



Petroleum Underground Storage Tank Release Compensation Board

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AGENDA Petroleum UST Release Compensation Board March 20, 2014

- I. Chairman's Call to Order
- II. Approval of Minutes – February 19, 2014 Tab 1
- III. BUSTR Report – Chief William Hills Tab 2
- IV. Financial Reports – Don Leasor
 - A. January Financials Tab 3
- V. Compliance/Fee Assessment Report – Madelin Esquivel Tab 4
- VI. Claims Reports – Cindy Duann Tab 5
- VII. Old Business
 - A. Rule Adoption – 3737-1-04 Tab 6
 - B. Legal Update
- VIII. New Business
 - A. Finance Committee Report Tab 7
- IX. Certificates of Coverage Ratification
 - A. 2013 Certificates – Issued & Denied Tab 8
- X. Executive Session
- XI. Confirm Next Meeting Date – June 11, 2014 and Adjourn

Memorandum

To: Petroleum Underground Storage Tank Release Compensation Board
From: Chief William Hills, BUSTR
Re: **BUSTR Report**
Date: March 12, 2014

PERSONNEL – Two temporary service employees have been assigned to BUSTR for the remainder of the fiscal year to assist with scanning and indexing of completed files. The BUSTR records management section completed over 400 public records requests for the PUSTRCB’s litigation.

One field inspector accepted a promotion at DIC as an elevator inspector. Posting of the vacant field inspector position is in progress.

ADMINISTRATION – The BUSTR Revolving Loan Fund Program administrative rule (OAC 1301:7-9-20) that enables Political Subdivisions to address the removal of Underground Storage Tanks was filed on November 13, 2013 with an anticipated effective date of January 30, 2014. BUSTR is working with Commerce Fiscal on the application form, screening criteria and loan agreement used for this program for use in March/April, 2014. The funds are to be available for distribution starting July 1, 2014.

BUSTR was recently awarded \$98,000 in additional FY14 LUST grant dollars to be used for performing responsible party searches at petroleum UST release properties. Commerce Fiscal is currently working with BUSTR to develop the steps necessary for selecting vendors for this project. Five vendors have accepted the counter offer made by Commerce Fiscal and files have been distributed to the vendors.

TRAINING AND STAFF DEVELOPMENT – Successful completion of both the UST installer and inspector courses concluded the first week of March, 2014.

The State Fire Marshal/BUSTR has agreed to sponsor the U.S. EPA Region 5 (consisting of six states) “Underground Storage Tank Installer” seminar. The training is scheduled for March 25-26, 2014 at the State Fire Academy. BUSTR staff will have the opportunity to participate in these training sessions and seminar.

TRAINING TO STAKEHOLDERS – None scheduled at this time.

ACTIVITY –

OTTER Database Upgrade Project

OTTER went live with on August 5, 2013. Ventech and IT Commerce continue to correct minor issues as part of the contract.

Click Scheduling

The “Click Scheduling” process also went live on August 5, 2013. There have only been a few minor issues that are being handled in-house.

STATISTICS and/or COMMENTS

Release Prevention

UST Operation Compliance Inspections

The current 3 year inspection cycle ends June 30, 2016.

For the week ending **March 7, 2014**

53 new inspections were performed for a total of **2,385** inspections.

Corrective Action

No Further Action Letters (NFA)

The current grant cycle ends September 30, 2014.

For the week ending **March 7, 2014**

14 NFA’s were generated, for a total of **261** NFA’s

To - date target projection of total NFA’s is **264**

Statistic	Count as of 3/10/2014
Number of Registered Tanks	21,962
Number of Owners of Registered Facilities	3,725
Number of Registered Facilities	7,497
Number of Active Releases	2,523
Number of Active Closures	1,117
Number of Program No Further Actions	27,929

MONTHLY INCOME FIGURES AS OF JANUARY 31, 2014 (CASH BASIS)

Fiscal 2014

	July	August	September	October	November	December	January	Total YTD	% Of Budget	FY 2014 Budget
Tank Revenue										
In house collections *	12,949,448.00	387,201.86	93,612.00	95,313.00	39,890.00	42,720.00	30,628.37	13,638,813.23		
AG collections	25,119.99	23,615.25	25,470.40	15,174.70	12,447.25	40,132.80	22,488.96	164,449.35		
Collection costs paid by owner	(4,428.47)	(1,282.73)	(1,770.40)	(1,649.49)	(540.00)	(8,340.45)	(2,638.85)	(20,650.39)		
Total Tank Revenue	12,970,139.52	409,534.38	117,312.00	108,838.21	51,797.25	74,512.35	50,478.48	13,782,612.19	98.45%	14,000,000
Interest Income										
Interest Earned **	1,825.02	1,760.42	1,653.15	1,736.91	1,702.91	1,578.95	1,506.70	11,764.06	45.95%	25,600
Unearned Gain/(Loss) on Investments	7,220.00	(3,300.00)	10,450.00	6,660.00	2,510.00	(6,060.00)	3,790.00	21,270.00		
Total Interest Income **	9,045.02	(1,539.58)	12,103.15	8,396.91	4,212.91	(4,481.05)	5,296.70	33,034.06		
Miscellaneous Income	0.00	2.85	0.12	118.69	3.47	9.86	5.67	140.66	14.07%	1,000
Total Income	12,979,184.54	407,997.65	129,415.27	117,353.81	56,013.63	70,041.16	55,780.85	13,815,786.91	98.50%	14,026,600
Claims Expense	156,272.36	614,569.87	533,260.56	446,960.96	508,426.42	772,840.38	186,937.97	3,219,268.52	35.77%	9,000,000
Operating Expenses										
Salaries	98,185.95	95,057.31	93,069.03	100,172.15	93,246.82	96,633.46	98,562.55	674,927.27	54.73%	1,233,200
Temp Services *	0.00	2,062.78	1,496.80	0.00	0.00	0.00	0.00	3,559.58	23.73%	15,000
Rent	9,035.21	9,035.21	9,035.21	9,035.21	9,035.21	9,035.21	9,035.21	63,246.47	58.29%	108,500
Office Supplies	1,149.17	690.57	962.03	683.24	870.63	2,857.61	1,548.05	8,761.30	54.76%	16,000
Printing & Copying *	777.23	460.39	328.39	684.73	192.52	1,542.26	491.20	4,476.72	29.84%	15,000
Staff Development	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	2,000
Advertising	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	2,000
Legal & Professional										
L&P services	1,806.41	12,285.63	550.22	17,275.63	25,724.95	15,449.22	10,452.72	83,544.78		
Collection costs	2,339.98	3,057.91	21,736.05	4,544.74	4,654.61	3,925.09	4,713.90	44,972.28		
Collection costs paid by owner	(4,428.47)	(1,282.73)	(1,770.40)	(1,649.49)	(540.00)	(8,340.45)	(2,638.85)	(20,650.39)		
Total L & P Expense	(282.08)	14,060.81	20,515.87	20,170.88	29,839.56	11,033.86	12,527.77	107,866.67	35.96%	300,000
Travel	138.00	0.00	521.20	(327.60)	677.04	313.20	1,170.63	2,492.47	49.85%	5,000
Employee Expenses	1,460.00	1,725.00	1,748.63	1,725.00	1,725.00	1,631.64	1,610.00	11,625.27	54.58%	21,300
Telephone	966.62	981.74	540.06	1,412.51	539.90	962.58	971.48	6,374.89	57.95%	11,000
Postage *	16,899.86	187.98	129.00	3,096.12	231.40	180.60	70.95	20,795.91	69.32%	30,000
Depreciation	1,958.37	1,980.87	1,969.62	1,969.62	1,969.62	1,945.41	1,972.57	13,766.08	47.47%	29,000
Total Operating Expenses	130,288.33	126,242.66	130,315.84	138,621.86	138,327.70	126,135.83	127,960.41	917,892.63	51.34%	1,788,000
Net Income (Cash method)								9,678,625.76		

