



Petroleum Underground Storage Tank Release Compensation Board

P.O. Box 163188 • Columbus, Ohio 43216-3188
Phone: (614) 752-8963 • Fax: (614) 752-8397
www.petroboard.org

MINUTES OF THE 156th MEETING OF THE PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD January 14, 2015

BOARD MEMBERS IN ATTENDANCE

Jim Rocco
Don Bryant
Scott Fleming
Steve Hightower
Cheryl Hilvert
Tom Stephenson

EX-OFFICIO MEMBERS IN ATTENDANCE

Bill Hills, representing Director Andre Porter, Ohio Department of Commerce
Chris Geyer, representing Director Craig Butler, Ohio Environmental Protection Agency
Bob Field, representing Josh Mandel, State Treasurer of Ohio

OTHERS IN ATTENDANCE

Starr Richmond	Executive Director, PUSTRCB
Madelin Esquivel	Assistant Director, PUSTRCB
Don Leasor	Chief Fiscal Officer, PUSTRCB
Cindy Duann	Claims Supervisor, PUSTRCB
Jonathan Maneval	Administrative Coordinator, PUSTRCB
Val Gatallin	Environmental Claims Analyst, PUSTRCB
John Hickey	Fiscal Specialist, PUSTRCB
Shalonda Lee	Coverage Analyst, PUSTRCB
Carla Dowling-Fitzpatrick	Assistant Attorney General
Bill Kennedy	Kennedy Cottrell Richards, LLC
Bill Behrendt	OPMCA
Dan Adams	Cardno ATC
Doug Darrah	Cardno ATC

Minutes submitted by:

Jonathan Maneval
Administrative Coordinator

Call to Order:

Chairman Rocco convened the one hundred fifty-sixth meeting of the Petroleum Underground Storage Tank Release Compensation Board on Wednesday, January 14, 2015.

The following members were in attendance: Jim Rocco; Don Bryant; Scott Fleming; Steve Hightower; Cheryl Hilvert; Tom Stephenson; Bill Hills, representing Director Andre Porter, Ohio Department of Commerce; Chris Geyer, representing Director Craig Butler, Ohio Environmental Protection Agency; and Bob Field, representing Josh Mandel, State Treasurer of Ohio.

The following member was not in attendance: John Hull.

Chairman Rocco welcomed Scott Fleming, who Governor Kasich appointed to the Board as a representative of businesses that own petroleum underground storage tanks. Mr. Fleming briefly introduced himself and discussed his role in environmental compliance at Speedway, LLC.

Minutes:

Chairman Rocco asked if there were any comments or questions regarding the minutes from the November 12, 2014 Board meeting, and there were none. Mr. Hills moved to approve the minutes. Mr. Hightower seconded. A vote was taken and the following members voted in the affirmative: Ms. Hilvert and Messrs. Bryant, Fleming, Geyer, Hills, Stephenson and Rocco. Mr. Field was not present for the vote. The minutes were approved as presented.

BUSTR Report:

Chairman Rocco called upon Bill Hills, Bureau Chief, to present the Bureau of Underground Storage Tank Regulations (BUSTR) report.

Mr. Hills reported that BUSTR is currently in the process of hiring two intermittent employees to assist with clerical duties including responding to public records requests and providing assistance with the scanning and management of files.

Mr. Hills said the Revolving Loan Fund Program is in place and the loan application is available on BUSTR's website. This fund provides financing to political subdivisions, such as government entities and community improvement corporations, to address the removal of abandoned underground storage tank (UST) systems and other UST assessment and closure activities. He said that some entities have inquired about the loan, but no completed loan applications have been received.

Mr. Hills said that a second responsible party search program is currently underway, and that 110 sites with petroleum UST releases are being researched by the vendors. This responsible party search program is used to identify UST owners and operators that are responsible for the investigation and cleanup of petroleum releases from USTs.

