



July 23, 2019

Nhi Irwin, Rulemaking Lead
Department of Ecology, Spills Program
PO Box 47600
Olympia, WA 98504-7600

RE: Railroad Oil Spill Contingency Plan Comments

Dear Mr. Irwin:

Please accept the following comments on behalf of the Portland Vancouver Junction Railroad. PVJR was involved in the passage of HB 1136 during the 2017 legislative session and appreciates the stated intent of the rulemaking to implement the law verbatim.

PVJR is a "Type C" railroad and transports less than forty-nine tank carloads per year of oil in bulk that is not crude oil. HB 1136 provides that these types of railroads are only required to submit a basic contingency plan to the department that are limited to documentation, contact information, insurance coverage, a field document and annual review. However, the requirements on Page 5, Section (4) (a) and (b) states that Type C railroads with existing plans have 18 months to submit a letter that their plan is complete and meets requirements or to update their plan with missing required information without clearly stating their requirements under the new law. This appears in conflict with the intent of HB 1136.

Further, we appreciate the attempt to categorize the types of railroads by Type A, B and C and ask that the department improve the rule by creating a separate section for Type C railroads like the way separate sections are proposed for Type A and B railroads. This will ensure greater clarity, alignment with the law and prevent compliance confusion.

Finally, given the specific requirements found in HB 1136, it does not appear that public review and comment periods are necessary for a basic contingency plan as suggested by Page 5, Section (5).

Your consideration of these comments is greatly appreciated. Please contact Amber Carter at 360-561-4861 if you have any questions. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Temple", is written over the typed name.

Eric Temple
President