

Who Is Insured?

A reminder to those of you who operate tanks or own tanks that are in use: Pay attention to WHO is named on the document we send you. Like any insurer, we only insure the person(s) and/or companies named as insureds on the paperwork.

People tend to think of a "site" as being insured or eligible for benefits from the PSTIF. But we don't insure sites. We insure persons, or – as it says in state law – "participants" in the Fund. If you're not participating, you cannot get reimbursed for costs you incur and you do not have coverage for third-party claims.

This recently came to mind when – unbeknownst to us – the owner of a convenience store leased it to another person to operate. Subsequently, a leak occurred, and it was discovered that the operator was not participating in the PSTIF and was not named on the participation documents. The PSTIF can only provide benefits to the owner; the operator has no coverage.

\$150 Million and Counting

The PSTIF recently passed a noteworthy milestone when it paid out its 150 millionth claim dollar. Nearly all of that – \$147.4 million – has been paid for cleanup of petroleum. The other \$2.6 million was for third-party damages and legal defense costs.

Since 1993, when the first claim was filed, the PSTIF has responded to claim notices from 5,750 property owners. Approximately 15% of those were deemed to be ineligible claims. Of the other 85%, cleanup costs exceeded \$10,000 and the PSTIF has made one or more claim payments for nearly 2,000 properties. Currently, there are 1,387 open claims, for which \$84 million has been paid out. The

PSTIF has paid out its limit of \$990,000 in only three instances.

Clearly, the PSTIF has stimulated property redevelopment in nearly every town and county in Missouri. It continues to be one of the most successful environmental cleanup programs in the country. Thanks go to all who have supported it through the years, and to all the property owners and consultants who have achieved these cleanups!

"Tech-Savvy" Tank Owners

More and more tank owners are finding out how convenient it is to use the PSTIF's "online policy management" option, which allows owners/operators to apply for coverage, or renew their coverage, via the Internet.

When the option was first introduced in early 2005, fourteen Fund participants initially took advantage of the paperless option. Today, 144 owners/operators are using it for 25% of our insured locations. If you haven't considered "going paperless," go to www.pstif.org and click on "Insuring Tanks" to learn more!

ULSD Labels

The U.S. EPA has issued an "Enforcement Alert," warning retailers to be diligent about labeling their diesel dispensers correctly. According to the Alert, "Many operators of 2007 diesel cars and trucks are complaining that they cannot locate stations with diesel pumps that are labeled ULSD, (ultra-low sulfur diesel)." It goes on to say that the problem is not that ULSD is unavailable; rather, EPA believes that a significant portion of retailers receiving and selling ULSD have not properly labeled their dispensers. EPA is issuing Notices of Violation, with financial penalties, to station owners who are found

to be violating the ULSD labeling requirements.

For more information about the ULSD labeling requirements, see www.epa.gov/cleandiesel.

New Closure Checklist

The Department of Natural Resources has posted a new checklist to help UST owners and their consultants understand what elements should be included in a Closure Report. The checklist is available at www.dnr.mo.gov/pubs/pub2218.pdf.

AST Safety

OSHA has added an aboveground storage tank module to its safety web page. The module includes information on the most frequently cited OSHA violations and a discussion of industry standards on care and safety procedures.

The module is a product of the Safe Tank Alliance, which includes OSHA, API, NFPA, and STI. It is available at www.osha.gov/dcsp/products/topics/storagetank/index.html.

EPA Training Guidelines

The U.S. EPA has issued the final set of grant guidelines for states who want to maintain full federal funding for their UST programs. The "Operator Training Guidelines" implement one of the most challenging provisions of the federal UST law passed by Congress in 2005.

As required by Congress, EPA's guidelines specify that states must create training requirements for three classes of persons: those having primary responsibility for on-site operation and maintenance of USTs, those having daily on-site responsibility for operation and

maintenance of USTs, and daily on-site employees responsible for “addressing emergencies” caused by a spill or leak. The three categories of personnel are labeled “A,” “B,” and “C.”

States who choose to implement these training requirements must “ensure” that all Class A, B, and C personnel are trained by August 8, 2012. Then, if a state determines that an owner or operator is not operating his UST system in compliance with state UST rules, it must require retraining of personnel.

Each of the fifty states will be evaluating whether, when, and how to implement these grant guidelines. See www.epa.gov/OUST/fedlaws/final_ot.htm for a copy of the grant guidelines.

Remedial Equipment Reuse

Some environmental consultants who have designed and/or installed equipment to remediate one tank site have subsequently reused some of that equipment at other sites, once the initial remediation project is complete. The PSTIF appreciates and encourages this cost-effective and environmentally friendly reuse of equipment.

There is at least one company that advertises it will purchase used remediation equipment, or will sell it on consignment. See www.rerem.com. If other similar companies are available, please

notify the PSTIF and we will publicize them in future newsletters.

National Tanks Conference

The 20th Annual National Tanks Conference will be held March 17-19, 2008 in Atlanta. Sponsored by the U.S. EPA and others, the conference attracts more than 600 state and federal officials involved in UST regulation, consultants, remediation experts, insurance companies, state tank fund managers, environmental attorneys, and others. See www.neiwppcc.org/tanksconference/ for more information.

New Trustee Appointed

Schuyler Mariea, President of the Jefferson City Market for Premier Bank, has been appointed by Governor Blunt and confirmed by the Senate as the newest member of the PSTIF Board of Trustees. Known as “Ski,” he brings considerable experience in real estate transactions and commercial lending to the Board. Ski and his wife, Sherry, have lived in Jefferson City for 23 years and have one daughter. Welcome aboard!



Don't forget – Free UST training is available at www.pstif.org

Latest Leaks is a newsletter of the Missouri Petroleum Storage Tank Insurance Fund.

www.pstif.org

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Executive Director

Carol R. Eighmey
PO Box 836
Jefferson City, MO 65102
573-522-2352

Third Party Administrator

Williams & Company Consulting, Inc.
1-800-765-2765

Send address changes to:
PSTIF
PO Box 104116
Jefferson City, MO 65110

Jefferson City, MO 65110
PO Box 104116
Insurance Fund
Petroleum Storage Tank