



Petroleum Underground Storage Tank Release Compensation Board

P.O. Box 2280 • Westerville, Ohio 43086-2280
Phone: (614) 752-8963 • Fax: (614) 752-8397
www.petroboard.org

**MINUTES OF THE 191st MEETING OF THE
PETROLEUM UNDERGROUND STORAGE TANK
RELEASE COMPENSATION BOARD
November 17, 2021 – 10:00 a.m.**

BOARD MEMBERS IN ATTENDANCE

Jim Rocco
John Hull
Steve Bergman
Don Bryant
Larry Burks
Dan Ridi
Tom Stephenson

EX-OFFICIO MEMBERS IN ATTENDANCE

Steven Krichbaum, representing Director Sheryl Creed Maxfield, Ohio Department of Commerce
Donna Waggener, representing Director Laurie Stevenson, Ohio Environmental Protection Agency
Michael Lenzo, representing Robert Sprague, State Treasurer of Ohio

OTHERS IN ATTENDANCE

Starr Richmond	Executive Director, PUSTRCB
Madelin Esquivel	Assistant Director, PUSTRCB
Don Leasor	Chief Fiscal Officer, PUSTRCB
Hannah Brame	Claims Supervisor, PUSTRCB
Jonathan Maneval	Executive Assistant, PUSTRCB
Jahan Karamali	Assistant Attorney General

Minutes submitted by:


Jonathan Maneval
Executive Assistant

Call to Order:

Chairman Rocco convened the one hundred ninety-first meeting of the Petroleum Underground Storage Tank Release Compensation Board on Wednesday, November 17, 2021.

The following members were in attendance: Jim Rocco; Steve Bergman; Don Bryant; Larry Burks; John Hull; Dan Ridi; Tom Stephenson; Steven Krichbaum, representing Director Sheryl Creed Maxfield, Ohio Department of Commerce; Donna Waggener, representing Director Laurie Stevenson, Ohio Environmental Protection Agency; and Michael Lenzo, representing Robert Sprague, State Treasurer of Ohio.

The following member was not in attendance: Scott Fleming.

Mr. Burks introduced himself and noted it was his first in-person Board meeting. The other members then briefly introduced themselves and stated their representation on the Board. The Board staff also briefly introduced themselves.

Minutes:

Chairman Rocco asked if there were any comments or questions regarding the minutes from the September 8, 2021 Board meeting and there were none. Vice-Chairman Hull moved to approve the minutes and Mr. Stephenson seconded. A vote was taken and Ms. Waggener and Messrs. Bergman, Burks, Hull, Ridi, Stephenson, Krichbaum, Lenzo, and Rocco were in favor. Mr. Bryant abstained. The minutes were approved as presented.

BUSTR Report:

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

Mr. Krichbaum reported that BUSTR currently has four position vacancies and will have a fifth opening with the scheduled retirement of an Environmental Specialist II, Dale Egner, at the end of the year. He said the environmental supervisor positions were posted and interviews for those positions should start in early December.

Mr. Krichbaum said BUSTR's in-house counsel, Lori Stevens, is heading up performing responsible party searches. He noted that \$50,000 in grant monies was originally allocated for the program but the amount was increased to \$74,000. He reported that 12 searches have been completed thus far.

Mr. Krichbaum said BUSTR employees are engaged in their job activities in the somewhat post-COVID-19 environment. He said all inspectors are working in the field and the coordinators are teleworking from their home locations and working in the office at least two days a week.

Mr. Krichbaum reported that all is in good order with the federal grants. He noted that the next LUST (Leaking Underground Storage Tank) grant application will be submitted in the spring of [2022].

Mr. Krichbaum stated that BUSTR plans to conduct UST installer and inspector courses in the spring of 2022. He said they are also planning to offer a continuing education course for existing UST inspectors in the spring of 2022.

Mr. Krichbaum said the entirety of BUSTR's operations interface with a database known as OTTER (Ohio Tank Tracking & Environmental Regulations), which is showing its age and is an area of concern. He said it is on their radar to update the database.

