



Petroleum Underground Storage Tank Release Compensation Board

P.O. Box 2280 • Westerville, Ohio 43086-2280
Phone: (614) 752-8963 • Fax: (614) 752-8397
www.petroboard.org

MINUTES OF THE 203rd MEETING OF THE PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD

March 13, 2024 – 10:00 a.m.

BOARD MEMBERS IN ATTENDANCE

Jim Rocco
Steve Bergman
Don Bryant
Larry Burks
Scott Fleming
Tom Stephenson
Dan Ridi

EX-OFFICIO MEMBERS IN ATTENDANCE

Scott King, representing Director Sheryl Creed Maxfield, Ohio Department of Commerce
Donna Waggener, representing Director Anne Vogel, Ohio Environmental Protection Agency
Harold Anderson, representing Robert Sprague, State Treasurer of Ohio

OTHERS IN ATTENDANCE

Starr Richmond	Executive Director, PUSTRCB
Jonathan Maneval	Assistant Director, PUSTRCB
Vijetha Deshineni	Chief Fiscal Officer, PUSTRCB
Cindy Stauffer	Compliance Supervisor, PUSTRCB
Hannah Brame	Claims Supervisor, PUSTRCB
Beth Fligner	Assistant Attorney General
Scott Adams	State Treasurer's Office

Minutes submitted by:


Jonathan Maneval
Assistant Director

Call to Order:

Chairman Rocco convened the two hundred-third meeting of the Petroleum Underground Storage Tank Release Compensation Board on Wednesday, March 13, 2024.

The following members were in attendance: Jim Rocco; Steve Bergman; Don Bryant; Larry Burks; Scott Fleming; Dan Ridi; Tom Stephenson; Scott King, representing Director Sheryl Creed Maxfield, Ohio Department of Commerce; Donna Waggener, representing Director Anne Vogel, Ohio Environmental Protection Agency; and Harold Anderson, representing Robert Sprague, State Treasurer of Ohio.

Minutes:

Chairman Rocco asked if there were any comments or questions regarding the minutes from the January 10, 2024 Board meeting and there were none. Mr. Burks moved to approve the minutes and Mr. Bryant seconded. A vote was taken, and all were in favor. The minutes were approved as presented.

BUSTR Report:

Chairman Rocco called upon Scott King, Bureau Chief, to present the Bureau of Underground Storage Tank Regulations' (BUSTR) report.

Mr. King reported that BUSTR continues to be extremely busy. He said an underground storage tank (UST) installation is being done right next door to the State Fire Marshal's Office in Reynoldsburg, and it has turned into a training opportunity to go through installation inspection techniques for the staff.

Mr. King said responsible party searches are progressing with 60 files being distributed to the vendors. He said those searches are tightly focused on environmental justice initiatives being pushed down from the federal level.

Mr. King reported that BUSTR's staff is continuing to work remotely from home for some days, and the inspection staff is out in the field performing inspections at sites as they normally do.

Mr. King said BUSTR is awaiting federal budget numbers to come in so that a new federal LUST (Leaking Underground Storage Tank) grant application can be completed. He said the LUST grant provides funding for the corrective action side of the program.

Mr. King said BUSTR is working with the U.S. Environmental Protection Agency (U.S. EPA) in doing multimedia inspections in the state. He mentioned that one multimedia inspection currently being done will take about two weeks to complete.

Mr. King reported that 29 NFAs (no further actions) were issued in the previous month and reported that 172 NFAs had been issued so far for the grant cycle, which started October 1, 2023. He said there are currently 21,121 registered tanks, just over 3,300 registered owners, and about 7,000 registered facilities. He reported they are working through 2,200 active releases and there are 1,700 active closures. He said just shy of 6,400 new federal inspections and re-inspections had been completed.

Mr. King reported that work on BUSTR's new database system is continuing to progress. He said permitting and registration will be done online, and inspections will be completed through the system. He said environmental contractors will be able to log in and upload Tier reports and fill out reports online. He said it is a lot of work, but it will hopefully make things easier for everyone down the road.

