Narrative Water Quality Standards Guidance – Required Information in the e-Permitting Application

Effective March 6, 2013

Application Requirements for NWQS

* WVDEP's "Permitting Guidance for Surface Coal Mining Operations to Protect West Virginia's Narrative Water Quality Standards, 47CSR3.2.e and 3.2.i" must be addressed in **Module 2 Part VII Benthic Survey**.

* Required to be an administratively correct application.

* This section of the e-permitting application will be modified to include NWQS requirements in the near future with detailed instructions.

Documents for NWQS

TOTAL OF 4 DOCUMENTS:

1. **NWQS justification** -ALL coal permits
2. **Monitoring plan** - required if contains discharges that are non-precipitation induced and not substantially complete
3. **Baseline benthic report** - required if contains discharges that are non-precipitation induced and not substantially complete
4. **AEPP** – required if contains discharges that are non-precipitation induced and either outlet is not constructed or activities behind the outlets are not started

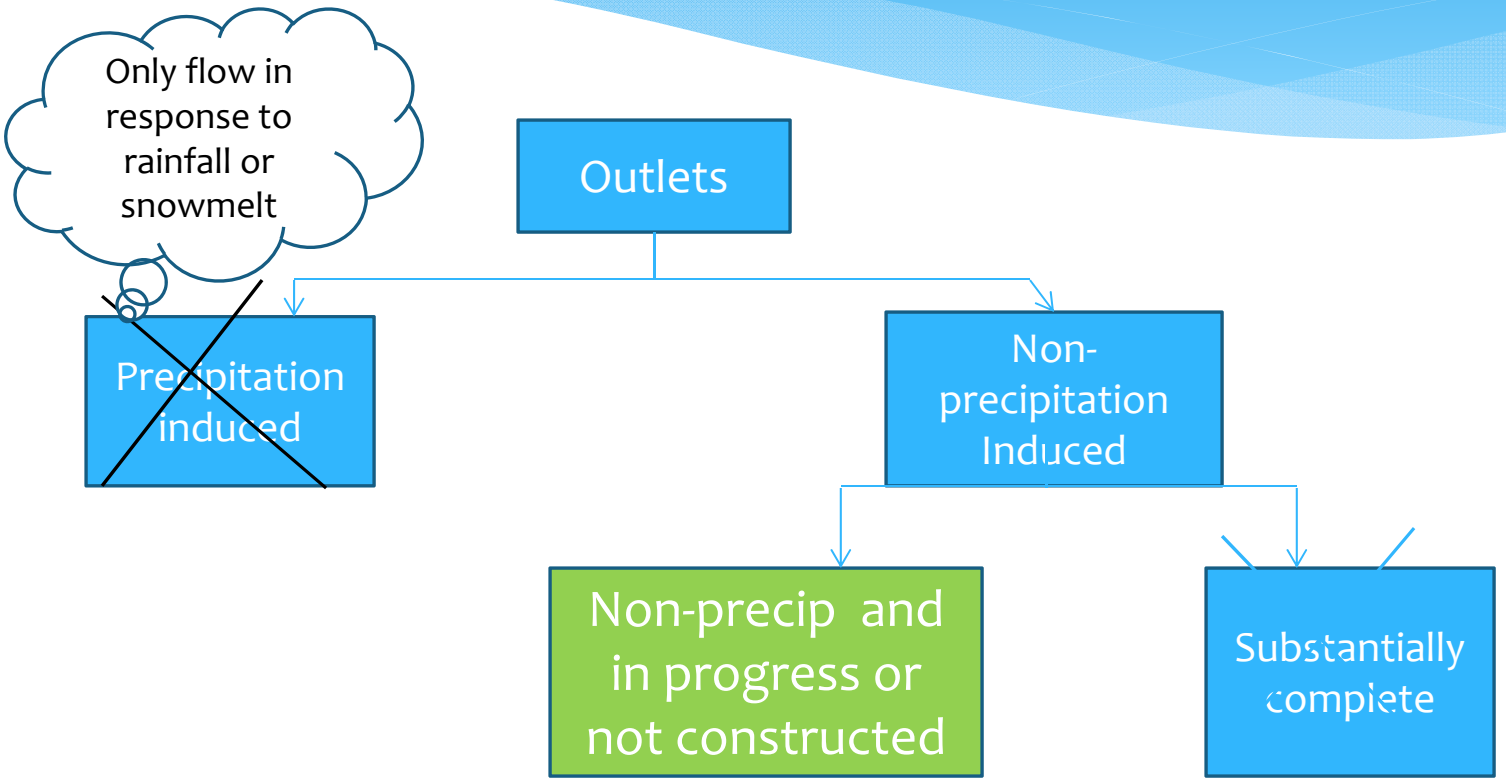
Reviewers for NWQS documents

* **Justification** – permit writer, inspector, analyst
* **Monitoring plan** – Analyst only
* **Baseline benthic report** – Analyst only
* **AEPP** – inspector is lead reviewer due to knowledge of required BMPs. Supplemental review by analyst, engineer, geologist.

#1 -NWQS Justification

* Must address every outlet on the permit
* First, identify precipitation vs. non-precipitation induced outlets
* Second, identify which non-precipitation induced outlets are substantially complete.
* Third, identify remaining outlets as non-precipitation induced which will require WET/BAS.
* May include reasonable potential (RP) discussion supported by biological and chemical data.

Which outlets apply?



Examples: pumped discharges, in-stream outlets, on-bench outlets w/ groundwater influences

NWQS Justification – "Substantially complete"

* A statement that an operation is "substantially complete" is NOT sufficient.
* Provide details on the following:
  * History of activities behind the outlet, including dates.
  * Identify control measures already in place.
  * Identify what control measures are yet to be implemented and if you expect them to impact the flow and quality of the non-precipitation induced flow through the outlet.
