



## 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 November 12, 2024, at 1:00 p.m., both in person and virtually via Microsoft Teams.

**MEMBERS PRESENT:** Kevin Lepak – Vice Chairman  
Richard Bratschi  
Mike Neller  
Curt Lichy  
Bill Saad – via Teams

**MEMBERS ABSENT:** Juman Doleh-Alomary, Jennifer McKay

**1. Call to Order/Establish of a Quorum**

Kevin Lepak called the meeting to order at 12:59 p.m. with a quorum established.

**2. Review of Agenda – Board**

Kevin Lepak asked for any revisions to the proposed agenda, none were proposed.

**3. Review of the May 21, 2024, Meeting Minutes – Board**

Kevin Lepak asked if there were any questions, comments, or additions to the May 21, 2024, meeting minutes. Upon hearing no comments, a motion was made by Mike Neller and supported by Richard Bratschi to approve the May 21, 2024, meeting minutes. **APPROVED UNANIMOUSLY**

**4. Introduction of New Board Member and Election of Board Chair – Board**

Curt Lichy was introduced as the newest Board member. Curt has extensive experience in underground storage tank management, having worked in the field for over 25 years, including roles at PM Environmental and ATC Group. Curt expressed his enthusiasm to contribute to the Board and provided a summary of his professional background.

The election of a Board Chair and Vice Chair was discussed. Due to the absence of some Board members, a decision was made to table the election until the next meeting to ensure fuller participation. A motion was made by Richard Bratschi and supported by Mike Neller to table the selection of the MUSTA Board Chair and Vice Chair until the next meeting. **APPROVED UNANIMOUSLY**

**5. Review of Appeal of Denied Charges on MUSTA Claim #21-100 Invoice 10 - Robert Reisner**

Tim Hebert, representing Environmental Resources Group, addressed the Board regarding an appeal on denied charges for MUSTA Claim #21-100. Hebert appealed the denial of \$5,236.75 in labor charges that exceeded the maximum labor effort of \$24,000 for preparation of a Final Assessment Report (FAR), including tables and figures generated since submittal of a previous report, that MUSTA allows for FARs

submitted to the Remediation and Redevelopment Division (RRD) in 2024. Hebert cited several potential mitigating factors that he believed should be taken into consideration. Lisa Noblet, MUSTA Environmental Quality Analyst (EQA), commented that based on MUSTA EQA observations of Part 213 investigations and associated FARs, the mitigating factors cited are not uncommon in Part 213 investigations. Although a limited data set, MUSTA cost tracking data indicates that first time FARs approved by RRD without a requirement for additional information are completed for an average cost of approximately \$13,000.

Board members raised questions about the necessity of 6 rounds of groundwater monitoring when typically, only four rounds are conducted. Tim Hebert explained that this site required additional monitoring due to the discovery of NAPL. NAPL was detected at depths of around 20 feet below ground surface, showing up unexpectedly in previously unaffected monitoring wells, necessitating more frequent testing to assess the full impact.

The Board also discussed the inclusion of a \$1,500 addendum submitted for additional soil gas data, which brought the total claim cost to \$30,000. Noblet noted that this addendum was not considered when evaluating FAR effort and is not part of the appeal. The discussion included a review of past instances where submitted costs had exceeded \$24,000. After considering all factors, a motion was made by Mike Neller to deny the appeal, Richard Bratschi supported the decision. **DENIED UNANIMOUSLY**

#### **6. Review and Approval of 2025 Schedule of Costs – Board**

Nikolas Hertrich, MUSTA EQA, outlined the process of updating the Schedule of Costs (SOC) and other cost controls, which involved sending invitations to approximately 60 consulting firms for input. In October 2024, representatives from several firms met to review data collected from labs and drillers and make recommendations. Adjustments were made based on industry changes, such as increased costs for certain materials. Updates were made to the SOC and competitive bidding process document.

The revised SOC and competitive bidding requirements will be posted and will take effect on January 1, 2025. IRS mileage rates, pending updates, will be adjusted when available. A motion to approve the new schedule was made by Mike Neller, Curt Lichy supported the decision. **APPROVED UNANIMOUSLY**

#### **7. Administrator's Program Updates – Robert Reisner**

Robert Reisner highlighted key financial points and noted that the unreserved balance has decreased to approximately \$1.5 million. A deposit of \$20 million is expected from the penny-per-gallon fee by mid-spring which will temporarily improve the balance, future considerations on payout ratios and potential funding adjustments may be necessary.

Reisner also pointed out that current annual expenditures are at least \$20 million on claims, plus administrative costs. However, the large fund balance has allowed the fund to earn significant interest, with \$5.2 million generated last year alone, contributing positively to the budget.

**8. Review and Approval of 2025 Board Meeting Schedule – Board**

The Board reviewed the proposed 2025 meeting schedule, which primarily sets meetings for the third Tuesday of each month. There was some discussion about the November meeting, traditionally adjusted due to deer season. It was noted that this is the most critical meeting of the year due to its impact on the annual schedule. The Board acknowledged that if no appeals are pending, meetings may be canceled. The schedule was approved without objections, with a motion to approve by Mike Neller and seconded by Richard Bratschi. **PASSED UNANIMOUSLY**

**9. Introduction of New MUSTA Secretary Jodi Potter – Robert Reisner**

Robert Reisner introduced Jodi Potter as the new MUSTA Secretary, succeeding Deb Pahl. He acknowledged Jodi's previous experience and strong performance in the interview process as key factors in her selection. The Board welcomed Jodi and expressed appreciation for her assuming the new duties

**10. Recognition of Deb Pahl – Robert Reisner**

Robert Reisner recognized Deb Pahl who is retiring after 13 years of service. Reisner highlighted her significant contributions, including helping establish policies and procedures and overseeing the transition to a fully electronic record-keeping system, a task that took several years to complete. Deb was commended for her professionalism, positive attitude, and dedication. Deb was presented with a plaque, expressing gratitude for her service to Michigan's citizens and environment.

**11. Public Comment**

Nikolas Hertrich recognized Mike Neller and the RRD for the achievement of 400 Part 213 release closures. Acknowledging this milestone, it was noted that the success of these closures is beneficial for the broader MUSTA program's goals. There was a suggestion to invite Neller's team to a future meeting to discuss the closure process in detail, highlighting their methods and results.

**12. Adjournment**

Meeting was adjourned at 1:54 p.m.