Mr. Krichbaum said there has been little change in the statistics since the Board's previous meeting. He said there are a little under 21,000 registered tanks, 3,400 tank owners and 7,000 facilities. He said 31,619 no further actions (NFAs) have been issued through the history of the program.

Mr. Bryant asked how many UST inspectors BUSTR has when at full capacity. Mr. Krichbaum said there are two main groups of inspectors. He explained that when BUSTR is fully outfitted there are 12 state inspectors performing compliance inspections with two supervisors. He said there are about 130 inspectors holding licenses to perform permit-related inspections. He noted that many of those inspectors work exclusively for fire departments and said, based on a general estimate, there are two or three dozen certified UST inspectors doing work throughout the state. Chairman Rocco said there are also contract inspectors and Mr. Krichbaum explained that two inspectors work through a federal senior environmental program and they are highly productive in the number of inspections performed for BUSTR. He said they hope there will continue to be federal monies to keep them on board. Mr. Bryant said he was trying to get a sense of how much stress the department is under considering the position openings. Mr. Krichbaum said they are about 100 inspections behind the target for inspecting the 7,000 sites in the three-year inspection cycle. He mentioned that about half a year ago they were 500 inspections behind, so they are catching up from the impacts of COVID-19. He commented that they would like to fill the inspector positions as soon as possible.

Mr. Burks asked if BUSTR would have the opportunity to take advantage of federal stimulus monies and Mr. Krichbaum said the only thing he saw concerning the underground tank program in the latest stimulus package was one mention of the ability of congress to take money out of the fund. He said they will have to sit tight and see in what direction the money flows. Chairman Rocco said his understanding is it will be up to the state to decide what to do with the stimulus monies once it is distributed.

Financial Reports:

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

Audit Update

Mr. Leasor said the auditors completed their in-house portion of the audit and they are awaiting the finalized annual financial statements, management discussion and analysis, notes to the financial statements, and the estimate of the claim liability report. He explained that in order to submit the audited financial statements to the Auditor of State by the December 31st deadline, the plan is to email a draft copy of the audited financial statements to the Board members no later than December 10, 2021. He asked the members to review the report and to reply with any questions or comments by December

17, 2021, so they can be addressed prior to the December 31, 2021 filing deadline. He noted that the auditors would present the final audit report at the January Board meeting.

August and September Financials

Mr. Leasor said the August and September financials were emailed to each member. He said he would be discussing the September 2021 financial report.

Mr. Leasor reported that, as of November 16, 2021, the unobligated account balance is \$18 million. He said this amount includes \$2 million in STAR Ohio (State Treasury Asset Reserve of Ohio) and \$16 million invested in U.S. treasuries and U.S. agency callable bonds. He said the obligated account balance for the payment of claims, as of November 16, 2021, is \$5.7 million.

Mr. Leasor said tank revenues would be discussed during his presentation of the fee statement statistics report.

Mr. Leasor reported that, as of September 30, 2021, expenses should be about 25% of the budgeted amount. He said the claims expense for the month of September was approximately \$530,000 and to date, \$6.27 million has been paid for claims for fiscal year 2022. He pointed out that this is 52% of the \$12 million obligated by the Board for the payment of claims for the fiscal year and includes the third of the four payments to BP as result of a settlement agreement and release approved by the Board. Ms. Waggener asked when the fourth payment to BP will be made and Mr. Leasor said the final payment for \$500,000 will be made in July of 2022.

Mr. Leasor reported that operating expenses for the month of September were approximately \$164,000. He said postage expenses were 73% of the amount budgeted. He said this was due to postage fees for the final quarter of fiscal year 2021 being paid in September. He said these charges include fees for the annual fee statement mailing, which is sent by certified mail. He said other expenses are at, or below, where they should be at this time in the fiscal year.

