

WV State 401 Water Quality Certification

Oil and Natural Gas Industry
Workshop
October 9, 2014

WVDNR Coordination Unit



Support to WVDEP 401 Program

Field Review

Technical Assistance to WVDEP and USEPA
Administrative Orders for CWA

§47-5A-4

...within one year after an application is deemed complete...

Coordinate Early and Often!



Complete Application May Include:

Right of Entry Authorization from the
WVDNR Office of Land and Streams

Mussel Surveys

WVDNR Data Request

NATIONWIDE PERMITS FOR THE STATE OF WEST VIRGINIA

**CORPS OF ENGINEERS REGULATORY
PROGRAM**

ISSUANCE OF NATIONWIDE PERMITS

NWP 12 Utility Line Activities

NWP 13 Bank Stabilization

NWP 14 Linear Transportation Projects

**NWP 39 Commercial and Institutional
Developments**

Nationwide Permits and Conditions
Regional Conditions
WV 401 Special Conditions

NWP General Conditions
WV 401 Conditions for NWP

12. Utility Line Activities



- A.** Points of ingress and egress to streams for equipment shall be within the work site...
- B.** ... Individual stream crossings must be completed in a continuous, progressive manner and within 72 hours...
- D.** Surface disturbance will not extend beyond the right-of-way limits. Stream crossings will be conducted as close to a right angle to the watercourse as practical and the area of disturbance will be limited to reduce in stream activity.
- I.** Individual State Water Quality Certification is required for utility lines within wetlands that would use or consider the use of herbicides for right-of-way maintenance.
- K.** Individual State Water Quality Certification is required for an activity impacting greater than 200 linear feet on one or more of the streams listed in West Virginia State Certification, Standard Condition 15.
- L.** Individual State Water Quality Certification is required for perennial and intermittent stream impacts greater than 300 linear feet.
- M.** No structure authorized by this permit shall entrain or impinge fish or any other aquatic life or impede or prevent fish movement upstream or downstream...

HDD



Open Trench



Drainage



Stabilization



13. Bank Stabilization



West Virginia 401 Water Quality Certification Special Conditions:

A. Individual State Water Quality Certification is required for bank stabilization activities located in an embayment, island back channel, stream mouth on Section 10 Rivers.

B. Individual State Water Quality Certification is required for perennial and intermittent stream bank stabilization activities greater than 500 linear feet authorized by the Corps of Engineers.

C. Stabilized streambanks, where possible and practicable, should be sloped and revegetated for erosion control purposes.

D. The use of unconsolidated river gravel (river jack) for streambank stabilization is not certified. Unconsolidated river material may be used to reconstruct streambanks or form bankfull benches provided they are stabilized by material and/or methods which prevent further erosion under normal or expected high flows. Acceptable material and/or methods are; quarried or shot rock, clean concrete rubble, gabions, cribbing, woody vegetation, and flow diversion structures such as rock vanes. All of the foregoing are to be used in combination with appropriate sloping and engineering specifications.

E. Individual State Water Quality Certification is required for an activity impacting greater than 200 linear feet on one or more of the streams listed in West Virginia State Certification, Standard Condition 15.

Suitable Material?





Alternatives





14. Linear Transportation Projects



West Virginia 401 Water Quality Certification Special Conditions:

A. Individual State Water Quality Certification is required for perennial and intermittent stream impacts greater than 300 linear feet.

B. Activities associated with temporary access fills, temporary cofferdams or other discharges related to accessing the stream for maintenance activities require the use of clean and coarse non erodible materials with 15% or less of like fines that is properly sized to withstand expected high flows.

C. Pipe, box, and arched culvert crossings:

a. The volume of fill for culverted structures is limited to the amount required to achieve transportation purpose.

b. The inlet/outlets must be designed in such a manner as to maintain substrate in the bottom of the culvert (culverts installed in bedrock streams do not need to be countersunk). Countersinking the culvert to the sub-pavement of the streambed, backwatering or the use of a bottomless culvert will generally fulfill this requirement.

c. If fills associated with the crossing extend onto the floodplain the use of floodplain culverts is strongly encouraged.

D. The volume of fill for a bridge abutment or piers below the ordinary high water mark is not to exceed 200 cubic yards for a single bridge project.

E. Individual State Water Quality Certification is required for an activity impacting greater than 200 linear feet on one or more of the streams listed in West Virginia State Certification, Standard Condition 15.

Non-Erodable Material?





Low Water Crossing







Options/Solutions







39. Commercial and Institutional Developments



West Virginia 401 Water Quality Certification Special Conditions:

- A. The permittee shall, concurrent with the nationwide permit application, submit written notification to the West Virginia Department of Environmental Protection, Division of Water and Waste Management of any use of this nationwide permit.

- B. Individual State Water Quality Certification is required for perennial and intermittent stream impacts greater than 300 linear feet.

- C. Projects impacting Section 10 waters and adjacent wetlands require Individual State Water Quality Certification.



Mitigation

Mitigation Banks

WVDEP In Lieu Fee

Permittee Responsible

Administrative Order

Before



After









