Petroleum Underground Storage Tank Release Compensation Board

P.O. Box 163188 • Columbus, Ohio 43216-3188
Phone: (614) 752-8963 • Fax: (614) 752-8397
www.petroboard.org

MINUTES OF THE 158th MEETING OF THE PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD
March 11, 2015

BOARD MEMBERS IN ATTENDANCE

Jim Rocco
Don Bryant
Scott Fleming
Steve Hightower
John Hull
Tom Stephenson

EX-OFFICIO MEMBERS IN ATTENDANCE

Bill Hills, representing Director Andre Porter, Ohio Department of Commerce
Tyler Brown, representing Josh Mandel, State Treasurer of Ohio

OTHERS IN ATTENDANCE

Starr Richmond	Executive Director, PUSTRCB
Madelin Esquivel	Assistant Director, PUSTRCB
Don Leasor	Chief Fiscal Officer, PUSTRCB
Jonathan Maneval	Administrative Coordinator, PUSTRCB
Donna Oklok	Administrative Assistant, PUSTRCB
Dave Gram	Environmental Claims Analyst, PUSTRCB
Krista Nichols	Accounts Receivable Specialist, PUSTRCB
John Hickey	Fiscal Specialist, PUSTRCB
Carla Dowling-Fitzpatrick	Assistant Attorney General
Brent McPherson	Cardno ATC

Minutes submitted by:

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Jonathan Maneval
Administrative Coordinator

Call to Order:
Chairman Rocco convened the one hundred fifty-eighth meeting of the Petroleum Underground Storage Tank Release Compensation Board on Wednesday, March 11, 2015.

The following members were in attendance: Jim Rocco; Don Bryant; Scott Fleming; Steve Hightower; John Hull; Tom Stephenson; Bill Hills, representing Director Andre Porter, Ohio Department of Commerce; and Tyler Brown, representing Josh Mandel, State Treasurer of Ohio.

The following members were not present: Cheryl Hilvert and Chris Geyer, representing Director Craig Butler, Ohio Environmental Protection Agency.

Minutes:
Chairman Rocco asked if there were any comments or questions regarding the minutes from the February 11, 2015 Board meeting, and there were none. Vice-Chairman Hull moved to approve the minutes. Mr. Hightower seconded. A vote was taken and all members voted in the affirmative. The minutes were approved as presented.

BUSTR Report:
Chairman Rocco called upon Bill Hills, Bureau Chief, to present the Bureau of Underground Storage Tank Regulations (BUSTR) report.

Mr. Hills explained that much of the information contained in the report was presented at the previous Board meeting, so he would only briefly highlight some of the new information in the report.

Mr. Hills said the fiscal years 2016-2017 U.S. EPA grant application is being prepared. He said formulating the grant request is challenging without knowing what funding will be available for underground storage tank (UST) programs.

Mr. Hills reported that the Ohio Employee Assistance Program and the Department of Commerce, Office of Human Resources are presenting training sessions for supervisors concerning workplace violence and providing guidance for employee discipline. He said the training session is a six-hour course, and has proven to be very informative and beneficial.

Mr. Hills said there were 17 participants in the certified UST installer course held March 2 through March 5, 2015, at the State Fire Marshal Academy. He noted that all participants that attended the training program had satisfactorily passed the examination.

Mr. Hills reported for the week ending February 28, 2015, there were 46 new inspections performed for a total of 4,765 inspections for the three-year inspection cycle ending June 30, 2016. He said that 10 NFAs (no further actions) were generated during this same time period for a total of 234 for the grant cycle ending September 30, 2015. He pointed out that this number is slightly below the target projections established by the U.S. EPA, and said that BUSTR anticipates meeting the targets within two to three weeks.

Chairman Rocco asked whether compliance inspections were on target to meet the mandatory three-year inspection cycle. Mr. Hills said the inspections are on target, and pointed out that there is one year remaining in the current grant cycle.

Mr. Hills stated that, as of February 28, 2015, there were 21,805 registered USTs, and 3,694 owners of 7,415 registered facilities.

