



Removal of Sediment Control Structures

PURPOSE...

To provide a procedure for removal of sediment control structures upon a drainage area meeting the definition of “reclamation area” per 40CFR434 while ensuring preservation of the hydrologic balance and meeting applicable regulations pertaining to abandonment procedures.

DEFINITION – “RECLAMATION AREA”

Per 40CFR434.11 (I):

“Reclamation Area” includes drainage areas which are backfilled, graded and revegetation commenced.

According to...

38CSR2-14.7.d, “Where any discharge from the permit requires treatment during the mining operation in order to meet applicable effluent limitations, water monitoring of such discharges shall continue following grading approval. If it is established on the basis of such monitoring that the hydrologic balance is being preserved without treatment, the treatment facilities can be removed. A one (1) year history of meeting applicable effluent limitations shall be adequate to establish that the hydrologic balance is being preserved. ”

PLEASE NOTE: This section of 38CSR2 is NOT associated with bond release requirements of Section 12, but rather “Performance Standards”, Section 14.

ABANDONMENT PROCEDURES

38CSR2-5.4.h *Abandonment Procedures*, states “abandonment and/or removal of sediment control or other water retention structures shall not occur within 2 years after the last augmented seeding nor less than 2 years before final bond release.”

THEREFORE...

To remove a structure, one year of raw water data must be collected after the drainage area meets the definition of “reclamation area” and cannot be submitted to request structure abandonment until at least 2 years after the last augmented seeding.

DEFINITIONS....

Treatment: for the purposes of this, includes any chemical treatment as well as sediment control structures.

Diversions and conveyances: used strictly for conveyance of surface runoff (not sediment control) *are not considered sediment control structures* and therefore not considered treatment.

However, these diversions and conveyances SHALL NOT be removed until appropriate raw water sampling is complete at the entrance of the sediment control structure into which these flow.

Data Needed for Removal

- 1 year of raw water shall be analyzed for all parameters on the approved NPDES permit.
- Sampled prior to the sediment control structure.
- This raw water data is necessary to request removal of the structure or grant an MR-12.

WHAT IF THE OUTLET DOES NOT FLOW?

ON-BENCH OUTLETS (precipitation-induced) –
After the drainage area meets the definition of “reclamation area”, provide one (1) year of raw water data, sampled when flow exists and document other sample dates as “no flow”.

If outlet does not flow at all, provide one (1) year of documentation demonstrating that no influent (raw water) flow occurred with confirmation from the inspector.

Submit effluent data as confirmation of “no flow” conditions and inspector confirmation is required.

Samples of pooled raw water are not necessary.

Sampling Completed...

1 year of raw water and discharge samples meet effluent limits (daily max and monthly average)

2 years since last augmented seeding

Structure can be removed per post mining SWROA



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section list

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Ref. Id: Structure Removal Forms (05/25/2017)

Status: ERIS - Closed - Issued

- MR-13: Certification of Bioreactor
- MR-13: Certification of Boreholes, Mine Seal, Ventilation
- MR-13: Certification of Drainage System
- MR-13: Certification of Excess Tire Disposal Location
- MR-13: Certification of Monitoring Wells
- MR-13: Certification of Prospecting Holes
- MR-13: Certification of Refuse (Coarse) Structure
- MR-13: Certification of Refuse Impoundments
- MR-13: Certification of Roads
- MR-13C: Certification of Materials Handling Plan
- MR-13B: Certification of Excess Spoil and Valley Fills
- MR-13R: Certification of Structure Removal
 - [Certification of Structure Removal -- SD21-28](#)  
- MR-29: Certification of Approximate Original Contour
- DEP: [DEP Only](#) 

The items listed to the

How Does WVDEP Approve the MR-13R?

The inspector and inspector supervisor will sign-off on the MR-13R in the “DEP Only” section of the ESS application.

The inspector will document on an MR-6 that the MR-13R has been approved.

Following Approval of the MR-13R...

- Permittee shall commence structure removal as soon as possible after approval.
- Abandonment of the structure should be in accordance with 38CSR-2-5.4.h;
Abandonment Procedures
- Permittee shall notify inspector when removal is complete.
- Inspector shall document structure was removed on subsequent MR-6 form.

