



EXHIBIT "5"
DOE Comment Letter

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

February 6, 2023

Brad Johnson, Community Development Director
Community Development Department
City of Burlington
833 South Spruce St
Burlington, WA 98233

Re: Markwood East - Phase 2
File# CUP 3-22, Ecology SEPA# 202300307

Dear Brad Johnson:

Thank you for the opportunity to provide comments on the State Environmental Policy Act (SEPA) optional determination of nonsignificance (ODNS) for the Markwood East - Phase 2 project. Based on review of the checklist associated with this project, the Department of Ecology (Ecology) has the following comments:

Stormwater runoff can have a significant impact on water quality, introducing sediment and other pollutants into waters of the state. Such pollutants can impair or eliminate aquatic habitat and prevent such waters from having multiple beneficial uses (e.g., fishing, swimming and drinking).

Based on the documents provided to the SEPA Register, it appears this project may be subject to Ecology's National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit (CSGP).

CSGP permit coverage is necessary if construction activity meets the following criteria:

- Clearing, grading, and/or excavation results in a disturbance of one or more acres and discharges stormwater to surface waters of the State.
- Clearing, grading, and/or excavation on sites smaller than one acre that are a part of a larger common plan of development or sale also require coverage if the common plan of development will ultimately disturb one acre or more and discharge stormwater to surface waters of the State.

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- Forest practices, (including but not limited to class IV conversions) that are a part of a construction activity that will result in a disturbance of one or more acres, and discharge to surface waters of the State.

Information regarding the NPDES Construction Stormwater General Permit can be found at:
<http://www.ecy.wa.gov/programs/wq/stormwater/construction/>.

If you have questions about determining the need for CSGP coverage or you need information regarding applying for and implementing the CSGP, please contact Sylvia Graham from our Bellingham Field Office at (360) 927-4900 or by email at sylvia.graham@ecy.wa.gov.

Thank you for considering these comments from Ecology.

Sincerely,



Kelli Price
SEPA Coordinator

Sent by email: Brad Johnson, bradmj@burlingtonwa.gov

ecc: Kim O'Hara, City of Burlington
Sylvia Graham, Ecology