Chairman Rocco said that BUSTR's environmental supervisor, Steve Krichbaum, had recently delivered a presentation concerning the makeup of Ohio's UST population to members of the Ohio Petroleum Contractors Association. He said the information presented would likely be of interest to the Board members and asked whether a copy of the presentation could be made available. Mr. Hills indicated he would provide a copy of the presentation to them.

Financial Report:

Chairman Rocco called upon Don Leasor, Chief Fiscal Officer, to present the financial reports.

January Financials

Mr. Leasor said the January financials were emailed to each member. He asked if there were any questions or concerns regarding these reports, and there were none.

Mr. Leasor reported as of March 10, 2015, the unobligated account balance is $24.2 million. He said this amount includes $16.2 million in STAR Ohio and the custodial account, and the $8 million invested in US treasuries and US agency callable bonds. He said the obligated account balance for the payment of claims is approximately $3.4 million.

Mr. Leasor said the claims expense for January was just under $300,000, and to date, approximately $5.6 million had been paid for claims for fiscal year 2015.

Mr. Leasor reported that, as of January 31, 2015, 97.5% of the budgeted revenues net of refunds have been collected. He said information on refunds and fee collections would be presented with the compliance and fee assessment report.

Mr. Leasor said that during the month of January an unrealized gain of $28,800 on the investments in US treasuries and US agency callable bonds was recorded. He explained that as the market value of the investments fluctuates there will be unrealized gains and losses. He said if the investments are held to maturity as intended, the Board will receive the par value of the investments upon maturity plus any interest. Chairman Rocco asked when the next set of investments will mature. Mr. Leasor explained that $2 million of the invested securities will mature in June 2015.

Mr. Leasor said the operating expenses for January were $116,000. He said as of January 31, 2015, salary expenses are at 54% of the amount budgeted. He said it is expected that salary expenses will be below the budgeted amount as a result of the recent resignation of one of the staff.

Mr. Leasor pointed out that as of January 31, 2015, temporary services expenses were 68% of the amount budgeted. He said this was due to the use of a temporary service employee to fill an Environmental Claims Analyst I position, which is now filled by permanent personnel; and to hire a temporary employee for the purpose of pulling inactive account files to be sent offsite for storage.

Mr. Leasor said as of January 31, 2015, postage expense was 74% of the amount budgeted. He said this was due to postage fees for the final quarter of fiscal year 2014 being paid in August of fiscal year 2015. He said these charges include fees for the annual fee statement mailing, which is sent by certified mail.

Mr. Leasor stated that as of January 31, 2015, office supplies were 27% of the amount budgeted. He said he anticipates this amount will increase in the upcoming months following the purchase of new furniture for the board room, which will be expensed under office supplies. He noted that printing and copy expenses were 23.5% of the amount budgeted. He said this will increase following the printing of the newsletter and the annual fee statements.

Mr. Leasor said the legal and professional expenses remain 27% of the amount budgeted. He said this is due to the amounts collected by the Attorney General's Office of Collections Enforcement and Special Counsel being significantly lower in comparison to previous years, and therefore the costs for the collection of delinquent accounts were also lower. He said an examination is being performed to identify the cause of the collections decrease.

Mr. Leasor said all other expenses are at or below where they should be at this time in the fiscal year.

Compliance and Fee Assessment Report:

Chairman Rocco called on Madelin Esquivel, Assistant Director, to present the compliance and fee assessment report.

Ms. Esquivel stated that as of February 28, 2015, refunds totaling $94,599 have been paid to 97 owners for program year 2014. She said that no refund monies were used to offset prior years' outstanding fees since the February meeting, and the amount used to offset these fees remained at $17,675 for the program year. She reported the amount of refunds pending totals $1.3 million.

Ms. Esquivel reported that as of February 28, 2015, a net total of $67,024 had been collected by the Attorney General's Office and Special Counsel. Ms. Esquivel said since the February meeting, $916,900 was certified to the Attorney General's Office for collection. She said the accounts certified included the unpaid 2014 program year's fees. She reported that just over $1 million has been certified for collection for program year 2014.

