



# Petroleum Underground Storage Tank Release Compensation Board

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## MINUTES OF THE 179th MEETING OF THE PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD March 13, 2019 – 10:00 a.m.

### BOARD MEMBERS IN ATTENDANCE

Jim Rocco  
Steve Bergman  
Robert Cantrell  
Don Bryant  
Ron Falconi  
Stephen Hightower II

### EX-OFFICIO MEMBERS IN ATTENDANCE

Verne Ord, representing Director Sheryl Creed Maxfield, Ohio Department of Commerce  
Donna Waggener, representing Director Laurie Stevenson, Ohio Environmental Protection Agency  
Jonathan Azoff, representing Robert Sprague, State Treasurer of Ohio

### OTHERS IN ATTENDANCE

Starr Richmond	Executive Director, PUSTRCB
Madelin Esquivel	Assistant Director, PUSTRCB
Don Leasor	Chief Fiscal Officer, PUSTRCB
Lora Kruse	Administrative Assistant, PUSTRCB
Jonathan Maneval	Executive Assistant, PUSTRCB
John Hickey	Fiscal Specialist, PUSTRCB
Val Gatallin	Claims Analyst, PUSTRCB
Hannah Maria Brame	Claims Specialist, PUSTRCB
Sheryl Creed Maxfield	Director, Ohio Department of Commerce
Leigh Bayer	Assistant Attorney General
Howard Silver	Hearing Officer
Dan Adams	ATC Group Services LLC
Doug Darrah	ATC Group Services LLC
Jodi Handlin	BJAAM Environmental, Inc.
Cindy Culmone	1st Stop, Inc.

Minutes submitted by:

  
Jonathan Maneval  
Executive Assistant

**Call to Order:**

Chairman Rocco convened the one hundred and seventy-ninth meeting of the Petroleum Underground Storage Tank Release Compensation Board on Wednesday, March 13, 2019.

The following members were in attendance: Jim Rocco; Steve Bergman; Don Bryant; Robert Cantrell; Ron Falconi; Stephen Hightower II; Verne Ord, representing Director Sheryl Creed Maxfield, Ohio Department of Commerce; Donna Waggener, representing Director Laurie Stevenson, Ohio Environmental Protection Agency; and Jonathan Azoff, representing Robert Sprague, State Treasurer of Ohio.

The following members were not present: Scott Fleming, John Hull, and Tom Stephenson.

Chairman Rocco welcomed Sheryl “Sherry” Creed Maxfield who was appointed Director of the Department of Commerce in January 2019. Director Maxfield briefly introduced herself and discussed her past experience with the Attorney General’s Office and her prior work with the Board. The Chairman then welcomed Jonathan Azoff, who was attending on behalf of State Treasurer Robert Sprague. Mr. Azoff briefly shared his role overseeing management of the state’s debt and mentioned he would also be working with the investment component of the office.

**Minutes:**

Chairman Rocco asked if there were any comments or questions regarding the minutes from the January 9, 2019 Board meeting and there were none. Mayor Falconi moved to approve the minutes. Mr. Bryant seconded. A vote was taken and all were in favor. Mr. Hightower was not present for the vote. The minutes were approved as presented.

**BUSTR Report:**

Chairman Rocco called upon Verne Ord, Interim Bureau Chief, to present the Bureau of Underground Storage Tank Regulations’ (BUSTR) report.

Mr. Ord reported that Pat Bulzan had moved into the enforcement coordinator position working with underground storage tank (UST) compliance. He commented that she had recently undergone surgery and would be returning to work in about 30 days.

Mr. Ord said the U.S. Environmental Protection Agency (U.S. EPA) provided \$65,000 of grant money to identify parties responsible for the cleanup of petroleum releases. He said BUSTR has contracts with three vendors to search records to identify the parties responsible for the cleanup at 65 sites, and as of March 8, 2019, the vendors had completed their research for 46 sites.

Mr. Ord stated that 74 BUSTR regulated sites are involved in the Abandoned Gas Station Cleanup Grant Program administered by the Ohio Development Services Agency. He said that 76 grants have been awarded and 15 applications were currently under review. He said that 16 properties have been cleaned up and were ready for redevelopment. He noted that \$14,134,661 of the grant money has been awarded.

