WV Stormwater Construction
General Permit Associated with Oil and Gas Related Activities

Public comment Period
March 8, 2012 – April 30, 2012
Public Hearing April 9, 2012
What Oil and Gas field construction activities are not covered under this permit?

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 and Gas.

4. Activities covered under the WV NPDES Stormwater Construction General Permit.
Two Types of Applications

1. Notice of Intent (NOI) Permits – short form

2. Site Registration Application Form - long form
Notice of Intent (NOI)

Projects that will:

• Disturb 1 acre to less than 3 acres
• Do not discharge to or upstream of a Tier 3 water
• Grading will last less than 1 year
Notice of Intent (NOI)

- Stormwater pollution prevention plan (SWPPP) is prepared but not submitted for review
- Approximate 10 day processing time
- Project shall not be started until the approval notice is received by the applicant
Site Registration Application

Projects that will:

• Disturb 3 acres or more of land
  or
• Discharge to or upstream of a Tier 3 water
  or
• Grading will last 1 year or longer
Site Registration Application

- Stormwater pollution prevention plan (SWPPP) is submitted for review
- 45 days for review
- Project shall not be started until the applicant receives the approval notice
Projects Requiring Public Notice

• 100 acres or more of disturbance
  or
• Continuous land grading phase lasting 1 year or longer
  or
• Projects that discharge directly to Tier 3 waters
Tier 3 Waters (47CSR2)

- all streams and rivers within the boundaries of Wilderness Areas designated by The Wilderness Act (16 U.S.C. §1131 et seq.) within the State, all Federally designated rivers under the “Wild and Scenic Rivers Act”, 16 U.S.C. §1271 et seq.; all streams and other bodies of water in state parks which are high quality waters or naturally reproducing trout streams; waters in national parks and forests which are high quality waters or naturally reproducing trout streams; waters designated under the “National Parks and Recreation Act of 1978”, as amended
HUC 12s that contain or are upstream of a Tier 3 Segment
Antidegradation
Direct Discharges to a Tier 3 Segment

• SWPPP submitted for review and approval
• Advanced BMPs required
• Emphasis on stream corridor protection
• Public notice and comment period required
Antidegradation
Direct Discharges Upstream
of a Tier 3 Segment

• SWPPP submitted for review and approval

• Advanced BMPs may be required in some cases

• Emphasis on stream corridor protection

• **No** Public notice and comment period
<table>
<thead>
<tr>
<th>Project Size</th>
<th>Protection Level</th>
<th>Grading Duration</th>
<th>Antidegradation Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 &lt; 3 ac.</td>
<td>Tiers 1 &amp; 2</td>
<td>&lt; 1 yr.</td>
<td>Notice of Intent to be submitted by applicant SWPPP maintained onsite but not submitted for DEP review</td>
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<tr>
<td>3 &lt; 100 ac.</td>
<td>Tiers 1 &amp; 2</td>
<td>&lt; 1 yr.</td>
<td>SWPPP submitted for review and approval Standard BMPs Low-impact development encouraged Emphasis on stream corridor protection</td>
</tr>
<tr>
<td>&gt; 1 ac.</td>
<td>Tiers 1 &amp; 2</td>
<td>≥ 1 yr.</td>
<td>SWPPP submitted for review and approval Standard BMPs Low-impact development encouraged Emphasis on stream corridor protection Public notice and comment period</td>
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<tr>
<td>≥ 100 ac.</td>
<td>Tiers 1 &amp; 2</td>
<td>any</td>
<td>SWPPP submitted for review and approval Standard BMPs Low-impact development encouraged Emphasis on stream corridor protection Public notice and comment period</td>
</tr>
<tr>
<td>≥ 1 ac.</td>
<td>Tier 1 &amp; 2 Upstream of a Tier 3</td>
<td>any</td>
<td>SWPPP submitted for review and approval Reviewer will use best professional judgment in requiring advanced BMPs Low-impact development encouraged Emphasis on stream corridor protection Public notice and comment period for sites where grading duration ≥ 1 yr. or project size ≥ 100 ac.</td>
</tr>
<tr>
<td>≥ 1 ac.</td>
<td>Tier 3</td>
<td>any</td>
<td>SWPPP submitted for review and approval Advanced BMPs required Low-impact development encouraged Emphasis on stream corridor protection Public notice and comment period</td>
</tr>
</tbody>
</table>
Posting of a Sign

• Within 24 hour of filing a NOI or Site Registration Application with DWWM, all projects shall display a sign for the duration of the construction project near the entrance of the project containing certain information.
1. Registrant’s name
2. Brief description of project
3. Indication whether it is an NOI or SWPPP filed at DWWM
4. Address and telephone number of Agency
5. Indicate that any person may obtain a copy of the NOI or SWPPP by contacting DWWM
The WVDEP is currently reviewing and responding to comments received during comment period. Office of Oil and Gas is currently reviewing DWWM’s responses.

161 comments were received
Questions?