

July 27, 2015

The Honorable John Thune, Chairman
The Honorable Bill Nelson, Ranking Member
The Honorable Orrin Hatch, Chairman
The Honorable Ron Wyden Ranking Member
U.S. Senate Committee on Commerce, Science and Transportation
U.S. Senate Committee on Finance
Washington, DC 20510

Dear Chairman Thune and Hatch and Ranking Member Nelson and Wyden:

The Petroleum Marketers Association of America (PMAA), the National Association of Convenience Stores (NACS), and the Society for Independent Gasoline Marketers of America (SIGMA) remain strongly opposed to any efforts to raid the remaining \$485 million from the Federal Leaking Underground Storage Tank (LUST) Trust Fund to keep the Highway Trust Fund (HFT) solvent. On behalf of our members and thousands of employees across the country, we urge you to reject this funding approach which is included in the Senate six year reauthorization of the Highway Trust fund. The *Drive Act* includes language that would raid \$100 million in 2015, 2016 and again in 2017 to go to the Highway Trust Fund.

As you are aware, the Federal LUST program was established in 1986 to ensure tank owners took appropriate measures to protect the environment and to assist States in cleaning up contamination from abandoned tanks. PMAA member companies have supported the LUST fund and have paid \$3.8 billion in LUST fees since its inception. The Fund is financed by a 0.001 fee on a per gallon basis. Unfortunately, Congress included a provision in the 2012 Highway bill that raided the LUST Trust Fund of \$2.4 billion dollars and moved it to the HFT, and raided another \$1 billion again in 2014.

Additionally, any transfer of the remaining funds from the UST Trust Fund violates the spirit of the 1986 agreement forged between petroleum marketers and Congress when the fund was created. PMAA has supported continuance of the fund but believes Congress has repeatedly failed to adequately appropriate funds to finish the remediation work. Any transfer would not only deny marketers the benefits for which they have paid, it would force governments to impose new tank fees on petroleum marketers at the state level. As of May 2015, 525,095 releases from federally-regulated leaking underground storage tanks had occurred nationwide. States and EPA have made tremendous progress by cleaning 84.8 percent of the releases. However, EPA estimates there is still a backlog of 72,248 waiting to be completed. Given the backlog of so many sites, it is important for Congress to spend these funds for UST remediation and leak prevention programs.

PMAA, NACS and SIGMA stand ready to work with you towards achieving these important outcomes.

cc: Mitch McConnell, Majority Leader