Ms. Esquivel said six Orders Pursuant to Law are under appeal and are under review. She said that three Determinations to Deny a Certificate of Coverage are also under appeal. She said two of these are under review and one hearing is scheduled.

Ms. Esquivel said five Ability to Pay Applications are pending review. The Ability to Pay program allows former UST owners experiencing financial difficulty to apply for and receive a determination of their ability to pay delinquent fees.

Ms. Esquivel stated that as of February 28, 2015, Certificates of Coverage have been issued to 3,120 owners. She said there are 120 Applications for Certificates of Coverage currently in process, 36 unresolved Pending Denials and 67 unresolved Determinations to Deny a Certificate of Coverage.

Ms. Esquivel said there are 55 uncashed refund checks totaling $43,656. Chairman Rocco asked whether the refund checks are uncashed because a valid mailing address cannot be located. Ms. Esquivel explained that the amount includes checks that have been returned by the postal service due to the mailing address being invalid, as well as checks that have become stale dated, because owners simply refuse to cash the checks.

Ms. Esquivel said that information needed to process refunds has been requested from seven owners for pending refunds totaling $6,150.

Claims Report:

Chairman Rocco called on Donna Oklok, Administrative Assistant, to present the claims report.

Ms. Oklok said as of March 2, 2015, the current total maximum liability of in-house open claims is $29.4 million. She said using the historical claim payout ratio of 75%, the actual anticipated claim liability of unpaid in-house claims is about $20.6 million.

Ms. Oklok reported that as of March 2, 2015, a total of 2,279 Fund eligible sites had received no further action status with an average cleanup cost of $129,991 per site. She noted that sites cleaned up exclusively under BUSTR's risk based corrective action rules (RBCA rules) had an average cleanup cost of $72,163 per site.

Ms. Oklok reported that of March 2, 2015, there were 1,669 open claims pending review, and a total of 21 claim settlement determinations were under appeal.

Ms. Oklok stated that 71 claim applications were received in February, and 67 claims were settled during the month. She said the claim settlement offers for the month of February totaled $713,279. She said the total claim settlement offer for program year 2014 is anticipated to be between $7.5 and $8 million.

Ms. Oklok said that in February, six eligibility applications were received and during that same month, one eligibility determination was issued. She said as of March 2, 2015, there were 20 eligibility applications under review and four eligibility applications under appeal.

Ms. Oklok stated that nine requests for cost pre-approval were received in February, and during that same month, eight cost pre-approval notifications were issued. She reported that 36 cost pre-approval requests were pending review as of March 2, 2015.

Chairman Rocco questioned whether corrective action costs being submitted for reimbursement in claim applications are coinciding with the amounts authorized through the pre-approval process. The Board's Executive Director, Starr Richmond, responded stating that recently, the general feeling is that the corrective action costs being claimed do not correlate with the amounts that were pre-approved or even the amounts requested for pre-approval. Mr. Hills added that within the last year, concerns have been raised with the State Fire Marshal and state representatives from owners who are having to come up with substantial amounts of money due to the project costs greatly exceeding original estimates.

Mr. Hightower asked whether a change order is required to be submitted when the work being performed will result in a potential or actual cost overrun. Ms. Richmond explained that the Board's rules require that when costs of corrective action activities are anticipated to exceed the lesser of $6,000 or 20% of the pre-approved amount, then a revised cost estimate must be submitted.

Following a lengthy discussion among the Board members, Chairman Rocco recommended that if the claims analysts continue to see corrective action costs in claim applications that exceed the cost estimates provided by contractors and consultants in the cost pre-approval requests, then perhaps the Board could reevaluate the pre-approval program to see if something can be done to improve the process to keep the costs under control and help ensure any ongoing corrective action activities are being conducted in a cost-effective manner.

Finance Committee Report:

Chairman Rocco said that the Finance Committee has met a number of times to discuss options available to lessen the financial burden for Ohio's tank owners.

