changed our -- our invoicing schedule
18 slightly, but it did not change the -- it
19 shouldn't change the schedule for the tank
20 fees since they're billed in the spring.

21 But I see my -- you see my third
22 bullet here, this will be the first major
23 billing group to use our new lockbox
24 service. So right now, we have some folks -
25 - we have -- we have a lot of people who

1 help with this actually, because some days,
2 we'll get three giant bundles full of mail.
3 And all that mail has to be opened and
4 stamped, sorted and deposited in that day.
5 So -- or, within 24 hours. I'm sorry. So
6 it's stamped that day and then it gets
7 deposited the next day. So instead of
8 continuing to pay a full time person to do
9 that work, we've hired a part time person to
10 help. And we have other people that help
11 throughout the department. Sometimes, it's
12 all hands on deck, if it's a busy day. But
13 the lock -- what the lockbox service will do
14 is that JP Morgan, who is the state's
15 contract bank, they have a facility in
16 Dallas where we will send all that mail and
17 -- so the -- the people will get the bills.
18 Instead -- you know, they have the little
19 coupon at the bottom of the invoice that
20 says the address, DEQ Financial Services,
21 P.O. Box, I think, 43 something, Baton
22 Rouge, Louisiana. Now, it's gonna say P.O.
23 Box, and it's a long one -- I think it's a
24 six digit P.O. Box -- Dallas, Texas. So
25 everything is gonna go to Dallas for them to

1 process that there. So they'll open the
2 mail, they'll scan the checks and then we'll
3 be able to view them from an online system.
4 So that's gonna -- you know, we're
5 outsourcing that function essentially. This
6 will be the first major group to have that.
7 So we anticipate some -- some bumps along
8 the way because we don't send window
9 envelopes right now, so where people could
10 slide that in and have the correct address.
11 So we're -- we're depending upon everyone
12 out there who gets a bill with -- with that
13 new address to write the correct address on
14 their envelope and/or have the correct
15 address printed from their payroll system.
16 So we're gonna start sending some
17 communications out once we go live with that
18 just to make sure everybody understands what
19 the service is and -- and, you know, what
20 needs to be sent there versus what needs to
21 be sent to us here still. Because permit
22 applications and stuff will still come to us
23 here. But a lot of, you know, just strict
24 permit fees and registration fees will go
25 over there. So we're excited about that.

1 We think it'll make our lives easier here,
2 and -- and help with getting everything
3 deposited timely.

4 This is a slide we've had before, the
5 history of the net transfer to the
6 environmental trust fund. I have the
7 projection down there for what we project
8 for fiscal year '18. So no major news here.

9 And that was it. If ya'll have any
10 questions for me or anybody?

11 (No response.)

12 MR. MILAZZO:

13 Any questions from anyone on the
14 phone?

15 (No response.)

16 MR. MILAZZO:

17 If there are no further questions, I'd
18 like to say thanks, Theresa.

19 And now, move over to tab four. I
20 think that's Cy with the audit report.

21 MR. MORIN:

22 Yes, sir. Cy Morin with audit.

23 There's a long list so I'll try to
24 make this quick.

25 So if you turn to tab four, this first

1 page details 23 open motor fuel audit cases
2 as of November 6, 2017.

3 One case on this list was assessed
4 and, at the time of this report on November
5 6, was awaiting payment of \$4,032.55.
6 Payment in full was received on November 7.
7 So we're just awaiting posting of this
8 payment before closing the file.

9 Three cases are under review and 13
10 are awaiting review. Pending this review,
11 there's one potential credit of \$579.61.
12 The remaining 15 are potentially clean
13 audits with no assessment.

14 And also, six cases are still in
15 progress with results to be determined.

16 Since the last meeting, one new case
17 was added to this list, and seven cases have
18 been closed and removed from the list. Of
19 the seven removed, four were clean audits,
20 two were assessed a total of \$6,941.67,
21 which was paid in full. And one received
22 and used a credit of \$3,292.22.

23 I just want to note that since this
24 time last year, the number of open cases on
25 this list has been reduced by ten or 30

1 percent. So we're knocking some of these
2 out.

3 If there's no questions about anything
4 on this page, just go ahead and flip over to
5 page two.

6 Not much has changed on this list. We
7 still have four cases being pursued legally.
8 The first and fourth cases on the list,
9 nothing has changed and they will be
10 referred to ODR in the near future. The
11 third case, as I've mentioned before, was
12 referred to ODR in October of 2015. As of
13 October 31st, we still have not received any
14 sort of payments for that case. And the
15 second case on the list is still remitting
16 payment. The last payment of \$250 was
17 received on October 3.

18 And finally, I just want to say, we
19 plan to perform 12 motor fuel delivery fee
20 audits during fiscal year '18. This is up
21 from eight last year. In addition, we will
22 continue to perform reviews for motor fuel
23 distributor refund request as necessary.
24 And we plan to get back looking at the other
25 side of things and, you know, do at least

1 one audit of reimbursement applications for
2 at least one RAC. And that'll -- that'll
3 probably take place after the first of the
4 year.

5 And that concludes my update.

6 MR. MILAZZO:

7 So is a percent of your audits --
8 looking in 2017, were there four that you
9 guys discovered had some unreported or
10 delinquency? Am I seeing that right? The
11 audit date, there are three or four -- four
12 in '17.

13 MR. MORIN:

14 Yes. There's five for '17 on this
15 list.

16 MR. MILAZZO:

17 Maybe I missed one. At least in
18 fiscal year --

19 MR. MORIN:

20 Fiscal year '17, yes.

21 MR. MILAZZO:

22 Okay.

23 MR. MORIN:

24 We've got one case that -- that's
25 still on this list. These are cases that

1 are still open. We had one case with an
2 assessment for (inaudible) or unpaid late
3 fees, you know, something of that nature.
4 Actually, this one is unpaid late fees and
5 variances. The other four that are on this
6 list, you know, had no monetary problems.

7 MR. MILAZZO:

8 Okay. Any questions for Cy?

9 (No response.)

10 MR. MILAZZO:

11 Thank you.

12 MR. MORIN:

13 You're welcome.

14 MR. MILAZZO:

15 Moving on to tab five, trust fund
16 status report. Jeff Baker?

17 MR. BAKER:

18 Yes, sir. Please refer to tab five in
19 your packets. These are the figures for the
20 first quarter of fiscal year 2018.

21 During the first quarter of fiscal
22 year 2018, the trust fund received 227
23 applications, totaling approximately 3.7
24 million dollars. As of the end of September
25 2017, the trust fund had 121 pending

1 applications to process with requested
2 amounts of just over two million dollars.
3 Your report actually list 122 pending
4 applications, however, an error was
5 determined after the report was generated
6 and that modified the total down to 121.

7 185 applications were processed for
8 payment during the fiscal quarter, totaling
9 approximately 2.5 to 2.6 million. And ten
10 applications were returned, deficiencies.

11 The next page titled report of
12 cumulative activities of the motor fuel
13 trust fund. These are the historical values
14 related to the trust and are really provided
15 just for the board's informational purposes.
16 As you can see, kinda the history of what
17 our payments have been. Similar to some of
18 the numbers that Theresa was showing in her
19 summary.

20 If you'll flip to the next page.
21 Please see the handout titled, monthly motor
22 fuel trust fund obligation determination.
23 This worksheet list the various component
24 determinations of potential obligation
25 against the trust fund as of the end of

1 September 2017. For the sites in the
2 corrective action phase, the outstanding
3 liability of corrective action plan budget
4 and estimated cost to reach closure at the
5 end of September 2017, was approximately 25
6 million dollars. This total includes the
7 CAP budget remaining amounts and the RAC
8 estimated cost to closure amounts.

9 The section in your packet titled,
10 corrective action plan budgeted amounts for
11 active sites documents the individual CAP
12 sites included in this determination.

13 If ya'll remember, last time, I asked
14 ya'll -- we -- we included the -- the
15 detailed information of the sites that were
16 included in these different categories. So
17 -- and ya'll asked if we could continue
18 doing that. So we -- if you'll notice,
19 you'll see pages one of four on the
20 corrective action plan budgeted amounts for
21 active sites, you'll see all the sites and
22 their -- and their expenditures to date and
23 their CAP budgets and their CAP expenditures
24 to date. And you'll see where these numbers
25 come from.

1 Fund obligation recognized for sites
2 without ROG approved CAP budgets is
3 approximately 30.3 million dollars. This is
4 determined using the three year average of
5 closure cost and applying these cost to the
6 active trust fund sites without current CAP
7 budgets.

8 If you'll go to your packets, you'll
9 see there's a section called non-CAP sites
10 trust fund obligation estimate, this
11 documents the individual non-CAP sites
12 included in this determination. That's --
13 again, that pages one of four, farther back
14 in your packets. It's titled non-CAP sites
15 trust fund obligation estimates. And you'll
16 see all the sites that we -- that are
17 included in that determination.

18 And you can see the current
19 expenditures that have been applied to these
20 sites at this time.

21 The fund obligation recognizes 24
22 sites that have been determined to be trust
23 fund eligible, however, not -- have not
24 submitted a reimbursement application. We
25 calculate this to be 7.4 million dollars.

1 This is also determined using a three year
2 average site closure cost and applying these
3 cost to sites that have requested
4 eligibility but have yet not submitted a
5 request for reimbursement from the fund.
6 And there's a list of those sites, as well.

7 Five year projected fund balance
8 related to the trust fund to environmental
9 trust fund transfer is approximately 20.9
10 million dollars. This estimates the -- the
11 three year average dollars transferred from
12 the motor fuel trust fund to the
13 environmental trust fund and multiplies that
14 average by five years. Thus, the total
15 estimated obligated amount as of the end of
16 September 2017, is approximately 83.4
17 million dollars and that represents
18 approximately \$185,000 increase over the
19 last quarter's estimated amount.

20 If you'll note, the last -- the -- I
21 guess the next page in your packet, you'll
22 see lists -- this is the sites that have
23 been granted no further action. You'll see
24 we've listed 16 sites that are trust fund
25 sites that during the current fiscal year

1 that have been listed no further action by
2 the UST Division.

3 Also, during this time period, the
4 number of potential trust fund sites that
5 were reviewed and made eligible during the
6 current year was six sites, representing six
7 active incidents.

8 I don't have any other points of
9 interest. So does anybody have any
10 questions at this time?

11 (No response.)

12 MR. MILAZZO:

13 Any comments or questions?

14 (No response.)

15 MR. MILAZZO:

16 Thank you, Jeff.

17 Now, I'd like to move on to third
18 party claim status. And filling in for
19 Perry will be Jill.

20 MS. CARTER:

21 There are no updates on third party
22 claim status at this time. And there are no
23 new claims -- or, new third party claims.

24 MR. MILAZZO:

25 I'd like to say that's good news.

1 MR. BURNHAM:

2 Yes.

3 MR. MILAZZO:

4 Thank you, Jill.

5 Other business. I'd ask for Gary
6 Fulton to give us an overview of the UST
7 Division.

8 MR. FULTON:

9 Sorry for the technical difficulties,
10 but what I wanted to do was kinda give the
11 board just kinda of a quick overview of what
12 we do in the tank division. I think
13 everybody pretty much knows by now that on
14 July 1st, we were separated from remediation
15 services, the old remediation services
16 division, which included RIGA and the
17 superfund. So now, we're our own division.

18 This is our statutory authority,
19 Chapter 9. We use some -- for the
20 underground storage tank, 2194 and then also
21 2195. We also use RECAP and we do use a
22 little bit of the VRP program in Chapter 12.

23 Here's our regulatory authority. It's
24 under -- under the Office of the Secretary,
25 we have the request for environmental

1 review. That's a \$1,500 fee. And mostly
2 this is used for real estate transactions to
3 recover our cost. And then we also use
4 Chapter 12. That's where RECAP is. And
5 then, of course, the underground storage
6 tank regulations.

7 So this is how we're set up. We have
8 the administrative section. We have a
9 prevention section. And we have a
10 corrective action section. So we have three
11 -- basically, three functional areas. We
12 have -- of course, we are here, located in
13 the headquarters. We have six regional
14 offices. New Orleans, Monroe and
15 Shreveport, we consider Group 1. Lafayette,
16 Lake Charles and Baton Rouge, we consider
17 Group 2. So basically, this is what the map
18 looks like. And we have two managers that
19 control those two groups. We have two UST
20 managers, a Group 1 Manager and Group 2
21 Manager.

22 Now, we have a total of 40 employees
23 in the UST Division. Five of them are
24 administrative. We have 17 that do
25 prevention, LUST Prevention, the CEI, the

1 inspections and stuff. And then we have 18
2 employees that actually oversee corrective
3 action portion of what we do.

4 This is our staffing matrix, to kinda
5 give you an idea. We're in every regional
6 office. We have 11 employees here at
7 headquarters. We have seven that are in the
8 capital regional office, which is located in
9 Baton Rouge. The southwest regional office,
10 three. Layette, five. Southeast is New
11 Orleans, that's six. Bayou Lafourche is
12 one. Northeast regional office, three.
13 Northwest, three. And Kisatchie is two.

14 So we're -- we are spread out all
15 across the state. That's in an effort to be
16 closer to the sites to provide service to
17 our regulated customers.

18 Now, this is what each of those
19 functional areas do. For administrative
20 sections, we handle all UST reporting, UST
21 registration. The -- the administrative
22 section handles all the CEI processing that
23 we get from the contractors. Even though
24 the contractor does about half of our
25 inspections, all that paperwork,

1 unfortunately, that still has to be
2 processed here at headquarters. We also do
3 the Energy Act for compliance for the Energy
4 Act. We also have our certified worker
5 program, all our UST regulations revisions,
6 along with all our data management and SOPs.
7 So that's kinda what the administrative
8 section does.

9 Of course, the LUST prevention.
10 That's all CEIs. We do monitoring of
11 installations, repairs and testing
12 assistance, although we don't go to every
13 one of those, we try our best to. We also
14 respond to all the UST related incidents and
15 complaints. And then they also do causes of
16 release determinations.

17 Our LUST corrective action, they
18 oversee any incident that has a confirmed
19 release to the environment. So any time
20 there's a release, they will start
21 corrective action. All those employees
22 review work plans, work reports,
23 investigation reports. We all -- we direct
24 and oversee all groundwater assessment
25 remediation activities. And then, of

1 course, the last thing you do is give it an
2 NFA.

