

**Minutes of PSTIF Advisory Committee Meeting  
Via Telephone Conference Call and Webinar  
May 3, 2011**

Chairman Ayers called the meeting by teleconference and webinar to order at 8:30 a.m. Roll call was taken to let everyone know who was participating during the webinar; after the roll was called, other members joined the call; final participation is shown below.

**Members Present:**

Steve Ayers, Ayers Oil Co., CHAIRMAN  
Mark Jordan, Wallis Oil Co., VICE CHAIRMAN  
Ron Bachman, St. Joe Petroleum  
Wayne Baker, Warrenton Oil Co.  
Bruce Barnes, Santie Oil Co.  
Tracy Barth, MFA Petroleum Co.  
Don Bechtel, BECA, Inc.  
Phil Farrell, Double Check Co.  
Doug Henderson, Henderson Oil Co.  
Ken Koon, DNR/HWP/Tanks Section  
Lori Larkin, Chartis Insurance  
David Mangelsdorf, Home Service Oil Co.  
Stewart McIntyre, Big River Oil  
Russ Rosenthal (for Scott Young), Polsinelli Shughart  
Sonny Underwood, MidSouth Steel Products, Inc.  
Curtis Wall, Division of Weights and Measures, Department of Agriculture

**Members Absent:**

Daryl Bowles, DK Environmental, LLC  
Paul Cox, Cox Oil Co.  
Grant Eble, Western Oil Co.  
Ron Leone, MO Petroleum Marketers and Convenience Store Association  
Zarar "Bobby" Lodhi, Lion Petroleum  
Robin Melton, Environmental Works, Inc.  
Charlie Patel, H E of Kansas City  
Ryan Rowden, Missouri Petroleum Council  
Jack Sachs, Hocker Oil Co.  
Donna Weil, Site Oil Co.

**Staff Present:**

Bob Clarke, Williams and Company Consulting  
Carol R. Eighmey, Executive Director, PSTIF  
Tammy Fagan, Williams and Company Consulting  
Dan Henry, Williams and Company Consulting

**Staff Present (continued):**

Diane James, Executive Assistant, PSTIF  
Dorcee Lauen, Williams and Company Consulting  
Steve Lauen, Williams and Company Consulting

**Others Present:**

John Albert, PSTIF Trustee and Petroleum Program Administrator, Division of Weights and Measures, Department of Agriculture  
Todd Burkhardt, Neumayer Equipment  
Kevin Cain, Ayers Oil Co.  
Tim Duggan, Attorney General's Office  
Jim Fels, Gredell Engineering  
Donnie Greenwalt, Wallis Oil Co.  
Heather Peters, DNR/HWP/Compliance-Enforcement Section  
Tom Pfeiffer, PSTIF Trustee  
Pat Rounds, Rounds and Associates  
Brian Wiegert, Rounds and Associates

**Review and Approval of Minutes – June 8, 2010 Meeting**

Chairman Ayers asked members to review the draft minutes from the last Advisory Committee meeting, held on January 20, 2011 via teleconference and webinar. (*The minutes were displayed on the computer screen.*) David Mangelsdorf moved that the minutes be approved. Curtis Wall seconded. Chairman Ayers invited additions or corrections; none were proposed. Motion carried.

Chairman Ayers then announced that the primary purpose of the meeting was to discuss the frequency of UST inspections and asked Carol Eighmey to lead the discussion. Ms. Eighmey explained EPA's requirements, noting a recent memo from EPA specifies states must inspect UST sites at least once every 1095 days, and that inspecting a site once every three years as Missouri is currently doing does not meet that requirement. (*A powerpoint presentation was displayed on the computer screen.*) Four options were presented: (a) leaving the current three-year inspection cycle in place, which risks loss of some federal funds for DNR's UST regulatory program; (b) changing to a two-year cycle; (c) changing to a 30-month cycle; or (d) keeping the current three-year cycle but requiring the inspection contractor to visit each site no later than the date of the prior inspection and no earlier than 60-90 days before the date of the prior inspection.

