

CONSTRUCTION STORM WATER GENERAL PERMIT

INSTRUCTIONS TO COMPLETE A NOTICE OF INTENT (NOI) FORM

A. GENERAL INSTRUCTIONS

The Division of Water Resources developed and issued a General WV/NPDES Water Pollution Control permit to regulate sediment containing storm waters flowing into the waters of the State from discharges associated with construction activity. This General Permit was issued on November 5, 2002, became effective on December 5, 2002, and will expire on December 4, 2007.

Certain establishments which discharge sediment laden storm water and fall under the definition of "Storm Water Associated with Industrial Activity" can elect to be regulated under the General Permit. Those establishments must file a Site Registration Application Form with the Division of Water Resources. Sites disturbing less than 3 acres of land that do not discharge to a Tier 2.5 or Tier 3.0 stream may register through use of the Notice of Intent Form (NOI). Individuals will be regulated under the General Permit only if they agree to do so, and if they satisfy the registration requirements. The Division of Water Resources reserves the right to require any individual to obtain a facility-specific WV/NPDES Permit. Establishments not wishing to be regulated by the General Permit are required to apply for and obtain an individual permit.

After development of a Draft General Permit, the Division of Water Resources advertised its intent to issue this General Permit and has fulfilled its public notice requirements. Applicants need not perform any public notice activities, unless the site will discharge to a Tier 2.5 or Tier 3.0 stream.

All permittees are required to develop a Storm Water Pollution Prevention Plan (SWPPP) for the project to be covered by the permit. Projects that qualify for use of the NOI Form are provided a generic SWPPP developed by the Division of Water Resources. Persons with questions regarding the General Permit or application procedures should contact the Division of Water Resources, Permitting Section at (304) 558-4086 or Fairmont (304) 368-3960.

B. WHO MUST APPLY

Any establishment, pursuant to Chapter 22, Article 11, where, storm water associated with construction activity is or may be discharged into the waters of the State or, where designated by the Director, is a contributor to a violation of the Water Quality Standards or that results in a significant pollutant loading to the receiving waters must apply. Any person proposing a construction activity, one (1) acre or greater of land disturbance in size, shall submit a site registration application form and receive approval from the Division of Water Resources prior to commencing construction. Sites with land disturbance of 1 to less than 3 acres and that do not discharge to a Tier 2.5 or Tier 3.0 stream may register for the General Permit through use of the Notice of Intent (NOI) Form. NOI forms shall be submitted at least 10 days prior to the anticipated construction start date. Construction activities associated with oil and gas operations may register through the existing permitting process with the DEP Office of Oil and Gas. When the construction activity is owned by one person but operated by another, it is the responsibility of the owner to obtain the permit. A separate registration

application form is to be submitted for each construction activity.

C. WHERE TO FILE

1. Two (2) copies of the NOI Form and **one copy** of any attached information and fee shall be mailed to the following office:

Division of Water Resources
Permitting Section
1201 Greenbrier Street
Charleston, WV 25311-1088

For construction activities associated with oil and gas operations contact:

WV DEP Office of Oil and Gas
1356 Hansford Steet
Charleston, WV 25301
Telephone number 304-558-6075

Pursuant to an Emergency Rule filed by DEP and approved by the Secretary of State effective October 11, 2002, the application fee for construction projects disturbing between 1 to less than 3 acres in size is **\$300.00**. The Emergency Rule will be in effect pending action by the Legislature on a proposed rule amendment that would establish that fee in the legislative rules of the Department of Environmental Protection, Title 47, Series 26, Water Pollution Control permit fee schedule. You may obtain a copy of the referenced rules from the Secretary of State's Office, State Capitol Building, Charleston, WV 25305.

Your check or money order for the application fee must be made payable to the West Virginia Department of Environmental Protection.

**LINE BY LINE INSTRUCTIONS FOR COMPLETING
THE SITE REGISTRATION APPLICATION FORM**

1. *PROJECT NAME*

The project name is the official name such as "River City Parking Garage Site Preparation Project", "Jones' House Site Preparation".

2. *APPLICANT'S NAME*

The individual, corporation, company or governmental entity (owner) with day to day oversight of the project and who is supplying the capital to finance the project. The owner is responsible for obtaining and complying with the permit.

ADDRESS -- The address of the APPLICANT AND COMPANY TITLE (if applicable).

TELEPHONE -- The number where the APPLICANT can be reached. This person should be familiar with project, if not, give name of a knowledgeable person.

3. *OPERATOR OR CONTRACTOR*

The person/firm that will be doing the earthmoving and also has day to day control over operations. The operator can be the same as the applicant, but often the contractor is a different entity. If the contractor is unknown at time of application, the applicant is required to provide this information after awarding the contract.

4. *TOTAL ACREAGE TO BE DISTURBED*

Include ALL areas (offsite borrow areas, offsite waste sites, access roads, house sites, utility installation and all other earth disturbances related to the central project) that will be disturbed during the life of the project. For subdivisions use a minimum of 1/4 acre per lot, unless the lots are less than 1/4 then assume the entire lot will be disturbed.

5. *LATITUDE -- LONGITUDE*

Locate accurately the center of the construction site on a United States Geologic Survey 7.5 minute topographic map. For precision, latitude and longitude should be given to the nearest seconds. (Example: latitude 38 57' 30", longitude 78 48' 45"). The local Natural Resources Conservation Service or Conservation District Office may help if needed.