3 Okay. So we kinda went over all the -
4 - the whats and whys, but this is actually
5 our UST universe. We have 10,600 -- when I
6 did the report the other day, we have about
7 10,600 sites -- active tanks, I mean, at
8 4,000 facilities across the state. Last
9 year, we had 655 incidences that we are
10 dealing with. We have actually 458 of those
11 sites are in corrective action. And then we
12 have 164 certified workers that we oversee.

13 So --

14 MR. MILAZZO:

15 Do you know -- could -- could you go
16 back one slide?

17 MR. FULTON:

18 Yes.

19 MR. MILAZZO:

20 Do you know --

21 MR. FULTON:

22 Yes.

23 MR. MILAZZO:

24 -- I'm sure you do --

25 MR. FULTON:

1 Yes.

2 MR. MILAZZO:

3 -- of those 10,666 registered tanks,
4 do ya'll see those in years, the
5 installation dates?

6 MR. FULTON:

7 Yes. We do have the installation
8 dates on all of them.

9 MR. MILAZZO:

10 At some future meeting --

11 MR. FULTON:

12 Yes.

13 MR. MILAZZO:

14 -- would that be easy to get? Would
15 you mind?

16 MR. FULTON:

17 Yes, I'll be glad to do that. I sure
18 would.

19 We -- we have run that in the past. I
20 don't know -- I know I've run it in the past
21 just to kinda see how old the tanks were.

22 MR. MILAZZO:

23 Yes.

24 MR. FULTON:

25 But we do have that information. And

1 I can certainly give that to you.

2 So basically what this -- these
3 numbers you're seeing right here is what we
4 did essentially last year. And it's kinda,
5 you know, on the average of what we do from
6 year to year. So, of course, we do about --
7 about 1,500 CEI's a year. We -- we receive
8 and process about 116 closures while 78 of
9 them, we try to -- we did go inspect.
10 Because we can't -- the, you know, with the
11 number of staff that we have, we can't go
12 and do everything. But a lot of the times,
13 if we know we need to be at this site or
14 that site, we will go out.

15 51 processed and received for us --
16 received and processed 51 installation
17 repairs. We inspected 27 of those. Like I
18 said, we have currently -- last year, we had
19 443 incidents. 162 of those were confirmed
20 releases and then 57 of the incidences, we
21 went out and inspected at the time of the
22 release.

23 Enforcement letters. We sent out 118
24 of those. 223 of them NOD letters. 184
25 deficiency clear. You know, I can just keep

1 on going down the list. But, 318 corrected
2 deficiencies. 85 notice of potential
3 delivery violations. And then seven -- we
4 did seven red tags last year. We had 458
5 circuit rider reviews. 195 enforcement
6 referrals. We had -- from the reissuing
7 aspect, we had 80 -- about 100 remediation
8 inspects. 93 inspection reports reviewed
9 and approved. I mean, I can go -- keep on
10 going down this list, but it's -- those are
11 the things that we do. And it's -- that's --
12 - those are pretty average numbers for what
13 we -- we get done in the division.

14 You're probably wondering, okay, we do
15 all that stuff, so how do we evaluate our
16 performance. And this is how we do it. We
17 have -- we have legislative performance
18 indicators and we also have EPA performance
19 indicators. Every year, EPA comes in here
20 and evaluates us. We sit down with them and
21 discuss what happened during the year. And
22 these are them right here.

23 For the legislative numbers, we have
24 to evaluate and close as many sites as we
25 can. We need to get them off the list, get

1 them NFA'd, get them out of the system.
2 That's one of our goals. And then also, we
3 have to -- for the percent of soil and
4 groundwater investigation, work plans
5 reviewed and corrective action work plans
6 reviewed, we need to be 95 percent of those
7 completed within the -- the quarter.

8 So when we -- every time you send
9 something to us, everything gets a 60 day
10 due date, and we get it out of the door
11 generally in -- in 30 days. So anything
12 that needs a response from us, it goes out -
13 - we try to get it out within no more than
14 60, but it's usually 30 days you get a
15 response from us. So we track anything and
16 everything that comes into the department.
17 That's how I can get you those numbers.

18 From EPA perspective for the LUST
19 prevention grant, this one is a -- this one
20 is a new -- is this -- was this on there
21 last year?

22 MR. BROUSSARD:

23 No.

24 MR. FULTON:

25 This is a new one?

1 MR. BROUSSARD:

2 It's been there every year.

3 MR. FULTON:

4 Oh, has it? Okay.

5 Basically, we have to get the
6 facilities in significant operational
7 compliance and we have to do that by half a
8 percent each year. So the fewer incidents
9 you have, the fewer leaks you have, the less
10 money you're going to spend when it's time
11 for corrective action. So they're trying to
12 -- okay, get those facilities in operation,
13 get them in compliance, fewer leaks, fewer -
14 - less money to spend down the road.

15 For -- for the LUST corrective action
16 grant, we need -- we have to reduce the
17 number of confirmed releases by five percent
18 than the previous years target. That's
19 difficult sometimes. But we do try to do
20 that.

21 We also -- percent of confirmed
22 releases waiting cleanup, that's the number
23 of sites that we have. Until they get their
24 NFA letter, we try -- we're trying to reduce
25 that number. And then, of course, the

1 number of LUST cleanups completed to meet
2 the risk facts based standard, that's our
3 NFA letter.

4 So any questions?

5 MR. BURNHAM:

6 Gary, how much money is represented by
7 the LUST corrective action, each branch of
8 it?

9 MR. FULTON:

10 Right there. That's -- this is our
11 funding. The LUST prevention grant has gone
12 down significantly over the last two years.
13 The LJUST corrective action grant, that's
14 fluctuated. I think we get a little more
15 money this year. I do know that with
16 regards to USTs, EPA likes to get their
17 funding out early, so we're actually
18 processing our grant commitments back in
19 June. And it comes out September 30th. So
20 regarding the -- the corrective action
21 grant, we -- we did get a little bit more
22 money, but both of those numbers are reduced
23 from several years ago.

24 And that's -- I think that's it. Yes,
25 that's all I've got. Does anybody have any

1 questions? I'll be glad to answer any --
2 anything, everything you've got.

3 MR. MILAZZO:

4 Gary, I'd like to say thanks for
5 putting that together.

6 MR. FULTON:

7 Yes.

8 MR. MILAZZO:

9 It's really helpful for us to try to
10 better understand the whole process.

11 MR. FULTON:

12 Yes.

13 MR. MILAZZO:

14 Any comments or questions?

15 (No response.)

16 MR. MILAZZO:

17 Okay. Thank you, Gary.

18 I'd like to give it back to Theresa.

19 MS. DELAFOSSE:

20 Next on our long other business list.
21 So if you'll flip to tab seven, I have some
22 more financial documents for you today.

23 And this came to our attention fairly
24 recently and we -- I think we mentioned it
25 to the board maybe at the last meeting, but

1 we wanted to make it an official agenda item
2 and have the conversation today about the
3 change that we're gonna need to make in the
4 obligation calculation.

5 So in our statute, which is the second
6 -- pages two and three, under tab seven, has
7 the statute, R.S. 30:2195. If you go to
8 paragraph F, which is the very bottom of
9 page one, you'll see that statute which was
10 added by the legislature -- I have the acts
11 with me, so I can tell ya'll the year, if
12 you need to know -- but where all interest
13 monies earned by the fund and all monies
14 received for cost recovery efforts are used
15 for the closure of abandon motor fuel tanks,
16 assessment and remediation of contaminated
17 property and then the loans authorized by
18 the program, which we amended into the law
19 recently.

20 So that money is earmarked, that
21 interest money that I mentioned in my
22 presentation where we had, you know, a
23 quarter of a million that we earned this
24 year. We're sitting at 11.8 million dollars
25 of interest as of the end of the third

1 quarter. And as you'll see by the statute,
2 that money is reserved for those abandoned
3 sites. Where the other money, the
4 principal, is reserved for the -- the
5 regular sites that go through the
6 reimbursement process.

7 So our proposal, as you'll see here on
8 the first page, under tab seven, is that we
9 -- those interest monies should not be
10 included in the obligation calculation and
11 when we calculate the unobligated balance.
12 Because truly, that interest money is not
13 available for the regular site work. It
14 should not have been included really ever.
15 I think it was always such a small number, I
16 guess, for so long, but it's really
17 snowballed now that the fund has gotten
18 larger and interest rates are better. And
19 we know that that money has to be used for
20 the sites, and we have plenty of site work
21 to do. So what you should see going forward
22 -- and we wanted to just make sure everybody
23 is aware of this and -- and let ya'll ask
24 any questions you may have. But you see the
25 presentation on the right, on the first page

1 under tab seven does not include that 11.8
2 million dollars in the cash basis fund
3 balance, because it truly is a separate fund
4 balance that has to be accounted for
5 separately. So that takes -- that makes a
6 pretty significant change in the unobligated
7 balance and takes it from 23 million down to
8 just under 12 million.

9 So that's my explanation of the why
10 and -- and the change that we are proposing
11 because of that. And I'm not -- but if
12 anybody has any questions, feel free.

13 MR. MILAZZO:

14 So the obligations, as we know it, for
15 the cost side of abandoned tanks, it's -- is
16 it in the general population of that
17 information that we see?

18 MS. DELAFOSSE:

19 It is not.

20 MR. MILAZZO:

21 So it's separated?

22 MS. DELAFOSSE:

23 It's separated, yes.

24 MR. MILAZZO:

25 Okay.

1 MS. DELAFOSSE:

2 And we believe because they're -- they
3 really should be tracked completely
4 separately, because like Gary mentioned, we
5 have -- we have three contracts now in
6 different regions that are going to do the
7 site investigation and those cost all should
8 be charged to interest money, where the
9 regular site work with the RAC
10 reimbursements are charged to the -- the
11 principal and the main fund balance. So the
12 really need to be tracked completely
13 separately. So -- yes, so it is not part of
14 the cost estimates. So the cost -- like we
15 have here, the 83 million, that liability on
16 the current sites, that only includes the
17 trust fund sites, eligible sites, where the
18 owner is present and -- and they've selected
19 a RAC and they're --

20 MR. ST. ROMAIN:

21 So that 11.5 million of interest, is
22 that since the inception of the fund?

23 MS. DELAFOSSE:

24 That's since the inception -- well,
25 we've spent some. We haven't spent any

1 recently. But yes, that's all --

2 MR. ST. ROMAIN:

3 It has been spent before on --

4 MS. DELAFOSSE:

5 Yes.

6 MR. ST. ROMAIN:

7 -- cleaning of abandon tanks.

8 MS. DELAFOSSE:

9 It has.

10 MR. ST. ROMAIN:

11 It just involves --

12 MS. DELAFOSSE:

13 Right.

14 MR. MILAZZO:

15 So you can follow the letter, the
16 statute as written. So are we going to
17 hear, perhaps some presentation a change to
18 that? Is that what I heard you say? Or, is
19 that gonna stay the same?

20 MS. DELAFOSSE:

21 No. I don't think we need to change
22 anything with the law.

23 MR. MILAZZO:

24 Okay.

25 MS. DELAFOSSE:

1 I just think that the obligation
2 calculation -- we basically had -- you know,
3 we have A minus B equals C.

4 MR. MILAZZO:

5 Okay.

6 MS. DELAFOSSE:

7 We had the wrong number for A. We had
8 too much money represented in A. Where we
9 should've only included the principal that
10 was available for the obligation on the
11 regular sites, we included the principal and
12 interest. And really that -- that top line
13 should've been the 95 million, not 107
14 million, as you'll see these two different
15 bottom right numbers.

16 MR. MILAZZO:

17 And we'll see it that way going
18 forward?

19 MS. DELAFOSSE:

20 Yes.

21 MR. MILAZZO:

22 Okay.

23 MR. ST. ROMAIN:

24 So this change in accounting,
25 shouldn't prolong the need to change the .8

1 or .008 --

2 MS. DELAFOSSE:

3 Conceivably, yes. But, you know, as
4 we're gonna discuss with the -- with the
5 legislation on Jill's next other business, I
6 do think we still should move forward with
7 that up to .008, because we'll still have to
8 do that annual calculation and have the
9 board make a recommendation. But as the
10 universe continues to change, we'll -- you
11 know, we'll have to revisit that each year,
12 which is what we -- what we proposed. But,
13 you know, 11 million is still a surplus and
14 it's still -- I still anticipate that our
15 recommendation -- or, our calculations and
16 then the board's recommendation, based on
17 those calculations, I do think would be less
18 than .008, even at the first year after
19 because of our -- the position that we're in
20 right now.

21 MR. ST. ROMAIN:

22 Even with the reduction?

23 MS. DELAFOSSE:

24 I believe so, yes. It might not be as
25 significant as we once thought, but I do

1 think -- I do think we're still collecting
2 more than we need to at this time. So --

3 MR. MILAZZO:

4 Any other questions or comments for
5 Theresa?

6 (No response.)

7 MR. MILAZZO:

8 Theresa, thank you.

9 MS. DELAFOSSE:

10 Sure.

11 MR. MILAZZO:

12 Okay. Continuing with other business.
13 The presentation and discussion of
14 shareholder group's recommendations for
15 proposed changes. I think we'll go back to
16 you Jill.

17 MS. CARTER:

18 Well, I'd like to apologize on this
19 one. I was not left any presentation.

20 MR. FULTON:

21 Perry had to unexpectedly leave, as we
22 know.

23 MS. CARTER:

24 Right. So --

25 MR. FULTON:

1 And I think that he didn't leave
2 enough information for us to do that. So --

3 MS. CARTER:

4 I think it's best to defer this to
5 when Perry is here. I -- I'm not sure what
6 he had --

7 MS. DELAFOSSE:

8 I don't know that we -- do we think we
9 can defer that, Karyn? Or, do we need to
10 have the board vote on that legislation at
11 this time?

12 MS. CARTER:

13 I was not privy to any of the meetings
14 that ya'll had on these --

15 MS. ANDREWS:

16 Are we meeting before -- are we
17 meeting in January?

18 MR. BAKER:

19 February.

20 MS. DELAFOSSE:

21 February.

22 MS. ANDREWS:

23 Because we have to submit --

24 MS. CARTER:

25 I know ya'll have to draft up some

1 legislation, but --

2 MS. ANDREWS:

3 And for the record, this is Karyn
4 Andrews, Undersecretary of DEQ, for the
5 record. I believe that the agency with
6 recommendation from the board, that
7 legislation needs to be submitted probably
8 prior to the next meeting. We may be able
9 to call an emergency meeting. I don't know
10 if that would be possible.