Mr. Ord stated that BUSTR is operating in the first year of a two-year LUST (leaking underground storage tank) grant, which ends June 30, 2019. He said the U.S. EPA has not indicated how much funding will be provided for the second year of the grant. He said the second year of the UST grant ends on June 30, 2019, and an application for federal grant assistance for fiscal years 2020 and 2021 will be submitted in the near future.

Mr. Ord said that BUSTR employees had completed their annual ethics-training requirement as well as training dealing with security issues concerning electronic equipment and the protection of customers' confidential information. He stated that 16 individuals from delegated fire departments completed the certified installer course and 14 individuals completed the certified inspector course.

Mr. Ord reported that the Joint Committee on Agency Rule Review approved an extension request for the filing of the Revolving Loan Fund rule, which is going through the five-year rule review process. He said they anticipate filing the rule in early May with an effective date in August. He said the change will be the incorporation of a date concerning the unified rules of the federal government.

Mr. Ord stated that the project to update the OTTER (Ohio Tank Tracking & Environmental Review) database to report statistics to the U.S. EPA has been completed. He noted that Ohio is the only state in the region that will be reporting the new numbers required by the U.S. EPA at this time. He explained that either the other states have not updated their rules, or their databases are not yet equipped to generate the required reports.

Mr. Ord reported that, as of March 1, 2019, a total of 7,294 operational compliance inspections were performed for the three-year inspection cycle. He noted that 50 more compliance inspections need to be performed to complete the three-year inspection cycle and then it will begin all over again. He stated that, as of March 8, 2019, a total of 218 NFAs (no further actions) had been generated and this was about 16% behind the target set by the U.S. EPA.

Mr. Ord reported that, as of March 1, 2019, there were 21,172 registered USTs, which is about 250 fewer USTs from the previous year. He reported that there were 3,542 UST owners, which is similar to the number of tank owners in previous years. He said there were 7,143 registered facilities, which is roughly 75 to 100 fewer facilities than the previous year. He said there are 2,163 active petroleum releases and 1,377 active UST closures. He stated that BUSTR has granted no further action status for 30,556 petroleum releases since the inception of the program.

Chairman Rocco asked how the tank inspections were going. Mr. Ord said that in the first three-year inspection cycle the compliance rate was pretty low at roughly 45-55% and they are continuing to see those same statistics. He noted the compliance inspectors are examining corrosion protection equipment, spill and overfill prevention equipment, containment sumps, and release detection equipment. He said this determines the technical compliance rate. He said a separate set of requirements looks at operator training records, financial responsibility records, and the new walkthrough inspection records.

Chairman Rocco said his guess is that a high number of spill buckets will need to be replaced as a result of the regulations requiring containment sump testing. Mr. Cantrell commented that he recommends the use of double-walled containment sumps with sump sensors and noted that he is not an advocate of filling sumps up with water to test for tightness. Chairman Rocco explained that the U.S. EPA has approved a new low-level test method that permits the containment sumps to only be filled to the level of the sensor. He noted this significantly reduces the amount of testing liquid needed and reduces the costs of handling and disposal of the water.

### **Financial Reports:**

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

#### ***December and January Financials***

Mr. Leasor said the December and 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 12, 2019, the unobligated account balance is \$26.6 million. He said this amount includes \$11.6 million in STAR Ohio (State Treasury Asset Reserve of Ohio) and the custodial account, and \$15 million invested in U.S. treasuries and U.S. agency callable bonds. He noted that \$2 million invested in treasuries and bonds had matured at the end of January and in accordance with the recommendation of the Treasurer's Office, \$1 million was invested in a four-year agency bond with a rate of return of 2.6%. The other \$1 million was left in STAR Ohio, which was yielding 2.55%.

Mr. Leasor stated that at the June 2018 Board meeting, \$9 million was obligated for the payment of claims and the obligated account balance as of March 12, 2019, was \$4.9 million.

