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Transparency is Key in Aboveground Tank Rulemaking, Expert Says

By [GLYNIS BOARD](#) (/PEOPLE/GLYNIS-BOARD)

The West Virginia Department of Environmental Protection announced last week that they are seeking public input on what should be included in the rules to regulate aboveground storage tanks. The director of a Morgantown-based environmental consulting firm is hoping to be able to see who is submitting ideas, and what those ideas are.

Evan Hansen, director of Downstream Strategies, has been at the forefront of public reaction to the January chemical spill in the Kanawha Valley that left 300 thousand state residents without access to water for days. Hansen, in cooperation with other experts, has authored reports analyzing the spill and has also testified in Washington DC on the



<http://mediad.publicbroadcasting.net/p/wvprn/files/201403/evanhansen.jpeg>

Evan Hansen, Downstream Strategies
Credit Twitter / @hansenevan

matter.

Hansen says the DEP's approach to the drafting new regulations for aboveground storage tanks by asking for input *before* a first draft isn't typical.

New rules are required by Senate Bill 373, also known as "The Water Resources Protection Act." Ideas can be submitted to the agency via email or written mail by May 15. Hansen says the next point of interest in the process is one of transparency:

"I think it's important for any interested party that submits comments, for those comments to be posted online so that everybody can see what's being suggested before the DEP puts out their first draft."

Hansen says transparency is important because of the hotly debated issue of exemptions which will likely be folded into the new regulations. He says during the 2014 legislative session there wasn't enough time to make decisions about which industries could get exemptions to rules and to what extent.

"But now that we have a year to write the rules," Hansen said, "you can be sure that different groups will be vying to get their industries exempted."

Some exemptions make sense if regulations are already in place to sufficiently monitor or control storage units, Hansen says, but making sure nothing slips through the cracks, so to speak, should remain an important priority for rulemakers.



Hansen also points out that determining fee structures for storage permitting will be an important factor to watch for in the rule drafting.

“That’s important,” he said, “because if DEP doesn’t have the resources that they need to effectively implement this program, then it’s not going to be successful.”

Meanwhile Hansen and his firm Downstream Strategies is working with several organizations to draft their own suggestions on aboveground storage tank regulations for the DEP’s consideration.

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