11 MR. PERRY:

12 Hey. This is Todd Perry with PPM
13 consultants. I might can help.

14 MS. ANDREWS:

15 Okay.

16 MR. PERRY:

17 At a workgroup back in October, we
18 were provided that mock legislation to talk
19 about. And it's legislation to allow the
20 group to make a recommendation to the
21 Secretary to take the fee from eight
22 hundreds of a cent and adjust it to a number
23 that would more accurately fit through the
24 times for -- for lack of a better word.

25 So that's something we reviewed in --

1 in Frank's workgroup and -- and I hate
2 Natalie is not here, John, but you've got to
3 trust me on this one. In essence, we were -
4 - there might be a couple very small amount
5 of tweaks we might want to discuss, but
6 nothing substantial at this point. We were
7 -- the group would recommend to accept that.
8 So if you guys want to move forward with
9 that, to move forward to be part of
10 legislation, I think we're okay.

11 MS. DELAFOSSE:

12 Yes. And -- and what we could do is
13 have the board vote on the general premise
14 today and the legislation, you know, it's --
15 it's been drafted by Perry. And, as Karyn
16 said, with -- with the board meeting not
17 being until February, it would be best if we
18 voted today. But once we workout those
19 other little tweaks, we can always amend
20 those into the legislation, you know, at any
21 time during the session, or even in advance
22 of the session. So I think -- I think it's
23 in our best interest to go ahead and vote on
24 that.

25 MR. PERRY:

1 And we -- we've looked at it. Nick, I
2 know that -- that Kerry and yourself -- and,
3 Johnny, did you see that legislation? You
4 saw the legislation, didn't you?

5 MR. MILAZZO:

6 Yes. But I -- you know, I'd have to
7 refresh myself. So, you know, maybe this
8 could be -- maybe if we carefully craft a --
9 a motion here to that. And so what we're
10 saying, any consideration would be a
11 reduction to the fee, as we know it today?

12 MR. ST. ROMAIN:

13 The .008 would be a cap.

14 MR. MILAZZO:

15 Yes. So --

16 MR. ST. ROMAIN:

17 And the board would recommend yearly -
18 -

19 MR. PERRY:

20 Annually.

21 MS. DELAFOSSE:

22 Right. So what we would do --

23 MR. ST. ROMAIN:

24 -- to -- to adjust the rate annually.

25 MS. DELAFOSSE:

1 Right. So our proposal is that
2 annually, either at the February or the May,
3 but probably the February would be
4 preferable, at the February board meeting --
5 so this would begin in February of 2019. So
6 at the second quarter of the trust fund year
7 board meeting, financial services, so myself
8 or somebody on my staff would present
9 several scenarios. And we can prevent --
10 let's say, if we reduce it .005 for this
11 next fiscal year, this is our projection of
12 what the fund will look like at the end of
13 that fiscal year, if we keep it at that
14 level. And then we could -- you know, we
15 could entertain three different levels, if
16 we want to, for example. And we could say
17 five, six and seven, or four, six and eight.
18 Whatever we want to do. And have the board
19 review those. And then based on that
20 information and -- and what the board's
21 consensus is, they can say, "okay, we want
22 to recommend six." And then we'll take that
23 recommendation to the Secretary. And the
24 Secretary can adjust that, effective July 1
25 of the following fiscal year.

1 MR. MILAZZO:

2 So any action taken now, any
3 consideration, would -- would be considered
4 in February for the next fiscal year, right?

5 MS. DELAFOSSE:

6 Exactly.

7 MR. MILAZZO:

8 And you're saying that the earliest
9 that could occur -- could that occur in
10 fiscal year '19 or -- or --

11 MS. DELAFOSSE:

12 It would have to be --

13 MR. MILAZZO:

14 '18?

15 MS. ANDREWS:

16 It would have to be fiscal year --

17 MS. DELAFOSSE:

18 Fiscal year --

19 MS. ANDREWS:

20 -- '20.

21 MR. PERRY:

22 It -- it'd be -- it'd be -- so if I
23 understand, '19 would be the first time the
24 board would look at that and make a
25 recommendation to the Secretary --

1 MR. MILAZZO:

2 Okay.

3 MR. PERRY:

4 -- and then it would be effective and
5 possibly changed July 1, 2019.

6 MS. DELAFOSSE:

7 Right.

8 MR. MILAZZO:

9 Okay.

10 MS. DELAFOSSE:

11 So while the -- while the change with
12 the interest that we -- you know, we were
13 including that and believe we shouldn't have
14 been, is gonna, quote/unquote, buy some
15 time, it's still -- I mean, I believe the
16 action does need to be taken at this point
17 in time.

18 MS. ANDREWS:

19 And I would like to --

20 MR. ST. ROMAIN:

21 Because if we do nothing, we're going
22 to hit a point where it's got to cut off,
23 right --

24 MS. DELAFOSSE:

25 Right.

1 MR. ST. ROMAIN:

2 -- and goes to zero?

3 MS. ANDREWS:

4 I would like to stress that part of
5 the -- this legislation at no point is --
6 right now, we're at .008. If we do nothing,
7 it will remain at .008. And all that would
8 happen is the fund balance would continue to
9 grow. We're entertaining this as a way to
10 address that fund balance. So that -- the
11 distributors don't have to keep doing them
12 on/off every other year. We believe this
13 is, you know, an easier method for
14 everybody, for us and for the regulated
15 community to be able to handle this. And I
16 -- I believe that the -- that the
17 subcommittee was very supportive of the
18 idea.

19 MR. PERRY:

20 And, John, one other thing just to
21 ease -- so you'll kind of know, this
22 legislation that the DEQ would take forward,
23 it would not only go to the House and the
24 Senate side first, but it's legislation that
25 we would be able to look at and discuss with

1 the DEQ at that point in time. So this
2 isn't a final kind of thing. It's just
3 allowing DEQ to kind of move forward
4 together.

5 MS. DELAFOSSE:

6 Yes. And with any legislative
7 changes, we really do want to vet them with
8 the board and have these discussions ahead
9 of time and -- you know, before we get a
10 bill filed and -- and it comes to board
11 members attention without having had this
12 discussion, we don't -- we don't -- we'd
13 like to prevent that. So that -- that's the
14 thought process.

15 MR. MILAZZO:

16 Okay. Well, as kinda a fill-in chair,
17 and not having something more tangible that
18 we're looking at that we can take action on,
19 it -- it would be my recommendation as chair
20 to -- to entertain a motion that can kinda
21 set the stage for that. When we see that
22 and -- and then just kinda preauthorize that
23 through a motion if -- so does that, Jill,
24 sound accommodating?

25 MS. CARTER:

1 Yes.

2 MR. MILAZZO:

3 Okay. So based on what I just heard,
4 I -- I'd ask for a motion to carefully
5 identify that so we can consider a vote.

6 I'd like to ask for a motion?

7 MS. DELAFOSSE:

8 Ask for a motion.

9 MR. MILAZZO:

10 I ask for that motion. So --

11 MR. ST. ROMAIN:

12 I second.

13 MR. MILAZZO:

14 Okay. So could I -- could I hear the
15 motion?

16 MS. DELAFOSSE:

17 Yes. Somebody needs to state the
18 motion.

19 MR. MILAZZO:

20 Can I hear the motion? So listen,
21 let's -- let's just kinda repeat again,
22 okay.

23 I really would like to take action. I
24 -- I think what I've heard -- Kerry, do you
25 have any comments?

1 MR. HILL:

2 No. I'm fine with it, Johnny.

3 MR. MILAZZO:

4 Okay. Would you want to offer a
5 motion? And basically, what we're hearing
6 here is to grant this body, on an annual
7 basis, the opportunity to review both
8 currently and forecast and make
9 recommendations to the Secretary as what
10 future -- what that future fee structure
11 would look like. Is that kinda --

12 MS. ANDREWS:

13 Well, I think -- I think what we're
14 asking is for the board to make a motion to
15 support the -- to support DEQ's presentation
16 of legislation to --

17 MS. DELAFOSSE:

18 Relevant to the bulk distribution fee
19 structure.

20 MR. MILAZZO:

21 So -- so we're asking -- authorizing
22 them to -- to go before the legislature to
23 give us the opportunity to do this? So with
24 a little more clarity, do -- do I have a
25 motion?

1 MR. HILL:

2 I make --

3 MR. BURNHAM:

4 Do we have to restate it?

5 MR. HILL:

6 -- the motion.

7 MR. MILAZZO:

8 Go ahead, Kerry.

9 MR. HILL:

10 I make a motion that we make that --

11 MR. MILAZZO:

12 Go ahead. Recommendation --

13 MS. DELAFOSSE:

14 Or, approval.

15 MR. HILL:

16 I make a motion we make a
17 recommendation for the -- for the board to
18 go to the -- to ask the DEQ to go to the
19 legislative process to review. If I'm
20 wording this properly. I can't -- I can't
21 hear real good.

22 MR. MILAZZO:

23 Okay.

24 MS. DELAFOSSE:

25 It sounds great.

1 MR. MILAZZO:

2 So -- so -- let me -- let me say this.
3 Maybe a little bit different twist here. So
4 here's a thought and -- and -- and that is
5 that we consider authorizing the Secretary
6 and the DEQ to go before the legislature to
7 consider legislation to allow this body to
8 give future consideration for the reduction
9 of the fees as we know them today. Can I
10 hear a motion to accept that?

11 MR. BURNHAM:

12 Motion to accept.

13 MR. MILAZZO:

14 Is there a second?

15 MR. ST. ROMAIN:

16 I'll second.

17 MR. MILAZZO:

18 All in favor?

19 (All indicated "aye".)

20 MR. MILAZZO:

21 Any opposed?

22 (No response.)

23 MR. MILAZZO:

24 Motion approved.

25 MS. ANDREWS:

1 And then -- and before we move on from
2 this topic, I would like to let the board
3 know here that, as we are crafting this
4 legislation, we will ensure that all of you
5 are informed of it through the process. And
6 if -- after it's even presented to this
7 legislature, we will work with this board to
8 make sure that any amendments are
9 incorporated that are recommended. I would
10 just like to put that on the record.

11 MR. MILAZZO:

12 Thank you.

13 MS. DELAFOSSE:

14 And do we need to discuss Perry's
15 other proposed legislation with regard to
16 the abandon --

17 MR. FULTON:

18 I would -- I would wait.

19 MS. DELAFOSSE:

20 Okay.

21 MR. BAKER:

22 What I would say is that we do have
23 another motion. We discussed that in our
24 stakeholder meeting. And the purpose of
25 that addition would be to simulate what

1 we're doing with the hazardous waste trust
2 fund to give us a little more leeway in
3 doing these contracts with the active
4 abandoned sites for doing the assessment.
5 We're still fleshing that out. I think what
6 we would do is, we'd do similar to what
7 Karyn said, we will make sure the board is
8 made aware of any proposals well in advance
9 where they would have the ability to make
10 any changes.

11 MR. MILAZZO:

12 So is that something we need to
13 consider action on today?

14 MS. CARTER:

15 I think that probably still needs to
16 be discussed.

17 MR. MILAZZO:

18 Okay.

19 MR. BAKER:

20 There -- there are still -- there's
21 still a number of discussions that would
22 have to be done. We just wanted to make --
23 in the stakeholder meeting, we wanted to
24 make ya'll aware of this, so ya'll would be
25 a part of the process from the very

1 beginning.

2 MR. MILAZZO:

3 I think from our standpoint, we
4 appreciate really the position we find
5 ourselves today in, and it's kinda working
6 hand in hand, and -- and really, the
7 strength of the relationship that we all
8 have some ownership in this. So I say to
9 you, thank you.

10 Any other questions for Jill?

11 (No response.)

12 MR. MILAZZO:

13 Okay. Jeff, I think item D is
14 tentative dates for next year.

15 MR. BAKER:

16 Mine's easy. As ya'll can see on your
17 agenda, we do have the proposed dates for
18 the meeting -- the board meetings for next
19 year. We've got February 22nd, May 10th,
20 August 16th and November 15th, 2018. We did
21 adjust the May meeting because a number of
22 the LOMA members have their national meeting
23 when we normally have this one -- had had
24 this meeting, and there have been some
25 conflicts. So we decided -- we got with

1 Natalie and other representatives of LOMA to
2 kinda work through some of these, to make
3 sure we kinda alleviated some of the
4 conflicts and we all agreed to move the
5 meeting up a week to May 10th.

6 We just want to present these as the
7 proposed dates and let the board determine
8 how they want to move forward with it.

9 MS. DELAFOSSE:

10 And the February 22nd date is the week
11 after Mardi Gras, if that's relevant to
12 anybody's schedule. And then, like Jeff
13 said, with the May meeting, you know, the
14 regular date would be the 17th to make sure
15 we have amiable time to prepare, but we --
16 instead of pushing it back a week to May
17 24th, you get closer -- even closer to the
18 end of session and I know that can
19 complicate people's schedules, so we -- I --
20 I proposed that we push it up a week so that
21 gives us a little more flexibility in, you
22 know, how many times we have to push it
23 back. Because we ended up with two meetings
24 pretty close to each other this year. Which
25 is okay. But I know we -- we like to spread

1 out visits so we don't get too tired of
2 each. So --

3 MR. MILAZZO:

4 Does anybody have any conflicts that
5 you know, or the dates as proposed, at least
6 at this point in time, appear to be okay?

7 (No response.)

8 MR. MILAZZO:

9 Any comments from those on the phone?

10 (No response.)

11 MR. MILAZZO:

12 Okay. Thank you, Jeff.

13 MS. DELAFOSSE:

14 I have one more comment relative to
15 the board meetings. I believe Roger, who's
16 on the phone this week, mentioned to me how
17 great it would be if we had a meeting not in
18 Baton Rouge at some point in time. So I've
19 discussed that with Karyn and she was
20 amenable to that suggestion. So I know --
21 I don't know that we'll do, you know, more
22 than one meeting elsewhere but I wanted to
23 put that on the table as a possibility for
24 next year. Durwood, up there in
25 Ruston/Monroe, is scouting out some

1 locations for us to see what -- what may be
2 available in his neck of the woods, just to
3 give some people a break on driving and then
4 -- and then let some of us hit the road and
5 see a different part of the state. So I
6 wanted to mention that as well and see if
7 anybody had any thoughts, comments,
8 concerns.

