

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

DR. TIMOTHY AND DEBRA SHROM,	:	No. 500 MAL 2021
	:	
Respondents	:	
	:	
v.	:	Petition for Allowance of Appeal
	:	from the Order of the
	:	Commonwealth Court
	:	
	:	
PENNSYLVANIA UNDERGROUND	:	
STORAGE TANK INDEMNIFICATION	:	
BOARD,	:	
	:	
Petitioner	:	

ORDER

PER CURIAM

AND NOW, this 16th day of February, 2022, the Petition for Allowance of Appeal is **GRANTED**. The issues, as stated by Petitioner, are:

- a. In a matter of first impression before this Court and of substantial public importance, did the Commonwealth Court err in reversing the decision of the Underground Storage Tank Indemnification Board which correctly held that Respondents, Dr. Timothy and Debra Shrom failed to satisfy their heavy burden of establishing eligibility for the payment of remediation costs by the Underground Storage Tank Indemnification Fund where it is undisputed that the underground storage tanks on the Respondents' property were not registered and the required registration fee was not paid at the time the release was discovered?

- b. Did the Commonwealth Court's Order conflict with other relevant appellate court authority, particularly *Luther P. Miller v. Underground Storage Tank Indemnification Bd.*, 965 A.2d 398 (Pa. Commw. Ct. 2009), which is substantially factually identical to the instant case, and with other existing case, statutory, and regulatory law, in its characterization of the Board's denial of the Shroms' claim for remediation costs due to the failure to register the USTs as an unpromulgated, *de facto* regulation?

- c. In a matter of substantial public importance due to its potential to result in the Fund's insolvency, did the Commonwealth Court err in rejecting the Board's finding that the Fund relies upon Pennsylvania Department of Environmental Protection registrations in billing the necessary fees to keep the Fund solvent?