



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

February 27, 2008



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

Mike Elkins
Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

Dear Mr. Elkins:

Thank you for the opportunity to comment on the Bushka Ag short plat of approximately 8 acres into 4 lots, proposed by Bushka Ag, LLC [SP 07-69]. We have reviewed the application and have the following comment.

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.
- 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

Proposal numbers SP-07-68 (Bushka Ag Short Plat), SP-07-69 (Kittitas Heights Short Plat), SP-07-76 (Fairview Acres Short Plat), and SP-07-99 (School Heights Short Plat) appear to be a single project. The common ownership, adjacency of the parcels, and common road(s) involved; point in the direction of a single project. Therefore, the wells proposed to serve all lots located in all subject short plats, in combination, would be limited to a withdrawal of 5,000 gallons per day or for the irrigation of up to one-half acre of lawn and garden.

The above four proposals, in combination, will exceed the groundwater exemption of 5,000 gallons per day or for the irrigation of up to one-half acre of lawn and garden. This project (Proposal Nos. SP-07-68, SP-07-69, SP-07-76, and SP-07-99) will therefore **require a water right**.

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 than .5 acre of lawn and garden.

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Furthermore, **Ecology believes these proposals should be evaluated as the same combined project.** According to WAC 197-11-060(b) proposals that relate to each other shall be evaluated in the same environmental document.

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

Water Quality

Project Greater-Than 1 Acre with Potential to Discharge Off-Site

An NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required if there is a potential for stormwater discharge from a construction site with more than one acre of disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit is a minimum of a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.

The permit requires that Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading or construction.

More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> . Please submit an application or contact Bryan Neet at the Dept. of Ecology, (509) 575-2808, with questions about this permit.

In addition, Water Quality views SP 07-99, SP 07-76, SP 07-69, and SP 07-68 as one whole project and not four individual short plats.

If you have any questions concerning the Water Quality comments, please contact Bryan Neet at (509) 575-2808.

Sincerely,



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