9 MR. MILAZZO:

10 So there's an annual event in Monroe,
11 right, Todd?

12 MR. PERRY:

13 There is.

14 MR. MILAZZO:

15 So it could be an opportunity perhaps
16 August/September, I'm not sure, so if we can
17 just have some consideration --

18 MS. DELAFOSSE:

19 Absolutely.

20 MR. MILAZZO:

21 -- you can have a number of members
22 already there.

23 MS. DELAFOSSE:

24 That'd be great.

25 MR. PERRY:

1 And on that note, Johnny, we're doing
2 something different this year. I believe
3 that LOMA's ask for it to be the second week
4 of November, which might tie close to that
5 November date --

6 MR. MILAZZO:

7 Okay.

8 MR. PERRY:

9 -- where that might be.

10 MS. DELAFOSSE:

11 So that could work.

12 MR. PERRY:

13 Right.

14 MR. MILAZZO:

15 That would be something to really
16 consider.

17 MS. DELAFOSSE:

18 Yes. That'd be great.

19 MR. FRANKLIN:

20 Theresa, this is Durwood.

21 MS. DELAFOSSE:

22 Hey, Durwood.

23 MR. FRANKLIN:

24 I also have reached out to LSU
25 Alexandria to see if they have an facilities

1 available there as well.

2 MS. DELAFOSSE:

3 Okay. So we'll have some --

4 MR. FRANKLIN:

5 I have not heard back from them, but
6 that might be a possibility to meet at a
7 central location in Alexandria.

8 MS. DELAFOSSE:

9 Okay. Thank you for that. That would
10 be good.

11 MR. MILAZZO:

12 So are there any other comments, any
13 other business?

14 MS. ANDREWS:

15 Yes. This is Karyn Andrews. I do
16 have some other business that I wanted to
17 bring to everyone's attention. So in 2017,
18 Act 330 -- 355 was passed by the
19 legislature to do a study of statutory
20 dedicated funds. And the motor fuel
21 underground storage tank trust fund was
22 lucky enough to get pulled for that review.
23 So I just wanted to let everyone be made
24 aware that we are scheduled to testify
25 tomorrow as to this fund. It's not time for

1 public testimony yet. I will be there. I'm
2 not sure if Dr. Brown is going make it. But
3 I have a one-pager about the fund, what we
4 do with it and it's -- I'll clearly be in --
5 working in support of keeping it a dedicated
6 fund. I believe that we will -- I hope to
7 -- that we will be able to continue with
8 that work on the legislature.

9 When it does come time for public
10 testimony, anyone from this board will be
11 more than welcome to testify to this fund.
12 What will occur tomorrow is, we will go
13 before this subcommittee, tell them about
14 our program, tell them about the fund, where
15 the monies are derived from, how they're
16 used. And they will make a vote if they are
17 going to recommend it remain a statutory
18 dedicated fund or if we -- it become a fee
19 and self-generated fund, which then you've
20 got other -- I -- I don't know exactly what
21 will happen at that point.

22 That -- although the committee members
23 will be voting, the report won't be final
24 until they get to the very end, after public
25 comments. And they can change their mind at

1 that point. So tomorrow, you're more than
2 welcome to attend. We'll be at the Capitol,
3 following joint legislative committees
4 meeting. There are a lot of agencies on the
5 list. This is my third scheduled visit to
6 the Capitol on this -- on this subject. And
7 I am the fourth agency that is up. So I
8 don't know that I'll be talking tomorrow
9 about this fund yet.

10 But I did want to let everyone know
11 about that. And I'll -- I can update you at
12 our next meeting, what occurs, if you're not
13 able to listen to us tomorrow. You can log
14 into the legislature's web page and listen
15 on there if you want, or again, you're more
16 than welcome to come over.

17 MS. DELAFOSSE:

18 Or -- or you can check in next week
19 for an update too.

20 MS. ANDREWS:

21 Or check in with us --

22 MS. DELAFOSSE:

23 We'll let you know how it went --

24 MS. ANDREWS:

25 Right.

1 MS. DELAFOSSE:

2 -- if you don't want to watch it.

3 MR. MILAZZO:

4 And I think what we'll do is ask
5 Natalie maybe to communicate that with you
6 and then throughout our membership. And --
7 and, Karyn, thanks for sharing that with us.
8 When you get to public testimony, I'm
9 certain that we -- we could have members of
10 the association stand by you and -- we all
11 know it's in our best interest. So thank --
12 thanks for sharing.

13 MS. ANDREWS:

14 Absolutely. Thank you.

15 MR. MILAZZO:

16 Is there any other business?

17 (No response.)

18 MR. MILAZZO:

19 I'd like to ask for a motion that we
20 close the meeting.

21 MR. BURNHAM:

22 Motion to close the meeting.

23 MR. ST. ROMAIN:

24 Second.

25 MR. MILAZZO:

1 All in favor?

2 (All indicated "aye".)

3 MR. MILAZZO:

4 Thank you guys.

5 THE MEETING ADJOURNED AT 2:14 P.M.

6 * * * * *

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

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

23 

24 Lori Overland C.C.R.

25 # 97083

In The Matter Of:

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

*FUND ADVISORY BOARD MEETING
November 16, 2017*

*Associated Reporters, Incorporated
225-216-2036*

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In The Matter Of:
*DEPARTMENT OF ENVIRONMENTAL QUALITY
MOTOR FUELS UNDERGROUND STORAGE TANK TRUST*

*FUND ADVISORY BOARD MEETING
November 16, 2017*

*Associated Reporters, Incorporated
225-216-2036*

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 3 STATE OF LOUISIANA
 4 DEPARTMENT OF ENVIRONMENTAL QUALITY
 5 MOTOR FUELS UNDERGROUND STORAGE TANK TRUST
 6 FUND ADVISORY BOARD
 7
 8
 9
 10
 11
 12 The above-entitled meeting was held at the
 13 LDEQ, Galvez Building, Conference Center, 602
 14 North 5th Street, Baton Rouge, Louisiana,
 beginning at 1:04 p.m., on November 16, 2017.
 15
 16
 17
 18
 19 BEFORE:
 20 Lori B. Overland
 21 Certified Court Reporter
 In and For the State of
 Louisiana
 22
 23
 24
 25

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 2
 3 EXAMINATION: PAGE(S) :
 4 None
 5 EXHIBITS:
 6 None
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 8 REPORTER'S PAGE 80
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 11 * * * * *
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1 A P P E A R A N C E S
 2
 3 Johnny Milazzo
 Chairman
 4 Kerry Hill
 Durwood Franklin, via telephone
 5 Jeff Baker
 Gary Fulton
 6 Cy Morin
 Jill Carter
 7 Nick St. Romain
 Steve Burnham
 8 Roger Bright, via telephone
 Theresa Delafosse
 9
 10 Melissa Vizinat
 Sam Broussard
 Jason Efferson
 11 Trey Kemp
 Randi Stump
 12 Todd Perry
 Ian Kelly
 13 Byron Blanchard
 Aaron Bourgeois
 14 Auburn Wilson
 Roger Gingles
 15 * * * * *
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Page 4

1 * * * * *
 2 MR. MILAZZO:
 3 So Johnny Milazzo. I'll be acting as
 4 Chair today on behalf of Kerry Hill. And at
 5 this time, I'd like to call the meeting to
 6 order.
 7 And I'd like to ask for a roll call,
 8 please.
 9 MR. BURNHAM:
 10 Steve Burnham with Engineering
 11 Associates.
 12 MR. FULTON:
 13 Gary Fulton, LDEQ.
 14 MR. BAKER:
 15 Jeff Baker, LDEQ Trust Fund.
 16 MS. CARTER:
 17 Jill Carter, Louisiana DEQ Legal
 18 Division.
 19 MR. ST. ROMAIN:
 20 Nick St. Romain, Louisiana Oil
 21 Marketers and Convenient Store Association.
 22 MR. MILAZZO:
 23 Johnny Milazzo, LOMA.
 24 MS. DELAFOSSE:
 25 Theresa Delafosse, DEQ Office of

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1 Management and Finance.
2 MR. MORIN:
3 Cy Morin, DEQ Audit.
4 MS. VIZINAT:
5 Melissa Vizinat, DEQ Trust Fund.
6 MR. PERRY:
7 Todd Perry, PPM Consultants.
8 MR. BROUSSARD:
9 Sam Broussard, DEQ UST Division.
10 MR. BLANCHARD:
11 Byron Blanchard, DEQ Internal Auditor.
12 MR. EFFERSON:
13 Jason Efferson, DEQ Trust Fund.
14 MR. KEMP:
15 Trey Kemp, DEQ Trust Fund.
16 MS. STUMP:
17 Randi Stump, DEQ Trust Fund.
18 MR. BOURGEOIS:
19 Aaron Bourgeois, Louisiana Legislative
20 Auditor.
21 MS. WILSON:
22 Auburn Wilson, Louisiana Legislative
23 Auditor.
24 MR. MILAZZO:
25 And once again, on the phone, Kerry

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1 Hill.
2 MR. HILL:
3 Kerry Hill, Louisiana Oil Marketers.
4 MR. MILAZZO:
5 Next.
6 MR. BRIGHT:
7 Roger Bright, Jones Environmental.
8 MR. FRANKLIN:
9 Durwood Franklin, DEQ Trust Fund.
10 MR. MILAZZO:
11 Anyone else?
12 (No response.)
13 MR. MILAZZO:
14 Okay. I'd like to call on Theresa to
15 give our financial services report.
16 MS. DELAFOSSE:
17 Thank you. If you will turn to tab
18 number --
19 (An off-the-record discussion followed.)
20 MR. MILAZZO:
21 Pardon me. Yes. I'd like to refer
22 you to the minutes from our meeting on
23 August 17th. If everyone has had an
24 opportunity to review those and if they
25 agree with them, I'd like to see if there's

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1 a motion to adopt the minutes?
2 MR. FULTON:
3 Motion to adopt.
4 MR. BURNHAM:
5 Second.
6 MR. MILAZZO:
7 We got a second. All in favor?
8 (All indicated "aye".)
9 MR. MILAZZO:
10 Any opposed?
11 (No response.)
12 MR. MILAZZO:
13 Minutes adopted.
14 Thank you, Theresa. Now, I'd like to
15 call on you for the financial services
16 report.
17 MS. DELAFOSSE:
18 Thank you. Okay. So if you turn to
19 tab three, the first page that we have is
20 the fiscal year 2018 cash basis fund balance
21 report. That would be the -- there are
22 three blocks on the page, as we typically
23 have. The third block is what we have for
24 the first quarter of fiscal year 2018. The
25 middle block is a comparative statement,

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1 showing you the first quarter from fiscal
2 year 2017. So you can see those two
3 compared to each other. And then we also
4 have the year end report from the fourth
5 quarter of fiscal year 2017, which you have
6 seen before, but it's just presented here
7 just so you have that historical information
8 available.
9 The unobligated balance as of the end
10 of the first quarter was \$23,430,376. We --
11 we collected about 5.8 million dollars in
12 this first quarter, which you'll see is
13 right in line with what we collected in the
14 first quarter last year. And our claims for
15 reimbursement were high this quarter. Right
16 at 3.5 million. Which was higher than last
17 year by a good 20 or so percent.
18 And then we also have down here the
19 transfer to the environmental trust fund,
20 which we've discussed before. And that's
21 based on statute that -- for the -- because
22 the revenues aren't sufficient from the
23 environmental trust fund to operate the
24 program, we make that transfer each year.
25 And that -- that transfer happens to fall in

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1 the first quarter of the following fiscal
2 year. So that transfer was for expenditures
3 for fiscal year 2017.
4 So if you'll turn to the second page.
5 This is -- so this -- I was just talking
6 about the transfer to the environmental
7 trust fund. This is a projection for what
8 the 2019 transfer will be. As you see,
9 there's a slight decrease in that transfer.
10 So that's a good thing, moving in the right
11 direction at this time. Just keeping those
12 expenditures in line with what they need to
13 be from year to year.
14 We may see an increase in the
15 environmental trust fund revenues -- that --
16 that first line that is not zero -- for this
17 year because of the fee increase. But those
18 fees are billed in March, so we don't know
19 exactly what that's going to look like yet.
20 But there -- there should be an increase in
21 that line. So we -- we do need to adjust
22 for that as well. So that'll make the
23 transfer even smaller.
24 If there are no questions at this
25 time, I'll go to the podium and proceed with

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1 the -- with the long -- the detailed version
2 of the presentation.
3 (No response)
4 MS. DELAFOSSE:
5 Okay. So back by popular demand, we
6 have the -- the lovely slide show with
7 additional information.
8 As of last time, I've tried to add
9 some new -- some new information that we
10 haven't seen before, just so you can
11 continue to get -- get a good understanding
12 of the different financial components of the
13 program.
14 So this first slide is a new one.
15 This is the RAC reimbursement history from -
16 - for the last five complete fiscal years.
17 So, you know, it went down for a couple
18 years. It was high in '16 and then a little
19 bit down in '17. And then that -- that line
20 across the top is the average for the five
21 year period.
22 The next slide is a little crazy
23 looking; but -- and Jeff -- Jeff reviewed
24 the presentation for me and said, "I don't
25 know about this slide." But it just goes to

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1 show you that the payments are not very
2 predictable. So they're high months, you
3 know, typically around the beginning or the
4 end of a quarter, just depends on what else
5 is going on. But, you know, most of the
6 sites, those -- those applications tend to
7 come toward the end of the quarter. So the
8 month, either at the end of the quarter or
9 the beginning of the next, is typically the
10 highest of that quarter. But in general,
11 just kinda all over the board. No -- no
12 real pattern.
13 These are some other statistics
14 relevant to reimbursement. The table shows
15 the average cost of closure, since fiscal
16 year 2011. So as you see, there was a --
17 you know, they -- they kinda bounce around
18 too. But in general, they're trending
19 upward. I could've -- I should've possibly
20 included some of the charts on that page and
21 kinda see a trend there. But it does appear
22 to be trending upward, slightly. So you see
23 in fiscal year '11, it was 238 thousand and
24 now it's 276 thousand. So, I mean, that's
25 not -- that's, you know, over ten percent

