

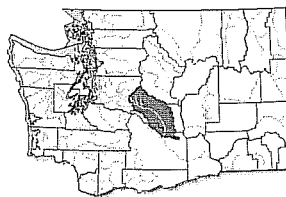


STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

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KITITAS COUNTY
CDS

April 2, 2007



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

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

Dear Ms. Rill:

Thank you for the opportunity to comment on the short plat division of approximately 6.00 acres into 2 lots, proposed by PHSE, Inc. [SP 07-26]. 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. **If the proponent is outside the UGA, they need to obtain a burn permit from Ecology if they are planning to remove trees or debris from the property. If the proponent 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 developing property, 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.



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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, or would like assistance in creating a FDCP, please contact Maureen McCormick at 509-454-7660.

Water Resources

Any ground water development proposal that will withdraw water in excess of 5,000 gallons per day for single or group domestic supply, or for industrial purpose, or for the irrigation of more than ½ acre of lawn or non commercial garden will require a permit from the Department of Ecology.

In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, industrial purposes, stock watering or for the irrigation of up to one-half acre of lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

On March 28, 2002 the Washington State Supreme Court ruled that the RCW 90.44.050 permit exemption does not apply where a developer of a residential subdivision proposes multiple wells to serve each lot in the development if in combination, the withdrawal will exceed the exemption criteria.

Use of water under the groundwater exemption has been interpreted in two Attorney General Opinions (AGO 1997 and AGO 2005) and by the Supreme Court in the Campbell & Gwinn decision. The 1997 AGO 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 purposes exceeds 5,000 gallons per day or if a total of more than 0.5 acre of lawn and garden are irrigated.

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.

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All water wells constructed shall be in accordance with the provisions of Chapter 173-160 WAC by a driller licensed in the State of Washington. All wells must be located a minimum of 100 feet from any known, suspected, or potential source of contamination and shall not be located within 1,000 feet of the property boundary of solid waste landfills. A well report must be submitted to the Department of Ecology within thirty days after the completion of a well.

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

Sincerely,



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