Mr. Leasor said that as of January 31, 2019, expenses should be at 58.3% of the amount budgeted for the fiscal year. He said the claims expense for the month of January was about \$735,000, and to date, approximately \$4.2 million had been paid for claims for fiscal year 2019.

Mr. Leasor reported that as of January 31, 2019, approximately 100% of the budgeted revenues, net of refunds, had been collected. He said information on refunds and fee collections would be presented later with the compliance and fee assessment report.

Mr. Leasor reported that operating expenses for the month of January were approximately \$178,000. He said as of January 31, 2019, rent expense was 65.7% of the amount budgeted. He explained that this amount includes the lease payment for the month of February, which was paid in the month of January. He reported that legal and professional expenses were 77.8% of the amount budgeted. He explained that these expenses include fees for the Assistant Attorney General's services from the fourth quarter of fiscal year 2018 and the first two quarters of fiscal year 2019, as well as payments for the annual audit and the services of the actuarial firm used to assist with the development of the unpaid claims liability estimate, and the STARRS (Statistical Tank and Reimbursement Records System) database maintenance contract.

Mr. Leasor stated that employee expenses are at 80.9% of the amount budgeted. He said these expenses include the catering costs for the Rules Committee meetings and the Ashland mediation. He said

postage expenses were 76.6% of the amount budgeted. He said this was due to postage fees for the final quarter of fiscal year 2018 being paid in August of fiscal year 2019. He said these charges include fees for the annual fee statement mailing, which is sent by certified mail. He said that other expenses are at or below where they should be at this time in the fiscal year.

### ***Estimated Unpaid Claims Liability Report***

Mr. Leasor directed the members to the Estimated Unpaid Claims Liability reports that were included with the members' notebooks. He explained that the report is an estimate of the unpaid claim liability of the Fund and was included as part of the audited financial statements.

Mr. Leasor said that as a result of ongoing litigation, the review and settlement of claims filed by four major oil companies had been suspended. He said in order to determine whether the suspension of these claims was impacting the liability estimate, the Board had contracted with an independent actuary to assist in the development of the estimate of unpaid claim liabilities for the fiscal year ending June 30, 2018.

Mr. Leasor stated that claims associated with 219 releases were suspended due to litigation. He noted that 164 of these releases had been granted NFA status and the remaining 55 releases were still undergoing corrective actions. He said the actuary firm was provided with the information concerning the suspended claims along with all historical claim data from the database. Chairman Rocco asked if all costs for the NFA sites had been received and Mr. Leasor indicated that nearly all costs should have been submitted. The Chairman said, assuming all costs have been submitted, there would be no need to establish an estimate for the NFA'd releases since the costs are known. Mr. Leasor explained that because the claimed costs have not been reviewed, the estimate indicates how much of these costs will be attributed toward the deductible or disallowed.

Mr. Leasor provided a summary of the process and methods used to develop estimates of the ultimate losses for the claims. He pointed out that there is an estimate for claims reported to the Board by June 30, 2018, and a second estimate for claims that were incurred but not yet reported. He noted this includes applications for eligibility that had not been determined as of June 30, 2018, as well as an estimate for releases discovered on before June 30, 2018, for which an eligibility application had not yet been submitted. He said the estimate for the non-held claims determined eligible by June 30, 2018, was \$17.8 million and the estimate for the incurred but not reported non-held claims was \$2.3 million. He explained that the actuarial firm estimated the suspended claims determined eligible to claim against the Fund by June 30, 2018, to be \$22.1 million and the incurred but not reported held claims to be \$360,000. He said these numbers added together provides the total liability of unpaid claims, which is estimated at \$42.6 million.

Mr. Leasor explained that as part of the audit, the auditors submitted both reports to a separate actuarial firm, who reviewed them and provided a favorable opinion on the soundness of the methods used to develop the estimate, along with the reasonableness of the assumptions, selections, and findings.