Capital Budget - Data Processing and Electronics

Mr. Leasor said over the past year both multifunction machines used for printing and copying started experiencing problems and both devices, which were purchased in 2010, are nearing the end of their useful lives and certain parts are no longer available. He said proposals to replace the equipment were solicited and three dealers under state-term contracts and a fourth locally-owned small business submitted proposals. He said, based on the capabilities of the new machines, printing and scanning speeds, upfront costs to purchase the equipment, plus the estimated long-term service costs, the staff is proposing to use a state-term contract vendor to purchase two machines generally comparable to the existing machines with one upgrade being the ability of one of the units to print in color. He noted that the cost to purchase the recommended equipment totals just over \$15,000.

Mr. Leasor explained that since the need to replace these machines was not expected, funding was not included in the capital budget the Board approved at its June meeting. He said, in order to move forward and purchase the new equipment, he is requesting the Board approve a motion to amend the fiscal year 2022 capital budget to increase the data processing and electronics line item by \$16,000, raising the total fiscal year 2022 capital budget to \$56,000.

Vice-Chairman Hull moved to approve the motion requested by Mr. Leasor and Mr. Stephenson seconded. The Chairman clarified that the motion would increase the capital budget from \$40,000 to \$56,000 for the purchase of two new units. Mr. Krichbaum asked if the purchase would include a service contract to maintain them. Mr. Leasor confirmed the proposal includes a maintenance agreement with service costs locked in for five years, and it includes toner, parts, labor, and other services. Executive Director, Starr Richmond, commented that a savings in the service costs is expected and Mr. Leasor stated that service fees for the current equipment are about \$367 a month while the fees for the new equipment is estimated to be \$155 a month. The Chairman asked if there were any other questions and there were none. A vote was taken to approve the motion and all members were in favor. The motion passed.

Fee Statement Statistics

Mr. Leasor said as of October 31, 2021, the per-tank fees collected for the current program year 2021 were just above \$8 million, which represents 97% of the billed amount. He said between July 1, 2021, and October 31, 2021, approximately \$126,000 was collected for prior years' fees, net of refunds paid of \$22,000.

Mr. Leasor said, for program year 2021, 15,246 tanks were billed at the standard deductible (\$55,000) per-tank fee and 5,389 tanks were billed at the reduced deductible (\$11,000) per-tank fee. Mr. Leasor said as of October 31, 2021, the fees had been paid at the standard deductible rate for 14,464 tanks and at the reduced deductible rate for 5,367 tanks. He said fees for a total of 19,831 tanks had been paid by 2,984 owners. He said this compares to fees being paid for 20,006 tanks by 3,057 owners for the same period of time in the prior year. He commented that this is a reduction of about 175 tanks and 73 owners than the same time period in the prior year.

Mr. Leasor said as of October 31, 2021, fees had been paid for a total of 20,334 tanks by 3,107 owners for the previous program year 2020.

Mr. Leasor said the \$8.2 million collected to date represents 98.4% of the \$8.34 million budgeted for program year 2021. He said the 19,831 USTs with fees paid represents 98.4% of the 20,160 tanks budgeted for program year 2021.

Mr. Burks pointed out the report indicates 27% of tanks were paid at the reduced deductible and asked if this is because of a qualification to elect the reduced deductible or if there is a target number. Mr. Leasor said owners of six or fewer tanks are eligible to elect the reduced deductible but not all eligible owners elect the reduced deductible and further noted the 27% percent reflects the number of tanks paid at the lower deductible, which was the same in program years 2021 and 2020. The Chairman noted there is a higher fee to buy down the deductible.