Mr. Hills reported that the attorney and clerk positions that were funded through the LUST grant allocation for fiscal years 2015/2016 continue to be in a holding pattern with the Office of Human Resources due to restrictions to the number of personnel that can be employed by the Department of Commerce.

Mr. Hills said the UST grant program, which covers the field inspector and release prevention section of BUSTR, received a 12% cut in funding for fiscal years 2014/2015. He said that this cut prevented BUSTR from filling a vacant field inspector position and replacing vehicles.

Mr. Hills said that the Department of Commerce will be holding an all-employee meeting at the fairgrounds (Ohio Expo Center) on February 26, 2015. He noted that an all-employee meeting has not been held by the department in roughly 10 years, and the details of the meeting including the subject matter are unknown.

Mr. Hills said BUSTR's release prevention staff presented at a refresher course for certified installers, and BUSTR was considering a presentation at the annual meeting of the Ohio State Bar Association.

Mr. Hills stated that some minor tweaks are being made to improve the OTTER (Ohio Tank Tracking & Environmental Regulations) database application. He said BUSTR is starting to develop a plan to eliminate some paperwork and move towards electronically based records.

Mr. Hills reported for the week ending January 3, 2015, there were 31 new inspections performed for a total of 4,377 inspections for the three-year inspection cycle ending June 30, 2016. He said that five NFAs (no further actions) were generated during this same time period for a total of 134 for the grant cycle ending September 30, 2015.

Mr. Hills stated that, as of January 3, 2015, there were 21,821 registered USTs, and roughly 3,700 owners of 7,400 registered facilities. He said that these numbers appear to be fairly consistent with previous reports.

Financial Report:

Chairman Rocco called upon Don Leasor, Chief Fiscal Officer, to present the financial reports.

Audit Report

Mr. Leasor reported that Kennedy Cottrell Richards submitted the audited financial statements to the Auditor of State prior to the December 31st deadline. He noted the audit report is subject to review and acceptance by the Office of the Auditor of State, and the report will be made publicly available when it is released by that office.

Mr. Leasor introduced Bill Kennedy, a representative from Kennedy Cottrell Richards, to present the firm's reports that were issued in conjunction with the audit and to answer any questions.

Mr. Kennedy thanked Mr. Leasor, Ms. Richmond and other Board staff for their work and assistance during the audit process. He pointed out that the audit went very smoothly considering it was the first audit Kennedy Cottrell Richards had performed for the Board.

Mr. Kennedy briefly discussed the Independent Auditor's Report. He explained that management was responsible for the preparation and presentation of the financial statements in accordance with generally accepted accounting principles, and that Kennedy Cottrell Richards was responsible for conducting its audit in accordance with generally accepted auditing standards and with government auditing standards.

Mr. Kennedy directed members to the opinion presented in the final paragraph of the first page of the report and explained it is a clean opinion, stating that the financial statements present fairly, in all material respects, the financial position of the Board as of June 30, 2014.

Mr. Kennedy reminded the Board members that management's discussion and analysis, and the financial statements, including the notes to the financial statements, had been presented by Mr. Leasor at the previous meeting. He said following these sections of the financial report is Kennedy Cottrell Richards' second report concerning the Board's internal controls over financial reporting and other compliance matters, which is required in accordance with government auditing standards.

Mr. Kennedy explained that as part of the financial statements audit, their firm considered the Board's internal controls over the financial reporting process, and tested those controls, or verified that the controls were operating and in place. He stated that they do not provide an opinion on internal controls. However, they did not identify any deficiencies in internal control over financial reporting that would be considered to be material weaknesses.

Mr. Kennedy said they also tested for the Board's compliance with any material laws or regulations that could impact the financial statements. He said that their tests disclosed no instances of material noncompliance or other matters that should be reported.

