

MINUTES
Petroleum Storage Tank Insurance Fund
Board of Trustees Meeting
May 27, 2021 **

In Person and Via Conference Call
Start Time: 10:05 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. He welcomed John Albert as the Department of Agriculture's appointed representative for this meeting. 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
John Albert (for Kristi Naught)
Nikki Loethen
Ski Mariea
Katie Jo Wheeler

Trustees Present by Phone:

Jim Ford, Vice Chairman
Don McNutt

Trustees Absent:

Tom Kolb
Danny Opie

Staff Present or Participating by Phone:

Kelly Campbell, Spencer Fane (by phone)
Pat Eriksen, Williams & Company Consulting (by phone)
Dan Henry, Williams & Company Consulting
Craig Jacobs, Assistant Attorney General
Diane James, Executive Assistant
Kelley Ogletree, Executive Director
John Taylor, General Counsel

Others Present or Participating by Phone:

Carol Eighmey, Retired (by phone)
John Jurgensmeyer, MoDNR Environmental Remediation Program (ERP) (by phone)
Ken Koon, Tanks Section, MoDNR/ERP (by phone)
Ron Leone, Missouri Petroleum and Convenience Association
Mike Martin, Tanks Section, MoDNR/ERP (by phone)
Darryl Slade, Tanks Compliance and Enforcement, MoDNR/ERP (by phone)
Jacob Westen, MoDNR, General Counsel (by phone)

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

Approval of Minutes – March 17, 2021 – Open Session

Ski Mariea moved to approve the minutes as presented. Katie Jo Wheeler seconded. There were no amendments and a clarification was made on a participant's title. A roll call vote was taken. Motion carried unanimously with Trustee Albert abstaining.

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.

Data of Interest – Financial Responsibility

Chairman Greer commented that staff had provided a few charts regarding financial responsibility (FR) compliance in Missouri and asked Ms. Ogletree to review them with Trustees. Ms. Ogletree reviewed data provided by the MoDNR regarding financial responsibility of tank sites in Missouri over time. Ms. Ogletree asked Ken Koon to offer information regarding MoDNR's compliance efforts. Mr. Koon reported that they have a new process for verifying compliance that is still being implemented, but they are already seeing an improvement. Ms. Ogletree then reported on the number of ASTs and USTs that have participation in PSTIF as their financial responsibility assurance. John Albert added that AST locations have declined over the years, which contributes to these numbers. Mr. Albert also noted that MO Department of Agriculture inspectors may be able to help MoDNR help verify FR for UST locations when their inspectors are on site at locations where USTs are present. Trustee Wheeler asked how many total petroleum sites there are across the state, Mr. Koon reported that there are approximately 3000.

Contracts

Chairman Greer said next are contracts that need to be approved and went through each one separately. He started with the IT Services contract and noted after the Invitation for Bid (IFB) had been sent, one response was received from the incumbent, Williams & Company Consulting. He noted Williams & Company Consulting agreed to a lower price from their original submitted bid to the reduced fixed price of \$1650/month.

Chairman Greer moved to accept this bid for IT Services from Williams & Company Consulting for a fixed price of \$1650 per month, plus \$135 per hour for upper-level special projects and \$90 per hour for lower-level special projects. Jim Ford seconded. There were no questions or discussion on this motion. A roll call vote was taken. Motion carried unanimously.

Chairman Greer said the next contract for approval was for Accounting Services. He noted again only one response to that IFB was received and it was from the incumbent, Williams & Company Consulting. He noted Williams & Company Consulting agreed to a lower price from their original submitted bid to the reduced fixed price of \$1100/month.

Ski Mariea moved to accept this bid for Accounting Services from Williams & Company Consulting for a fixed price of \$1100 per month, plus \$135 per hour for upper-level special projects and \$90 per hour for lower-level special projects. Jim Ford seconded. There were no questions or discussion on this motion. A roll call vote was taken. Motion carried unanimously.

Chairman Greer then noted the last contract for award was for maintaining and hosting the UST Operator Training Program that expires on June 30. He said this contract is small and did not require bidding. He reminded Trustees this program was re-designed for a new platform on January 1 of this year and given the investment just made to do this, staff has recommended the current vendor, Williams & Company Consulting, to continue maintaining and hosting this program.

Chairman Greer moved to enter into a contract with Williams & Company Consulting for hosting and maintaining PSTIF's UST Operator Training Program at the fixed rate of \$475 per month. Ski Mariea seconded. Staff confirmed that this contract is under the threshold to be put out for bid. Trustee Wheeler pointed out that the Operator Training Program is a part of MoDNR's state program approval and they are in support of PSTIF continuing the program. A roll call vote was taken. Motion carried unanimously.

Legislative Report

Chairman Greer noted staff had provided a full report and most importantly our defense cost bill passed with assistance from the bill sponsors, Senator Sandy Crawford and Representative Jeff Knight. Ms. Ogletree commented on the fact that there were not a lot of bills that impacted the Fund or tank owners directly, but the requested appropriations and PSTIF's defense cost bill were both very important measures to pass. Ms. Ogletree noted that Senator Paul Wieland allowed the measure to be added to his omnibus insurance bill, SB6, and that was one of two bills passed containing the language. The bill that would have given MoDNR a portion of the Transport Load Fee to fund petroleum-related activities did not pass. Ms. Ogletree commented that this issue will continue to come before the Board. Ms. Ogletree reviewed a few other bills, including the creation of the Electric Vehicle Task Force, which will include a representative of the petroleum marketing industry.

Other Information and Administrative Issues

EMA Comments on EPA's Proposed E15 Compatibility Rule – Chairman Greer said those of us in the industry are watching this with interest as it will impact the Fund and there are concerns out there. He asked if there were any comments on this information; there were none.

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 Wednesday, July 21, 2021 at the Hampton Inn & Suites Hotel at the University of Missouri in Columbia.

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

- Approve the minutes from our previous closed sessions;
- Discuss ongoing and threatened litigation; and
- Discuss contracts.

Nikki Loethen moved to go into closed session to discuss matters authorized by Subsections (1) and (12) 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 fifteen minutes or at 10:45 a.m.

The open meeting was adjourned at 10:31 a.m.

Respectfully submitted:

Approved by:

 /S/
Kelley J. Ogletree

 /S/
James Greer, Chairman

 07/21/2021
Date