Mr. Ridi asked why annual fee assessment statements cannot be sent to both owners and operators in cases where an owner leases the facility to an operator. Chairman Rocco said generally the party identified to be the responsible party and historically has paid the fees is sent the fee statement. Mr. Ridi said in his scenario, the coverage was not renewed because the operator pays the fees but the fee statement was sent to a landlord who lives out of state and does not pay the bills. The Chairman said if there is a problem of a fee statement not going to the party needing to make payment, he

recommended working with the Board's staff to fix it. He said sending fee statements to two parties would likely cause a lot of confusion because the two people receiving the bill would then question who pays for it. Executive Director Richmond explained that in Mr. Ridi's specific situation, the fee statement was sent to the tank owner, because that owner owns two facilities. She said she did not think it should be standard practice to issue two fee statements because there could potentially be two parties paying and the Board does not know who is responsible for payment and noted this could change from year to year or even day to day. She said, in Mr. Ridi's particular case, the Board's staff has set a procedure so a fee statement will be issued to the operator.

Mr. Burks suggested information be included on the fee statement stating if the recipient is the tank owner and not responsible for making payment, then the fee statement needs to be forwarded to the responsible party. Mr. Stephenson stated that the tank owner is the responsible party and that is why the fee statement is sent to them and, if the operator is paying, it is an issue between the operator and the owner. Mr. Burks said if communication is with both the operator and the owner, then it would reduce the number of missed payments. Vice-Chairman Hull said maybe something equivalent to a change of address form could be included with the invoice so if they are not the person who should be getting the bill, they can let us know. Chairman Rocco agreed and said it is something to take a look at.

Compliance and Fee Assessment Report:

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

Ms. Esquivel reported that, as of October 31, 2021, refunds totaling \$22,181 had been paid to 22 owners for program year 2021 and noted the amount of pending refunds totals \$1.4 million. She said for program year 2021, \$1,900 of pending refunds had been used to offset outstanding fees. She said the total refunds paid plus the amount of refunds used to offset outstanding fees totals \$24,081 for the program year. She said as of October 31, 2021, the fees collected by the Attorney General's Office and Special Counsel less collection costs totaled \$48,019. She said no new accounts had been certified to the Attorney General's Office for collection since the previous meeting.

Ms. Esquivel said there are three Orders Pursuant to Law currently under appeal and information to support the objections is expected. She said one Determination to Deny a Certificate of Coverage was under appeal and information to support the appeal was received and is under review.

Ms. Esquivel stated that no 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 reported that, as of November 4, 2021, Certificates of Coverage had been issued to 2,641 owners for program year 2021. She said there are 321 Applications for Certificates of Coverage currently being processed. She said for program year 2021, 39 Pending Denials had been issued and two Determinations to Deny a Certificate of Coverage had been issued.

Ms. Esquivel stated that there are 31 uncashed refund checks totaling \$27,038. She said there are 12 owners with pending refunds totaling \$53,510 to whom more information request letters had been sent notifying them that addition information is needed before the refund may be issued. She commented that the notice gives the owner 60 days to reply. She said if no response is received, a second letter is issued requesting information to be provided in 30 days. She said there are 37 owners with pending refunds totaling \$69,165 who were issued a second more information request letter, but no responses have been received.

Claims Reports:

Chairman Rocco called on Hannah Brame, Claims Supervisor, to present the claims reports.

Ms. Brame reported, as of November 1, 2021, the total maximum liability of in-house open claims is approximately \$9.8 million. She said using the claim payout ratio of 78%, which is the average ratio over the past five years, the anticipated payout of unpaid in-house claims is about \$7.6 million.

Ms. Brame reported, as of November 1, 2021, a total of 534 claims with a total face value above the deductible amount were pending review and noted that claims received prior to September 2021 are currently being reviewed by the staff. She stated that 26 claim settlement determinations were under appeal as of November 1, 2021. She explained that these appeals pertain to only five release sites, as there are multiple appeals for three of those sites. She noted that the staff is waiting for information to support the appeals for 16 of the appealed determinations and additional information provided is under review for four appeals. She said a settlement agreement has been executed and is being implemented for the remaining six appeals. She noted that since November 1, 2021, one settlement determination appeal was closed and no additional settlement appeals were received.

