

**Minutes of PSTIF Advisory Committee Meeting
April 17, 2014**

Chairman Ayers called the meeting to order at 11:02 a.m. and invited everyone present to introduce themselves.

Members Present:

Steve Ayers, Ayers Oil Co., CHAIRMAN
Mark Jordan, Wallis Oil Co., VICE CHAIRMAN
Wayne Baker, Warrenton Oil Co.
Gary Bemboom, Bee Line Snack Shops
Daryl Bowles, DK Environmental, LLC
Dan Creek (for Tracy Barth), MFA Petroleum Co.
Phil Farrell, Double Check Co.
Darlene Johnston (for Zazar "Bobby" Lodhi), Lion Petroleum
Ken Koon, DNR/HWP/Tanks Section
David Mangelsdorf, Home Service Oil Co.
Stewart McIntyre, Big River Oil
Ron Morton (for Jack Sachs), Hocker Oil Co.
Jason Smith, Environmental Works, Inc.
Adam Troutwine (for Scott Young), Polsinelli
Sonny Underwood, MidSouth Steel Products, Inc.
Curtis Wall, MO Weights, Measures, and Consumer Protection Division

Members Absent:

Ron Bachman, St. Joe Petroleum
Bruce Barnes, Santie Oil Co.
Don Bechtel, BECA, Inc.
Paul Cox, Cox Oil Co.
Grant Eble, Western Oil Co.
Doug Henderson, Henderson Oil Co.
Lori Larkin, Chartis Insurance
Ron Leone, MO Petroleum Marketers and Convenience Store Assn.
Charlie Patel, H E of Kansas City
Ryan Rowden, Missouri Petroleum Council
Donna Weil, Site Oil Co.

Staff Present:

Tim Duggan, Attorney General's Office
Carol R. Eighmey, Executive Director, PSTIF
Dan Henry, Williams & Company Consulting
Diane James, Executive Assistant, PSTIF
Dorcee Lauen, Williams & Company Consulting
David Walters, Williams & Company Consulting

Others Present:

John Albert, PSTIF Board Trustee and MO Weights, Measures and Consumer Protection Division
Carey Bridges, DNR/DGLS/Geological Survey Program
Todd Burkhardt, Neumayer Equipment Co.
Donnie Greenwalt, Wallis Oil Co.
Hannah Humphrey, DNR/HWP/Long Term Stewardship Unit
Mevlida Muminevic, Lion Petroleum
Heather Peters, DNR/HWP/Compliance & Enforcement Section
Doug Potts, Commerce Bank
Bill Sloan, Commerce Bank
Rita Wiggin, Commerce Bank

Review/Approval of Minutes – April 19, 2013 Meeting

Curtis Wall moved that the minutes be approved. Adam Troutwine seconded. Motion carried.

Program Overview and Finances

Ms. Eighmey briefly reviewed the Fund's finances and invited questions from Committee members.

Curtis Wall moved to approve the Fund's financial statements as presented. Adam Troutwine seconded. Motion carried.

Coming UST Rule Changes

Ms. Eighmey initiated review/discussion of the list provided in Committee members' packets, noting the items listed with a period at the end are definitely going to happen, while those listed with a question mark are simply ideas and are open for discussion. She also invited ideas in addition to those listed.

Heather Peters reminded folks that EPA proposed changes to the federal UST rules in November 2011, but no final decision has been made on those proposals. She noted the DNR's UST rule changes will be formally proposed *after* EPA publishes a final version of its UST rules, expected to happen in the fall of 2014. Ms. Peters then led a discussion of the items on the list.

Questions were raised about how spill buckets will be tested, if EPA's new rules require it; members expressed concern about proper procedures for water disposal if they are required to fill the buckets with water to test them. Ms. Peters

said she is in discussion with other DNR personnel and will not impose this requirement until the DNR can provide a clear answer to that question.

Members were reminded that the DNR will require all new USTs installed after July 1, 2017 to be double-walled, and that any double-walled component will have to be regularly tested.

It was noted item #6 (prohibiting installation of a new UST within 300 feet of a well) would be difficult to implement.

No one expressed objection to eliminating vapor monitoring and groundwater monitoring as options for leak detection.

During discussion on items #9 and #10, it was clarified that the throughput of the tank is apparent from the SIR data and that the various SIR methods were certified by third parties as valid only for certain throughputs. Ms. Eighmey asked Dorcee Lauen to assemble information on which vendors' methods are valid for what throughputs; PSTIF will help disseminate this information to insureds who are using SIR. Ms. Peters estimated there are six or seven SIR vendors currently offering services.

No one spoke in favor of or suggested lowering the "high throughput" criterion from the current level of 800,000 gallons/month.

There was discussion of the need to replace batteries for certain leak detection systems that "lose data" if the power is interrupted, (item #12); members agreed this is a good practice and that owners/operators need to be educated on the importance of doing so, but were not enthusiastic about requiring it in the rules, since they would then have to document that they comply. Ms. Peters pointed out this may be addressed in EPA's rules as part of the three-year test of ATGs that may be required; she also noted ATG manufacturers have recommended protocols likely address this issue, so another option is simply to require owners/operators to follow those.