* Extremely cyclical; occurs mainly during and as a result of the fee assessment period.

** Includes linked deposit interest

Petroleum UST Release Compensation Board

**Balance Sheet
As of 01/31/2014**

Assets

Current Assets

108 State Cash Balance	46,506.86	
112 Debt Service Fund	0.00	
114 Treasury Notes	6,005,041.33	
138 Unclaimed Monies Trust Account	17,772.79	
140 Investments - Obligated	5,758,699.46	
141 Reinvested Interest - Obligated	968.16	
142 Investments - Unobligated	12,821,948.57	
143 Reinvested Interest-Unobligated	1,736.71	
Total Current Assets		<u>24,652,673.88</u>

Fixed Assets

160 Fixed Asset-Furniture	98,899.96	
165 Fixed Asset-Data Processing	837,226.85	
169 Accumulated Depreciation	(895,445.04)	
Total Fixed Assets		<u>40,681.77</u>

Total Assets

\$24,693,355.65

Liabilities

Current Liabilities

Total Current Liabilities	<u>0.00</u>
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Long Term Liabilities

Total Long Term Liabilities	<u>0.00</u>
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Total Liabilities

\$0.00

Equity

Equity Accounts

283 Retained Earnings (Deficiency)	12,410,857.97	
Current Year Income (Loss)	12,282,497.68	
Total Equity		<u>24,693,355.65</u>

Total Liabilities and Equity

\$24,693,355.65

Petroleum UST Release Compensation Board

Income Statement

For the Month Ended 01/31/2014

Operating Income		Year To Date	
301	Tank Fees	50,478.48	15,489,717.72
303	Investment Income	5,296.70	32,957.39
	Total Operating Income	<u>55,775.18</u>	<u>15,522,675.11</u>
Operating Expenses			
350	Claims Paid	186,937.97	2,587,293.95
	Total Operating Expenses	<u>186,937.97</u>	<u>2,587,293.95</u>
Administrative Expenses			
621	Salaries	85,900.00	474,295.14
626	Temporary Services	0.00	3,559.58
634	Rent	9,035.21	63,246.47
638	Office Supplies	1,548.05	8,023.72
639	Printing & Copying	491.20	4,272.45
668	Legal & Professional	12,527.77	62,075.84
669	Depreciation Expense	1,972.57	13,766.08
672	Travel	1,170.63	2,354.47
675	Employee Expenses	1,610.00	11,625.27
680	Telephone	971.48	5,896.71
681	Postage	70.95	3,967.00
	Total Administrative Expenses	<u>115,297.86</u>	<u>653,082.73</u>
Other Income			
701	Miscellaneous Income	5.67	140.66
705	Link Interest Income	0.00	58.59
	Total Other Income	<u>5.67</u>	<u>199.25</u>
Net Income (Loss)		<u><u>(\$246,454.98)</u></u>	<u><u>\$12,282,497.68</u></u>

Petroleum UST Release Compensation Board

Trial Balance

Transaction Dates 01/01/2014 to 01/31/2014

Account	Account	Beginning Balance	Transaction	Ending Balance
108	State Cash Balance	59,348.00	(12,841.14)	46,506.86
114	Treasury Notes	5,999,971.50	5,069.83	6,005,041.33
138	Unclaimed Monies Trust Account	17,772.57	0.22	17,772.79
140	Investments - Obligated	5,945,637.43	(186,937.97)	5,758,699.46
141	Reinvested Interest - Obligated	897.70	70.46	968.16
142	Investments - Unobligated	12,871,948.57	(50,000.00)	12,821,948.57
143	Reinvested Interest-Unobligated	1,580.52	156.19	1,736.71
160	Fixed Asset-Furniture	98,899.96	0.00	98,899.96
165	Fixed Asset-Data Processing	837,226.85	0.00	837,226.85
169	Accumulated Depreciation	(893,472.47)	(1,972.57)	(895,445.04)
283	Retained Earnings (Deficiency)	(12,410,857.97)	0.00	(12,410,857.97)
301	Tank Fees	(15,439,239.24)	(50,478.48)	(15,489,717.72)
303	Investment Income	(27,660.69)	(5,296.70)	(32,957.39)
350	Claims Paid	2,400,355.98	186,937.97	2,587,293.95
621	Salaries	388,395.14	85,900.00	474,295.14
626	Temporary Services	3,559.58	0.00	3,559.58
634	Rent	54,211.26	9,035.21	63,246.47
638	Office Supplies	6,475.67	1,548.05	8,023.72
639	Printing & Copying	3,781.25	491.20	4,272.45
668	Legal & Professional	49,548.07	12,527.77	62,075.84
669	Depreciation Expense	11,793.51	1,972.57	13,766.08
672	Travel	1,183.84	1,170.63	2,354.47
675	Employee Expenses	10,015.27	1,610.00	11,625.27
680	Telephone	4,925.23	971.48	5,896.71
681	Postage	3,896.05	70.95	3,967.00
701	Miscellaneous Income	(134.99)	(5.67)	(140.66)
705	Link Interest Income	(58.59)	0.00	(58.59)
		0.00	0.00	0.00

