



**STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER AND WASTE MANAGEMENT
601 57th Street SE
Charleston, WV 25304-2345**

**FACT SHEET, RATIONALE AND INFORMATION FOR
GENERAL NPDES PERMIT FOR CONSTRUCTION STORMWATER**

This fact sheet explains the new Construction Stormwater General Permit WV0115924, issued on November 5, 2007.

1. NAME AND ADDRESS OF APPLICANT

An applicant is any establishment with discharges composed entirely of stormwater associated with industrial activity (construction) agreeing to be regulated under the terms of this General Permit (except as noted herein). Construction activities are defined as land disturbing operations such as grubbing, grading and excavating operations during site development for residential, commercial or industrial purposes except for 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 or sale. A common plan of development is a contiguous construction project where multiple separate and distinct construction activities may be taking place at different times on different schedules but under one plan, including most subdivisions.

2. GENERAL WV/NPDES PERMIT NO: WV0115924

3. COUNTY: Any WV county

RECEIVING STREAM: Any WV stream

4. PUBLIC COMMENT PERIOD FROM July 31, 2007 TO September 4, 2007

5. SIC CODE: 17

6. DESCRIPTION OF APPLICANT'S FACILITY OR ACTIVITY:

The activities and facilities will be varied.

7. DESCRIPTION OF DISCHARGES:

Earthmoving and grading projects create conditions where accelerated erosion can cause large quantities of soil to be deposited into the streams and rivers of the state. The lack of vegetation, steepening of slopes, increased runoff, decreased infiltration, and other ill effects of construction can cause a 1,000-fold increase in the rate of erosion over pre-existing conditions. The erosion rates on construction sites can run into the hundreds of tons per acre. By volume, sediment is the number one pollutant in the state's waters and degrades more miles of stream than any other pollutant.

8. BACKGROUND

The 1972 Amendments to the federal Water Pollution Control Act (referred to as the Clean Water Act or CWA), prohibit the discharge of any pollutant to navigable waters from a point source unless the discharge is authorized by an NPDES permit. Efforts to improve water quality under the NPDES program traditionally and primarily focused on reducing pollutants in discharges of industrial process wastewater and municipal sewage.

However, as pollution control measures were initially developed for these discharges, it became evident that more diffuse sources (occurring over a wide area) of water pollution, such as agricultural and urban runoff, are also major causes of water quality problems. Some so-called diffuse sources of water pollution, such as agricultural stormwater discharges and irrigation return flows, are statutorily exempted from the NPDES program.

Since the enactment of the 1972 amendments to the CWA, considering the rise of economic activity and population, significant progress in controlling water pollution has been made, particularly with regard to industrial process wastewater and municipal sewage.

The "National Water Quality Inventory," 1988 report to Congress provided a general assessment of water quality that concluded pollution from diffuse sources is a serious problem. Runoff from agricultural, urban areas, construction sites, land disposal, and resource extraction is cited by the states as the leading cause of water quality impairment.

The states conducted a more comprehensive study of diffuse pollution sources under the sponsorship of the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) and the EPA, which indicated that urban runoff, is a major cause of beneficial use impairment.

This trend has continued almost unabated. Recent studies (Metropolitan Council of Governments, EPA, states, and others) have shown that urban runoff from all sources severely impacts water quality and limits designated uses of the waters of the United States. Studies by the Watershed Assessment Section of the Division of Water and Waste Management have determined that sediment is the number one source of water quality impairment in West Virginia. Sediment moderately to heavily impacts approximately 70% of the state's waterways. One of the largest sources of sediment is construction activities.

The Water Quality Act (WQA) of 1987 contained provisions that specifically addressed stormwater discharges. Section (p) was added to the stormwater discharge provision Section 402. Section 402(p)(4)(A) required the EPA to promulgate final regulations governing stormwater permit application requirements for stormwater discharges associated with industrial activity and discharges from large municipal separate stormwater systems. In response to lawsuits filed by the Natural Resource Defense Council (NRDC), the EPA finally published regulations on November 16, 1990. West Virginia's first stormwater general permit was based on this rule. In early 1992, the EPA published additional information that changed some of the standards, particularly in relation to construction. The state's previous construction stormwater general permits closely mirrored the EPA's permit except the federal permit's higher minimum disturbance threshold was lowered to three acres.