Chairman Rocco commented that the estimate is now built using 25 years' worth of data and reflects the Fund's liability in real dollars; in which he has a lot of faith. He commented that the suspension of claims has somewhat complicated the estimate, which is why the actuarial firm was brought in to look

at the claims that are not being processed and to give a third-party opinion of what is a reasonable loss estimate for those suspended claims. He explained that these liability estimates are used when making decisions concerning fees and budgets, and why it is appropriate to build and maintain the loss reserve.

**Compliance and Fee Assessment Report:**

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

Ms. Esquivel reported, as of February 28, 2019, refunds totaling \$65,710 had been paid to 67 owners for the 2018 program year. She said that \$27,260 in refunds was used to offset prior years' outstanding fees. She said the refunds paid and the credits applied to outstanding fees total \$92,970, which is 41% of the refund goal of \$225,000 that was set for the program year. She reported that the pending refunds total about \$1,400,000.

Ms. Esquivel said as of February 28, 2019, the fees collected by the Attorney General's Office and Special Counsel less collection costs totaled \$134,369. She said 16 owners with outstanding fees totaling \$64,220 had been certified to the Attorney General's Office for collection since July 1, 2018. She said the unpaid 2018 program year's fees would be sent for collection within the next month.

Ms. Esquivel said seven Orders Pursuant to Law were under appeal and information to support the appeals is expected. She said that one Determination to Deny a Certificate of Coverage was under appeal and a hearing for that appeal was held in August 2017. The Board upheld the determination, and it was then appealed to the Court of Common Pleas.

Ms. Esquivel stated that three Ability to Pay Applications were currently under 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 reported that as of March 5, 2019, a total of 2,925 Certificates of Coverage had been issued thus far for program year 2018. She said there were 115 Applications for Certificates of Coverage currently being processed, 43 unresolved Pending Denials, and 34 unresolved Determinations to Deny a Certificate of Coverage.

Ms. Esquivel stated that there are 44 uncashed refund checks, totaling \$47,135. She said there were 13 owners with pending refunds totaling \$28,860 who have been sent letters notifying them that more information is needed before their refunds may be issued. She said there were 33 owners with pending refunds totaling \$64,120 for which information had been requested, but no responses have been received.

**Claims Reports:**

Chairman Rocco called on Lora Kruse, Claims Administrative Assistant, to present the claims reports.

Ms. Kruse reported that as of March 1, 2019, the total maximum liability of in-house open claims is \$31.2 million. She said using the historical average claim payout ratio of 75%, the anticipated liability

of unpaid in-house claims is about \$23.4 million. She said currently, a total of 1,560 claims with a total face value above the deductible amount were pending review. She noted that claims received in the month of December 2018 are being reviewed by the staff. She noted that as of March 1, 2019, a total of 13 claim settlement determinations were under appeal. She said that since the January Board meeting, two new claim appeals were received. She said an appeal response and two settlement addendums were issued in the month of February and the two settlement addendums were accepted on March 7, 2019.

Ms. Kruse reported that in the eight months of program year 2018, a total of 371 claims were received and 269 claims were settled or closed. She stated that the average payout per claim application was \$11,359, which calculates to an average payout ratio of 82.3%. She said the average percentage of disallowed costs is 15.2% for program year 2018.

Ms. Kruse said for program year 2018, a total of 56 eligibility applications were received and 34 eligibility determinations were issued. She noted that of the 34 determinations, 24 were approved and 10 were denied. She said that during the month of February, seven applications were received and seven eligibility determinations were issued. She said that of these determinations, three were approved and four were denied for no corrective actions being required. She said as of March 1, 2019, 49 eligibility applications are pending review and four determinations are under appeal. She said that so far in the month of March, nine eligibility determinations had been issued.

Ms. Kruse reported that as of March 1, 2019, a total of 50 cost pre-approval requests were pending review. She said that during the month of February, 19 cost pre-approval requests were received and eight cost pre-approval notifications were issued. She added that so far in the month of March, 13 cost pre-approval notifications had been issued.

### **New Business:**

#### ***Administrative Appeal***

Chairman Rocco called upon Howard Silver, the Board's hearing officer, to present the Report and Recommendation regarding the appeal of the claim settlement determination issued to Seaway Gas & Petroleum Inc.