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1 but it's not -- not large -- not incredibly
2 a large increase for that amount of time.
3 We did see the changes that we are
4 implementing in fiscal year 2018 with the
5 changes to the guidance document, with some
6 of the cost increases, the four percent that
7 we did for a lot of the categories. So we
8 will see some increases going forward. And
9 then with the -- with the in-compliance
10 deductible getting reduced to zero dollars,
11 we may see some changes and we may see some
12 sites come in actually that have lower
13 dollar values that would not have met the
14 deductible previously that may cause the
15 average to go down. So it -- it just kinda
16 remains to be seen. It's very -- it's very
17 difficult to predict what that will do.
18 So then I just have some little notes
19 off to the right, based on the previous
20 slide. The highest month for reimbursement,
21 like I indicated, was typically a month near
22 the end or beginning of a quarter. The
23 lowest month can vary from year to year, but
24 for example, in fiscal year '17, our lowest
25 month was near the August flood. We were

1 closed for about two weeks so that's --
2 that's no big surprise there. And then the
3 monthly average is anywhere from 870
4 thousand to 1.16 million. So a pretty big
5 range there with the monthly average. But
6 they may be skewed a little by how fiscal
7 year '17 -- fiscal year '16 was.
8 This is a slide that we've had
9 previously, but I did change it. Instead of
10 doing the full year's deposits, I did just
11 the first quarter, just so you get some good
12 comparative information from one year to the
13 next. So you'll see they've been pretty
14 steady, the revenues. They were -- have
15 been high this year, so far. They did --
16 you know, last year, again, with the flood
17 and the August closures, that was low and
18 expected to be low. Our receivables group
19 took a little -- a little while to get
20 caught up on posting all that, classifying
21 those revenues. But from last year, we have
22 a 32 percent increase. And you'll see it's
23 even an increase from the fiscal year '15
24 and '16 where we did about 5.1 in the first
25 quarter. So we're doing -- doing well so

1 have approximately 260 additional sites
2 identified as potential candidates. And
3 that number will grow as well.
4 You have something to add?
5 MR. FULTON:
6 Yes. Well, I just wanted to -- the --
7 we had ARRA money. We also had two
8 hurricane monies that we had from the --
9 from the EPA. And during those years, those
10 sites were moved over to spend a lot of the
11 money under ARRA and also hurricane trust
12 fund money.
13 MS. DELAFOSSE:
14 Okay.
15 MR. FULTON:
16 So a lot of the -- the reason why you
17 see -- do see some zeros there, is because
18 those sites were moved and we spent federal
19 money for them.
20 MS. DELAFOSSE:
21 But -- yes, for the abandon site fund,
22 we got -- we haven't done a bunch lately.
23 But we're starting too.
24 MR. FULTON:
25 Right. Exactly.

1 far.
2 And then a big increase -- we've seen
3 a very big increase in our interest income,
4 which we've discussed previously. Both
5 because the -- the principal is larger and
6 because the interest rates with the -- with
7 the treasury are bigger. So, you know, a
8 quarter of a million dollars just in three
9 months is what we've earned this year, just
10 in interest alone.
11 This is another new slide that I added
12 with help from Gary's group. And, you know,
13 it's going to become a -- a more prevalent
14 topic because we've had a lull in our
15 abandon site work, as you can see. There
16 are no expenditures represented here for
17 fiscal year '15, '16 and '17, because there
18 were no expenditures. So the last work for
19 abandoned sites was conducted in fiscal year
20 2014. So it's been a little while. But
21 we're actually doing a lot of things right
22 now to actively move toward remediating
23 those sites.
24 So right now, there are just 31 sites
25 and 82 tanks in the program. And -- but we

1 MR. MILAZZO:
2 So let me ask -- and help me here. By
3 definition, what is considered an abandoned
4 site?
5 MR. FULTON:
6 The definition is they must have not -
7 - one, they don't have any money; two, they
8 did not comply with an enforcement action
9 and it went executory, or they just didn't
10 comply. Then -- then we have the ability to
11 rank it. And if it ranks high, then it will
12 go to the top of the list and then we will
13 try to spend money on it. So we don't get
14 to all the sites all at once. We only have,
15 you know, a little bit of money that we've
16 been using at other sites to clean up the
17 sites with. But in the future, we have
18 three contracts, we have tank pull, 24 month
19 assessment and we're working on remediation
20 corrective action contracts. So we will --
21 we will see an increase in those figures in
22 the next year or two.
23 MR. MILAZZO:
24 And then, is there a lien placed on
25 that property for any future transactions?

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1 MR. FULTON:
2 Yes. Sure is. We will place a lien
3 for the total expenditures. And I think
4 like Perry said in the past, we try to get
5 the money out of it, as best we can, but it
6 -- a lot of times in the rural areas, you
7 know, you have that corner store that's
8 worth \$10,000, you know, and then -- and you
9 have water wells around every -- you know,
10 we just -- we've got to get it cleaned up so
11 it doesn't impact their groundwater and
12 you're just not gonna get --
13 MR. MILAZZO:
14 So you're never gonna fully recover.
15 MR. FULTON:
16 Sometimes you're not -- now, if you
17 have a site on Airline Highway --
18 MR. MILAZZO:
19 Different story.
20 MR. FULTON:
21 It's a different story, right.
22 MR. MILAZZO:
23 Okay. Thank you.
24 MS. DELAFOSSE:
25 Sure. These are the projected

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1 expenditures for fiscal year 2018 by
2 function. So as you'll see, the top -- you
3 know the -- the core functions, or the
4 UST core function is Gary's group and then
5 the motor fuel function that reviews the
6 applications from the RACs is Jeff's group,
7 that makes up a big chunk of the
8 expenditures, about two-thirds. And then
9 there's some enforcement cost, compliance
10 orders and ensuring that the owners of those
11 sites are compliant. And then, of course,
12 we have the support and indirect cost for
13 like legal and me and everyone else who does
14 work on the program.
15 In our salaries and related benefits,
16 so far this year, it has our actual figures,
17 along with our projected figures for fiscal
18 year '18. There is an increase in related
19 benefits and salaries projected between last
20 year and this year. I would say that that's
21 due partially to the retirement increase. I
22 believe last year, the retirement percent
23 that we paid per employee was 35.8. It's
24 gone up to 37.9. And the civil service pay
25 plan changes are going into effect. So each

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1 -- each employee gets -- will get a two
2 percent adjustment on January 1st and then
3 some folks will come up the minimum, the new
4 minimum pay scale. So those changes are
5 reflected here in these projections for
6 fiscal year '18 expenditures.
7 Travel and training. We expect a
8 slight down-tick this year from last year.
9 No -- not as many big -- big expenditures
10 projected. But that's still a pretty low
11 dollar value cost, \$6,000 throughout the
12 year which -- or just \$500 a month for
13 travel.
14 And then our operating services is
15 simply our supplies, as well, and dues for
16 our major associations and then rent in our
17 regional offices, as well, which is the
18 largest component. We have six regional
19 offices throughout the state.
20 Our professional services. A small --
21 small budge for professional services, with
22 lab analysis and some site consultation
23 work. Not -- barely -- barely any
24 expenditures year-to-date, so we're gonna
25 see some in the last three quarters of the

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1 year.
2 Other charges. This is a pretty large
3 category for the program, as well. You
4 know, we don't -- we haven't had too many
5 expenditures, year-to-date, as you can see,
6 just -- just around 27,000. So I included
7 instead the budget figures for each of the
8 contract. Again, those budget figures are
9 just maximums. For example the attorney
10 general fees, like last -- last year, our
11 total attorney general fee was just over
12 900,000. So I don't anticipate that we will
13 be billed that full amount. We actually
14 just got the first bill from them today and
15 I think it was only 30 -- around 30,000. So
16 -- and that's the first one for the fiscal
17 year and we're all the way in November. So
18 that should definitely be lower. I did a
19 projection at 1.6 million, but I do
20 anticipate that it should be lower than
21 that. And probably around the last years
22 final total or maybe -- maybe slightly less.
23 So I -- I mentioned we weren't yet billed
24 for the attorney general charges until this
25 morning. So I didn't -- I did not make the

1 slide to reflect that, but we have a little
2 bit of charges so far for the ongoing
3 litigation.

4 Our total gross recovery to date is
5 19.15 million. And as -- as everyone knows,
6 the remaining settlement proceeds were
7 transferred to the motor fuel trust fund in
8 April of 2017.

9 Interagency transfers is another small
10 category. Just -- just some rent, building
11 security and telephone expenses. And we
12 expect them to be slightly below what they
13 were last year.

14 I don't think anything changed with
15 this slide from the last presentation, but
16 we do have in here the fiscal year 2018
17 approve full overhead rate and then we're
18 using half of the rate in our motor fuel
19 calculations which is applied to just the
20 salaries and related benefit charges for the
21 direct charge employees who do work full
22 time for the motor fuel trust fund.

23 We also have now available our
24 information on our grant revenues for this
25 fiscal year. There was a slight increase of

1 help with this actually, because some days,
2 we'll get three giant bundles full of mail.
3 And all that mail has to be opened and
4 stamped, sorted and deposited in that day.
5 So -- or, within 24 hours. I'm sorry. So
6 it's stamped that day and then it gets
7 deposited the next day. So instead of
8 continuing to pay a full time person to do
9 that work, we've hired a part time person to
10 help. And we have other people that help
11 throughout the department. Sometimes, it's
12 all hands on deck, if it's a busy day. But
13 the lock -- what the lockbox service will do
14 is that JP Morgan, who is the state's
15 contract bank, they have a facility in
16 Dallas where we will send all that mail and
17 -- so the -- the people will get the bills.
18 Instead -- you know, they have the little
19 coupon at the bottom of the invoice that
20 says the address, DEQ Financial Services,
21 P.O. Box, I think, 43 something, Baton
22 Rouge, Louisiana. Now, it's gonna say P.O.
23 Box, and it's a long one -- I think it's a
24 six digit P.O. Box -- Dallas, Texas. So
25 everything is gonna go to Dallas for them to

1 about 57,000, so we will be getting 1.6
2 million dollars for those grants. And those
3 are revenues that weren't -- that help pay
4 for the operation of the -- of the program.

5 As I mentioned when I was sitting down
6 showing ya'll the financial statements for
7 the first quarter, we bill these changed
8 registration fees, which are gonna be \$60
9 this year with an increase of ten percent
10 from our fee package. We bill these in
11 March. So nothing has been sent out yet.
12 We should be on target to send those in
13 March. With the fee package, we've had a
14 lot of changes that we've had to integrate
15 into our -- our billing system and our
16 permit system, as well. So that's kinda
17 changed our -- our invoicing schedule
18 slightly, but it did not change the -- it
19 shouldn't change the schedule for the tank
20 fees since they're billed in the spring.

21 But I see my -- you see my third
22 bullet here, this will be the first major
23 billing group to use our new lockbox
24 service. So right now, we have some folks -
25 - we have -- we have a lot of people who

1 process that there. So they'll open the
2 mail, they'll scan the checks and then we'll
3 be able to view them from an online system.
4 So that's gonna -- you know, we're
5 outsourcing that function essentially. This
6 will be the first major group to have that.
7 So we anticipate some -- some bumps along
8 the way because we don't send window
9 envelopes right now, so where people could
10 slide that in and have the correct address.
11 So we're -- we're depending upon everyone
12 out there who gets a bill with -- with that
13 new address to write the correct address on
14 their envelope and/or have the correct
15 address printed from their payroll system.
16 So we're gonna start sending some
17 communications out once we go live with that
18 just to make sure everybody understands what
19 the service is and -- and, you know, what
20 needs to be sent there versus what needs to
21 be sent to us here still. Because permit
22 applications and stuff will still come to us
23 here. But a lot of, you know, just strict
24 permit fees and registration fees will go
25 over there. So we're excited about that.

Page 25

1 We think it'll make our lives easier here,
2 and -- and help with getting everything
3 deposited timely.
4 This is a slide we've had before, the
5 history of the net transfer to the
6 environmental trust fund. I have the
7 projection down there for what we project
8 for fiscal year '18. So no major news here.
9 And that was it. If ya'll have any
10 questions for me or anybody?
11 (No response.)
12 MR. MILAZZO:
13 Any questions from anyone on the
14 phone?
15 (No response.)
16 MR. MILAZZO:
17 If there are no further questions, I'd
18 like to say thanks, Theresa.
19 And now, move over to tab four. I
20 think that's Cy with the audit report.
21 MR. MORIN:
22 Yes, sir. Cy Morin with audit.
23 There's a long list so I'll try to
24 make this quick.
25 So if you turn to tab four, this first

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1 page details 23 open motor fuel audit cases
2 as of November 6, 2017.
3 One case on this list was assessed
4 and, at the time of this report on November
5 6, was awaiting payment of \$4,032.55.
6 Payment in full was received on November 7.
7 So we're just awaiting posting of this
8 payment before closing the file.
9 Three cases are under review and 13
10 are awaiting review. Pending this review,
11 there's one potential credit of \$579.61.
12 The remaining 15 are potentially clean
13 audits with no assessment.
14 And also, six cases are still in
15 progress with results to be determined.
16 Since the last meeting, one new case
17 was added to this list, and seven cases have
18 been closed and removed from the list. Of
19 the seven removed, four were clean audits,
20 two were assessed a total of \$6,941.67,
21 which was paid in full. And one received
22 and used a credit of \$3,292.22.
23 I just want to note that since this
24 time last year, the number of open cases on
25 this list has been reduced by ten or 30

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1 percent. So we're knocking some of these
2 out.
3 If there's no questions about anything
4 on this page, just go ahead and flip over to
5 page two.
6 Not much has changed on this list. We
7 still have four cases being pursued legally.
8 The first and fourth cases on the list,
9 nothing has changed and they will be
10 referred to ODR in the near future. The
11 third case, as I've mentioned before, was
12 referred to ODR in October of 2015. As of
13 October 31st, we still have not received any
14 sort of payments for that case. And the
15 second case on the list is still remitting
16 payment. The last payment of \$250 was
17 received on October 3.
18 And finally, I just want to say, we
19 plan to perform 12 motor fuel delivery fee
20 audits during fiscal year '18. This is up
21 from eight last year. In addition, we will
22 continue to perform reviews for motor fuel
23 distributor refund request as necessary.
24 And we plan to get back looking at the other
25 side of things and, you know, do at least

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1 one audit of reimbursement applications for
2 at least one RAC. And that'll -- that'll
3 probably take place after the first of the
4 year.
5 And that concludes my update.
6 MR. MILAZZO:
7 So is a percent of your audits --
8 looking in 2017, were there four that you
9 guys discovered had some unreported or
10 delinquency? Am I seeing that right? The
11 audit date, there are three or four -- four
12 in '17.
13 MR. MORIN:
14 Yes. There's five for '17 on this
15 list.
16 MR. MILAZZO:
17 Maybe I missed one. At least in
18 fiscal year --
19 MR. MORIN:
20 Fiscal year '17, yes.
21 MR. MILAZZO:
22 Okay.
23 MR. MORIN:
24 We've got one case that -- that's
25 still on this list. These are cases that

1 are still open. We had one case with an
2 assessment for (inaudible) or unpaid late
3 fees, you know, something of that nature.
4 Actually, this one is unpaid late fees and
5 variances. The other four that are on this
6 list, you know, had no monetary problems.

