ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

MEETING OF THE

UNDERGROUND STORAGE TANK POLICY COMMISSION

Phoenix, Arizona
October 24, 2007
9:00 a.m.

Location: 1110 W. Washington
Room 250
Phoenix, Arizona

REPORTED BY:
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A. NEXT POLICY COMMISSION MEETING IS SCHEDULED TO BE HELD ON NOVEMBER 28, 2007, AT 9:00 A.M. IN ROOM 250 AT ADEQ, LOCATED AT 1110 W. WASHINGTON, PHOENIX, ARIZONA	
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COMMITTEE MEMBERS PRESENT:

Gail Clement, Chair
Philip McNeely
Theresa A. Kalaghan
William (Bill) Bunch
Tamara Huddleston, Esq.
Catherine Chaberski
Andrea Martincic
Michael O'Hara
Jon Findley

P R O C E E D I N G S

CHAIRPERSON CLEMENT: Good morning everybody. Welcome to the October 24th, 2007 UST Policy Commission meeting. I'd like to -- just because we have some members that didn't meet the new members last time with us today, would you mind, as we go through the roll, just introduce yourself briefly and explain your role on the Commission, and if I could start with Theresa, Ms. Kalaghan.

MS. KALAGHAN: Theresa Kalaghan with Secor International, and I am a co-chair of the Technical Subcommittee.

MS. CHABERSKI: Cathy Chaberski, City of Glendale, representing the owners/operators of cities and towns, co-chair with Theresa.

MS. HUDDLESTON: Tamara Huddleston, Attorney General's Office.

MR. MC NEELY: Phil McNeely, manager of the UST program at ADEQ.

CHAIRPERSON CLEMENT: Gail Clement. I chair the UST Policy Commission.

MS. MARTINCIC: Andrea Martincic. I represent the small owner/operators.

MR. FINDLEY: Jon Findley. I represent the environmental nonprofit group with the Sierra Club.

MR. O'HARA: Mike O'Hara representing the members of the public with financial or insurance experience.

MR. BUNCH: Bill Bunch with Circle K Stores, and I represent the large owner/operators of the UST systems in Arizona.

CHAIRPERSON CLEMENT: And Bill and Andrea are now co-chairs of -- and I apologize, it didn't get on my agenda items. Somebody called it to my attention -- the Evaluation Subcommittee instead of the Financial Subcommittee, so that change was made last time. Okay. Great.

MS. MARTINCIC: I can't remember the new name. I started to say it, but it's not Financial.

CHAIRPERSON CLEMENT: So we will make that change, and hopefully remember to do that next time. Okay.

Did everybody receive the September 24th, 2007 meeting minutes? Did you have a chance to review them? Are there any comments, changes or corrections?

Is there a motion to approve?

MS. CHABERSKI: Motion to approve.

CHAIRPERSON CLEMENT: Is there a second?

MR. O'HARA: Second.

CHAIRPERSON CLEMENT: All in favor?

(Chorus of ayes.)

CHAIRPERSON CLEMENT: Anyone opposed?

No? Okay. The September 24th, 2007 meeting minutes have been approved.

Okay. And then just to call everybody's on the Commission's attention to it, ADEQ asked to change their agenda item and abbreviate it to ADEQ updates, so that's what we've done. As long as they cover the same materials that we need to know about it, that shouldn't be an issue. Thank you. So I will turn it over to Mr. McNeely.

MR. MC NEELY: Thank you. ADEQ updates. If you go through the handouts that we have, we will start with the State Assurance Fund, you can see in the September, we received 86 applications for review. We reviewed 108. As of October, as of yesterday, we received 37 and have reviewed 52, so we're still reviewing more than we receive.

If you turn to the next page, it talks about where they are in our staging, and you can see that every one of our applications are less than 90 days received, which is our statutory requirement to try to get them out in 90 days. This is the first time, maybe last month, they're all within 90 days.

