



WV Stormwater Construction General Permit Associated with Oil and Gas Related Activities

Public comment Period
March 8, 2012 – April 30, 2012
Public Hearing April 9, 2012



What Oil and Gas field construction activities are not covered under this permit?

- 1. Operations that result in the disturbance of less than one acre of total land area, which are not part of a larger common plan of development.**
- 2. Stormwater discharges associated with land disturbing activities that may reasonably be expected to be causing or contributing to a violation of a water quality standard as determined by the Director.**

- 3. Activities regulated under the Department of Environmental Protection Office of Oil and Gas.**
- 4. Activities covered under the WV NPDES Stormwater Construction General Permit.**

Two Types of Applications

1. Notice of Intent (NOI) Permits – short form
2. Site Registration Application Form- long form

Notice of Intent (NOI)

Projects that will:

- Disturb 1 acre to less than 3 acres
- Do not discharge to or upstream of a Tier 3 water
- Grading will last less than 1 year

Notice of Intent (NOI)

- Stormwater pollution prevention plan (SWPPP) is prepared but not submitted for review
- Approximate 10 day processing time
- Project shall not be started until the approval notice is received by the applicant

Site Registration Application

Projects that will:

- Disturb 3 acres or more of land

or

- Discharge to or upstream of a Tier 3 water

or

- Grading will last 1 year or longer

Site Registration Application

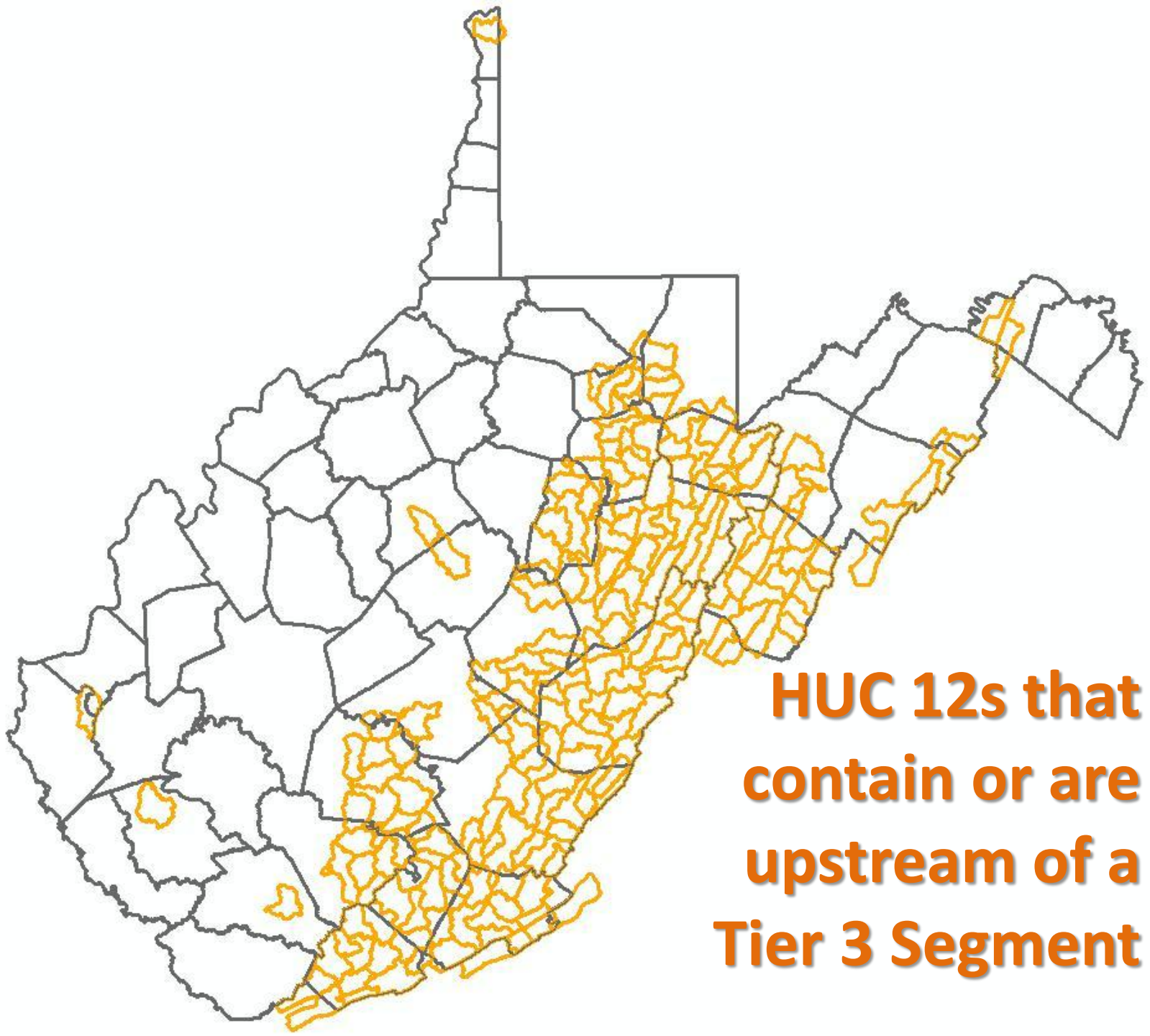
- Stormwater pollution prevention plan (SWPPP) is submitted for review
- 45 days for review
- Project shall not be started until the applicant receives the approval notice

