



Michigan Underground Storage Tank Authority Board of Directors Meeting Minutes

A meeting of the Michigan Underground Storage Tank Authority Board was held on November 9, 2015, at 1:00 p.m. in Constitution Hall, Atrium Level, Patriot Room, located at 525 West Allegan Street, Lansing, Michigan 48933.

MEMBERS PRESENT: Brian D. Eggers, Sr., Chairman
John M. Dimmick, Vice Chairman
Greg Gould
Bill Saad
Grenetta Thomassey
Robert Wagner

MEMBERS ABSENT: Juman Doleh-Alomary

I. Call to Order/Establishment of a Quorum

Brian D. Eggers, Sr., Chairman, called the meeting of the Michigan Underground Storage Tank Authority Board to order at 1:00 p.m. with John M. Dimmick, Greg Gould, Bill Saad, Grenetta Thomassey, and Robert Wagner present.

II. Review of Agenda

Brian D. Eggers, Sr., Chairman, asked if there were any recommended changes to the Agenda as presented dated November 9, 2015. There were no recommended changes.

III. Approval of the Tuesday, September 21, 2015, Minutes

Brian D. Eggers, Sr., Chairman, asked if there were any corrections, comments, or additions to the minutes as presented dated September 21, 2015. A motion was made by Greg Gould and supported by Grenetta Thomassey to approve the September 21, 2015, minutes. **APPROVED UNANIMOUSLY**

IV. Review of Amended Bylaws

Bob Reisner, Administration Division, Department of Environmental Quality (DEQ), provided a review of the proposed changes to the Bylaws. The Board requested a change be made to Article III, number 2 to change the word "executed" to "execute." A motion was made by Greg Gould and supported by Bill Saad to approve the Bylaws with the requested change. **APPROVED UNANIMOUSLY**

V. Review of Draft Board Review Procedure

Bob Reisner, DEQ, and Polly Synk, Department of Attorney General, provided the Draft Procedures for Board Review for Denials. Procedure number 4 sets forth the

amount of documentation that may be submitted by an owner or operator in support of their position. The Board agreed that they would accept a maximum of 20 pages including an Executive Summary, and unlimited documentation, attached as exhibits.

ACTION ITEMS:

Bob Reisner, DEQ, will present a final Board Review Procedure for the Board to vote on at the next scheduled meeting. Polly Synk, Assistant Attorney General, will review Court of Appeals standards and requirements and will report back to the Board at the next scheduled meeting.

VI. Status of Program Implementation

Bob Reisner, DEQ, provided an update on the status of program implementation thus far.

- **Financial Responsibility** – The application was submitted to the United States Environmental Protection Agency (USEPA) on September 29, 2015, and they have had some follow-up questions but do not have an anticipated complete approval date at this time. During the review process, the application is considered approved and requests for determination are currently being accepted.
- **Cost Schedule and Bidding Procedure** – Bob Reisner, DEQ, stated that the schedule of costs, bidding procedures, and a list of ineligible expenses are being developed and will be made available on the Authority's webpage as close to December 1, 2015, as possible.
- **Hiring of Personnel** – Interviews for two Department Analyst positions concluded last week. The Department Analysts will be responsible for reviewing requests for determinations, claims, and supporting documentation. Bob Reisner, DEQ, will also hire a Secretary and a Financial Analyst in the next month as the fund gets closer to paying out claims.
- **Acceptance of Claims, Invoices, Requests for Indemnification, and Transfer of Claims** – Bob Reisner, DEQ, stated that the Authority is currently accepting Requests for Determinations of Eligibility, Requests for Buy-Downs of Deductibles, and documentation of financial responsibility for deductible amounts. The forms that will be used by owners and operators to submit claims, requests for indemnification, and claim transfers will be available to the public on or before December 1, 2015. The forms required to submit invoices will be made available once the cost schedule referenced above is finalized.

VII. Public Comments

Brian D. Eggers, Dr., Chairman, requested comments from the public.

The following questions were asked (the response follows the questions):

- Once a Request for Determination of Eligibility is approved, how long is it valid? It is valid until such time the Authority becomes aware that an owner or operator is no longer in compliance due to the expiration of the owner or operator's financial mechanism for their deductible amount or if they submit a claim and it is found to be ineligible.
- Are there any projected number of releases in the USEPA application and if so, did you predict an initial influx? In the application, a 20 percent increase was built in to the confirmed releases to account for an initial influx. This estimate was accurate based on the number of confirmed releases reported in 2015 as compared to 2014.

VIII. Next Meeting

The next meeting of the Board will be held on January 19, 1:00 p.m., at Constitution Hall, 525 West Allegan Street, Patriot Conference Room, Atrium Level, Lansing, Michigan.

IX. Adjournment

The meeting was adjourned at 1:54 p.m.

Respectfully submitted,

Sarah Sackrider

APPROVED at the MUSTA Board Meeting on January 19, 2016