Mr. King said BUSTR is working through five rule revisions primarily dealing with permitting and sponsors of training. He said the proposed rules will be coming out for stakeholder feedback and the intent is for them to go through with the updates to the Ohio Fire Code (OFC). Chairman Rocco asked if the OFC is being updated to the 2024 version of the International Fire Code (IFC) and Mr. King said they are in discussions of whether they are going to be able to update it to the 2024 version. The Chairman stated that there are some significant differences between the 2021 and 2024 editions of the IFC. Mr. King said one of the important things they are dealing with is the requirement enacted by the legislature to reduce regulatory restrictions in the rules by 30%. He said there is an initiative to reference federal regulations rather than repeating them in the rules. Chairman Rocco said the Ohio UST rules somewhat mirror the federal law with some adjustments, which are significant. He asked what the schedule is for the OFC update and Mr. King said they want to have everything finalized for the Joint Committee on Agency Rule Review (JCARR) by the end of the year. Mr. King mentioned that federal rules are being looked at and conversations with the federal UST staff indicate there may be some changes to the federal UST program.

Mr. Fleming asked what is meant by a multimedia inspection and Mr. King explained that a multimedia inspection essentially looks at all environmental hazards at a site. He said instead of there being a single focus on USTs, they bring in inspectors that are cross trained in assessing compliance with codes and regulations applicable to multiple areas at a site.

Mr. Ridi asked if there were any updates concerning the abandoned gas station grant program that was sunset. Mr. King said the Department of Development has said the program is being worked into a competitive brownfield grant area. He said there was a meeting to discuss the criteria for a Class C site and they are trying to figure out how to fit it into a brownfield grant proposal. Mr. Ridi asked if its going to be a separate application process and Mr. King said right now it is not going to be a separate application. He said there have been ongoing conversations with the Ohio EPA about possibly spearheading things on their own, but there is nothing to report on yet. Ms. Waggener said the Director of the Ohio EPA is aware of the issue and she is keeping it at the top of the legislative list for the next budget. Chairman Rocco said it is a concern for small communities because many of the abandoned sites are located in the center of their downtown areas, and the only way to attract a developer is to get the tanks out of the ground. Mr. King said it can also affect individual businesses that come across a tank that nobody knew was there and they are stuck with having to deal with it. He stated that if the business wants to sell the property down the road, they will have to spend money, and they may not have the money they need to spend.

Financial Reports:

Chairman Rocco called upon Vijetha Deshineni, Chief Fiscal Officer, to present the financial reports.

December and January Financials

Ms. Deshineni directed members to the January financials in the Board meeting materials.

Ms. Deshineni reported, as of March 12, 2024, the unobligated account balance is \$20 million, which includes \$5.16 million in STAR Ohio (State Treasury Asset Reserve of Ohio) and \$14.84 million in U.S. treasuries and U.S. agency callable bonds. She said the obligated account balance for the payment of claims is \$3.32 million.

Ms. Deshineni reported that, as of January 2024, we are about 58% into the fiscal year and interest income is ahead of projections at about 69.8% of the budgeted amount. She said approximately 99% of the budgeted revenues, net of refunds, had been collected as of January 31, 2024. She said information on refunds and fee collections would be presented as part of the compliance and fee assessment report.

Ms. Deshineni reported the claims expense for the month of February 2024 was \$802,986, and to date, \$4.89 million has been paid for claims in fiscal year 2024. She said this is 61% of the \$8 million obligated by the Board for the payment of claims for the fiscal year.