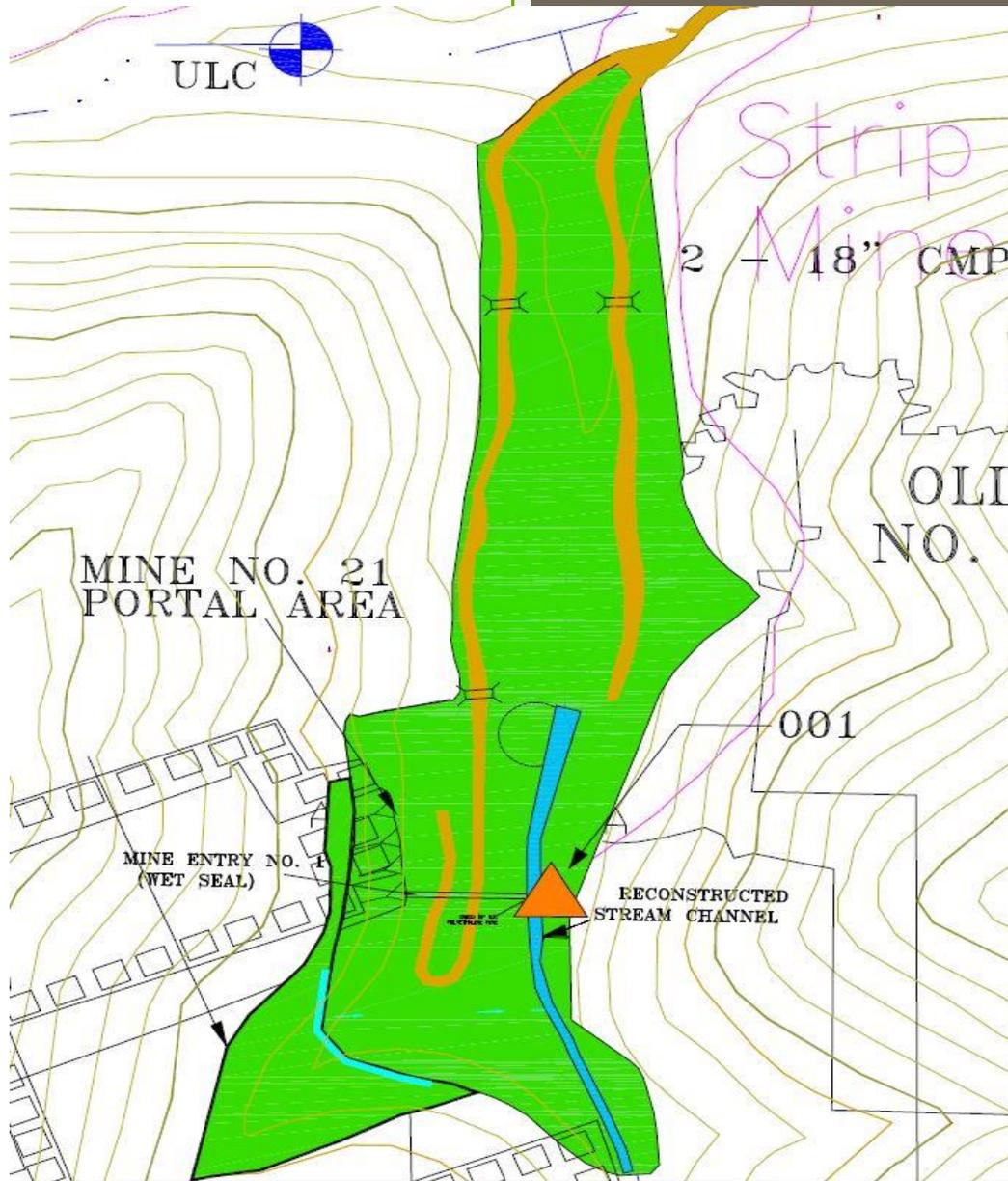
LASTLY...

Once sediment structure(s) is removed, the permittee shall request deletion of the outlet on the associated NPDES permit through a permit modification or reissuance application.

In the meantime, this outlet should be reported as “no flow” on DMRs. Do not revert to “not constructed”.

For Structures Associated with Wet Seals...