The NRDC again sued the EPA on several issues, one germane to this permit. NRDC contended, among other items, that the five-acre limit for construction site disturbance was arbitrary and capricious and should be rethought. The court agreed, telling the EPA to come up with a new and lower disturbance threshold. In 1999, the EPA published the new rule for Phase II of the Stormwater General Permit in the Federal Register, and among other things, lowered the disturbance threshold to one acre, meeting the intent of the court ruling on NRDC's lawsuit.

9. GENERAL

The Division of Water and Waste Management, through its permitting system, is responsible for ensuring that wastewaters are identified, receive adequate treatment and are disposed of in accordance with federal and state regulations. Usually this requires an individual permit based on a thorough review of the facility processes and the constituents of its waste stream. The issuance of an individual permit for any facility is a resource intensive and time consuming process for both the permitting agency and the industry.

All parties recognize the immensity of the problem of issuing individual permits for the large number of anticipated new sites throughout the state; hence, such permitting is currently too resource intensive.

For these reasons, the Division of Water and Waste Management has decided to utilize a general WV/NPDES permit. The Division of Water and Waste Management assumed primacy for the NPDES Program from the EPA in 1982. Under 47CSR10-13.6 of the Legislative Rules, a general permit can be used to regulate either separate storm sewers or a category of point sources other than separate storm sewers if the sources all:

- a. Involve the same or substantially similar types of operations;
- b. Discharge the same types of wastes;
- c. Require the same effluent limitations or operating conditions;
- d. Require the same or similar monitoring; and
- e. In the opinion of the Director, are more appropriately controlled under a general permit than under individual permits.

About 370 construction sites per year have been permitted over the last 14 years. The general permit process has proven to be a very efficient mechanism to cover construction-related activities. It is proposed to continue the use of a general permit for these facilities.

10. COVERAGE UNDER THE GENERAL PERMIT

The general permit proposes to provide coverage for any discharges composed entirely of stormwater associated with industrial (construction) activity and agreeing to be regulated under the terms of the general permit except for:

1. Operations that result in the disturbance of less than one acre of total land area, which is not part of a larger common plan of development or sale.
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. Land disturbing activities governed by other NPDES permits issued by the Department of Environmental Protection. This includes Division of Mining and Reclamation permits for coal mining and non-metallic quarries.
4. Landfills, except in the preparation of a new landfill, landfill treatment facilities and/or borrow areas.
5. Other activities exempt from NPDES permitting requirements as set forth in 40CFR122.3 and 47CSR10.3.2.b.
6. Land disturbing activities related to oil and gas activities as required by the Energy Policy Act of 2005. These activities include construction of drilling sites, waste management pits, and access roads, as well as construction of the transportation and treatment infrastructure, such as pipelines, natural gas treatment plants, natural gas pipeline compressor stations, and crude oil pumping stations. Construction activities that result in a discharge of a reportable quantity release or that contribute pollutants (other than non-contaminated sediments) to a violation of a water quality standard are still subject to permit coverage.

Determination of the disturbed area is made by totaling all disturbed area directly related to construction of the entire project. Offsite waste (excluding sales of topsoil to individuals) and borrow sites are included in the total disturbance unless borrow sites are commercial quarries and regulated by the Division of Mining and Reclamation.

For subdivisions, the total disturbed area is calculated by adding up all disturbances related to the installation of utilities, construction of sediment control facilities, building of roads and other infrastructure. Phased projects that disturb less than one acre in each phase but will eventually disturb more than one acre with all phases will need to register under this permit.

Construction of single family residences by the homeowner or homeowner's contractor requiring land disturbances less than three acres in size are provided coverage under the General WV/NPDES Water Pollution Control Permit and do not require application for registration. However, all other terms and conditions of the General WV/NPDES Water Pollution Control Permit still apply except for the Notice of Termination requirement.

For minor construction activities (one to less than three acres) a simpler program exists. These minor land disturbing activities are required to submit a Notice of Intent (NOI) form prior to commencing construction. The NOI is a simplified application form. A Stormwater Pollution Prevention Plan (SWPPP) still needs to be developed, kept onsite, and made available for review by DEP personnel. A project that disturbs one to less than three acres but will have construction activities one year or longer must file a Site Registration Application Form.

Sites approved from January 1, 2006 through November 4, 2007, are hereby granted coverage under General WV/NPDES Water Pollution Control Permit WV0115924. Sites approved prior to January 1, 2006, will have until June 30, 2008, to have final stabilization completed. Final stabilization means disturbed areas shall be covered by the appropriate permanent protection. Final stabilization includes pavement, buildings, stable waterways (riprap, concrete, grass or pipe), a healthy, vigorous stand of perennial grass that uniformly covers at least 70 percent of the ground, stable outlet channels with velocity dissipation which directs site runoff to a natural watercourse, and any other approved structure or material. If these sites are not stabilized by June 30, 2008, an application to receive permit coverage will be required to be submitted to the Division of Water and Waste Management on or before July 1, 2008.