Ms. Deshineni said as of January 31, 2024, salary expenses were 53% of the amount budgeted. She said in the first and second quarters of this fiscal year, there was a significant turnover in the compliance staff and changes in two key positions. She explained that the vacancies in the compliance staff and the resignation of two long-term Board employees resulted in lower than budgeted salary expenses for the first half of the fiscal year. She stated that two vacant compliance positions were filled in March 2024 and the hope is to fill one remaining vacant position in the next couple of months. She said an increase in salary expenses will be seen over the next few months. She noted that the staff turnover has had a ripple effect throughout the agency with the number of account reconciliations and refunds processed so far this year being lower than projected. In addition, response times for the issuance of Certificates of Coverage and determinations of eligibility have increased and capital projects such as the website update and the replacement of IT equipment have not been completed as planned.

Ms. Deshineni stated that rent expenses increased by \$408 in January 2024, which is a 4% increase in operating expenses as approved in the operating budget for January through June 2024. She reported that legal and professional expenses were \$145,000 as of January 31, 2024, which is 50% of the amount budgeted. She reported postage expenses were at 72% of the amount budgeted. She said postage expenses were high in August and December 2023 due to the postage fees for the final quarter of fiscal year 2023 being paid in August and the fees for the mailing of the Notifications of Non-Compliance and Orders Pursuant to Law being paid in December. She reported the total operating expenses for January 2024 were [\$155,732].

Chairman Rocco said the state's job market is very competitive right now and over the last six to eight months, three senior staff left to take other state jobs. He said filling the positions has been a challenge and it has affected the processing of applications. He said it will still be a number of months until new employees are trained, and the staff is operating at 100%.

Audit Update and Audit Services Contract

Ms. Deshineni stated that the audit reports and financial statements for fiscal year 2023 were publicly released by the Auditor of State's Office on February 1, 2024.

Ms. Deshineni said the Auditor of State distributed a request for proposal to independent public auditing firms and only one proposal from Rea & Associates was submitted. She noted that Rea & Associates was the audit firm that performed the last five years of audits for the Board, and the Auditor of State approved their proposal. She explained that the proposed fee schedule for fiscal years 2024 through 2028 totals \$268,800, which she noted is a \$46,000 increase over the prior five-year contract total of \$222,400. Chairman Rocco said Rea & Associates worked well with the staff and said he is comfortable renewing their contract. He then requested a motion to authorize the Chairman on behalf of the Board to enter into and sign a five-year agreement in the amount not to exceed \$268,800, with Rea & Associates for auditing services for fiscal years 2024 through 2029. Executive Director Starr Richmond said the motion should be for fiscal years 2024 through 2028. Vice-Chairman Stephenson so moved, and Mr. Anderson seconded. A vote was taken, and all members were in favor. The motion passed.

Compliance and Fee Assessment Report:

Chairman Rocco called on Cindy Stauffer, Compliance Supervisor, to present the compliance and fee assessment report.

Ms. Stauffer stated that the information being reported reflects numbers as of February 29, 2024, unless otherwise noted. She reported that refunds totaling \$73,905 had been paid since July 1, 2023. She said there are currently 2,426 pending refunds, which total \$1,346,399. She said \$6,250 of pending refunds had been used to offset outstanding fees during this program year. She said since July 1, 2023, the fees collected by the Attorney General's Office and Special Counsel less collection costs totaled \$36,421. She said the next certification is being finalized and the intention is to have it sent to the Attorney General's Office prior to the June 2024 meeting.

Ms. Stauffer said three Orders Pursuant to Law are currently under appeal and information to support those appeals is expected. She said two Determinations to Deny a Certificate of Coverage are under appeal and an appeal hearing is scheduled for those appeals.

Ms. Stauffer stated that one Ability to Pay Application is 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. Stauffer reported that, as of March 1, 2024, Certificates of Coverage had been issued to 2,748 owners for program year 2023. She said there are 108 Applications for Certificates of Coverage currently being processed. She said for program year 2023, there are 93 owners with unresolved Pending Denials and four owners with unresolved Determinations to Deny a Certificate of Coverage.

