

***SUBJECT:* **MODIFICATIONS**
 Storm Water Discharges**

DATE:* **July 1, 2008*

APPROVAL:* **Ken Politan*

I. Permit by Rule: 47 CSR 30 – Storm Water Discharges

3.1.a.6. Conduct activities consisting of discharges of storm water runoff or snow melt composed entirely of flows, which are from conveyances used for collecting and conveying precipitation runoff, unless meeting the following requirements:

3.1.a.6.A. The facility shall have a valid WVNPDES permit;

3.1.a.6.B. The storm water activity shall not involve any mineral removal, pumping of storm water, or storm water commingled with mine drainage or refuse drainage;

3.1.a.6.C. The storm water activity shall be constructed and maintained in accordance with the issued Article 3 Permit Revision including incidental boundaries revisions and with the best management practices and performance standards contained in 38 CSR 2 and Chapter 22, Article 3;

3.1.a.6.D. Request to provide coverage under this rule shall be submitted on forms prescribed by the Director, for a Article 3 Permit Revision;

3.1.a.6.E. Authorization to discharge storm water is effective upon the issuance of the corresponding Article 3 Permit Revision;

3.1.a.6.F. Application for reissuance of the NPDES Permit shall include application information on all storm water discharges authorized under this rule; and

3.1.a.6.G. The Director may require any storm water discharge authorized by this rule to submit a NPDES modification when the Director determines that the receiving stream may be better protected by an individual NPDES modification.

II. Permit Condition Storm Water Discharges

The following condition will begin to appear as a standard condition under Condition D Other Requirements in the NPDES Permit. The request has been made to have it inserted.

Such discharges shall comply with the applicable Water Quality Standards in 47 CSR 2. Activities consisting of discharges of storm water runoff or snow melt composed entirely of flows which are from conveyances used for collecting and conveying

precipitation runoff, in accordance with 47 CSR 30, Section 3.1.a.6 and are authorized under Chapter 22, Article 3, are authorized by this permit. Such storm water discharges shall not involve any mineral removal, pumping of storm water, or storm water runoff commingled with mine drainage, refuse drainage, coal stockpile areas, preparation plant areas, loading areas or unloading areas. The activities shall be constructed and maintained in accordance with the issued Article 3 Permit Revision including incidental boundary revisions and with the best management practices and performance standards contained in 38 CSR 2 and Chapter 22, Article 3. These storm water discharges are authorized under this Condition upon issuance of the associated Article 3 application for the life of this permit. Updated NPDES permit application information will be submitted in the next reissuance application for activities covered under this Condition. The Director reserves the right to require any permittee to submit a NPDES modification when the Director determines that such receiving stream will be better protected by an individual NPDES modification.

III. Examples of Article 3 permitting actions that will be covered by this Condition.

- Additions or revisions to haul roads or access roads.
- Ventilation openings/shafts/boreholes with no pump or gravity mine discharges, including but not limited to power boreholes, supply and men access openings.
- Add and delete IBR with no mineral removal, including but not limited to adding pond cleaning areas, slips/slides, areas off the permit area that are immediately seeded and re-vegetated and correcting mapping errors.

IV. Process:

- Applicant would have to request NPDES storm water coverage in the associated Article 3 IBR or Revision permitting action.
- Permit Supervisor/NPDES Permit Writer confirms requested activity falls under the coverage of the Storm Water Condition.
- If the IBR or Revision activity falls under the Storm Water Discharge Condition, then special language will be added to the IBR or Revision Approval Letter, to document that the activity has NPDES coverage.

Attached to this guidance are examples of Article 3 IBR and Revision approval letters with the NPDES storm water approval language. Also attached is the revised Application for Permit Revisions form. The changes have been requested and soon will appear on our website to be used. Due to all the various checklist forms being used among the Regions, no suggested checklist forms are being prescribed by Headquarters at this time. It is up to each Permit Supervisor to ensure that all the above requirements are complied with, checked and verified.

Enclosures