

MINUTES
Petroleum Storage Tank Insurance Fund
Board of Trustees Meeting
May 22, 2019

Governor Office Building, Jefferson City, MO
Start Time: 9:31 a.m.

Chairman Greer called the meeting to order. He introduced Bill Abbott and Dick Peerson, new trustees recently appointed by Governor Parson and confirmed by the Senate, and welcomed and thanked them for agreeing to serve on the Board. He also introduced the Office of Administration's designee for this meeting, Matthew Laudano, and Assistant Attorney General Rachel Rivers.

Trustees Present:

James Greer, Chairman
Jim Ford, Vice Chairman
Bill Abbott
Tom Kolb
Matthew Laudano (for Nikki Loethen)
Ski Mariea
Don McNutt
Kristi Naught
Dick Peerson
Katie Jo Wheeler

Trustees Absent:

Danny Opie

Staff Present:

Carol R. Eighmey, Executive Director
Pat Eriksen, Williams & Company Consulting
Dan Henry, Williams & Company Consulting
Craig Jacobs, Assistant Attorney General
Diane James, Executive Assistant
Rachel Rivers, Assistant Attorney General

Others Present:

Carol Comer, Director, Department of Natural Resources
Ken Koon, Tanks Section, DNR Environmental Remediation Program
Ron Leone, Missouri Petroleum Marketers and Convenience Store Association (MPCA)
Mike Martin, Tanks Section, DNR Environmental Remediation Program
David Pate, Industrial and Petroleum Environmental Services
Sam Petrie, UES Consulting Services
Darryl Slade, Tanks Section, DNR Environmental Remediation Program

Claim Appeals

Fastrip #40, Claim 62913 – Chairman Greer invited David Pate to present this appeal, which he did. He distributed a letter from his client’s attorney supporting the appeal.

[Ski Mariea arrived shortly after Mr. Pate began his remarks.]

After his explanation, the Trustees questioned Mr. Pate in detail about the services provided and IPES’ invoicing procedures. When the discussion was complete, Chairman Greer told Mr. Pate the appeal would be discussed later in closed session and Ms. Eighmey would inform him and his client of the Board’s decision.

Former Kentucky Fried Chicken, Claim 52731 – Chairman Greer then invited Sam Petrie to present this appeal. Mr. Petrie spoke briefly, noting he previously was unaware of the two-year deadline for submitting reimbursement requests.

[Jim Ford arrived during Mr. Petrie’s remarks.]

Several questions were posed to Mr. Petrie. Chairman Greer then thanked him for coming to the meeting and reiterated the Board’s procedure for making a decision and notification to Mr. Petrie and his client.

Approval of Minutes

March 20, 2019 Open Meeting – Ski Mariea moved to approve the minutes as presented. Tom Kolb seconded. Katie Jo Wheeler noted she would vote on the motion, as she had checked with Dru Buntin, who represented the Department at the March 20th meeting. The motion carried.

April 17, 2019 Open Session via Email Vote – Ski Mariea moved to approve the minutes as presented. Tom Kolb seconded. Motion carried.

Monthly Reports

Chairman Greer invited questions or comments on the financial statements and activity reports; there were none. He then briefly explained the Board’s practice of reviewing large-loss claims.

Risk Management

Ms. Eighmey reviewed the information in the Trustees’ notebooks, highlighting recent coordination between MDA, MoDNR, and PSTIF staff to assure a new UST that “floated” during installation was properly inspected before being reburied.

Claims and Cleanups

Chairman Greer remarked Missouri continues to do an excellent job preventing new leaks but work continues to close claims from the “old days” when people weren’t as diligent about operating their tank systems. Ms. Eighmey then reviewed the information and graphs in the Trustees’ notebooks.

She reminded Trustees their actuary would begin his annual data analysis soon and invited them to suggest any specific questions they would like the actuary to answer.

Legislative Report

Chairman Greer referenced the legislative report distributed at the meeting, noting most of the bills of interest had not passed.

Katie Jo Wheeler noted HB6, as passed by the General Assembly and signed by the Governor, contains the full amount of money requested from the Board by the Department; she then moved to amend the Board’s FY20 budget to include the amount requested by DNR. Jim Ford seconded. Discussion ensued, during which Ms. Eighmey reminded Trustees they typically approve the budget for the new fiscal year at their July meeting.

Chairman Greer noted the Board had voted on the Department’s funding request three times previously and expressed concern about asking the new trustees to vote without having adequate information. He invited Ms. Eighmey to explain why the Board previously had rejected the Department’s request for additional personnel. Ms. Wheeler noted the Department had responded to all questions and concerns posed to date regarding its budget request and brought staff to this meeting to answer any additional questions. He then invited Ms. Wheeler to provide any additional information she wants the Board to consider for the next meeting and said he would put this on the agenda for the July Board meeting.

Ms. Eighmey distributed a handout and reviewed data on the Department’s current resources and workload.

Dick Peerson moved to table the discussion on DNR’s budget request until the July Board meeting. Ski Mariea seconded. After discussion, the motion was approved 7-3.

Chairman Greer then asked Ms. Wheeler what information she wanted the two new Trustees to receive concerning the Department’s FY20 budget request; she asked that they be given the material provided for the Trustees’ November meeting. Ms. Eighmey said she would provide that information to Mr. Abbott and Mr. Peerson.

Other Information and Administrative Issues

Chairman Greer introduced John Roark from Roark and Sutton in Springfield, who briefly explained his background and his interest in serving on the Advisory Committee.

Tom Kolb moved to appoint Mr. Roark to the Advisory Committee. Ski Mariea seconded. Motion carried.

Chairman Greer noted the information provided on diesel fuel, the news article from Illinois, and the list of recent billings. There were no questions or comments.

The Chairman then thanked those in attendance for coming and announced the next meeting is scheduled for Wednesday, July 24, 2019 at the Courtyard by Marriott in Columbia.

Mr. Laudano sought and received permission from the chair to ask a few other questions of Mr. Pate regarding the Fastrip #40 claim appeal.

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

- Approve minutes from the previous closed sessions;
- Make decisions on two claim appeals;
- Discuss ongoing and threatened litigation; and
- Discuss a personnel matter.

Jim Ford moved to go into closed session to discuss the matters identified by the Chairman, as authorized by Subsections 610.021(1), (3) and (13). Tom Kolb seconded. A roll call vote was taken; motion carried without dissent.

The meeting was adjourned at 10:57 a.m.

Respectfully submitted:

Approved by:

 /S/
Carol R. Eighmey

 /S/
James Greer, Chairman

 9/18/2019
Date