**PETROLEUM UST RELEASE COMPENSATION BOARD
PROGRAM YEAR 2013 COMPLIANCE / FEE ASSESSMENT REPORT
AS OF FEBRUARY 28, 2014**

	PY 2013 As of 2/28/2014	PY 2013 As of 1/31/2014	Increase from Feb. meeting	PY 2012 (7/1/12 - 6/30/13)	PY 2011 (7/1/11 - 6/30/12)	PY 2010 (7/1/10 - 6/30/11)	PY 2009 (7/1/09 - 6/30/10)	Percent of PY 2013/PY 2012
<u>Refunds</u>								
Amount of Refunds Paid	\$70,565 (a)	\$69,115	\$1,450	\$273,165	\$387,524 (a)	\$214,842	\$106,391	26%
Number of Refunds Paid	132	129	3	636	525	423	225	21%
Number of Owners Paid Refunds	71	68	3	220	226	205	131	32%
Number of Pending Refunds	3,025	3,005	20					
Amount of Pending Refunds	\$1,407,117	\$1,391,287	\$15,830					
<u>Collections</u>								
Amount of Refunds Used to Offset Outstanding Fees	\$81,425	\$78,625	\$2,800	\$51,194	\$68,517	\$48,700	\$33,950	159%
Amount Collected by Attorney General/Special Counsel	\$175,980	\$164,449	\$11,531	\$384,008	\$448,231	\$371,668 (b)	\$370,397 (b)	46%
Collection Costs	\$45,995	\$44,972	\$1,023	\$115,310	\$142,714			
Amount Collected by AG/SC, Less Collection Costs	\$129,985	\$119,477	\$10,508	\$268,698	\$305,517			
Number of Accounts Certified to the AG's office	272	272	0	604	687	592	513	45%
Number of Owners Certified to the AG's office	179	179	0	226	250	240	233	79%
Amount Certified to the AG's office	\$1,154,822	\$1,154,822	\$0	\$1,939,685	\$1,687,168	\$1,820,115	\$1,555,520	60%
<u>Appeals</u>								
Orders Pursuant to Law	7*							*Current: 6 under review; 1 hearing scheduled
Determination to Deny a Certificate of Coverage	2**							**Current: 2 under review
<u>Ability to Pay Applications</u>								
Ability to Pay Applications Pending Review	3							
<u>COC Applications (As of 3/11/14)</u>								
COC Application/Fee Statements Sent - annual mailing	3,477			3,538	3,595	3,674	3,694	98%
# of Owners Issued COC	3,136	3,115		3,243	3,254	3,258	3,264	97%
# of Owners w/COCs In-Process	120	187		n/a	n/a	n/a	n/a	
# of Owners w/Unresolved Pending Denials of COC	26	59		5	3	2	2	
# of Owners w/Unresolved Determinations Denying COC	100	55		154	164	207	241	
<u>Unclaimed Monies/Refunds Pending</u>								
Owners on Unclaimed Monies List (Uncashed Checks)	57							
Amount of Unclaimed Monies (Uncashed Checks)	\$39,045							
Owners with Refunds Pending - More Info Requested	55							
Amount of Refunds Pending with More Info Requested	\$61,205							

(a) Program year 2013 refund goal - \$250,000. PY 2013 as of 2/28/14: \$69,115 (28%). PY 2012 goal \$275,000. Total - \$273,165 (99%). PY 2011 goal - \$250,000. Total - \$387,524 (155%).

(b) Amount includes AG and Special Counsel fees paid by Board

CLAIMS STATISTICS REPORT
March 3, 2014

Total Number of all Sites	2,924	
Face Value of all Claims		\$431,696,433
Total Deductible Used for Settled Claims		(\$93,453,910)
Deductible Remaining for Open Claims		(\$8,992,898)
Net Value		\$329,249,626
Total Disallowed Costs		(\$77,812,256)
Total Payments & Installments		(\$221,267,597)
Maximum Liability of Unpaid Claims		\$30,169,773
Total Average Gross Value per Closed Site		\$128,598
Total Average Net Value per Closed Site		\$95,308
Total Average Payout per Closed Site (2,180 sites)		\$68,857

Costs for Sites Cleaned Up Exclusively Under BUSTR's 1999, 2005 and/or 2012 Corrective Action Rule

Above the Deductible (155 sites):

Average clean-up costs per site:	\$111,786
Average claim payout per site:	\$42,985

Above and Below the Deductible (326 sites):

Average clean-up costs per site:	\$68,133
Average claim payout per site:	\$20,438

Breakdown of all claim packages

<u>Work in Progress: Open Claims</u>		
Number of Claims with More Information Requested	11	
Number of Claims with More Information Received	5	
Number of Pending Reviewable Claims	1,760	
Total Open Claims		1,776
<u>Settled/Closed Claims</u>		
Number of Settled Claims	4,926	
Number of Closed Claims	8,110	
Below Deductible/NFA closed without review/Revoked	657	
Number of Claims on Waiting List	129	
Total Settled Claims		13,822
<u>Held Claims</u>		
Number of Claims with Appeals Outstanding	20	
Number of Claims Below the Deductible	261	
Total Held Claims		281
Total Number of Claims		15,879

