



CONSTRUCTION STORMWATER GENERAL PERMIT INSTRUCTIONS TO COMPLETE A NOTICE OF INTENT (NOI) FORM

A. GENERAL INSTRUCTIONS

The Division of Water and Waste Management developed and issued a General WV/NPDES Water Pollution Control permit to regulate sediment containing stormwater flowing into the waters of the State from discharges associated with construction activity. This General Permit was issued on December 5, 2012, became effective on January 4, 2013, and will expire on January 3, 2018.

Certain establishments which discharge sediment laden stormwater and fall under the definition of "Stormwater Associated with Industrial Activity" can elect to be regulated under the General Permit. Those establishments must file a Site Registration Application Form with the Division of Water and Waste Management. Sites disturbing one but less than 3 acres of land that do not discharge to a Tier 3.0 water may register through use of the Notice of Intent Form (NOI). Individuals will be regulated under the General Permit only if they agree to do so, and if they satisfy the registration requirements. The Division of Water and Waste Management reserves the right to require any individual to obtain a facility-specific WV/NPDES Permit. Establishments not wishing to be regulated by the General Permit are required to apply for and obtain an individual permit.

After development of a Draft General Permit, the Division of Water and Waste Management advertised the intent to issue the General Permit and have fulfilled the public notice requirements. Applicants need not perform any public notice activities except as noted in Section 14 of these instructions, unless the site will discharge to a Tier 3.0 stream.

All permittees are required to develop a Stormwater Pollution Prevention Plan (SWPPP) for the project to be covered by the permit. Persons with questions regarding the General Permit or application procedures should contact the Division of Water and Waste Management, Permitting Section at (304) 926-0495.

B. WHO MUST APPLY

Any establishment, pursuant to Chapter 22, Article 11, where, stormwater associated with construction activity is or may be discharged into the waters of the State or, where designated by the Director, is a contributor to a violation of the Water Quality Standards or that results in a significant pollutant loading to the receiving waters must apply. Any person proposing a construction activity, one (1) acre or greater of land disturbance in size, shall submit a site

registration application form and receive approval from the Division of Water and Waste Management prior to commencing construction. Sites with land disturbance of 1 to less than 3 acres and that do not discharge to a Tier 3.0 stream may register for the General Permit through use of the Notice of Intent (NOI) Form. A project that disturbs one to less than three acres but will have construction activities lasting one year or longer must file a site registration application form. NOI forms shall be submitted at least 15 days prior to the anticipated construction start date.

Construction of single family residences by the homeowner or homeowner's contractor requiring land disturbances less than three acres in size are provided coverage under the General WV/NPDES Water Pollution Control Permit and do not require application for registration. However, all other terms and conditions of the General Permit still apply except for the Notice of Termination requirement. When the construction activity is owned by one person but operated by another, it is the responsibility of the owner to obtain the permit. A separate registration application form is to be submitted for each construction activity.

C. WHERE TO FILE

Beginning on July 1, 2011, electronic submittal for construction stormwater site NOI forms is required. The technical requirements for the ePermitting process are an internet connection, an email account, and internet browser software such as Microsoft's Internet Explorer, Version 7.0 or higher. You may visit the WV DEP website at <https://apps.dep.wv.gov/eplogin.cfm> to sign up for a login id and/or view information regarding ePermitting.

If you do not have the above technical requirements and/or are unable to participate in the mandatory ePermitting process, you are required to submit a letter to the DWWM advising us as to the reason why. The DWWM will access the reasoning provided and will provide a written response. If you are approved for a hard copy submittal, please submit the following materials to the address below:

1. Two (2) copies of the NOI Form and **one copy** of any attached information and **fee** shall be mailed to the following office:

Division of Water and Waste Management
Construction/NPDES
601 57th Street, SE
Charleston, WV 25304

The application fee for construction projects disturbing between 1 to less than 3 acres in size is \$300.00. Prior to filing this application, you may wish to obtain a copy of the legislative rules of the Department of Environmental Protection, Title 47, Series 26, Water Pollution Control permit fee schedule. You may obtain a copy of the referenced rules from the Secretary of State's Office, State Capitol Building, Charleston, WV 25305.

Your check or money order for the application fee must be made payable to the West Virginia Department of Environmental Protection.

**LINE BY LINE INSTRUCTIONS FOR COMPLETING
THE NOTICE OF INTENT FORM**

1. PROJECT NAME

The project name is the official name such as "River City Parking Garage Site Preparation Project".