Ms. Stauffer stated that there are 43 uncashed refund checks totaling \$68,583. She said there are 15 owners with potential refunds totaling \$80,901 to whom more information request letters had been sent notifying them that additional information is needed before the refund may be issued. She said a second

more information request letter will be issued to these owners. She said 39 owners with possible refunds totaling \$63,815 have not responded to the final more information request letters. Chairman Rocco asked when they are taken off the books. Director Richmond said uncashed checks are placed in a trust fund and after five years it goes back into the Fund. She said most of those are generally for people that are deceased, or the companies are closed. The Chairman asked if they go into the state's unclaimed funds database, and Director Richmond said unclaimed state government money does not go to the unclaimed funds.

Claims Reports:

Chairman Rocco called on Hannah Brame, Claims Supervisor, to present the claims reports.

Ms. Brame reported, as of March 1, 2024, the total maximum liability of in-house open claims is approximately \$8.68 million. She said using the claim payout ratio of 77%, which is the average ratio over the past five years, the anticipated payout of unpaid in-house claims is about \$6.68 million.

Ms. Brame reported, as of March 1, 2024, a total of 537 claims with face values above the deductible amount were pending review and noted that review of one claim is being held pending receipt of requested information. She reported that the claims staff are currently reviewing claims received prior to July 2023. She stated that, as of March 1, 2024, a total of 29 claim determinations were under appeal. She explained that these appeals pertain to only seven release sites, as there are multiple appeals for two of those sites. She noted the staff is waiting for supporting information for 10 appeals and additional information provided is under review for three appeals. She commented that a settlement agreement is being executed for 16 appeals and two appeals had been closed since the January 2024 meeting.

Ms. Brame stated that, as of March 1, 2024, a total of 291 claims were received and a total of 363 claim determinations were issued this program year. She noted that no payment could be issued for nine of these claims as the total face values were below the deductible amount and the releases had received NFA status, meaning no additional corrective actions were required. She said the average payout per claim application this program year is \$15,182 and the average claim payout is 71.9% of the net claim value (face value – deductible). She noted that on average 23.6% of the claim face value was disallowed as non-reimbursable.

Ms. Brame reported so far for program year 2023, a total of 61 eligibility applications were received and 45 eligibility determinations were issued. She said of these eligibility determinations, 31 were approved and 14 were denied. She said the reasons for denial included three for no release demonstrated, two for late filing of the application, two for lack of a valid Certificate of Coverage, four for out of compliance USTs, and three for no corrective actions being required by BUSTR. She reported that, as of March 1, 2024, a total of 111 eligibility applications were open. She noted that 15 applications were unreviewable until the necessary reports are received, and more information has been requested for two applications. She noted that, as of March 1, 2024, nine eligibility determinations were under appeal. She said additional information is expected for four appeals, information for two appeals has been received and is under review, and hearings are scheduled for three appeals.

Chairman Rocco said the number of eligibility appeals seems to be higher than what has been seen in the past and Ms. Brame said she is not familiar with the long-term trends. She said the appeals are typically related to unusual and very difficult decisions relating to late filing and ineligible releases. The Chairman asked if the number of eligibility applications being submitted has increased and Ms. Brame said it is a little bit higher this year. The Chairman said there were a lot of tank replacements and facility remodels going on during the last year or two, which may be driving the increase. Ms. Brame commented that it may also be related to environmental site assessments for property transfers and the new chemicals of concern in the 2017 corrective action rules being discovered.

Ms. Brame reported, as of March 1, 2024, a total of 85 cost pre-approval requests were received. She said the cost pre-approval requests include 16 requests for new remedial action plans; 37 requests for annual costs for remedial action plans or free product recovery; one request for an interim response action requiring BUSTR approval; 17 requests for either Tier 3, monitoring or calibration plans; seven cost exceedance notifications; and seven voluntary requests for cost pre-approval. She said as of March 1, 2024, a total of 79 cost pre-approval notifications had been issued and 47 cost pre-approval requests were pending review.