CLAIM SETTLEMENT SUMMARY

<u>YEAR</u>	<u>CLAIMS REC'D</u>	<u>SETTLED</u>	<u>RVK/BD-NFA¹</u>	<u>NET VALUE</u>	<u>DISALLOWED</u>	<u>SETTLEMENT</u>	<u>PAYOUT</u>
2004	743 (\$14.527M)	685	47	\$14,072,003	\$3,886,634	\$10,166,903	72.2% ^{B,C}
AVG/MONTH	62 (\$1.210M)	61			AVERAGE PAYOUT PER CLAIM	\$	14,842
2005	823 (\$13.235M)	782	26	\$14,605,477	\$4,377,921	\$10,184,085	69.7% ^D
AVG/MONTH	69 (\$1.103M)	67			AVERAGE PAYOUT PER CLAIM	\$	13,023
2006	971 (\$12.874M)	790	48	\$14,231,096	\$4,708,846	\$9,446,002	66.4% ^E
AVG/MONTH	81 (\$1.073M)	70			AVERAGE PAYOUT PER CLAIM	\$	11,957
2007	916 (\$13.177M)	738	65	\$11,727,341	\$4,467,443	\$7,259,898	61.9%
AVG/MONTH	76 (\$1.098M)	67			AVERAGE PAYOUT PER CLAIM	\$	9,837
2008	867 (\$12.409M)	752	52	\$11,602,241	\$3,631,544	\$8,191,840	70.6% ^F
AVG/MONTH	72 (\$1.034M)	67			AVERAGE PAYOUT PER CLAIM	\$	10,893
	<u>CLAIMS REC'D</u>	<u>SETTLED</u>	<u>RVK/BD-NFA¹</u>	<u>FACE VALUE</u>	<u>DISALLOWED</u>	<u>DEDUCTIBLE USED</u>	<u>SETTLEMENT</u>
2009	799 (\$11.078 M)	723	38	\$14,606,030	\$3,892,253	\$3,081,606	\$ 7,632,171 ^G
AVG/MONTH	67 (\$0.923 M)	63			AVERAGE PAYOUT PER CLAIM	\$	10,556
PERCENTAGES					26.6%		66.2%
2010	808 (\$11.406 M)	705	52	\$12,639,804	\$3,001,516	\$2,583,509	\$ 7,054,779
AVG/MONTH	67 (\$0.951 M)	63			AVERAGE PAYOUT PER CLAIM	\$	10,007
PERCENTAGES					23.7%		70.2%
2011	794 (\$10.536 M)	725	94	\$13,320,431	\$2,753,772	\$3,537,439	\$ 7,029,220
AVG/MONTH	66 (\$0.878 M)	68			AVERAGE PAYOUT PER CLAIM	\$	9,695
PERCENTAGES					20.7%		71.9%
2012	731 (\$10.055 M)	697	53	\$11,779,357	\$2,408,971	\$2,374,716	\$ 6,737,103
AVG/MONTH	61	63			AVERAGE PAYOUT PER CLAIM	\$	9,666
PERCENTAGES					20.5%		71.6%

PROGRAM YEAR 2013

<u>MONTH</u>	<u>CLAIMS REC'D</u>	<u>SETTLED</u>	<u>RVK/BD-NFA¹</u>	<u>FACE VALUE</u>	<u>DISALLOWED</u>	<u>DEDUCTIBLE USED</u>	<u>SETTLEMENT</u>
Jul-13	94 (\$1.677 M)	62	0	\$936,818	\$125,991	\$326,013	\$484,814
Aug-13	100 (\$0.766 M)	58	0	\$727,356	\$61,844	\$96,452	\$569,060
Sep-13	77 (\$0.808 M)	55	0	\$633,763	\$157,359	\$298,101	\$178,303
Oct-13	75 (\$0.837 M)	94	25	\$1,533,177	\$280,187	\$464,121	\$788,869
Nov-13	71 (\$0.881 M)	71	0	\$941,021	\$142,255	\$127,037	\$671,729
Dec-13	66 (\$1.172 M)	49	0	\$974,376	\$237,622	\$190,351	\$546,403
Jan-14	90 (\$1.528 M)	100	0	\$675,086	\$172,446	\$176,544	\$326,097
Feb-14	57 (\$0.712 M)	63	23	\$1,272,937	\$281,803	\$360,479	\$630,655
Mar-14							
Apr-14							
May-14							
Jun-14							
TOTAL	629 (\$8.377 M)	552	48	\$7,694,534	\$1,459,507	\$2,039,097	\$4,195,930
AVG/MONTH	79	75					
PERCENTAGES					19.0%		74.2%
AVERAGE PAYOUT PER CLAIM							\$7,601

^BIncludes a settlement agreement in PY 2004 with a major oil company for 98 claims for \$1,100,000 (a payout percentage of 59.2%)

^CIncludes a settlement agreement in PY 2004 with a major oil company for 33 claims for \$417,500 (a payout percentage of 76.6%)

^DIncludes a settlement agreement in PY 2005 with a major oil company for 89 claims for \$912,000 (a payout percentage of 62.5%)

^EIncludes a settlement agreement in PY 2006 with a major oil company for 124 claims for \$1,832,000 (a payout percentage of 63.5%)

^FIncludes a settlement agreement in PY 2008 with a major oil company for 136 claims for \$1,820,000 (a payout percentage of 60.8%)

^GIncludes a settlement agreement in PY 2009 with a major oil company for 96 claims for \$1,215,000 (a payout percentage of 46.9%)

¹Eligibility revoked and/or Below Deductible claims with an NFA are not included in the claims payout statistics.

ELIGIBILITY STATISTICS REPORT

March 3, 2014

Breakdown of Applications

More Info Requested	4
In Review	7
Total Open Applications	11
Eligibility Determinations Under Appeal	3

	REC'D	APP'D	DENIED
PY 2003	78	66	42
Average/mo.	7	9	
PY 2004	72	79	48
Average/mo.	6	11	
PY 2005	96	71	34
Average/mo.	8	9	
PY 2006	109	69	34
Average/mo.	9	9	
PY 2007	108	71	29
Average/mo.	9	8	
PY 2008	96	63	30
Average/mo.	8	8	
PY 2009	85	81	20
Average/mo.	7	8	
PY 2010	38	48	18
Average/mo.	3	6	
PY 2011	63	45	15
Average/mo.	5	5	
PY 2012	87	54	17
Average/mo.	7	6	

Program Year 2013

	REC'D	APP'D	DENIED
Jul-13	6	16	1
Aug-13	2	5	1
Sep-13	1	0	0
Oct-13	1	5	2
Nov-13	8	10	0
Dec-13	8	2	0
Jan-14	2	7	1
Feb-14	7	4	0
Mar-14			
Apr-14			
May-14			
Jun-14			
TOTAL	35	49	5
Average/mo.	4	7	

