



Construction activity associated with oil and gas field activities or operations associated with exploration, production, processing or treatment operations or transmission facilities.

## **7. DESCRIPTION OF DISCHARGES:**

Earthmoving and grading projects create conditions where accelerated erosion can cause large quantities of soil to be deposited into the streams and rivers of the state. The lack of vegetation, steepening of slopes, increased runoff, decreased infiltration, and other ill effects of construction can cause a 1,000-fold increase in the rate of erosion over pre-existing conditions. The erosion rates on construction sites can run into the hundreds of tons per acre. By volume, sediment is the number one pollutant in the state's waters and degrades more miles of stream than any other pollutant.

## **8. BACKGROUND**

Rapidly expanding extraction of oil and gas from Marcellus shale in West Virginia, largely through horizontal drilling, has increased land disturbances in the State associated with oil and gas activities. Aside from actual well sites, development of oil and gas reserves in Marcellus shale is also requiring construction of additional pipelines and processing facilities in West Virginia. It is expected that this activity will continue to increase in the next several years.

The West Virginia Water Pollution Control Act, Chapter 22, Article 11 establishes that permits are required for discharge of pollutants and 47CSR 10-3.2.c. provides that State permits not required by NPDES may follow the procedures set forth in 47 CSR 10. The Agency believes that establishing a State General Permit for oil and gas related construction activities benefits both the industry and water resource protection by providing for clear guidance and consistent application of pollution control measures for these activities, as well as establishing a level "playing field" for the industry.

## **9. GENERAL**

DWWM, through its permitting system, is responsible for ensuring that wastewaters are identified, receive adequate treatment and are disposed of in accordance with federal and state regulations. Usually this requires an individual permit based on a thorough review of the facility processes and the constituents of its waste stream. The issuance of an individual permit for any facility is a resource intensive and time consuming process for both the permitting agency and the industry.

## **10. COVERAGE UNDER THE GENERAL PERMIT**

The general permit proposes to provide coverage for any discharges composed entirely of stormwater associated with construction activities of oil and gas field activities or operations associated with exploration, production, processing or treatment operations or transmission facilities be regulated under the terms of the general permit except for:

1. Operations that result in the disturbance of less than one acre of total land area, which are not part of a larger common plan of development.
2. Stormwater discharges associated with land disturbing activities that may reasonably be expected to be causing or contributing to a violation of a water quality standard as determined by the Director.
3. Activities regulated under the Department of Environmental Protection Office of Oil Gas (00G).

Determination of the disturbed area is made by totaling all disturbed areas directly related to construction of the entire project. Offsite waste (excluding sales of topsoil to individuals) and borrow sites are included in the total disturbance unless sites are covered by other permits.

There are two separate application forms, one is for between one to 2.99 acres, Notice of Intent (NOI) and the second is for Site Registration Application (SRA) form for projects that disturb three acres and greater. Submittal of these applications shall be made using the online Electronic Submission System.

The NOI is a simplified application form for minor construction activities (one to 2.99 acres). A completed application form and the Limits of Disturbance (LOD) illustrated on a detailed site map and in an ArcGIS shapefile (.shp) shall be submitted.

The SRA application for projects that disturb three acres and greater. The information provided with this application shall be made using the terms and conditions of the General Permit including Stormwater Pollution Prevention Plans (SWPPP). The SWPPP shall be prepared in accordance with good engineering practices. This application shall also include pertinent terms and conditions set forth in Sections A, B, C, D, E, F, G, H, I and J including LOD illustrated on a detailed site map and in an ArcGIS shapefile (.shp) file.

Groundwater Protection Plans (GPP) shall be prepared in accordance with the requirements of the Groundwater Protection Rule, 47 C.S.R. 58 § 4.11. The GPP is not required to be submitted to the Division of Water and Waste Management for review.