7 MR. MILAZZO:

8 Okay. Any questions for Cy?

9 (No response.)

10 MR. MILAZZO:

11 Thank you.

12 MR. MORIN:

13 You're welcome.

14 MR. MILAZZO:

15 Moving on to tab five, trust fund
16 status report. Jeff Baker?

17 MR. BAKER:

18 Yes, sir. Please refer to tab five in
19 your packets. These are the figures for the
20 first quarter of fiscal year 2018.

21 During the first quarter of fiscal
22 year 2018, the trust fund received 227
23 applications, totaling approximately 3.7
24 million dollars. As of the end of September
25 2017, the trust fund had 121 pending

1 September 2017. For the sites in the
2 corrective action phase, the outstanding
3 liability of corrective action plan budget
4 and estimated cost to reach closure at the
5 end of September 2017, was approximately 25
6 million dollars. This total includes the
7 CAP budget remaining amounts and the RAC
8 estimated cost to closure amounts.

9 The section in your packet titled,
10 corrective action plan budgeted amounts for
11 active sites documents the individual CAP
12 sites included in this determination.

13 If ya'll remember, last time, I asked
14 ya'll -- we -- we included the -- the
15 detailed information of the sites that were
16 included in these different categories. So
17 -- and ya'll asked if we could continue
18 doing that. So we -- if you'll notice,
19 you'll see pages one of four on the
20 corrective action plan budgeted amounts for
21 active sites, you'll see all the sites and
22 their -- and their expenditures to date and
23 their CAP budgets and their CAP expenditures
24 to date. And you'll see where these numbers
25 come from.

1 applications to process with requested
2 amounts of just over two million dollars.
3 Your report actually list 122 pending
4 applications, however, an error was
5 determined after the report was generated
6 and that modified the total down to 121.

7 185 applications were processed for
8 payment during the fiscal quarter, totaling
9 approximately 2.5 to 2.6 million. And ten
10 applications were returned, deficiencies.

11 The next page titled report of
12 cumulative activities of the motor fuel
13 trust fund. These are the historical values
14 related to the trust and are really provided
15 just for the board's informational purposes.
16 As you can see, kinda the history of what
17 our payments have been. Similar to some of
18 the numbers that Theresa was showing in her
19 summary.

20 If you'll flip to the next page.
21 Please see the handout titled, monthly motor
22 fuel trust fund obligation determination.
23 This worksheet list the various component
24 determinations of potential obligation
25 against the trust fund as of the end of

1 Fund obligation recognized for sites
2 without ROG approved CAP budgets is
3 approximately 30.3 million dollars. This is
4 determined using the three year average of
5 closure cost and applying these cost to the
6 active trust fund sites without current CAP
7 budgets.

8 If you'll go to your packets, you'll
9 see there's a section called non-CAP sites
10 trust fund obligation estimate, this
11 documents the individual non-CAP sites
12 included in this determination. That's --
13 again, that pages one of four, farther back
14 in your packets. It's titled non-CAP sites
15 trust fund obligation estimates. And you'll
16 see all the sites that we -- that are
17 included in that determination.

18 And you can see the current
19 expenditures that have been applied to these
20 sites at this time.

21 The fund obligation recognizes 24
22 sites that have been determined to be trust
23 fund eligible, however, not -- have not
24 submitted a reimbursement application. We
25 calculate this to be 7.4 million dollars.

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1 This is also determined using a three year
2 average site closure cost and applying these
3 cost to sites that have requested
4 eligibility but have yet not submitted a
5 request for reimbursement from the fund.
6 And there's a list of those sites, as well.
7 Five year projected fund balance
8 related to the trust fund to environmental
9 trust fund transfer is approximately 20.9
10 million dollars. This estimates the -- the
11 three year average dollars transferred from
12 the motor fuel trust fund to the
13 environmental trust fund and multiplies that
14 average by five years. Thus, the total
15 estimated obligated amount as of the end of
16 September 2017, is approximately 83.4
17 million dollars and that represents
18 approximately \$185,000 increase over the
19 last quarter's estimated amount.
20 If you'll note, the last -- the -- I
21 guess the next page in your packet, you'll
22 see lists -- this is the sites that have
23 been granted no further action. You'll see
24 we've listed 16 sites that are trust fund
25 sites that during the current fiscal year

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1 that have been listed no further action by
2 the UST Division.
3 Also, during this time period, the
4 number of potential trust fund sites that
5 were reviewed and made eligible during the
6 current year was six sites, representing six
7 active incidents.
8 I don't have any other points of
9 interest. So does anybody have any
10 questions at this time?
11 (No response.)
12 MR. MILAZZO:
13 Any comments or questions?
14 (No response.)
15 MR. MILAZZO:
16 Thank you, Jeff.
17 Now, I'd like to move on to third
18 party claim status. And filling in for
19 Perry will be Jill.
20 MS. CARTER:
21 There are no updates on third party
22 claim status at this time. And there are no
23 new claims -- or, new third party claims.
24 MR. MILAZZO:
25 I'd like to say that's good news.

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1 MR. BURNHAM:
2 Yes.
3 MR. MILAZZO:
4 Thank you, Jill.
5 Other business. I'd ask for Gary
6 Fulton to give us an overview of the UST
7 Division.
8 MR. FULTON:
9 Sorry for the technical difficulties,
10 but what I wanted to do was kinda give the
11 board just kinda of a quick overview of what
12 we do in the tank division. I think
13 everybody pretty much knows by now that on
14 July 1st, we were separated from remediation
15 services, the old remediation services
16 division, which included RIGA and the
17 superfund. So now, we're our own division.
18 This is our statutory authority,
19 Chapter 9. We use some -- for the
20 underground storage tank, 2194 and then also
21 2195. We also use RECAP and we do use a
22 little bit of the VRP program in Chapter 12.
23 Here's our regulatory authority. It's
24 under -- under the Office of the Secretary,
25 we have the request for environmental

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1 review. That's a \$1,500 fee. And mostly
2 this is used for real estate transactions to
3 recover our cost. And then we also use
4 Chapter 12. That's where RECAP is. And
5 then, of course, the underground storage
6 tank regulations.
7 So this is how we're set up. We have
8 the administrative section. We have a
9 prevention section. And we have a
10 corrective action section. So we have three
11 -- basically, three functional areas. We
12 have -- of course, we are here, located in
13 the headquarters. We have six regional
14 offices. New Orleans, Monroe and
15 Shreveport, we consider Group 1. Lafayette,
16 Lake Charles and Baton Rouge, we consider
17 Group 2. So basically, this is what the map
18 looks like. And we have two managers that
19 control those two groups. We have two UST
20 managers, a Group 1 Manager and Group 2
21 Manager.
22 Now, we have a total of 40 employees
23 in the UST Division. Five of them are
24 administrative. We have 17 that do
25 prevention, LUST Prevention, the CEI, the

1 inspections and stuff. And then we have 18
2 employees that actually oversee corrective
3 action portion of what we do.

4 This is our staffing matrix, to kinda
5 give you an idea. We're in every regional
6 office. We have 11 employees here at
7 headquarters. We have seven that are in the
8 capital regional office, which is located in
9 Baton Rouge. The southwest regional office,
10 three. Layette, five. Southeast is New
11 Orleans, that's six. Bayou Lafourche is
12 one. Northeast regional office, three.
13 Northwest, three. And Kisatchie is two.

14 So we're -- we are spread out all
15 across the state. That's in an effort to be
16 closer to the sites to provide service to
17 our regulated customers.

18 Now, this is what each of those
19 functional areas do. For administrative
20 sections, we handle all UST reporting, UST
21 registration. The -- the administrative
22 section handles all the CEI processing that
23 we get from the contractors. Even though
24 the contractor does about half of our
25 inspections, all that paperwork,

1 course, the last thing you do is give it an
2 NFA.

3 Okay. So we kinda went over all the -
4 - the whats and whys, but this is actually
5 our UST universe. We have 10,600 -- when I
6 did the report the other day, we have about
7 10,600 sites -- active tanks, I mean, at
8 4,000 facilities across the state. Last
9 year, we had 655 incidences that we are
10 dealing with. We have actually 458 of those
11 sites are in corrective action. And then we
12 have 164 certified workers that we oversee.

13 So --

14 MR. MILAZZO:

15 Do you know -- could -- could you go
16 back one slide?

17 MR. FULTON:

18 Yes.

19 MR. MILAZZO:

20 Do you know --

21 MR. FULTON:

22 Yes.

23 MR. MILAZZO:

24 -- I'm sure you do --

25 MR. FULTON:

1 unfortunately, that still has to be
2 processed here at headquarters. We also do
3 the Energy Act for compliance for the Energy
4 Act. We also have our certified worker
5 program, all our UST regulations revisions,
6 along with all our data management and SOPs.
7 So that's kinda what the administrative
8 section does.

9 Of course, the LUST prevention.
10 That's all CEIs. We do monitoring of
11 installations, repairs and testing
12 assistance, although we don't go to every
13 one of those, we try our best to. We also
14 respond to all the UST related incidents and
15 complaints. And then they also do causes of
16 release determinations.

17 Our LUST corrective action, they
18 oversee any incident that has a confirmed
19 release to the environment. So any time
20 there's a release, they will start
21 corrective action. All those employees
22 review work plans, work reports,
23 investigation reports. We all -- we direct
24 and oversee all groundwater assessment
25 remediation activities. And then, of

1 Yes.

2 MR. MILAZZO:

3 -- of those 10,666 registered tanks,
4 do ya'll see those in years, the
5 installation dates?

6 MR. FULTON:

7 Yes. We do have the installation
8 dates on all of them.

9 MR. MILAZZO:

10 At some future meeting --

11 MR. FULTON:

12 Yes.

13 MR. MILAZZO:

14 -- would that be easy to get? Would
15 you mind?

16 MR. FULTON:

17 Yes, I'll be glad to do that. I sure
18 would.

19 We -- we have run that in the past. I
20 don't know -- I know I've run it in the past
21 just to kinda see how old the tanks were.

22 MR. MILAZZO:

23 Yes.

24 MR. FULTON:

25 But we do have that information. And

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1 I can certainly give that to you.
2 So basically what this -- these
3 numbers you're seeing right here is what we
4 did essentially last year. And it's kinda,
5 you know, on the average of what we do from
6 year to year. So, of course, we do about --
7 about 1,500 CEI's a year. We -- we receive
8 and process about 116 closures while 78 of
9 them, we try to -- we did go inspect.
10 Because we can't -- the, you know, with the
11 number of staff that we have, we can't go
12 and do everything. But a lot of the times,
13 if we know we need to be at this site or
14 that site, we will go out.
15 51 processed and received for us --
16 received and processed 51 installation
17 repairs. We inspected 27 of those. Like I
18 said, we have currently -- last year, we had
19 443 incidents. 162 of those were confirmed
20 releases and then 57 of the incidences, we
21 went out and inspected at the time of the
22 release.
23 Enforcement letters. We sent out 118
24 of those. 223 of them NOD letters. 184
25 deficiency clear. You know, I can just keep

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1 on going down the list. But, 318 corrected
2 deficiencies. 85 notice of potential
3 delivery violations. And then seven -- we
4 did seven red tags last year. We had 458
5 circuit rider reviews. 195 enforcement
6 referrals. We had -- from the reissuing
7 aspect, we had 80 -- about 100 remediation
8 inspects. 93 inspection reports reviewed
9 and approved. I mean, I can go -- keep on
10 going down this list, but it's -- those are
11 the things that we do. And it's -- that's -
12 - those are pretty average numbers for what
13 we -- we get done in the division.
14 You're probably wondering, okay, we do
15 all that stuff, so how do we evaluate our
16 performance. And this is how we do it. We
17 have -- we have legislative performance
18 indicators and we also have EPA performance
19 indicators. Every year, EPA comes in here
20 and evaluates us. We sit down with them and
21 discuss what happened during the year. And
22 these are them right here.
23 For the legislative numbers, we have
24 to evaluate and close as many sites as we
25 can. We need to get them off the list, get

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1 them NFA'd, get them out of the system.
2 That's one of our goals. And then also, we
3 have to -- for the percent of soil and
4 groundwater investigation, work plans
5 reviewed and corrective action work plans
6 reviewed, we need to be 95 percent of those
7 completed within the -- the quarter.
8 So when we -- every time you send
9 something to us, everything gets a 60 day
10 due date, and we get it out of the door
11 generally in -- in 30 days. So anything
12 that needs a response from us, it goes out -
13 - we try to get it out within no more than
14 60, but it's usually 30 days you get a
15 response from us. So we track anything and
16 everything that comes into the department.
17 That's how I can get you those numbers.
18 From EPA perspective for the LUST
19 prevention grant, this one is a -- this one
20 is a new -- is this -- was this on there
21 last year?
22 MR. BROUSSARD:
23 No.
24 MR. FULTON:
25 This is a new one?

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1 MR. BROUSSARD:
2 It's been there every year.
3 MR. FULTON:
4 Oh, has it? Okay.
5 Basically, we have to get the
6 facilities in significant operational
7 compliance and we have to do that by half a
8 percent each year. So the fewer incidents
9 you have, the fewer leaks you have, the less
10 money you're going to spend when it's time
11 for corrective action. So they're trying to
12 -- okay, get those facilities in operation,
13 get them in compliance, fewer leaks, fewer -
14 - less money to spend down the road.
15 For -- for the LUST corrective action
16 grant, we need -- we have to reduce the
17 number of confirmed releases by five percent
18 than the previous years target. That's
19 difficult sometimes. But we do try to do
20 that.
21 We also -- percent of confirmed
22 releases waiting cleanup, that's the number
23 of sites that we have. Until they get their
24 NFA letter, we try -- we're trying to reduce
25 that number. And then, of course, the

1 number of LUST cleanups completed to meet
2 the risk facts based standard, that's our
3 NFA letter.

