

LOCATION - SUBJECT Jim and Barbara Mays' Third-Party Claim vs. Tri-County Oil Company, Inc. -- Petroleum Storage Tank Trust Fund

MINUTE ORDER NO. 94-81

PAGE 1 OF 1

The Petroleum Storage Tank Trust Fund Act, Arkansas Code Annotated §8-7-901 et seq., provides for payments for bodily injury and property damage from the Petroleum Storage Tank Trust (PSTT) Fund to persons who are impacted by releases from certain aboveground or underground storage tanks. Though the Act gives the Director the power to authorize all payments from the PSTT Fund, the Director has requested the Commission's advice on the payment of third-party claims.

A third-party claim in the amount of \$50,000 has been made by Jim and Barbara Mays of Magnolia, Arkansas, for damages they suffered from a release from USTs owned by Tri-County Oil Company, Inc. Department staff, the Attorney General's Office, and the Advisory Committee on Petroleum Storage Tanks have reviewed the claim, and all recommend that it be paid, less the \$25,000 deductible, which has been met.

The Commission, after determining that the amount of this claim is reasonable and that its payment is otherwise appropriate, hereby recommends to the Director that he authorize payment of \$25,000 to Jim and Barbara Mays.

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SUBMITTED BY: Randall Mathis

DATE PASSED: AUGUST 26, 1994