

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA INSURANCE DEPARTMENT

F I N A L M I N U T E S

MEETING OF:

**UNDERGROUND STORAGE TANK INDEMNIFICATION BOARD
FIRST QUARTER BOARD MEETING**

TIME: 10:00 A.M.

Held at

PENNSYLVANIA INSURANCE DEPARTMENT

901 North 7th Street

Capital Associates Building

First Floor Conference Center, Forster Room

Harrisburg, Pennsylvania 17102

as well as

VIA MICROSOFT TEAMS

March 20, 2025

Underground Storage Tank Indemnification Board
First Quarter Board Meeting
March 20, 2025

BOARD MEMBERS:

J. Stephen Hieber, Chairman
William Buckfelder, Board Member
Andrew Greiner, Board Member
Nila Manning, Board Member
Chris Hartman, Board Member
Stephanie J. Catarino Wissman, Vice Chair
Kevin Forsythe, Board Member - Absent
Ted Harris, alternate for Nila Manning, Board Member
Jessica Shirley, Board Member - Absent
Laura Slaymaker, on behalf of Michael Humphreys,
Board Member
Greg R. Perry, Board Member
Alex Baloga, Board Member
Michael Howells, alternate for Alex Baloga, Board
Member
Emily Eyster, on behalf of Carolyn Comitta, Board
Member
Andrew W. McMenamin, on behalf of Greg Vitali, Board
Member

ALSO PRESENT:

Carole Clarke Smith, Esquire, Department Counsel,
Pennsylvania Insurance Department, Office of
General Counsel
Randy Martin, Pennsylvania Department of
Environmental Protection
Preston M. Buckman, Esquire, Department Counsel,
Pennsylvania Insurance Department, Office of
General Counsel
Ben Lorah, Executive Director, USTIF
Steven A. Travis, Insurance Claims Evaluator, USTIF
Carla King, Executive Secretary, Pennsylvania
Insurance Department
Amy Forbes-Witt, AIC, AINS, PCLS, Insurance Claims
Manager, USTIF
Courtney Bullock, Claims Evaluator, Bureau of Special
Funds
Miles Hazan, Administrative Operations Manager, USTIF
E. Alex Eckman, Environmental Group Manager,
Department of Environmental Protection

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ALSO PRESENT: (cont.)

H. Kraig Wilson, Insurance Claims Evaluator, USTIF
Teresa Isabella, Insurance Claims Evaluator, USTIF
Lisa Fry, Financial Operations Manager, USTIF
Timothy Slack, Solid Waste Program Specialist,
Pennsylvania Department of Environmental Protection
Michael Snow, Information Technology Generalist 2,
Pennsylvania Insurance Department
Linda Crabb, Environmental Claim Manager, ICF
Debra Bollana, Senior Environmental Claim Contract
Specialist, ICF
James Ferro, Claims Representative Senior Manager,
ICF
Kevin Burke, Director, Environmental Claim, ICF
Call-In 503-221-4200
Lauren Gusherowski, Sargent's Court Reporting
Service, Inc.

1 ***

2 Underground Storage Tank Indemnification Board

3 First Quarter Board Meeting

4 March 20, 2025

5 ***

6 [Ben Lorah, Executive Director, USTIF, noted the
7 meeting was being recorded and continued
8 participation constituted consent to be recorded.]

9 ***

10 The regularly scheduled meeting of the
11 Underground Storage Tank Indemnification Board was
12 held on Thursday, March 20, 2025. J. Stephen Hieber,
13 Chairman, called the meeting to order at 10:00 a.m.

14 ***

15 Roll Call/Introductions

16 [A roll call of Board members and introduction of
17 attendees was taken by Ben Lorah. A quorum of Board
18 members was present.]

19 ***

20 New Business - Sunshine Act and Recusal Training

21 [Carole Clarke Smith, Esquire, Department Counsel,
22 Office of General Counsel, provided a brief summary
23 of her professional background.

24 Ms. Clarke Smith stated the purpose of the
25 Sunshine Act is to have transparency in open meetings

1 of government. She explained that meetings must be
2 open to the public after public notice anytime an
3 agency holds a meeting when deliberations or official
4 action takes place. She provided a definition of
5 agency, deliberations, and official action.

6 Ms. Clarke Smith addressed public notice,
7 including a newspaper of general circulation in the
8 political subdivision where the meeting will be held,
9 along with postings and notice to interested parties.
10 She stated public notice is not required in the case
11 of an emergency meeting or conference. She provided
12 an overview of Act 65 of 2021 concerning public
13 notice.