Extension of coverage for projects with expired registrations under the General Permit. - Projects whose registration under the General Permit has expired and have not yet achieved stabilization may be granted an extension of coverage for a period not exceeding one (1) year, upon written request by the facility. Such an extension shall only be considered if all land disturbance activities have been completed and the project requires additional time solely for the purpose of achieving final stabilization. Facilities granted an extension under this provision shall be permitted to conduct seeding, vegetative stabilization activities, and proper operation and maintenance of required BMPs. Any facility requesting an extension must submit a certification through the Electronic Submission System, demonstrating completion of land disturbance activities. The certification must include: a narrative explanation detailing the reasons permanent

stabilization has not yet been achieved, photographic evidence of the affected areas; and an updated Progress Map clearly identifying the areas requiring stabilization.

Applications for extension shall be reviewed and approved on a case-by-case basis at the sole discretion of the Director.

## **11. MONITORING REQUIREMENTS**

Monitoring is not required unless requested by the Director. Construction activities are usually of short duration, less than one year, and the pollutant associated with construction is primarily sediment. The measures used to minimize pollution for land disturbing activities are preventative i.e., best management practices (BMPs) and are not subject to effluent limits.

## **12. WHEN TO APPLY**

The SRA application must be submitted at least 60 days prior to starting the project, except as follows. Projects that discharge to Tier 3 waters, or with 100 or greater acres of disturbance, must be submitted at least 90 days prior to start of construction in order to allow for time for the public notice procedure.

NOI construction projects (one to less than three acres) not discharging to Tier 3 waters must submit the application 10 days prior to initiation of construction. NOI construction projects discharging to Tier 3 waters must submit the application at least 45 days prior to start of construction.

## **13. SUMMARY OF MAJOR CHANGES TO THE GENERAL PERMIT**

### **I. G.2. Prohibition of Non-Stormwater Discharges**

The draft permit provides a list of authorized Non-Stormwater discharges.

### **II. G.4.b.3. Projects going to public notice**

Projects with a grading phase of construction lasting more than 1-year will not be required to go to public notice unless the project will discharge to Tier 3 waters or will disturb 100 or more acres.

### **III. G.4.b.5. Public Notice Sign**

The draft changes the time required to display a public notice sign. This will be revised from within 24 hours of filing the application to within 72 hours of receiving the permit registration number. The information to be contained on the sign also will be revised:

- The applicant's name and emergency telephone number;

- Project Reference ID;
- For info on this stormwater permit Call: 800-654-5227 or DEP. Comments@wv.gov.;
- Permit Registration Number.

**IV. G.4.e.1.E Access Roads**

The draft permit outlines the approach used for permitting road construction. Roads are a major source of sediment and the draft permit intends to get a better description of the nature of the activity and requires appropriate controls for the activity.

**V. G.4.e.1.F. Digital Mapping**

Each project LOD shall be illustrated in an ArcGIS Shapefile (.shp). Digital maps offer numerous advantages over traditional paper maps, including enhanced accuracy, real-time updates, interactivity and accessibility. Determining which projects will discharge to sensitive waters and overlap with other projects are sometimes unclear. Digital mapping of the LOD for proposed projects will better position the DWWM to fulfill its obligations in these scenarios.

**VI. G.4.e.1.G. ATV Trails**

ATV trails accepted by the landowner and identified in the registration, do not require a healthy, vigorous stand of grass or native vegetation that uniformly covers more than 70 percent of the ground in the vehicle lanes of trails to be considered for termination.

**VII. G.4.e.2. Controls**

Controls shall be in place and functional prior to land disturbance. For registrations proposed to be completed in multiple phases, controls for each phase must be constructed and functional prior to land disturbance beginning in that phase.

**VIII. G.4.e.2.A.i.d. Clean Water Diversions**

The draft permit outlines the requirements for clean water diversions. Clean water diversions shall be capable of passing the peak discharge of a 10-year, 24-hour precipitation event and be .

**IX. G.4.e.2.C.vii. Slip Prevention Control Procedures**

The draft permit requires a description of BMPs including water management and passive bleeder drains to prevent soil saturation and protect slopes from slips of slopes 3:1 or greater during pipeline placement.

