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GUIDANCE FOR PROCEEDING THROUGH POST MINING LIMITS, STRUCTURE REMOVAL, AND OUTLET DELETION

PURPOSE

The purpose of this guidance is to provide a procedure for moving through the process of requesting post mining limitations, structure removal, and final deletion of an outlet.

PROCEDURE

Under 40 CR 434.11(k), the following surface operations are classified as a Post Mining Area:

- (1) A reclamation area, which is the surface area of a coal mine which has been returned to required contour and on which revegetation (specifically, seeding or planting) work has commenced.

STEP 1:

As stated in the “Post Mining Limits under 47 CSR 30” policy, when an outlet qualifies as a Post Mining Area, manganese effluent limitations can be reevaluated immediately. If the permit contains effluent limits for Manganese to protect a public water supply, then manganese effluent limitations must remain; otherwise, the manganese effluent limitations may be removed for any outlet that discharges for an area classified as a “reclamation area.” Therefore, a modification to remove Mn limitations can be submitted for all applicable outlets immediately. Inspector should confirm that the definition of “reclamation area” is met by evaluating whether backfilling and grading have been accomplished and revegetation has commenced according to the approved reclamation plan and corresponds with the approved grading profiles. Permittee must provide date(s) the drainage area(s) met the definition of “reclamation area” in the NPDES application.

NOTE: One raw water data sample may be requested by the NPDES Permit Writer to ensure protection of any downstream public water intakes, even if no WQBELs are currently applied to the permit (e.g. a permit just outside of the 5 mile zone of a public water supply).

STEP 2 (if applicable): Permittee should assess with WVDEP regional NPDES unit whether sufficient information and conditions exist to remove report only parameters from the monitoring requirements.

STEP 3: Accumulate required effluent data and collect appropriate raw water samples as required per “Post Mining Limits under 47 CSR 30” policy for **all parameters on the permitted outlet, including report only** (with the exception of TDS, Specific Conductance and Sulfates). Sampling shall begin when area meets the definition of “reclamation area” per 40CFR434 for Post Mining Areas. Parameters sampled must match parameters on the NPDES permit at the time of sampling.

STEP 4: Submit modification to request post mining limitations and include required effluent and raw water data that you collected in STEP 3. Requests for post mining limitations can be parameter specific.

STEP 5: After approval of post mining limitations for all parameters on all outlets of a particular Article 3 permit is received, apply for Phase I release. Although not required, it is recommended that Phase I release be applied for after post-mining limitations have been received, where applicable.

STEP 6: Collect raw water data according to "Removal of Sediment Control Structures" in Series 12 of the Inspection and Enforcement handbook for remaining parameters on the NPDES permit after STEPS 1-4 have been completed. Although not required to go post-mining first, this will minimize raw water collection parameters to only those required by 40CFR434 for Post Mining Areas.

STEP 7: Provide data collected in STEP 6 to inspector and request permission to remove structure (at minimum two years after last augmented seeding and only if post-mining SWROA plan allows for removal of structure). Obtain approval form for structure removal. Inspector will document on MR-6.

STEP 8: As soon as possible after approval is received, remove sediment control structure in field. Inspector will document on MR-6.

STEP 9: Submit NPDES modification to delete outlets for which all treatment systems and the sediment control structure have been removed. (Refer to notes below for additional information.)

STEP 10: Proceed with request for Phase II release once the above steps have been completed and all vegetative requirements for Phase II release are met for the entire permit.

MUST NOTE:

- i. If STEPS 6-8 have not been completed prior to request for Phase II release, then provide required information for STEP 5 in release application.
- ii. For wet seals, if sediment control structure is removed, then outlet must be relocated to the wet seal. This outlet and its associated monitoring requirements will remain until Phase III release.
- iii. Post-mining limitations are not applicable to quarry operations. Preservation of the hydrologic balance requires raw water for all parameters on the applicable NPDES permit with effluent limitations or those parameters with monitoring only requirements for which there is an applicable water quality criterion.

Harold Ward, Acting Director
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