11. MONITORING REQUIREMENTS

Monitoring is not required unless requested by the Director. Construction activities are usually of short duration, less than one year, and the pollutant associated with construction is primarily sediment. The measures used to minimize pollution for land disturbing activities are preventative i.e., best management practices (BMPs) and are not subject to effluent limits.

12. WHEN TO APPLY

The application for construction activities requiring coverage must be submitted at least 45 days prior to starting the project, except as follows. Projects with three acres or greater disturbance that discharge to or upstream of Tier 2.5 or Tier 3 waters, or with 100 or greater acres of disturbance, or with an initial grading construction phase of one year or greater, must be submitted at least 90 days prior to start of construction in order to allow time for the public notice procedure. Minor construction projects (less than three acres) not discharging to or upstream of Tier 2.5 or Tier 3 waters must only submit the NOI form 10 days prior to initiation of construction. A project that disturbs one to less than three acres but will have construction activities one year or longer must file a Site Registration Application Form.

13. SECTION-BY-SECTION RATIONALE

Section A. Terms of Permit

This section of the permit establishes discharge limitations. Since construction activities are normally short term, sampling is not required unless requested by the Director.

Section B. Schedule of Compliance

Compliance with this General Permit and the approved Stormwater Pollution Prevention Plan (including the sequence of events) is required upon the beginning of the construction project.

Section C. Management Condition

This section is boilerplate language essentially extracted from Title 47, Series 10 of the West Virginia Legislative Rules. These rules establish that every NPDES permit contains certain standard conditions. A reference to Title 47, Series 11, Section 9 of the West Virginia Legislative Rules was included that requires that outlet markers be posted. Outlet markers would be required only during the time of active permit coverage.

Section D. Operation and Maintenance

This section is boilerplate language essentially extracted from Title 47, Series 10 of the West Virginia Legislative Rules.

Section E. Monitoring and Reporting

Unless directed by the Director of the Division of Water and Waste Management monitoring will not be required. Reports will be maintained in accordance with and as required in Section G.4.e.2.C.vi. In addition, several new definitions are included which relate to the stormwater permitting program.

Section F. Other Reporting

This section is boilerplate language essentially extracted from Title 47, Series 10 of the West Virginia Legislative Rules.

Section G. Other Requirements

This section encompasses the requirements specific to the stormwater permitting program and those sites subject to regulation under the general permit.

G.1 This paragraph simply depicts the situations for which the Director may require a facility covered by the permit to be covered by a different permit or when such facility may approach the Director on its own initiative to obtain coverage by a different permit.

- G.2. Prohibition of non-stormwater discharges. Also, a section was added notifying the developer that an Underground Injection Well Permit is required if discharging stormwater into a sinkhole.
- G.3. This paragraph details that stormwater discharges from a project cannot contain hazardous substances.
- G.4. This section details the requirements of the SWPPPs that must be developed for each facility covered by the general permit.

This general permit establishes minimum standards of practices (best management practices) for specific situations rather than specific effluent limitations for stormwater discharges. This means the quality of the discharges must meet a best management practice requirement that represents the minimum level of controls. This permit allows the meeting of water quality standards with the proper installation of the minimum standards set forth in the permit and instructions. The application and plans detailing the permittee's schedules and intended best management practices must be submitted for approval as detailed in paragraph 12 above. Compliance with the plan must begin immediately as detailed in the SWPPP.

The development and implementation of the SWPPP is one of the most important parts of this permit and is critical to the successful control of stormwater pollution. The SWPPP must be modified as necessary to include additional or modified BMPs designed to correct specific problems identified. These adaptive management requirements are designed to result in permit compliance and prevent stormwater discharges that could cause a violation of state water quality standards. The SWPPP must also be modified whenever there is a change in design, construction, operation, or maintenance at the construction site that has, or could have, a significant effect on the discharge of pollutants to waters of the state.

All NPDES permittees are required to develop a Groundwater Protection Plan (GPP). For construction sites, the areas of concern will be equipment maintenance yards, including fueling and refueling areas, and product storage facilities. GPPs should address groundwater protection, and maintenance. A generic GPP for construction-related activities has been developed and is available upon request from the Division of Water and Waste Management. The GPP must be developed and kept onsite.

