January 20, 2012

From: Cheryl Morgan
102 Hayward Rd.
Pullman, WA. 99163

Re: Public Comment for the Formal Draft Permit for Eastern Washington Phase II Municipal Stormwater Permit.

MS4 Permittee: City of Pullman WAR04-6504
Washington State University WAR04-6700

Attn: Washington State Department of Ecology (Municipal Permit Comments)

I have lived my entire life of 68 years in the Pullman area. My home and property is located in the County along the riparian corridor of the SFPR, just down gradient of the Pullman City limits. I live in the downstream reaches of the Hatley Creek Drainage Basin. The Basin encompasses approximately 760 acres. The entire basin drains to a 6.8 acre outlet basin. My home is located within the 6.8 acres. Hatley Creek runs through my front yard and is a direct tributary to the South Fork of the Palouse River. Since 2000 there has been ongoing significant urban development in the upper reaches of the basin. Stormwater flows from the entire Hatley Creek Basin are substantial.

In 1997 I was made aware that the SFPR and its tributaries were listed on the May 1996 Federal Clean Water Act section 303(d) list as impaired water bodies of the State of Washington. The SFPR and its tributaries exceeded temperature, dissolved oxygen, ammonia, pH, phosphorus, sediment, **fecal colifor**m and habitat modifications.

I knew elevated levels of fecal coliform within the SFPR and its tributaries presented a **high risk of infectious diseases especially to children causing them to suffer neurological intestinal symptoms that could be life threatening if not treated in a timely manner**, thus in 1998 I joined the local watershed-planning group for the SFPR and its tributaries. I have continued to be an active participant.

Conveyance of stormwater from urban development has a known and documented effect of transforming state waters into an urban stormwater [sewer utility system]. Through-out the years I have entered numerous written public comments to DOE concerning water quality impairments created from urban stormwater conveyance to natural waterways.

Mandated enforcement of the Clean Water Act and RCW 90.48.080 by the City of Pullman, WSU, professional engineers, DOE, and EPA has simply been ignored for years and are continuing to date, thus allowing continued significant water quality impairments of the SFPR and its tributaries.

My comments for this draft permit are directed to pages 31 through 40 section (5).
(pages 37 & 38) "Stormwater collection and conveyance system, including catch basins….structural stormwater controls, and structural runoff treatment and/or flow control facilities….. Permittees shall implement catch basin cleaning…..Decant water shall be disposed of in accordance with Appendix 6 Street Waste Disposal……

Pullman and WSU stormwater conveyance systems consist of on-site earthen (consisting of compacted clay) detention ponds, street storm drains, stormwater sewer pipes, culverts and open channels, of which all out fall into the SFPR and its tributaries..
[These systems are not water quality treatment systems].

On-Site Earthen Detention Ponds:
The scientifically engineered [dual] purpose of stormwater detention ponds is to slow the rate of stormwater flows that may cause [flooding to downstream properties post development] and [allow suspended solids to settle in the ponds] prior to discharging to off-site natural waterways.
They are not scientifically designed for water quality treatment systems.

One major problem with detention ponds located within the SFPR watershed is the high clay content of the soils. The impermeability of the clay soils virtually [eliminates the use of infiltration within the detention ponds for stormwater treatment] which results in close to 100% runoff. Because of the nature of the clay, it can take days for clay to settle out. Another storm event will cause turbulence in the settling basin and will re-suspend the clay particles allowing pollutants such as fecal coliform and other toxic pollutants to attach to the suspended clay soils, thus conveying the polluted stormwater from the ponds to off-site properties and to the SFPR and its tributaries.

The continued cumulative conveyance of urban stormwater has transformed natural riparian areas **into open channelized urban stormwater sewer systems**. The once healthy riparian areas which were supported by natural streams and grassy swales can no longer function as key components ensuring infiltration and water quality treatment of stormwater prior to out-falling into the SFPR and/or its tributaries.

As properties are developed within the city, the majority of all stormwater systems [**including on site detention ponds]** are dedicated to the city for continued maintenance.

The build up of suspended solids in the detention ponds **[is not being removed by the city]**, thus allowing downstream flooding and continued conveyance of sediment flows to the SFPR and its tributaries.

In order for the SFPR and its tributaries to meet water quality standards as set forth by the Clean Water Act and Washington State Water Quality Laws **[on-site [retention] ponds/and or stormwater treatment plants] must be mandated within the SFPR watershed.**

In summary:

The Clean Water Act adopted in 1972 is a "public welfare" law, designed to protect people from the dangers of water pollution.

The "Clean Water Act" clearly states that **"waste transport is not an acceptable designated use of our nation's waters",** thus congress clearly stated that **"our nation's [surface waters] shall no longer be used as waste conveyance or treatment systems".**

In 1996 scientific monitoring determined that the SFPR and its tributaries were impaired water bodies, thus were listed on the 303(d) list of the Federal Clean Water Act. The SFPR and its tributaries exceed Washington State's water quality standards for temperature, dissolved oxygen, fecal coliform, ammonia, phosphorus, sediment and habitat modifications, thus are not recommended for human contact.

The past and present lack of enforcement of the Clean Water Act by the City of Pullman, WSU, professional engineers, DOE and EPA have allowed the SFPR and its tributaries to become nothing more than designated urban stormwater sewer conveyance systems.

In order for the SFPR and its tributaries to meet age old laws as set forth by the Clean Water Act and Washington State Water Quality Laws, Pullman and WSU can no longer be allowed to do business as usual.

In order to attain water quality sustainability within the SFPR watershed for present and future generations, urban stormwater [**must be treated before conveyance**] to the SFPR and its tributaries, thus on-site **retention ponds and/or stormwater treatment plants must be mandated.**

I reserve all rights under state and federal law, and by submitting these comments and objections do not intend or imply to waive my rights nor should any such waiver be inferred.

Sincerely,

Cheryl Morgan
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