



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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November 1, 2010

Dan Valoff
Kittitas County Community Development
411 N. Ruby St., Suite 2
Ellensburg, WA 98926

Re: RZ-09-00001

Dear Mr. Valoff:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the Number 5 Canyon Planned Unit Development, proposed by Central Cascades Land Company, Inc. We have reviewed the documents and have the following comments.

Probable significant impacts warrant a Determination of Significance (DS):

Air Quality
Water Quality
Water Resources

SEPA explicitly prohibits agencies and project proponents from segmenting a single project into multiple separate decisions in order to avoid a comprehensive analysis. As the SEPA regulations make clear: Proposals or parts of proposals that are related to each other closely enough to be, in effect, a single course of action shall be evaluated in the same environmental document.

Proposals or parts of proposals are closely related, and they shall be discussed in the same environmental document, if they: (i) Cannot or will not proceed unless the other proposals (or parts of proposals) are implemented simultaneously with them; or (ii) Are interdependent parts of a larger proposal and depend on the larger proposal as their justification or for their implementation. WAC 197-11-060(3)(b).



AIR QUALITY

Analyze and Disclose PM2.5 Impacts

Airborne PM2.5 impacts from this project should be analyzed, quantified, and fully disclosed in the Environmental Document. The analysis should clearly state whether the project can be constructed and operated without causing or contributing to exceedances of ambient particulate matter standards for PM2.5, and display how that conclusion was derived.

Numerous national and international studies show an association between increases in PM2.5 and increases in premature death. Ecology estimates that approximately 1,100 people die each year in Washington due to PM2.5.

In addition, Ecology estimates that, every year in Washington, PM2.5 contributes to approximately:

- 1500 nonfatal heart attacks,
- 450 incidents of different heart diseases not resulting in heart attacks,
- 1,900 incidents of acute bronchitis,
- 100 cases of chronic lung disease,
- 250 incidents of pneumonia,
- 400 emergency room visits for asthma, and thousands of incidents of worsened asthma.

Ecology estimates that the direct and indirect costs of these diseases for citizens, businesses and state health care institutions approach \$190 million each year.

Smoke, dust, and diesel emissions put fine particles (PM2.5) into our breathing air, and these impacts could rise to the level of potentially adverse and significant if they are not prevented or mitigated.

Outdoor Burning

Impacts from outdoor burning should be quantified, analyzed, and disclosed in the Environmental Document. This includes any burning of land-clearing debris during construction phase, as well as outdoor burning that may be allowable during the built phase.

Ecology would like to encourage alternatives to burning where they are reasonable and feasible. This would include grinding of all land-clearing debris instead of burning the material. Consider chipping the debris and using it on-site. Please contact Ecology's Air Quality Program for help with this.

If outdoor burning is to occur, burn permits will need to be obtained. Once a burn permit is issued, the permittee must wait for a burn day, which can sometimes affect construction schedules. Only natural unprocessed vegetation can be burned in an outdoor fire in Washington State. Burning all other material is prohibited – this includes construction debris. Fines for illegal burning are on the rise, as is public intolerance.

Home Heating

Home heating impacts should be quantified, analyzed, and disclosed in the Environmental Document. This should include a quantification of all new wood-burning devices that could potentially be added to the airshed as a result of this project. The analysis should model pollutant concentration build-up during worst-case meteorological conditions that are expected to occur in the area during home heating season.

With the large size of this proposal, the installation and use of wood burning devices for home heating could have significant environmental impacts, negative human health impacts for residents, and looming financial implications for local government.

Wood burning devices emit many thousands of times as much harmful fine particle pollution as other heating appliances. If wood burning devices will be used, they must be certified to Washington State standards and these devices may be curtailed during days with poor air quality. In this region more than 40% of wintertime fine particle pollution comes from woodstoves and fireplaces, and the climate is particularly susceptible to stagnant air condition which exacerbate the build up and effects of fine particle pollution. As a result, reducing wood smoke pollution is a high priority. Failure to meet federal air quality standards can bring significant economic burdens to local government and the local community.

Consider bringing natural gas to the site early in the development phase. Consider using propane if natural gas is not available. Consider a SEPA mitigation requirement that prohibits the

installation of wood burning devices. If wood burning devices will not be allowed within the development, the project proponent should put forth enforceable measures such as ordinances and covenants to ensure that effective restrictions remain in place for the life of the project.

