

**PROFESSIONAL**  
**ENTERPRISES INC.**  
**(724) 445-7064**  
**(fax) 445-7695**  
*Construction & Environmental Consulting*  
140 Buckeye Road, Karns City, PA 16041-1408

Peter J. Salvatore, Regulatory Coordinator  
1326 Strawberry Square  
Harrisburg, PA 17120  
717-772-1969 Fax  
[//psalvatore@state.pa.us//](mailto://psalvatore@state.pa.us//)

**RECEIVED**

January 19, 2001

RE: PA Bulletin, Vol. 30, No.52, December 23, 2000  
USTIB Proposed Rulemaking to establish  
UST Installer Insurance Program

**JAN 23 2001**

**Office of Special Projects**

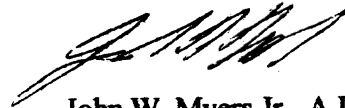
Dear Mr. Salvatore:

This letter is in response to the above referenced Indemnification Boards Proposed Rulemaking, which establishes a mandatory UST Installer Insurance Program under the UST Indemnification Fund.

The mandatory minimum \$2,000.00 company fee is unfair to the certified companies who only do (15) fifteen or (20) twenty installations per (3) three-year certification. The fee should be based on a flat (3) three-year basis to equal that of the certification. It is also a known fact that UST installations are diminishing and the volume of UST contractors is decreasing. I agree with the insurance fund but I feel it should be on a per tank installed basis, both company and individual. I also feel that the installer's past job performance should be considered. Should an installer that rarely or never has a problem after an installation pay the same fee as an installer that consistently has problems after installations?

Thank you for considering our comments and if you have any questions, please feel free to call me at (724) 445-7064 office or (724) 679-7084 mobile. Email: [Fullycertified@aol.com](mailto:Fullycertified@aol.com).

Sincerely,  
Professional Enterprises Inc.  
PADEP # 317



John W. Myers Jr. A.I.  
PADEP # 2666  
SNT-TC-1a level III  
API653 #21516  
API570 #21439

*cc: Raymond Powers*



# Earthtech, Inc.

CONSULTING SCIENTISTS & ENGINEERS

Environmental, Mining &  
Site Development Services  
[www.scientificengineers.com](http://www.scientificengineers.com)

January 18, 2001

Peter J. Salvatore  
Regulatory Coordinator  
1326 Strawberry Square  
Harrisburg, PA 17120

**RECEIVED**

**JAN 23 2001**

**Office of Special Projects**

**RE: Underground Storage Tank Indemnification Fund  
25 PA Code, Chapter 977.19 & 977.20**

Dear Mr. Salvatore:

We are writing to comment on the proposed regulations noted above and published in the *Pennsylvania Bulletin* in Volume 30, No. 52 on December 23, 2000. We feel the proposed regulations will cause qualified individuals and companies to allow their certifications to expire, and therefore, reduce competition in this market. We also feel the requirements of the regulation are excessive for companies who already have errors & omissions (E & O) insurance.

Earthtech, Inc. is certified in removal and inspection in Pennsylvania. We have been involved in the management of underground storage tanks since the mid-1980's. Due to the risk involved in tank handling activities, we have always carried E & O insurance for the protection of our clients and our company. Thankfully, we never had to make an E & O claim for a release caused by Earthtech, Inc. during a removal.

Our clients consist mainly of small fuel retailers, municipalities, and private companies who have decided to get out of the fuel storage business and remove their underground storage tank(s). Typically, we provide the certified remover and subcontract the actual digging to a local professional excavator. This method has provided cost effective means of removing the tank for our customer. Although our workload has dropped dramatically since the upgrade deadlines have passed, we still present another option when compared to the full time installer. Many of our customers felt they were ignored by the full time installer who realizes a larger profit margin from a removal/installation project when compared to a small removal only situation.

With our current tank removal workload and the published proposed regulations (flat fee for all companies certified for tank handling activities pay \$2000.00 per year), we

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Johnstown, PA 15904

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Somerset: (814) 443-3384

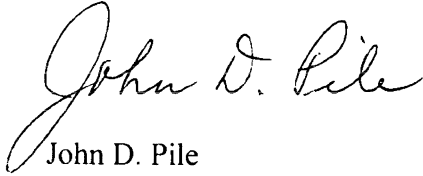
**Underground Storage Tank Indemnification Fund  
25 PA Code, Chapter 977.19 & 977.20**

**2**

anticipate the expiration of all our PA DEP underground storage tank removal certifications.

We thank-you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "John D. Pile". The signature is written in black ink and is positioned above the printed name and title.

John D. Pile  
PA DEP Certified Remover

cc: file



**ASSOCIATED PETROLEUM INDUSTRIES  
OF PENNSYLVANIA**

240 N. Third Street • P.O. Box 925 • Harrisburg, PA 17108 • (717) 234-7983 • Faxphone (717) 234-5461 • Email: apip@worldnet.att.net

**DAVID E. CALLAHAN**  
Executive Director

January 18, 2001

Mr. Peter J. Salvatore  
Regulatory Coordinator  
PA Insurance Department  
1326 Strawberry Square  
Harrisburg, PA 17120

Dear Mr. Salvatore:

I am writing on behalf of the Associated Petroleum Industries of Pennsylvania to comment on the Insurance Department's proposed rulemaking concerning the Underground Storage Tank Indemnification Fund, as published in the December 23 *Pennsylvania Bulletin*.

Overall, the proposed rulemaking effectively consolidates and modifies a number of provisions regarding the administration of the Fund. Consolidating several chapters into one makes sense organizationally. The new, modified chapter will allow the regulated community to gain a better understanding of the Fund's administrative procedures and requirements.

We have one comment pertaining to Subchapter E, Dispute Procedures. Section 977.61(b) states that a written appeal of the Executive Director's decision must be received by the Board within 15 days of the mailing date of the decision. A fifteen-day timeframe does not provide adequate time to analyze the Executive Director's decision, draft another appeal and send it to the Board. We suggest that the fifteen-day timeframe should be extended to 35 days, consistent with the timeframe for appealing decisions of the Board in Section 977.61(a).

Thank you for the opportunity to comment on the proposed rulemaking. Please feel free to contact me with any questions concerning our comments.

Sincerely,

David E. Callahan  
Executive Director

cc: Richard Sandusky, Independent Regulatory Review Commission

RECEIVED  
2001 JAN 22 AM 8:40  
REGULATORY COORDINATOR  
REVIEW COMMISSION

