

MINUTES
Petroleum Storage Tank Insurance Fund
Board of Trustees Meeting
March 17, 2021 **

In Person and Via Conference Call
Start Time: 10:01 a.m.

Chairman Greer called the meeting to order, with some Trustees/staff participating in person and the other Trustees/staff/others participating by conference call. Roll was called to confirm Trustees' participation. Chairman Greer then asked all members of the audience to identify themselves for the record. He noted that all votes would be taken by roll call.

Trustees Present In Person:

James Greer, Chairman
Tom Kolb
Ski Mariea

Trustees Present by Phone:

Nikki Loethen
Don McNutt
Kristi Naught
Katie Jo Wheeler

Trustees Absent:

Jim Ford, Vice Chair
Danny Opie

Staff Present or Participating by Phone:

Pat Eriksen, Williams & Company Consulting (by phone)
Craig Jacobs, Assistant Attorney General
Diane James, Executive Assistant
Kelley Ogletree, Executive Director
Patrick Sullivan, Assistant Attorney General
John Taylor, General Counsel

Others Present or Participating by Phone:

Doug Drouare, U.S. EPA – Region 7 (by phone)
Carol Eighmey, Retired (by phone)
John Jurgensmeyer, MoDNR Environmental Remediation Program (by phone)
Ken Koon, Tanks Section, MoDNR Environmental Remediation Program (by phone)
Mike Martin, Tanks Section, MoDNR Environmental Remediation Program (by phone)
Jacob Westen, MoDNR, General Counsel (by phone)

Approval of Minutes – January 20, 2021 – Open Session

Ski Mariea moved to approve the minutes as presented. Tom Kolb seconded. There were no amendments and a clarification was made that a quorum was present to vote. A roll call vote was taken. Motion carried unanimously with Trustee Wheeler abstaining.

** Due to the COVID-19 pandemic; this meeting was held with some Trustees/staff in person and some Trustees/staff/others via conference call.

Monthly Reports

Chairman Greer directed Trustees' attention to the financial statements; there were no questions on these statements. He then asked Ms. Ogletree to give a brief overview of the large-loss claims summary, which she did. Chairman Greer asked if there were any other questions on any of the other reports provided; there were none.

Pace of Cleanups and Backlog Reduction Efforts

Chairman Greer asked Trustees to turn to this tab that included a memo from staff regarding efforts to reduce the backlog of claims and to increase the pace of cleanups. He noted this has been talked about for years and has had success when there are focused efforts as Ms. Ogletree noted in the memo provided. Ms. Ogletree reviewed what staff were doing regarding this effort.

Legislative Report

Chairman Greer commented the PSTIF defense cost language made it through the Senate before spring break and said a spreadsheet with bills of interest was provided in their meeting materials. He asked Ms. Ogletree if there was anything in particular she wanted to point out.

Ms. Ogletree noted that Senate Bill 310 passed out of committee unanimously and had been included in Senate Bill 6, an omnibus insurance bill. The language introduced by MoDNR regarding funding for their petroleum-related activities that was previously reviewed by the Board of Trustees has been introduced and the dollar amount that was not agreed to by trustees is included. However, the sponsors of the bill in both the Senate and the House, MoDNR, MPCA, and PSTIF staff are committed to working together to find compromise language that can be agreed upon by all as it moves through the legislative process.

John Taylor added that a subcommittee of the Advisory Committee met recently to review the current Participation Agreement revisions that will be necessary if the defense cost bill passes. A recommendation will be presented to the Board in May or July.

Chairman Greer asked if there were any other questions or comments regarding the PSTIF bill or any other bills of interest; there were none.

Other Information and Administrative Items

MEC Personal Financial Disclosures – Chairman Greer noted it was that time of year for them to get their PFDs done and submitted before the May 3 deadline this year. There were no other questions about these disclosures.

EPA Fund Soundness Review – Chairman Greer commented this review is provided annually and shows a positive trend with PSTIF numbers meeting its liabilities. There were no other questions about this review.

Site Assessment on Uninsured Applicants – Chairman Greer remarked there is a note here regarding requiring site assessments on sites that are applying for coverage through PSTIF that do not have a financial responsibility mechanism in place and asked Ms. Ogletree to explain it.

Ms. Ogletree noted that in statute, the Board is authorized to require anyone applying for participation in the Fund for tanks not currently insured or with no current financial responsibility mechanism established to have a site assessment done prior to entering into a participation agreement with the PSTIF.

Billings – Chairman Greer asked if there were any questions or comments on any of the billings provided to them. There were no questions or comments on any of the billings.

Chairman Greer thanked everyone for attending and announced the next meeting is scheduled for Thursday, May 27, 2021 at the Holiday Inn & Suites Hotel in Jefferson City.

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

- Approve the minutes from our previous closed sessions;
- Discuss stalled claims and legal strategies concerning them; and
- Discuss ongoing and threatened litigation.

Tom Kolb moved to go into closed session to discuss matters authorized by Subsection (1) of Section 610.021, RSMo. Ski Mariea seconded. A roll call vote was taken; motion carried unanimously.

Chairman Greer asked that Trustees participating by phone please hang up and dial back in using the closed session meeting number provided and said the closed session would reconvene in ten minutes or at 11:05 a.m.

The open meeting was adjourned at 10:55 a.m.

Respectfully submitted:

Approved by:

 /S/
Kelley J. Ogletree

 /S/
James Greer, Chairman

 05/27/2021
Date