

Division of Mining and Reclamation Annual Update



Mission Statement

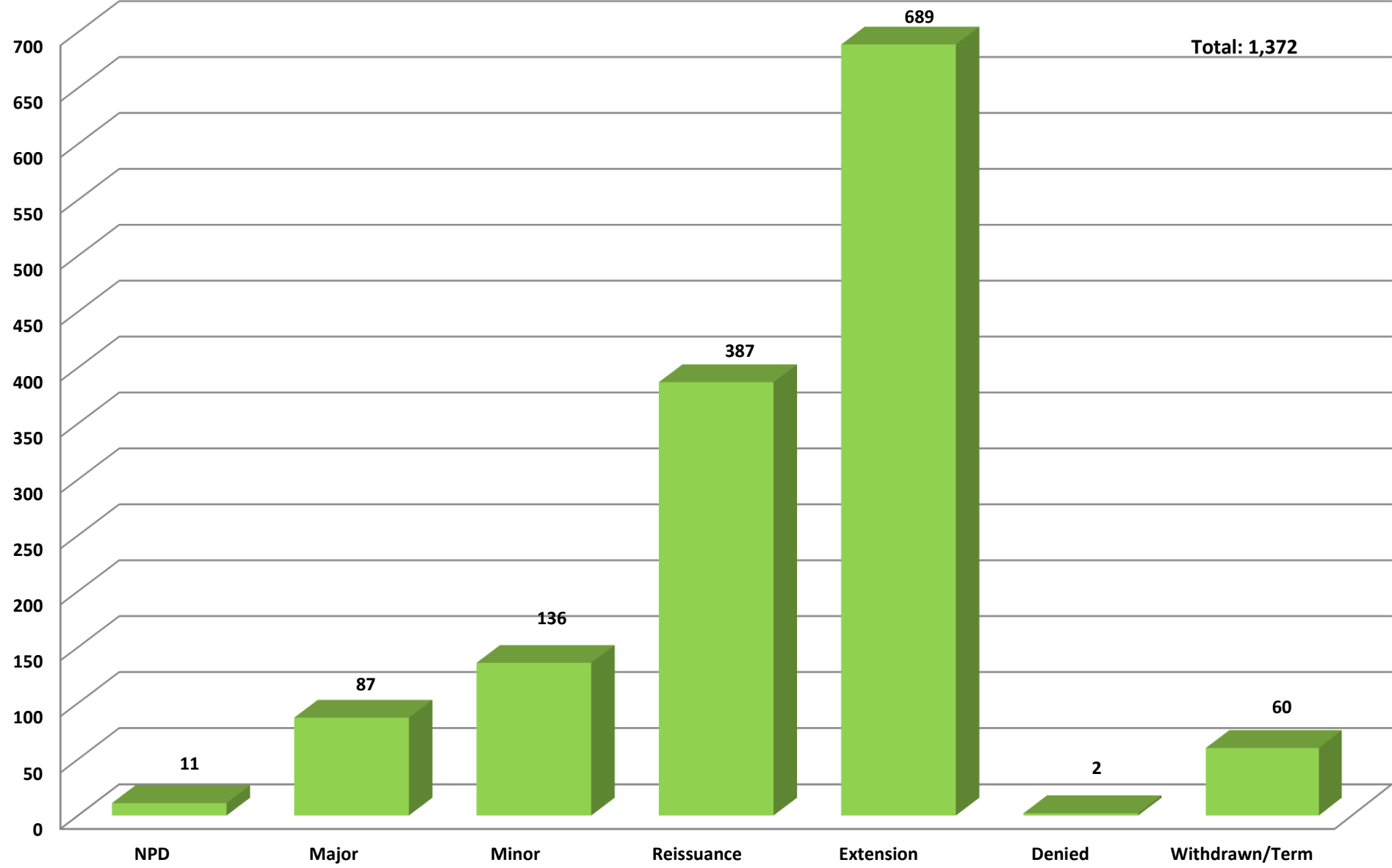
The Division of Mining and Reclamation's mission is to assure compliance with the West Virginia Surface Mining and Reclamation Act and other applicable state laws and rules by means of effective and high quality reclamation of mining sites, an efficient permitting program, and constructive communications between the public and regulated industry.