4 So any questions?

5 MR. BURNHAM:

6 Gary, how much money is represented by
7 the LUST corrective action, each branch of
8 it?

9 MR. FULTON:

10 Right there. That's -- this is our
11 funding. The LUST prevention grant has gone
12 down significantly over the last two years.
13 The LUST corrective action grant, that's
14 fluctuated. I think we get a little more
15 money this year. I do know that with
16 regards to USTs, EPA likes to get their
17 funding out early, so we're actually
18 processing our grant commitments back in
19 June. And it comes out September 30th. So
20 regarding the -- the corrective action
21 grant, we -- we did get a little bit more
22 money, but both of those numbers are reduced
23 from several years ago.

24 And that's -- I think that's it. Yes,
25 that's all I've got. Does anybody have any

1 we wanted to make it an official agenda item
2 and have the conversation today about the
3 change that we're gonna need to make in the
4 obligation calculation.

5 So in our statute, which is the second
6 -- pages two and three, under tab seven, has
7 the statute, R.S. 30:2195. If you go to
8 paragraph F, which is the very bottom of
9 page one, you'll see that statute which was
10 added by the legislature -- I have the acts
11 with me, so I can tell ya'll the year, if
12 you need to know -- but where all interest
13 monies earned by the fund and all monies
14 received for cost recovery efforts are used
15 for the closure of abandon motor fuel tanks,
16 assessment and remediation of contaminated
17 property and then the loans authorized by
18 the program, which we amended into the law
19 recently.

20 So that money is earmarked, that
21 interest money that I mentioned in my
22 presentation where we had, you know, a
23 quarter of a million that we earned this
24 year. We're sitting at 11.8 million dollars
25 of interest as of the end of the third

1 questions? I'll be glad to answer any --
2 anything, everything you've got.

3 MR. MILAZZO:

4 Gary, I'd like to say thanks for
5 putting that together.

6 MR. FULTON:

7 Yes.

8 MR. MILAZZO:

9 It's really helpful for us to try to
10 better understand the whole process.

11 MR. FULTON:

12 Yes.

13 MR. MILAZZO:

14 Any comments or questions?

15 (No response.)

16 MR. MILAZZO:

17 Okay. Thank you, Gary.

18 I'd like to give it back to Theresa.

19 MS. DELAFOSSE:

20 Next on our long other business list.

21 So if you'll flip to tab seven, I have some
22 more financial documents for you today.

23 And this came to our attention fairly
24 recently and we -- I think we mentioned it
25 to the board maybe at the last meeting, but

1 quarter. And as you'll see by the statute,
2 that money is reserved for those abandoned
3 sites. Where the other money, the
4 principal, is reserved for the -- the
5 regular sites that go through the
6 reimbursement process.

7 So our proposal, as you'll see here on
8 the first page, under tab seven, is that we
9 -- those interest monies should not be
10 included in the obligation calculation and
11 when we calculate the unobligated balance.
12 Because truly, that interest money is not
13 available for the regular site work. It
14 should not have been included really ever.
15 I think it was always such a small number, I
16 guess, for so long, but it's really
17 snowballed now that the fund has gotten
18 larger and interest rates are better. And
19 we know that that money has to be used for
20 the sites, and we have plenty of site work
21 to do. So what you should see going forward
22 -- and we wanted to just make sure everybody
23 is aware of this and -- and let ya'll ask
24 any questions you may have. But you see the
25 presentation on the right, on the first page

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1 under tab seven does not include that 11.8
2 million dollars in the cash basis fund
3 balance, because it truly is a separate fund
4 balance that has to be accounted for
5 separately. So that takes -- that makes a
6 pretty significant change in the unobligated
7 balance and takes it from 23 million down to
8 just under 12 million.
9 So that's my explanation of the why
10 and -- and the change that we are proposing
11 because of that. And I'm not -- but if
12 anybody has any questions, feel free.
13 MR. MILAZZO:
14 So the obligations, as we know it, for
15 the cost side of abandoned tanks, it's -- is
16 it in the general population of that
17 information that we see?
18 MS. DELAFOSSE:
19 It is not.
20 MR. MILAZZO:
21 So it's separated?
22 MS. DELAFOSSE:
23 It's separated, yes.
24 MR. MILAZZO:
25 Okay.

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1 MS. DELAFOSSE:
2 And we believe because they're -- they
3 really should be tracked completely
4 separately, because like Gary mentioned, we
5 have -- we have three contracts now in
6 different regions that are going to do the
7 site investigation and those cost all should
8 be charged to interest money, where the
9 regular site work with the RAC
10 reimbursements are charged to the -- the
11 principal and the main fund balance. So the
12 really need to be tracked completely
13 separately. So -- yes, so it is not part of
14 the cost estimates. So the cost -- like we
15 have here, the 83 million, that liability on
16 the current sites, that only includes the
17 trust fund sites, eligible sites, where the
18 owner is present and -- and they've selected
19 a RAC and they're --
20 MR. ST. ROMAIN:
21 So that 11.5 million of interest, is
22 that since the inception of the fund?
23 MS. DELAFOSSE:
24 That's since the inception -- well,
25 we've spent some. We haven't spent any

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1 recently. But yes, that's all --
2 MR. ST. ROMAIN:
3 It has been spent before on --
4 MS. DELAFOSSE:
5 Yes.
6 MR. ST. ROMAIN:
7 -- cleaning of abandon tanks.
8 MS. DELAFOSSE:
9 It has.
10 MR. ST. ROMAIN:
11 It just involves --
12 MS. DELAFOSSE:
13 Right.
14 MR. MILAZZO:
15 So you can follow the letter, the
16 statute as written. So are we going to
17 hear, perhaps some presentation a change to
18 that? Is that what I heard you say? Or, is
19 that gonna stay the same?
20 MS. DELAFOSSE:
21 No. I don't think we need to change
22 anything with the law.
23 MR. MILAZZO:
24 Okay.
25 MS. DELAFOSSE:

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1 I just think that the obligation
2 calculation -- we basically had -- you know,
3 we have A minus B equals C.
4 MR. MILAZZO:
5 Okay.
6 MS. DELAFOSSE:
7 We had the wrong number for A. We had
8 too much money represented in A. Where we
9 should've only included the principal that
10 was available for the obligation on the
11 regular sites, we included the principal and
12 interest. And really that -- that top line
13 should've been the 95 million, not 107
14 million, as you'll see these two different
15 bottom right numbers.
16 MR. MILAZZO:
17 And we'll see it that way going
18 forward?
19 MS. DELAFOSSE:
20 Yes.
21 MR. MILAZZO:
22 Okay.
23 MR. ST. ROMAIN:
24 So this change in accounting,
25 shouldn't prolong the need to change the .8

1 or .008 --
2 MS. DELAFOSSE:
3 Conceivably, yes. But, you know, as
4 we're gonna discuss with the -- with the
5 legislation on Jill's next other business, I
6 do think we still should move forward with
7 that up to .008, because we'll still have to
8 do that annual calculation and have the
9 board make a recommendation. But as the
10 universe continues to change, we'll -- you
11 know, we'll have to revisit that each year,
12 which is what we -- what we proposed. But,
13 you know, 11 million is still a surplus and
14 it's still -- I still anticipate that our
15 recommendation -- or, our calculations and
16 then the board's recommendation, based on
17 those calculations, I do think would be less
18 than .008, even at the first year after
19 because of our -- the position that we're in
20 right now.
21 MR. ST. ROMAIN:
22 Even with the reduction?
23 MS. DELAFOSSE:
24 I believe so, yes. It might not be as
25 significant as we once thought, but I do

1 And I think that he didn't leave
2 enough information for us to do that. So --
3 MS. CARTER:
4 I think it's best to defer this to
5 when Perry is here. I -- I'm not sure what
6 he had --
7 MS. DELAFOSSE:
8 I don't know that we -- do we think we
9 can defer that, Karyn? Or, do we need to
10 have the board vote on that legislation at
11 this time?
12 MS. CARTER:
13 I was not privy to any of the meetings
14 that ya'll had on these --
15 MS. ANDREWS:
16 Are we meeting before -- are we
17 meeting in January?
18 MR. BAKER:
19 February.
20 MS. DELAFOSSE:
21 February.
22 MS. ANDREWS:
23 Because we have to submit --
24 MS. CARTER:
25 I know ya'll have to draft up some

1 think -- I do think we're still collecting
2 more than we need to at this time. So --
3 MR. MILAZZO:
4 Any other questions or comments for
5 Theresa?
6 (No response.)
7 MR. MILAZZO:
8 Theresa, thank you.
9 MS. DELAFOSSE:
10 Sure.
11 MR. MILAZZO:
12 Okay. Continuing with other business.
13 The presentation and discussion of
14 shareholder group's recommendations for
15 proposed changes. I think we'll go back to
16 you Jill.
17 MS. CARTER:
18 Well, I'd like to apologize on this
19 one. I was not left any presentation.
20 MR. FULTON:
21 Perry had to unexpectedly leave, as we
22 know.
23 MS. CARTER:
24 Right. So --
25 MR. FULTON:

1 legislation, but --
2 MS. ANDREWS:
3 And for the record, this is Karyn
4 Andrews, Undersecretary of DEQ, for the
5 record. I believe that the agency with
6 recommendation from the board, that
7 legislation needs to be submitted probably
8 prior to the next meeting. We may be able
9 to call an emergency meeting. I don't know
10 if that would be possible.
11 MR. PERRY:
12 Hey. This is Todd Perry with PPM
13 consultants. I might can help.
14 MS. ANDREWS:
15 Okay.
16 MR. PERRY:
17 At a workgroup back in October, we
18 were provided that mock legislation to talk
19 about. And it's legislation to allow the
20 group to make a recommendation to the
21 Secretary to take the fee from eight
22 hundreds of a cent and adjust it to a number
23 that would more accurately fit through the
24 times for -- for lack of a better word.
25 So that's something we reviewed in --

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1 in Frank's workgroup and -- and I hate
2 Natalie is not here, John, but you've got to
3 trust me on this one. In essence, we were -
4 - there might be a couple very small amount
5 of tweaks we might want to discuss, but
6 nothing substantial at this point. We were
7 -- the group would recommend to accept that.
8 So if you guys want to move forward with
9 that, to move forward to be part of
10 legislation, I think we're okay.
11 MS. DELAFOSSE:
12 Yes. And -- and what we could do is
13 have the board vote on the general premise
14 today and the legislation, you know, it's --
15 it's been drafted by Perry. And, as Karyn
16 said, with -- with the board meeting not
17 being until February, it would be best if we
18 voted today. But once we workout those
19 other little tweaks, we can always amend
20 those into the legislation, you know, at any
21 time during the session, or even in advance
22 of the session. So I think -- I think it's
23 in our best interest to go ahead and vote on
24 that.
25 MR. PERRY:

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1 And we -- we've looked at it. Nick, I
2 know that -- that Kerry and yourself -- and,
3 Johnny, did you see that legislation? You
4 saw the legislation, didn't you?
5 MR. MILAZZO:
6 Yes. But I -- you know, I'd have to
7 refresh myself. So, you know, maybe this
8 could be -- maybe if we carefully craft a --
9 a motion here to that. And so what we're
10 saying, any consideration would be a
11 reduction to the fee, as we know it today?
12 MR. ST. ROMAIN:
13 The .008 would be a cap.
14 MR. MILAZZO:
15 Yes. So --
16 MR. ST. ROMAIN:
17 And the board would recommend yearly -
18 -
19 MR. PERRY:
20 Annually.
21 MS. DELAFOSSE:
22 Right. So what we would do --
23 MR. ST. ROMAIN:
24 -- to -- to adjust the rate annually.
25 MS. DELAFOSSE:

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1 Right. So our proposal is that
2 annually, either at the February or the May,
3 but probably the February would be
4 preferable, at the February board meeting --
5 so this would begin in February of 2019. So
6 at the second quarter of the trust fund year
7 board meeting, financial services, so myself
8 or somebody on my staff would present
9 several scenarios. And we can prevent --
10 let's say, if we reduce it .005 for this
11 next fiscal year, this is our projection of
12 what the fund will look like at the end of
13 that fiscal year, if we keep it at that
14 level. And then we could -- you know, we
15 could entertain three different levels, if
16 we want to, for example. And we could say
17 five, six and seven, or four, six and eight.
18 Whatever we want to do. And have the board
19 review those. And then based on that
20 information and -- and what the board's
21 consensus is, they can say, "okay, we want
22 to recommend six." And then we'll take that
23 recommendation to the Secretary. And the
24 Secretary can adjust that, effective July 1
25 of the following fiscal year.

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1 MR. MILAZZO:
2 So any action taken now, any
3 consideration, would -- would be considered
4 in February for the next fiscal year, right?
5 MS. DELAFOSSE:
6 Exactly.
7 MR. MILAZZO:
8 And you're saying that the earliest
9 that could occur -- could that occur in
10 fiscal year '19 or -- or --
11 MS. DELAFOSSE:
12 It would have to be --
13 MR. MILAZZO:
14 '18?
15 MS. ANDREWS:
16 It would have to be fiscal year --
17 MS. DELAFOSSE:
18 Fiscal year --
19 MS. ANDREWS:
20 -- '20.
21 MR. PERRY:
22 It -- it'd be -- it'd be -- so if I
23 understand, '19 would be the first time the
24 board would look at that and make a
25 recommendation to the Secretary --

1 MR. MILAZZO:
2 Okay.
3 MR. PERRY:
4 -- and then it would be effective and
5 possibly changed July 1, 2019.
6 MS. DELAFOSSE:
7 Right.
8 MR. MILAZZO:
9 Okay.
10 MS. DELAFOSSE:
11 So while the -- while the change with
12 the interest that we -- you know, we were
13 including that and believe we shouldn't have
14 been, is gonna, quote/unquote, buy some
15 time, it's still -- I mean, I believe the
16 action does need to be taken at this point
17 in time.
18 MS. ANDREWS:
19 And I would like to --
20 MR. ST. ROMAIN:
21 Because if we do nothing, we're going
22 to hit a point where it's got to cut off,
23 right --
24 MS. DELAFOSSE:
25 Right.