## **X. G.4.h. Emergency Procedures**

The General Permit also allows eligibility for earth disturbances that occur in response to a public emergency (e.g., a natural disaster, widespread disruption in essential public services). Authorization to discharge is conditioned that a complete and accurate application is submitted within 30 calendar days after commencing earth-disturbing activities establishing eligibility under this permit.

**XI. G.4.e.2.A.ii.k.** Hay or straw bales are not acceptable as a stand alone BMPs; however, use of hay or straw bales may be used in certain BMP dewatering applications as long as they do not promote erosion.

## **XII. Section J - Notice of Termination (NOT)**

NOT's must be submitted electronically for better tracking by the Agency. From the date final stabilization is achieved, the permittee has 30 days to ready the site for submission of N.O.T.

### **SECTION-BY-SECTION CHANGES AND CLARIFICATIONS**

#### **Section A. Terms of Permit**

Discharges covered under this General Permit shall not cause or contribute to a violation of the Legislative rules governing water quality or groundwater protection. Properly designed, installed / constructed, and maintained BMPs contained in this Permit are designed to protect water quality and the existing uses and designations by minimizing impacts to receiving waters. Full compliance with all BMPs shall be considered protective of and in compliance with water quality standards and groundwater quality standards.

#### **Section B. Schedule of Compliance**

Compliance with this General Permit with an approved Notice of Intent (NOI) or a Site Registration Application (SRA) at the beginning of the construction project.

#### **Section C. Management Condition**

This section is boilerplate language essentially extracted from Title 47, Series 10 of the West Virginia Legislative Rules.

- C.1. Duty to Comply - No Change from 2013 permit.
- C.2. Permit Continuance - No Change from 2013 permit.
- C.3. Duty to Mitigate - No Change from 2013 permit.
- C.4. Permit Actions - No Change from 2013 permit.

C.5. Property Rights - No Change from 2013 permit.

C.6. Signatory Requirements - All applications, reports or information submitted to the Director

C.7. Transferability - The Director may require modification or revocation and issuance of a permit registration to change the name of the permittee and incorporate such other requirements as may be necessary.

C.8. Duty to Provide Information - No Change from 2013 permit.

C.9. Other Information - No Change from 2013 permit.

C.10. Inspections and Entry - No Change from 2013 permit.

C.11. Modification - No Change from 2013 permit.

C.11.a. - No Change from 2013 permit.

C.11.b. - Registrations covered under this General Permit may be modified, suspended, or revoked in whole or in part during its term in accordance with the provisions of W. Va. Code § 22-11-12 and 47 C.S.R. 10- 9. Any permittee wishing to modify coverage under this permit shall submit such a request at least 45 days prior to the commencement of the proposed action for modification if no public notice period is required. A modification that will have a public notice period must be submitted at least 90 days prior to construction to allow for the public notice procedure. Provided that upon approval of a request for modification by the Director, the permittee may immediately commence the proposed action.

C.12. Water Quality - The permittee shall protect water quality and the existing uses and designations of receiving waters by implementing erosion and sediment control BMPs. Properly designed, installed / constructed, and maintained BMPs contained in this Permit are designed to protect water quality and the existing uses and designations by minimizing impacts to receiving waters. Full compliance with all BMPs shall be considered protective of and in compliance with water quality standards and groundwater quality standards. The Director reserves authority to impose additional terms and conditions as necessary on a case-by-case basis upon demonstration that such terms and conditions are necessary to protect water quality and the existing uses and designations of receiving streams.

Compliance with the requirements of this Permit, including the use of appropriate BMPs (regular or enhanced) at construction sites, satisfies the antidegradation requirements of 47 CSR 2 and 60 CSR 5.

C.13. Liabilities - No Change from 2013 permit.



C.14 Outlet Markers - Outlet markers will be necessary only if the Director requires monitoring.

#### Section D. Operation and Maintenance

This section is boilerplate language essentially extracted from Title 47, Series 10 of the West Virginia Legislative Rules.