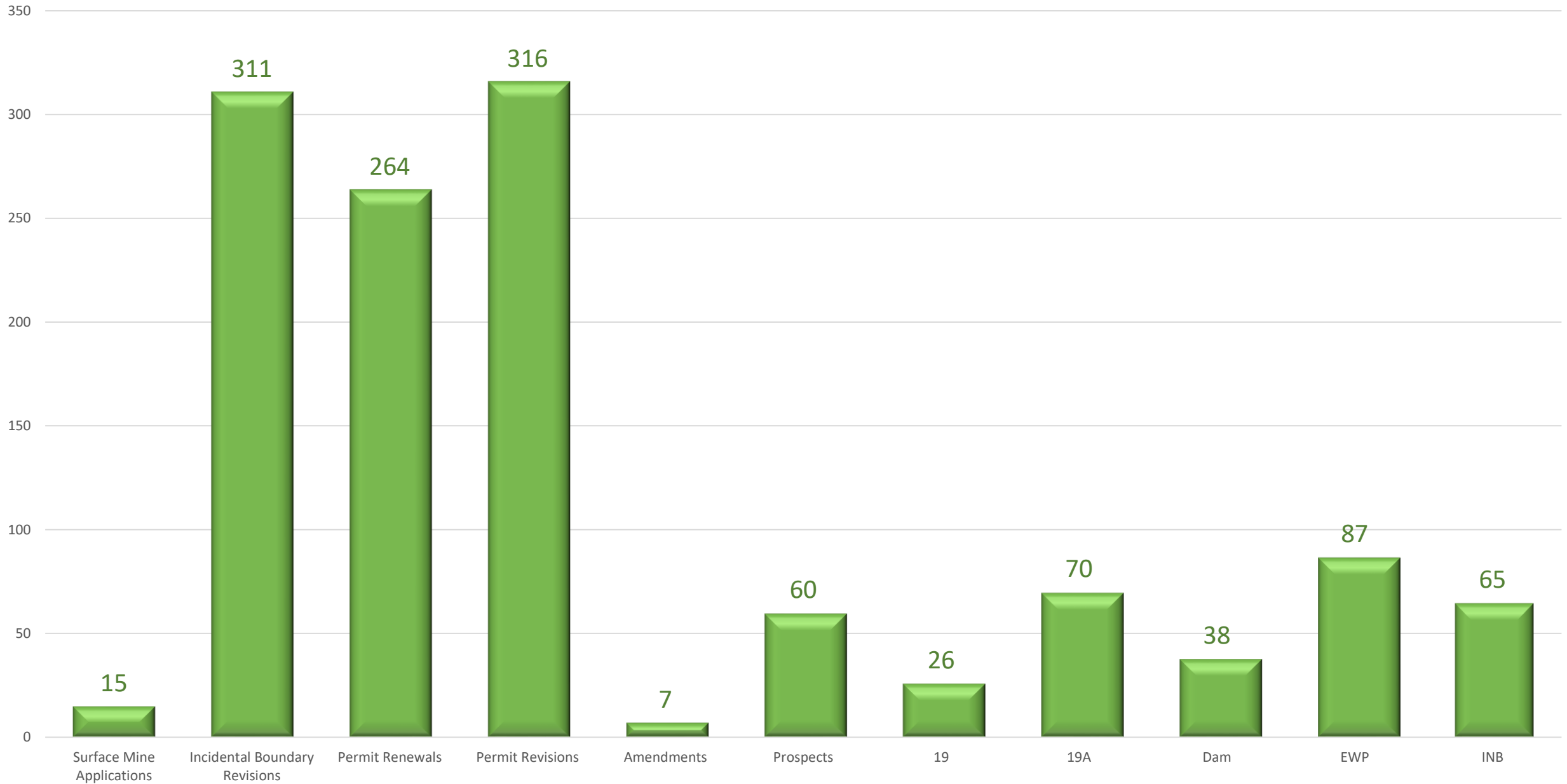
Harold Ward

- ~~Acting Director~~
~~DMR~~
- Director DMR
- Deputy Cabinet Secretary

NPDES ACTIONS by Type 2018



Article 3 Permitting Actions 2018



2019 New SMAs/Amendments

- 5 NEW SMAs SUBMITTED
- 2 NEW AMENDMENTS SUBMITTED
- 5 SMAs ISSUED
- 8 AMENDMENTS ISSUED

Bond Release 2018

215 Bond Release Applications Approved

- Phase 1: 8
- Phase 2: 12
- Phase 3: 45
- Inc. Phase 1: 21
- Inc. Phase 2: 13
- Inc. Phase 3: 30
- Prospects: 80