14 Ms. Clarke Smith addressed the recording of
15 votes, the requirement of minutes, and quorum
16 requirements for all open meetings. She mentioned
17 the only exceptions to open meeting requirements are
18 executive sessions and conferences. She noted
19 deliberations of agency business may not take place
20 at a conference. She stated executive session may be
21 held for personnel issues, consulting with an
22 attorney, and reviewing and discussing agency
23 business.

24 Ms. Clarke Smith explained that legal challenges
25 under the Sunshine Act must be filed within 30 days

1 of the date of the meeting or discovery of any action
2 in which the Sunshine Act was violated and discussed
3 penalties for violating the Sunshine Act.

4 Ms. Clarke Smith stated all Board business should
5 be conducted in open meetings, and Board members
6 should not discuss agency business, especially
7 executive session matters, outside of an official
8 Board meeting.

9 Ms. Clarke Smith noted deliberations delegated to
10 a committee should also take place in an open
11 meeting. She mentioned that administrative functions
12 are not subject to open meeting requirements.

13 Ms. Clarke Smith addressed mandatory recusals,
14 where a Board member may have a prosecutorial role or
15 direct personal or financial interest in the outcome
16 of the matter. She addressed strongly suggested
17 recusals, where someone has a personal affection or
18 outside knowledge and cannot make a fair and unbiased
19 determination.

20 Ms. Clarke Smith noted that discretionary
21 recusals are when a Board member cannot make a
22 decision fairly and without prejudice. She
23 encouraged Board members who are uncertain whether to
24 recuse themselves to discuss the matter with Board
25 Counsel.

1 Ms. Clarke Smith addressed abstention versus
2 refusal, noting abstention means someone cannot make
3 a decision but does not affect quorum requirements.
4 She noted a recused Board member is not voting and is
5 removed from the quorum, which may affect the quorum
6 requirement.]

7 ***

8 New Business - Board Member Updates and Term Renewals
9 [Ben Lorah, Executive Director, USTIF, addressed
10 Board member appointments. He recognized and thanked
11 Andy Greiner for five years of public service to the
12 Commonwealth through the Board.

13 Mr. Lorah announced the Senate Minority Leader
14 appointed Senator Carolyn Comitta as their
15 representative, the Speaker of the House reappointed
16 Representative Greg Vitali as their representative,
17 and the House Minority Leader reappointed Chris
18 Hartman as their representative to the Board. He
19 reported the Senate's President Pro Tempore has not
20 made an appointment to date and the seat remains
21 vacant.

22 Mr. Lorah also announced the Governor reappointed
23 Greg Perry to another three-year term representing
24 the Pennsylvania Farm Bureau, Pennsylvania State
25 Grange, and the Pennsylvania Farmers Union. He

1 reported Mr. Perry's new term expires on February 11,
2 2028. He noted the Governor also reappointed William
3 Buckfelder to another two-year term, which expires on
4 March 14, 2027, representing local government members
5 knowledgeable of storage tanks.

6 Mr. Lorah also noted two upcoming term
7 expirations include the four-year term of Nila
8 Manning, the representative of the Pennsylvania
9 Petroleum Association, which expires on April 29,
10 2025, and the four-year term of Mr. Hieber, the
11 representative for Tank Installers of Pennsylvania,
12 which expires on April 29, 2025.

13 Mr. Lorah stated both Ms. Manning and Mr. Hieber
14 expressed their desire to continue on the Board,
15 noting their names have been submitted to the
16 Governor's office for reappointment and that they
17 will continue to serve as full members of the Board
18 until reappointed.

19 Mr. Lorah informed Board members that the
20 Statements of Financial Interest from the State
21 Ethics Commission are due by May 1, 2025, and
22 encouraged everyone to complete those to comply with
23 ethics requirements.]

24 ***

25 New Business - Board Chair and Vice Chair Elections

1 MR. LORAH:

2 Are there any nominations for Chair of
3 the Board?

4 MR. GREINER:

5 I'd like to nominate Stephen Hieber for
6 Chair.

7 MR. LORAH:

8 Are there any other nominations for
9 Chair of the Board? Hearing none.

10 Is there a second to Mr. Hieber's
11 nomination?

12 MS. WISSMAN:

13 I second.

14 MR. LORAH:

15 All those in favor of electing Mr.
16 Hieber as Chair of the Board signify by
17 saying aye. All opposed signify by
18 saying nay. Hearing none.

19 [The motion carried unanimously.]

20 ***

21 MR. LORAH:

22 Are there any nominations for Vice
23 Chair of the Board?

24 MR. GREINER:

25 I'd like to nominate Stephanie Wissman

1 for Vice Chair.