Ms. Brame stated that, as of November 1, 2021, a total of 152 claims were received and a total of 202 claims were settled this program year. She noted that no payment could be issued for eight of the settled claims because the total face values of the claims were below the deductible amount and the releases had been issued an NFA, meaning no additional corrective actions were required. She said the average payout per claim application this program year is \$12,561 and the average claim payout is 84.3% of the net claim value (face value – deductible). She noted that on average 12.6% of the claim face value is disallowed as non reimbursable.

Chairman Rocco asked Ms. Brame to provide a brief overview of the claim settlement appeal process. Ms. Brame explained that when a claim is received, it is reviewed by the claims staff who make a recommendation to the Director. She said a settlement determination letter is sent by certified mail and the responsible party has 30 days to file an objection to the determination. She said there is a process to resolve the appeal through the submission of additional information in support of the appeal. She said if the appeal is not resolved through the submission of additional information, then it goes to an appeal hearing. Chairman Rocco said the Board has a hearing officer who is responsible for hearing these cases and the hearing officer will review the case and present a recommendation to the Board. He said the Board then makes a decision to either agree or disagree with the hearing officer's recommendation.

Chairman Rocco asked Ms. Brame to explain the term disallowed costs. Ms. Brame said when costs are submitted in a claim, the analysts look at the costs from two perspectives. She said they evaluate the technical aspect of the work that was done to determine if it was necessary and required by BUSTR. She said the analysts then look at the costs from a financial standpoint. She explained that, by rule, certain specific costs cannot be reimbursed. She noted, for example, that some costs cannot be marked up and there is a maximum markup on other costs. She said the analysts also evaluate the costs to see if they fall in a typical range of costs for accomplishing the work. She said if the costs significantly exceed the typical range then it can be determined that some amount of the cost is not reimbursable. The Chairman said the statute only allows for the reimbursement of work determined to be necessary for corrective action. He said with the 30 year history of the Fund, there is a pretty good understanding of corrective action costs and claimed costs might be disallowed if they exceed what are typical. He said claims review is a complicated part of the Board's operation. He said the intent is to be fair to the tank owner while at the same time being sure the Fund is not paying for things not necessary for corrective action.

Ms. Brame reported so far for program year 2021, a total of 27 eligibility applications were received and 36 eligibility determinations were issued. She said of these eligibility determinations, 27 were approved and nine were denied. She said the reasons for denial included four for late filing of the application and explained that an eligibility application must be submitted within one year of the release incident. She said three applications were denied for lack of a valid Certificate of Coverage, one for out-of-compliance USTs, and one for no corrective actions being required by BUSTR. The Chairman stated that tank owners are encouraged to file eligibility applications when they suspect they have a release. He explained that it may be denied if it is determined that no release occurred, but it is better to have the application filed in case something comes up that needs addressed.

Ms. Brame stated that, as of November 1, 2021, a total of 106 eligibility applications were open. She noted that 17 applications were unreviewable until the necessary reports are received and more information has been requested for four applications. She noted that, as of November 1, 2021, 11 eligibility determinations were under appeal. She said additional information is expected for two appeals and information for eight appeals has been received and is under review. She said the one remaining eligibility application under appeal will be resolved as part of the settlement with the associated claims that she discussed earlier. She noted that since November 1, 2021, three additional eligibility determinations were issued.

Ms. Brame reported, as of November 1, 2021, a total of 37 cost pre-approval requests were received. She said the cost pre-approval requests include 12 requests for new remedial action plans; 11 requests for annual costs for remedial action plans or free product recovery; three requests for an interim response action requiring BUSTR approval; three requests for either Tier 3, monitoring or calibration plans; six cost exceedance notifications; and two voluntary requests for cost pre-approval. She said as of November 1, 2021, a total of 35 cost pre-approval notifications had been issued and 35 cost pre-approval requests were pending review.

Chairman Rocco stated that the pre-approval process was put in place to address atypical costs being submitted for corrective action work. He said the process particularly allows the Board's staff to review the corrective action plan and pre-approve an amount before costs are incurred and the work is done.