Total bond Amount Released: \$10,006,185.64

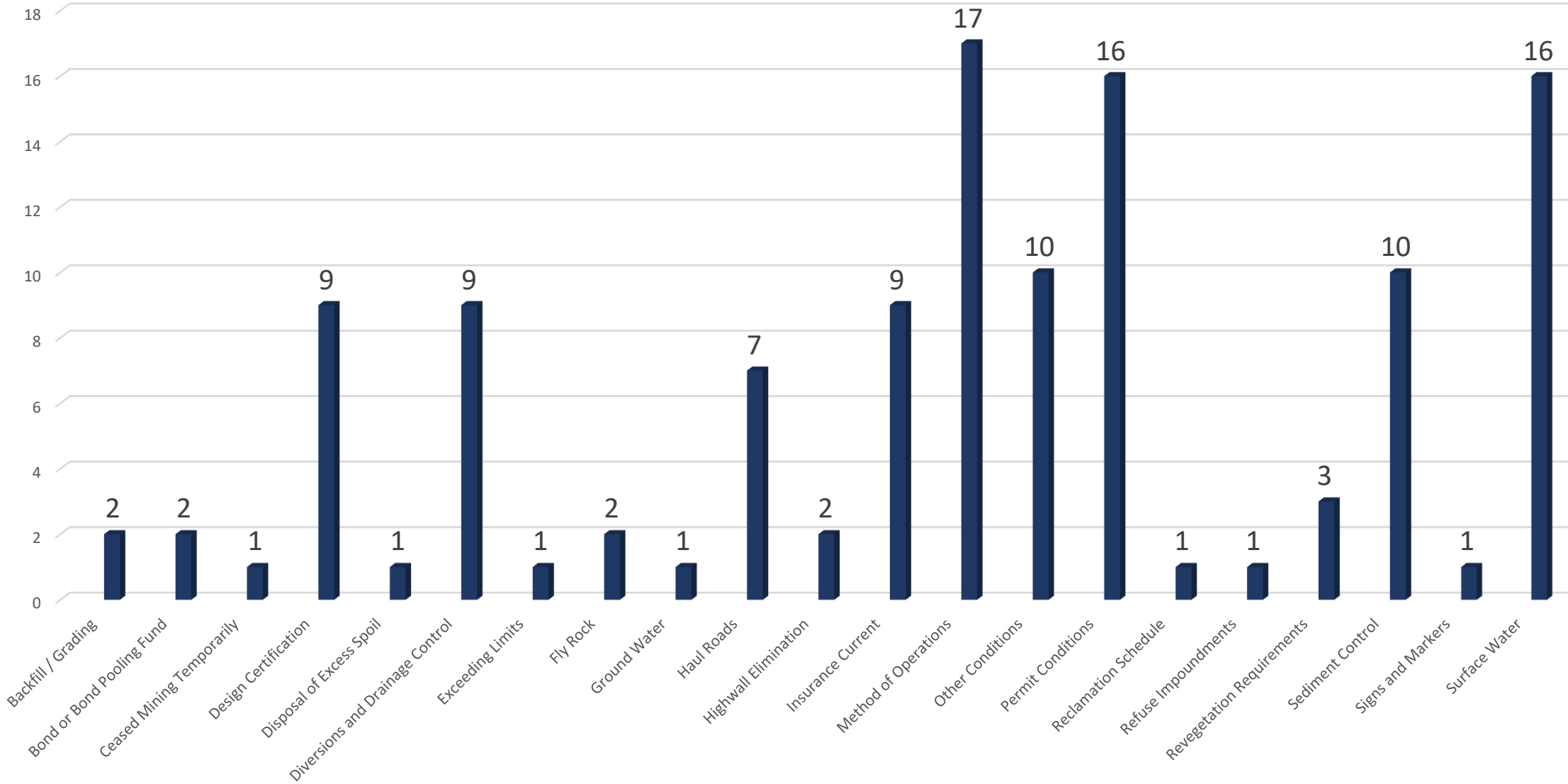
2018 Inspection and Enforcement

- 7,049 Complete Inspections
- 10,348 Partial Inspections
- 3,583 HPU Inspections
- 801 Notice of Violations
- 121 Cessation Orders

