

Protection (DEP) now has substantial experience in reviewing this monitoring data. Based on the extensive monitoring conducted by permittees and reviewed by DEP, the agency has concluded that changes in the existing instream monitoring program are warranted.

Revised Instream Monitoring Policy

When an NPDES permittee consistently meets its effluent limitations, the instream water quality will not be negatively affected by the discharge from mined areas. Instream monitoring is not a primary means of monitoring permit compliance, and bimonthly stream monitoring often exceeds the frequency required to protect instream water quality. Therefore, the receiving stream monitoring policy may be revised as follows for all new, reissued, or modified NPDES permits:

3. RECEIVING STREAMS

The receiving streams shall be monitored monthly by grab samples as required at the stream sampling points listed below, and the samples shall be analyzed for the parameters listed below. The flow of the stream shall also be estimated at the time of monitoring. Instream monitoring shall be done approximately at the same time as one of the discharge point monitoring events as required under Section A of this permit. A quarterly report of the stream monitoring and flow shall be sent to the NPDES section in Charleston, on the enclosed forms along with the reports required under Section A. Based upon the stream monitoring flow data, water quality standards or other information, the Department may at any time modify the effluent limits in Section A of this permit for any of the discharge points if necessary, to ensure compliance with water quality standards.

Application to Reduce Monitoring Frequency

Monthly Monitoring

The revision to monthly instream monitoring will be made to eligible permits automatically upon permit reissuance. However, a permittee may also submit an application for minor modification of the associated NPDES permit pursuant to 47 CSR § 30-8.2.c.1.B.

In certain circumstances where a permittee has not demonstrated reasonable compliance with its effluent limitations, DEP may continue to require semi-monthly sampling of instream monitoring stations. DEP will consider the required monitoring frequency on a stream by stream basis.

Quarterly Monitoring

A permittee may request quarterly instream monitoring frequency if all the following circumstances are met:

1. The mining activities monitored by the instream station have been ongoing for at least two years or mineral removal is complete and final land reclamation has been initiated.

2. No violations of effluent limitations have occurred for the outlets associated with the instream monitoring station for at least two years (provided, however, that a permittee may provide information to demonstrate that any isolated exceedances of effluent limitations have not affected instream water quality); and
3. The permittee has received no violations for “conditions not allowable” in the associated receiving stream for at least two years.

The permittee shall submit an application for minor modification of the associated NPDES permit pursuant to 47 CSR § 30-8.2.c.1.B. The application must include all monitoring data for the instream monitoring station(s) and the associated outlets for a period no less than two years. If any violations of water quality standards have occurred during this period, the permittee must address the situation and demonstrate that the concentrations above the relevant water quality criteria are not caused by the permittee’s effluent. This can be accomplished by comparing upstream and downstream monitoring station data.

If DEP determines that the permittee qualifies for reduced monitoring, the frequency shall be reduced to quarterly monitoring for instream stations. The reduced frequency shall be granted on a stream by stream basis; certain monitoring location may receive a reduced frequency even if other instream stations for the permit do not qualify for a reduced frequency.

Semi-Annual Monitoring

After two years of quarterly monitoring, a permittee may request reduction to semi-annual monitoring. In certain circumstances where mineral removal activities are complete, final land reclamation has been initiated and the permittee has a long history of compliance with effluent limits, DEP may at its own discretion reduce the frequency to semi-annual monitoring of instream stations at any time upon application by the permittee.