He said once a plan is in place, a cost estimate for ongoing monitoring of the site is submitted for pre-approval on an annual basis. He noted that owners can voluntarily seek pre-approval of costs for proposed work such as to implement a new technology. Ms. Brame said helpful information outlining claim filing deadlines and pre-approval requirements are sent to tank owners at the time eligibility is sought in order for owners to better understand the Board's rules. She noted that these documents are available on the Board's website.

Finance Committee Report:

Chairman Rocco said prior to the Board meeting, the Finance Committee met to discuss the tank fees and deductible amounts for the upcoming year. He noted that the statute requires the Board to set the fee and deductible amounts on an annual basis and after reviewing the pro-forma operating statements, the committee's recommendation is to keep the per-tank fees and deductible amounts the same for the next year. The Chairman then asked Mr. Leasor to discuss the pro-forma operating statements.

Mr. Leasor briefly explained the assumptions used to create the pro-forma statements and then discussed the projected revenue, operating expenses, and the estimated unpaid claim liability over the next five years. He said by maintaining fees at their current amounts, the projections indicate the unobligated account balance will decrease to \$16.2 million and the estimated claim liability will reduce to \$13 million by the end of fiscal year 2026. He noted that some of the funds currently invested in U.S. treasuries and U.S. callable bonds will be needed to cover administrative and claims expenses and therefore, will not be reinvested.

Chairman Rocco said the committee will continue to look at issues affecting the industry that might impact the Fund. He commented that fee increases may be needed in the future especially if there is a significant drop in the number of tanks resulting in reduced income and noted if a large number of tanks are removed, it could result in more releases being discovered and the number of claims increasing. The Chairman then requested a motion to adopt the recommendation of the Finance Committee to make no changes to the per-tank fees or deductible amounts for program year 2022. Vice-Chairman Hull so moved and Mr. Bryant seconded. The Chairman asked if there was any discussion and there was none. A vote was taken and all members voted in the affirmative. The motion passed.

Chairman Rocco said a number of Board policies were reviewed during the Finance Committee meeting. He then directed members to the draft Collection Policy and asked Ms. Esquivel to briefly discuss the recommended changes to it. Ms. Esquivel went through each recommended change explaining that wording in the policy was changed to be consistent with the rule or statute. Other changes provide clarity that the Attorney General's staff pursues collection of an account before it is assigned to Special Counsel and adds "public entity" as a type of responsible person able to submit an Ability to Pay Fees application and receive a determination of its ability to pay delinquent fees. The Chairman said the recommended changes simply add clarity to the policy and there are no substantive changes to it. He then requested a motion to accept the recommended changes to the Board's Collections Policy as presented. Vice-Chairman Hull so moved and Mr. Bergman seconded. The Chairman asked if there was any discussion and there was none. A vote was taken and all members voted in the affirmative. The motion passed.

New Business:

Hardship Applications

Chairman Rocco called upon Don Leasor, Chief Fiscal Officer, to present the hardship application.

Mr. Leasor stated that the Board's rule 3737-1-08 provides for an owner experiencing financial hardship to apply for hardship status with the Fund. He said granting hardship status allows for the acceleration of the review of the claims submitted by the owner. He noted that granting hardship status does not increase the amount of reimbursement to the tank owner. He stated that accelerating the review of the claim reduces the financial burden the owner would experience if the claims were reviewed and settled in the normal course of business. He said, once granted, the hardship status remains in effect for a two-year period and, at that time, the owner may reapply for hardship status.

Mr. Leasor stated that, in determining hardship status, the application and a minimum of two years of income tax records are reviewed. He said, in addition, a U.S. Environmental Protection Agency financial capacity test is used to evaluate the owner's cash flow and determine whether the owner is able to carry debt, in which case, the owner could finance the costs of corrective actions over time.