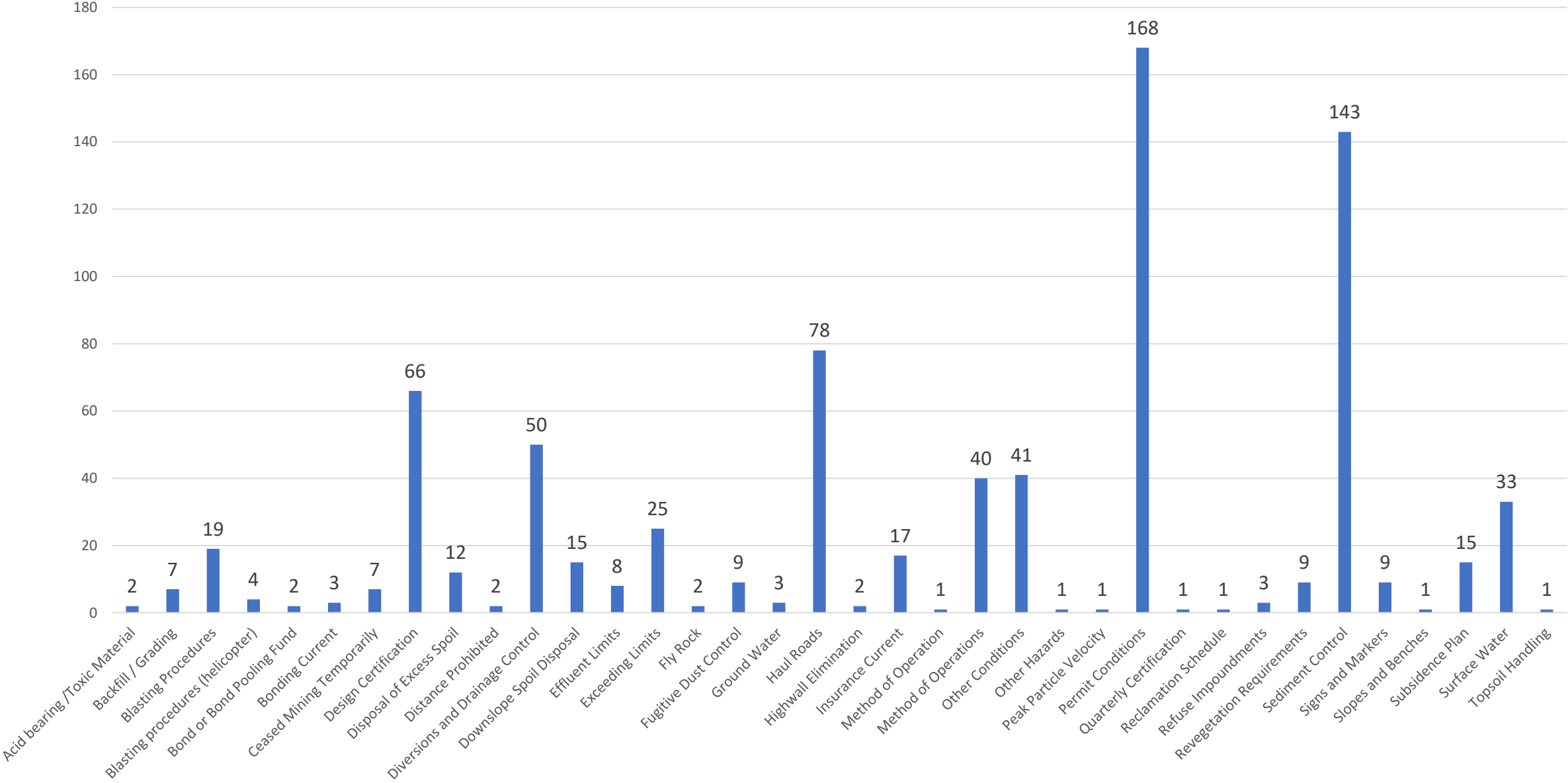


- **99.64%** Inspection Frequency

Cessession Orders 2018



2018 Notice of Violations



West Virginia Selenium Chronic Aquatic Life Standard Implementation¹

Overview of WV Selenium Aquatic Life Standard

In order to develop protective permit limits for selenium, a bioaccumulation factor (BAF) for specific water bodies may be obtained using selenium fish tissue concentration along with water column selenium information.

Additionally, permittees may now utilize fish tissues to directly demonstrate compliance with the tissue standard through semi-annual collection and analysis of fish tissue samples.

- Discharging outfalls with aqueous selenium RP may be assigned fish tissue limits upon request by permit applicant.
- Instream compliance points will be assigned as designated compliance monitoring locations for outfalls being assigned fish tissue limits.
- A baseline fish-tissue study must be conducted at the agency approved compliance point and submitted in the permit application.