- D.1. Proper Operation and Maintenance - No Change from 2013 permit.
- D.2. Need to Halt or Reduce Activity Not a Defense - No Change from 2013 permit.
- D.3. Bypass - No Change from 2013 permit.
- D.4. Upset - No Change from 2013 permit.
- D.5. Removed Substances

Occasionally incidents occur on construction sites that cause materials to be removed. Soil or stormwater affected by fuel spills or other substances may require special handling and disposal. Such handling and disposal shall be done in accordance with the requirements of the Solid Waste Management Rule, 33 C.S.R.1.

Sediment removed from a trapping device or from waters of the State after deposition by stormwater runoff from a construction related activity shall be removed in a manner consistent with local, state and federal guidelines and placed upland behind appropriate controls in a manner that prevents erosion.

#### Section E. Definitions

The following definitions have been included or revised which relate to the stormwater permitting program:

- "10-year, 24-hour precipitation" means the maximum 24-hour precipitation event with a probable recurrence interval of once in 10 years. Used for calculating sediment traps with drainage areas less than five acres, clean water, dirty water and access road drainage ditches.
- "2-year, 24-hour precipitation" means the maximum 24-hour precipitation event with a probable recurrence interval of once in 2 years. Used for calculating access road culverts.
- "25-year, 24-hour precipitation" means the maximum 24-hour precipitation event with a probable recurrence interval of once in 25 years. Used for calculating sediment basins with drainage areas greater than five acres and stream crossings.
- "Access Road" means surface right-of-way for purposes of travel by land vehicles and/or equipment used in Construction activities. A road consists of the entire area within the



right-of-way, including the roadbed, shoulders, parking and side areas, approaches, ditches, and other related structures.

- "Application" is the form to be submitted to register a construction project that discharges to Waters of the State.
- "ATV (All-Terrain Vehicle) Trails" refers to a trail the landowner deems desirable as a post-construction accessway to portions of the released site.
- "Notice of Intent" (NOI) is the form to be submitted by the applicant to register a minor construction project (one that disturbs one to less than three acres) under the General Water Pollution Control Permit for Stormwater Associated with Oil and Gas related Construction Activities.
- "Qualified Person" means a person who is knowledgeable in the principles and practices of sediment and erosion controls, pollution prevention, and possesses the education abilities to assess conditions at the proposed site that could impact stormwater quality and to assess the effectiveness of proposed stormwater controls to meet the requirements of this permit.
- "Site Registration Application forms" means the forms designed by the Director for the purpose of registering for coverage under a general permit. Under the General Water Pollution Control Permit for Stormwater Associated with Oil and Gas related Construction Activities there will be two separate forms, one for one to less than three acres (Notice of Intent) and the Site Registration Application form for projects that disturb three acres and greater.

The following definitions have been deleted from the definitions:

- "Satisfactory Stabilization": means a condition when all disturbed areas are covered by permanent protection such as pavement, pervious pavement, compacted gravel, buildings, waterways (riprap, concrete, grass, or pipe), a healthy, vigorous stand of grass or native vegetation that uniformly covers more than 70% of the ground, stable outlet channels with velocity dissipation which directs site runoff to a natural watercourse, and any other structure or material approved by the Director.
- "Secretary" means the Secretary of the Department of Environmental Protection, or her designated representative.

#### Section F. Monitoring and Reporting

Monitoring of discharges is not required for construction activities unless directed by the Director. The measures used to minimize pollution for land disturbing activities are preventative i.e., best management practices (BMPs), and are not subject to effluent limits.

F.1. Reporting Spill and Accidental Discharges - No Change from 2013 permit.

F.2. Immediate Reporting

F.2.a. The permittee shall report any spill or release of pollutants to waters of the state which may endanger health or the environment immediately after becoming aware of the circumstances by using the Department's designated spill alert telephone number ((800) 642-3074). A written submission shall be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time, and if, the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Section G. Other Requirements

This section encompasses the requirements specific to the stormwater permitting program and those sites subject to regulation under the general permit.