Rules Committee Report:

Chairman Rocco reported that the Rules Committee met to review the Board's rules to address any issues that have been raised and to ensure the rules are consistent with operational policies. He said the committee went through all 25 rules and the majority have no changes associated with them. He stated that seven rules have some changes being proposed. He then called on Ms. Brame to discuss the proposed changes to the rules related to claims processing.

3737-1-07 Establishing fund eligibility for corrective action costs.

Ms. Brame directed members to rule 3737-1-07, which she explained is the rule for establishing eligibility under the Fund. She said paragraph (A)(1) of the rule establishes an application filing deadline as a prerequisite for determining eligibility for Fund reimbursement. She said a release incident is defined by the Board's rule as a release, a suspected release, or confirmed release, whichever is first discovered. She noted that BUSTR's rules require a release, suspected release, and confirmed release to be reported to the Fire Marshal within 24 hours of discovery. She said the proposed change essentially removes the reference to the date the release incident was required to be reported to the Fire Marshal and instead establishes that the filing deadline is one year from the date of the release incident as defined in the Board's rule. Vice-Chairman Stephenson asked what date is used when a tank is removed and a release is discovered, but the release could have happened 10 years ago. Director Richmond explained that the release incident date is based upon whichever is first discovered, not first occurred.

3737-1-09 Limitations of fund coverage.

Ms. Brame said rule 3737-1-09 outlines costs that are specifically not reimbursed by the Fund. She said the proposed change consists of adding paragraph (A)(17)(h) to clarify that markup is not allowed on a lump sum amount that includes any of the items in paragraphs (A)(17)(a) through (A)(17)(g) of the rule. She commented that the change does not modify existing policy, but rather specifically states the policy in the rule.

3737-1-12.1 Mandatory and voluntary pre-approval of corrective action costs.

Ms. Brame said rule 3737-1-12.1 establishes corrective action activity that requires cost pre-approval. She said paragraph (A)(7) of the rule pertains to the requirement for cost pre-approval of free product recovery, or free product recovery activities continuing after the first year. She explained that a request for cost pre-approval must be submitted within 90 days following the anniversary date of initiating free product recovery, and annually thereafter when free product recovery is ongoing. She said the proposed rule change clarifies that cost pre-approval is required annually for each year that ongoing free product recovery is required by the fire marshal. She further explained that the intention of the change is to clarify that failure to perform the required free product recovery does not negate the cost pre-approval requirement.

Mr. King commented that the Board may want to use the term state fire marshal instead of fire marshal as there has been discussions that fire marshal can mean a local fire marshal. Director Richmond said the term “fire marshal” is defined in the definitions rule 3737-1-03 to mean the fire marshal of the state of Ohio as it is used throughout the Board’s rules.

Chairman Rocco called on Jonathan Maneval, Assistant Director, to present the other rule amendments proposed by the Committee.

3737-1-03 Definitions.

Mr. Maneval said the proposed amendment to rule 3737-1-03 is to correct the statute referenced in paragraph (A)(24). He said the citation should be section 3737.91 of the Ohio Revised Code.

3737-1-06 The deductible and the reduced deductible.

Mr. Maneval said some text in rule 3737-1-06 was rewritten to make it easier to read and understand. Chairman Rocco said the intention is not to make any changes to the deductible requirements. He stated that the rule was a little convoluted as written and the proposed text reads much better.

3737-1-16 Third-party claims.

Mr. Maneval said the proposed change to paragraph (C) of rule 3737-1-16 is to correct the cross reference. He said the term “property damage” is defined in paragraph (A)(23) of rule 3737-1-03.

3737-1-23 Access and maintenance of confidential personal information.

Mr. Maneval said the proposed amendment to rule 3737-1-23 is to correct an internal cross reference in paragraph (F). He said the reference should be paragraph (E)(4)(b) of rule 3737-1-23.

