Clallam County Streamkeepers program

The Category 5 listing policy for turbidity should include a way to calculate percent exceedances based solely on data collected during storms, as you generally wouldn't expect to see turbidity in creeks under normal conditions except during storms. So, for example, if you collected 40 quarterly samples in the last 10 years, and 3 of them happened to be during storms, and you saw exceedances of the standard in each of those 3 storms, that is an indication of an Impairment caused by an unnatural amount of fine sediment or other pollutant being added to the system somewhere between the upstream and downstream site. The fact that the other 37 samples taken during baseflow conditions don't show that upstream-downstream differential seems irrelevant; the point is that during storms, an unnatural amount of fine sediment or other pollution is being released between the upstream and downstream sites. The cogency of this line of reasoning is, in fact, underscored by Ecology's own listing policy for Category 1, which states:

"An AU will be placed in Category 1 when a minimum of ten sample sets have been collected during separate storm runoff events, and no more than 5 percent of all available data exceeds the criterion."

Ecology's listing policy for Category 1 makes clear that to be unimpaired, a water body shouldn't show exceedances specifically during 95% o the storm events sampled. Obviously it's the storm event that defines the condition under which the impairment occurs, so the Category 5 policy should reflect that condition.