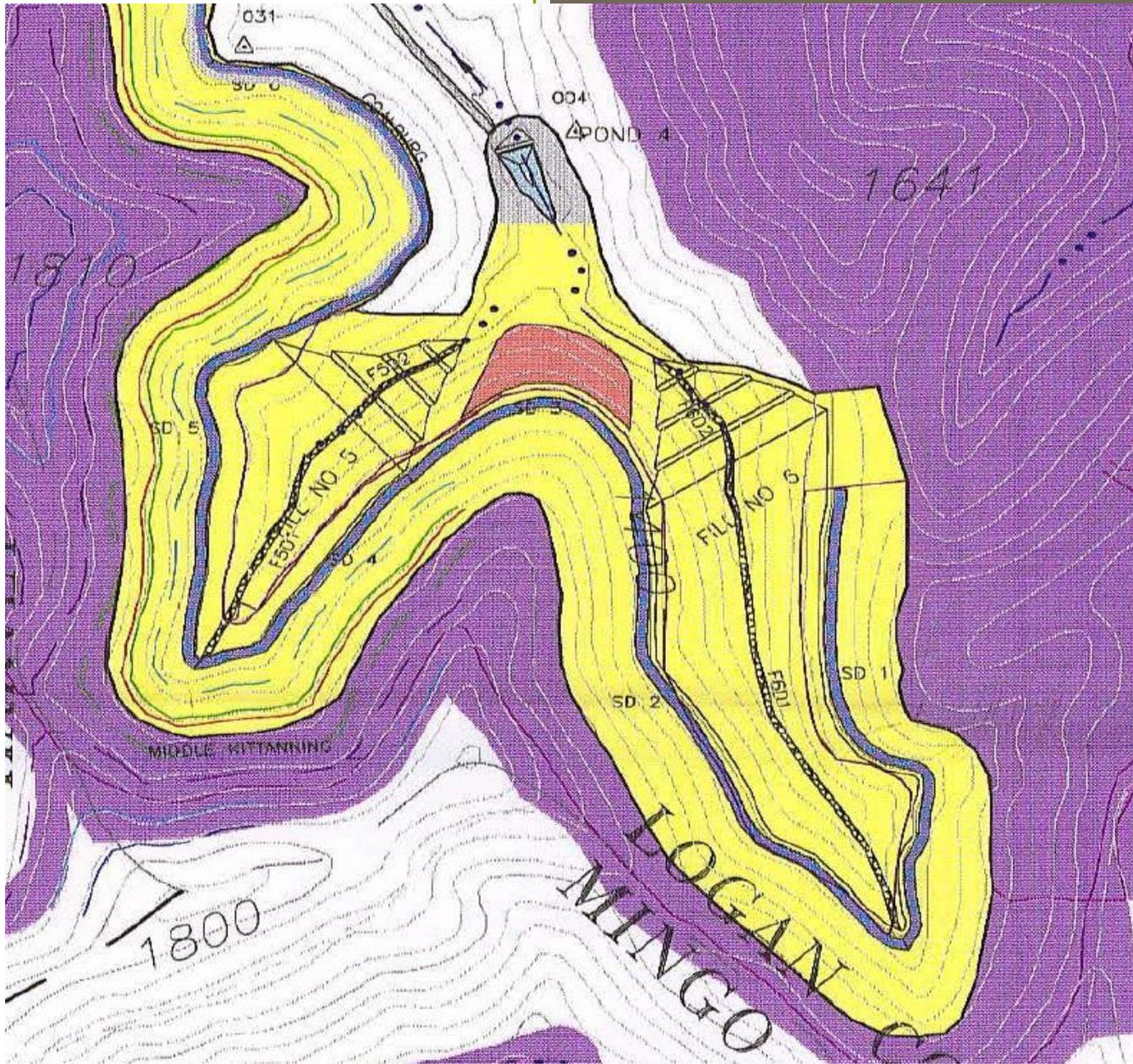
For wet seals: if sediment control structure is removed, then the outlet must be relocated to the wet seal. These monitoring requirements will remain until Phase III bond release.



RAW WATER NOTES:

Must contain analyses for any report only parameters remaining on the permit with the exception of TDS, Conductivity and Sulfates.

If multiple sources of flow exist into the treatment system/structure(s), then individual inflow sources must be collected at the entrance of the sediment control structure. All valley fills (toe) and deep mine discharges (seal) must be sampled individually at the point of flow origin, even if they have a common outlet.