- Semi-annual monitoring of fish tissue will commence at instream compliance points upon permit approval.
- Tissue samples must be collected in designated summer and winter seasons.
- This policy change also shortens the 3-year requirement to reanalyze fish tissue at reissuance for the BAF approach. Under the new guidance, BAF determination must be made at reissuance if previous determination is older than 1-year.

Click on the following link to view the implementation document:

[West Virginia Selenium Chronic Aquatic Life Standard Implementation - Rev. 4](#)

***SUBJECT:* NPDES Inspection and Enforcement Procedure**

***DATE:* January 25, 2018, revised June 2018**

***APPROVAL:* Harold Ward, Director**

Separate Single Event Violation Forms (MR-HP15E), similar to
Notice of Violations issued under SMCRA

Administrative Orders: BAS

1. Review all available biological, chemical, and habitat data to identify factors causing or contributing to the WVSCI score decline at BAS-2.
2. Identify contributing operational factors to the approved permit that may be causing or contributing to reported decrease in the WVSCI score.
3. Identify the source(s) of the effluent at outlet(s) at the entrance/exit to each sediment structure associated with outlet 001 to assist in identifying what, if any, components are operationally controllable and/or contribute/cause WVSCI score decline.
4. Provide a schedule to complete the items contained in the Order for Compliance to Kevin Seagle and John Flesher at WVDEP Headquarters office within 30 days of the date of this order for approval.

ADMINISTRATIVE CIVIL PENALTIES ASSESSMENT NOTICE

- In Response to Chapter 22, Article 11 Violations
- Contain a PROPOSED Consent Order
- Response Required within 30 Days of Reciept
- Accept terms and conditions of Consent Order

OR

- Request an Informal Hearing

Failure to Respond as Required is considered refusal to participate in this process.

SB 635

This bill made changes that affect:

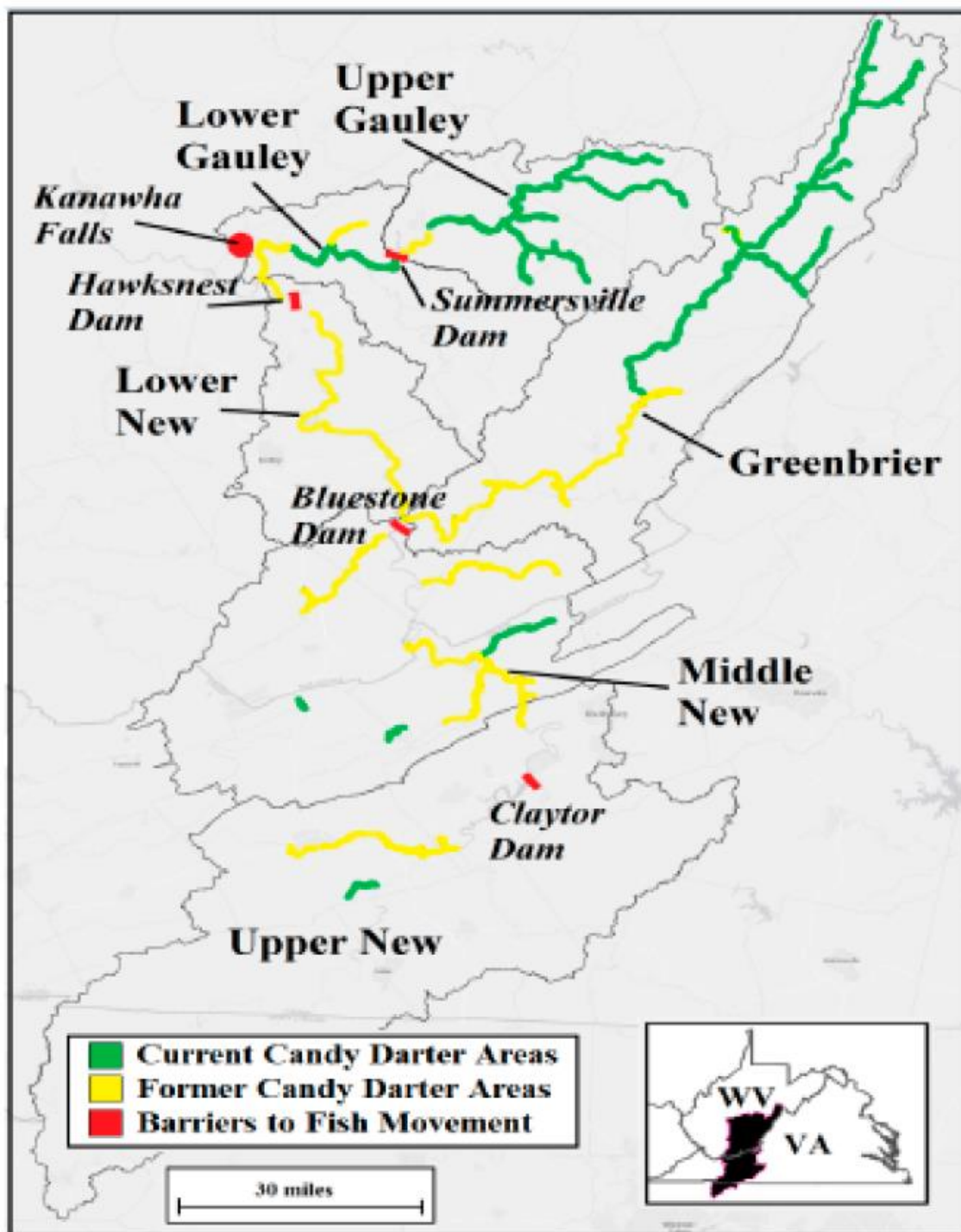
- Community Impact Statement
- Request to change rules regarding subsidence
- Fees for NPDES Applications
- Exemption of certain Above Ground Storage Tanks on Surface Mines