Members then discussed the options. Mssrs. Rounds and Wiegert explained some of the pros and cons to the various options.

After discussion, Chairman Ayers suggested that the members seemed to favor the 30-month cycle. Several other members concurred; no one expressed a different view, so Ms. Eighmey said she would convey that sentiment to the Board.

Ms. Eighmey then asked for feedback on how the current inspection system is working and whether there are suggestions for improving the inspections and/or the communications to/from the tank owners/operators and among the state agencies.

David Mangelsdorf noted that inspections on nights or weekends, when no manager is at the store, sometimes cause a problem, but observed that prohibiting the contractor from doing this could increase the cost per inspection.

Steve Ayers commented that there are still sometimes cases where paperwork sent in by the tank owner/operator to one party, (Rounds, DNR or PSTIF), is requested by a different party, but these instances seem to be fewer now than in the past.

A question was raised about whether DNR, Department of Agriculture and PSTIF are all inspecting the same things. Heather Peters clarified that DNR has reduced its follow-up "audit inspections" and rarely conducts an independent inspection of an operating UST site except in response to a complaint; she noted that DNR now prefers to accompany Rounds during some of their inspections as a means of auditing their work. John Albert clarified that his inspectors are focusing on fire/safety aspects, which are different from DNR's requirements. Ms. Eighmey said Rounds' inspectors are supposed to look for violations of either DNR's or Department of Agriculture's requirements, since compliance with both are required for PSTIF coverage.

Members encouraged continued efforts to eliminate duplication of effort or overlap among the state agencies. Ms. Eighmey invited members to send examples of inefficiencies or duplication to her, Ms. Peters or Mr. Albert, so they could investigate and continue to address this issue.

### **Update on Legislation of Interest**

Ms. Eighmey reported that bills authorizing the PSTIF to create and fund an UST Operator Training program have been passed by both the House and Senate, but they are different versions so the bills now must go to conference committee. She noted it does not appear that the "Fund Sweep" bill will pass this year. A third bill of interest would require all state agencies to review all their rules at least once every six years and would create legislative oversight of these reviews via the Joint Committee on Administrative Rules. She noted the 2011 session of the Legislature will adjourn on May 13.

### **Update on Rulemakings**

*DNR's UST Rules* – Ms. Eighmey reviewed the schedule for publication and comment on the proposed rule changes and encouraged members to be sure and provide

feedback to the DNR by the June 23 deadline. These UST rule revisions tentatively have an effective date of December 30, 2011.

*EPA Plans for UST Rules* – Ms. Eighmey and Ms. Peters briefly summarized the timetable and focus of UST rule revisions being considered by EPA. There was a question about testing spill buckets; Ms. Peters said it is not yet clear what EPA has in mind. She noted most of EPA's rule changes will likely be aimed at double-wall UST systems, so may not affect Missouri UST owners/operators as much as owners in other states where all UST systems, or all new UST systems, are required to be double-walled.

*DNR Rules for Tank Site Cleanups* – Ms. Eighmey reported that ongoing discussion with DNR management has been fruitful and she believes all of the major issues except one have been tentatively resolved.

*DNR Rules for Monitoring Wells* – Ms. Eighmey noted the final rules will be published in June and be effective July 30, 2011.

*AST FR Rule* – Ms. Eighmey reported the final rule will be published in July and become effective August 30, 2011.

*Nozzle Color Rule* – Mr. Albert confirmed that the proposed color requirements have been dropped and instead will be proposed at the National Conference of Weights and Measures as a national standard; the requirement for different nozzle diameters will be finalized as a state rule later this summer.

### **Other Issues or Questions**

Chairman Ayers asked whether there were any other issues or questions to be brought before the Committee. There being none, he thanked everyone for participating and adjourned the teleconference at 9:25 a.m.

Respectfully submitted:

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Carol R. Eighmey

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Date