Denial Reasons PY 2003-2012	%
No Release	88
Late Filing	63
No Valid COC	34
Abandoned/Out of Compliance Tank	30
No CA Required	16
Pre-Fund Release	9
Incomplete App	9
Untimely Fees	4
No Fee Payment	3
No Response	3
Other	28
Total	287

Denial Reasons PY 2013	
No Release	2
Late Filing	
No Valid COC	1
Abandoned / OOC	2
No CA Required	
Pre-Fund Release	
Incomplete App	
Untimely Fees	
No Fee Payment	
No Response	
Other	
Total	5

COST PRE-APPROVAL STATISTICS REPORT

March 3, 2014

Mandatory Cost Pre-Approvals

Number Annual RAPs in Review	5
Number Annual FPR in Review	4
All Other Mandatory Open Cost Pre-Approvals:	30
Total Open Mandatory Cost Pre-Approvals	39

Voluntary Pre-Approvals

Number in Review	1
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	New RAPs		Annual RAP Cost Pre-Approvals		Annual FPR Cost Pre-Approvals		Mandatory IRA		Tier 3		Monitoring / Calibration Plan		Voluntary		TOTALS	
	REC'D	DET'D	REC'D	DET'D	REC'D	DET'D	REC'D	DET'D	REC'D	DET'D	REC'D	DET'D	REC'D	DET'D	REC'D	DET'D
PY 2007	26	35	26	21	49	49	12	11	16	20	28	28	44	39	201	203
PY 2008	33	25	49	45	52	48	8	12	16	12	58	44	58	60	274	246
PY 2009	27	21	27	28	65	64	7	6	25	19	35	38	36	38	222	214
PY 2010	22	22	21	24	52	66	8	9	23	28	34	38	31	30	191	217
PY 2011	35	30	19	17	56	55	5	2	22	17	45	43	41	46	223	210
PY 2012	26	39	18	18	57	68	7	10	13	23	30	41	35	35	186	234

PY 2013	New RAPs		Annual RAP Cost Pre-Approvals		Annual FPR Cost Pre-Approvals		Mandatory IRA		Tier 3		Monitoring / Calibration Plan		Voluntary		TOTALS	
	REC'D	DET'D	REC'D	DET'D	REC'D	DET'D	REC'D	DET'D	REC'D	DET'D	REC'D	DET'D	REC'D	DET'D	REC'D	DET'D
Jul-13	4	2	6	6	3	6	0	0	3	0	1	0	1	2	18	16
Aug-13	2	7	4	5	3	5	0	0	0	1	2	2	1	4	12	24
Sep-13	4	0	2	1	0	3	1	0	1	0	1	2	2	2	11	8
Oct-13	4	4	5	8	7	4	1	2	0	2	2	3	4	2	23	25
Nov-13	0	3	3	2	3	2	0	0	0	1	3	0	3	3	12	11
Dec-13	1	4	2	2	6	2	0	0	1	0	2	2	1	1	13	11
Jan-14	0	1	3	3	7	9	0	0	1	0	1	1	1	2	13	16
Feb-14	4	2	4	3	4	7	1	0	2	1	3	2	1	2	19	17
Mar-14																
Apr-14																
May-14																
Jun-14																
TOTALS	19	23	29	30	33	38	3	2	8	5	15	12	14	18	121	128
Avg/Mo															15	16

3737-1-04

Annual petroleum underground storage tank financial assurance fee, certification of compliance, and financial responsibility.

- (A) Effective April 1, 1991, and each year thereafter in which the unobligated balance of the financial assurance fund does not exceed forty-five million dollars on the date of the board's determination of the annual financial assurance fee for the succeeding fiscal year, the board shall assess a fee for each tank comprising an underground storage tank or an underground storage tank system that contains or has contained petroleum and for which a responsible person is required to demonstrate financial responsibility.

In the event that the unobligated balance of the financial assurance fund exceeds forty-five million dollars on the date of the board's determination of the annual financial assurance fee for the succeeding fiscal year, the board may assess a fee in the year to which the determination applies only to the extent required in or by, or necessary to comply with covenants or other requirements in, revenue bonds issued under sections 3737.90 to 3737.948 of the Revised Code or in proceedings or other covenants or agreements related to such bonds.

- (B) The basis for the calculation of the annual fee includes, but is not limited to, the amount needed to meet financial soundness objectives set forth in division (C) of section 3737.91 of the Revised Code.
- (C) The director of the fund shall notify each responsible person by May first of each year of the annual fee. In the year in which an annual fee is not assessed, the director of the fund will provide reasonable notification to responsible persons of the non-assessment of fees.
- (D) The annual fee is due no later than July first of each year in which an annual fee is imposed. In the event the director determines that a responsible person fails to pay the annual fee by July first of the year in which the fee is imposed, the director of the fund shall notify the responsible person of the non-payment. If the responsible person fails to submit the annual fee within thirty days of the date the notification of non-payment was mailed, the director of the fund shall issue an order directing the responsible person to pay the annual fee and a late fee of no more than one thousand dollars per tank. If the responsible person fails to comply with the order within thirty days after the issuance of the order, the director shall notify the fire marshal of the non-compliance and may request the attorney general to bring an action for appropriate relief. No retroactive coverage shall be extended in situations where responsible persons have initially failed to pay fees but later did so, regardless of whether they received notification by the director of such failure.