Chairman Rocco said that reducing the annual Fund fees was the first action recommended by the committee, and he reminded the Board members that they had voted each of the past two years to reduce the annual per-tank fees.

Chairman Rocco said in addition to lowering the fee amounts, the committee has been looking at the ability to reduce the deductible amounts. He directed the members to reports that had been distributed, which presented statistical data concerning the tank owner population, including the number of tanks and facilities owned. He pointed out that currently just over 90% of Ohio's tank owners own six or fewer underground storage tanks, and these owners account for approximately 40% of Ohio's tank population. He said these ownership statistics are surprisingly consistent with the makeup of the tank owner population in 1990. He noted that approximately 65% of the USTs eligible for coverage at the reduced deductible were covered at the reduced deductible.

Chairman Rocco said the committee intends to review historical claim statistics from the last 10 to 15 years to quantify the number of eligible releases that never reached the deductible amount, and try to better understand the impact that changing the deductible amounts may have on the Fund's long-term liability. He said it appears that it would take a fairly significant reduction in the amount of the standard deductible before there would be an impact on the Board's cash flow.

Chairman Rocco said the committee has also begun exploring another option that may provide financial benefit to both tank owners and to the Fund. He explained that costs to conduct corrective action activities are driven by a relationship between the tank owner and the general contractors, subcontractors and environmental consultants. He said smaller tank owners are likely to be unfamiliar with remediation activities being performed, and are not technically savvy when dealing with consultants and contractors. As a result, there might be costs that are unnecessarily high. He said the committee has proposed that the Board's staff could provide a service to assist these smaller tank owners by working with BUSTR and their consultants to help guide them through the corrective action process to clean up the sites in the most cost-effective way. He said using this approach may accelerate the rate that sites achieve NFA status and as a result, lower costs for tank

owners and ultimately lower the reimbursement costs to the Fund. He noted that any additional personnel costs would likely be offset by savings from the reduced claims expense.

Chairman Rocco said the committee will continue to meet and evaluate the information being collected with the intention of putting together a proposal and presenting its recommendations at the November Board meeting.

Old Business:

Rule Adoption

Chairman Rocco stated that the proposed amendment to rule 3737-1-04 was put on JCARR's (Joint Committee on Agency Rule Review) consent agenda and a hearing was conducted. No testimony or comments were made at the hearing.

Chairman Rocco requested a motion to adopt the proposed amendment to rule 3737-1-04 of the Ohio Administrative Code as presented at the public hearing of the Board on February 11, 2015, with an effective date of April 1, 2015. Vice-Chairman Hull so moved. Mr. Fleming seconded.

Mr. Hightower asked the Chairman to point out the changes to the rule. Chairman Rocco explained that the rule amendment will reduce the annual Fund fee from $500 per tank to $400 per tank, and correct two minor typographical errors.

Chairman Rocco called for a roll call. The following members voted in the affirmative: Messrs. Brown, Bryant, Fleming, Hightower, Hills, Hull, Stephenson and Rocco. There were no nays. The motion passed.

Legal Update

Chairman Rocco called upon Assistant Attorney General, Carla Dowling-Fitzpatrick, to provide an update on the status of the Board's current court actions.

Ms. Dowling-Fitzpatrick stated that the Board becomes involved in many types of court actions including foreclosure actions, joint enforcement actions, third-party claims, subrogation claims and other administrative matters.

Ms. Dowling-Fitzpatrick said when the Board becomes aware of a foreclosure action involving a property with a UST system, the Board has the ability to intervene in the matter in order to provide notice to interested parties that the entity that purchases the property will become responsible for all unpaid Fund fees associated with the tank system as well as any applicable transfer fee. She said the Board has no legal obligation to intervene in foreclosure cases, but has chosen to do so in certain instances where it was clearly preferable to provide notice in advance of the sale than to wait until after the sale to notify the new owner of its obligations to pay the past due fees. She said at this time there are currently no active foreclosure cases in which the Board has intervened.

