

**MINUTES**  
**Petroleum Storage Tank Insurance Fund**  
**Board of Trustees Meeting**  
**March 23, 2017**

**Governor Office Building, Room 470, Jefferson City, MO**  
**Start Time: 9:30 a.m.**

Chairman McNutt called the meeting to order. He introduced Katie Jo Wheeler as the DNR's new General Counsel and designated PSTIF Trustee.

**Trustees Present:**

Don McNutt, Chairman  
Jim Ford, Vice Chairman  
John Albert  
James Greer  
Tom Kolb  
Ski Mariea  
Kristen Paulsmeyer  
Katie Jo Wheeler

**Absent:**

Tom Kolb  
Tom Pfeiffer

**Staff Present:**

Carol R. Eighmey, Executive Director  
Thais Folta, Miller, Pearson, Gloe, Burns, Beatty & Parrish  
Dan Henry, Williams & Company Consulting  
Diane James, Executive Assistant  
Dorcee Lauen, Williams & Company Consulting  
Patrick J. Vuchetich, Williams & Company Consulting  
David Walters, Williams & Company Consulting  
Brian Weisel, Assistant Attorney General

**Others Present:**

Ken Koon, Chief, Tanks Section, Hazardous Waste Program, DNR  
Ron Leone, Executive Director, MPCA  
Angie McMichael, Hazardous Waste Program, DNR  
Heather Peters, Compliance/Enforcement Section, Hazardous Waste Program, DNR  
Aaron Schmidt, Division of Environmental Quality, DNR

**Review and Approval of Minutes – January 25, 2017 Open Session Meeting**

Jim Ford moved that the minutes from the January 25, 2017 Board meeting be approved. Ski Mariea seconded. Motion carried.

### **Insurance Appeal for USTs Out of Use for 5+ Years**

Chairman McNutt took up the one remaining request to insure USTs that had been out of use five years or more. Ms. Eighmey briefly summarized the information contained in the Trustees' notebooks.

### **Monthly Reports**

Chairman McNutt invited questions or comments on the financial statements, activity reports or large-loss claims information; there were none.

### **Legislative Report**

Chairman McNutt observed a lot of interesting bills had been filed this year and invited Ms. Eighmey to comment. She reported the Board's request for an increased appropriation and authority to hire an additional FTE was not included in the Governor's budget recommendations; all other expenditures approved by the Board, including those for other agencies, were included.

She noted other bills of interest that could affect the Board's operations deal with state agencies' contracts with attorneys, the "Sunshine Law," and insurance-related issues.

Jim Ford asked about HB206; Ms. Eighmey responded she had no information beyond what was provided in the materials. Katie Jo Wheeler said she also had no information about the bill and noted state and federal employees are allowed to enter onto private property for certain reasons.

### **Claims and Cleanups**

Chairman McNutt directed Trustees' attention to the summary of the claims involving a petroleum release confirmed before the tanks were insured by the Board, lauding the fact that the list is down to 19 sites. He urged Ken Koon and Dave Walters to keep things moving on those files.

The chairman noted all 19 releases were reported at least twenty years ago and six of the files are 25 years old or more, so they also show up on the list of 25-year-old claims in the meeting materials, along with 53 others. He invited comments or questions.

Ms. Eighmey noted the list shows a significant amount of money has been spent on nearly all of the old claims, indicating those cleanups should be nearly complete. Mr. McNutt concurred, saying it's encouraging that work is underway at all but six of the 25-year-old claims. Ski Mariea asked if municipalities can obtain insurance and/or remedial claim benefits from the PSTIF; Ms. Eighmey said yes. In response to a question from Jim Ford, it was noted obtaining a "No Further Action letter" doesn't mean the claim file is closed, since requests for reimbursement for work already done and/or to plug the monitoring wells may be sent to the PSTIF several months later.

There was a brief discussion about the shift in liability that will occur on December 31, 2017 and how that may affect certain claims. Ms. Eighmey said David Walters and his staff are working on a plan for identifying sites affected by that statute and notifying the appropriate persons about it.

Chairman McNutt then asked about the status of efforts to engage an outside expert on “plume stability,” an issue delaying closure of many files. Ken Koon said he and Dave Walters plan to discuss that at a meeting on April 13.

James Greer reported MFA had recently obtained a “No Further Action letter” for one of the sites on the list where a release was confirmed in 1988.

### **Report on Advisory Committee Meeting**

Ms. Eighmey gave a verbal report on the recent Advisory Committee meeting, indicating Committee members had reviewed and discussed the process by which tank owners apply for coverage, staff review compliance, and related procedures. She recognized Dorcee Lauen, who has been performing and managing this work for 25 years, and complimented Ms. Lauen, her staff, and tank owners for the extremely high level of compliance they maintain, noting their efforts have dramatically limited the number of leaks that occur.

Chairman McNutt asked whether the Committee discussed extending the sunset date; Ms. Eighmey responded that was not specifically on the agenda, but the Committee did discuss the PSTIF’s finances and its long-term risks. Ron Leone commented his organization might consider legislation in 2018.

### **Administrative Issues**

Chairman McNutt thanked Ms. James for her work on the new website set to launch March 31.

He said Ms. Eighmey had requested approval to attend an ASTSWMO UST Compliance and Prevention Workshop in Louisville, Kentucky, in May, noting her travel would be reimbursed with federal funds. Jim Ford moved to approve the Executive Director’s out-of-state travel to the May meeting in Louisville. Ski Mariea seconded. Motion carried.

Chairman McNutt invited questions about the billings provided; there were none.

He thanked those in attendance for coming and reminded all present the next meeting would be on May 17 at the Doubletree Hotel in Jefferson City. He then asked the Trustees to go into closed session to:

- Approve the minutes from two closed meetings;
- Make a decision on Mr. Altom’s insurance appeal; and
- Discuss ongoing and threatened litigation.

Jim Ford moved to go into closed session to discuss the matters identified by the Chairman, as authorized by Section 610.021, RSMo. Ski Mariea seconded. A roll call vote was taken; motion carried without dissent.

Chairman McNutt adjourned the open session meeting at 10:09 a.m.

Respectfully submitted:

Approved by:

S/  
Carol R. Eighmey

S/  
James Greer, Chairman

5/17/17  
Date