(E)

- (1) Except as limited by rule 3737-1-04.1 of the Administrative Code, upon receipt of full payment of the annual fee and any past fees owed, upon demonstration of financial responsibility as required by rule 1301:7-9-05 of the Administrative Code, and upon certification that the responsible person is in compliance with applicable rules for petroleum underground storage tanks adopted by the fire marshal under section 3737.88 of the Revised Code, the director shall issue a certificate of coverage. Payment of the annual fee and any past fees owed, certification of compliance with the fire marshal's rules, and demonstration of financial responsibility for the succeeding fiscal year on or before July first will entitle the responsible person to a certificate of coverage in effect for the fiscal year. Payment of the annual fee and any past fees owed, certification of compliance with the fire marshal's rules, and demonstration of financial responsibility for the current fiscal year after July first will result in a certificate of coverage for that fiscal year effective on and after the date the board received full payment due, certification of compliance with the fire marshal's rules, and demonstration of financial responsibility. The failure to do any of the following will result in the non-issuance or revocation of a certificate of coverage:
 - (a) Pay any annual fee authorized by division (B) of section 3737.91 of the Revised Code or supplemental fee authorized by division (C) of section 3737.91 of the Revised Code;
 - (b) Demonstrate and maintain financial responsibility as required by rule 1301:7-9-05 of the Administrative Code for the deductible or, when appropriate, the reduced deductible established under rule 3737-1-06 of the Administrative Code;
 - (c) Certify and maintain compliance with applicable rules for petroleum underground storage tank systems adopted by the fire marshal under section 3737.88 of the Revised Code for each tank for which a certificate of coverage is sought; or
 - (d) Pay any fee assessed pursuant to this chapter.
- (2) Where ownership of an underground storage tank has been transferred and notice has been given to the director in accordance with paragraph (F) of this rule, a new certificate of coverage shall be issued to the new underground storage tank owner for the fiscal year in which the transfer occurred provided that the new owner pays a transfer fee of five hundred dollars per facility, pays all outstanding fees, if any, demonstrates financial responsibility, certifies compliance with the fire marshal's rules, and, if applicable, complies with rule 3737-1-04.1 of the Administrative Code.

- (3) The director shall accept the annual petroleum underground storage tank financial assurance fee required by this rule but shall not issue a certificate of coverage when the criteria of this rule for issuance are not satisfied.
- (4) Where a certificate of coverage is to be denied because the criteria of this rule for issuance are not satisfied, the director shall issue a notice of pending denial to the responsible person. The responsible person shall have thirty days from the mailing of the notice to correct the deficiency. If, after thirty days from the mailing of the notice, the responsible person fails to correct the deficiency, the director shall issue a determination of denial.

Once a certificate of coverage has been issued, it may be revoked at any time upon a finding by the director that the criteria of this rule for issuance are not satisfied. Where a certificate of coverage is to be revoked, the director shall issue a notice of pending revocation to the responsible person. The responsible person shall have thirty days from the mailing of the notice to correct the deficiency. If, after thirty days from the mailing of the notice, the responsible person fails to correct the deficiency, the director shall issue a determination of revocation. The director shall provide the fire marshal with a copy of any determination issued pursuant to this rule.

Where the requirements of this rule are not satisfied at the time of a petroleum release, the certificate is null and void for purposes of coverage and the responsible person is not eligible for reimbursement from the fund, regardless of whether the certificate has been revoked.

- (F) In the event that a newly installed underground storage tank is placed in service, the responsible person shall immediately notify the director. In the event that an underground storage tank exists for which a certificate of coverage was not issued in the previous fiscal year, due to an omission, intentional or unintentional, by the responsible person, the responsible person shall immediately notify the director. Upon receipt of notice of a newly installed, or existing underground storage tank, required by this paragraph of this rule, the director shall notify the responsible person of the assessment of any applicable fees. No certificate of coverage will be issued until the responsible person has notified the director of any newly installed or any existing underground storage tank for which a certificate of coverage is not currently in place, has paid the required annual fees for the new or existing tank, all outstanding fees, if any, demonstrates financial responsibility, certifies compliance with the fire marshal's rules, and, if applicable, complies with rule 3737-1-04.1 of the Administrative Code.

In the event of a transfer of an underground storage tank for which a certificate of coverage is currently in place, the transferee shall give notice to the director within thirty days of the date of the transfer. If the new responsible person notifies the

director within thirty days and complies with the requirements set forth in this rule, the certificate of coverage shall be effective as of the date of the transfer of the underground storage tank. If the new responsible person fails to notify the director of the transfer within thirty days or, if no certificate of coverage for the tank is in effect at the time of the transfer, a certificate of coverage will not be effective until the new responsible person notifies the director of the transfer, pays the transfer fee, and all outstanding fees, if any, demonstrates financial responsibility, certifies compliance with the fire marshal's rules, and, if applicable, complies with rule 3737-1-04.1 of the Administrative Code.

The responsible person shall tender the fees assessed no later than thirty days from the date of notification. If the responsible person fails to submit the annual fees within thirty days after the notification was mailed, the director of the fund shall notify the responsible person of the non-payment. If the responsible person fails to submit the annual fee within thirty days after the notification of non-payment was mailed, the director of the fund shall issue an order directing the responsible person to pay the annual fees and a late fee of no more than one thousand dollars per tank. If the responsible person fails to comply with the order within thirty days after the issuance of the order, the director shall notify the fire marshal of the non-compliance and may request the attorney general to bring an action for appropriate relief. Where a responsible person has failed to inform the director, as is required by this rule, the director is not required to notify the responsible person of fees owed.

(G) A responsible person may file with the board written objections to any order or determination of the director issued pursuant to this rule. If the written objection is received by the board within thirty days of the date of mailing of the order or determination, the board shall appoint a referee to conduct an adjudication hearing in accordance with section 119.09 of the Revised Code.

(H) The amount of the annual fee is ~~six~~ five hundred dollars per tank.

(I) A responsible person shall maintain with the director a current mailing address at which determinations, notices, and orders may be sent. Any determination or order shall be mailed by certified mail to the responsible person's address on file with the board. If the certified mail is returned unclaimed, the order or determination shall be served upon the responsible person in accordance with section 119.07 of the Revised Code.