  * Pictures are beneficial to supplement your narrative.

#2 - Monitoring Plan

Provides location of proposed BAS locations including map and coordinates.

Identifies proposed biological and chemical monitoring with frequency.

After field verification by analyst, monitoring plan should be revised to reflect the verified BAS locations.

Serves as a reference in the future for required BAS locations for a particular permit.

#3 - Baseline Benthic Report

* Includes baseline biological, chemical and habitat information for all required BAS locations.

* Documents influences along 100 m reach of BAS.

Generic Benthic Survey Outline

* **Introduction** – description of mining operation, large scale geographic location
* **Methods and Procedures** – Bio, Chem and Habitat
* **Site Locations and Descriptions** – table w/ BAS coordinates and sample date, physical description of BAS, influences with 100 m reach
* **Results** – tables and/or narratives with site by site summaries of bio, chem and habitat
* **Discussion and Conclusions** – tie ALL data together with influences, activities, geology, land use, etc. to develop big picture analysis of results. Oddities and excursions should be examined.
* **References**
* **Figures**
* **Appendices**

#4 – Aquatic Ecosystem Protection Plan (AEPP)

* Include summary of permit activities proposed behind the applicable outlets (refuse, surface mining, valley fills, prep plant, deep mine discharge,etc.)
* Control measures must be specific to each type of activity. If multiple activities per permit, then identify control measures for each activity (fills versus pumped, etc.).
* NO biological or chemical monitoring information.
* No discussion of outlets not applicable to NWQS. Therefore, AEPP should not discuss precip induced or substantially complete discharges.

NPD/NPM

* **New application (NPD)** - Requires justification for all outlets as either precipitation induced or non-precipitation induced.

* **Modification (NPM)** – Requires justification for any new, expanded, or modified outlets as either precipitation induced or non-precipitation induced. Clarify if an existing outlet is being modified to a non-precipitation induced outlet (RP outlet).