#### **Claim # 9555-0001/02/15/96-J, Owner – Seaway Gas & Petroleum Inc. 1690 Columbus Road, Cleveland**

Hearing Officer Silver said the case being presented to the Board involved an appeal filed by Seaway Gas & Petroleum Inc. (Seaway Gas) concerning a release that occurred in Cleveland, Ohio. He said the site has operated as a gas station since 1972 and in 1996 a release was discovered. He said thereafter an investigation ensued and corrective action activities have occurred. He explained that as Seaway Gas would incur costs they would submit applications for reimbursement to the Fund in the form of a claim. He said a series of claims had been submitted for reimbursement beginning with an "A" claim, followed by a "B" claim, and so on. He said the subject claim being discussed was the "J" claim.

Mr. Silver said the J claim covered work that occurred from January 21, 2014 to September 12, 2014, which was needed in order to provide additional information requested by BUSTR. He said the work

involved the installation of soil borings and monitoring wells with a report to be submitted to BUSTR by June 1, 2014. He explained that this date was important because Seaway Gas and the environmental firm assisting it requested an extension of that June 1, 2014 deadline. However the extension request was not filed with BUSTR until June 23, 2014, after BUSTR's deadline had come and gone. He said that since their request for an extension was submitted after the June 1, 2014 deadline, the date to file an application for reimbursement of the related costs was June 1, 2015.

Mr. Silver said that Seaway Gas and the environmental engineering firm, GETCO, Inc., that was assisting it did not have a standard procedure established for the submission of the reimbursement claims. He explained that sometimes GETCO, Inc. would send in the claims while other times Seaway Gas would mail them in. He stated that at the hearing there was testimony from the president of Seaway Gas and testimony from the president of GETCO, Inc. and both said they had no recollection of sending in the claim, but they were sure it was sent in on time. They said that it was handled in exactly the same manner as the other claims for which there had been no problems.

Mr. Silver said there was evidence in the record that on March 10, 2015, GETCO, Inc. put together an email with an attachment that they attempted to send to the Board. He said immediately after they attempted to transmit it, they received a message indicating the email could not be delivered because the attachment exceeded the maximum message size. He said the only evidence in the record of the J claim actually being received by the Board was a claim with the agency time stamp dated August 11, 2017. He reiterated that the deadline for filing the application was June 1, 2015, but August 11, 2017, was the soonest point the evidence shows the claim was received by the Board.

Mr. Silver explained that the Director of the Fund reviewed the claim application and determined that the costs were not timely filed and a letter was sent to Seaway Gas explaining that because it was not timely filed, the claimed costs of \$13,726 were denied. He said Seaway Gas filed an appeal within 30 days and thereafter a hearing was held with testimony and the submission of documents. He said he reviewed the Board's rules concerning reimbursement and the appropriate filing of an application within the timeframe set by the rules, and found that the Director's conclusion was correct as a matter of fact and law. He therefore recommended to the Board that the decision be affirmed.

Mr. Silver said he thought the untimely submission of the claim was simply an unfortunate oversight. He noted that there was evidence in the record from 2017 where staff of GETCO, Inc. wrote memos indicating the J claim was not properly completed. He said the memos were dated in April 2017 and in August of 2017, the J claim finally arrived. Mr. Silver said that the Board's witness also testified that there were some other problems with the application concerning the number of hours claimed and the requested reimbursement being above a certain level, but that issue became moot because of the untimeliness of the entire claim.

Chairman Rocco asked why the email rejected by the server was not significant. Mr. Silver said the email was never received because the attachment was simply too big, and in his opinion the email is not dispositive because the rules and the statute require that it be received and not simply sent. Mayor Falconi asked whether they knew it was not received, and Mr. Silver confirmed there was a message indicating the transmission error, and noted there was no second attempt to send it or any other follow up until two years later. Mr. Bergman asked if it is known what it was that they were trying to send in



the email. Mr. Silver said there was an attachment but he did not see it and he is only presuming it related to the J claim because of the time period it was sent. Mr. Bergman pointed out that they admitted it wasn't complete and that's the reason it wasn't sent until two years later.

