



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

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OCT 25 2007

KITTITAS COUNTY
CDS

October 24, 2007



Your address
is in the
**Upper
Yakima**
watershed

Scott Turnbull
Kittitas County Community Development
411 N. Ruby St., Suite 2
Ellensburg, WA 98926

Dear Mr. Turnbull:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the Ponderosa Pines short plat of approximately 60.11 acres into 12 lots, proposed by Cooper Pass, LLC [P 07-42]. We have reviewed the documents and have the following comments.

Air Quality

If the proponent is planning to remove trees or debris from the property, they need to verify that the property is located outside the Urban Growth Area (UGA), where residential and land clearing burning is prohibited. They can do so by contacting their county planning department. If the project location is outside the UGA, they need to obtain a burn permit from Ecology if they are planning to burn trees or debris from the property. Only natural unprocessed vegetation may be burned in an outdoor fire. If the project location is inside the UGA, they must use an alternative to burning.

Due to the dry conditions of our region, we are reminding people that extra efforts are needed to control blowing dust and dirt. The proponent should create a site-specific Fugitive Dust Control Plan (FDCP) before starting this project, and then follow the plan for construction of the project and duration of activity on property. The FDCP should include, but is not limited to, the following components:

- Identify all potential fugitive dust emission points.
- Assign dust control methods.
- Determine the frequency of application
- Record all dust control activities.
- Train personnel in the FDCP.

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- Shut down during windy conditions.
- Follow the FDCP and monitor dust control efforts.

Washington Administrative Code (WAC) 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the site. Also, dust is prohibited from interfering unreasonably with the use and enjoyment of property, causing health impacts, or damaging property or business.

If you have any questions concerning the Air Quality comments, or would like assistance in creating a FDCP, please contact Maureen McCormick at 509-454-7660.

Water Resources

Any ground water withdrawals in excess of 5,000 gallons per day or for the irrigation of more than ½ acre of lawn or noncommercial garden will require a permit from the Department of Ecology.

Chapter 173-150 WAC provides for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water. If water supply in your area becomes limited your use could be curtailed by those with senior water rights.

The Attorney General's Opinion, (AGO 1997 No. 6) regarding the status of exempt ground water withdrawals, states that a group of wells drilled by the same person or group of persons, at or about the same time, in the same area, for the same purpose or project should be considered a single withdrawal and would not be exempt from the permitting requirement contained in RCW 90.44.050, if the total amount withdrawn for domestic use exceeds 5,000 gallons per day or if a total of more than .5 acre of lawn and garden are irrigated.

The Attorney General's opinion suggests that caution should be used in finding developments to be exempt from needing a water right permit if the possibility exists that the development of the project will result in the ultimate withdrawal of water in excess of 5,000 gallons per day or the irrigation of more that .5 acre of lawn and garden.

It appears there are similar property ownerships within the same area as the Ponderosa Pines Preliminary Plat No. P-07-42. It also appears roads will or have been constructed to not only serve Ponderosa Pines, but adjacent properties as well.

It's important to note that Department of Ecology was petitioned on September 13, 2007 to enact a rule to withdraw ground water in Kittitas County. Ecology must make a

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decision by November 9, 2007. The petition addresses concerns regarding residential developments in Kittitas County that are relying on exempt wells for domestic water use when a water permit may be required.

If you have any questions concerning the Water Resources comments, please contact Breean Zimmerman at (509) 454-7647.

Water Quality

Dividing or platting of a piece of property is often the first step in a proposed development. If a subsequent individual or common plan of development exceeds 1 acre of disturbed ground in size an NPDES Construction Stormwater Permit may be required. Ground disturbance includes all utility placements and building or upgrading existing roads. The process requires going through SEPA, developing a stormwater pollution prevention plan, submitting an application and a 30 day public notice process. This may take 45-60 days. A permit and a stormwater plan are required prior to beginning ground-breaking activities. Please contact Cory Hixon with the Department of Ecology, (509) 454-4103, with questions about this permit.

Sincerely,



Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012