2 MR. LORAH:

3 Is there a second?

4 CHAIR HIEBER:

5 Second.

6 MR. LORAH:

7 Are there any other nominations?

8 Hearing none.

9 All those in favor of electing
10 Stephanie Wissman as Vice Chair of the
11 Board signify by saying aye. All
12 opposed by saying nay. Hearing none.

13 [The motion carried unanimously.]

14 ***

15 New Business - Presentation of 2024 USTIF Annual
16 Report

17 [Ben Lorah, Executive Director, USTIF, referred to
18 the 2024 30th Anniversary USTIF Annual Report. He
19 addressed the redesign of the report and changes,
20 including infographics. He announced the
21 Pennsylvania Insurance Department's communication
22 office is also preparing a press event to mark the
23 release of the 30th anniversary report.

24 Mr. Lorah offered to provide printed copies to
25 Board members when available. He mentioned a

1 typographical error that would be corrected in the
2 final copy.]

3 ***

4 New Business - Action on 2024 USTIF Annual Report

5 CHAIR HIEBER:

6 At this time, I would entertain a
7 motion to accept the publication.

8 MR. GREINER:

9 I'd like to make a motion that we
10 accept the publication as presented
11 with the change noted by Mr. Lorah.

12 CHAIR HIEBER:

13 Do we have a second?

14 MR. PERRY:

15 Second.

16 CHAIR HIEBER:

17 Do we have any further discussion? Any
18 questions? Those in favor, say aye.
19 Opposed? Hearing none.

20 [The motion carried unanimously.]

21 ***

22 New Business - Meeting Minutes Procedure Changes

23 [Ben Lorah, Executive Director, USTIF, addressed
24 changes to the minutes to move more in line with best
25 practices from other Commonwealth boards. He

1 explained that the new format will report attendance
2 and votes of the Board members and have a summary of
3 substantive discussions.

4 Mr. Lorah further explained that it will include
5 an index that is tied to the agenda to make it easier
6 to find discussions and votes based on the agenda.
7 He provided a snapshot from a recent State Board of
8 Nursing Meeting that he and Miles Hazan, USTIF's
9 Administrative Operations Manager, attended for
10 review.

11 Mr. Lorah also noted there will be a standing
12 agenda item starting with the next quarterly meeting
13 for approval of the minutes. He stated the minutes
14 of the prior meeting will be distributed to Board
15 members for their review and corrections, which will
16 be presented at the next meeting for approval and
17 then posted on the USTIF website.]

18 ***

19 Administrative Items - USTIF Claims Summary
20 [Amy Forbes-Witt, AIC, AINS, PCLS, Insurance Claims
21 Manager, USTIF, reported 21 new claims were received
22 and 0 reopenings as of February 28, 2025. She noted
23 21 claims were closed eligible for payments, 1 closed
24 without a payment, 2 claims denied, 3 claims
25 withdrawn, 27 closed, and 736 open.

1 Ms. Forbes-Witt noted dollars paid equals
2 \$4,300,905.74 and cost for closed claims equates to
3 \$298,997.59 on average.

4 Ms. Forbes-Witt addressed the Tank Installer
5 Indemnification Program (TIIP), noting 0 claims were
6 received and 0 claims closed but still have 2 open
7 TIIP claims. She reported reserves are still set at
8 \$1.425 million, and no TIIP payments have been made
9 so far this year.

10 Ms. Forbes-Witt referred to the graph of the 2025
11 Claims YTD v. 5 YTD average. She reported January to
12 be pretty on par and February a little bit lower than
13 that average. She also referred to the Total USTIF
14 Claims by Year graph provided by the Department of
15 Environmental Protection. She reported 2024 to be the
16 lowest claims total ever received with 144 claims in
17 total.

18 Ms. Forbes-Witt noted reaching out to the U.S.
19 Environmental Protection Agency (EPA) to see if other
20 states were seeing the same trends. She reported
21 they also were seeing a lower amount of claims,
22 believing it is due to better equipment, better
23 standards, and updated regulations in multiple
24 states.]

25

1 Administrative Items - USTIF Financial Statements
2 [Ben Lorah, Executive Director, USTIF, provided USTIF
3 Financial Statements for the Board's review. He
4 referred to the USTIF Balance Sheet, noting an asset
5 increase mostly attributed to a \$33 million increase
6 in investments due to continued favorable market
7 conditions. He noted the quarterly balance as of
8 December each year has been increasing steadily over
9 the past few years.

10 Mr. Lorah highlighted TIIP, capacity fee, and
11 gallon fee are pretty much identical and doing well
12 six months into the fiscal year compared to the same
13 point last year. He reported \$28.5 million in fee
14 income at the moment.