Projects Requiring Public Notice

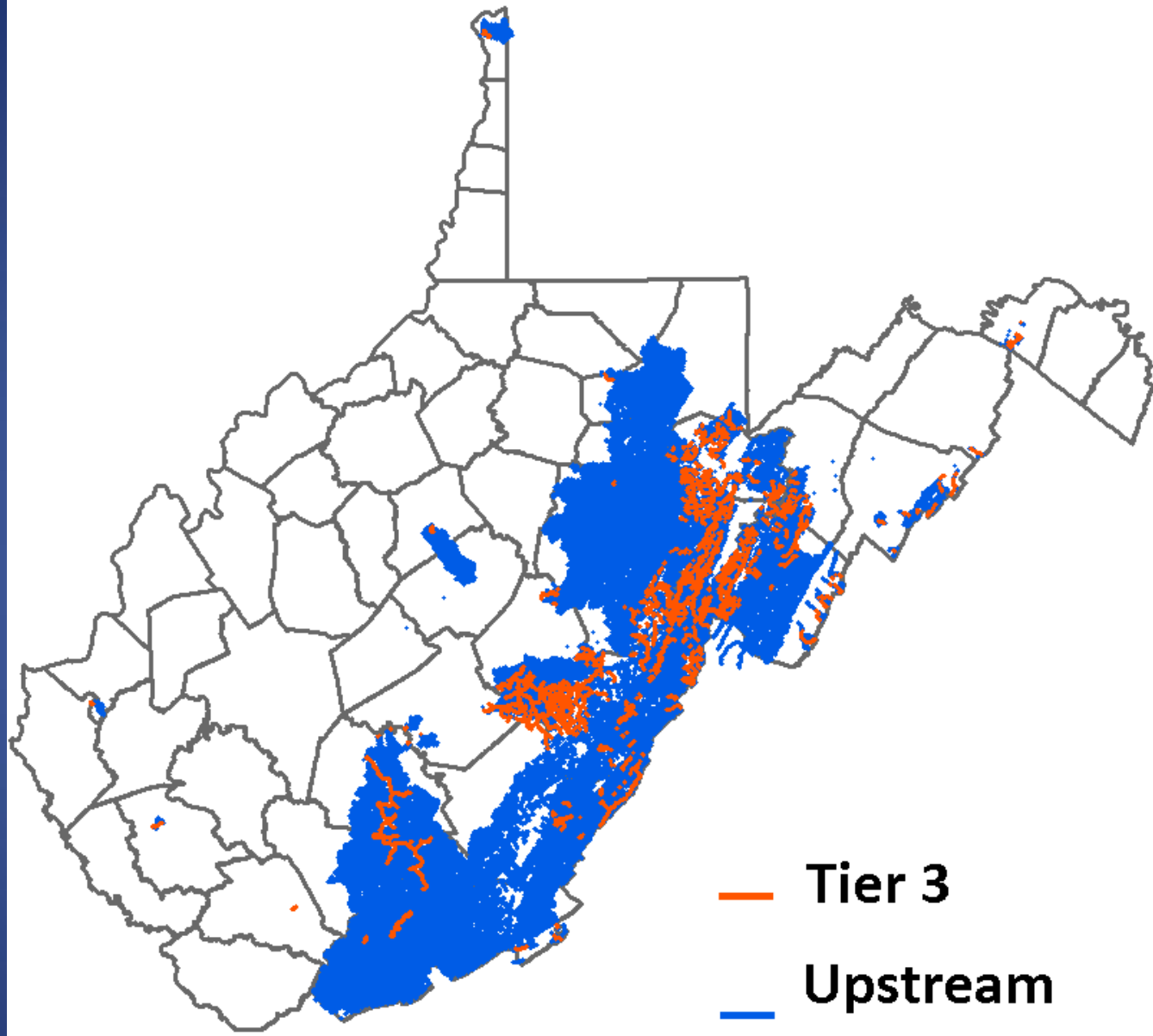
- 100 acres or more of disturbance
or
- Continuous land grading phase lasting 1 year
or longer
or
- Projects that discharge directly to Tier 3
waters

