

**Underground Storage Tank Indemnification Fund
Interim Financial Report
(Unaudited)**

For the Nine Months Ended March 31, 2024 and 2023



Prepared By:

Office of Comptroller Operations
Bureau of Accounting & Financial Management

**Underground Storage Tank Indemnification Fund
Financial Statements
(Unaudited)
For the Nine Months Ended March 31, 2024 and 2023**

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Underground Storage Tank indemnification Fund

Balance Sheet

(Unaudited)

As of March 31

	2024	2023
ASSETS:		
Deposits and Investments—Note B		
Cash-In-Transit	\$ 1,903,543	\$ 1,544,803
Temporary Investments	12,138,812	16,698,671
Long-term Investments	444,190,366	394,787,304
Receivables—Note C		
Investments Interest and Dividends	1,564,044	1,343,671
Investments Sold	2,525,190	42,975
TOTAL ASSETS	\$ 462,321,955	\$ 414,417,424
LIABILITIES AND FUND BALANCE		
Liabilities:		
Payables—Note D		
Accounts Payable and Accrued Liabilities	\$ 13,780,446	\$ 12,443,356
Invoices Payable	1,267,845	1,622,332
Investments Purchased Payable	3,678,672	2,603,991
Due to Other Obligations—Note E	119,254	94,591
TOTAL LIABILITIES	\$ 18,846,217	\$ 16,764,270
Fund Balance:—Note F		
Nonspendable:		
Restricted	443,475,738	397,653,154
TOTAL FUND BALANCE	443,475,738	397,653,154
TOTAL LIABILITIES AND FUND BALANCE	\$ 462,321,955	\$ 414,417,424

- The notes and supplemental schedule to the financial statements are an integral part of this statement. -

Underground Storage Tank Indemnification Fund
Statement of Revenues, Expenditures, and Changes in Fund Balance
(Unaudited)
For the Nine Months Ended March 31

	2024	2023
REVENUES—Note H		
Fees:		
Gallon	\$ 36,052,663	\$ 36,405,941
Tank Capacity	5,249,696	5,318,081
TIIP	249,127	278,153
Investment Income:		
Interest and Dividend Income	9,889,582	7,415,397
Net Increase (Decrease) in Fair Value of Investments	20,947,028	9,131,866
Other	—	800
TOTAL REVENUES	\$ 72,388,096	\$ 58,550,238
EXPENDITURES—Note H		
Administrative:		
Insurance Department Personnel and Other Charges	584,435	618,196
Third Party Administrator	2,347,846	2,676,562
Professional Services	627,755	727,194
Total Administrative	3,560,036	4,021,952
Claims Indemnification:		
Losses	21,347,863	19,984,015
Loss Expenses - Non-Legal	823,292	826,273
Loss Expenses - Legal	51,015	89,876
Total Claims Indemnification	22,222,170	20,900,164
Allocations - Funds Released:		
Environmental Cleanup Program	2,344,436	2,260,259
Pollution Prevention Program	—	9,750
Investigation and Closure Costs	4,208,726	4,848,103
Total Allocations - Funds Released	6,553,162	7,118,112
Interest Expense	5,205	5,790
TOTAL EXPENDITURES	\$ 32,340,573	\$ 32,046,018
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	40,047,523	26,504,220
NET CHANGE IN FUND BALANCES	40,047,523	26,504,220
FUND BALANCE, JULY 1 (restated) —Note G	403,428,215	371,148,934
FUND BALANCE, MARCH 31	\$ 443,475,738	\$ 397,653,154

- The notes and supplemental schedule to the financial statements are an integral part of this statement. -

NOTE A - Summary of Significant Accounting Policies

Basis of Presentation

The fund financial statements have been prepared in accordance with accounting principles generally accepted in the United States applicable to governments. The Governmental Accounting Standards Board (GASB) establishes accounting and financial reporting requirements for governments.