15 Mr. Lorah referred to the chart showing January
16 2025 a little lower than their five-year average but
17 attributed it to a timing difference in the payment
18 of capacity fees. He noted a better December in 2024
19 than traditionally and believed they may have a
20 better year than their five-year average if the trend
21 holds.

22 Mr. Lorah addressed funded and unfunded
23 liabilities, noting liabilities continue to decrease,
24 showing a decrease of \$17 million year over year. He
25 noted their available fund balance continues to

1 increase. He provided a Fund Balance Chart showing
2 an unfunded liability in 2019 but an increasing
3 available balance in more recent years.]

4 ***

5 Administrative Items - DEP Pollution Prevention Grant
6 Program Statistics

7 [Randy Martin of the Department of Environmental
8 Protection addressed the Pollution Prevention Grant
9 Program Statistics for the current fiscal year
10 beginning on July 1, 2024. He reported two grants
11 were approved for \$17,500 with no applications
12 pending, and 1,159 grants have been approved totaling
13 over \$5.9 million since the program's inception on
14 January 3, 1998.]

15 ***

16 Administrative Items - DEP Environmental Cleanup
17 Program Statistics

18 [Randy Martin, of the Department of Environmental
19 Protection, also addressed Environmental Cleanup
20 Program statistics for the current fiscal year
21 beginning on July 1, 2024, noting DEP has expended
22 approximately \$892,000 of the approved allocation.
23 He mentioned DEP is currently working on 18 sites.
24 He reported 96 heating oil reimbursement applications
25 were approved totaling \$374,020 with six applications

1 pending.]

2 ***

3 Unfinished Business - Chapter 977 Regulation Revision
4 Update

5 [Preston Buckman, Esquire, Board Counsel,
6 Pennsylvania Insurance Department, Office of General
7 Counsel, referred to the December 2024 update on the
8 prepublication steps for the proposed regulation. He
9 noted receiving one comment from the Office of
10 Attorney General, which was addressed, and allowed
11 the proposed regulation to be published in the
12 *Pennsylvania Bulletin* on January 18, 2025.

13 Mr. Buckman explained that the publication of the
14 proposed regulation opens a comment period for the
15 public, Independent Regulatory Review Commission
16 (IRRC), and standing committees in the General
17 Assembly, which would be the Insurance Committee in
18 the House and the Banking and Insurance Committee in
19 the Senate.

20 Mr. Buckman reported receiving one public comment
21 in support of the proposed regulation and comments
22 from IRRC this morning but have not reviewed those at
23 this time. He also reported on not receiving
24 comments from the standing committees but mentioned
25 comments can be received up until the point the

1 regulation is submitted in final form for
2 publication.

3 Mr. Buckman will address the comments from IRRC,
4 wait for any comments from the standing committees,
5 move the regulation into final form, and then
6 hopefully publish the regulation in final form
7 sometime this fall. He will provide an update at the
8 June meeting.]

9 ***

10 Unfinished Business - Remaining Meeting Dates for
11 2025

12 [Ben Lorah, Executive Director, USTIF, provided the
13 remaining quarterly meetings for the Board's review.
14 He also noted the next meeting is scheduled for June
15 12, 2025.]

16 ***

17 Adjournment

18 CHAIR HIEBER:

19 At this point, unless I hear any
20 objections, I would suggest we adjourn
21 the meeting. Hearing none.

22 The meeting is adjourned. Thank
23 you for attending.

24 ***

25 [There being no further business, the Underground

1 Storage Tank Indemnification Board's First Quarter
2 Board Meeting adjourned at 10:47 a.m.]

3 ***

4
5 CERTIFICATE

6
7 I hereby certify that the foregoing summary
8 minutes of the Underground Storage Tank
9 Indemnification Board Meeting, was reduced to writing
10 by me or under my supervision, and that the minutes
11 accurately summarize the substance of the Underground
12 Storage Tank Indemnification Board Meeting.

13
14 
15

16 Lauren Gusherowski,
17 Minute Clerk
18 Sargent's Court Reporting
19 Service, Inc.
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1 UNDERGROUND STORAGE TANK INDEMNIFICATION BOARD
2 FIRST QUARTER BOARD MEETING
3 REFERENCE INDEX
4

5 March 20, 2025
6

7 TIME

AGENDA

8
9 10:00 Official Call to Order
10
11 10:01 Roll Call/Introductions
12
13 10:05 New Business
14
15 10:34 Administrative Items
16
17 10:41 Unfinished Business
18
19 10:47 Adjournment
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