

**MINUTES**  
**Petroleum Storage Tank Insurance Fund**  
**Board of Trustees Meeting**  
**November 28, 2018**

**The University Club, University of Missouri Campus, Columbia, MO**  
**Start Time: 9:30 a.m.**

Chairman Greer called the meeting to order. He introduced Nikki Loethen as the Office of Administration's newly-appointed trustee and Justin Smith as the newly-appointed trustee for the Department of Agriculture.

**Trustees Present:**

James Greer, Chairman  
Tom Kolb  
Nikki Loethen  
Ski Mariea  
Don McNutt  
Danny Opie  
Justin Smith  
Katie Jo Wheeler

**Trustees Absent:**

Jim Ford, Vice Chairman

**Staff Present:**

Carol R. Eighmey, Executive Director  
Pat Eriksen, Williams & Company Consulting  
Dan Henry, Williams & Company Consulting  
Craig Jacobs, Assistant Attorney General  
Diane James, Executive Assistant

**Others Present:**

Ron Hayes, Department of Agriculture, Administration  
Ken Koon, Tanks Section, Hazardous Waste Program, DNR  
Ron Leone, MO Petroleum Marketers and Convenience Store Association  
Mike Martin, UST Compliance and Technology Unit, Hazardous Waste Program, DNR  
Darryl Slade, Compliance/Enforcement Section, Hazardous Waste Program, DNR  
Kevin Upschulte, Department of Agriculture, Fuel Quality Program

**Review and Approval of Minutes**

*July 25, 2018 – Open Session* – Ski Mariea moved to approve the revised minutes as presented. Katie Jo Wheeler seconded. Motion carried.

*September 27, 2018 – Open Session* – Ski Mariea moved that the minutes be approved. Tom Kolb seconded. Motion carried.

*October 19, 2018 – Open Session via Email Vote* – Ski Mariea moved that the minutes from this open session via email vote be approved. Tom Kolb seconded. Motion carried.

### **Reconsideration of Approved Minutes – May 23, 2018 Open Session**

Chairman Greer reminded the Board that minutes from this meeting had already been approved, but at the last meeting the Board had agreed to give Trustee Wheeler opportunity to offer an amendment. Katie Jo Wheeler moved to approve the amended version contained in the meeting materials. Ski Mariea seconded. Motion carried.

### **Monthly Reports**

Chairman Greer invited questions about the financial statements and asked whether anyone had heard comments about the Board's decision to increase the transport load fee; there were no questions and other trustees said they'd not had any feedback about the fee increase.

The chairman asked why there has been no net decline in the number of open claims over the last 3-4 months; Ms. Eighmey remarked she also was curious as to why and had asked Pat Eriksen to look into it.

### **DNR FY20 Budget Request**

Chairman Greer reminded Trustees he had tabled the Department's request at the last meeting and specifically asked the Department to meet and talk about its plans. He said his request had been ignored; he then moved to approve the same funding for FY20 as for FY19 – \$1,193,067, plus the \$6,020 for COLA approved in FY19 and the additional \$6,336 requested for leasing costs. Don McNutt seconded.

Discussion followed; a transcript is attached.

Justin Smith then moved to amend the motion to approve the funding requested by the Department. Katie Jo Wheeler seconded. After a brief additional discussion, a vote was taken; the amendment failed 6-2.

The original motion was then voted on; it carried 6-2.

### **Legislative Initiative**

Ms. Eighmey briefly reviewed the bill affecting the PSTIF that passed in 2018, noting it was limited in scope. She indicated she had hoped the task force authorized by the bill would provide a forum for considering other legislative changes to the program, but it

appears the task force will not be constituted and meet by year's end. She reported she had met with Governor Parson's staff to discuss the possibility of the board initiating legislation; they had approved the concept. She outlined several issues that could be addressed in a bill, including clarifying coverage issues, authorizing the board to engage subrogation counsel at a higher contingency fee than currently allowed by statute, and expanding the board's options for settling third-party claims. She asked the Board to authorize her to work with the DNR, MDA, MPCA, and board counsel to draft legislation, with the understanding that any bill would have to be approved by the Governor's office and the Board. She noted the timeframe for accomplishing this is short but recommended it be undertaken.

Don McNutt moved to authorize the Executive Director to take the lead in getting a bill drafted and introduced. Tom Kolb seconded. Motion carried after clarification that the bill would be reviewed by the Board at its January 23 meeting.

### **Isobutanol, E15, and Other Fuel Quality Issues – MDA**

Chairman Greer introduced Ron Hayes and Kevin Upschulte from the Department of Agriculture's Division of Weights and Measures, who presented information on isobutanol and E15, then summarized the Department's ongoing inspections of fuel in standby generator tanks. Trustees asked several questions. Chairman Greer thanked Mr. Upschulte and Mr. Hayes for their information and commended them for Missouri's excellent fuel quality and fuel inspection program.

### **Updates and Administrative Issues**

*Report from Advisory Committee* – Ms. Eighmey gave a quick summary of the meeting.

*DNR Rules – WIB, Air, UST Cleanup* – Chairman Greer briefly reviewed these recent rulemaking activities of interest to tank owners.

*2019 Board Meeting Dates/Locations* – Chairman Greer inquired whether any Trustee had conflicts with the proposed meeting dates/locations for 2019; there being none, he asked them to calendar the dates and locations presented.

*Billings* – There were no questions about recent billings.

Chairman Greer thanked all those in attendance for coming and announced the next meeting is scheduled for Wednesday, January 23, 2019 at the same location.

Chairman Greer then asked the Trustees to go into closed session to:

- Approve the minutes from previous closed sessions;
- Discuss ongoing and threatened litigation; and
- Discuss personnel matters.

