

# Compliance Bulletin

## Biological Assessment Stations Annual Biological and Associated Quarterly Water Monitoring

In regard to WVDEP (DMR) policy of annual biological monitoring and associated quarterly water chemistry monitoring at Biological Assessment Stations (BAS), which are assigned in accordance with the Permitting Guidance for Surface Coal Mining Operations to Protect West Virginia's Narrative Water Quality Standards, 47 C.S.R. 2 §§ 3.2.e and 3.2.i (Narrative Guidance), the WVDEP (DMR) is issuing the following clarification:



west virginia department of environmental protection

- Baseline data, collected at assigned BAS locations, is incorporated into the NPDES permit(s) of mining operations.
- The NPDES permit(s) will require quarterly chemical and annual biological monitoring at the assigned BAS locations; however, WVDEP (DMR) policy dictates monitoring provisions at BAS are not mandatory until mining-related activity has been initiated within the reach shed of the outlet(s) to which the BAS are assigned (applicable outlets).
- An applicable outlet is defined as any outlet designated by the Narrative Guidance document to require biological and chemical monitoring, and Whole Effluent Toxicity (WET) tests.
- Any new mining-related disturbance related to establishment of the BAS within the reach shed of the applicable outlet, including timbering and road construction, shall initiate BAS monitoring requirements as described within Section D of the NPDES permit.
- Once surface mining activity has commenced as defined under § 22-3-3(u) subparagraphs (1) and (2), all BAS assigned to monitor the applicable outlet(s) must be monitored annually at a seasonally comparable time period ( $\pm 15$  days of the original application baseline date) as described in the NPDES permit, taking into account flow levels and weather conditions.
- This approach is congruent with WVDEP-DMRs current practice with respect to in-stream monitoring stations, which provides that water chemistry sampling is not mandatory until commencement of permitted activity within the monitored reachshed.
- Permittee should be aware that changes in the biological condition (as defined by the: "Permitting Guidance for Surface Coal Mining Operations to Protect West Virginia's Narrative Water Quality Standards, 47 C.S.R. 2 §§ 3.2.e and 3.2.i") at the BAS occurring between establishment of original (application) baseline and initiation of activity must be documented by the permittee.
- In the absence of seasonally-applicable biological monitoring data at BAS locations, reassessment of the baseline condition may only be considered when applicable bioassessment data collected at BAS and documentation of any deviations in land use, habitat, physical, or chemical conditions that have contributed to changes in biological condition that are unrelated to the mining activity monitored by BAS are presented to WVDEP. If such data is insufficient or nonexistent, the original assessment of biologic integrity, as represented by the application baseline condition, shall be the basis of comparison for evaluation of mining-related impacts to the aquatic ecosystem.

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