



OFFICE OF CHIEF COUNSEL

Original: 2532

COMMONWEALTH OF PENNSYLVANIA  
INSURANCE DEPARTMENT

CAPITOL ASSOCIATES BUILDING  
901 North 7<sup>th</sup> Street  
Harrisburg, PA 17102

RECEIVED

2006 JUL -3 AM 9:17

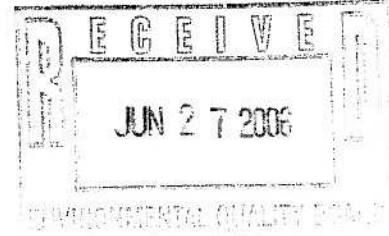
Phone (717) 787-6009  
Fax (717) 772-4543

INDEPENDENT REGULATORY  
REVIEW COMMISSION

June 22, 2006

Via Overnight Mail

Environmental Quality Board  
P.O. Box 8477  
Harrisburg, PA 17105-8477



Re: Comments to Proposed Rulemaking Regarding 25 Pa. Code Chapter 245

To the Members of the Board:

I write on behalf of the Underground Storage Tank Indemnification Fund (“USTIF”) in order to comment on the above referenced proposed rulemaking, which was published in the Pennsylvania Bulletin on April 22, 2006 (Volume 36, Number 16). Specifically, the USTIF wishes to comment on the proposed amendment to Section 245.110 of Chapter 245, which would combine the individual certification categories for underground storage tank removal (subsection (b)(2) and aboveground manufactured storage tank removal (subsection (b)(6) into a new manufactured storage tank removal category.

By way of background, the USTIF provides financial responsibility for liability created by releases from underground storage tanks (“USTs”) to both owners and operators of USTs as well as to installers of USTs. Financial responsibility for the installers is provided through the USTIF’s Tank Installer Indemnification Program (“TIIP”). The following comments are specifically related to the TIIP.

The TIIP is funded by two types of fees: 1) a yearly company fee; and 2) activity fees related to installations, removals, and major modifications of USTs performed by tank installers. In order to properly and accurately bill the company and activity fees, the USTIF depends upon data feeds from the Department of Environmental Protection (“DEP”).

Currently, the USTIF receives data from DEP related to only USTs. The USTIF’s concern, which gives rise to these comments, is that if the proposed amendment to Section 245.110 is approved, the data received by the USTIF from DEP will not differentiate between USTs and aboveground storage tanks. This will make it very difficult, if not impossible, to properly and accurately bill fees for the TIIP, particularly with regard to new companies or companies that previously had only worked on aboveground tanks but now want to work on USTs as well. Because the TIIP will be adversely impacted if it cannot properly and accurately bill the UST installer community, the TIIP will have to attempt to correct this problem, which will require it to incur significant costs with no guarantee of successful results.

In making these comments, the USTIF wants to clarify that it does not object to the proposal to combine the individual certification categories for UST removal and aboveground manufactured storage tank removal into a new manufactured storage tank removal category,

provided that DEP can continue to provide data to the USTIF on installer companies and their activities that relate to only USTs, so that USTIF can properly and accurately bill the UST installer community and thereby sustain the viability of the TIIP.

Thank you for your consideration of these comments.

Very truly yours,

A handwritten signature in black ink, appearing to read "Preston M. Buckman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Preston M. Buckman  
Special Funds Counsel

Cc: Peter Salvatore, Regulatory Coordinator, PA Insurance Department (by inter-office mail).  
Michael Sullivan, USTIF Executive Director (by inter-office mail)  
James Miceli, USTIF Claims Manager (by inter-office mail)  
Charles Swokel, Chief, Division of Storage Tanks, DEP (by first class mail)