

# 2753

Tate, Michele

From: Jo Ellen Litz [litz@mbcomp.com]  
Sent: Saturday, March 28, 2009 11:20 PM  
To: EP, RegComments  
Subject: Storage Tank rule making

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2009 APR -3 PM 1:07  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

Dear Board:

Re: The Storage Tank UST Operator Training proposed rulemaking will be published in the *Pennsylvania Bulletin* on March 14, 2009. The 30-day public comment period will begin upon publication in the *Pennsylvania Bulletin* and conclude on April 13, 2009. The *Pennsylvania Bulletin* notice requests individuals to submit comments directly to the Environmental Quality Board.

<http://www.pabulletin.com/secure/data/vol39/39-11/466.html>

I am troubled by recent rule making concerning underground storage tanks. By no fault of my own, I have been in the middle of contamination to the ground water under my property.

While cooperating with a contamination problem on Ladd Hanford's property to my east, my records indicate that Mr. Carpenter, my neighbor to the west, also contaminated the ground water:

- ◆ November 9, 1990 DER probed a mysterious odor, which came from a leaking underground storage tank containing gasoline on "Carpenter's" property. A newly installed monitoring well ruptured the AMOCO tanks.
- ◆ February 12, 1997, a monitoring well was installed on "my property". **Methyl Tertiary-Butyl Ether (MTBE)**, an additive used in AMOCO gasoline in past years, was detected. It was concluded that the fuel escaped from underground limestone pockets from a past spill on "Carpenter's property," **which contributed to a January 20, 2000 Deed restriction on "my property."**

In summary, both of my adjoining neighbors have had contamination, and my cooperation with their cleanups yielded me with a deed restriction prohibiting wells for drinking water. These times were stressful and caused me to have to hire an environmental consultant. The deed restriction may negatively impact the sale of my property.

To force me to spend more time and money on a closed case to change a deed restriction to an Environmental Covenant is terribly unfair. As far as I can tell, the environment does not benefit from this requirement. What does appear to happen is to discredit me by posting my property on DEP's web site without a clear and concise explanation of the circumstances. How fair is that? Besides, title searchers are bonded to provide clear titles. I can understand if the new rule is applied from this day forward, but why would government make this additional paperwork on closed cases? It is an undue hardship and financial burden on small businesses.

Therefore, I respectfully request that DEP waive the requirement for an Environmental Covenant on my property.