Chairman Rocco stated that parties purchasing a foreclosed property at a sheriff's sale without knowledge of the outstanding fees has been a real issue resulting in numerous complaints to management. He explained that the goal of intervening in these cases is to reduce these types of situations, but pointed out that due to the high number of foreclosure cases and the extensive work involved, the staff has to be very selective when determining which cases to pursue. He noted that

in some cases the Board does not become aware of the foreclosure actions, and there is no ability for the Board to intervene.

Ms. Dowling-Fitzpatrick said the second type of legal actions the Board deals with are joint enforcement actions. She said these cases typically arise when BUSTR or the Ohio EPA requests that the Environmental Enforcement Unit of the Attorney General's Office bring a civil action against a tank owner for violations of the rules and statutes of the State Fire Marshal or the Ohio EPA. She said the Board will file the complaint jointly with BUSTR and/or the Ohio EPA in order to collect any outstanding Fund fees and resolve any Certificate of Coverage issues. She said there are approximately ten joint enforcement cases currently pending. She noted that the monetary civil penalties resulting from these cases can be very significant to the tank owner.

Ms. Dowling-Fitzpatrick said the third type of actions are third-party claim cases. She said a third-party complaint arises when a release occurs and a plaintiff third party is able to demonstrate harm and sues the tank owner. She said if the tank owner is granted eligibility under the Fund, the Fund will cover the loss as provided for in the Board's statutes and administrative code provisions.

Ms. Dowling-Fitzpatrick said that following years of delay, a major third-party lawsuit originally involving 99 plaintiffs known as Riscatti vs. Prime Properties has recently begun moving forward, and the case is set to go to trial in the fall. Approximately 30 plaintiffs have dismissed their claims against the defendants, but the remaining plaintiffs are alleging a huge amount of damages, and because of the millions of dollars being demanded, the Board intervened in order to protect the interests of the Fund. She said during the last year, the Board has been working with Prime Properties' defense counsel to depose the majority of the remaining plaintiffs and a great amount of discovery work has been performed.

Ms. Dowling-Fitzpatrick said currently there are two additional third-party claims, which are the Spee-D-Foods case and the Englefield case.

Ms. Dowling-Fitzpatrick said another category of court actions are subrogation cases. She said subrogation cases typically occur when a third party, such as a contractor performing work on an underground storage tank system, causes or contributes to the release of petroleum. She said, in these cases, the tank owner is entitled to seek reimbursement from that third party for any costs incurred for the loss of business, bodily injury, property damage and cleanup of the release. If the owner is deemed eligible to claim reimbursement for corrective action costs under the Fund, the Board has the statutory right to recover from the party that caused or contributed to the release any costs that have been or will be reimbursed to the owner out of the Fund.

Ms. Dowling-Fitzpatrick provided a brief summary of the M&A & Sons LLC vs. Santmyer Oil Company subrogation claim which was recently settled, and advised that there is a subrogation case involving Hartley Co., and additional cases involving Speedway LLC.

Ms. Dowling-Fitzpatrick said other litigation activities involve major oil companies and the matters known as the double dipping cases. She reminded members that the previous Attorney General, Richard Cordray, contracted with Special Counsel to investigate whether certain major oil companies had improperly received compensation from the Fund, because it was suspected that they had already received reimbursements for the corrective action activities through their insurance carriers. She said as a result of the Special Counsel's investigation, it appears the Board

is entitled to the repayment of millions of dollars that were improperly received by these oil companies.

Ms. Dowling-Fitzpatrick said lawsuits had been filed against Ashland and BP in the Franklin County Court of Common Pleas alleging they had wrongfully received reimbursement from the Fund. She noted that Attorney General's press release regarding the BP lawsuit had specifically received a lot of attention from both local and national news outlets. She reminded members that a release and settlement had been executed with Chevron, and said that investigations with six additional oil companies are ongoing.

