



ANCHORAGE WATERWAYS COUNCIL

P.O. Box 241774 • Anchorage, Alaska 99524-1774 • 272-7335 • Fax: 277-9207
<http://www.anchoragecreeks.org>

February 6, 2008

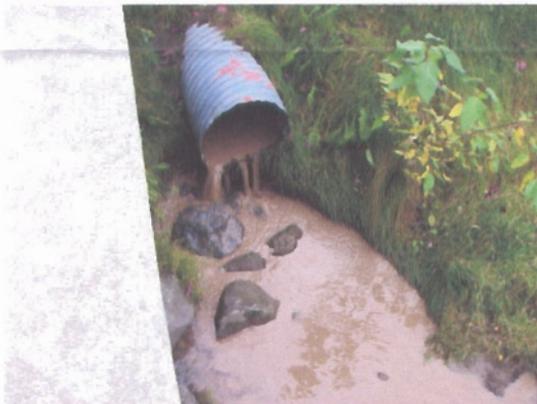
Carol Kennedy, Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10 (ORC-158)
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

RE: Docket CWA-10-2008-0009. Anthony Lerma

Dear Ms. Kennedy:

I am responding to the above complaint against Anthony Lerma, Anchorage, Alaska, from the Anchorage Waterways Council (AWC) on behalf of Anchorage creeks. The AWC was informed of highly silted outfall from stormwater drains that empty directly into Campbell Creek, an anadromous waterway, on several occasions during 2007. Using utility maps, the outfall was traced back to Mr. Lerma's housing development between Lake Otis Parkway and Laurel, at 52nd St. The development is occurring in an area that is a former wetland with a high water table, which results in the constant need to dewater whenever areas are being excavated for foundations.

The Municipality of Anchorage Stormwater Management staff (personal communications) have been called to this site to speak with Mr. Lerma or his representatives on numerous occasions. Suggestions were made on how to deal with the dewatering issue, but it appears that Mr. Lerma chose the easy way out. Dewatering often occurred after hours and on weekends when the municipal code enforcement staff were not on duty. That does not mean, however, that Mr. Lerma's actions went unnoticed. Neighbors adjacent to the construction site, residents living near the outfall on Campbell Creek, and citizens using the bike trail along the creek saw the horrible pollution caused by the dewatering and reported it to our organization. We have documented the dewatering activities on site with the resultant outfall on Campbell Creek numerous times. Following are two photos dated Sept. 27, 2007, that show the immensity of his actions.



Stormwater outfall into Campbell Creek at Lake Otis



Plume of silt into Campbell Creek from Lerma project

Despite the warnings and threats of stop work orders, Mr. Lerma persisted in these actions. It often became a cat-and-mouse game, but because the AWC mission is to help preserve the health and

RECEIVED
08 FEB 11 PM 12:33
HEARINGS CLERK
EPA--REGION 10

February 7, 2008

habitat of our anadromous waterways we remained vigilant and worked many hours to have this problem stopped.

We were very heartened to hear that the EPA had finally taken steps to fine Mr. Lerma. The senseless destruction of and damage to our creeks could have been avoided and Mr. Lerma could have saved a lot of expense if he had adhered to the advice of the city stormwater inspectors. It will also hopefully serve as an example to others who persist in their illegal actions that violate the Clean Water Act.

Please do not hesitate to contact us if you would like further documentation.

Sincerely,



Cherie Northon, Ph.D.
Little Campbell Creek Rescue Coordinator