



November 15, 2019

Colorado Department of Labor and Employment  
9:00 AM

Present: Renee Shellhorse, Susan DeMeules, Brett Redd, Steve Callahan, Tony Congram,  
and Lukas Staks.

Absent: Scott Paulson, and Mahesh Albuquerque

Note: The meeting was recorded and started at 9:05 AM.

### **MINUTES APPROVAL**

Tony Congram motioned to approve the October 11, 2019 minutes. The motion was seconded by Steve Callahan, and carried unanimously

### **JANE'S RETIRING**

Jane Bral is retiring from Oil & Public Safety after 20 years. Recognition and a momento was given on behalf of PSTC and OPS for her service.

### **2019 TANK REMOVAL INCENTIVE**

Committee members requested some information regarding the impact to the fund extending the incentive would cause. This information was gathered and provided to members who then voted to extend the 2019 Tank Removal Incentive to December 31, 2020. Brett Redd motioned to approve this extension. The motion was seconded by Susan DeMeules and carried unanimously.

### **STAFF REPORT:**

#### **FUND STATUS**

- A. In October we received 70 claims for \$1.7 million and 54 were approved for \$1.4 million.
- B. There is one RAP left from the first part of 2019, this will be presented today.
- C. The Fund balance as of the end of September was \$3 million plus the 10% match and the turnaround time is 39 days.
- D. Susan read a letter from P.E.I. (Petroleum Equipment Institute) commending Colorado and OPS for shifting focus of the Petroleum Storage Tank Fund from clean-up to release prevention along with the tank removal incentives being offered to tank owner/operators.
- E. Fund balance is at \$3 million and OPS will be requesting the Department of Revenue to increase the fuel surcharge to \$100 come January 2020.
- F. Effective January 1, 2020 costs greater than 2 years will not be accepted for reimbursement.

### **PRESENTATION OF APPLICATIONS--TANK REMOVAL:**

**Owner ID 23470 - 203 Vallejo** - Approved reimbursement \$6,000.00  
**Owner ID 22187 - Kwik Way #755** - Approved reimbursement \$29,706.00  
**Owner ID 22945 - International Grocery** - Approved reimbursement \$10,500.00

**Owner ID 23043 - Stinker Store #302** - Approved reimbursement \$24,000.00  
**Owner ID 22345 - CST Metro LLC dba Corner Store #4095**- Approved reimbursement \$30,000.00  
**Owner ID 22947 - ZMart #101** - Approved reimbursement \$20,000.00  
**Owner ID 1851 - Fort Lupton U-Pump-It #817**- Approved reimbursement \$24,000.00  
**Owner ID 5230 - 7-Eleven Store No. 25674** - Approved reimbursement \$30,000.00  
**Owner ID 19289 - Meeker Full Service** - Approved reimbursement \$22,000.00  
**Owner ID 19941 - Emerald Food & Gas** - Approved reimbursement \$20,000.00

These applications were presented before the Committee for a total of \$216,206.00 in tank removal costs. Susan DeMeules motioned to approve the Tank Removal applications and Steve Callahan Seconded, and the motion carried unanimously. These applications were approved by the Committee as presented.

#### **PRESENTATION OF APPLICATIONS--RAPs:**

##### **RAP# 33695 – Stremels Quick Mart - 235 Lincoln Ave., Steamboat Springs.**

This is a supplemental application being presented before the Committee because costs submitted on application were greater than 3 years old at time of submittal and not eligible due to PSTC Policy 26. Applicant has previously established eligibility as a Tank Owner/Operator. Costs submitted on the application were \$49,846.42 less unallowed costs in the amount of \$9,848.25 for a total recommended reimbursement in the amount of \$38,398.24. There is a previously imposed percentage reduction of 4% for registration, release detection, and closure. Rachel Peterson with AG Wassenaar, Inc represented the site. After discussion between the representative and the Committee concerning the unallowed costs, Tony Congram moved to approve the site in the amount of 50% of unallowed costs for an allowable reimbursement of \$49,846.42 less unallowed costs in the amount of \$4,924.12 and a previously imposed 4% reduction for compliance issues. Brett Redd seconded and the motion carried unanimously.

**RAP# 33856 – My Goods Market #6494 – 5810 Omaha Blvd., Colorado Springs.** This application was presented before the Committee as a Tank Owner/Operator with the \$10K deductible. Costs submitted on the application were \$20,949.73 with no unallowed costs for a reimbursement award subtotal in the amount of \$20,949.73. There were no compliance issues. Tom Robbins, CF United, LLC, applicant, Glen Vallance, CGRS, Inc., consultant, represented the site. After discussion between the Committee members and the representatives, Susan DeMeules moved to approve the site for \$20,949.73, less the \$10K deductible and any application preparation costs over 1% of the reimbursement award. Steve Callahan seconded and the motion carried unanimously.