Financial Statements

The financial statements report the financial position and results of activities for the reporting periods ended March 31, 2024 and 2023. The Balance Sheet, often described as a *snapshot* of an entity's financial condition, is a summary of financial balances at a specific point in time. Assets, liabilities, and fund balances are presented as of a specific date, generally at the end of a closed period or fiscal year. The Statement of Revenues, Expenditures, and Changes in Fund Balance presents increases (i.e., revenues and other financing sources) and decreases (i.e., expenditures and other financing uses) in current resources.

Fund Structure

Fund Accounting: In governmental accounting, a fund is defined as an independent fiscal and accounting entity, with a self-balancing set of accounts, recording cash and/or other resources together with all related liabilities and equities which are segregated for the purposes of carrying out specific activities or attaining certain objectives in accordance with the fund's special regulations, restrictions or limitations. In the Commonwealth, funds are established by legislative enactment or, in certain rare cases, by administrative action.

Financial Reporting Entity

The Storage Tank and Spill Prevention Act, Act 32 of 1989, as amended, established the Underground Storage Tank Indemnification Fund (USTIF) to administer a program to provide claim payments to owners and operators of underground storage tanks who incur liability for taking corrective action, bodily injury or property damage caused by a release from underground storage tanks. The cost covered by the USTIF includes identifying the extent, nature and impact of the release and develops a remedial action plan for restoring the site. The USTIF will not cover any upgrade costs for the facility or any repair and maintenance work performed on the underground storage tanks, including tank removal. Administrative expenditures of the fund are also covered. The fund is administered by the Insurance Department in conjunction with the fourteen-member Underground Storage Tank Indemnification Board.

Act 13 of 1998 established a new loan program to assist owners of regulated underground storage tanks to upgrade their underground storage tank systems to meet federal Environmental Protection Agency upgrade requirements or to remove them from service. Act 100 of 2000 expanded the upgrade loan program to include the removal of underground storage tanks. The act also established an environmental cleanup program and a pollution prevention program that are administered by the Department of Environmental Protection.

Measurement Focus and Basis of Accounting

As a governmental fund, the Balance Sheet and the Statement of Revenues, Expenditures, and Changes in Fund Balance report financial activity using the current financial resources measurement focus and the modified accrual basis of accounting. The emphasis is on resources that are *available* to provide goods and services and, in some cases, capital assets, during the reporting period.

Used with governmental activities, under this measurement focus, only current assets and current liabilities are normally included on the balance sheet. *Current* essentially refers to an asset which can either be converted to cash or used to pay current liabilities within one year, or a liability that is to be settled in cash within one year of the reporting period.

Under the modified accrual basis of accounting, revenues and other financial resource increments are recognized when they become susceptible to accrual; that is when they become both measurable and available to finance expenditures of the current period. Resources are available when they have already been received or will be received within a reasonable period, typically 60 days, after the end of the reporting period in order to pay current liabilities. Receivables, advances, debt from other governments, political subdivisions, funds and component units that are measurable and accruable as due to the Commonwealth are reported, however, any portion of cash determined to be *unavailable* (typically received after 60 days) is offset with a liability, having no impact on fund balance.

Expenditures are recognized when the fund liability has been incurred; that is they will be paid with current financial resources. Expenditures that do not require the use of current financial resources—such as compensated absences, claims and judgments, environmental cleanup and capital leases—are not recognized when the liability is incurred; rather they are recognized when the financial resources are *used*.

Normal Balances

A normal balance is the expectation that a particular type of account will have either a debit or a credit balance based on its classification within the chart of accounts. It is possible for an account expected to have a normal balance as a debit to actually have a credit balance, and vice versa, but these situations should be minimal. An abnormal balance is typically reported as a negative value on the face of the financial reports and explained within the notes.