And then the appeals, the next page, the appeals are a little bit less, but they're steady. In September we had 24 informal appeals. We made 25 determinations,

and in September we had eight formal appeals. We made seven determinations, and I think we will continue the decrease as we get less applications in.

CHAIRPERSON CLEMENT: When was the last OAH hearing that you had?

MR. MC NEELY: It's been a couple of months.

CHAIRPERSON CLEMENT: That's good. So at least a couple of months?

MR. MC NEELY: Right.

CHAIRPERSON CLEMENT: Thank you.

MR. MC NEELY: And our SAF balance is still in the 50 something million dollar range. We are putting more money out than we ever have, but we're still collecting 33, 34 million a year, so we are getting less and less sites, so I think we're looking good in terms of our balance.

CHAIRPERSON CLEMENT: So, long-term solvency, is there not potentially a target for the legislature or have you heard anything?

MR. MC NEELY: The news I've heard, they're not looking at specific funds like that, but still when the session starts, I think any fund that has 50 some million dollars in it will be a target, personally, but so far no one is saying that internally. They're not saying that. We haven't talked about that.

CHAIRPERSON CLEMENT: Now that you have the new single-month invoicing process, will that change your numbers in terms of the SAF claims do you think?

MR. MC NEELY: As you can see in the first graph, it shows we were getting about a hundred, some months 153, and 211 every month. We receive those now. I'm expecting to receive probably 60 to 70 a month, which means we will have less appeals, also, so we are getting very efficient reviewing these claims, because the new rules are really helping, the new forms are helping. We've done all this in the last few years, and it's just becoming very efficient to process these claims.

CHAIRPERSON CLEMENT: Thank you.

MR. MC NEELY: You are welcome.

The next update, this is what Joe Drosendahl used to give, but I will go ahead and give that. He is here if you feel you need to ask Joe a question.

So, on the LUST statistics, you can see we only had four new releases reported in September, and those new releases will be not be SAF eligible. All these new releases, they will have to clean up under some type of their own financial responsibility mechanism.

We had seven closed LUST sites. If you look at the universal size in the history of the program, 8,316 reported releases, and we've closed over 7,000, so we've

closed 85 percent of them, and we have 1273 left, so we made a lot of progress.

The numbers are coming in. The corrective action documents, it's not high numbers. We received under six characterization reports pending, a couple of CAPS, and there is five closure requests, so we only have 21 documents in-house to review right now.

What we're trying to do is case manage every single site. We're going through every facility file, every one, and looking through it, seeing if they're making progress towards closure.

There are still a lot of sites out there with not a whole lot being done. You send a letter with no response, so it takes phone calls, site visits to really push these owners to do the work, and that's -- I think the last bit is going to be a lot tougher to get cleaned up.

CHAIRPERSON CLEMENT: Is the resistance just relative to the administrative process complexity or something else inherent?

MR. MC NEELY: I think the resistance is, a lot of these people have sold their properties, they've moved on, they think -- they might have had one LUST number closed with us, and they have two others opened. It just seems like a -- I have a feeling that it's not very

1 involved with their site or their property and they
2 receive these letters and sort of toss them to the side,
3 which is surprising to me because there is available
4 money.
5 I just think we're going to have to push for it.
6 We are going through every single file again and pushing
7 it. Some of these, not a whole lot's happened. We've
8 sent letters, but it takes a lot of effort to actually
9 find the phone number that works and actually go to the
10 site, visit it, so that's what we're doing now.
11 CHAIRPERSON CLEMENT: I think that's excellent
12 that the agency's stepping up and hopefully get as many
13 cleanups done with the money as possible.
14 MR. MC NEELY: In reality, if they don't do
15 cleanup, after 2010 they're responsible to do cleanup. In
16 reality, they probably don't have the money to do it, and
17 that's the problem. They don't have insurance. That's
18 probably a given.
19 Most people do not have 500, $600,000 available
20 to them to do environmental cleanup, so, even though it's
21 their responsibility, it's going to fall on their
22 shoulders. Reality is, they will have a contaminated
23 property that really enforcing them won't do any good
24 because they probably don't have the assets to do the
25 cleanup, so that's why we're really taking a lead trying

to push this.