**RAP# 33448 – Ski Country Shell & Towing Inc – 1125 N. Summit Blvd., Frisco.** This application was presented before the Committee as a Tank Owner/Operator with the \$10K deductible. Costs submitted on the application were \$22,488.87 with no unallowed costs for a reimbursement award subtotal in the amount of \$22,488.87. Compliance issues were a maximum potential reduction of 25% for Release Detection. Laura Lewark, Ski Country Shell & Towing, Inc., applicant, Kevin Giltinan, ATC Group Services, consultant, represented the site. After discussion between the Committee members and the representatives, Steve Callahan moved to approve the site for \$22,488.87, less the \$10K deductible, 2% reduction for Release Detection, and any application preparation costs over 1% of the reimbursement award. Tony Congram seconded and the motion carried unanimously.

**RAP# 33779 – 29th Street Shell – 125 E. 29th St., Loveland.** This application was presented before the Committee as a Tank Owner/Operator with the \$10K deductible. Costs submitted on the application were \$22,664.15 with no unallowed costs for a reimbursement award subtotal in the amount of \$22,664.15. There were no compliance issues. Richard Oneslager, ROF Properties, applicant, John Drafts, Palmetto, consultant, represented the site. After discussion between the Committee members and the representatives, Susan DeMeules moved to approve the site for \$22,664.15, less the \$10K deductible, and any application preparation costs over 1% of the reimbursement award. Steve Callahan seconded and the motion carried unanimously.

**RAP# 33736 – Oberon Food and Gas – 6601 Oberon Rd., Arvada.** This application was presented before the Committee as a Tank Owner/Operator with the \$10K deductible. Costs submitted on the application were \$24,945.78 with no unallowed costs for a reimbursement award subtotal in the amount of \$24,945.78. Compliance issues were a maximum potential reduction of 10% for Closure. Kabita Parajuli & Uma, Pathivara, Inc dba Oberon Food and Gas, applicant, John Drafts, Palmetto Environmental, consultant, represented the site. After discussion between the Committee members and the representatives, Tony Congram moved to approve the site for



\$24,945.78, less the \$10K deductible, 0% reduction for Closure, and any application preparation costs over 1% of the reimbursement award. Brett Redd seconded and the motion carried unanimously.

**RAP# 33843 – Willits General Store – 701 E. Valley Rd., Basalt.** This application was presented before the Committee as a Tank Owner/Operator with the \$10K deductible. Brett Redd recused himself from this application due to his relationship with the applicant. Costs submitted on the application were \$11,370.44 with no unallowed costs for a reimbursement award subtotal in the amount of \$11,370.44. There were no compliance issues. Jane Rose & Jesus, Willits General Store, LLC, applicant, Brett Redd, STTI, consultant, represented the site. After discussion between the Committee members and the representatives, Steve Callahan moved to approve the site for \$11,370.44, less the \$10K deductible and any application preparation costs over 1% of the reimbursement award. Tony Congram seconded and the motion carried unanimously.

**RAP# 33808 – Holy Cross Electric Association – 41226 Hwy 6 & 24, Avon.** This application was presented before the Committee as a Tank Owner/Operator with the \$10K deductible. Brett Redd recused himself from this application due to his relationship with the applicant. Costs submitted on the application were \$11,022.86 with no unallowed costs for a reimbursement award subtotal in the amount of \$11,022.86. Compliance issues were a maximum potential reduction of 15% for Release Detection. Barry Croissant, Holy Cross Electric, applicant, Brett Redd, STTI, consultant, represented the site. After discussion between the Committee members and the representatives, Susan DeMeules moved to approve the site for \$11,022.86, less the \$10K deductible, 0% reduction for Release Detection, and any application preparation costs over 1% of the reimbursement award. Tony Congram seconded and the motion carried unanimously.

## **HEARING: PROTEST 20-02**

### **PROTEST HEARING:**

**Formal Protest Hearing #20-02 – RAP #33238 – Coastal Mart #1340 – 15201 E Hampden Ave – Aurora.** This protest was filed disputing the Petroleum Storage Tank Committee's original determination, on May 17, 2019, that the waiver of the \$10k deductible would not be granted due to non-compliance during time of the release. Kin Seacrest, Service Center, applicant, Dave Rau, Paragon Consulting, consultant represented the site. Zach Hope with the Division of Oil and Public Safety (OPS) and Evan Brennan with the Attorney General's Office represented OPS.

Lukas Staks explained the order of the protest presentation. Susan DeMeules recused herself due to her relationship with OPS and a quorum was present.

Both sides presented arguments and testimony in accordance with Committee Policy #22, Procedural Guidelines for Protest Hearings, and answered questions from Committee members.

The participating members of the Committee tabled the protest and requested OPS provide audio recordings from prior Committee meetings and information regarding the Committee's prior decisions to grant or deny applicants' request for the incentive.

The participating members of the Committee received this additional information on December 4, 2019, and both parties received this additional information on December 9, 2019. The participating members of the Committee reconvened in a publicly-noticed telephonic meeting on December 12, 2019 Mr. Seacrest participated on behalf of Service Center, and Mr. Brennan participated on behalf of OPS.

After executive session and public discussion among the Committee members, Tony Congram moved to deny the protest, which maintained the original decision to not waive the \$10k deductible due to non-compliance and therefore Service Center's ineligibility for the incentive. Steve Callahan seconded and the motion carried unanimously.

The next meeting is scheduled for January 17, 2020.

Meeting adjourned at 12:31 PM

These minutes represent a summary of this meeting and are not intended to be a verbatim document.

J Garcia, Committee Organizer