Mr. Hightower questioned why management's discussion and analysis was unaudited. Mr. Kennedy stated that auditing this discussion and analysis would fall outside the scope of the audit. He explained that this portion of the report is simply a discussion prepared by the Board's staff that presents an overview of the financial statements and discusses them in broad terms. He noted that their firm reviewed the management's discussion and analysis section, performed some limited procedures to verify amounts included in the report, and also checked for obvious errors.

October and November Financials

Mr. Leasor said the October and November financials were emailed to each member. He asked if there were any questions or concerns regarding these reports, and there were none.

Mr. Leasor said in accordance with the Settlement Agreement and Release executed with Chevron, payment in the amount of \$2.9 million, less attorney's fees, was received on December 11, 2014.

Mr. Leasor reported as of January 13, 2015, the unobligated account balance is \$24.4 million. He said this amount includes \$16.4 million in STAR Ohio and the custodial account, and the \$8 million invested in US treasuries and US agency callable bonds. He said the obligated account balance for the payment of claims is just over \$4.9 million.

Mr. Leasor said the claims expense for November was just over \$1 million, and to date, approximately \$4.1 million had been paid for claims for fiscal year 2015.

Mr. Leasor reported that, as of November 30, 2014, 96.7% of the budgeted revenues net of refunds, have been collected. He said information on refunds and fee collections would be presented with the compliance and fee assessment report.

Mr. Leasor said the operating expenses for November were approximately \$153,000. He pointed out that as of November 30, 2014, temporary services expenses were 61% of the amount budgeted. He said this was due to the use of a temporary service employee to fill an Environmental Claims Analyst I position. He noted that the position was filled by permanent personnel in September.

Mr. Leasor said as of November 30, 2014, postage expense was 73% of the amount budgeted. He said this was due to postage fees for the final quarter of fiscal year 2014 being paid in August of fiscal year 2015. He said these charges include fees for the annual fee statement mailing, which is sent by certified mail.

Mr. Leasor said all other expenses are at or below where they should be at this time in the fiscal year.

Compliance and Fee Assessment Report:

Chairman Rocco called on Madelin Esquivel, Assistant Director, to present the compliance and fee assessment report.

Ms. Esquivel said as of December 31, 2014, refunds totaling \$80,148 have been paid to 77 owners for the 2014 program year, which began July 1, 2014. She said a total of \$17,375 was used to offset prior years' outstanding fees. She said the combined amounts represent 43% of the \$225,000 refund goal set for the 2014 program year. She said the amount of refunds pending totals \$1.3 million.

Ms. Esquivel said as of December 31, 2014, a net total of \$48,851 had been collected by the Attorney General's Office and Special Counsel.

Ms. Esquivel said as of December 31, 2014, 115 accounts totaling \$169,540 have been certified to the Attorney General's Office for collection. She said the next certification will occur at the end of January 2015, and will include any unpaid 2014 program year's fees.

Ms. Esquivel said seven Orders Pursuant to Law and three Determinations to Deny a Certificate of Coverage are under appeal. She said all appeals are currently under review.

Ms. Esquivel said that five Ability to Pay Applications are pending review. The Ability to Pay program allows former UST owners experiencing financial difficulty to apply for and receive a determination of their ability to pay delinquent fees.

Ms. Esquivel stated that as of December 31, 2014, Certificates of Coverage have been issued to 3,042 owners. She said there are 186 Applications for Certificates of Coverage currently in process, 49 unresolved Pending Denials and 40 unresolved Determinations to Deny a Certificate of Coverage.

Ms. Esquivel stated that there are 54 uncashed refund checks, totaling \$51,396. She said that information needed to process refunds has been requested from seven owners for pending refunds totaling \$6,150.

Claims Report:

Chairman Rocco called on Cindy Duann, Claims Supervisor, to present the claims report.

Ms. Duann said as of January 2, 2015, the total maximum liability of in-house open claims is \$29.4 million. She said using the historical claim payout ratio of 75%, the actual anticipated claim liability of unpaid in-house claims is about \$22 million.