G.1. Requiring an Individual Permit - No Change from 2013 permit.

G.2. Prohibition of Non-Stormwater Discharges

All discharges authorized by this General Permit shall be composed entirely of stormwater, except as follows:

discharges from emergency firefighting activities, fire hydrant flushing; waters used to wash vehicles, provided there is no discharge of soaps, solvents, or detergents used for that purpose; waters used to control dust; potable water sources, including uncontaminated waterline flushing; landscape irrigation; lawn watering; routine external building washdown which does not use detergents; pavement wash water provided spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used, provided that such pavement wash waters may not be discharged directly into any surface water, storm drain inlet, or stormwater conveyance, unless the conveyance is connected to a sediment basin, sediment trap, or similarly effective control; uncontaminated air conditioning condensate; uncontaminated, non-turbid discharges of groundwater or springs; foundation or footing drains where flows are not contaminated with process materials such as solvents that are combined with stormwater discharges associated with industrial activity; and other construction dewatering activities that are treated by an appropriate control.

This permit does not authorize the conveyance, diversion, channeling, directing or otherwise allowing the discharge of stormwater into a sinkhole without an Underground Injection Control Permit.

G.3. Releases in Excess of Reportable Quantities - No Change from 2013 permit.

#### G.4. Stormwater Pollution Prevention Plans (SWPPP)

Stormwater Pollution Prevention Plans (SWPPP) shall be prepared in accordance with good engineering practices. The SWPPP shall identify all pollutants and potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges associated with construction activity. In addition, the SWPPP shall describe and ensure the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction activity and to assure compliance with the terms and conditions of this permit. The SWPPP shall be prepared by a Qualified Person.

Groundwater Protection Plans (GPP) shall be prepared in accordance with the requirements of the Groundwater Protection Rule, 47 C.S.R. 58 § 4.11. The GPP shall identify all operations that may reasonably be expected to contaminate the groundwater resources with an indication of the potential for soil and groundwater contamination from those operations. In addition, the GPP shall provide a thorough and detailed description of procedures designed to protect groundwater from the identified potential contamination sources. The GPP is not required to be submitted to the Division of Water and Waste Management for review. Guidance in the completion of a GPP is available from the Division of Water and Waste Management.

G.4.a. The SWPPP and the GPP shall be signed in accordance with Section C.6. and available onsite.

G.4.b The application and SWPPP shall be submitted to the Division of Water and Waste Management at least 45 days before construction activity is to begin, except as noted in G.4.b.3. and G.4.b.4. As the plans are evaluated by the Director or designated representative, the Director or designated representative may notify the permittee during the 45-day review period that the plan does not meet one or more of the minimum requirements of this section. After such notification from the Director or designated representative, the permittee shall make changes to the plan in accordance with the time frames established below and shall submit to the Director a written certification that the requested changes have been made.

G.4.b.1. No Change from 2013 permit.

G.4.b.2. No Change from 2013 permit.

G.4.b.3. Projects disturbing one to less than three acres that do not discharge to or upstream of Tier 3 Waters shall submit only the Notice of Intent (NOI) Form and Detailed Site Map 10 days prior to initiating construction. Projects disturbing one to less than three acres that discharge upstream of a Tier 3 Water shall submit the NOI Form, Site Map and Storm Water Pollution Prevention Plan (SWPPP) at least 45 days prior to initiating construction.

G.4.b.4. Projects that will discharge to Tier 3 waters or that will disturb 100 or more acres shall submit the application and SWPPP at least 90 days prior to construction to allow for the public notice procedure.

G.4.b.5. Within 72 hours of receiving the permit registration number, The applicant 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, containing the following information:

- The applicant's name and emergency telephone number;
- Project Reference ID;
- For info on this stormwater permit Call: 800-654-5227 or DEP. Comments@wv.gov.;
- Permit Registration Number.

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.

G.4.c - No Change from 2013 permit.

G.4.d - No Change from 2013 permit.

G.4.d.1 No Change from 2013 permit.

G.4.d.1.A No Change from 2013 permit.

