

LOCATION - SUBJECT Petroleum Storage Tank Trust Fund -- Third-Party Claims vs. Total Holdings, Inc. -- Road Runner #60, Fayetteville, Arkansas

MINUTE ORDER NO. 94-82

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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.

Third-party claims have been made by Cecele Robinson, Jane Robinson, and First Baptist Church, of Fayetteville, Arkansas, for damages they suffered from a release from USTs owned by Total Holdings, Inc. ("Total"). After negotiating a settlement of these claims, Total has paid the third parties a total of \$272,966.45. Department staff, the Attorney General's Office, and the Advisory Committee on Petroleum Storage Tanks have reviewed the claims, and all recommend that \$166,000 of the claims be paid at this time, less the \$25,000 deductible, which has been met. Total agrees that this partial payment is appropriate until further review of the claims is made.

The Commission, after determining that the recommended amount of these claims is reasonable and that payment is otherwise appropriate, hereby recommends to the Director that he authorize payment of \$141,000 to Total Holdings, Inc.

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SUBMITTED BY: Randall Mathis

DATE PASSED: AUGUST 26, 1994