

FUTUREWISE, AMERICAN RIVERS, THE WASHINGTON ENVIRONMENTAL COUNCIL, THE LANDS COUNCIL, THE SPOKANE RIVERKEEPER, THE COLUMBIA RIVERKEEPER, THE GONZAGA ENVIRONMENTAL LAW CLINIC, and THE SPOKANE FALLS CHAPTER OF TROUT UNLIMITED

June 29, 2010

Ted Sturdevant, Director  
Washington State Department of Ecology  
P.O. Box 47600  
Olympia, Washington 98504-7600

**RE: Updated Eastern Washington Phase II Municipal Stormwater Permit**

Dear Director Sturdevant:

This letter is submitted on behalf of Futurewise, American Rivers, the Washington Environmental Council, The Lands Council, the Spokane Riverkeeper, the Columbia Riverkeeper, the Gonzaga Environmental Law Clinic, and the Spokane Falls Chapter of Trout Unlimited regarding the Department of Ecology's Municipal Phase II Stormwater Permit for Eastern Washington.

According to the Water Quality Program staff, Ecology is currently in the process of drafting the new Phase II Municipal Stormwater Permit for Eastern Washington with release of a draft and final permit scheduled over the remainder of 2010 and 2011. We appreciate and support Ecology's work to issue the new permit in the timeline anticipated in the current permit. The development of the Phase II permit for Eastern Washington mirrors the timeframe for the completion of the new Phase I and Phase II permits for Western Washington. We believe the updated permit, with the right standards, has the potential to improve water quality throughout Eastern Washington.

However, there are key differences: Ecology is examining issues such as monitoring and low impact development (LID) requirements for both Western Washington stormwater permits. Unfortunately, no such review is underway for Eastern Washington and, according to Ecology staff, no process is planned. We also understand that low impact development (LID) requirements will not be incorporated into the Eastern Washington Phase II Municipal Stormwater Permit.

Last year, the Pollution Control Hearings Board issued a decision on the Western Washington Phase II permit which "concludes that the current language of the Phase II permit, which requires adoption of ordinances or other enforceable mechanisms to allow for LID, is permissible, but requires Ecology to define in the Permit further steps to

advance LID by the Phase II jurisdictions. The Board concludes that Ecology must modify the permit to require permittees to identify barriers to implementation of LID and identify actions taken to remove those barriers, to establish goals regarding the future use of LID, and to require other specific actions on reasonable and flexible time frames, both during this permit cycle and in anticipation of future permits.” While that case focused on the western permit, there is no factual or legal difference between Eastern and Western Washington that would warrant not including LID requirements in the new eastern permit.

Available data shows that stormwater is a significant source of pollution to our waters in Eastern Washington. A recently released report from Ecology concluded that urban stormwater discharges to the Yakima River contain high levels of pesticides, PCBs, TSS, and turbidity from the Cities of Yakima, Union Gap, and Ellensburg.<sup>1</sup> Ecology’s reports also show that 4,4’-DDE, PCBs, and fecal coliform bacteria are discharged from the City of Pullman’s stormwater outfalls.<sup>2</sup> Moreover, the City of Spokane’s stormwater system is the biggest source of PCBs to the Spokane River.<sup>3</sup> Both Pullman and Spokane face legal challenges regarding these discharges.

The incorporation of LID into the Eastern Washington permit will help address these challenges. LID goals and principles focus on protecting receiving waters through improved stormwater treatment technology and encouraging environmental stewardship through environmentally sensitive development. This includes practices and design elements such as reduced impervious surfaces, functional grading and open channel sections, disconnection of hydrologic flowpaths, bioretention/filtration landscape areas, microstorage, and functional landscaping. The measures are particularly valuable in Eastern Washington as water is limited and many homes and businesses rely on ground water for drinking water and potable water. Infiltrating the water will help recharge these ground water sources as it improves the water quality of the region’s streams, rivers, and lakes.

We urge Ecology to develop LID requirements for the new Eastern Washington Phase II permit. We believe the work that Ecology is currently doing in developing LID measures for Western Washington can be adapted to Eastern Washington. Moreover, we request a meeting with you and your staff to discuss how we can work with Ecology to include LID and other practicable and practical measures designed to protect our rivers, lakes, and streams into the new permit.

We appreciate your leadership and attention in helping to protect water throughout Washington. If you require additional information or to help set up the meeting please contact Rick Eichstaedt at the Spokane Riverkeeper (509-835-5211). Thank you.

---

<sup>1</sup> <http://www.ecy.wa.gov/pubs/1003018.pdf>.

<sup>2</sup> <http://www.ecy.wa.gov/pubs/0603034.pdf>.

<sup>3</sup> <http://www.ecy.wa.gov/pubs/0703055.pdf>.

Sincerely,



Rick Eichstaedt  
Spokane Riverkeeper



Mo McBroom  
Washington Environmental Council



Kitty Klitzke  
Futurewise



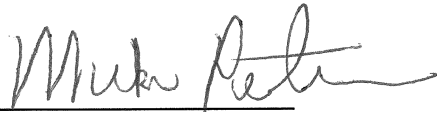
Brett VandenHeuvel  
Columbia Riverkeeper



Darcy Nonemacher  
American Rivers



For Harvey Morrison  
Spokane Falls Chapter of Trout Unlimited



Mike Petersen  
The Lands Council



Michael Chappell  
Gonzaga University, Environmental Law Clinic

cc: Senator Lisa Brown  
Representative Chris Ormsby  
Jan Hasselman, Earthjustice