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(l):
“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
REQUEST FOR REMOVAL OF SEDIMENT CONTROL STRUCTURE

Permittee Name: ____________________________
Article % Permit No.: _______________________
NPDES Permit No.: __________________________
Outlet: ____________________________________
Sediment Control Structure Name: ____________

I hereby certify that, the area controlled by the referenced sediment control structure(s) meets the following:

☐ One-year raw water data attached and meets monthly average and daily maximum effluent limits and applicable water quality criterion for all report only parameters.

☐ No exceedances of pH and Settable Solids have occurred on Discharge Monitoring Reports nor in the raw water samples.

☐ Last augmented seeding occurred >2 years ago. Date of last augmented seeding: ______

☐ Reclamation has been conducted in accordance with the approved reclamation plan and grading meets approved grading profiles.

☐ The post-mining SWROA plan allows for removal of this structure. If not, then post-mining SWROA plan must be revised or the structure cannot be removed.

______________________________________  _______________________
Company Officer                                Date

______________________________________  _______________________
Environmental Inspector                       Date Approved

______________________________________  _______________________
Environmental Inspector Supervisor            Date Approved

Comments: ______
Current User: RORRER, JONATHAN
Ref. Id: Structure Removal Forms (05/25/2017)
Status: ERIS - Closed - Issued

- MR-13:
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- MR-29:
- DEP:

Certification of Bioreactor
Certification of Boreholes, Mine Seal, Ventilation
Certification of Drainage System
Certification of Excess Tire Disposal Location
Certification of Monitoring Wells
Certification of Prospecting Holes
Certification of Refuse (Coarse) Structure
Certification of Refuse Impoundments
Certification of Roads
Certification of Materials Handling Plan
Certification of Excess Spoil and Valley Fills
Certification of Structure Removal

Certification of Structure Removal -- SD21-28

Certification of Approximate Original Contour
DEP Only
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.
- 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.
### New Policies

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#### Interim Guidance

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Questions?