Mr. Silver said there was an argument by Seaway Gas that they completed the work by September [2014] and that's when the request for reimbursement was sent to the Board. However, it was noted that the invoice had not been paid, and the bank did not post the check until the following year. He explained that a claim for reimbursement cannot be filed before the invoices are paid.

Chairman Rocco stated that the Board would need to act on the hearing officer's recommendation and Mayor Falconi moved to adopt Mr. Silver's recommendation. Mr. Bergman seconded. The Chairman clarified that the motion was to adopt the findings of facts, conclusions of law, and the recommendation of the hearing officer that the January 17, 2018 settlement determination issued by the Director of the Financial Assurance Fund to Seaway Gas & Petroleum, Inc. comprises valid state action as a matter of fact and law and it be upheld. He then called for a roll call. The following members voted in the affirmative: Ms. Waggener and Messrs. Rocco, Bergman, Bryant, Cantrell, Falconi, Hightower, Ord, and Azoff. There were no nays.

### ***Hardship Applications***

Chairman Rocco called upon Starr Richmond, Executive Director, to present the hardship applications.

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 that accelerating the review of the claim 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 two-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. EPA financial capacity test is used to evaluate the owner's cash flow and determine whether the owner is able to carry debt, in which case, the owner could finance the costs of corrective actions over time.

### **Claim # 18752-0001/06/11/08, Owner – Charles Hanrahan**

Ms. Richmond said that Charles Hanrahan is the responsible person for a release that was discovered in 2008 when tanks were removed at 3718 Lawrenceville Drive in Springfield, Ohio. She said this is his ninth request for hardship status.

Ms. Richmond said, to date, the Fund has reimbursed or direct paid about \$745,000 to clean up this release. She said there is one claim with a face value of almost \$28,000 pending review and the estimated cost of corrective actions for the next 12 months is \$55,000.

Ms. Richmond said Mr. Hanrahan and his wife's combined annual income is \$66,700, which slightly exceeds their annual living expenses. She noted he has about \$9,400 of cash on-hand and also has IRA investments totaling \$97,500. She said he currently has outstanding debt of \$63,000.

Ms. Richmond said the U.S. EPA financial capacity test, which is based on cash flows anticipated over a three-year period, estimates that he can afford additional cleanup costs of just over \$11,000. She said given the anticipated costs for the next year are expected to be \$55,000, it is unlikely he could afford it and recommended the Board approve the application and grant hardship status to Mr. Hanrahan. Mr. Bryant so moved and Mayor Falconi seconded.

Mr. Hightower asked what the timeframe is for the settlement of a typical claim versus a claim with hardship status. Ms. Richmond explained that if the owner has been granted hardship status their claims are generally reviewed within 30 days of being received. She said that currently claims received in the month of December are being reviewed. She commented that although this accelerated review currently provides only a little bit of benefit, in the past, there was a backlog of about 18 months. Chairman Rocco added that if the claims currently being held from processing due to litigation would be brought into the claim review process it will increase the wait time again making hardship status a significant benefit.

Chairman Rocco asked if there were any other questions or discussion and there were none. A vote was taken and all members voted in the affirmative. The motion passed.

**Claim # 19104-0001/10/30/14, Owner – American United Oil Inc.**

Ms. Richmond said American United Oil Inc. is the responsible party for a 2014 release that was discovered at 342 East Main Street in Ashland, Ohio. She said, as an owner of American United Oil Inc., Salih Najar is requesting the Board grant hardship status to the corporation. She said this is the fourth request for hardship status.

Ms. Richmond said to date, the Fund has reimbursed \$445,000 for corrective actions for this release. She said there is one claim with a face value of \$25,000 in house and the costs for work expected to be conducted over the next 12 months is estimated at \$115,000.

Ms. Richmond explained that the tanks were removed and replaced in the summer of 2015. She said that American United Oil currently has approximately \$1,500 in its checking account, and they have loan and credit card debt which totals \$64,000. She said the corporation's annual net income is \$24,000, which is approximately 21% of the total corrective action costs expected to be incurred in the next year.

