



FIGHTING FOR CLEAN WATER

CITIZENS TAKE ON CLARK COUNTY'S FAILED ATTEMPT TO MAKE TAXPAYERS PAY FOR DEVELOPERS' STORMWATER POLLUTION

Nationwide, stormwater is the **leading source** of water pollution. This is also true for the Columbia River Basin. In urban areas, rain runs across dirty pavement and roofs, picking up toxic metals, oil, grease, bacteria and other contaminants along the way.

Experts across the country agree: the cost of stormwater pollution is steep. Murky, smelly streams and rivers and fish advisories warning people not to eat otherwise healthy, locally caught fish are a stark reminder of the public costs of stormwater pollution. Yet Clark County tried to make taxpayers pay for stormwater impacts that are the responsibility of private development. Taxpayer dollars already support public stormwater infrastructure and now its time for developers to pay their share.



IGNORING COMMON SENSE

Why is Clark County Trying to Evade Protections for Safe, Swimmable Rivers and Livable Communities?

In 2010, local citizens and conservation groups successfully challenged Clark County's sweetheart deal with Washington State regulators—a deal that made Clark County the only major county in the state to avoid critical steps to reduce stormwater pollution. Washington's Pollution Control Hearings Board ruled that the County's controversial development standards violated state laws to protect clean water. In 2011, a federal court judge also found that Clark County's actions likely violate the federal Clean Water Act.

Not only is Clark County violating the law, it is ignoring the **very real economic and quality of life costs** associated with stormwater pollution. For example, stormwater pollution:

- Increases flooding—the Federal Emergency Management Agency (FEMA) estimates that stormwater causes or contributes to at least one quarter of economic losses due to flooding—or **\$1 billion per year**.
- Adds costs to providing safe drinking water.
- Threatens public health.
- Impacts fishing opportunities and water recreation.

The impacts of stormwater pollution impose real costs on local budgets, property owners, and the regional economy.

CITIZENS FIGHT FOR CLEAN WATER IN CLARK COUNTY

Many cities and counties in Washington State are working hard to clean up polluted waterways. One of the primary ways Washington State is trying to reduce stormwater pollution is by requiring new development and redevelopment to control stormwater as it leaves the property. The state's largest counties— including Clark County— must require new development and redevelopment projects to control the rate at which stormwater is released from the site to match natural conditions (called “flow control”).

Unlike other major urban areas, Clark County asked state regulators to sign-off on an alternative, less protective flow control plan which would have allowed for significantly more stormwater pollution than the legal requirement. Here is a brief overview of the citizen-led effort to protect local water resources in Clark County:

2009: Clark County's Failed Taxpayer-Funded Plan.

Clark County's “alternative plan” allowed the County to retain inadequate stormwater standards for development in exchange for a promise to implement **taxpayer-funded** mitigation projects. The controversial approach did not protect streams polluted by development runoff and **shifted the burden** of protecting clean water from developers to local taxpayers.

2010: Taking a Stand for Healthy Streams and Safe Fish.

Rosemere Neighborhood Association, Columbia River-keeper, and the Northwest Environmental Defense Center, represented by Earthjustice, challenged Clark County's failure to protect public health and threatened salmon and steelhead by avoiding legally required stormwater pollution requirements.

JAN. 2011: First Major Victory for Development Done Right.

The Pollution Control Hearings Board, which hears appeals of state environmental regulations and permits, rejected the county's “alternative” plan for managing polluted stormwater runoff, finding that it violated the County's stormwater permit and was too weak to prevent significant harm to already stressed rivers and streams.

DEC. 2011: Second Major Victory for Development Done Right.

Clark County refused to comply with the Board's decision and appealed it in state court, forcing clean water groups to challenge the County in federal court and enforce the Clean Water Act. In late 2011, a federal judge's preliminary ruling agreed that the clean water groups have demonstrated a likelihood of success on their claims that Clark County's inadequate development standards for polluted runoff violate the Clean Water Act and that **irreparable harm to the environment** is the result.



“Every time it rains in Clark County, fish suffer. Like every other large county in Washington State, Clark County needs to do better at reducing stormwater pollution.”

— Dvija Bertish, Rosemere Neighborhood Association

PROTECTING QUALITY OF LIFE IN CLARK COUNTY



Reducing stormwater pollution makes for more livable, vibrant communities. Through sustainable approaches like Low Impact Development, municipalities can reduce stormwater pollution while creating communities with more green space and less investment in expensive flood control measures. Low Impact Development uses a variety of site design and pollution prevention techniques to create a hydrologically functional and environmentally sensitive landscape. In other parts of Washington and across the nation, communities are choosing Low Impact Development, or green infrastructure, approaches because doing so is fiscally responsible and improves quality of life. It is time for Clark County to embrace “Development Done Right” and protect quality of life in the County.

BENEFITS OF LOW IMPACT DEVELOPMENT INCLUDE:

- Improved site aesthetics
- Reduced downstream erosion
- Improved groundwater recharge
- Potential increase in property value
- Reduced site infrastructure and associated costs



LOW IMPACT DEVELOPMENT: A WIN FOR ALL



People for Puget Sound

RAINGARDENS IN SEATTLE NEIGHBORHOODS.



Stewardship Partners



Low Impact Development Center, Inc.

FACT: Many Communities Embrace Low Impact Development

Many cities and counties have embraced Low Impact Development (LID) to address the high costs of stormwater pollution. According to the National Institute of Building Sciences, “*the City of Olympia, Washington, has been very proactive in requiring certain sustainable storm water management practices to reduce the impact of impervious areas (e.g., narrower streets and permeable parking bays) and have adopted new codes and development guidelines. The City of Portland, Oregon, has revised zoning codes for parking lots to reduce the minimum size of parking bays and increase the required interior landscaping.*” Many publications by the National Association of Home Builders also praise the reduced costs that can be associated with LID.



Northwest Environmental Defense Center



Rosemere Neighborhood Association

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