2. APPLICANT'S NAME

The individual, corporation, company or governmental entity (owner) with day-to-day oversight of the project and who is supplying the capital to finance the project. The owner is responsible for obtaining and complying with the permit.

FEDERAL EMPLOYER IDENTIFICATION NUMBER (FEIN) – If you have a FEIN enter it on this line. All partnerships, corporations, sole owners or companies with employees must have a FEIN.

ADDRESS -- The address of the APPLICANT AND COMPANY TITLE (if applicable).

TELEPHONE -- The number where the APPLICANT can be reached. This person should be familiar with the project, if not, provide name of a knowledgeable person.

E-MAIL ADDRESS -- The email address of the developer. DWWM now sends out all approval letters electronically.

3. OPERATOR OR CONTRACTOR

The operator/contractor is the person/firm that will be doing the earthmoving and also has day-to-day control over operations. The operator can be the same as the applicant, but often the contractor is a different entity. If the contractor is unknown at time of application, the applicant is required to provide this information after awarding the contract.

4. TOTAL ACREAGE TO BE DISTURBED

Include ALL areas (offsite borrow areas, offsite waste sites, access roads, house sites, utility installation and all other earth disturbances related to the central project) that will be disturbed during the life of the project.

5. LATITUDE -- LONGITUDE

Locate accurately the center of the construction site on a United States Geologic Survey 7.5 minute topographic map. For precision, latitude and longitude should be given to the nearest seconds. (Example: latitude 38 57' 30", longitude 78 48' 45"). The local Natural Resources Conservation Service office may help if needed. Topographic maps can be obtained online <http://wvgis.wvu.edu/> and several other sources can be found at <http://nationalmap.gov/gio/viewonline.html>.

6. NEAREST TOWN self explanatory

COUNTY self explanatory. **Note: projects located in Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, or Pendleton Counties must complete the Chesapeake Bay Addendum and submit it with the application.**

COUNTY ROUTE The official Division of Highways (DOH) designation may be found on a road sign at the nearest intersection, on the DOH county road map, or check with county maintenance garage.

7. RECEIVING STREAM

Provide the official name from a USGS topographic map of all streams that will receive a stormwater discharge. If the discharge is not into a named stream, report the stream as an unnamed tributary of the first named stream that it flows into. (Example: Unnamed tributary (UT) of Laurel Run or UT of Laurel Run of the New River). Determine the Tier designation of the receiving stream.

A list and maps of Tier 3.0 waters is available on the agency website at <http://www.wv.dep.gov/WWE/Programs/wqs/Pages/default.aspx>. **If the stream is listed as a Tier 3.0 stream, the Stormwater Pollution Prevention Plan (SWPPP) must be submitted for review and public notice is required prior to approval of the registration. In order to ensure that the required information is provided, the applicant in this circumstance must submit the registration request on the "Site Registration Application Form for Three Acres or Greater" instead of using the NOI Form. The application fee does not change.**

Sites discharging to streams designated as impaired waters must demonstrate consistency with the approved Total Maximum Daily Load (TMDL) and applicable state law. TMDL's that have established acreage limits for Stormwater Construction General Permit Registrations require no special conditions provided the acreage cap has not been met for the receiving stream other than the registration only being issued for one (1) year . If the acreage cap has been reached, additional area may be permitted if effluent limitations and monitoring is required consistent with limits established by the TMDL. Within six months of the TMDL approval, permittees must incorporate any limitations, conditions, or requirements applicable to their discharges necessary

for compliance with the TMDL, including any monitoring or reporting required by DWWM rules, into their SWPPP in order to be eligible for coverage under this general permit. The Director may elect to set effluent limitations and require discharge monitoring and public notice for any project within TMDL acreage limited areas.

In urban areas the discharge may be to a municipal storm sewer. Identify the operator of the storm sewer system, such as "River City" and the ultimate receiving water, i.e. the New River.

8. *BRIEF DESCRIPTION OF THE PROJECT*

Provide a description of the nature of the construction activity. Furnish an estimate of the cubic yards of material to be excavated if applicable. Include an estimate of excess excavation, if any, and the amount of any possible borrow. Off-site waste and borrow sites are considered part of the permitted site.

9. *PROPOSED CONSTRUCTION SCHEDULE*

Provide an estimated startup date, completion date (or contract duration) and a relative time line of the primary construction activities. These major activities include clearing, grubbing, rough site grade, final grade, temporary and permanent sediment control practices, seeding and mulching, building footers, etc.