**Petroleum UST Release Compensation Board
Facility Certificate Listing**

Program Year 2013

COC Eff Date: Yes COC Print Date: Yes

Printed from 2/19/2014 to 3/19/2014

Owner/Fac	UST Cnt	Own / Fac Name	Own / Fac Address	Eff Date	Print Date	Override Reason	Denial Status
359-0003	1	AEP Generation Resources, Inc - Gavin F	7397 State Route 7, Cheshire OH	02/11/2014	02/21/2014	Not Required: Post 11-30-09 Pay	N/A
359-0004	3	AEP Generation Resources, Inc - Muski	1501 Sparling Road, Waterford OH	02/11/2014	02/21/2014	Not Required: Post 11-30-09 Pay	N/A
1532-0130	4	Walnut Creek Bellstores	2894 State Route 39, Walnut Creek OH	01/17/2014	02/21/2014	Not Required: Post 11-30-09 Pay	N/A
1532-0131	2	Stone Creek Bellstores	112 S. Bridge Street S.W., Stone Creek O	01/17/2014	02/21/2014	Not Required: Post 11-30-09 Pay	N/A
2567-0001	1	Charter One, a division of RBS Citizens, I	1215 Superior, Cleveland OH	02/11/2014	02/21/2014	PD Response Accepted	Accepted
11419-0001	1	Waverly City Schls Bus Grg	500 East 2nd Street, Waverly OH	02/27/2014	03/07/2014	Not Required: Post 11-30-09 Pay	N/A
12415-0005	1	Garfield Park Reservation	11410 Broadway Ave, Garfield Heights OH	07/01/2013	03/07/2014	Not Required: Post 11-30-09 Pay	N/A
12415-0010	2	Scenic Park Marina	1500 Scenic Park Dr, Rocky River OH	07/01/2013	03/07/2014	Not Required: Post 11-30-09 Pay	N/A
12415-0014	1	Sleepy Hollow Golf Course	9445 Brecksville Road, Brecksville OH	07/01/2013	03/07/2014	Not Required: Post 11-30-09 Pay	N/A
12415-0016	1	Cleveland Metropark Zoo	4001 Fulton Parkway, Cleveland OH	07/01/2013	03/07/2014	Not Required: Post 11-30-09 Pay	N/A
12415-0017	1	Seneca Golf Course	1901 East Edgerton Road, Broadview Hei	07/01/2013	03/07/2014	Not Required: Post 11-30-09 Pay	N/A
12415-0018	2	Cleveland Wildwood Marina	17025 Lakeshore Boulevard, Cleveland O	09/23/2013	03/07/2014	Not Required: Post 11-30-09 Pay	N/A
12415-0019	2	Cleveland E 55th St Marina	5555 E. Memorial Parkway, Cleveland OH	09/23/2013	03/07/2014	Not Required: Post 11-30-09 Pay	N/A
12415-0020	3	Cleveland Edgewater Marina	6500 Memorial Shoreway W., Cleveland O	09/23/2013	03/07/2014	Not Required: Post 11-30-09 Pay	N/A
13815-0055	2	1st Stop, Inc.	12 N. Main Street, Sinking Spring OH	02/27/2014	03/07/2014	Not Required: Post 11-30-09 Pay	N/A
13815-0056	2	1st Stop Inc	18811 State Route 136, Winchester OH	03/06/2014	03/07/2014	Not Required: Post 11-30-09 Pay	N/A
18954-0091	3	Kroger Fuel Center #525	1429 South Reynolds Road, Maumee OH	02/18/2014	02/21/2014	Not Required: Post 11-30-09 Pay	N/A
18960-0002	4	Piedmont Minimart	33195 Cadiz Piedmont Road, Piedmont O	02/10/2014	02/21/2014	PD Response Accepted	Accepted
19676-0002	3	Clark Oil Svc Sta 1714	302 S. Willipie Street, Wapakoneta OH	07/01/2013	02/21/2014	Not Required: Post 11-30-09 Pay	N/A
20156-0001	3	Avon Lake Shell	33433 Lake Road, Avon Lake OH	02/13/2014	02/21/2014	PD Response Accepted	Accepted
20244-0001	2	Bushman LLC	207 N. Wooster Avenue, Strasburg OH	02/18/2014	02/21/2014	Not Required: Post 11-30-09 Pay	N/A
20792-0001	7	Premier Ag Co-op, Inc.	111 May Drive, Harrison OH	02/28/2014	03/07/2014	PD Response Accepted	Accepted
21026-0001	4	Baltic & Clifton Shell	9510 Baltic Road, Cleveland OH	02/13/2014	02/21/2014	PD Response Accepted	Accepted
21207-0001	4	Frank's Market	1905 Cleveland Avenue, Columbus OH	07/12/2013	03/07/2014	Not Required: Post 11-30-09 Pay	N/A
21554-0001	2	Perleen's Gas Services Inc.	220 State Street, Conneaut OH	02/25/2014	03/07/2014	PD Response Accepted	Accepted
21658-0001	4	Kahlon, Inc.	2115 East Avenue, Akron OH	07/03/2013	02/21/2014	PD Response Accepted	Accepted
22007-0002	2	Findlay Ventura Oil, LLC	1090 Millville Avenue, Hamilton OH	07/02/2013	03/07/2014	Not Required: Post 11-30-09 Pay	N/A
22068-0001	3	Molly Hebron Inc.	10905 Hebron Road, Hebron OH	11/14/2013	03/07/2014	PD Response Accepted	Accepted
22342-0001	4	4751 East Main Street, LLC	4751 E. Main Street, Columbus OH	02/26/2014	03/07/2014	PD Response Accepted	Accepted
22834-0001	4	Liongate LLC	7752 Brecksville Road, Independence OH	02/11/2014	02/21/2014	PD Response Accepted	Accepted
22852-0001	3	Obay KTB Properties LLC	642 E. State Street, Alliance OH	02/25/2014	03/07/2014	PD Response Accepted	Accepted
22904-0001	4	Amazing Clark LLC	603 Findlay Road, Lima OH	07/22/2013	02/21/2014	Not Required: Post 11-30-09 Pay	N/A
22905-0001	3	SSJ Petroleum LLC	1041 Findlay Road, Lima OH	07/22/2013	02/21/2014	Not Required: Post 11-30-09 Pay	N/A
22922-0001	3	Gascon Inc.	5068 N. Ridge Road, Perry OH	02/06/2014	02/21/2014	PD Response Accepted	Accepted

Owner/Fac	UST Cnt	Own / Fac Name	Own / Fac Address	Eff Date	Print Date	Override Reason	Denial Status
22924-0001	3	Beadnell's Corner Stop, LLC	104 North Main Street, Amsterdam OH	02/12/2014	03/07/2014	PD Response Accepted	Accepted
22988-0001	2	Ridi 33 LLC	2062 Woodville Road, Oregon OH	01/31/2014	03/07/2014	Not Required: Post 11-30-09 Pay	N/A
22992-0001	2	HBL Development LLC	1016 Morse St, Akron OH	02/24/2014	03/07/2014	Not Required: Post 11-30-09 Pay	N/A