- G.4.b. This section details the timeframe an application must be submitted. This section also includes the requirements for the public notice sign.
- G.4.c. This section details when the SWPPP must be modified.
- G.4.d. This section details general management conditions including preventive maintenance, good housekeeping and spill prevention and response. Probably the most common reason for failure of construction site erosion control devices (BMPs) is inadequate maintenance. If BMPs are properly constructed, but not properly or frequently

maintained, very little benefit may be expected. Newly installed devices will perform as initially expected until their capacity is exceeded. Silt fences, for example, should be maintained before the material that accumulates behind them becomes excessive. More importantly, the integrity of the fences needs to be checked frequently. Many silt fences at construction sites are undermined or bypassed because of large flows or large sediment accumulations. Sedimentation basins, silt traps, etc., need to be cleaned frequently. The cleaning frequency of these devices located in areas undergoing construction should be quite high because of the very large discharges of sediment from construction sites. Rill or gully erosion must be corrected immediately when first observed. During each inspection, the person conducting the inspection should document whether the BMP is performing correctly, any damage to the BMP since the last inspection, and what should be done to repair the BMP if damage has occurred. The housekeeping and spill prevention and response requirement is intended to prevent the discharge of trash, chemicals and other polluting materials from the site.

- G.4.e. This section details what must be included in the site description section, the erosion and sediment control section, the stormwater management control section and other control section of the SWPPP.

Site description section- Development projects must be phased or sequenced in order to minimize the amount of exposed soil at any one time and prevent the transport of sediment from the site during construction. Construction sequencing can be an effective tool for erosion and sediment control because it ensures that management practices are installed where necessary and when appropriate. A comparison of sediment loss from a typical development and from a comparable phased project showed a 42 percent reduction in sediment export in the phased project (EPA, 2002). As discussed previously, permittees are required to evaluate BMP performance. Based on the results of inspections and monitoring, remedial actions must be implemented, documented and reported in accordance with specific timeframes.

The purpose of stabilizing entrances to construction sites is to minimize the amount of sediment and mud being tracked offsite by motorized vehicles. Installing and maintaining a pad of gravel over filter cloth where construction traffic leaves a site can help stabilize the entrance. As a vehicle drives over the gravel pad, mud and other sediments are loosened and removed from the vehicle's wheels thereby reducing the offsite transport of sediment. The gravel pad also reduces mechanical erosion and prevents the formation of muddy wheel ruts, which can be a source of "track-out". The filter fabric reduces the amount of rutting caused by vehicle tires by spreading the vehicle's weight over a larger soil area than just the tire width. The filter fabric also separates the gravel from the soil below, preventing the gravel from being ground into the soil. Limiting construction site access to one point minimizes the surface area that could be affected by tracked out mud and sediment from construction traffic.

The pre-development and post-development peak discharge rates for a one year, 24-hour storm in cubic feet per second.

This section also details what is required on the site maps.

Controls- The duff layer, native topsoil and natural vegetation must be retained in an undisturbed state to the maximum extent practicable. This requirement is partly based on the fundamental principle that vegetation is the most effective form of erosion control. Vegetation reduces runoff volume, reduces flow velocity, filters suspended sediment, absorbs the erosive energy of falling raindrops, and retains soil structure. In areas where soils have been disturbed or exposed during construction activity, timely permanent seeding is appropriate in areas where permanent, long-lived vegetative cover is the most practical or most effective method of stabilizing the soil. Vegetation controls erosion by protecting bare soil surfaces from displacement by raindrop impacts and by reducing the velocity and quantity of overland flow. The advantages of seeding over other means of establishing plants include lower initial costs and labor inputs. Seeding that produces a successful stand of grass has been shown to remove between 50 and 100 percent of total suspended solids from stormwater runoff, with an average removal of 90 percent (EPA 2002).

Sodding is a permanent erosion control practice that involves laying a continuous cover of grass sod on exposed soils. In addition to stabilizing soils, sodding can reduce the velocity of stormwater runoff. Sodding can provide immediate vegetative cover for critical areas and stabilize areas that cannot be vegetated by seed. It can also stabilize channels or swales that convey concentrated flows and reduce flow velocities. Sod has been shown to remove between 98 and 99 percent of total suspended solids in runoff, and is considered a highly effective best management practice (EPA 2002). Mulching is a temporary erosion control practice in which materials such as hay, wood chips, wood fibers, or straw are placed on exposed or recently planted soil surfaces. Mulching is highly recommended as a stabilization method and is most effective when anchored in place until vegetation is well established. Mulching can also reduce the velocity of stormwater runoff. When used in combination with seeding or planting, mulching can aid plant growth by holding seeds, fertilizers, and topsoil in place, by preventing birds from eating seeds, by retaining soil moisture, and by insulating plant roots against extreme temperatures.

