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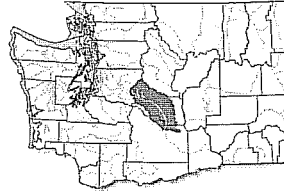
MAY 21 2007

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

KITTITAS COUNTY  
CDS

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

May 18, 2007



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

Noah Goodrich  
Kittitas County Community Development  
411 North Ruby Street, Suite 2  
Ellensburg, WA 98926

*Caddis  
Creek SP*

Dear Mr. Goodrich:

Thank you for the opportunity to comment on the short plat division of approximately 18.12 acres into 3 lots, proposed by Tom Schumacher [SP 07-45]. We have reviewed the application and have the following comment.

**Water Resources**

Water Source is not indicated. 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 because in combination, the withdrawal will exceed the exemption criteria.

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.

If water is from permitted source such as city water, water association, or an irrigation or reclamation district, then the water purveyor is responsible for ensuring that the proposed



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use(s) are within the limitations of its water rights. If the proposal's actions are different than the existing water right (source, purpose, the place of use, or period of use), then it is subject to approval from the Department of Ecology pursuant to Sections 90.03.380 RCW and 90.44.100 RCW.

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.

With the Supreme Court's guidance on the limitations of groundwater exemptions, all lots within this proposed subdivision would be covered by a single groundwater exemption provided this development is not part of a larger project.

To comply with the 5,000 gallon per day limit, Ecology recommends metering the wells for this development. Water use data should be recorded by the property owner of the well monthly. Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions. For metering information, please contact Ken Schuster at (509) 454-4263.

To comply with irrigating up to 0.5 acres of lawn and garden, Ecology recommends requiring property covenants for each lot to limit the amount of the lawn and garden to be irrigated so it adds up to the maximum allowable acreage.

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.

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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 Ray Latham (509) 575-2807 with questions about this permit.

### **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 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.

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

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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.

Sincerely,



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