

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESOURCES
1201 GREENBRIER STREET
CHARLESTON, WV 25311-1088

WEST VIRGINIA/NPDES
GENERAL PERMIT FOR STORM WATER DISCHARGES
FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)

FACT SHEET AND RATIONALE

1. NAME AND ADDRESS OF APPLICANT: Any entity with storm water discharges from a small MS4 agreeing to be regulated under the terms and conditions of this proposed General Permit (except as noted herein).
2. GENERAL WV/NPDES PERMIT NO.: WV0116025
3. COUNTY: Any WV county
4. RECEIVING STREAM: Any WV stream
5. PUBLIC COMMENT PERIOD FROM January 24, 2003 TO February 24, 2003
6. BACKGROUND: Federal regulations issued in 1999 establish a permit requirement for small MS4 discharges. Portions of the federal regulation require states such as West Virginia to set up a permit program for these requirements and for affected MS4s to obtain permit coverage by March 2003. The WVDEP estimates that there are at least 40 municipalities that must meet these new permit requirements. Other entities such as prisons, hospitals, colleges, etc., located within designated urbanized areas that operate an MS4 will also be required to obtain permit coverage.

The federal regulations establish six categories of Best Management Practices (BMPs) that must be met by permittees. These are “narrative” permit effluent limitations. Those BMPs must be designed to reduce the discharge of pollutants from MS4s to the maximum extent practicable, to protect water quality and to satisfy the appropriate requirements of the federal Clean Water Act.

The six BMP categories, also called “minimum control measures” in the federal regulations, are:

- * Public Education and Outreach;
- * Public Participation and Involvement;
- * Illicit Discharge Detection and Elimination;
- * Construction Site Runoff Control;
- * Post Construction Storm Water Management in New Development and Redevelopment; and
- * Pollution Prevention and Good Housekeeping for Municipal Operations and Maintenance.

The EPA has promulgated two phases of storm water permit regulations in the past ten years. Phase I covered large and medium municipalities, as well as, industrial activities, including construction disturbances exceeding 5 acres in size. This was implemented in WV in 1992. However, WV did not have any municipalities meeting the population requirements to be considered a large or medium entity. As such, no Phase I permit was issued for separate storm sewer systems. Also, the permitting threshold for construction activities was lowered to 3 acres.

Phase II of the federal storm water regulations, the ones addressed in this Fact Sheet, expanded the universe of municipalities to smaller "urbanized areas" (UA) and lowered the threshold for construction activity requiring a permit to one acre.

7. TYPES OF DISCHARGES COVERED

This permit covers storm water discharges from small MS4s.

The federal regulations describe what constitutes a "small MS4" at 40 CFR 122.26(a)(16). The definition depends on a municipality's location in a UA as determined by the 1990 and 2000 censuses. The initial notice of these regulations in the Federal Register on December 8, 1999, listed seven UAs in WV, containing more than 40 municipalities, which are also listed. This list is based on the 1990 census and additional UAs and MS4s may be identified during 2003 based on the 2000 census.

The EPA's December 8, 1999 Federal Register notice also listed six potential UAs in WV. The federal regulations require the WVDEP to determine if the municipalities in those areas will be subject to the General Permit requirements. The WVDEP will make this determination and notify the effected entities.

8. MONITORING REQUIREMENTS

There are no numerical effluent limits or specific discharge monitoring requirements specified in this General Permit. Effluent limits are established in the General Permit in the form of storm water best management practices, which are designed to prevent the discharge of contaminated storm water to surface waters of the state to the maximum extent practicable.

40 CFR 122.44(k) allows an NPDES permit to include BMPs when numeric effluent limitations are infeasible or the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the Clean Water Act.

To aid in assessing achievement of improved water quality from the development and implementation of storm water BMPs, the permittee will be required to submit an annual report to the DWR. The DWR will review the annual report and program implementation to assess the effectiveness of the permittee's NPDES program for eliminating non-storm water discharges and reducing the discharge of pollutants to the maximum extent possible.

The State of West Virginia, Department of Environmental Protection, Division of Water Resources, has made a tentative decision for a State NPDES 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 by addressing such to the Director of the Division of Water Resources within 30 days of the date of the public notice. Comments will be accepted until February 24, 2003. Such comments or requests should be addressed to:

**Director, Division of Water Resources
Department of Environmental Protection
1201 Greenbrier Street
Charleston, WV 25311-1088**

**ATTENTION: Anne Howell
Phone: (304) 558-4253
Fax: (304) 558-4530
E-mail: ahowell@mail.dep.state.wv.us**

All comments received within this period will be considered prior to acting on the Draft General Permit. Correspondence should include the name, address and the telephone number of the writer and a concise statement of the nature of the issues raised. Comments will also be accepted in oral or written form at the public hearing.

All applicable information concerning any permit application and the tentative decisions is on file and may be inspected, by appointment, or copies obtained at a nominal cost, at the offices of the Division of Water Resources, at 1201 Greenbrier Street, Charleston, WV, between 8:00 a.m. and 4:00 p.m. on business days.

Hearing impaired individuals having access to a Telecommunication Device for the Deaf (TDD) may contact our agency by calling (304) 558-2751. Calls must be made 8:30 a.m. to 3:30 p.m. Monday through Friday.