Tier 3 Waters (47CSR2)

- all streams and rivers within the boundaries of **Wilderness Areas** designated by The Wilderness Act (16 U.S.C. §1131 et seq.) within the State, all Federally designated rivers under the “**Wild and Scenic Rivers Act**”, 16 U.S.C. §1271 et seq.; all streams and other bodies of water in **state parks** which are **high quality waters or naturally reproducing trout streams**; waters in **national parks and forests** which are **high quality waters or naturally reproducing trout streams**; waters designated under the “National Parks and Recreation Act of 1978”, as amended



**HUC 12s that
contain or are
upstream of a
Tier 3 Segment**



— Tier 3

— Upstream
of Tier 3

Antidegradation

Direct Discharges to a Tier 3 Segment

- SWPPP submitted for review and approval
- Advanced BMPs required
- Emphasis on stream corridor protection
- Public notice and comment period required

Antidegradation

Direct Discharges Upstream of a Tier 3 Segment

- SWPPP submitted for review and approval
- Advanced BMPs may be required in some cases
- Emphasis on stream corridor protection
- No Public notice and comment period

Project Size	Protection Level	Grading Duration	Antidegradation Requirements
1 < 3 ac.	Tiers 1 & 2	< 1 yr.	Notice of Intent to be submitted by applicant SWPPP maintained onsite but not submitted for DEP review
3 < 100 ac.	Tiers 1 & 2	< 1 yr.	SWPPP submitted for review and approval Standard BMPs Low-impact development encouraged Emphasis on stream corridor protection
≥ 1 ac.	Tiers 1 & 2	≥ 1 yr.	SWPPP submitted for review and approval Standard BMPs Low-impact development encouraged Emphasis on stream corridor protection Public notice and comment period

Project Size	Protection Level	Grading Duration	Antidegradation Requirements
≥ 100 ac.	Tiers 1 & 2	any	<p>SWPPP submitted for review and approval</p> <p>Standard BMPs</p> <p>Low-impact development encouraged</p> <p>Emphasis on stream corridor protection</p> <p>Public notice and comment period</p>
≥ 1 ac.	Tier 1 & 2 Upstream of a Tier 3	any	<p>SWPPP submitted for review and approval</p> <p>Reviewer will use best professional judgment in requiring advanced BMPs</p> <p>Low-impact development encouraged</p> <p>Emphasis on stream corridor protection</p> <p>Public notice and comment period for sites where grading duration ≥ 1 yr. or project size ≥ 100 ac.</p>
≥ 1 ac.	Tier 3	any	<p>SWPPP submitted for review and approval</p> <p>Advanced BMPs required</p> <p>Low-impact development encouraged</p> <p>Emphasis on stream corridor protection</p> <p>Public notice and comment period</p>

Posting of a Sign

- **Within 24 hour of filing a NOI or Site Registration Application with DWWM, all projects shall display a sign for the duration of the construction project near the entrance of the project containing certain information.**

- 1. Registrant's name**
- 2. Brief description of project**
- 3. Indication whether it is an NOI or SWPPP filed at DWWWM**
- 4. Address and telephone number of Agency**
- 5. Indicate that any person may obtain a copy of the NOI or SWPPP by contacting DWWWM**

STATUS

- The WVDEP is currently reviewing and responding to comments received during comment period. Office of Oil and Gas is currently reviewing DWWM's responses.
- 161 comments were received

Questions?