Ms. Richmond said that based on the information provided in the hardship application and IRS tax forms, the U.S. EPA financial model for corporations estimates a less than 50% probability the corporation can afford \$115,000 in corrective action costs.

Ms. Richmond recommended the Board approve the application and grant hardship status to American United Oil Inc. Mr. Ord moved to approve the application and Mr. Hightower seconded. Mayor Falconi asked why one of the pages of the application was left blank. Ms. Richmond explained that the application itself is typically used by sole proprietors and much of the information requested, such as

household living expenses, does not apply to corporations. The Chairman asked if there were any other questions and there were none. A vote was taken and all members voted in the affirmative. The motion passed.

**Certificates of Coverage – Ratifications:**

Chairman Rocco called upon Starr Richmond, Executive Director, 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 Tabs 9, 10, and 11 are listings of facilities that since the January Board meeting had been issued or denied a program year 2016, 2017, or 2018 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.

Ms. Richmond 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 2016 program year Certificates of Coverage for the 30 facilities included on the list behind Tab 9.

Mr. Hightower moved to ratify the issuance of the 2016 Certificates of Coverage for the facilities listed. Mr. Ord seconded. A vote was taken and all members were in favor. The motion passed.

Ms. Richmond requested the Board ratify her actions with respect to the denial of the 2016 program year Certificate of Coverage for the three tanks included on the list behind the Tab 9 green divider page.

Mr. Ord moved to ratify the denial of the 2016 Certificate of Coverage that was listed. Mayor Falconi seconded. A vote was taken and all members were in favor. The motion passed.

Ms. Richmond requested the Board ratify her actions with respect to the issuance of the 2017 program year Certificates of Coverage to the 16 owners of the 87 facilities included on the list behind Tab 10.

Mr. Ord moved to ratify the issuance of the 2017 Certificates of Coverage for the facilities listed. Mr. Bryant seconded. A vote was taken and all members were in favor. The motion passed.

Ms. Richmond requested the Board ratify her actions with respect to the denial of the 2017 program year Certificates of Coverage for the 21 tanks located at the nine facilities included on the list behind the Tab 10 green divider page.

Mr. Ord moved to ratify the denial of the 2017 Certificates of Coverage that were listed. Mayor Falconi seconded. A vote was taken and all members were in favor. The motion passed.

Ms. Richmond requested the Board ratify her actions with respect to the issuance of the 2018 program year Certificates of Coverage to the 104 owners of the 221 facilities included on the list behind Tab 11.

Mr. Bryant moved to ratify the issuance of the 2018 Certificates of Coverage for the facilities listed. Mr. Ord seconded. A vote was taken and all members were in favor. The motion passed.

Ms. Richmond requested the Board ratify her actions with respect to the denial of the 2018 program year Certificates of Coverage for the 96 tanks located at the 40 facilities included on the list behind the Tab 11 green divider page.

Mayor Falconi moved to ratify the denial of the 2018 Certificates of Coverage that were listed. Mr. Ord seconded. A vote was taken and all members were in favor. The motion passed.

**Confirm Next Meeting and Adjourn:**

Chairman Rocco said there would be a Rules Committee meeting immediately following today's Board meeting and the next Board meeting will be held on Wednesday, June 12, 2019, at 10:00 a.m.

Mr. Azoff commented that a U.S. treasury note would be maturing in the month of May and asked if the Board had authorized the Treasurer's Office to reinvest those funds. Mr. Leasor explained that the original motion authorizes the Executive Director and the Chief Fiscal Officer to reinvest the funds in like securities upon maturity. He explained that typically the investment division of the Treasurer's Office would provide options and there would be a discussion and decision whether it should be reinvested.

Chairman Rocco noted that there will be a Finance Committee meeting prior to the June Board meeting to discuss the STAR Separately Managed Accounts investment option. He said that the Attorney General's Office is looking into that option and should provide their response before the June Board meeting so the committee can decide whether to move forward with that investment option.

Chairman Rocco asked if there was any other business before the Board and there was none. Mr. Ord made a motion to adjourn the meeting and Mayor Falconi seconded. All members were in favor.