Chairman Rocco asked if there were any questions concerning the proposed rule amendments and there were none. He then requested a motion to file rules 3737-1-01, 3737-1-02, 3737-1-04, 3737-1-04.1, 3737-1-05, 3737-1-08, 3737-1-09.1, 3737-1-10, 3737-1-11, 3737-1-12, 3737-1-13, 3737-1-15, 3737-1-17, 3737-1-18, 3737-1-19, 3737-1-20, 3737-1-21, and 3737-1-22 as five-year review no-change rules with the Joint Committee on Agency Rule Review (JCARR), Legislative Service Commission (LSC), and the Secretary of State. Mr. Burks so moved, and Mr. Bryant seconded. A vote was taken, and all members were in favor. The motion passed.

Chairman Rocco requested a motion to accept the changes proposed by the Rules Committee to rules 3737-1-03, 3737-1-06, 3737-1-07, 3737-1-09, 3737-1-12.1, 3737-1-16, and 3737-1-23 and to file the

proposed amended rules with JCARR, LSC, and the Secretary of State. Mr. Burks so moved, and Mr. Bergman seconded. A vote was taken, and all members were in favor. The motion passed.

Chairman Rocco asked Mr. Maneval to explain the rules process going forward. Mr. Maneval explained that 16 of the Board's rules are subject to review by the Common Sense Initiative Office (CSI Office) because they are identified as having an adverse impact on business. He said a Business Impact Analysis will be prepared, which will justify any adverse impact. He said the Business Impact Analysis will be filed with CSI Office and it will go through a public comment period, and then the CSI Office will issue a recommendation. He said, if the recommendation is to move forward, then the rules will be filed with JCARR, LSC, and the Secretary of State. He said he anticipates the public hearing will be conducted prior to the Board's September meeting, a JCARR hearing will be held thereafter, and the Board will adopt the rules at its November meeting. Chairman Rocco said the rules will be effective January 1, 2025.

New Business:

Hardship Applications

Chairman Rocco called upon Vijetha Deshineni, Chief Fiscal Officer, to present the hardship applications.

Ms. Deshineni 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. She 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. Deshineni 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 # 22987-0001/09/27/22, Owner – Prabha Ventures LLC

Ms. Deshineni said Prabha Ventures LLC is the responsible party for a release discovered in 2022 at 50 Church Street in Coalton, Ohio. She said, as the owner, Piyush Panchal is requesting the Board grant hardship status to the LLC.

Ms. Deshineni said this is the LLCs first request for hardship status, and to date, one claim with a face value of \$11,000 has been submitted. She said the cost of corrective action work expected to be conducted over the next 24 months is estimated to be \$50,000.

Ms. Deshineni explained that Mr. Panchal is the sole member of the LLC and files individual income taxes. She said his most recent tax return reported his annual income at \$53,500, which includes income of \$20,500 from the facility. She noted the household living expenses Mr. Panchal reported on his

application are \$9,200 more than his reported income. She explained that because of this disparity and the absence of liquid assets, additional information, including banking records, was collected from Mr. Panchal. She said, based on this additional information, the information reported on the application is correct. She said the U.S. EPA model estimates that Mr. Panchal cannot afford any corrective action costs and therefore, the Director is recommending the Board approve the application and grant hardship status to Prabha Ventures LLC. Vice-Chairman Stephenson moved to approve the application and Mr. Fleming seconded. A vote was taken, and all members voted in the affirmative. The motion passed.

Claim # 24264-0001/03/27/20, Owner – Blanchester Point LLC

Ms. Deshineni said Blanchester Point LLC is the responsible party for a release that was discovered in program year 2019 at 310 West Main Street in Blanchester, Ohio.

Ms. Deshineni said this is the owner's first request for hardship status and to date, the Fund has reimbursed \$33,047.91 for this release. She said there are currently no claims pending review and the cost of corrective action work expected to be conducted over the next 24 months is estimated to be \$200,000.