Ms. Duann reported that as of January 2, 2015, a total of 2,262 Fund eligible sites had received no further action status with an average cleanup cost of \$130,400 per site. She pointed out that sites cleaned up exclusively under BUSTR's risk based corrective action rules (RBCA rules) had an average cleanup cost of \$73,300 per site. She noted that all corrective actions being performed at Fund eligible sites are undergoing cleanups using these RBCA rules.

Ms. Duann said as of January 2, 2015, there were 1,704 open claims with total face value above the deductible pending review, and a total of 14 claim settlement determinations were under appeal.

Ms. Duann reported that during the last six months, the Board received an average of 64 claims per month, and an average of 69 claims were settled or closed during these months. She said the claim settlement payment offer for these claims totaled \$3.9 million with an average claim payout of \$9,600 per claim, and a claim payout ratio of 74% of the net value.

Ms. Duann said that during the last six months, 40 eligibility applications were received and during that same period 32 eligibility determinations were issued. She said in January, an additional six eligibility determinations were issued, of which four were denied for late filing or compliance issues. She said as of January 14, 2015, there were 15 eligibility applications under review and three eligibility applications under appeal.

Ms. Duann reported that during the last six months, 66 requests for cost pre-approval had been received, and 83 cost pre-approval notifications were issued. She said that in general, the number of requests for cost pre-approval has decreased with an exception for pre-approval requests for new RAPs (remedial action plans). She said of the 66 cost pre-approval requests received, 16 had been for new RAPs. She said this number is consistent with the number of cost pre-approval requests for new RAPs received in previous years. She reported that 27 cost pre-approval requests were pending review as of January 2, 2015.

Finance Committee Report:

Chairman Rocco said that immediately prior to the Board meeting, the Finance Committee met to continue its discussion concerning annual per-tank fees and the deductible amounts of coverage.

Chairman Rocco said the committee began by looking at data concerning typical cleanup costs in relationship to different sources of petroleum releases. He said because many petroleum releases are discovered during closure assessment activities, the source of the releases are often unknown, which leaves a lot of uncertainty in the numbers the committee reviewed.

Chairman Rocco said the committee then discussed the dynamic of the tank owner population and how it has changed tremendously since the Fund's creation 25 years ago. He pointed out that many of the major oil companies have exited the direct operation of retail facilities, and it appears that a

large portion of the tank owner community now consists of jobbers, independent operators and independent dealers. He pointed out that this may have changed the tank community into small, medium and larger owners, versus the primarily large and small owners that made up the tank owner population when the Fund was created.

Chairman Rocco said with this in mind, the committee intends to meet again in March, with the objective of considering the deductible and fee structure in relationship to the current makeup of tank owners. He said it may become necessary for the committee to seek assistance from an actuary to gain a better understanding of the makeup of the tank owner population, and to obtain guidance in establishing the fee and deductible structure in order to make a comprehensive proposal to the Board at the November meeting.

Mr. Geyer said he believes it makes sense to consult an actuary to assess the tank owner population and consider these issues. He noted that the actuary's findings may reveal that offering two or tiered deductible options to all tank owners, regardless of the number of tanks owned, may have no long-term financial impact on the Fund if the proper fee structure is established.

Old Business:

Suspending Claim Review

Chairman Rocco called upon the Board's Executive Director, Starr Richmond, to discuss the potential suspension of claim review and settlement when the Board has authorized the filing of a complaint in litigation against a responsible person.

Ms. Richmond explained that in 2010, when the Board began contemplating litigation against certain tank owners, a motion was passed instructing her, as Executive Director of the Board, to continue to settle and pay claims while investigations were ongoing and litigation was proceeding. She said now that the Board has voted to file complaints against certain companies, a question was raised whether it remained appropriate to continue to pay claims when the complaints allege that these companies had improperly received compensation from the Fund. She noted that Assistant Attorney General, Carla Dowling-Fitzpatrick, had raised a point at the previous meeting regarding the voluntary payment defense, which could prevent the Board from recovering claim payments that were paid voluntarily.