CHAIRPERSON CLEMENT: Thank you.

MR. MC NEELY: You are welcome.

Then at the bottom, the Municipal Tank Closure Program, you can see we still have 143 tanks. That started with 2.4 million about four, five years ago. We had about $1.2 million left.

We just hired a new person full-time to work on this project, because actually we went from Flagstaff to Kingman on Route 66 looking at those old abandoned facilities, checking with our database, and there are about twenty something in our system that have been abandoned probably for decades and decades. And we want to do that across the entire state in the rural areas, and I'm sure there is probably a couple hundred more tanks out there that we can really pull out. We want to do that. We are pushing that real hard, too, because when you pull these tanks out, there is a possibility you can find contamination. We really want to have everything out on the table before the SAF sunsets.

So, we have one full-time person. Before, we were doing it, but it was not really one person's job. Now it's one person's job to run around and really to focus on this. Once you find the sites, you have to have the county or city do an application and submit an

application, and that takes a lot of work for their county.

Now, the next update is usually -- we always have risk assessment on there, and I think that was one reason we wanted to combine it. I didn't want to do the risk assessment anymore. It is the Tier 2, we handed out the software last month at the meeting. It's not on the web site yet. I think within a week it's going to get put on our web so you can download it.

I haven't heard anything negative. We've been using it internally. It's available. I don't know if anyone externally has used it. I haven't had any complaints about it, so I think we handed out -- so that's a good sign, so hopefully next month I won't have to report out on that because it's working and no one's complaining.

CHAIRPERSON CLEMENT: That would be a miracle.

MR. MC NEELY: That would be the first time in three years.

CHAIRPERSON CLEMENT: For the new members on the Policy Commission, it's been an ongoing sore point because the agency's really struggled with that software program and its utility with the regulated community, so there was a lot of effort on the agency's part to get it revamped and running again, and the intended purposes, and then

they've also decided that they will never do that again, but now that they have it out and apparently it's working properly, we can perhaps let it go in the future.

MR. MC NEELY: Thank you. I think that's it for the ADEQ updates.

CHAIRPERSON CLEMENT: Great. Any questions for Mr. McNeely, or discussion items?

Now we're going to move to the discussion of legislation and rules affecting the UST program.

MR. MC NEELY: Okay. Rules affecting the program. The Arizona Senate Bill 1310, which goes into effect September 19th, last month. As I mentioned, I think the applications -- we haven't had really any issues with this. It seems that everyone understands it. I did check. It was on our website. We had sent it as a bulletin and it was on our website. I think everyone was very well aware of it, because I haven't had anyone ask.

And I think it's going to help to reduce some of our time to review these claims. It's going to be a lot more effective. So I don't know for sure but I'm anticipating the claims will be about 60 to 70 a month rather than 110, even though it's easy to file a claim when you have one claim per month rather than five claims per month, and that in fact helps less appeals, because you are actually appealing the whole month rather than

appealing a week. It gets very complicated.

On the No Further Action Rule, we submitted that to the Governor's Regulatory Review Counsel last Friday. It should be on the December 4th GRRC agenda. So, if it gets approved on the -- if that meeting, December 4th, it should go in effect 60 days later, so somewhere in February, February 4th, February 5th time frame we should have that rule in place.

We did get one set of comments. Last month we reported we had no comments, but we received one from the City of Phoenix. There were three comments and they were supportive of the rule, so we responded.

Once that goes into effect, we are going to be in a position to close sites that have low levels of groundwater contamination that are not impacting the public, and we will have the public process 30 days' notice, but I think it's probably going to be -- I wouldn't be surprised if it's in the hundred range. There is one well that has benzene at low levels. I think that will help us focus on the more high-risk sites.

