



# 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  
Issued May 13, 2013  
Effective Date June 12, 2013



## On our web page

- Oil and Gas Construction Stormwater General Permit
- Oil and Gas Construction Stormwater Fact Sheet
- Oil and Gas Construction Stormwater Responsiveness Summary
- <http://www.dep.wv.gov/WWE/Programs/stormwater/csw/Pages/cswdocs.aspx#O&G>

# **What Oil and Gas Related 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

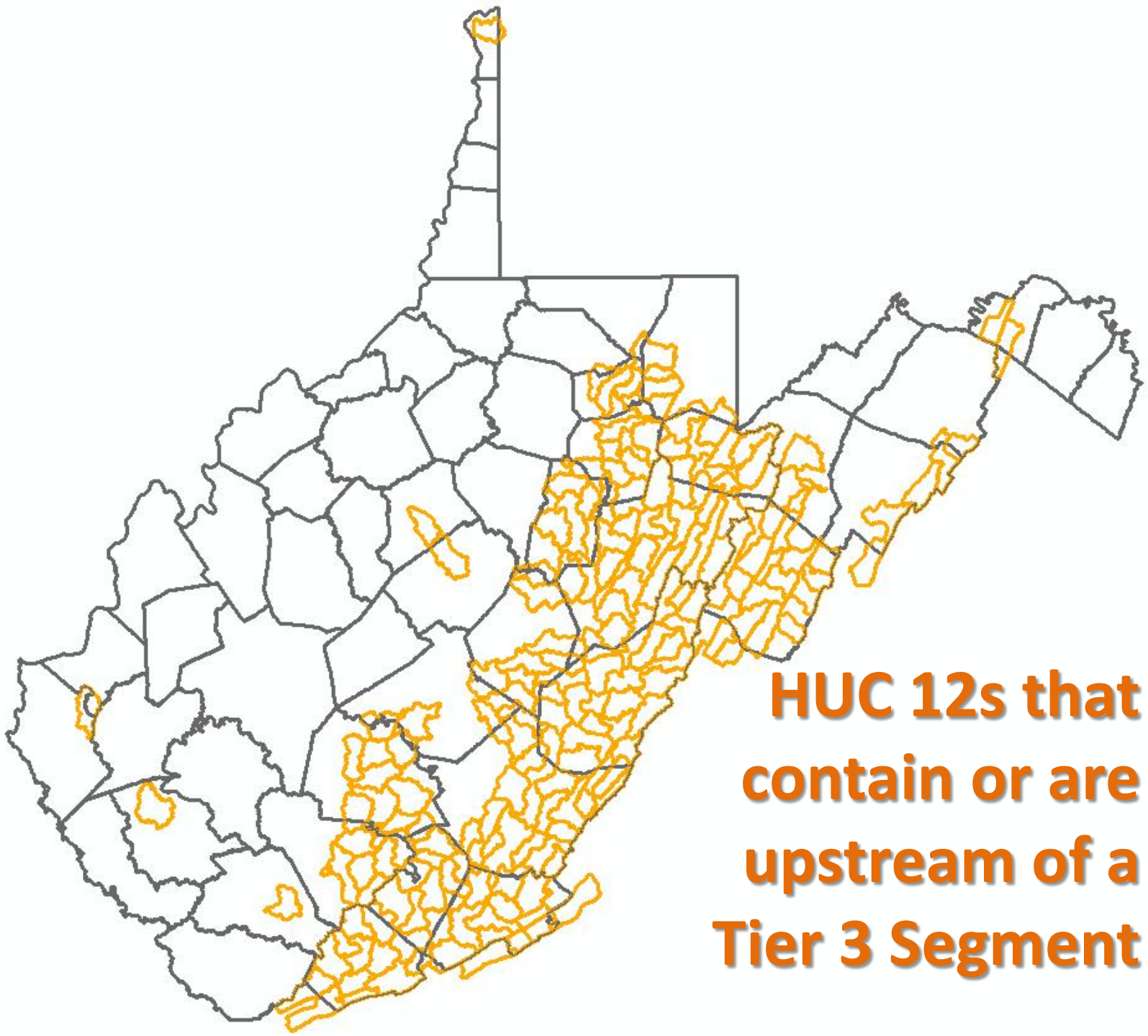
- Stormwater pollution prevention plan (SWPPP) is submitted for review
- 45 days for review
- Project shall not be started until the applicant receives the approval notice