G.4.d.1.B No Change from 2013 permit.

G.4.d.1.C No Change from 2013 permit.

G.4.d.2 No Change from 2013 permit.

G.4.e - No Change from 2013 permit.

G.4.e.1 - Site Description - No Change from 2013 permit.

G.4.e.1.A - No Change from 2013 permit.

G.4.e.1.B - No Change from 2013 permit.

G.4.e.1.C - Site maps indicating the Limits of areas to be Disturbed (LOD), with a minimum of five-foot contours, drainage patterns and

slopes prior to construction and anticipated conditions after grading activities, topsoil stockpiles, waste areas, borrow sites, locations of sediment control structures identified in the narrative, the location of impervious areas after construction is complete, final stormwater routing including all ditches and pipe systems, property boundaries and easements, nearest receiving stream, access roads, legend and springs, surface waters and any other information necessary to describe the project in detail.

G.4.e.1.D - No Change from 2013 permit.

G.4.e.1.E. Access Roads

Maintenance activities for access roads as outlined in 47 CSR 10 Section 2.8. do not meet the definition of “Construction Activities.”

Each newly constructed access road or upgraded existing access road (outside of routine maintenance activities; such as, ditch and culvert cleaning and activities to maintain the original line and grade of the road) whose drainage is not directed to a sediment basin or trap shall be designed with the following specifications:

- A ditch shall be provided for hillside runoff;
- Ditch lines shall be capable of passing a 10-year, 24-hour precipitation event;
- Culverts shall be capable of passing a 2-year, 24-hour precipitation event and shall have a minimum of one foot of cover or one half the diameter of the pipe. Whichever is greater;
- Culverts or water bars with appropriate spacing of  $400/\%grade + 75'$ ;
- All unpaved roads on the site shall have a durable surface;
- Culvert / water bar outlets protected by appropriate erosion controls;
- Sediment control provided by sumps or equivalent controls;
- Alternative design criteria for access road drainage may be used if approved by the Director.

G.4.e.1.F. The project LOD shall be illustrated in an ArcGIS Shapefile (.shp).

G.4.e.1.G. The application for registration shall identify existing All-Terrain Vehicle (ATV) trails to be retained by the landowner upon termination of the permit registration. ATV trails that are not shown with the original application may be identified through a minor modification to

the registration. ATV trails shall be maintained by the applicant and stabilized upon conclusion of construction when not identified in the registration as a landowner accepted trail.

#### G.4.e.2. Controls

Each construction activity covered by this permit shall develop a description of controls appropriate for the project and implement such controls. These controls shall be in place and functional prior to land disturbance. For registrations proposed to be completed in multiple phases, controls for each phase must be constructed and functional prior to land disturbance beginning in that phase. Erosion and sediment control BMPs shall be implemented in accordance with standard procedures set forth in the BMP Manual, however, other BMPs may be used if equally protective of water quality. The description of these controls shall address the following minimum components, including a schedule for implementing such controls.

#### G.4.e.2.A - Erosion and Sediment Controls - No Change

##### G.4.e.2.A.i - Vegetative practices - No Change

G.4.e.2.A.i.a. - No Change

G.4.e.2.A.i.b. - No Change

G.4.e.2.A.i.c. - No Change

G.4.e.2.A.i.d. - Clean water diversions must be stabilized prior to becoming functional and shall be capable of passing the peak discharge of a 10-year, 24-hour precipitation event.

##### G.4. e.2.A. ii. Structural practices

A description of the structural practices to be used to divert flows around exposed soils, store flows or otherwise limit runoff from exposed areas and eliminate sediment-laden runoff from the site. Such practices may include but are not limited to earthen berms, land grading, diversions, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, rock outlet protection, reinforced soil retention systems and geotextiles, gabions and riprap, and permanent and temporary sediment traps/basins.