Dust

Construction-phase dust impacts and ongoing dust impacts from the built phase should be quantified and disclosed in the Environmental Document.

Dust is made up of its source material, and it can be toxic. For example, dust from formations containing naturally occurring asbestos can contain asbestos fibers. Dust from former coal mining areas can contain coal dust. Dust from former agricultural areas can contain agricultural chemicals. And dust from native soils can contain silica particles. Therefore, potential for construction dust should be carefully evaluated and appropriately mitigated to prevent health effects and nuisance impacts.

This project is proposed in a geographic area that is well known for its arid climate and steady winds. The project proponent should carefully plan for and constantly monitor dust prevention and control activities throughout all phases of the project. Ecology suggests the proponents develop a Fugitive Dust Control Plan (FDCP) for the entire project area from start to finish, for both construction and built phases. The FDCP should be comprehensive and include measures for idle areas as well as active areas. Plans should be reviewed by all project managers who will be expected to implement them, and the resources to implement the plans should be required and secured. The FDCP should include, at a minimum, the following components.

- Identification of project-related fugitive dust sources, assignment of dust control methods to each, and identification of who will be responsible for carrying out the measures during various phases of the project.
- A commitment to secure and train personnel to implement the FDCP, and clear assignment of responsibility for compliance during all phases of the project.
- A commitment and the ability to cease activity during windy conditions when best efforts are insufficient to control the dust.
- A clear explanation of how the dust control measures will effectuate compliance with applicable provisions of WAC 173-400-040.

Diesel combustion and other Mobile Sources:

Stationary power generation using diesel, and all tailpipe emissions should be analyzed, quantified, and disclosed in the Environmental Document. This is part of the overall analysis of PM2.5 emissions impact. Reduction opportunities include using lowest-sulfur fuel; requiring contractors to operate clean burning rigs that are well-maintained; and employing idle-reduction strategies at every possible point in the process.

If you have any questions or would like to respond to these Air Quality comments, please contact Susan Billings at (509) 575-2486.

SHORELANDS/ENVIRONMENTAL ASSISTANCE

The SEPA checklist does not address whether a critical areas survey of the site has taken place – specifically a wetland survey. The National Wetland Inventory (NWI) Maps are less than 60 percent accurate in forested environments because of the presence of trees which obscure view of the ground. In addition, the NWI maps only show the larger wetland areas. This issue should be specifically addressed in the current SEPA action and the results of a wetland survey or delineation should be included in review documents before the SEPA review process is concluded.

The proposed Planned Unit Development (PUD) plan does call for many of the swale and stream areas of the site to be set aside as open space or “parks”. It is most likely that a majority of any site wetlands would be included in these areas, but forested areas often include slope wetlands as part of type 5 swales or “aquifer recharge areas”. Any areas where there is a slope and then a break in the slope to a flatter area could also be occupied by a seep wetland. If there are wet areas on site with small rushes, sedges, cedars, alders or other water-loving plants that cover more than 50 percent aerial cover, then these areas should be evaluated for the presence of wetlands. Ecology would be happy to assist with an initial wetland verification if there are areas that could be wetlands.

Presumably, areas identified as open space will be kept in a natural state and areas identified as “parks” may have grasses or non-native management treatment, but there is no description in the review documents about how these two types of open space areas will be managed. SEPA documents should include a description as to how those areas will be managed.

The configuration for residential build-out of Number 5 Canyon Phase 1 PUD is superimposed on a contour map which shows a swale running right down the center of the proposed cul-de-sac. Will the access road to the cul-de-sac intercept this water, and where will the water be routed? Will the opportunity to provide additional public SEPA review of each build-out phase with respect to stormwater and other issues occur in the future? If not, then these issues should be addressed during the current SEPA review period.

If you have any questions or would like to respond to these Shorelands/Environmental Assistance comments, please contact Catherine Reed at (509) 575-2616.

WATER QUALITY

It has recently come to the attention of Ecology staff that there are lands in the areas around Ronald, Roslyn and Cle Elum that are contaminated with coal mine tailings and/or coal mine waste rock. Potential human and environmental health and safety risks are associated with coal mine by-products. Preliminary information indicates that the property under application may contain such coal waste material.

