

West Virginia DEP Opens Comment Period for NPDES Construction Stormwater Permit

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The **West Virginia Department of Environmental Protection** is proposing to modify the **General WV/National Pollutant Discharge Elimination System (NPDES) Water Pollution Control Permit for Stormwater Associated with Construction Activities** WV/NDPES Permit No. WV0115924. This permit will affect the land development in West Virginia. Authorization under the WV/NDPES Construction Stormwater General Permit is required prior to the disturbance of a construction site one acre or greater in West Virginia.

The 2019 Construction Stormwater General Permit was issued January 10, 2019 and became effective February 9, 2019. Several industry groups challenged the permit through the Environmental Quality Board (EQB) appeal process. On May 31, 2019, a settlement agreement was signed by the EQB. This permit modification is being proposed in accordance with the agreed Settlement Order(s) 19-03-EQB and 19-06-EQB. The public comment period began on 8/9/2019 and ends 9/13/2019.

West Virginia land developers should be aware of the transition period for pre-February 9, 2019 projects to complete work or obtain coverage under the Modified Permit (ending February 9, 2020 unless an extension is granted by the Director). The 12-month period can be extended for 6 months with approval from the Director. The 2012 Permit terms and conditions apply during the transition period. If work cannot be completed prior to the end of the transition period for your project, you must apply for coverage under the new permit 60 days prior to the end of the transition period. The modified permit includes a number of favorable changes that they may wish to support through comments.

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