CHAIRPERSON CLEMENT: The comments that you did receive from the City of Phoenix, are those published anywhere that we could access them on the web?

MR. MC NEELY: We could PDF them and e-mail them to the Policy Commission.

CHAIRPERSON CLEMENT: I think it's a substantive issue in the big picture of the world.

MR. MC NEELY: Some of the comments were trying to help us out requiring owner/operators to give us access before you sign, before you put them into the MNA program, but there was some issues with that, because the owner/operator may not own the property. When they own a property, if it's a volunteer, that's a requirement, but if they don't own the property, you can't really have an owner/operator negotiate -- a third party can't negotiate to ADEQ and have access.

So, there was three comments similar to that. We didn't change the rule, but they were trying to be helpful.

CHAIRPERSON CLEMENT: Thank you.

MR. MC NEELY: The last set of legislation and rules we're working on is the 2005 Energy Act. We had a stakeholder meeting yesterday and apparently six outside stakeholders showed up. Everyone's been very supportive. We've had multiple comments. I think we sent out to everybody the comments we had to revise the language and try to be responsive to all the comments. I think we're pretty close to having a consensus language.

We still don't have the Governor's Office approval to move forward. It's supposed to happen

1 sometime this month. They are supposed to go through all
2 the agencies and see what they are going to pursue, but
3 once we get that word, we will let you know.
4 I don't really anticipate that being much of an
5 issue. If the Governor gives us approval, we did a lot of
6 it up front. And anything other, we really have nothing
7 else planned for the program.
8 CHAIRPERSON CLEMENT: All the pieces are finally
9 in place it sounds like.
10 MR. MC NEELY: They are falling into place.
11 CHAIRPERSON CLEMENT: Any questions or any
12 comments, discussion on any of the materials from the
13 rules of the legislation?
14 Usually our process is to be involved once that
15 -- something -- since it isn't a formal process yet, even
16 though they've held these stakeholder meetings regarding
17 the Governor's Office, once the Governor's office okays
18 the legislation, then I think we will take what's
19 available and start addressing that as a full Commission
20 and probably ask that the Evaluation Subcommittee look at
21 it.
22 MR. BUNCH: What I recall from our last meeting,
23 we said we were going to wait for this draft language, and
24 then we would have the Evaluation Subcommittee meeting to
25 roll our sleeves up and discuss it in more detail.

CHAIRPERSON CLEMENT: Good. Thank you.

MR. MC NEELY: You are welcome.

CHAIRPERSON CLEMENT: The next is the -- what is on our agenda listed as the Financial Subcommittee update, it's actually the Evaluation Subcommittee and it's Ms. Martincic and Mr. Bunch, co-chairs.

MS. MARTINCIC: We didn't meet.

MR. BUNCH: We don't have a lengthy summary, but I guess this might be the appropriate time to discuss an item on the next meeting. We have one potential agenda item I would like you to review is draft legislation, and I'm not certain what day we historically would have these meetings.

MS. MARTINCIC: Normally it's the first Thursday of the month. I may be out of town I believe the first Thursday. Actually the first Thursday would be November 1st.

CHAIRPERSON CLEMENT: First.

MS. MARTINCIC: I will be here.

CHAIRPERSON CLEMENT: That's just next week.

MS. MARTINCIC: That's too short of notice. That's the one we would normally meet and have a room.

Are you in town?

MR. BUNCH: I will be around. I will be supportive of that if you are available.

CHAIRPERSON CLEMENT: Is that enough time for the agency?

MR. MC NEELY: All we need is 24 hours for that.

MS. MARTINCIC: Just to discuss the proposed unofficial potential legislation.

CHAIRPERSON CLEMENT: Are you ready?

MS. MARTINCIC: I am. I was at the meeting yesterday and I'm up to speed on it, on the issues.

MR. MC NEELY: I'm not sure what kind of turnout we had. It seems like the first meeting we had 40 something, now it's six.