Leases

The government implemented GASB Statement 87 (S87) starting July 1, 2020. Under S87, leases are defined as contracts that convey the control of the right to use another entity's nonfinancial asset as specified in the contract for a period of time in an exchange or exchange-like transaction. As of July 1, 2020, leases are now considered financing arrangements that require the government to report current and newly executed leases as capital outlays as well as any other financing resource.

NOTE B - Deposits and Investments**Cash-in-Transit**

Cash-in-Transit are amounts that have been posted to the accounting system, but not yet receipted by the Treasury Department. Upon receipt, Treasury transfers all cash balances into investment pools. For the reporting periods ended March 31, 2024 and 2023, Cash-In-Transit totaled \$1.9 million and \$1.5 million.

Pooled Cash

In accordance with the Fiscal Code, cash balances of most Commonwealth funds are pooled by the Treasury Department. Cash balances are accounted for centrally for receipt and disbursement purposes and are segregated by fund. These cash deposits facilitate daily transactions on behalf of the funds and are maintained separately from the investment fund balances. The law requires that collateral be pledged by banks and other financial institutions to guarantee cash on deposit.

Treasury Investment Pools

The deposit and investment policies of the Treasury Department are governed by Sections 301, 301.1 and 505 of the Pennsylvania Fiscal Code (Act of 1929, P.L. 343), and Section 321.1 of the Pennsylvania Administrative Code (Act of 1929, P.L. 177, No. 175).

In compliance with the Fiscal Code, the Treasury Department holds investment control over the USTIF and most other funds of the Commonwealth. The Treasury Department uses a variety of internal investment pools that seek to provide preservation of principal, liquidity, diversification, and income for most funds. All participating funds report amounts invested in such pools as Temporary or Long-term Investments.

The Treasury Department manages the Commonwealth Investment Program (CIP) for funds that are part of the primary government. Investments in the CIP are reported as shares by the participants. Investments are reported at fair value, typically using published market prices.

Temporary Investments are those investments expected to be realized in cash within twelve months or less following the reporting period and Long-term Investments are expected to be realized in cash beyond one year. The Treasury Department accounts for the investments held in the CIP for each participating fund's equity (considered shares) on a daily basis. Share balances of participating funds may fluctuate considerably during the fiscal year, based on the timing of cash receipts and disbursements in the participating fund. Periodic earnings of the CIP are allocated to specific participating funds based on the weighted daily average share balance.

Treasury investment pools each have their own distinct investment strategies, goals, and holdings that reflect the differing needs of Commonwealth funds for income, cash flows, and investment risk tolerance. The USTIF investment pools are held within the CIP and BNY Mellon Bank. The short-term investment pools, also referred to as Pool 924 and Pool 999, comply with the investment policies as adopted by Treasury, and are highly liquid vehicles, which can consist of cash and short-term fixed income with a goal of providing a high degree of liquidity and security but only modest returns. Shares in this pool are classified as Temporary Investments. The Long-term Investment pool complies with the investment policies as adopted by USTIF, and is a less liquid vehicle, which allows for investment in assets that offer potentially higher returns with commensurate risk.

The USTIF investments as of March 31, 2024 and 2023 consist of \$12.1 million and \$16.7 million of Temporary Investments and \$444.2 million and \$394.8 million in Long-term Investments.

NOTE C - Receivables

A receivable is a legally enforceable claim for payment to a business or government by its customers or residents for either goods supplied and/or services rendered in execution of the customer's order or for government imposed non-exchange transactions for which payment has not yet been received.

Exchange transactions represent cash received for the aforementioned good or service delivery, investment sale proceeds, as well as interest on notes and loans. Non-exchange transactions include government imposed obligations such as taxes or other assessments.

Receivables on Investments Interest and Dividends are settlements effected as of the end of the reporting period for which related cash is expected to be received in the subsequent period. As of March 31, 2024 and 2023, the Investments Interest and Dividends Receivables totaled \$1.6 million and \$1.3 million. Receivables on Investments Sold for the reporting periods ended March 31, 2024 and 2023, totaled \$2.5 million and \$43.0 thousand.