Mr. Hightower asked whether the Attorney General's Office would expand its investigation beyond the major oil companies now that the Special Counsel's investigation has revealed that certain companies had improperly received compensation from the Fund. Chairman Rocco stated that the Board has received no evidence that suggests that companies other than the limited number of major oil companies under investigation had acted improperly. Vice-Chairman Hull noted that if the Board were to receive information indicating an unlawful activity has occurred, then the Board would be obligated to notify the Attorney General's Office, so that appropriate action may be taken.

Ms. Dowling-Fitzpatrick said the last category of matters that she handles for the Board are administrative appeal hearings. She stated that when a tank owner appeals a determination such as an eligibility determination or a claim settlement determination, she represents the Board in the appeal hearing. She said when such an appeal is filed, a hearing is conducted before the Board's hearing officer, who issues a report and recommendation, and presents his findings to the Board. The Board then acts upon the report and recommendation. She said a number of administrative appeal hearings have been scheduled.

New Business:

Lease Renewal

Chairman Rocco called upon Ms. Richmond to discuss the office lease renewal option.

Ms. Richmond explained that the original lease for the office and dedicated storage spaces was executed in 2011, and the agreement had been negotiated with two 2-year lease renewal options. She said the current renewal term will expire at the end of June, and the second renewal term would be for a lease period of July 1, 2015 through June 30, 2017. She said that if the Board choses to exercise the renewal option, the rental rate would increase $1.50 per square foot resulting in an increase to the annual rental expense from $108,500 to $121,800. She pointed out that due to the ongoing construction throughout the building, the landlord had not increased the rate since July 1, 2011.

Vice-Chairman Hull recommended that an additional 2-year lease renewal option be negotiated before exercising the second renewal option. Ms. Richmond said she would be happy to discuss options with the landlord, but noted that the lease requires a 60-day advance notice in order to exercise the lease renewal option, and it may be difficult to negotiate any additional terms before the April 30, 2015 deadline. Following a brief discussion, Chairman Rocco and Ms. Richmond agreed to approach the landlord and attempt to negotiate a rate for an additional renewal term

before taking action regarding the upcoming renewal option, and to present the results of those discussions at the upcoming June meeting.

Chairman Rocco then requested a motion to authorize the Executive Director to notify the lessor that the Board will exercise its renewal option and extend the lease for the two-year time period of July 1, 2015 through June 30, 2017 for the Board's office and dedicated storage spaces on the 15th floor of the LeVeque Tower. Vice-Chairman Hull so moved. Mr. Hightower seconded. A vote was taken and all of the members were in favor.

Hardship Application
Chairman Rocco called upon Ms. Richmond to present the hardship application.

Ms. Richmond stated that the Board's rule 3737-1-08 provides for an owner experiencing financial hardship to apply for hardship status with the Fund. She said granting hardship status allows for the acceleration of the review of the claims submitted by the owner. Ms. Richmond noted that granting hardship status does not increase the amount of reimbursement to the tank owner. She stated by accelerating the review of the claim, it reduces the financial burden the owner would experience if the claims were reviewed and settled in the normal course of business. She said, once granted, the hardship status remains in effect for a one-year period and at that time, the owner may reapply for hardship status.

Ms. Richmond stated that in determining hardship status, the application and a minimum of two years of income tax records are reviewed. She said, in addition, a U.S. Environmental Protection Agency (EPA) financial capacity test is used to evaluate the owner's cash flow and determine if the owner is able to carry debt, in which case, the owner could finance the costs of corrective actions over time.

Claim # 18344-0001/10/26/98
Owner – Red Stripe Associates, LLC d/b/a Ohio Valley Plaza Exxon
Ms. Richmond said Red Stripe Associates, LLC is the responsible person for a 1998 release that occurred on National Road in Saint Clairsville, Ohio. She said that as a member of the LLC, Gary Glessner submitted the application requesting the Board grant hardship status to Red Stripe Associates. She noted this was Red Stripe Associates' 14th request for hardship status, and its previous hardship status expired on February 18, 2015.