1 the DEQ at that point in time. So this
2 isn't a final kind of thing. It's just
3 allowing DEQ to kind of move forward
4 together.
5 MS. DELAFOSSE:
6 Yes. And with any legislative
7 changes, we really do want to vet them with
8 the board and have these discussions ahead
9 of time and -- you know, before we get a
10 bill filed and -- and it comes to board
11 members attention without having had this
12 discussion, we don't -- we don't -- we'd
13 like to prevent that. So that -- that's the
14 thought process.
15 MR. MILAZZO:
16 Okay. Well, as kinda a fill-in chair,
17 and not having something more tangible that
18 we're looking at that we can take action on,
19 it -- it would be my recommendation as chair
20 to -- to entertain a motion that can kinda
21 set the stage for that. When we see that
22 and -- and then just kinda preauthorize that
23 through a motion if -- so does that, Jill,
24 sound accommodating?
25 MS. CARTER:

1 MR. ST. ROMAIN:
2 -- and goes to zero?
3 MS. ANDREWS:
4 I would like to stress that part of
5 the -- this legislation at no point is --
6 right now, we're at .008. If we do nothing,
7 it will remain at .008. And all that would
8 happen is the fund balance would continue to
9 grow. We're entertaining this as a way to
10 address that fund balance. So that -- the
11 distributors don't have to keep doing them
12 on/off every other year. We believe this
13 is, you know, an easier method for
14 everybody, for us and for the regulated
15 community to be able to handle this. And I
16 -- I believe that the -- that the
17 subcommittee was very supportive of the
18 idea.
19 MR. PERRY:
20 And, John, one other thing just to
21 ease -- so you'll kind of know, this
22 legislation that the DEQ would take forward,
23 it would not only go to the House and the
24 Senate side first, but it's legislation that
25 we would be able to look at and discuss with

1 Yes.
2 MR. MILAZZO:
3 Okay. So based on what I just heard,
4 I -- I'd ask for a motion to carefully
5 identify that so we can consider a vote.
6 I'd like to ask for a motion?
7 MS. DELAFOSSE:
8 Ask for a motion.
9 MR. MILAZZO:
10 I ask for that motion. So --
11 MR. ST. ROMAIN:
12 I second.
13 MR. MILAZZO:
14 Okay. So could I -- could I hear the
15 motion?
16 MS. DELAFOSSE:
17 Yes. Somebody needs to state the
18 motion.
19 MR. MILAZZO:
20 Can I hear the motion? So listen,
21 let's -- let's just kinda repeat again,
22 okay.
23 I really would like to take action. I
24 -- I think what I've heard -- Kerry, do you
25 have any comments?

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1 MR. HILL:
2 No. I'm fine with it, Johnny.
3 MR. MILAZZO:
4 Okay. Would you want to offer a
5 motion? And basically, what we're hearing
6 here is to grant this body, on an annual
7 basis, the opportunity to review both
8 currently and forecast and make
9 recommendations to the Secretary as what
10 future -- what that future fee structure
11 would look like. Is that kinda --
12 MS. ANDREWS:
13 Well, I think -- I think what we're
14 asking is for the board to make a motion to
15 support the -- to support DEQ's presentation
16 of legislation to --
17 MS. DELAFOSSE:
18 Relevant to the bulk distribution fee
19 structure.
20 MR. MILAZZO:
21 So -- so we're asking -- authorizing
22 them to -- to go before the legislature to
23 give us the opportunity to do this? So with
24 a little more clarity, do -- do I have a
25 motion?

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1 MR. HILL:
2 I make --
3 MR. BURNHAM:
4 Do we have to restate it?
5 MR. HILL:
6 -- the motion.
7 MR. MILAZZO:
8 Go ahead, Kerry.
9 MR. HILL:
10 I make a motion that we make that --
11 MR. MILAZZO:
12 Go ahead. Recommendation --
13 MS. DELAFOSSE:
14 Or, approval.
15 MR. HILL:
16 I make a motion we make a
17 recommendation for the -- for the board to
18 go to the -- to ask the DEQ to go to the
19 legislative process to review. If I'm
20 wording this properly. I can't -- I can't
21 hear real good.
22 MR. MILAZZO:
23 Okay.
24 MS. DELAFOSSE:
25 It sounds great.

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1 MR. MILAZZO:
2 So -- so -- let me -- let me say this.
3 Maybe a little bit different twist here. So
4 here's a thought and -- and -- and that is
5 that we consider authorizing the Secretary
6 and the DEQ to go before the legislature to
7 consider legislation to allow this body to
8 give future consideration for the reduction
9 of the fees as we know them today. Can I
10 hear a motion to accept that?
11 MR. BURNHAM:
12 Motion to accept.
13 MR. MILAZZO:
14 Is there a second?
15 MR. ST. ROMAIN:
16 I'll second.
17 MR. MILAZZO:
18 All in favor?
19 (All indicated "aye".)
20 MR. MILAZZO:
21 Any opposed?
22 (No response.)
23 MR. MILAZZO:
24 Motion approved.
25 MS. ANDREWS:

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1 And then -- and before we move on from
2 this topic, I would like to let the board
3 know here that, as we are crafting this
4 legislation, we will ensure that all of you
5 are informed of it through the process. And
6 if -- after it's even presented to this
7 legislature, we will work with this board to
8 make sure that any amendments are
9 incorporated that are recommended. I would
10 just like to put that on the record.
11 MR. MILAZZO:
12 Thank you.
13 MS. DELAFOSSE:
14 And do we need to discuss Perry's
15 other proposed legislation with regard to
16 the abandon --
17 MR. FULTON:
18 I would -- I would wait.
19 MS. DELAFOSSE:
20 Okay.
21 MR. BAKER:
22 What I would say is that we do have
23 another motion. We discussed that in our
24 stakeholder meeting. And the purpose of
25 that addition would be to simulate what

1 we're doing with the hazardous waste trust
2 fund to give us a little more leeway in
3 doing these contracts with the active
4 abandoned sites for doing the assessment.
5 We're still fleshing that out. I think what
6 we would do is, we'd do similar to what
7 Karyn said, we will make sure the board is
8 made aware of any proposals well in advance
9 where they would have the ability to make
10 any changes.

11 MR. MILAZZO:

12 So is that something we need to
13 consider action on today?

14 MS. CARTER:

15 I think that probably still needs to
16 be discussed.

17 MR. MILAZZO:

18 Okay.

19 MR. BAKER:

20 There -- there are still -- there's
21 still a number of discussions that would
22 have to be done. We just wanted to make --
23 in the stakeholder meeting, we wanted to
24 make ya'll aware of this, so ya'll would be
25 a part of the process from the very

1 Natalie and other representatives of LOMA to
2 kinda work through some of these, to make
3 sure we kinda alleviated some of the
4 conflicts and we all agreed to move the
5 meeting up a week to May 10th.

6 We just want to present these as the
7 proposed dates and let the board determine
8 how they want to move forward with it.

9 MS. DELAFOSSE:

10 And the February 22nd date is the week
11 after Mardi Gras, if that's relevant to
12 anybody's schedule. And then, like Jeff
13 said, with the May meeting, you know, the
14 regular date would be the 17th to make sure
15 we have amiable time to prepare, but we --
16 instead of pushing it back a week to May
17 24th, you get closer -- even closer to the
18 end of session and I know that can
19 complicate people's schedules, so we -- I --
20 I proposed that we push it up a week so that
21 gives us a little more flexibility in, you
22 know, how many times we have to push it
23 back. Because we ended up with two meetings
24 pretty close to each other this year. Which
25 is okay. But I know we -- we like to spread

1 beginning.

2 MR. MILAZZO:

3 I think from our standpoint, we
4 appreciate really the position we find
5 ourselves today in, and it's kinda working
6 hand in hand, and -- and really, the
7 strength of the relationship that we all
8 have some ownership in this. So I say to
9 you, thank you.

10 Any other questions for Jill?

11 (No response.)

12 MR. MILAZZO:

13 Okay. Jeff, I think item D is
14 tentative dates for next year.

15 MR. BAKER:

16 Mine's easy. As ya'll can see on your
17 agenda, we do have the proposed dates for
18 the meeting -- the board meetings for next
19 year. We've got February 22nd, May 10th,
20 August 16th and November 15th, 2018. We did
21 adjust the May meeting because a number of
22 the LOMA members have their national meeting
23 when we normally have this one -- had had
24 this meeting, and there have been some
25 conflicts. So we decided -- we got with

1 out visits so we don't get too tired of
2 each. So --

3 MR. MILAZZO:

4 Does anybody have any conflicts that
5 you know, or the dates as proposed, at least
6 at this point in time, appear to be okay?

7 (No response.)

8 MR. MILAZZO:

9 Any comments from those on the phone?
10 (No response.)

11 MR. MILAZZO:

12 Okay. Thank you, Jeff.

13 MS. DELAFOSSE:

14 I have one more comment relative to
15 the board meetings. I believe Roger, who's
16 on the phone this week, mentioned to me how
17 great it would be if we had a meeting not in
18 Baton Rouge at some point in time. So I've
19 discussed that with Karyn and she was
20 amenable to that suggestion. So I know --
21 I don't know that we'll do, you know, more
22 than one meeting elsewhere but I wanted to
23 put that on the table as a possibility for
24 next year. Durwood, up there in
25 Ruston/Monroe, is scouting out some

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1 locations for us to see what -- what may be
2 available in his neck of the woods, just to
3 give some people a break on driving and then
4 -- and then let some of us hit the road and
5 see a different part of the state. So I
6 wanted to mention that as well and see if
7 anybody had any thoughts, comments,
8 concerns.
9 MR. MILAZZO:
10 So there's an annual event in Monroe,
11 right, Todd?
12 MR. PERRY:
13 There is.
14 MR. MILAZZO:
15 So it could be an opportunity perhaps
16 August/September, I'm not sure, so if we can
17 just have some consideration --
18 MS. DELAFOSSE:
19 Absolutely.
20 MR. MILAZZO:
21 -- you can have a number of members
22 already there.
23 MS. DELAFOSSE:
24 That'd be great.
25 MR. PERRY:

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1 And on that note, Johnny, we're doing
2 something different this year. I believe
3 that LOMA's ask for it to be the second week
4 of November, which might tie close to that
5 November date --
6 MR. MILAZZO:
7 Okay.
8 MR. PERRY:
9 -- where that might be.
10 MS. DELAFOSSE:
11 So that could work.
12 MR. PERRY:
13 Right.
14 MR. MILAZZO:
15 That would be something to really
16 consider.
17 MS. DELAFOSSE:
18 Yes. That'd be great.
19 MR. FRANKLIN:
20 Theresa, this is Durwood.
21 MS. DELAFOSSE:
22 Hey, Durwood.
23 MR. FRANKLIN:
24 I also have reached out to LSU
25 Alexandria to see if they have an facilities

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1 available there as well.
2 MS. DELAFOSSE:
3 Okay. So we'll have some --
4 MR. FRANKLIN:
5 I have not heard back from them, but
6 that might be a possibility to meet at a
7 central location in Alexandria.
8 MS. DELAFOSSE:
9 Okay. Thank you for that. That would
10 be good.
11 MR. MILAZZO:
12 So are there any other comments, any
13 other business?
14 MS. ANDREWS:
15 Yes. This is Karyn Andrews. I do
16 have some other business that I wanted to
17 bring to everyone's attention. So in 2017,
18 Act 330 -- 355 was passed by the
19 legislature to do a study of statutory
20 dedicated funds. And the motor fuel
21 underground storage tank trust fund was
22 lucky enough to get pulled for that review.
23 So I just wanted to let everyone be made
24 aware that we are scheduled to testify
25 tomorrow as to this fund. It's not time for

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1 public testimony yet. I will be there. I'm
2 not sure if Dr. Brown is going make it. But
3 I have a one-pager about the fund, what we
4 do with it and it's -- I'll clearly be in --
5 working in support of keeping it a dedicated
6 fund. I believe that we will -- I hope to
7 -- that we will be able to continue with
8 that work on the legislature.
9 When it does come time for public
10 testimony, anyone from this board will be
11 more than welcome to testify to this fund.
12 What will occur tomorrow is, we will go
13 before this subcommittee, tell them about
14 our program, tell them about the fund, where
15 the monies are derived from, how they're
16 used. And they will make a vote if they are
17 going to recommend it remain a statutory
18 dedicated fund or if we -- it become a fee
19 and self-generated fund, which then you've
20 got other -- I -- I don't know exactly what
21 will happen at that point.
22 That -- although the committee members
23 will be voting, the report won't be final
24 until they get to the very end, after public
25 comments. And they can change their mind at

1 that point. So tomorrow, you're more than
2 welcome to attend. We'll be at the Capitol,
3 following joint legislative committees
4 meeting. There are a lot of agencies on the
5 list. This is my third scheduled visit to
6 the Capitol on this -- on this subject. And
7 I am the fourth agency that is up. So I
8 don't know that I'll be talking tomorrow
9 about this fund yet.

10 But I did want to let everyone know
11 about that. And I'll -- I can update you at
12 our next meeting, what occurs, if you're not
13 able to listen to us tomorrow. You can log
14 into the legislature's web page and listen
15 on there if you want, or again, you're more
16 than welcome to come over.

17 MS. DELAFOSSE:

18 Or -- or you can check in next week
19 for an update too.

20 MS. ANDREWS:

21 Or check in with us --

22 MS. DELAFOSSE:

23 We'll let you know how it went --

24 MS. ANDREWS:

25 Right.

1 All in favor?

2 (All indicated "aye".)

3 MR. MILAZZO:

4 Thank you guys.

5 THE MEETING ADJOURNED AT 2:14 P.M.

6 * * * * *

1 MS. DELAFOSSE:

2 -- if you don't want to watch it.

3 MR. MILAZZO:

4 And I think what we'll do is ask
5 Natalie maybe to communicate that with you
6 and then throughout our membership. And --
7 and, Karyn, thanks for sharing that with us.
8 When you get to public testimony, I'm
9 certain that we -- we could have members of
10 the association stand by you and -- we all
11 know it's in our best interest. So thank --
12 thanks for sharing.

13 MS. ANDREWS:

14 Absolutely. Thank you.

15 MR. MILAZZO:

16 Is there any other business?

17 (No response.)

18 MR. MILAZZO:

19 I'd like to ask for a motion that we
20 close the meeting.

21 MR. BURNHAM:

22 Motion to close the meeting.

23 MR. ST. ROMAIN:

24 Second.

25 MR. MILAZZO:

1 REPORTER'S PAGE

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

9 That due to the interaction in the
10 spontaneous discourse of this proceeding, dashes
11 (--) have been used to indicate pauses, changes
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21

Lori Overland, C.C.R.

22 # 97083

23

24

25

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

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25 # 97083

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