Claim # 14094-0001/09/07/11, Owner – The Gas Station Enterprise LLC

Mr. Leasor said Gas Station Enterprise LLC is the responsible party for a 2011 release that was discovered at 207 South High Street in Columbus Grove, Ohio. He said as a member of the LLC, Gregory Miller is requesting the Board grant hardship status to the LLC and noted this is the LLC's seventh request for hardship status.

Mr. Leasor said to date, \$223,200 has been paid from the Fund for this release and one claim application for \$4,440 is pending review. He said the cost of corrective action work expected to be conducted over the next 24 months is estimated at \$25,000.

Mr. Leasor explained that Mr. Miller no longer owns the release site and the LLC no longer generates revenue. However, as the operator, he is a responsible person and is continuing the corrective actions for the release. He said Mr. Miller is retired and his annual income is about \$51,000, of which \$31,750 is from social security; \$9,170 is from interest and dividend income; \$3,430 is from rental income for four properties; and \$6,780 is from installment payments being received from the sale of a property. Mr. Leasor commented that Mr. Miller has \$20,000 in cash on hand.

Mr. Leasor explained that Mr. Miller does not have sufficient cash on hand to pay for the \$25,000 of corrective action work estimated to be incurred in a short period of time and therefore, would be required to obtain financing or to take from his monthly living income or retirement funds and therefore, the Director is recommending the Board approve the application and grant hardship status to the LLC. Vice-Chairman Hull so moved and Mr. Bryant seconded. A vote was taken and all members voted in the affirmative. The motion passed.

Claim # 15303-0001/06/24/14, Owner – Rohr's Auto Service

Mr. Leasor said Robert Rohr is the responsible person for a 2014 release at 112 First Street in Massillon, Ohio. He said this is his sixth request for hardship status. He said to date, the Fund has

reimbursed \$231,000 for corrective action costs for this release and there are no claims in house pending review. He said the corrective action costs for the next 24 months are estimated to be \$65,000.

Mr. Leasor stated that after taking operating losses for several years, Mr. Rohr closed his business in 2013 and took a loan on the equity in his home to pay for the upkeep and property taxes of the facility. He said the property was sold in October 2019, but Mr. Rohr is continuing the corrective actions for the release. He noted that a portion of the sales proceeds were used to pay down the home equity loan. He said Mr. Rohr currently has \$150,000 in a savings account. He said Mr. Rohr's only source of income is \$21,700 annually from social security and his reported annual living expenses are \$34,200.

Mr. Leasor said, because the estimated \$65,000 of corrective action costs for the next 24 months exceeds his anticipated income for the same period of time, the Director is recommending the Board approve the application and grant hardship status to Mr. Rohr. Vice-Chairman Hull so moved and Mr. Bryant seconded. A vote was taken and all members voted in the affirmative. The motion passed.

Claim # 19735-0001/06/20/19, Owner – Colin Goff

Mr. Leasor said Colin Goff is the responsible person for a release that was discovered in 2019 at 1800 Old State Route 7, in Rayland, Ohio. He said, this is his first request for hardship status.

Mr. Leasor said to date, \$1,800 in corrective action costs for this release have been reimbursed after the satisfaction of the \$11,000 deductible. He said no claims are pending review and the cost of corrective action work expected to be conducted over the next 24 months is \$25,600.

Mr. Leasor said Mr. Goff is retired and due to his medical conditions, his finances are being managed by his brother who has been given power of attorney. He said Mr. Goff's annual income includes social security of \$17,100 and rental income on two properties of \$18,900. He said Mr. Goff's cash on hand totals \$24,000.

Mr. Leasor said given the \$25,600 estimated to be expended in the next 24 months will mostly be incurred in a relatively short period of time, Mr. Goff will be required to pay the costs within a short period of time, not in monthly payments over a 24-month period. He said Mr. Goff does not have sufficient cash on hand to pay the total cost at once and therefore, would be required to get financing or to take from his monthly living income. He said because Mr. Goff's brother is the power of attorney, financing may not be an option and any money taken from the monthly living expenses will need to be quickly replenished. He said the Director is therefore recommending the Board approve the application and grant hardship status to Mr. Goff. Vice-Chairman Hull so moved and Mr. Ridi seconded. A vote was taken and all members voted in the affirmative. The motion passed.