Ms. Richmond said that at the last meeting, a number of Board members shared concerns that cleanup at petroleum contaminated sites might stop if claims were not paid, due to contractual arrangements where certain third parties rather than the responsible person have been performing corrective actions, and that these third parties might be unable to afford to continue the corrective actions. A question was also asked whether a responsible person might be able to waive voluntary payment as a defense. Ms. Richmond then called upon Ms. Dowling-Fitzpatrick to summarize her research concerning the voluntary payment defense and present a solution that might be acceptable to the Board.

Ms. Dowling-Fitzpatrick said that she reached out to other counsel within the Attorney General's Office to discuss the challenge of allowing claims to continue to be paid, without jeopardizing or compromising the Board's ability to recover any monies paid following the filing of a complaint against the responsible person. She said her office came to the conclusion that the best solution would be for the responsible person to sign a contract or guarantee under which they would agree

to waive the defense of voluntary payment. She said if the responsible person is unwilling to sign such an agreement, then the Attorney General's Office recommends that the processing of claims be stopped.

Mr. Geyer said that this approach would address part of his concerns and the concerns of the Ohio EPA. He stated that he felt strongly that if it turns out that a significant number of litigants choose not to sign a waiver of the voluntary payment defense, and as a result, cleanups come to a halt due to the lack of funds, he would request that the Board and the Executive Director explore alternative options through rule or statute changes that would allow for the reimbursement of cleanup costs to a party performing corrective actions under assignment.

Mr. Hills stated that he shared some of Mr. Geyer's concerns. He said that petroleum contaminated sites not being cleaned up is a major problem for BUSTR. He pointed out that the limitations resulting from the statutory definition of responsible person have caused a lot of problems, and he suggested that a change to the statute, or a reinterpretation of it in a manner that would ultimately result in the cleanup of sites, would serve everyone's best interests.

Mr. Geyer requested clarification whether the suspension of claims review should apply only to the entities for which the Board has authorized the filing of a complaint, or whether it should also include entities that the Board is investigating or contemplating litigation. Ms. Dowling-Fitzpatrick responded by explaining that it would only be necessary to suspend claim review for the entities against whom the Board has authorized the filing of a complaint.

Mr. Geyer suggested language be added to the original resolution passed by the Board in 2010 that would instruct the Executive Director to continue claim reimbursements to entities to whom the Board has given notice of a claim, only if they sign a waiver of their voluntary payment defense.

Chairman Rocco stated that a resolution had been drafted by the Assistant Attorney General and Ms. Richmond which read "to authorize the Executive Director to suspend the review and settlement of any and all claim reimbursement applications filed by or on behalf of any responsible person against whom the Board has authorized the filing of a complaint in litigation, until such time that the responsible person has agreed to waive its defense of voluntary payment or the litigation is settled or has otherwise ended."

Chairman Rocco then suggested the draft motion be reworded to clarify that only claims filed for the reimbursement of costs for cleanup at facilities involved in litigation would be suspended. He said his concern was that instructing the Executive Director to suspend the settlement of any and all claims filed by the responsible person was so broad that it could unintentionally affect claim reimbursements for facilities not involved in any lawsuit.

Ms. Dowling-Fitzpatrick responded stating that she did not believe the motion needed to be narrowed further because the motion is specific to the filing of a complaint in litigation. She added that she preferred broader language that would cover many types of litigation cases.

Mr. Geyer said his interpretation of the motion gives the Executive Director the authority to suspend claim payments but does not mandate it, and with this authority, the Director would use her judgment to determine whether the suspension of claim payments was appropriate. He pointed out that the motion as drafted would also enable the Director to approve direct payments to

unrelated third parties performing cleanup, if the Board finds it necessary to do so at a later date. Chairman Rocco and Ms. Dowling-Fitzpatrick agreed that the motion is intended to grant the Executive Director the authority to suspend payments, but does not require it.