NOTE D - Payables

A payable is money owed by a government or business to its employees, vendors, sellers of investments and/or grantees for which payment has not yet been rendered. *Accounts Payable and Accrued Liabilities* reflects vendor invoice disbursements that have posted through the end of the reporting period that have not cleared for payment from the State Treasurer, whereas *Invoices Payable* reflects invoice disbursements that have cleared for payment.

Accounts Payable and Accrued Liabilities as of March 31, 2024 and 2023, totaled \$13.8 million and \$12.4 million, Invoices Payable totaled \$1.3 million and \$1.6 million.

Investments Purchased Payable represents obligations of payment to sellers of investments associated with the routine operational investment activity of the fund. As of March 31, 2024 and 2023, the Investments Purchased Payable totaled \$3.7 million and \$2.6 million.

NOTE E - Due to Other Obligations

The liability class reflects resources payable to other Commonwealth or governmental funds for the reimbursement of goods or services provided or the enactment of a statutory transfer for which a cash transaction has not yet been effected. As of March 31, 2024 and 2023, the Due to Other Obligations totaled \$119.2 thousand and \$94.6 thousand. The following liabilities are included under Due to Other Obligations: Due to Other Funds; Due to Other Governments; Due to Fiduciary Funds and Due to Political Subdivisions.

Due to Other Funds

The inter fund cash transfer outstanding as of March 31, 2024 and 2023, of \$0.3 thousand and \$0.2 thousand is associated with a quarterly billing of the Insurance Liquidation Fund for consulting which is shared by the Workers' Compensation Security Fund and the Catastrophic Loss Benefit Continuation Fund.

Due to Other Governments

Due to Other Governments are obligations owed to the Federal government related to the payroll operations of the USTIF. These benefit obligations are attributable to Social Security and Medicare deductions from employees and related employer matching Social Security portions and are due to the Internal Revenue Service. As of March 31, 2024 and 2023, the Due to Other Governments totaled \$3.9 thousand and \$1.8 thousand.

Due to Fiduciary Funds

Due to Fiduciary Funds are obligations owed to other Commonwealth funds related to the payroll operations of the USTIF. These benefit obligations are attributable to retirement deductions from employees and are due to the State Employees Retirement System. As of March 31, 2024 and 2023, the Due to Fiduciary Funds totaled \$16.6 thousand and \$8.1 thousand.

Due to Political Subdivisions

Due to Political Subdivisions are obligations owed to other local governmental entities related to the operations of the USTIF. As of March 31, 2024 and 2023, Due to Political Subdivisions totaled \$98.4 thousand and \$84.5 thousand.

Note F – Fund Balance

Restricted

Restricted includes fund balances that may only be utilized for 1) consumption in accordance with external laws or regulations imposed by creditors, grantors, contributors or other governments 2) consumption by law through constitutional provisions or enabling legislation, where the enabling legislation must authorize the Commonwealth to assess, levy, charge or otherwise mandate payment of resources from external providers and be legally enforceable.

As of March 31, the USTIF Restricted Fund balance is segregated and classified in the following manner:

Restricted For:	2024	2023
Encumbrances	5,253,672	5,059,960
Underground Storage Tank Indemnification	438,222,066	392,593,194
Total Fund Balance	\$ 443,475,738	\$ 397,653,154

The encumbrance portion of the restricted fund balance reflects contracted obligations to vendors relative to administrative or operational activities of the fund. For the reporting periods ended March 31, 2024 and 2023, Encumbrances totaled \$5.3 million and \$5.1 million.

The portion restricted for Underground Storage Tank Indemnification is obligated to meet the known and unknown present and future claims liability and operations of the fund. For the reporting periods ended March 31, 2024 and 2023, the fund balance restricted for Underground Storage Tank Indemnification was \$438.2 million and \$392.6 million (See also Supplemental Schedule – Statement of Actuarial Claims Liability).

