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July 24, 2020

Marla Koberstein
Department of Ecology
Preliminary Draft Variance Comments
PO Box 47696
Olympia, WA 98504-7696

SUBMITTED VIA WEBSITE (<http://wq.ecology.commentinput.com/?id=3VtZr>)

RE: Comments on Amendments to Chapter 173-201A WAC (variances)

Dear Ms. Koberstein:

I am writing on behalf of the Environmental Law and Land Use Clinic of Gonzaga University Legal Assistance ("Clinic") on the proposed amendments to Chapter 173-201A WAC (variances). Please include these comments into the administrative record for this matter.

As Ecology know, the issuance of a PCB variance is without any precedent. No variance has been issued in the State of Washington. No PCB variance has ever been issued in the U.S. Given the significance of this action to impact public and environmental health, the Clinic obtained the four attached reviews of this proposal by legal, technical, and policy experts for Ecology's and the public's consideration in this matter. Specifically, these comments have been prepared by:

- Water Policy Pathways LLC;
- Professor Rich Horner;
- Bricklin & Newman LLP; and
- Rey-Bear McLaughlin LLP.

If you have questions regarding these comments, do not hesitate to contact me at (509) 251-1424.

Sincerely,



Rick Eichstaedt
Director/Attorney/Adjunct Professor of Law
Environmental Law and Land Use Clinic

"Gonzaga Law students pursuing justice. Finding solutions."