Chairman Rocco said that in his mind, the motion is unclear because it does not tie the claims to a specific facility or eligibility determination that is subject to litigation. He asked the members if they were comfortable with the motion as drafted, or whether it should be amended. None of the members indicated that it should be amended. He then stated for the record, that it is the intention of the Board that only claims related to a complaint in litigation would be subject to suspension in the absence of a contract waiving the voluntary payment defense. He added that claims unrelated to litigation would continue to be processed.

Mr. Geyer questioned the number of parties against whom the Board had authorized the filing of complaints. Ms. Dowling-Fitzpatrick advised that two complaints had been authorized and one has been filed. Ms. Hilvert asked how many entities were given notice. Ms. Richmond stated that nine parties were given notice, and Ms. Dowling-Fitzpatrick added that a settlement was reached with one of those parties.

Chairman Rocco asked if there were any other comments or concerns regarding the motion as drafted, and there were none. He then requested a motion to authorize the Executive Director to suspend the review and settlement of any and all claim reimbursement applications filed by or on behalf of any responsible person against whom the Board has authorized the filing of a complaint in litigation, until such time that the responsible person has agreed to waive its defense of voluntary payment or the litigation is settled or has otherwise ended. Mr. Geyer so moved. Ms. Hilvert seconded. A vote was taken and all members voted in the affirmative. The motion passed.

New Business:

Transfer Fee Discussion

Chairman Rocco reminded members that at the November meeting, the Board approved reducing the annual fee from \$500 to \$400. He said the Committee made this recommendation without consideration of the transfer fee amount. He said the problem is that with the fee reduced to \$400, for some tank owners, it will cost more to transfer the Certificate of Coverage than it will cost to buy the Certificate.

The Board considered a number of options concerning the transfer fee, including reducing the existing \$500 per-facility fee amount to a lower amount, changing it to a per-tank transfer fee amount, and changing it to a percentage of the annual fees. Mr. Stephenson recommended that in addition to changing the transfer fee amount, the Board also consider allowing purchasers that are eligible to elect the reduced deductible to change deductible coverage from the standard deductible to the reduced deductible by paying \$200 per tank at the time of transfer. Ms. Richmond stated that the statute prohibits the established deductible from being changed during the fiscal year.

Following a lengthy discussion, Chairman Rocco recommended that the issue be tabled. He said the Board's Finance Committee could discuss options that may be available for a purchaser to buy down the deductible and revisit the amount of the transfer fee at its upcoming meetings, and make recommendations to the Board at the November meeting. All members agreed to table the discussion.

Correct Rule Cross-References

Chairman Rocco called upon Ms. Richmond to present proposed amendments to rules 3737-1-04.1, 3737-1-07 and 3737-1-19. Ms. Richmond reminded the members that during the five-year rule review process, the existing rule 3737-1-04 had been rescinded and replaced with a new rule 3737-1-04, which became effective January 1, 2015. She said as a result of the replacement of the rule, certain cross-references to rule 3737-1-04 that are incorporated into rules 3737-1-04.1, 3737-1-07 and 3737-1-19 needed to be updated. The following summarizes the proposed rule amendments:

3737-1-04.1 Coverage reinstatement

The proposed amendment to paragraph (B) of rule 3737-1-04.1 will properly cross-reference paragraph (G)(2) of rule 3737-1-04, which establishes the criteria for the denial of a Certificate of Coverage.

3737-1-07 Establishing fund eligibility for corrective action costs

The proposed amendment to paragraph (A)(2) of rule 3737-1-07 will properly cross-reference paragraph (E) of rule 3737-1-04, which establishes the criteria for the issuance of a Certificate of Coverage, and the proposed amendment to paragraph (A)(9) of the rule will maintain consistency with the State Fire Marshal's rule 1301:7-9-13, which requires both a suspected release and a release to be reported.