# Projects Requiring Public Notice

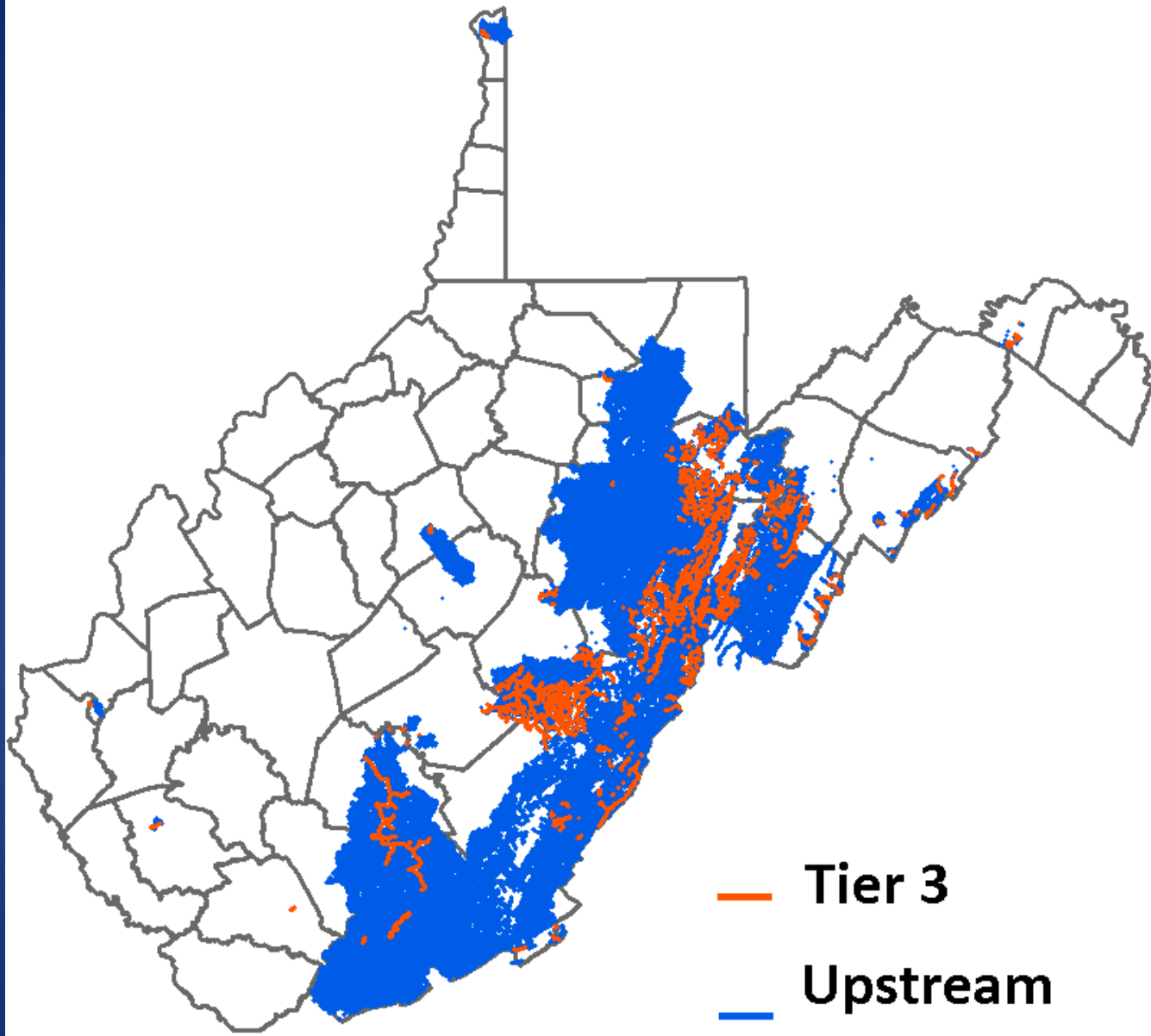
- **100 acres or more of disturbance**  
or
- **Continuous land grading phase lasting 1 year or longer**  
or
- **Projects that discharge directly to Tier 3 waters**

## 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 <b>Public notice and comment period</b>



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

# 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

- 161 comments were received
- The WVDEP has completed the Responsiveness Summary and it is posted on the web-site for review.
- Permit issued on May 13, 2013
- Effective date June 12, 2013
- 5 year permit
- <http://www.dep.wv.gov/WWE/Programs/stormwater/csw/Pages/cswdocs.aspx#O&G>

Questions?