NOTE G – Restatement of Fund Balance

The Fund Balance, July 1 (restated) includes adjustments for additional accrued 2022-23 revenues pertaining to miscellaneous revenue and additional accrued 2022-23 expenditures pertaining to liabilities due to Commonwealth funds. These additional accruals were recorded subsequent to the distribution of the June 30, 2023, USTIF financial statements.

The restatement consisted of the adjustments disclosed as follows:

Underground Storage Tank Indemnification Fund Restatement of Beginning Fund Balance (UNAUDITED)	
FUND BALANCE AS REPORTED JUNE 30, 2023	\$ 404,194,691
ACCRUED REVENUE	
Miscellaneous Revenue	<u>92,308</u>
TOTAL REVENUE RELATED ADJUSTMENT	<u>92,308</u>
ACCRUED EXPENDITURES	
Operational related to due to other funds	<u>(858,784)</u>
TOTAL EXPENDITURE RELATED ADJUSTMENT	<u>(858,784)</u>
NET INCREASE (DECREASE) TO FUND BALANCE	<u>(766,476)</u>
ADJUSTED FUND BALANCE, JULY 1, 2023	<u><u>\$ 403,428,215</u></u>

NOTE H – Revenues, Expenditures and Other Financing Sources (Uses)

Revenues

Fees

The USTIF is financed by fees paid by underground storage tank owners or operators, distributors, and tank installers. By law, the USTIF Board is required to evaluate the financial condition of the program annually. The agency's fee structure and collection methodology are described in regulations, which can be found at 25 Pa. Code 977.11 to 977.24. The current fees include:

Gallon Fees Each distributor must assess a fee of \$0.011 per gallon on regulated substance deliveries to underground storage tanks (USTs) under agency regulation. The Gallon Fees for the nine months ended March 31, 2024 and 2023, totaled \$36.1 million and \$36.4 million.

Tank Capacity Fees The owner or operator of USTs storing heating oil, diesel fuel, kerosene, and used motor oil products must pay an annual fee of \$0.0825 per gallon of tank capacity. The Tank Capacity Fees for the nine months ended March 31, 2024 and 2023, totaled \$5.2 million and \$5.3 million.

TIIP Fees Tank Installer Indemnification Program (TIIP) is funded by two types of fees: a yearly company fee; and 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 from the Department of Environmental Protection. The certified company must pay an annual activity fee of \$1,000. Additional activity fees of \$15 for tank removals and \$50 for installations or modifications are billed monthly. The TIIP Fees for the nine months ended March 31, 2024 and 2023, totaled \$249.1 thousand and \$278.2 thousand.

Investment Income

Investment income includes Interest and Dividend Income and Net Increase in Fair Value of Investments during the fiscal period. If the change in the fair value of investments decreases during any specific fiscal year, such decreases could cause reported overall investment income to be negative within specific funds. Similarly, realized losses could cause reported overall investment income to be negative within specific funds. For the nine months ended March 31, 2024 and 2023, Interest and Dividend Income totaled \$9.9 million and \$7.4 million and Net Increase (Decrease) in Fair value of Investments totaled \$20.9 million and \$9.1 million.

Expenditures

Administrative

Administrative disbursements include Insurance Department Personnel, such as salaries, health and retirement benefits, Third Party Administrator fees and Professional Services. For the nine months ended March 31, 2024 and 2023, Administrative disbursements totaled \$3.6 million and \$4.0 million.

Claims Indemnification

Claims Indemnification disbursements mostly include losses on claims filed and the related legal and non-legal disbursements on those losses. For the nine months ended March 31, 2024 and 2023, Claims Indemnification disbursements totaled \$22.2 million and \$20.9 million.

Allocations - Funds Released

Allocations - Funds Released activities include disbursements for Environmental Cleanup Programs, Pollution Prevention Programs, Catastrophic Release Programs and Investigation and Closure Cost Programs. For the nine months ended March 31, 2024 and 2023, Allocations - Funds Released disbursements totaled \$6.6 million and \$7.1 million.