10. *CERTIFICATION OF COMPLIANCE WITH APPLICABLE LOCAL LAWS*

Several counties and municipalities in the state have subdivision and stormwater management laws or regulations that must be followed in order to be in compliance with this general permit. The application for this permit does not relieve the applicant from his or her duty to obtain the proper permits required by the local or other state jurisdictions. Certification of Compliance must be attached to this application. This can be in the form of a copy of the local permit, a letter stating that local permitting authorities have been contacted or a letter from the authorities stating that no permits are required or that the permitting process has been initiated. Failure to comply with this provision may delay the permit or cause it to be denied. See the attached list of Municipal Separate Storm Sewer Systems (MS4) located in the state.

11. *USGS TOPOGRAPHIC MAP*

A copy of the part of the topographic map where the site is located must accompany the permit application. The minimum information required on each map will be the name of the map, the boundary of the site, a north arrow and the location of the storm water discharge point(s). Assistance in locating sites on a topographic map may be obtained from the local Conservation District.

12. *GROUNDWATER PROTECTION PLAN*

All establishments holding an NPDES permit are required to have and implement a Groundwater Protection Plan (GPP). See the enclosed Generic Groundwater Protection Plan for Construction. The contractor can fill out these forms. Assistance with GPP's is available from the DWWM Groundwater Section at (304) 926-0495.

13. *STORMWATER POLLUTION PREVENTION PLAN (SWPPP)*

The applicant is required to develop a SWPPP plan specific for the project. A SWPPP is a Sediment and Erosion Control Plan. See the Sections 13, 14 and 17 in the Instructions for filling out the Site Registration Application Form available on the web or as part of the packet you received for help in the information needed to complete a SWPPP. A copy of the SWPPP must be maintained on site and be made available for DEP personnel at the construction site. Additional assistance in best management practices development or implementation may also be obtained from the local Conservation Districts.

14. *PUBLIC NOTICE SIGN*

Section G.4.b.5 of the General Permit states that "Within 24 hours of filing an NOI (one to less than three acres) or a Site Registration Application (three acres or more) with DWWM, all projects shall display a sign for the duration of the construction project near the entrance of the project or, for linear projects, at a location near an active part of the project that is accessible by the public, which contains the following information using the template found in the instructions: 1) the registrant's name or the name of a contact person along with a telephone number; 2) A brief description of the project; 3) A statement indicating that the NOI or SWPPP as applicable, has been filed with the DWWM; 4) The address and telephone number of the agency where the NOI or SWPPP is maintained; and 5) That any person may obtain a copy of the NOI or SWPPP by contacting the DWWM at (800)654-5227. The sign shall be a minimum of two feet by two feet and at least three feet above ground level, clearly visible and legible from a public roadway or right-of-way. If it is not feasible to display a sign at or near the project, the registrant, with prior approval from the DWWM, may post a notice containing the foregoing information at a local public building, including, but not limited to, a town hall or public library."

A template for the sign is as follows:

The top part of the sign, down to the words "Application Date" shall be worded and formatted as shown. Remaining text shall be filled in by the applicant (Date, Name of Registrant or Contact, Project Description, and Phone) in the size and format shown. High contrast colors must be used.

For Info on NPDES Storm Water Permit

To comment on Sediment Control Plan:

Call: 800-654-5227

or

DEP.Plan@wv.gov

DEP 601 57th Street SE, Charleston WV 25304

Application date: **XX/XX/XX**

***Name of Project,
Project Description***

(area code) Tele. No.

The sign will be at least 24" x 24" with 1.6" and .8" letters.

OTHER CONSIDERATIONS PRIOR TO BEGINNING CONSTRUCTION:

1. Minimize in-stream work.
2. Proper disposal of solid wastes.
3. Proper handling of hazardous waste.
4. Proper methods for disposal of excess cement.
5. Dust control.
6. Burning permit.
7. Permit for cement batch plants.
- * 8. Are any local permits needed, i.e. subdivision, flood plain, storm water, etc.
9. Will there be any stream work that would require a Public Lands Corporation Right-of Entry from the Real Estate Management Section of the Division of Natural Resources or a U.S. Army Corps of Engineers 404 permit?
10. Are there any wetlands? Wetland fills require a 404 permit from the Corps and 401 Water Quality Certification from the Division of Water and Waste Management.

* Every county or municipality in the state has flood plain regulations. It is up to the applicant to check with the local authorities (county commission, planning commission, etc.) to see if the planned construction is within the 100-year flood plain.