3737-1-19 Establishing fund eligibility for third party claims

The proposed amendment to paragraph (A)(2) of rule 3737-1-19 will properly cross-reference paragraph (E) of rule 3737-1-04, which establishes the criteria for the issuance of a Certificate of Coverage.

Chairman Rocco asked if there were any questions or discussion concerning the rule amendments that Ms. Richmond presented, and there was none. Chairman Rocco requested a motion to approve the draft amendments to rules 3737-1-04.1, 3737-1-07 and 3737-1-19 and to file the proposed amended rules with the Joint Committee on Agency Rule Review, Legislative Service Commission and the Secretary of State. Mr. Hills so moved. Mr. Geyer seconded. A vote was taken and all members were in favor. The motion passed.

Certificates of Coverage – Ratifications:

Chairman Rocco called upon Ms. Richmond to present the lists of owners who have either been issued or denied a Certificate of Coverage for ratification by the Board.

Ms. Richmond said the lists behind Tabs 8 and 9 are listings of facilities that, since the November Board meeting, the owner had been issued or denied a program year 2013 or 2014 Certificate of Coverage.

Ms. Richmond said the process used to review the fee applications and issue or deny a Certificate of Coverage includes a review for completeness to determine full payment was received; financial responsibility for the deductible has been demonstrated; and, the owner has certified with his signature that he is in compliance with the State Fire Marshal's rules for the operation and maintenance of petroleum underground storage tanks. She said if these requirements are met and

if the tanks existed in previous years, a certificate for the subject tanks has been issued to the owner in at least one of the prior two years, then a Certificate of Coverage is issued.

Ms. Richmond explained that if deficiencies or compliance issues are identified, notice is provided to the owner in accordance with the Board's rules. The owner is provided 30 days to respond to the notice with information to correct the deficiency or compliance issue. If correcting information is not received within this time, a determination denying the Certificate of Coverage is issued to the owner.

She said the Board's rules and the Revised Code make provisions for an appeal of the determination. Ms. Richmond said that throughout this process, the Board's staff works with the owner to correct the fee statement record and if necessary, refers the owner to BUSTR to correct the registration record.

Ms. Richmond stated that no 2013 program year Certificates of Coverage had been issued since the November meeting.

Ms. Richmond requested the Board ratify her actions with respect to the denial of the 2013 program year Certificate of Coverage for the owner of five USTs listed behind Tab 8.

Mr. Hightower moved to ratify the denial of the 2013 Certificate of Coverage that was listed. Mr. Geyer seconded. A vote was taken and all of the members were in favor. The motion passed.

Ms. Richmond requested the Board ratify her actions with respect to the issuance of the 2014 program year Certificates of Coverage for the 107 owners of 166 facilities included on the list behind Tab 9.

Mr. Hightower moved to ratify the issuance of the 2014 Certificates of Coverage for the facilities listed. Mr. Bryant seconded. A vote was taken and all of the members were in favor. The motion passed.

Ms. Richmond requested the Board ratify her actions with respect to the denial of the 2014 program year Certificates of Coverage for the 72 facilities included on the list behind the Tab 9 green divider page.

Mr. Hills moved to ratify the denial of the 2014 Certificates of Coverage that were listed. Mr. Hightower seconded. A vote was taken and all of the members were in favor. The motion passed.

Confirm Public Hearing and Next Meeting and Adjourn:

Chairman Rocco said there will be a public hearing on Wednesday, February 11, 2015, at 10:00 a.m. for the purpose of soliciting comments on the proposed amendment to rule 3737-1-04 to reduce the annual fee. The next Board meeting will commence immediately following the public hearing.

Mr. Hightower made a motion to adjourn the meeting and Mr. Bryant seconded. All were in favor.