Total Owners **27**

Total Facilities **37**

Total USTs **98**

Total Determinations **16**

**Petroleum UST Release Compensation Board
Facility Certificate Listing**

Program Year 2013

COC Eff Date: No COC Print Date: No

Denial Status: DETERMINATION

Date of Determination from 2/19/2014 to 3/18/14

Owner/Fac	UST Cnt	Own / Fac Name	Own / Fac Address	Eff Date	Print Date	Override Reason	Denial Status
5505-0001	1	Glenmont Station	808 Depot Street, Glenmont OH			N/A	Determination
6702-0001	1	Reiters Garage	205 E. Main Street, Deshler OH			N/A	Determination
6873-0001	8	Bennett Distributing Inc.	38 E. Williams Street, Marengo OH			N/A	Determination
12260-0004	1	Central Transport Inc	5400 Enterprise Boulevard, Toledo OH			N/A	Determination
12260-0021	1	Crown Enterprises Inc	1850 Bailey Rd, North Jackson OH			N/A	Determination
15113-0001	1	Steves Auto Care	5004 Bayshore Road, Oregon OH			N/A	Determination
15893-0001	4	Hissom's Gas Glo	827 East Main St, Barnesville OH			N/A	Determination
15893-0001	1	Hissom's Gas Glo	827 East Main St, Barnesville OH			N/A	Determination
18112-0001	3	Bird's Service Station	101 Pittsburg Laura Rd, Arcanum OH			N/A	Determination
18880-0001	3	Gibson's General Store	2969 State Route 772, Chillicothe OH			N/A	Determination
18880-0001	1	Gibson's General Store	2969 State Route 772, Chillicothe OH			N/A	Determination
18990-0001	1	Beach City Convenience Store	110 3rd Avenue NW, Beach City OH			N/A	Determination
19857-0001	6	AJ's Carry Out	805 W. Main Street, Leipsic OH			N/A	Determination
19881-0001	1	St Hazards Village	1233 Fox Road, Middle Bass Island OH			N/A	Determination
20024-0001	2	Tri-State Service Station Maintenance, I	6830 Chrisman Lane, Middletown OH			N/A	Determination
20155-0001	4	North Ridge Marathon	5411 Pearl Road, Lorain OH			N/A	Determination
20599-0001	4	Mahoning Dairy Market	18740 State Route 62, Beloit OH			N/A	Determination
21399-0001	4	Middle Avenue Marathon	824 Middle Avenue, Elyria OH			N/A	Determination
21539-0001	2	Starfuel	1010 N. Broad Street, Fairborn OH			N/A	Determination
21539-0002	2	East Side Mini-Mart	1314 E. Main Street, Troy OH			N/A	Determination
21616-0003	1	PAP Oil Company, LLC	6901 Franklin Lebanon Road, Franklin OH			N/A	Determination
21616-0003	3	PAP Oil Company, LLC	6901 Franklin Lebanon Road, Franklin OH			N/A	Determination
21631-0003	1	322 & 91 Property Co., LLC	20045 Lake Road, Rocky River OH			N/A	Determination
21832-0001	4	Pamela L. Cox Property	10781 US Highway 52, Stout OH			N/A	Determination
21962-0002	2	Merchants National Bank	2510 State Route 134, Buford OH			N/A	Determination
22027-0001	2	Dashmesh Investors LLC	1397 E. McPherson Highway, Clyde OH			N/A	Determination
22255-0001	2	Z. M. & F., Inc.	3245 E. Broad Street, Columbus OH			N/A	Determination
22275-0001	3	HEC Acquisition LLC	2735 E. 40th Street, Cleveland OH			N/A	Determination
22324-0001	3	Sabah Gas Inc.	4820 Broadway Avenue, Lorain OH			N/A	Determination
22369-0001	2	4853 Mahoning Ave Realty, LLC	4853 Mahoning Avenue NW, Warren OH			N/A	Determination
22416-0001	3	GG II Investments L.C.	2021 W. State Street, Alliance OH			N/A	Determination
22432-0001	3	Third Street Petroleum, LLC	727 W. 3rd Street, Dayton OH			N/A	Determination
22450-0001	3	SD Investments, LLC	4537 Scioto Darby Creek Road, Columbus			N/A	Determination
22544-0001	2	Akshy, LLC	1020 Kauffman Avenue, Fairborn OH			N/A	Determination

Owner/Fac	UST Cnt	Own / Fac Name	Own / Fac Address	Eff Date	Print Date	Override Reason	Denial Status
22550-0001	2	John M. Heldman Property	5018 County Road 313, Rawson OH			N/A	Determination
22630-0001	3	L. T. Ricer Property	258 Beaver Pike, Waverly OH			N/A	Determination
22666-0001	3	Caldwell Starfire	321 W. Main Street, Caldwell OH			N/A	Determination
22676-0001	3	Swairah Web Solutions, LLC	1940 Fairgrove Avenue, Hamilton OH			N/A	Determination
22678-0001	1	Bradley Sponseller Facility	7522 Wales Avenue N.W., North Canton O			N/A	Determination
22724-0001	3	SHLR Petroleum, Inc.	2306 Gallia Street, Portsmouth OH			N/A	Determination
22724-0002	3	SHLR Petroleum, Inc.	3726 State Route 23, Portsmouth OH			N/A	Determination
22793-0001	1	Panth 08, LLC	5415 Liberty Avenue, Vermilion OH			N/A	Determination
22793-0001	3	Panth 08, LLC	5415 Liberty Avenue, Vermilion OH			N/A	Determination
22806-0001	1	Mason Woodlands LLC	6531 McCracken Drive N.W., Dover OH			N/A	Determination
22875-0001	3	Hanini - Union Marathon	11602 Union Avenue, Cleveland OH			N/A	Determination
22919-0001	3	MTRY LLC	631 Pyramid Hill Boulevard, Hamilton OH			N/A	Determination
22952-0001	2	Jim Venus Concrete Inc.	18 W. Main Street, Seville OH			N/A	Determination
22971-0001	2	GB Khadwal, LLC	2549 Noble Road, Cleveland Heights OH			N/A	Determination
22977-0001	4	Shubh Ashish dba Marathon, Stop N Go	43520 Middle Ridge Road, Lorain OH			N/A	Determination

Total Owners **42**

Total Facilities **45**

Total USTs **122**

Total Determinations **49**