



October 23, 2020
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Comments on Draft Cleanup Rule –
Site Discovery & Reporting;
Releases from Regulated USTs

- 7. If UST owners and operators are cleaning up a site independently without any technical assistance from Ecology or the Pollution Liability Insurance Agency, should Ecology require them to provide periodic updates on the status of the cleanup and what is known about the hazards posed by the site? If so, how frequently?**

The proposed five year reporting requirement in draft WAC 173-340-450(7) is reasonable.

WAC 173-340-450: Questions about economic impacts

- 1. What, if any, economic effects might the draft rule changes have on you or your constituents?**

As a whole, the draft rule changes may increase the costs of responding to UST releases. However, setting clear expectations for short-term response, monitoring, and reporting requirements may promote more efficient cleanups, thereby saving costs for responsible parties in the long run.

- 2. Can you identify a less burdensome regulatory approach for responding to releases from UST systems that complies with the federal requirements for state program approval in 40 C.F.R. Sec. 281.35?**

As suggested above, Ecology should allow deviations from some of the timelines identified in the draft rule if these deviations are approved on a site-specific basis.

- 3. Would the draft rule changes have a disproportionate impact on small businesses or local governments?**

Many USTs are owned or operated by small businesses and local governments, and the costs of complying with cleanup requirements are likely to represent a much greater percentage of their revenue. Thus, any additional expense is likely to result in a disproportionate impact.

- 4. Would the draft rule changes provide an advantage or disadvantage to Washington businesses compared to businesses in other states?**

I do not have a view on this issue at this time.

Thank you again for the opportunity to provide these comments.

Sincerely,

A handwritten signature in blue ink that reads "Augustus E. Winkes".

Augustus E. Winkes

cc: Elizabeth McManus, Ross Strategic, emcmanus@rossstrategic.com