RAW WATER NOTES:

- The sampling frequency is the same as set forth in the current NPDES permit and is parameter-specific.
- If outlets do not flow, pooled samples are not necessary but can be used to support the case to remove the structure.
- If during a sampling event, flow is entering the structure, but the structure is not discharging, the raw water sample should still be taken.

RECOMMENDED PROCEDURE

- Once definition of “reclamation area” is met, permittee requests Mn limits be removed (unless within 5 mile zone of a public water supply) via minor modification for Mn post-mining limits only.
- Permittee works with NPDES to remove any other report only parameters, if possible.
- Permittee accumulates effluent and raw water data per the “Post Mining Limits under 47CSR 30” policy.
- Permittee submits modification to request post-mining limits.

RECOMMENDED PROCEDURE

- Permittee collects a year of raw water data for remaining parameters to ensure preservation of the hydrologic balance.
- Permittee submits data along with MR-13R “Request for Sediment Structure Removal”. Inspector documents on MR-6.
- Upon approval, permittee commences structure removal.
- Upon completion of removal, inspector documents on MR-6 and permittee proceeds with request to delete the associated outlet.

PLEASE NOTE: Securing post-mining limits before accumulating raw water data for structure removal is recommended, but not required per our policy.

Where does Phase Release come into play?

It is recommended, that Phase I release be applied for after post-mining limitations have been received for all parameters on all outlets of a particular Article 3 permit.

Although this is not required, it is recommended ,to ensure that permits can progress as quickly as possible through all phases of release.

After all structures have been removed, a minimum of 2 years is required before Phase III release application.

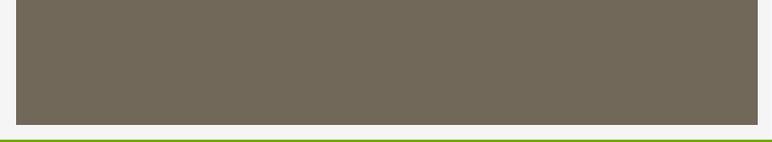


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New Policies

Permitting Policy for Instream Stations	Feb. 9, 2017
Topsoil Substitute Policy	Jan. 24, 2017
Permitting Policy for Precipitation-Induced Outlets	Nov. 28, 2016
PUMA (Post Underground Mining Assessment)	Jun 13, 2016
NPDES Permitting of Bioreactors for Coal/Quarry NPDES Permits	Apr. 8, 2016
SWROA Modeling, Runoff Monitoring, and Data Recording	Nov. 24, 2015
Guidance for Proceeding Through Post Mining Limits, Structure Removal, and Outlet Deletion	Oct. 16, 2014
Removal of Sediment Control Structures	Oct. 16, 2014
Post Mining Limits under 47 CSR 30	Jan. 3, 2014
Selenium Implementation Guidance	Dec. 30, 2013
NPDES Permitting of Bioreactors for Coal/Quarry NPDES Permits	Dec. 30, 2013
Permitting Guidance for Bioreactors	Dec. 30, 2013
Underground Mine Outcrop Barriers; Permitting Procedure	Nov. 15, 2012
Clarification of the Applicability and Certification for Operations Designed Using Final AOC Guidance Document (Steep Slope Operations Only)	Aug. 1, 2011
Coal Remining Operations	May 25, 2011
Determination of form of Mining	Apr 24, 2009
Baseline Water Quality (BWQ) Guidance	Dec. 19, 2008
Interim Guidance	
Interim Antidegradation Policy Guidance	
Ground Cover and Productivity Success Standards	Sep. 2, 2008
Storm Water Discharges - Modifications	July 1, 2008
NPDES Transfers - Advanced Approval	June 27, 2008
Blast Log with Seismic Records	Sept. 4, 2007
Pre-Blast Surveys	Dec. 5, 2006
NPDES/401 Advertisements	Aug. 7, 2006
Surface Water Runoff Analysis (SWORA)	July 10, 2006
Aluminum Implementation	Feb. 27, 2006
Clarification and Certification for AOC-Plus Operations	Mar. 21, 2005
Excess Spoil Disposal Revised	Dec. 20, 2004
Coal Bed Methane Clarification	Nov. 10, 2004
Inactive Status Request for Operations with Valley Fills	Oct. 14, 2004



Questions?