Sediment control systems create conditions that allow for the settlement of soil particles that are suspended in stormwater runoff. Sediment containment systems (sediment traps and sediment basins) are hydraulic controls that function by modifying the storm-runoff hydrograph and slowing water velocities. This allows for the settling and deposition of suspended particles by gravity.

Sediment traps are appropriate where the contributing drainage area is five acres or less.

Sediment basins are generally larger and more effective in retaining sediment than temporary sediment traps and typically remain active throughout the construction period. A sediment basin must be used where the contributing drainage area is greater than five acres. Sediment basins must control the discharge in order to dewater the wet storage volume between 48 and 72 hours. In addition, the safety of embankment structures requires the outlets to safely pass the peak discharge from 25-year 24-hour storm.

The permit requires sediment traps and sediment basins to be sized for 3,600 cubic feet per acre of watershed draining to that structure, half of which is dry storage and half of which is wet storage. The permit also states that, barring impossible site conditions, all projects will utilize, to the extent practicable, sediment traps or sediment basins and diversions.

The SWPPP should address the steepness of cut-and-fill slopes and how the slopes will be protected from runoff, stabilized and maintained. Berms, diversions, and other stormwater practices that require excavation and filling should also be incorporated into the grading plan.

Rock outlet structures placed at the outfall of channels or culverts reduce the velocity of flow in the receiving channel to non-erosive rates. This practice applies where discharge velocities and energies at the outlets of culverts are sufficient to erode the next downstream reach and is applicable to outlets of all types such as sediment traps, sediment basins and culverts.

Sediment-laden water is not allowed to leave a site without going through an appropriate device.

Hay and straw bales are not acceptable BMPs.

Antidegradation review is addressed in the General Permit for Construction Stormwater. The legislature, in codifying the Antidegradation Policy, eliminated general permit registrations from antidegradation review except in Tier 2.5 and Tier 3 waters. However, general permits must go through antidegradation review during the issuance/reissuance process. Construction projects by their nature are normally short term and transient. Anticipating the scope and location of construction projects is difficult. While local, short term sediment impacts can be extreme; in general, sediment impacts are temporary.

A. To meet antidegradation requirements for the waters of the state, the following guidelines will be followed on all projects.

1. Sediment basins

Sediment basins/traps will be installed with 3,600 cubic feet of storage measured from the bottom elevation of the structure to the top of the riser or weir, per acre of drainage and will have draw down times of 48 to 72 hours. Half of the pond will be in wet storage and half in dry storage. Dewatering devices that skim the discharge from the top several inches is encouraged.

B. Large long-term projects

Projects that the initial grading construction phase lasts for more than one year or disturbs 100 acres or more shall submit the application 90 days prior to construction. These projects will be subject to the public notice requirements as outlined in 47CSR10 prior to receiving coverage under this permit.

C. Projects that discharge to or upstream of Tier 2.5 and Tier 3 waters.

1. Public notice

All applications for construction projects that will discharge to or upstream of a Tier 2.5 or Tier 3 stream shall submit the application 90 days prior to construction. Public comments will be used in the decisions leading to issuing the approval or denial for coverage under the general permit.

2. Presumptive Conditions

Construction activities discharging to Tier 2.5 or Tier 3 waters will go through the Tier 2.5 or Tier 3 antidegradation review process.

No degradation will be allowed on Tier 3 waters except for temporary, short term activities.

Stormwater management plan section- A description of measures that will be installed during construction to control pollutants in stormwater discharges after the project is completed shall be included in the SWPP. The completed project shall convey stormwater runoff in a manner that will protect both the site and the receiving stream from post construction erosion. All waterways and other runoff conveyance structures shall be permanently stabilized as appropriate for expected flows. Velocity dissipation devices shall be placed at the outlet of all detention or retention structures and along the length of any outlet channel as necessary to provide a non-erosive velocity flow from the structure to a natural water course.

Projects located in areas that have local government requirements and/or criteria for post construction stormwater management must meet those requirements and/or criteria.

