



## Michigan Underground Storage Tank Authority Board of Directors Meeting Minutes

A meeting of the Michigan Underground Storage Tank Authority (MUSTA) Board (Board) was held on January 15, 2019, at 1:00 p.m. in Constitution Hall, ConCon Conference room on Atrium Level South, located at 525 West Allegan Street, Lansing, Michigan 48933.

**MEMBERS PRESENT:** Brian Eggers, Sr. – Chairman  
John Dimmick – Vice Chairman  
Sue Leeming  
Greg Gould – via telephone  
Juman Doleh-Alomary – via telephone

**MEMBERS ABSENT:** Bill Saad  
Grenetta Thomassey

### 1. Call to Order/Establishment of a Quorum

Brian Eggers, Sr., Chairman, called the meeting to order at 1:00 p.m. with a quorum established.

### 2. Review of Agenda

Brian Eggers, Sr., asked for any recommended changes to the proposed agenda, no suggestions were given.

### 3. Approval of the Tuesday, November 20, 2018, Minutes

Brian Eggers, Sr., Chairman asked if there were any corrections, comments, or additions to the November 20, 2018, meeting minutes. Upon hearing no comments, a motion was made by Juman Doleh-Alomary and supported by Greg Gould to approve the November 20, 2018, minutes. **APPROVED UNANIMOUSLY**

### 4. Hearings on Requests for Review

Brian Eggers, Sr., stated that the Board received and reviewed all material for the following claims:

#### MUSTA Claim #18-064, Denial of Claim for Bristol Fuels

The claimant did not attend or have a representative present. Bob Reisner stated that although the confirmed release was reported within 24 hours, the suspected release was not reported within 24 hours in violation of Part 211 and the rules promulgated under that Part. Sue Leeming motioned to uphold the denial and it was supported by John Dimmick. **APPROVED UNANIMOUSLY**

MUSTA Claim #17-003, Invoice #16, Knight #346

Rich Spehar, BLDI, Inc., on behalf of the claimant, explained that the decision to use a higher-level staff member than what was required was due to the fact that a Consent Order is in place. Brian Eggers Sr. motioned to uphold the denial and it was supported by Sue Leeming. **APPROVED UNANIMOUSLY**

MUSTA Claim #17-006, Invoice #11, Knight K-78

Rich Spehar, BLDI, Inc., on behalf of the claimant, stated that he was withdrawing the request for review of Items 1 and 2; and provided documentation totaling \$400 regarding the denial of Item 7. Nikolas Hertrich indicated that Item 7 would not have been denied based on the new information that was provided. Sue Leeming made a motion to pay the \$400.00 portion of the denial with John Dimmick supporting the motion. **APPROVED UNANIMOUSLY**

MUSTA Claim #17-015, Invoice #12, Knight K-327

Richard Spehar, BLDI, Inc. provided testimony on behalf of the claimant. Greg Gould motioned to uphold the Administrator's denial and Sue Leeming supported the motion. **APPROVED UNANIMOUSLY**

MUSTA Claim #17-020, Invoice # 8, Cheema Pump & Pantry

Rich Spehar, BLDI, Inc., on behalf of the claimant, stated that this situation was similar to the appeal of MUSTA Claim #17-015. Brian Eggers, Sr. motioned to uphold the denial and Greg Gould supported the motion. **APPROVED UNANIMOUSLY**

MUSTA Claim #17-020, Invoice #9, Cheema Pump & Pantry

No testimony was provided regarding this request for review. Sue Leeming motioned to uphold the denial and Greg Gould supported the motion. **APPROVED UNANIMOUSLY**

MUSTA Claim #17-023, Invoice #11, Knight 312

Rich Spehar, BLDI, Inc., on behalf the claimant, stated that this situation was similar to the appeal of MUSTA Claim #17-003. Sue Leeming motioned to uphold the denial and Greg Gould supported the motion. **APPROVED UNANIMOUSLY**

MUSTA Claim #17-056, Invoice #4, Knight 365

No testimony was provided regarding this request for review. Brian Eggers, Sr. motioned to uphold the denial and Sue Leeming supported the motion. **APPROVED UNANIMOUSLY**

MUSTA Claim #18-005, Invoice #3, Knight K-313

Rich Spehar, BLDI, Inc., on behalf the claimant, explained that the additional charges were incurred to reduce push and site time. Sue Leeming motioned to uphold the denial and John Dimmick supported the motion. **APPROVED UNANIMOUSLY**

MUSTA Claim #18-006, Invoice #5, Knight #321

No testimony was provided regarding this request for review. Sue Leeming motioned to uphold the denial and Greg Gould supported the motion. **APPROVED UNANIMOUSLY**

MUSTA Claim #18-008, Invoice #5, Knight #341

No testimony was provided regarding this request for review. Sue Leeming motioned to uphold the denial and John Dimmick supported the motion. **APPROVED UNANIMOUSLY**

MUSTA Claim #18-006, Invoice #5, Knight #353

No testimony was provided regarding this request for review. Juman Doley-Alomary motioned to uphold the denial and Sue Leeming supported the motion. **APPROVED UNANIMOUSLY**

MUSTA Claim #17-064, Invoice #2, Sagamok Mobil

Troy Techlin, Saginaw Chippewa Indian Tribe, indicated that the Schedule of Costs did not clearly state that specific equipment should be included in certain costs and Bob Reisner agreed that the Schedule could be more specific. Therefore, Bob will make changes to the Schedule and provide the Board with updated copies for their approval at the next Board meeting. Brian Eggers, Sr. suggested approving this appeal as a lesson learned and that all future appeals for denials of this nature will be upheld. Sue Leeming motioned to uphold the denial and John Dimmick supported the motion. **APPROVED UNANIMOUSLY**

**5. Update on Program Status and Budgets**

Bob Reisner provided an update on program status and budgets which included the following:

- Financial Status of the Underground Storage Tank Cleanup Fund as of December 7, 2018.
- Underground Storage Tank Cleanup Fund Statistics as of January 4, 2019
- Legacy Release Program Statistics as of January 4, 2019
- Public Highway Cleanup Claims

Bob Reisner noted that Lisa Noblet's recent presentation to Country Road Commission and Michigan Department of Transportation staff has resulted in more awareness of the option to use the Fund for Financial Responsibility and the Public Highway Clean-up claims process.

Sue Leeming explained that the Department of Attorney General's office had been inadvertently submitting invoices for their time to the Remediation and Redevelopment Division instead of to MUSTA due to a coding error and that is being corrected for all future bills.

**6. Status of Internal Audit**

Bob Reisner advised that the DEQ's internal auditors informed him that the final MUSTA audit report should be completed prior to the March 19, 2019, Board meeting.

**7. Public Comment**

None Given

**8. Next Scheduled Meeting**

The next scheduled meeting will take place March 19, 2019, in the ConCon Conference room on the Atrium South level of Constitution Hall.

**11. Adjournment**

The meeting was adjourned at 2:10 p.m.

Respectfully Submitted,  
Debra Pahl, MUSTA Secretary