G.4.e.2.A.ii.a. - No Change

G.4.e.2.A.ii.b. - No Change

G.4.e.2.A.ii.c. - No Change

G.4.e.2.A.ii.d. - No Change

G.4.e.2.A.ii.e. - No Change

G.4.e.2.A.ii.f. - No Change

G.4.e.2.A.ii.g. - No Change

G.4.e.2.A.ii.h. - All trapped sediments will be disposed of in an upland area where there is no chance of entering nearby streams.

G.4.e.2.A.ii.i. - No Change

G.4.e.2.A.ii.j. - No Change

G.4.e.2.A.ii.k. Hay or straw bales are not acceptable stand alone BMPs; however, use of hay or straw bales may be used in certain BMP dewatering applications as long as they do not promote erosion.

G.4.e.2.A.iii. - No Change

G.4.e.2.B. Stormwater management plan - No Change

G.4.e.2.C Other controls - No change

G.4.e.2.C.i. - No change

G.4. e.2.C. ii. - No Change

G.4.e.2.C.iii. - No Change

G.4. e.2.C. iv. Employee training - No Change

G.4.e.2.C.v. Visual inspection

A Qualified Person shall be identified to inspect as set forth under G.4.e.2.D. A tracking procedure shall be used to ensure that adequate corrective actions have been taken in response to deficiencies identified during an inspection. Records of inspections

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shall be available onsite for review by the Director or designated representative.

G.4.e.2.C.vi. Recordkeeping and internal reporting procedures - No Change

G.4.e.2.C.vii. Slip Prevention Control Procedures

Provide a description of BMPs including water management and passive bleeder drains to prevent soil saturation and protect slopes from slips of slopes 3:1 or greater during pipeline placement.

Surface runoff, seeps, and springs that can percolate into the soil strata during and after pipeline trenching.

G.4.e.2.D Maintenance

The permittee shall ensure that all newly installed erosion and sediment control BMPs are inspected by a Qualified Person. A description of procedures to maintain in good and effective condition and promptly repair or restore all grade surfaces, walls, dams and structures, vegetation, erosion and sediment control measures and other protective devices identified in the site plan. At a minimum, procedures in the site plan shall provide that all erosion and sediment controls on the site are inspected at least once every seven calendar days for actively disturbed areas, 14 calendar days for restored areas and within 24 hours after any storm event of greater than 0.5 inches of rain per 24- hour period. To determine if a precipitation event of 0.5 inches or greater has occurred on the site, the permittee must either:

- Keep a properly maintained rain gauge on-site,
- Obtain the precipitation event information from a NOAA weather station that is representative of the location, or
- Other equivalent weather tracking programs/systems.

G.4.e.2.D.i. - No Change

G.4.f. All SWPPPs and GPPs - No Change

G.4.g Compliance with other laws and statutes - No Change

G.4.h Emergency Procedures

When conducting earth-disturbing activities in response to a public emergency e.g., natural disaster, widespread disruption in essential public services), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services, authorization to discharge is conditioned that a complete and

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accurate application is submitted within 30 calendar days after commencing earth-disturbing activities establishing eligibility under this permit.

#### G.5. Discharges to Waters with Approved TMDLs

Dischargers located in a watershed area where a Total Maximum Daily Load (TMDL) has been developed and approved may be required to implement additional BMPs as necessary to comply with an applicable waste load allocation.

#### SECTION H. REOPENER CLAUSE - No Change

#### SECTION I. GENERAL PERMIT REISSUANCE - No Change

#### SECTION J. SATISFACTORY STABILIZATION

From the date final stabilization is achieved, the permittee has 30 days to ready the site for submission of N.O.T and by the 30th day must submit the N.O.T. via electronic notice of termination to the Director. An inspection by a Qualified Person shall be conducted wherein all areas of the project and all off-site areas impacted by the project are inspected for compliance with this permit. The Qualified Person shall conduct a review of the available records to verify compliance with the retention requirements of this permit. The Qualified Person shall issue a report to the permittee outlining any deficiencies to be corrected. The permittee shall correct deficiencies promptly and request a re-inspection by the Qualified Person. Once an inspection identifies no deficiencies, the site may be considered ready for the submittal of the N.O.T. The permittee shall review the fee payment history and pay any unpaid fees during this 30-day period.