Permanent stormwater management structures that will impound water (detention/retention basins or similar structures) shall be designed and certified by a registered professional engineer. These structures shall also have a certified as-built drawing submitted with the Notice of Termination at the completion of the project.

Other control section- This section requires the solid waste be disposed of properly. Provisions must be made to control dust. This section also details maintenance, inspection, training and record keeping requirements.

Compliance with other state laws and statutes- This section advises the permit that nothing in this general permit shall be construed as excusing the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations. For those projects that may impact historic preservation sites, the permittee should coordinate the project with the State Historic Preservation Officer

G.5. Discharges to Impaired Waters

This permit does not authorize new sources or new discharges of constituents of concern to impaired waters unless consistent with the approved total maximum daily load (TMDL) and applicable state law. Impaired waters are those that do not meet applicable water quality standards and are listed on the Clean Water Act Section 303(d) list. Pollutants of concern are those constituents for which the water body is listed as impaired. Discharges of pollutants of concern to impaired waterbodies for which there is an approved TMDL are not eligible for coverage under this permit unless they are consistent with the approved TMDL. Within six months of the TMDL approval, permittees must incorporate any limitations, conditions or requirements applicable to their discharges necessary for compliance with the TMDL, including any monitoring or reporting required by the Division of Water and Waste Management rules, into their SWPPP in order to be eligible for coverage under this general permit.

Sites that discharge into a receiving water which has been listed on the Clean Water Act 303(d) list of impaired waters, and with discharges that contain the pollutant(s) for which the water body is impaired, must document in the SWPPP how the BMPs will control the discharge of the pollutant(s) of concern.

G.6. Endangered and Threatened Species.

If a site discharges to a stream where a federally endangered or threatened species or its habitat is present, the applicant shall contact the U.S. Fish and Wildlife Service to ensure that requirements of the federal Endangered Species Act are met.

In addition, the Division of Water and Waste Management will include in the application instructions a list of streams in West Virginia with possible presence of endangered or threatened species, to assist applicants in determining when that issue needs to be considered.

- H. This paragraph serves as a reopener mechanism to go back to a permittee covered under the general permit and places any necessary additional requirements upon the site as necessary, due to potential or realized water quality impacts by the site stormwater discharges.
- I. This section allows for changes in permit conditions in later general permits.
- J. This section provides for the Notice of Termination, explains final stabilization and requires certified as-built drawings be submitted with the Notice of Termination for permanent ponds.

The State of West Virginia, Department of Environmental Protection, Division of Water and Waste Management, has made a tentative decision for a state NPDES permit as listed on this fact sheet. In order to provide public participation on the proposed issuance of the required permit, the following information is being supplied in accordance with Title 47, Series 10, Section 11.3.e.2 and 3, of the West Virginia Legislative Rules.

During the public comment period, any interested person may submit written comments on the draft permit and may request a public hearing. A request for a public hearing shall be made in writing and addressed to:

Director, Division of Water and Waste Management, DEP
601 57th Street SE
Charleston, WV 25304-2345
Attention: Alice Walker
E-mail: awalker@wvdep.org

The request shall state the nature of the issues proposed to be raised in the hearing and must be received within the comment period. The Director shall hold a public hearing whenever he or she finds, on the basis of requests, a significant degree of public interest on issues relevant to the draft permit. Any person may submit oral or written statements and data concerning the draft permit; however, reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. A tape recording or written transcript of the hearing shall be made available to the public upon request.

Public hearings for this general permit will be held Thursday, August 30, 2007, from 6 p.m. to 8 p.m. at the DEP Headquarters Coopers Rock Training Room at 601 57th Street, Charleston, WV 25304 and Tuesday, September 4, 2007, from 6 p.m. to 8 p.m. at the James Rumsey Technical Institute at 3274 Hedgesville Road, Martinsburg, WV 25401

If information received during the public comment period appears to raise substantial new questions, the Director may reopen the public comment period.

All applicable information concerning any permit application and the tentative decisions is on file and may be inspected by appointment, or copies obtained at a nominal cost, at the offices of the Division of Water and Waste Management, 601 57th Street SE, Charleston, West Virginia 25304, Monday through Friday (except State holidays) between 8:00 a.m. to 4:00 p.m.

Hearing impaired individuals having access to a Telecommunication Device for the Deaf (TDD) may contact our agency by calling (304) 926-0489. Calls must be made between 8 a.m. to 3:30 p.m. Monday through Friday.

Requests for additional information should be directed to Alice Walker at (304) 926-0499, Extension 1103.