

STORMWATER PERMITS

BACKGROUND

WV State Code: §22-11

WV Code of State Rules: 47 CSR 10

When rain or melting snow (or “stormwater”) passes over disturbed surfaces, it collects pollutants—including sediment, chemicals, and debris—which can negatively affect stream health. WVDEP issued a General WV Water Pollution Control Permit (permit number WV0116815) to regulate stormwater associated with oil and gas development activities. Specific sites register under this general permit, which applies to natural gas infrastructure covering pipelines, compressor stations, storage pads (for tanks, equipment, etc.), and access roads to these facilities. Stormwater runoff from well pads and access roads to those well pads are covered by the Well Work permit.

This permit minimizes potential impacts to surface waters through best management practices (BMPs) to control stormwater runoff. While some erosion of exposed soil is unavoidable when it rains, proper BMPs will minimize the amount of sediment that reaches streams. All permit applicants must submit a plan for installation of BMPs with the permit application.

Projects disturbing greater than three acres are required to submit their registration materials 60 days before the project start date. Registration materials include:

- a Site Registration Application (SRA),
- an Erosion and Sediment Control Plan, and
- a Stormwater Pollution Prevention Plan (SWPPP).



CONSTRUCTION OF OHIO VALLEY CONNECTOR: A 30 INCH NATURAL GAS PIPELINE IN WETZEL COUNTY

Projects disturbing one to less than three acres have a simplified option for meeting stormwater permitting requirements, including:

- a notice of intent (NOI) form prior to starting construction;
- an SWPPP that must be kept onsite and provided upon request to WVDEP, but that is not subject to prior approval; and
- an SRA, if construction lasts longer than one year.

These permits do not specifically require monitoring, although WVDEP may request it.

STORMWATER PERMITS ON WVDEP WEBSITE:

Go to the website: www.dep.wv.gov

1. On bottom left under Permitting, click "Electronic Submission System"
2. Scroll down to bottom right, under Public click "Query"
3. Under Office, select "Water and Waste Management"
4. Under App Status, select "Open Applications"
5. Search by Applicant, Permit Number, or County

OPPORTUNITIES FOR CITIZEN INVOLVEMENT

PUBLIC NOTICE

Because these are registrations under a general permit, many of these permits do not require public notice, a comment period, or a hearing. But there are three important exceptions. Any natural gas project that meets any of the following criteria triggers public notice and a comment period:

- earth disturbance activities lasting one year or longer,
- disturbance of 100 acres or more, or
- discharges to Tier 3 (high quality) waters.

WVDEP keeps track of oil and gas projects and notes when projects connect to one another, effectively increasing in size. If a company applies for a permit to build a pipeline corridor that will disturb 40 acres and this disturbance will connect to an already-existing pipeline corridor that has disturbed 75 acres, the permit in question will be considered a modification of the original 75-acre permit and will cross the threshold at which public notice and comment periods are required.

PUBLIC HEARINGS

A public hearing will be held at WVDEP's discretion. If the permit is complicated, a project is thought to be controversial, or if there are substantial comments, a hearing may be scheduled; this hearing will be advertised and will open an additional 30-day comment period.

LEGAL ACTIONS

Stakeholders may appeal decisions at the West Virginia Environmental Quality Board.

COMMENT PERIOD

A 30-calendar day public comment period will be held, if triggered as described above.

TIPS FOR WRITING COMMENTS

IMPORTANT THINGS TO DESCRIBE IN COMMENTS:

- **Steep slopes.** Erosion and sedimentation is more difficult to contain during construction on steep slopes. Note any steep slopes in the proposed work area. Proposed BMPs should be adequate for the slope. Will the proposed BMPs handle the maximum estimated volume of sediment to be released?
- **Gaps in proposed BMPs.** Inadequate maintenance is the primary reason that BMPs fail (silt fences, for example). Straw and hay bales often are not sufficient. Does the SWPPP require maintenance for BMPs with appropriate schedules?
- **Stream crossings and stream impact areas.** Each stream crossing must have individual site plans that clearly define BMPs for controlling stormwater runoff.
- **Time frame for the construction.** Ideally, construction would be completed during dry seasons. Projects should be timed so that vegetation is planted during the spring and established before the bulk of runoff will occur; however, vegetation should be planted immediately regardless of the season. Examine the proposed schedule of events with these factors in mind.
- **Hazardous materials.** Hazardous substances, such as diesel fuel, must be stored with proper containment. Does the SWPPP properly prevent and/or contain spills? Is there reason to believe that hazardous substances will be released? The permit should not allow stormwater discharges containing hazardous substances.