Regarding what should be allowed or prohibited in the rules regarding re-repair of spill buckets, Ms. Peters encouraged members to provide feedback. She said the DNR does not want to prohibit valid practices, but is concerned about situations where repeated repairs are done instead of replacement.

She also commented about item #14, noting the substantial risks of putting metal piping back in service after it has been out of use and not protected from corrosion for a period of time.

Ms. Peters then briefly reviewed the next few items: Item #15 will depend on EPA's final rules; item #16 would incorporate PEI standards for marinas with USTs; item #17 will also depend on EPA's rules. Phil Farrell asked how owners would comply with item #17 for piping; Ms. Peters acknowledged that is not clear

at the present and said she anticipates the equipment industry will likely issue standards through PEI.

There were no objections to shortening the lead time for new UST installation notices, nor any comments on the suggestion to require tie-downs for all new USTs, (items #18 and #19).

There were comments and a lack of consensus on item #20. Ms. Peters noted an ATG test doesn't meet the post-installation testing requirement unless the tank is 95% full; it was noted the test can be done with water in the tank, but the ATG then must be reprogrammed for fuel. Some comments indicated the suggested approach may be too restrictive, although all agreed it is important to test the integrity of new installations.

Ms. Peters noted the DNR's current rules do not address the "tank within a tank" products that are now available, so the rule revision needs to do so.

There were both positive and negative comments about the idea of requiring photo documentation when a tank lining is inspected (item #23); members liked the idea of getting that from the vendor, but there were concerns about requiring it in the rules because that creates an additional record keeping requirement for owners/operators.

Response to item #24 was similar; no one disagreed this is a good practice but some suggested it is not necessary for DNR's UST rules to govern the equipment industry to this extent, that owners/operators need to take some responsibility for hiring competent, qualified companies to do their work, and that requirements like this are sometimes a way for larger, more established companies to limit competition.

Chairman Ayers adjourned the meeting for a lunch break at 12:17pm and resumed the meeting at 12:40pm

Possible Future MDA Rule Changes

John Albert mentioned that the rule allowing sale of E15 will become effective on May 30, 2014.

In response to a question about a checklist or form for making sure equipment is compatible with E15, it was noted that all three agencies – MDA, DNR and PSTIF – require the owner and his equipment vendor to assure all equipment is compatible. Reviewing manufacturers' statements, PEI's website, and EPA's website was recommended; it was suggested owners will likely have to use relatively new equipment if they want to sell E15, as they do for E85. Mr. Albert also noted that, as with E85, MDA will not allow E15 to be sold from the same dispenser where regular gasoline or E10 is offered.

Mr. Albert then briefly reviewed the other items listed in members' packets, noting legislation regarding MDA regulation of CNG and LNG dispensing devices may pass this year.

He indicated MDA expects to initiate a rulemaking for items #4 (motor oil quality standards) and #6 (fire/safety requirements for CNG and LNG) this year.

Possible PSTIF Claims Rule Changes

Ms. Eighmey then reviewed the list of possible changes to the PSTIF claims rule, noting they are probably of greatest interest to consultants, as they do not affect tank owners' daily operations.

There was a brief discussion about the idea of requiring a schedule, with members noting it will be important for the DNR to review and consider the schedule as it sends correspondence out regarding cleanups.

Proposed New DNR Air Pollution Rule for St. Louis Area

Ms. Eighmey let members know there had been a meeting on this subject last fall, attended by DNR, PSTIF, MPCA, tank owners and equipment companies, and that the formal rulemaking process has begun. She invited those present who are interested to stay for a similar meeting being held later that day at the MPCA office.

DNR Plans for a Web-Based Map of Tank Sites

Hannah Humphrey was introduced; she gave a presentation on the DNR's new web-based map that provides information on properties that have been cleaned up under the Voluntary Cleanup Program. She explained the Department intends to add other types of sites to the map, but noted it will be necessary to use different terminology for tank sites.

A brief discussion followed; some concerns were expressed about whether such information is likely to be misused; it was noted some states have declined to put information about petroleum sites – particular ASTs – on such applications due to security concerns. It was also noted that – for tank sites more so than Superfund or VCP sites – the same property may have many different designations, e.g., “a release already cleaned up” and “a release being cleaned up,” “tanks formerly operated” and “tanks currently being operated,” etc. Ms. Humphrey agreed these are important design considerations and assured the Committee the DNR is aware of them.

Legislative Issues of Interest

Ms. Eighmey reported there are presently no bills in the legislature directly affecting the PSTIF, other than the appropriations bills, which are moving through the legislative process as expected. She directed members' attention to the other bills of interest summarized in their packets.

Other Business

There being no other business, Chairman Ayers asked for a motion to adjourn the meeting. Curtis Wall so moved; Adam Troutwine seconded. Motion carried

Chairman Ayers adjourned the meeting at 1:29 p.m.

Respectfully submitted:

_____/S/_____
Carol R. Eighmey

_____/10/22/2015_____
Date