* **AEPP**- If the new/ expanded or modified discharge is non-precipitation induced, then an AEPP is required along with WET/BAS.

NPR

* Requires justification in **every** reissuance application (NPR).
* If permit contains non-precip discharges that are NOT substantially complete, then WET/BAS required.
* If permit contains non-precip discharges which are NOT constructed or activity behind outlet NOT started, then AEPP required in NPR along with WET/BAS.

AEPP - NPR

* **In a reissuance which requires an AEPP,** *permittee must evaluate whether any control measures identified in AEPP are not currently included in the approved Article 3 permit. If new measures are identified, then an Article 3 revision must be required to incorporate these new measures in the Hydrologic Reclamation Plan (Section J-11). No offsite control measures can be included in the Article 3 application.*

* Inspector will confirm if Article 3 revision is required.

Standard Correction for NPD/NPM

NPD/NPM

To assist in implementation of WVDEP's "Permitting Guidance for Surface Coal Mining Operations to Protect West Virginia's Narrative Water Quality Standards" issued on August 12, 2010, provide a narrative including justification for each outlet as either precipitation-induced or non-precipitation induced. Precipitation-induced justification may include type of discharge, location of sediment structures, flow / rainfall data from an adjacent representative permit, groundwater surveys, jurisdictional determination, etc.

Any non-precipitation induced outlets will require Biological Assessment Stations (BAS) in a perennial segment downstream of the outlet as well as additional stations needed to assess entire aquatic ecosystem health. Please provide a monitoring plan with proposed BAS locations and any stream delineation information available. Contact the regional Environmental Resource Analyst to set up a site visit to approve BAS locations. A baseline benthic survey is required along with the associated chemical monitoring suite described in the guidance document for each required BAS location.

Provide an Aquatic Ecosystem Protection Plan (AEPP) to describe control measures the permittee will implement to achieve WET limitations at non-precipitation induced outlets and minimize impact to the aquatic ecosystem. The onsite control measures specified in the AEPP must also be addressed in the associated Article 3 application. DO NOT include any chemical or biological monitoring information in the AEPP.

Therefore, NWQS info MUST be divided into 4 separate attachments as follows:
NWQS justification, Monitoring Plan, Baseline Benthic Survey, and AEPP.

Standard Correction for NPR

NPR

To assist in implementation of WVDEP's "Permitting Guidance for Surface Coal Mining Operations to Protect West Virginia's Narrative Water Quality Standards" issued on August 12, 2010, provide a narrative including justification for each outlet as either precipitation-induced or non-precipitation induced. Precipitation-induced justification should include flow correlated with rainfall data. If activities behind a particular non-precipitation induced outlet meet the definition of "substantially complete" per the guidance, provide this information in the narrative justification accordingly. Describe history of activities behind the outlet, what control measures are in place, and why no additional control measures could be implemented. "Substantially complete" outlets will not require BAS/WET.

Any non-precipitation induced outlets will require Biological Assessment Stations (BAS) as well as additional stations needed to assess entire aquatic ecosystem health. Please provide a monitoring plan with proposed BAS locations. Contact the regional Environmental Resource Analyst to set up a site visit to approve BAS locations. A baseline benthic survey is required along with the associated chemical monitoring suite described in the guidance document for each required BAS location.

Provide an Aquatic Ecosystem Protection Plan (AEPP) to describe control measures the permittee will implement to achieve WET limitations and minimize impact to the aquatic ecosystem for any NON-CONSTRUCTED OUTLETS which are NON-PRECIPITATION INDUCED. A revision of the associated Article 3 permit may be required to include newly identified onsite control measures in the AEPP. DO NOT include any chemical or biological monitoring information in the AEPP.

Therefore, NWQS info MUST be divided into 4 separate attachments as follows: NWQS justification, Monitoring Plan, Baseline Benthic Survey, and AEPP.

Questions?

Info:

http://www.dep.wv.gov/dmr/Narrativeguidanceinformation/Pages/default.aspx

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