

ARKANSAS POLLUTION CONTROL  
AND ECOLOGY COMMISSION

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

MINUTE ORDER NO. 95- 85

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.

Third-party claims have been made by Cecele Robinson, Jane Robinson, and the First Baptist Church of Fayetteville, Arkansas, for damages they suffered from a release from underground storage tanks owned by Total Holdings, Inc. ("Total"). Total and the third parties negotiated a settlement of these claims, which has been paid by Total. After receiving the Commission's recommendation at its August 26, 1995, meeting, the Director caused a portion of these claims to be reimbursed to Total.

The Commission, after determining that the amount of the remainder of these claims is reasonable and that payment is otherwise appropriate, hereby recommends to the Director that he authorize payment of the remainder of the third-party claims filed by Total Holdings, Inc. in this matter.

COMMISSIONERS

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Chairman

SUBMITTED BY: Randall Mathis PASSED: 12/01/95