Certificates of Coverage – Ratifications:

Chairman Rocco called on Madelin Esquivel, Assistant Director, to present the lists of owners who have either been issued or denied a Certificate of Coverage for ratification by the Board.

Ms. Esquivel 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. She said if a Certificate has not been issued in one of the prior two years and the tanks existed during those years, the owner must comply with rule 3737-1-04.1 by demonstrating the tanks are in compliance with the Fire Marshal's rules for the operation and maintenance of USTs.

Ms. Esquivel stated that, if the requirements are met, a Certificate is issued. She said if the requirements are not met, the Certificate is denied. She explained that if the Certificate is denied, the owner is provided with an opportunity to appeal the denial. She said that, throughout the denial process, the Board's staff works closely with the owner to resolve any deficiencies. She stated that all processes within the Board's rules and Revised Code were followed to make a determination to issue or deny the Certificates of Coverage.

Ms. Esquivel requested the Board ratify the Director's actions with respect to the issuance of the program year 2020 Certificates of Coverage for the eight owners of the 23 facilities included on the program year 2020 Certificates issued list.

Vice-Chairman Hull moved to ratify the issuance of the 2020 Certificates of Coverage for the facilities listed. Mr. Bryant seconded. A vote was taken and all members were in favor. The motion passed.

Ms. Esquivel requested the Board ratify the Director's actions with respect to the denial of the program year 2020 Certificates of Coverage for the 142 tanks located at the 46 facilities included on the program year 2020 Certificates denied list.

Vice-Chairman Hull moved to ratify the denial of the 2020 Certificates of Coverage that were listed. Ms. Waggener seconded. A vote was taken and all members were in favor. The motion passed.

Ms. Esquivel requested the Board ratify the Director's actions with respect to the issuance of the program year 2021 Certificates of Coverage for the 434 owners of the 1,106 facilities included on the program year 2021 Certificates issued list.

Vice-Chairman Hull moved to ratify the issuance of the 2021 Certificates of Coverage for the tanks listed. Mr. Burks seconded. A vote was taken and all members were in favor. The motion passed.

Ms. Esquivel requested the Board ratify the Director's actions with respect to the denial of the program year 2021 Certificates of Coverage for the 25 tanks located at the 10 facilities included on the program year 2021 Certificates denied list.

Vice-Chairman Hull moved to ratify the denial of the 2021 Certificates of Coverage that were listed. Ms. Waggener seconded. A vote was taken and all members were in favor. The motion passed.

Executive Session:

Chairman Rocco requested a motion to enter into executive session with counsel pursuant to Ohio Revised Code 121.22(G)(3) to discuss matters of pending or imminent court action. Vice-Chairman Hull so moved. Mr. Bryant seconded. The Chairman called for a roll call. The following members voted in the affirmative: Ms. Waggener and Messrs. Bergman, Bryant, Burks, Hull, Ridi, Stephenson Lenzo, Krichbaum, and Rocco. There were no nays. The motion passed.

Reconvene Meeting

The Board adjourned from executive session and reconvened the public meeting.

Confirm Next Meeting and Adjourn:

Chairman Rocco stated that the next Board meeting will be held on Wednesday, January 12, 2022, at 10:00 a.m. He said the Rules Committee would be meeting after the Board meeting.

Chairman Rocco said the meeting tentatively scheduled for February 9, 2022, would not be needed given the Board's decision to make no changes to the fee or deductible amounts for program year 2022.

Vice-Chairman Hull made a motion to adjourn the meeting and Mr. Bryant seconded. All members were in favor.

Note: Numbers in brackets [] were incorrectly stated at the meeting. The numbers as written reflect the correct numbers from the report materials provided at the meeting.