

MINUTES
Petroleum Storage Tank Insurance Fund
Board of Trustees Meeting
January 29, 2020

Hampton Inn & Suites at the University, Columbia, MO
Start Time: 9:32 a.m.

Chairman Greer called the open session meeting to order.

Trustees Present:

James Greer, Chairman
Jim Ford, Vice Chairman
Chuck Adamson (for DNR)
Tom Kolb
Ski Mariea
Don McNutt
Kristi Naught

Trustees Absent:

Bill Abbott
Nikki Loethen
Danny Opie

Staff Present:

Jeff Blaylock, Ford, Parshall & Baker
Kelly Campbell, Spencer Fane
Carol R. Eighmey, Executive Director
Pat Eriksen, Williams & Company Consulting
Kaly Erwin, Williams & Company Consulting
Lori Gray, Williams & Company Consulting
Dan Henry, Williams & Company Consulting
Craig Jacobs, Assistant Attorney General
Diane James, Executive Assistant
Kelley Ogletree, Deputy Director

Others Present:

Justin Buckler, Tanks Section, DNR Environmental Remediation Program
Troy Howe, Twin Creek Environmental
Eric Kolkmeier, Energy Transport Solutions
Ken Koon, Tanks Section, DNR Environmental Remediation Program
Ron Leone, Missouri Petroleum Marketers and Convenience Store Association
Mike Martin, Tanks Section, DNR Environmental Remediation Program
Steve Mauer, Zenger & Mauer
Darryl Slade, Tanks Section, DNR Environmental Remediation Program

Chairman Greer introduced Chuck Adamson as DNR's designee for this meeting. He then asked Pat Eriksen to introduce William's claims supervisors; Mr. Eriksen introduced Kaly Erwin from their St. Louis Office, Dan Henry from their Jefferson City office, and Lori Gray from their Kansas City office. Chairman Greer then notified the Trustees that Dick Peerson had resigned from the Board and distributed a copy of Mr. Peerson's resignation letter. Chairman Greer then introduced and welcomed Kelley Ogletree, PSTIF Deputy Director, who made brief comments.

Claim Appeal – Former Sterling Auto, Claim 52901

Chairman Greer asked Troy Howe from Twin Creek Environmental and Pat Eriksen to join the Trustees at the table; he invited each to explain their views.

Troy Howe discussed the work his company performed on the site, noting he did what the landowner hired him to do.

Pat Eriksen reviewed April, 2018 correspondence, noting it stated that costs for excavation of soil impacted below default target levels would not be reimbursed.

Ms. Eighmey asked Mr. Howe what additional amount his company is asking the Board to reimburse. After discussion that included several Trustees, Mr. Howe indicated his company is seeking an additional \$24,000 from the Board and would invoice his client for the remaining amount his company is owed.

Chairman Greer announced the Board would have opportunity to ask board counsel for legal advice in closed session and said this appeal would be on the agenda for decision at the March meeting.

Approval of Minutes – November 13, 2019 – Open Session

Ski Mariea moved to approve the minutes as presented. Tom Kolb seconded. Motion carried.

Monthly Reports

Chairman Greer directed Trustees' attention to the financial statements and monthly activity reports; there were no questions about those reports or the summary of large-loss claims.

Legislative Report

Ms. Eighmey reviewed the lengthy process undertaken to draft HB2215 / SB856 and the provisions included in the bills.

James Greer moved to support the bill and authorize staff to work with all interested parties to work on getting it passed. Tom Kolb seconded. After discussion, motion carried with Chuck Adamson and Kristi Naught abstaining.

Ms. Ogletree then reviewed other bills of interest to the Board and its participants.

Approve CSCAP for FY21

Chairman Greer asked for a motion to approve the FY21 expenditure for Central State Services. Kristi Naught moved to do so; Ski Mariea seconded. After clarification that total revenues are included in the allocation formula and the increased transport load fee means PSTIF revenues have risen, the motion carried.

Risk Management and Loss Prevention

Ms. Eighmey reviewed prior loss prevention efforts undertaken by the board, including educating participants about the importance of eliminating the use of defective thermoplastic piping, working with DNR to develop a robust inspection program, and working with DNR to assure USTs that are emptied and out of use for five or more years are not put back into use.

She then reviewed results of recent efforts to identify fiberglass tanks manufactured before 1981 that were being used to store ethanol blends, reporting nearly all have been replaced, lined with an ethanol-compatible lining, or taken out of use.

Ms. Eighmey reported efforts are underway to inform insured UST owners they can no longer use groundwater monitoring or vapor monitoring as leak detection methods after July 1, 2020, and she said a report on that initiative will be provided in late 2020 or early 2021.

Other Information and Administrative Items

The upcoming EMV deadline and its effect on tank owners/operators was noted.

Chairman Greer invited Trustees to let Ms. James know if they were interested in attending the PACE Exposition in Kansas City.

There were no questions or comments on the billings.

Chairman Greer thanked everyone for attending and let them know the next meeting is scheduled for Wednesday, March 18, 2020 in Jefferson City.

Chairman Greer then asked for a motion to go into closed session to:

- Approve the minutes from the prior closed sessions;
- Discuss ongoing and threatened litigation; and
- Discuss personnel matters.