Interest Expense

Interest Expense expenditure represents the interest related to the lease under S87. The interest expense for the nine months ended March 31, 2024 and 2023, is \$5.2 thousand and \$5.8 thousand, respectively. From February 1, 2022 through January 31, 2032, the Insurance Department's Office of Liquidation, Rehabilitation, and Special Funds (OLRSF) entered into a 10 year building lease valued at \$5.7 million under S87. The March 31, 2024 and March 31, 2023 financial statements allocate 8% of the interest expense from the 10 year OLRSF lease to USTIF based on complement.

Supplemental Schedule – Statement of Actuarial Claims Liability

**Underground Storage Tank indemnification Fund
Statement of Actuarial Claims Liability
(Unaudited)
As of March 31**

	2024	2023
Actuarial liability for estimated unpaid claims	\$ (260,269,799)	\$ (293,084,323)
Funds Balance restricted for Underground Storage Tank Indemnification	438,222,066	392,593,194
Fund Balance Available (Unavailable) for Future Claims	<u>\$ 177,952,267</u>	<u>\$ 99,508,871</u>

The Statement of Actuarial Claims Liability provides a segregated presentation of the balances from the actuarial report associated with the Incurred But Not Reported (IBNR) claims and the fund balance for Underground Storage Tank Indemnification available to meet these future claims payment obligations.

The USTIF provides claim payments to owners and operators of USTs who have incurred liability caused by leaks from USTs. The USTIF covers reasonable and necessary costs for corrective actions to clean up contamination from leaking tanks. It also covers claims for bodily injury and property damage that occur as a result of the release.

The fund balance for Underground Storage Tank Indemnification for future claims is \$178.0 million as of March 31, 2024. The fund balance restricted for Underground Storage Tank Indemnification is \$438.2 million as of March 31, 2024 and based on the actuarial analysis as of June 30, 2023 (report issue date November 27, 2023), the estimated unpaid loss was \$260.3 million for March 31, 2024.

Supplemental Schedule – Statement of Funds Available

**Underground Storage Tank Indemnification Fund
Statement of Funds Available
(Unaudited)
As of March 31**

	2024
TOTAL FUNDS AVAILABLE, JULY 1, 2023	\$ 415,036,733
REVENUES:	
Gallon Fees	36,052,663
Tank Capacity Fees	5,249,696
TIIP Fees	249,127
TOTAL REVENUES	\$ 41,551,486
EXPENDITURES:	
Operating Expenses	30,236,095
TOTAL EXPENDITURES	\$ 30,236,095
INVESTMENT ACTIVITY:	
Treasury Investment Income	516,160
Change in Interest Receivable (Inc)/Dec	(149,079)
Change in Investment Receivable (Inc)/Dec	(1,533,413)
Change in Investment Payable Inc/(Dec)	2,726,451
Dividends & Interest	9,310,915
Security Lending Income	54,048
Realized Gain (Loss)	204,622
Unrealized Gain (Loss)	20,846,498
Miscellaneous	(104,065)
Consent Fee Income	8,460
TOTAL INVESTMENT ACTIVITY	\$ 31,880,597
TOTAL FUNDS AVAILABLE	\$ 458,232,721
REDUCTION OF FUNDS AVAILABLE:	
Operating Commitments	5,253,672
TOTAL REDUCTION OF FUNDS AVAILABLE	\$ 5,253,672
NET FUNDS AVAILABLE, MARCH 31, 2024	\$ 452,979,049

Statement of Funds Available

The Statement of Funds Available reports the Cash and Investment balance (Total Funds Available) for the USTIF Fund as of the end of the reporting period. The statement is prepared on a cash basis utilizing cash records of receipts, disbursements, and transfers as recorded by the State Treasury.

Treasury cash balances, less any open commitments as of the reporting date, are reported as the Net Funds Available for the fund.