Ms. Deshineni said Blanchester Point LLC sold the facility in February 2023, but continues to be responsible for the clean-up of the release. She said the 2020, 2021, and 2022 IRS tax forms submitted with the application reported net income of \$4,000, \$14,000, and \$66,000, respectively. She said based on the information provided in the application and the 2020 through 2022 tax forms, the ABEL model estimates a less than 50% probability the LLC can afford \$200,000 in corrective action costs estimated to be incurred over the next two years. She said the Director is therefore recommending the Board approve the application and grant hardship status to Blanchester Point LLC. Mr. Burks moved to approve the application and Mr. Bergman seconded. A vote was taken, and all members voted in the affirmative. The motion passed.

Certificates of Coverage – Ratifications:

Chairman Rocco called on Cindy Stauffer, Compliance Supervisor, to present the lists of owners who have been issued a Certificate of Coverage for ratification by the Board.

Ms. Stauffer 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; 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. She said if a Certificate has not been issued in one of the prior two years and the tanks existed during those years, the owner must comply with rule 3737-1-04.1 by demonstrating the tanks are in compliance with the Fire Marshal's rules for the operation and maintenance of USTs.

Ms. Stauffer stated that, if the requirements are met, a Certificate is issued. She said if the requirements are not met, the Certificate is denied. She explained that if the Certificate is denied, the owner is provided with an opportunity to appeal the denial. She said that, throughout the denial process, the

Board's staff works closely with the owner to resolve any deficiencies. She stated that all processes within the Board's rules and Revised Code were followed to make a determination to issue or deny the Certificates of Coverage.

Ms. Stauffer requested the Board ratify the Director's actions with respect to the issuance of the program year 2022 Certificates of Coverage for the four owners of the five facilities included on the program year 2022 Certificates issued list.

Mr. Fleming moved to ratify the issuance of the 2022 Certificates of Coverage for the facilities listed. Mr. Anderson seconded. A vote was taken, and all members were in favor. The motion passed.

Ms. Stauffer requested the Board ratify the Director's actions with respect to the denial of the program year 2022 Certificates of Coverage for the nine tanks located at the three facilities included on the program year 2022 Certificates denied list.

Mr. Fleming moved to ratify the denial of the 2022 Certificates of Coverage that were listed. Ms. Waggener seconded. A vote was taken, and all members were in favor. The motion passed.

Ms. Stauffer requested the Board ratify the Director's actions with respect to the issuance of the program year 2023 Certificates of Coverage for the 136 owners of the 318 facilities included on the program year 2023 Certificates issued list.

Mr. Fleming moved to ratify the issuance of the 2023 Certificates of Coverage for the facilities listed. Mr. King seconded. A vote was taken, and all members were in favor. The motion passed.

Ms. Stauffer requested the Board ratify the Director's actions with respect to the denial of the program year 2023 Certificates of Coverage for the 28 tanks located at the 12 facilities included on the program year 2023 Certificates denied list.

Mr. Bergman moved to ratify the denial of the 2023 Certificates of Coverage that were listed. Mr. King seconded. A vote was taken, and all members were in favor. The motion passed.

Executive Session:

Chairman Rocco stated that an executive session was needed and requested a motion to enter executive session with counsel pursuant to Ohio Revised Code 121.22(G)(3) to discuss matters of pending or imminent court action. Mr. Anderson so moved, and Mr. Ridi seconded. The Chairman called for a roll call. The following members voted in the affirmative: Ms. Waggener and Messrs. Bergman, Bryant, Burks, Fleming, Ridi, Stephenson, Anderson, King, and Rocco. There were no nays. The motion passed.

Reconvene Meeting

The Board adjourned the executive session and reconvened the public meeting.

Confirm Next Meeting and Adjourn:

Chairman Rocco said the next Board meeting will be held on Wednesday, June 12, 2024, at 10:00 a.m.

Vice-Chairman Stephenson made a motion to adjourn the meeting and Ms. Waggener seconded. All members were in favor.

Note: Numbers in brackets [] were incorrectly stated at the meeting. The numbers as written reflect the correct numbers from the report materials provided at the meeting.