



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

January 22, 2024

WA Department of Fish and Wildlife
Sent via email:
WestFosterSmithDraw@PublicInput.com

RE: 202400157; 24-001

Dear WDFW SEPA Desk:

Thank you for the opportunity to comment on the Determination of Non Significance for the West Foster Creek and Smith Draw Creek Riparian Restoration. We have reviewed the application and have the following comments.

Water Quality - Potential to Discharge Off-Site

If your project anticipates disturbing ground with the potential for stormwater discharge off-site, the NPDES Construction Stormwater General Permit is recommended. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit may take 38-60 days.

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

In the event that an unpermitted Stormwater discharge does occur off-site, it is a violation of Chapter 90.48 RCW, Water Pollution Control and is subject to enforcement action.

More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>.

Water Quality – Annexation

City annexation of a piece of property is often the first step in a proposed development. If a subsequent individual or common plan of development exceeds one acre in size, an NPDES Construction Stormwater Permit may be required. 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 38-60 days. A permit and stormwater plan is required prior to beginning ground-breaking activities.

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Water Quality - Dividing or Platting

Dividing or platting a piece of property is often the first step in a proposed development. An NPDES Construction Stormwater Permit may be required if there is a potential for stormwater discharge from a construction site with disturbed ground. Ground disturbance includes all utility placement and building or upgrading road. The permitting process requires going through SEPA, developing a stormwater pollution prevention plan, submitting an application, and a 30-day public notice process. This may take 38-60 days. A permit and a stormwater plan are required prior to beginning ground-breaking activities.

If you have any questions or would like to respond to these Water Quality comments, please contact **Wendy Neet** at 509-571-6733 or wnee461@ecy.wa.gov, with questions about this permit.

Sincerely,



Joy Espinoza
SEPA Coordinator
Central Regional Office
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