MS. MARTINCIC: We are hoping the name change will drive people to the evaluation meeting. I don't know. I'm hopeful. Bill's new face, it will bring in new people.

MR. BUNCH: Oh, yeah, or scare a few away.

CHAIRPERSON CLEMENT: Or scare them away.

MS. MARTINCIC: I think it's an afternoon meeting. It's usually one p.m. or something like that.

Do you know, Al, is it two o'clock?

MR. JOHNSON: Two o'clock.

MR. MC NEELY: Al, do we have a room already available?

MR. JOHNSON: I will check with Cynthia. I don't know. I'm sure we do.

CHAIRPERSON CLEMENT: Then you will work directly -- the subcommittee chairs will work with getting an agenda out to DEQ, with a copy to me on that if you could. It will probably just have one agenda item. Typically that's what happened. You guys work directly on that.

Anything else from the Evaluation Subcommittee?

MR. BUNCH: That wraps it up.

CHAIRPERSON CLEMENT: We have had a tough month. I do want to express my appreciation for the volunteers that stepped up in the Evaluation Subcommittee.

The next agenda item is the Technical Subcommittee, and we have co-chairs, Theresa Kalaghan and Cathy Chaberski, and would you give us your reports on the Technical Subcommittee?

MS. KALAGHAN: We don't have anything to report since the last Commission meeting.

MS. CHABERSKI: I did not receive any agenda items personally as a member representative. I certainly didn't.

MS. KALAGHAN: I suppose this is the time potentially for the Technical subcommittee meeting for next month, and an issue that I think we should put on the agenda is the reimbursement for operation of remediation systems and the criteria for determining what level of reimbursement, you know, should be given, depending on the

operational status of equipment. It's my understanding that this is somewhat gray, and I think that it probably would be beneficial to discuss this in subcommittee.

CHAIRPERSON CLEMENT: I've had some input on this, and I think it's a little broader. I'm not sure what reimbursement is. It's sort of the parameters on how you operate and how long you operate a remediation system, and that also includes the payback availability through the SAF, and I think it would be a worthwhile discussion to have kind of a broad discussion and be sure that we understand what the agency's, you know, intents are and perhaps even formulate that in some kind of a policy statement or handout, you know, this is when you can shut a system off, so that people are continuing to operate, and then, you know, putting that information into the agency at a later point in time so you could have turned it off three months ago.

MR. MC NEELY: Or two years ago.

CHAIRPERSON CLEMENT: Or two years ago or whatever the time frame is.

MR. MC NEELY: The issue is, we've had a couple of owner/operators run the system for a couple of years without doing confirmation boring and clean up of groundwater, and then they come in for reimbursement, and we evaluate the case. We could have shut this thing down

a year ago or year and a half ago.

The one issue is how long you run it. What's asymptotic. That's a professional judgment. The second issue is the 75 percent run time. People are running it at 50 percent of the time and wanting 100 percent reimbursement. Sometimes you run it zero percent of the time and they want 100 percent reimbursement. That's another issue. There are two issues, but they're separate issues. One is run time. The other one is how long you're going to run the system. And those are issues that we deal with in informal appeal right now for both of those issues. So, we will have to -- and I think we've talked with the previous subcommittee, I think we've talked about it year after year, so it's so site specific that it's challenging to come up with a policy statement, because you run your system asymptotic, if it's designed right, it's pretty much the policy statement, but what's asymptotic.

CHAIRPERSON CLEMENT: What's asymptotic, and you are still coming from the source area. Certainly in my chlorinated sites, introducing oxygen and moving flow that way has both, even though the mass recovered and it's asymptotic, height stabilization of the groundwater plumes, and the fact that you are not getting off-site movement is an extremely important thing, so it's not just

asymptotic, it's mass recovered, you know, are we cleaning up the source area, all of that, and if the agency has some way that they can calculate it in the community, that's very useful.

Any comments or additional items?

