



## Toxics Cleanup Program

### **Policy 920: Providing Public Participation In Underground Storage Tank (UST) Settlements**

*Established:* [September 1992]

*Contact:* Policy and Technical Support Unit, Headquarters

*Purpose:* This policy applies to all settlements for underground storage tank civil enforcement actions (except where immediate action is necessary to protect human health and the environment). The intent of this policy is to provide notice and opportunity for public comment on all proposed settlements of civil enforcement actions under Chapter 90.76 RCW and Chapter 173-360 WAC.

*Disclaimer:* This Policy is intended solely for the guidance of Ecology staff. It is not intended, and cannot be relied on, to create rights, substantive or procedural, enforceable by any party in litigation with the state of Washington. Ecology may act at variance with this Policy depending on site-specific circumstances, or modify or withdraw this Policy at any time.

*Approved by:*

James J. Pendowski, Program Manager  
Toxics Cleanup Program

**Accommodation Requests:** To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 800-826-7716. Persons with impaired hearing may call **Washington** Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

## **Purpose and Applicability**

---

This policy applies to all settlements for underground storage tank civil enforcement actions (except where immediate action is necessary to protect human health and the environment). The intent of this policy is to provide notice and opportunity for public comment on all proposed settlements of civil enforcement actions under Chapter 90.76 RCW and Chapter 173-360 WAC.

This policy was developed to meet one of EPA's requirements for state program approval.

Settlement means: An agreement between the Department of Ecology and an UST owner/operator that changes a substantive requirement/s of an order or penalty to resolve pending litigation. An order or penalty is in litigation once it has been appealed to or challenged before an administrative or judicial body.

### **1. Ecology will provide public notice**

---

The Toxics Cleanup Program will provide public notice of all proposed UST enforcement settlements. Public notice of proposed settlements will be published in the Toxics Cleanup Program Site Register and a major newspaper in the locale affected.

### **2. Public notices shall indicate comment periods**

---

All public notices shall indicate the public comment period on the proposed action. Comment periods will last for a minimum of 30 days.

### **3. Public comment periods may be combined**

---

Whenever reasonable, Toxics Cleanup Program staff shall consolidate public notice and opportunities for public comment under this chapter with public notice and comment requirements under other laws and regulations such as the Model Toxics Control Act (MTCA), the State Environmental Policy Act (SEPA) or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

### **4. Public participation specialists shall coordinate with public information staff.**

---

The Toxics Cleanup Program's public participation specialist for the region shall inform the program's public information officer of any pending public notice announcement for the media or a press release. The program public participation specialists and public information officer shall keep each other informed of press releases and announcements regarding the proposed settlement.

### **5. Public participation specialists shall provide a copy of public notices to public participation coordinator.**

---