

MINUTES
UNDERGROUND STORAGE TANK POLICY COMMISSION
Arizona Department of Environmental Quality
1110 West Washington Street, Phoenix, Arizona
Room 250
October 22, 2003

COMMISSION MEMBERS IN ATTENDANCE:

Andrea Martincic	Theresa Foster	Mike O'Hara
Tamara Huddleston	Roger Beal	Myron Smith
Shannon Davis	Gail Clement	
Hal Gill		

COMMISSION MEMBERS ABSENT:

Leandra Lewis George Tsiolis

I. Meeting called to order by Chairman Mike O'Hara at 9:10 a.m.

Action Items:

1. ADEQ will pursue contracting with a court reporting service.
2. ADEQ will look into how many new releases were from upgraded tanks.
3. ADEQ will define the categories of the most common deficiencies of Corrective Action Plans.
4. ADEQ will speak with the attorney general's office about the legality of transferring SAF money from the Non-Maricopa fund to the Maricopa fund.
5. ADEQ will obtain website information on other state's assurance funds and provide the information to the Commission.
6. ADEQ will research the types of tanks currently in use in Arizona (i.e. double-walled vs. other types).
7. ADEQ will provide the amount of SAF co-pay credit denied to volunteers for application preparation fees.

II. Administrative Issues

The Commission approved the September 2003 minutes.

III. Recording of Meeting Minutes

The Commission discussed recording minutes for the Underground Storage Tank (UST) Policy Commission. A motion was passed to obtain the services of the least expensive court reporting company.

IV. ADEQ Updates

- A. Ian Bingham provided the Commission with an update on the status of the Corrective Action Section (CAS). Ms. Foster asked where in the UST system and from what type of tank the releases occurred? Ms. Martincic asked why there were so many notices of deficiencies for Corrective Action Plans. Ms. Clement asked if the deficiencies could be categorized. Mr. Bingham explained the Corrective Action Plan status numbers and stated that ADEQ would investigate these issues.
- B. Judy Navarrete provided the Commission with an update on the status of the State Assurance Fund Section.
- C. Judy Navarrete provided a presentation and associated handouts on the amount of money received by different sized companies. Brian Beck, a member of the public who is a consultant, asked how much money was being denied to volunteers for the cost of preparing a SAF application. The Commission asked ADEQ to gather that information for the next meeting.

V. Status Of Maricopa And Non-Maricopa SAF Funds and the Possibility of Combining the Funds:

Ms. Navarrete also recommended a one-time withdrawal of money from the Non-Maricopa funds to pay down the backlog of SAF applications that fall under the Maricopa fund. The Non-Maricopa fund (Area B) has approximately \$19 million in excess of the fund's demand, and the Maricopa fund (Area A) has \$13-14 million waiting for payment. Mr. Smith questioned whether a legislative change was necessary. Bob Rocha, ADEQ Administrative Services Division Director, said he would have to consult an attorney before responding. Ms. Martincic stated that her members would be opposed to taking money from the Non-Maricopa fund to pay the Maricopa fund requests because there were too many unknown factors that could affect the liability of the fund, such as insurance.

VI. Discussion on the process for introducing items to the Policy Commission's Subcommittees

This issue was moved to the next Commission meeting.

VII. Technical Subcommittee Updates

Mr. Gill gave an update of the last Technical Subcommittee meeting. He indicated that the group was working on prioritizing the "parking lot issues." ADEQ will provide the

subcommittee with a first draft description of the parking lot issues. The next meeting will be November 12, 2003.

VIII. Financial Subcommittee Update

Mike O'Hara presented a draft letter on insurance regarding A.R.S. §49-1054(E) and phase-out. The issue will be move to the Financial Subcommittee for further discussion. ADEQ will provide the Commission information on fund phase-out on a national level derived from several external sources.

IX. UST Stakeholders Group Meeting of October 15, 2003

Andrea Martincic gave an update of the UST Stakeholder Group. The Group has listed several UST program improvement issues and is working to prioritize those issues.

X. Discussion of Agenda Items for Next Commission Meeting

- SAF Phase-out
- Stakeholder Group Update
- Financial and Technical Subcommittee Meetings Updates
- Insurance Court Case outcome
- New ADEQ risk assessment personnel and status of ADEQ's risk assessment model
- A discussion on how Commission members communicate with the constituency they represent.

XI General Call to the Public

Brian Beck, an environmental consultant, stated that insurance for USTs that are not double-walled is costing owners 10 to 15 times the premium amount for double-walled USTs. The Commission asked ADEQ to determine the numbers of double-walled vs. others types of USTs in Arizona.

XII Announcements:

Next meeting will be held on Wednesday, November 19, 2003, at the Carnegie Public Library.

XIII Adjourn:

Meeting adjourned at 11:35 p.m.