After meeting the requirements of the preceding paragraph, the permittee shall apply for termination of permit coverage by submitting an N.O.T., which will serve as a request for final inspection. Upon receipt of the N.O.T., the Director shall inspect the site to determine the appropriateness of ending permit coverage. Final stabilization inspections for 1 to < 3 acres sites shall be conducted within 30 days of receipt of the N.O.T. and for sites 3 acres and larger the final stabilization inspection shall be conducted within 60 days. The permittee has the option of submitting a certification by a registered professional engineer or professional surveyor that the site meets stabilization requirements. Should the Director not inspect within the time frames established in this section, the Stabilization Certificate shall be accepted in lieu of the final inspection by the Director's Staff.

ATV trails accepted by the landowner and identified in the registration, do not require a healthy, vigorous stand of grass or native vegetation that uniformly covers more than 70 percent of the ground in the vehicle lanes of the trail to be considered for termination. No eroded areas of trails that are the source of sediment in stormwater runoff may be deemed stable or eligible for release. A registration modification must be approved by the Director prior to submittal of the Notice of Termination and prior to registration expiration for ATV trails not previously identified by the permittee to be turned over to the landowner.

Permit coverage for construction activities encompassed by this permit expires upon verification of satisfactory stabilization of the site and payment of all outstanding fees. Satisfactory stabilization means ALL disturbed areas shall be covered by some permanent protection. Stabilize includes pavement, compacted gravel, permeable pavements/pavers, buildings, waterways (riprap, concrete, grass, or pipe), a healthy, vigorous stand of grass or native vegetation that uniformly covers more than 70 percent of the ground, stable outlet channels with velocity dissipation which directs site runoff to a natural watercourse, and any other approved structure or material.

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The herein-described activity is to be constructed or installed and operated, used and maintained strictly in accordance with the terms and conditions of this permit with any plans, specifications, and information submitted with the individual site registration application form, with any plan of maintenance and method of operation thereof submitted and with any applicable rules and regulations promulgated by the Environmental Quality Board and the Secretary of the Department of Environmental Protection.

Failure to comply with the terms and conditions of this permit; with any plans, specifications or information submitted to the Department; or with any plan of maintenance or method of operation submitted to the Department shall subject the offending individual registrant to suspension or revocation of the registrant's operation from this General Permit and/or to other enforcement action as provided in W. Va. Code §§ 22-11-12, 22-11-22, 22-11-24 or 22-12-10.

This permit is issued in accordance with the provisions of Chapter 22, Article 11 of the Code of West Virginia.

### **Public Notice**

The State of West Virginia, Department of Environmental Protection, Division of Water and Waste Management, has proposed a state General Pollution Control Permit as listed on this fact sheet. In order to provide public participation on the proposed issuance of the required permit, the following information is being supplied in accordance with Title 47, Series 10, Section 11.3.e.2 and 3, of the West Virginia Legislative Rules.

Any interested persons may submit written comments on the Draft Permit and may request a public hearing by addressing such to the Director of the DWWM within 30 days of the date of the public notice. Comments will be accepted until April XX, 2025. They should be addressed to:

Director, Division of Water and Waste Management  
Department of Environmental Protection  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304  
Attention: Billy Shirley  
E-mail: [Billy.T.Shirley@wv.gov](mailto:Billy.T.Shirley@wv.gov)

All comments received within this period will be considered prior to acting on the Draft General Permit. Correspondence should include the name, address and telephone number of the writer and a concise statement of the nature of the issues being raised. If information received during the public comment period appears to raise substantial new questions, the Director may reopen the public comment period.

All applicable information concerning the new general permit and the tentative decisions is on file and may be inspected at the following link:

<https://dep.wv.gov/WWE/Programs/stormwater/ogcsw/Pages/default.aspx>

Requests for additional information should be directed to Billy Shirley at (304) 926-0499, extension 43893.

DRAFT