MS. CHABERSKI: On the actual meeting we're going to have, does ADEQ always come as a representative or along with other members or --

MR. MC NEELY: Typically Joe Drosendahl will go to the Technical Subcommittee meeting. It would be nice if, you know -- Hal Gill has the good e-mail list. Did he share that with you? Because it would be nice for the public to actually know rather than just hear the word as it gets out, because people will come that have their specific issues.

MS. CHABERSKI: And we're responsible for sending it out on that e-mail list, not the agency?

MR. MC NEELY: We will send an agenda out, but I don't know if I have Hal's list.

CHAIRPERSON CLEMENT: Yes, you are. You want to separate the Agency's roles from the Commission's role.

MS. CHABERSKI: We would send that out?

CHAIRPERSON CLEMENT: And any additions that you would get and create a master list and update it as you need it 'cause your communications with your segment of

the regulated community, and it may not be the communication that DEQ would have.

And I would also suggest that you make your agenda broad enough so that the people bring other ideas relative to the remediation systems, that you discuss it, not that you necessarily have to take action on it. We may not have the full list of issues because, you know, there hasn't been a lot of communication with the consultants to date since the transition. And then that meeting is the second Wednesday of the month.

MS. CHABERSKI: I don't have my calendar. Is that --

CHAIRPERSON CLEMENT: Mr. Gill's in the audience, and that would be the 14th of November. And I will just let you both know that I'm gone from November 12th through December 3rd. I'm in Africa, so I wanted to be there for this first meeting, and I apologize that I won't be able to be here. Those are the dates, and that's fine with me, but it may be Mr. Gill, somebody that has experience that could help them in that first meeting, and I know this is really asking a lot of you and you've dedicated a lot of your time over the years, but would you be available on the 14th of November to participate in that meeting?

MR. GILL: Is it 9 o'clock?

CHAIRPERSON CLEMENT: Usually it's 9 a.m.

MR. GILL: I have a 12 o'clock training, but it should be finished before, then I should be able to.

CHAIRPERSON CLEMENT: I don't think it will take more than an hour or two if that's acceptable to you all.

And then what typically happens at the subcommittee meetings, for those who haven't participated, subcommittee chairs run the meeting. Even if I would be present, I don't run the meeting, I just participate, and it's more informal. It's more a discussion, even though you have to have meeting minutes at the end of it, and I think we're going to try to tape these now. It is more of an interactive process, and if you have things that you definitely want to bring forward to the full Commission, you want to formulate them in that meeting as a recommendation, then you will bring it into the full Commission.

And then DEQ usually is very responsive in those meetings. Mr. Drosendahl will say X, or he will say, I don't know and I will find out, or I'm not sure what the response is, I will find out. But it's very interactive, it's much less formal. It's a give-and-take kind of discussion.

Any other agenda items? You may have somebody into the meeting? Any other topics?

MS. KALAGHAN: There aren't any at this time.

CHAIRPERSON CLEMENT: Anything else on the technical side from anyone?

Okay. We will move along, then.

Do we need to -- I'll look to our attorney. Do we as a Commission need to vote on that?

MS. HUDDLESTON: Yes, you should.

CHAIRPERSON CLEMENT: Thank you. Then now the full Commission will.

Do we have a motion that the Technical Subcommittee will address remediation systems and the issues associated with them?

MR. BUNCH: I so move.

CHAIRPERSON CLEMENT: We have a motion. Is there a second?

I second.

Any discussion, additions, changes? Okay.

All in favor?

(Chorus of ayes.)

CHAIRPERSON CLEMENT: Anyone opposed?

Okay. The Technical Subcommittee will have its next meeting to discuss remediation systems and the issues associated with those in the UST program.

We probably need to now step back an agenda item and vote on what we just directed the Evaluation Subcommittee to do. Is there a motion?

MR. BUNCH: I move that the Evaluation Subcommittee review the draft legislation proposed by DEQ next Thursday, November 1 at 2 p.m.

CHAIRPERSON CLEMENT: I second that motion.