Metals, sulfate, ammonium and toxic organic compounds are some of the contaminants associated with coal particles remaining in the waste materials. Gases from coal degradation, such as methane, carbon dioxide, and/or hydrogen sulfide can build up over time causing health and safety risks to the overlying building occupants. Explosively and fire may result from methane gas build-up and coal residues. Sink holes may occur as the coal continues to degrade over time. Construction or grading activities using coal waste material could result in dust inhalation. Therefore, adequate characterization of coal mining related by-products will be required for this site.

Contaminants associated with the materials may also impact surface water bodies or leach to groundwater due to erosion or percolation of rain or snow through the materials. Discharges of stormwater from contaminated sites have the potential to violate surface water quality standards. Discharges that are not in compliance with these standards are not authorized. Therefore, a Construction Stormwater General Permit will not be considered for this site until a full site characterization has been received by the Department of Ecology delineating all areas of the property where coal mine tailings are located.

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For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Laura Klasner at (509) 454-7833 with the Toxics Cleanup Program at the Central Region Office.

Sewage Treatment System

Ecology believes that for a project with over 1,000 single and multi-family dwellings being built on 296 acres, on-site septic systems are not appropriate and will pose long-term risks to ground and surface water quality. Requiring connection to a sewage treatment system would not only avoid these problems but would be more cost effective and efficient in the long run as the area continues to develop and requires further infrastructure.

If you have any questions or would like to respond to these Water Quality comments, please contact Charlie McKinney at (509) 457-7107.

WATER RESOURCES

This project is located in the upper Kittitas County as defined by the Upper Kittitas Emergency Ground Water Rule Chapter 173-539A.

Any new uses of groundwater, this includes permit exempt uses as described in RCW 90.44.050, in upper Kittitas County will need to be either a permitted use authorized by the Department of Ecology (Ecology) or water budget neutral as determined by Ecology.

Unless a building permit was granted and vested prior to July 16, 2009, a prospective water user shall first submit to Ecology a request for determination that the proposed use would be water budget neutral.

New groundwater pumping is allowed under the rule when the new use is fully mitigated. Mitigation can generally be achieved by acquiring and transferring or retiring another existing water right from the same water source to offset a new use. Please refer to WAC 173-539A, the Upper Kittitas Emergency Ground Water Rule for additional information.

This development requires water rights. According to the SEPA checklist, and associated documents, a Group B Water System not exceeding 5,000 gallons per day is proposed for the

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project. The SEPA and related documents also state water rights will be purchased once the 5,000 gallons per day is achieved. Because this development requires water rights the **use of the groundwater exemption does not apply to this project.**

The Notice of Application states Kittitas County Community Development Services “expects to issue a Determination of Non-Significance (DNS) for this proposal, and will use the optional DNS process, meaning this may be the only opportunity for the public to comment on the environmental impacts of the proposal.” The SEPA checklist does not describe the water source for this proposal. **Short of mitigation for water use, this project will result in significant adverse environmental impacts.**

Chapter 173-150 WAC and RCW 90.44 provide for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water, or contamination caused by withdrawal of ground water by a junior water right holder, including permit-exempt groundwater users.

If you have any questions or would like to respond to these Water Resources comments, please contact Breean Zimmerman at (509) 454-7647.

ENVIRONMENTAL REVIEW

Optional DNS Process

While the SEPA optional DNS process is available for use by GMA cities and counties, this proposed project clearly exceeds the intent of the optional DNS (ODNS) process.

The ODNS process is intended for minor projects where the requirement for two comment periods, the notice of application and a DNS, would create a delay with little or no benefit and create duplication.

It is appropriate to use the ODNS process when the lead agency has fully reviewed the environmental impacts prior to the issuance of the Notice of Application. If the proposed project is more complex, as is Number 5 Canyon PUD, or environmental review cannot be completed within the time limits of the NOA, the optional DNS process should not be used.

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Particularly after reviewing the above comments provided by the Ecology programs, I'm sure that Kittitas County will agree that the environmental review for the Number 5 Canyon PUD is indeed not complete and that the ODNS process was not an appropriate "fit" for this proposed project.

Ecology recommends a DS in order to fully review the cumulative impacts for the Number 5 Canyon PUD multi-phased development.

Sincerely,



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