6. *NEAREST TOWN* self explanatory

COUNTY self explanatory

COUNTY ROUTE The official Division of Highways (DOH) designation. May be found on a road sign at the nearest intersection, on the DOH county road map, or check with county maintenance garage.

7. *RECEIVING STREAM*

Provide the official name from a USGS topographic map of all streams that will receive a storm water discharge. If the discharge is not into a named stream, report the stream as an unnamed tributary of the first named stream that it flows into. (Example: Unnamed tributary (UT) of Laurel Run or UT of Laurel Run of the Pecos River). Determine the Tier designation of the receiving stream. As of the date of General Permit issuance, the Tier 2.5 stream listing had not been finalized pending response to public comments and legislative approval. When a list is finalized, a copy of the list will be provided with the application materials. **If the stream is listed as a Tier 2.5 or Tier 3.0 stream, the NOI form registration application may not be used.**

In urban areas the discharge may be to a municipal storm sewer. Identify the operator of the storm sewer system, such as "River City" and the ultimate receiving water, i.e. the Flowing River.

8. *STATEMENT OF RIGHT-TO-ENTER (if applicable)*

The state cannot authorize through the issuance of this permit to discharge onto another persons property. If the discharge point is not directly into a stream the applicant must make a statement that they have permission from the adjacent property owner(s) to discharge storm waters onto that property prior to entering a stream. This permission must be through a legal and binding agreement with the adjacent property owner(s), including the Department of Transportation, Division of Highways. Permission must be in the form of recorded deeds, right-of-ways, leases, options, real estate contracts or easements.

The minimum size stream for the purposes of this section will be a dot-dashed blue line stream on a USGS topographic map (1:24,000 scale-7.5 minute quadrangle). The applicant must notify and obtain a right-to-enter or right-of-way from all property owners between the discharge point(s) from the site to the nearest blue line stream.

Attach a statement identifying the source of your right-to-enter in and upon the real property between the receiving stream and the discharge point to install, construct or discharge the proposed point source.

9. *BRIEF DESCRIPTION OF THE PROJECT*

Provide a description of the nature of the construction activity. Furnish an estimate of the cubic yards of material to be excavated if applicable. Include an estimate of excess excavation, if any, and the amount of any possible borrow. Off-site waste and borrow sites are considered part of the permitted site.

10. *PROPOSED CONSTRUCTION SCHEDULE*

Provide an estimated startup date, completion date (or contract duration) and a relative time line of the primary construction activities. These major activities include clearing, grubbing, rough site grade, final grade, temporary and permanent sediment control practices, seeding and mulching, building footers, etc.

11. *CERTIFICATION OF COMPLIANCE WITH APPLICABLE LOCAL LAWS*

Several counties and municipalities in the state have subdivision and storm water management laws or regulations that must be followed in order to be in compliance with this general permit. The application for this permit does not relieve the applicant from his or her duty to obtain the proper permits required by these local or other state jurisdictions. Certification of Compliance must be attached to this application. This can be in the form of a copy of the local permit, a letter stating that local permitting authorities have been contacted or a letter from the authorities stating that no permits are required or that the permitting process has been initiated. Failure to comply with this provision may delay the permit or cause it to be denied.

12. *USGS TOPOGRAPHIC MAP*

A copy of the part of the topographic map where the site is located must accompany the permit application. The minimum information required on each map will be the name of the map, the boundary of the site, a north arrow and the location of the storm water discharge point(s). (See Number 6). Assistance in locating sites on a topographic map may be obtained from the local Conservation District.

13. *GROUNDWATER PROTECTION PLAN*

All establishments holding an NPDES permit are required to have and implement a Groundwater Protection Plan (GPP). See the enclosed Generic Groundwater Protection Plan for Construction. The contractor can fill out these forms. Assistance with GPP's is available from the DWR Groundwater Section at (304) 558-2108.

14. *STORM WATER POLLUTION PREVENTION PLAN (SWPPP)*

To simplify compliance with this provision, sites with less than 3 acres of disturbance may utilize a generic storm water pollution prevention plan developed by DWR (See Generic SWPPP attachment). The plans describe minimum best management practice (bmp) strategies to address erosion and sediment control on typical construction sites. Please carefully review the Generic SWPPP attachment and determine which practices you will need to follow during site construction. If you propose to follow another bmp guidance document or manual, or develop a plan specific to your site, please note the source (manual or document) or

preparer for the plan. A copy of the SWPPP that will be followed must be made available at the construction site. Additional assistance in bmp development or implementation may also be obtained from the local Conservation Districts.

OTHER CONSIDERATIONS PRIOR TO BEGINNING CONSTRUCTION:

1. Minimize in-stream work.
2. Proper disposal of solid wastes.
3. Proper handling of hazardous waste.
4. Proper methods for disposal of excess cement.
5. Dust control.
6. Burning permit.
7. Permit for cement batch plants.
- * 8. Are any local permits needed, i.e. subdivision, flood plain, storm water, etc.
9. Will there be any stream work that would require a Public Lands Corporation Right-of-Entry from the Real Estate Management Section of the Division of Natural Resources or a U.S. Army Corps of Engineers 404 permit?
10. Are there any wetlands? Wetland fills require a 404 permit from the Corps and 401 Water Quality Certification from the Division of Water Resources.

* Every county or municipality in the state has flood plain regulations. It is up to the applicant to check with the local authorities (county commission, planning commission, etc.) to see if the planned construction is within the 100-year flood plain.