Any discussion, changes?

All in favor?

(Chorus of ayes.)

CHAIRPERSON CLEMENT: Anyone opposed?

No? Okay. The Evaluation Subcommittee will address the proposed legislation in a meeting next Thursday at two p.m. Thank you.

Now we will move to -- this is going to be the shortest meeting ever. There is not much public out there.

We will now move to the general call to the public. I think Rick's here today. Nothing? Anybody?

Mr. Gill?

MR. GILL: I just -- Phil, in your update, why are risk assessment status, why is that not included anymore?

MR. MC NEELY: Because we made those disks available for everybody. We're going to have one on the web next month and if no one complains --

MR. GILL: I mean, the number of risk assessments, that used to be part of your list of things.

MR. MC NEELY: Oh.

MR. GILL: Did I miss it?

MR. MC NEELY: I don't think we have a backlog of risk assessments. In the past we used to have like 20 or 30 risk assessments floating around. As far as I'm aware, and if I'm wrong, I'd like to know, but I don't think we have risk assessments that have been submitted that aren't being reviewed.

MR. GILL: How many people do they have right now? What do they call that program, that unusual name?

MR. MC NEELY: The ARP II.

MR. GILL: The risk assessment group.

MR. MC NEELY: There is no risk assessment group. Jeanene Hanley works directly for Joe Drosendahl, and she's our risk assessment. And in waste programs they have a couple of contracts with ADHS. But we don't have a risk assessment group anymore.

MR. GILL: So Jeanene is the only one that does risk?

MR. MC NEELY: Or we can use ADHS for a contractor. But really it's pretty limited in terms of what's coming in.

MR. GILL: Okay. Thanks.

MR. MC NEELY: You are welcome.

CHAIRPERSON CLEMENT: Okay. Any other general

comments from the public?

We will now talk about agenda items, summary of meeting action items.

Basically the only meeting action items that we have are, I will make sure we change the Financial to Evaluation Subcommittee on the next agendas and other meeting materials. We will receive a set of comments from the City of Phoenix regarding the proposed legislation by e-mail from DEQ.

There will be a Technical Subcommittee meeting and an Evaluation Subcommittee meeting. I don't think we need to discuss those any further.

Any other agenda items that we had?

MS. MARTINCIC: I thought last meeting we talked about the sites, about the total sites that you guys were going to contact in finding out the sites, and I was supposed to kind of help you try to possibly locate owners. I have notes about that from last meeting. Do you remember that?

MR. MC NEELY: I remember something about it. I think Mr. Bunch made a comment about, should we evaluate other states.

MS. MARTINCIC: That's more on the Fund itself and the phaseout of the Fund and insurance issues. I thought I had written down about the personal calls and

1 visits, and then that the agency wasn't sure how many of
2 those sites were small, and that there was some kind of
3 list of 900 open sites, and I was going to try to see if
4 any of those might be customers of jobbers, that we could
5 assist the agency in trying to find some of these folks to
6 help you in closing the sites sooner or getting them to
7 clean them up quicker. But there was some kind of
8 deficiency in the computer system.
9 MR. MC NEELY: I think I said there was about 900
10 open releases out there. I think the comment was, we were
11 trying to pursue to get case management to get in contact,
12 and you offered to help with anything you could do. I
13 didn't think it was an action item.
14 MS. MARTINCIC: Is there a list or something? I
15 mean, is that something that I could still help with or
16 not? I just don't want to drop the ball if it's
17 something.
18 MR. MC NEELY: I think we said something about
19 writing a newsletter to send it out to everybody, and you
20 said maybe you could send out the newsletter or a postcard
21 or something to your people that you have, maybe contact
22 them.
23 MS. MARTINCIC: So you don't have necessarily a
24 list --
25 MR. MC NEELY: Not yet.

MS. MARTINCIC: -- of sites with like addresses or anything, or company names?

