

October 2, 2007

The Honorable Kathleen A. McGinty, Chairperson
Environmental Quality Board
15th Floor Rachel Carson Building
P.O. Box 8477
Harrisburg, PA 17105-8477

**Re: Proposed Rulemaking:
Amendments to Hazardous
Waste Regulations (#7-409) 25
Pa. Code, Chapters 2601-2661,
266b, 267a, 270a**

Dear Chairperson McGinty:

We are writing to express our concerns regarding the Department of Environmental Protection's (department) proposed rulemaking for the hazardous waste regulations. While we support the department in its effort to update and revise its hazardous waste regulations, we have reservations about the changes being made in Section 264a.143 and 265a.154.

Removing the corporate guarantee as a means of financial assurance will disadvantage many responsible companies in Pennsylvania. While it is true that not many companies use this form of financial assurance, it is very important for the ones that do use it. These are companies that are primarily manufacturing enterprises and they are not in the business of managing hazardous wastes. It is our understanding that since the financial assurance program was started; only one company in Pennsylvania failed to have adequate financial resources to address their environmental liabilities.

We don't believe that discontinuing the corporate guarantee and financial assurance program is justified given the current situation. It is important to note that the state of California and the U.S. Environmental Protection Agency's Environmental Financial Assurance Board recently completed reviews of the program and recommended its continued use. Every other state is still using the program and we feel Pennsylvania should as well.

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As others have already suggested, we believe that the current program can be enhanced by having the Environmental Quality Board adopt the federal rule for Financial Assurance for Closure in its entirety (40 CFR 264.143). By following the federal rule, the department would get a clearer picture of a company's tangible net worth and environmental liabilities.

Thank you for your review and consideration of our comments and concerns.

Sincerely,

Mary Jo White, Chairman
Senate Environmental Resources
& Energy Committee

Raphael J. Musto, Democratic Chairman
Senate Environmental Resources
& Energy Committee

cc: Senate Environmental Resources & Energy Committee Members