Ms. Richmond stated that to date, the Fund has reimbursed almost $221,000 for corrective action costs for this release. She said although there are no claims currently pending review, a cost pre-approval request was received for a RAP (remedial action plan), and that RAP is estimated to cost $164,000. She noted that the cost pre-approval request was received on January 13, 2015, and is currently under review.

Ms. Richmond said the property and business were sold in November 2008 to Sober Systems LLC, and Red Stripe Associates provided financing to the new owner. She noted that Sober Systems made its final payment November 2013, and at that time Red Stripe Associates' mortgage was also paid off.

Ms. Richmond said no additional revenue is being generated by Red Stripe Associates. She noted Red Stripe Associates remains responsible for the corrective actions at the site and it is continuing

the work. She said according to the application, anticipated corrective action costs for the next year total $100,000.

Ms. Richmond said that based on the U.S. EPA financial capacity test, and information submitted with the application, there is less than a 61% probability that Red Stripe Associates can afford $100,000 in corrective action costs in the next year. Ms. Richmond recommended the Board approve the application and grant hardship status to Red Stripe Associates, LLC.

Chairman Rocco questioned whether Sober Systems' payments for the purchase of the property and business are reflected in Mr. Glessner's application. Ms. Richmond explained that payments are not reflected in the application, because the financed amount was fully paid off in November 2014. Mr. Hills pointed out that it appears that $25,000 of the sale proceeds is being held in escrow pending an NFA letter from BUSTR.

Chairman Rocco asked if there were any additional questions regarding the application, and there were none. He then requested a motion to approve granting hardship status to Red Stripe Associates, LLC. Mr. Hills so moved and Mr. Fleming seconded. A vote was taken and all members voted in the affirmative. The motion passed.

Certificates of Coverage – Ratifications:

Chairman Rocco called upon Ms. Richmond to present the lists of owners who have either been issued or denied a Certificate of Coverage for ratification by the Board.

Ms. Richmond said the lists behind Tab 8 are listings of facilities that, since the February Board meeting, the owner had been issued or denied a program year 2014 Certificate of Coverage.

Ms. Richmond said the process used to review the fee applications and issue or deny a Certificate of Coverage includes a review for completeness to determine full payment was received; financial responsibility for the deductible has been demonstrated; and, the owner has certified with his signature that he is in compliance with the State Fire Marshal's rules for the operation and maintenance of petroleum underground storage tanks. She said if these requirements are met and if the tanks existed in previous years, a certificate for the subject tanks has been issued to the owner in at least one of the prior two years, then a Certificate of Coverage is issued.

Ms. Richmond explained that if deficiencies or compliance issues are identified, notice is provided to the owner in accordance with the Board's rules. The owner is provided 30 days to respond to the notice with information to correct the deficiency or compliance issue. If correcting information is not received within this time, a determination denying the Certificate of Coverage is issued to the owner.

She said the Board's rules and the Revised Code make provisions for an appeal of the determination. Ms. Richmond said that throughout this process, the Board's staff works with the owner to correct the fee statement record and if necessary, refers the owner to BUSTR to correct the registration record.

Ms. Richmond requested the Board ratify her actions with respect to the issuance of the 2014 program year Certificates of Coverage for the 49 owners of 54 facilities included on the list behind Tab 8.

Vice-Chairman Hull moved to ratify the issuance of the 2014 Certificates of Coverage for the facilities listed. Mr. Bryant seconded. A vote was taken and all of the members were in favor. The motion passed.

Ms. Richmond requested the Board ratify her actions with respect to the denial of the 2014 program year Certificates of Coverage for the 23 owners of 27 facilities included on the list behind the Tab 8 green divider page.

Vice-Chairman Hull moved to ratify the denial of the 2014 Certificates of Coverage that were listed. Mr. Hightower seconded. A vote was taken and all of the members were in favor. The motion passed.

Confirm Next Meeting and Adjourn:

Chairman Rocco stated that the next Board meeting will be held on Wednesday, June 10, 2015, at 10:00 a.m.

Vice-Chairman Hull made a motion to adjourn the meeting and Mr. Hills seconded. All were in favor.