MR. MC NEELY: What we have is we have a database that will show you all 1237 sites, but a lot of those -- we are just trying to go one by one to see which ones are actually an issue and digging through files. So, I don't know how to use your offer yet. Maybe down the road it may be helpful to target, sending mass e-mails or postcards or something out to everybody and let them know the deadline's coming.

MS. MARTINCIC: Or if there is a list that you have that I can go through, I might recognize some of the names of the companies or be able to help out that way, maybe.

MR. MC NEELY: And then we should be getting that together soon. We have a new database and now we have a new program, and we have a new database and then we have a new program, actually to pull, mine the information a lot easier.

MS. MARTINCIC: I remember you talking about that.

MR. MC NEELY: The data warehouse, but we haven't really got our fingers into it that much.

CHAIRPERSON CLEMENT: So, the agenda items would be to sit tight until DEQ requests your assistance. Does

that work for everybody?

MR. MC NEELY: Right.

CHAIRPERSON CLEMENT: Anything else that we would want to include for the next meeting's agenda besides our normal routine, then the obvious reports out from the subcommittees? I haven't heard anything. I don't think there's a lot of big concerns out there. Okay.

Next Policy Commission meeting is scheduled to be held on November 28th, and I know that that is -- let's just check. That's the week after Thanksgiving. Again, I will not be available. I will be in Africa, and I'm in the remotest part of South Africa, there is not even anything, so, someone will -- if you want to have that meeting on the 28th, someone will have to chair that meeting, be willing to chair that meeting, and also I want to make sure that people's vacations schedules, if that's still workable for the majority of the Commission that's here today.

Mr. McNeely?

MR. MC NEELY: Can I recommend having a meeting in mid December? I think we need a meeting before the legislative session to vote on the Energy Act and everything else. I don't know if we need two meetings, one in November and a meeting in December. I think we need one at least. That's a recommendation.

CHAIRPERSON CLEMENT: Any comments on that? Mr. Bunch or Mr. O'Hara?

MR. BUNCH: I'm comfortable with that.

MS. CHABERSKI: I will not be here for November. I'm fine with that if it works.

CHAIRPERSON CLEMENT: Does anybody have a problem with just moving into December?

MR. FINDLEY: What would the date be in December?

MS. MARTINCIC: That would be the 5th or 12th, I think.

MR. FINDLEY: The 4th would be the day after.

CHAIRPERSON CLEMENT: So we originally had it for the 19th on our original schedule. We could move that, though, to the 5th or the 12th. It's just a question of DEQ's got to find us a meeting room, and so do we have a preference for a date in December by the Commission? Because once I come back, I'm good. I mean, I know I've got to work.

MR. BUNCH: I'm good either day.

MS. KALAGHAN: Either one is fine for me.

MR. MC NEELY: We could have it on the 19th.

MS. MARTINCIC: I think that's hard because it's the week before Christmas. I probably won't be here. I will be back east.

CHAIRPERSON CLEMENT: It becomes a real hassle

close to the holidays. I think the 5th or the 12th. How about we leave that open, then, and see if Ms. Miller can find us a room either the 5th or the 12th.

And, Cynthia, if you could get back with me and I'll get an e-mail out right away, as soon as I get on my computer, once you find a room, and I will let everybody know. We will have it on our schedule so we will know ahead of time.

Does that work for everybody? Okay.

Okay. Are there any other comments, questions? Anything else the Commission needs to discuss regarding agendas or meeting times? Okay. That was the all-time record.

On that note, the October 24th, 2007 UST Policy Commission is adjourned. Thank you very much everybody.

(9:46 A.M.)

C E R T I F I C A T E

I HEREBY CERTIFY that the proceedings had upon the foregoing hearing are contained in the shorthand record made by me thereof and that the foregoing 33 pages constitute a full true and correct transcript of said shorthand record all done to the best of my skill and ability.

DATED at Phoenix, Arizona, this 24th day of October, 2007.

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Deborah J. Worsley Girard
Certified Reporter
Certificate No. 50477