Candy darter

Etheostoma osburni

Listed as Endangered 12/21/2018





As generations of hybridization progress, candy darter genes become increasingly diluted. Male candy darter (top); male hybrid specimen (middle); male variegate darter (bottom).

Compliance Bulletin

Division of Mining and Reclamation: MR-46 Roads and Ancillary Facilities Checklist



west virginia department of environmental protection

In order to take a more proactive approach to prevent off-site impacts from roads and ancillary facilities, the MR-46 Roads and Ancillary Facilities Checklist is designed to assist Inspection and Enforcement personnel in identifying violations before off-site impacts occur.

- The MR-46 checklist will be completed by Inspection and Enforcement personnel during each regular "Complete" inspection for permits that have ancillary facilities, such as load-outs, prep plants, and refuse areas, and also primary and infrequently used access roads.
- The MR-46 checklist will be signed by the inspector and submitted to the I&E supervisor, along with the corresponding MR-6 Mine Inspection Report. If deemed accurate and complete, the I&E supervisor will sign and date the checklist.
- **Note:** the Complete Inspection Checklist is still to be completed in the second quarter of each year as required by policy.

The checklist can be viewed online at:

<https://dep.wv.gov/dmr/dmr%20forms/Pages/default.aspx>

If using a Microsoft Browser, for WORD or EXCEL documents, you need to right click on the document and choose "SAVE TARGET AS" to open.

If you have any questions, please contact Jonathan Rorrer at (304) 926-0499 extension 1525.

Compliance Bulletin

Electronic Submittal of Adaptive Management Plans (AMP)



west virginia department of environmental protection

The Division of Mining and Reclamation is pleased to announce the new AMP application type in the Electronic Submission System (eSS).

- Companies shall submit only one (1) AMP per eSS application.
- Select HPU Office to locate and create the AMP application.
- The “Reference ID” in eSS will define the Company/Permittee name and the Outlet addressed in the AMP application.

For Example:

“Company XYZ – Outlet 001”

Compliance Bulletin

Division of Mining and Reclamation: eDMR- Alternate Limit Codes & Average pH Reporting



west virginia department of environmental protection

In order to address eDMR program coding being mis-read by the EPA ICIS database, the following coding will be required on both File Upload and Manual Entry eDMRs:

- On NPDES permits with Alternate Effluent Limits (such as Alternate Storm Limits for Total Suspended Solids vs. Settleable Solids) begin using the code, "Conditional Monitoring" at the parameter level for the Alternate Limit that is NOT being report for that period.
- In many existing NPDES permits, the effluent limit for Average pH is shown as Report Only. Starting with the third calendar quarter of 2018 if there is an Average pH shown as Report Only, on any permit, please place the arithmetic average of the Minimum and Maximum pH for that monitoring period. This will stop the absence of a value, in this field, as being shown as a violation in the EPA ICIS system.

- The choice of Report Only for pH Average Limit will not be available for future permitting actions. This should help solve this problem in the future. We are working on a programming solution for all existing permits.

If you have any questions, please contact John Vernon at (304) 926-0499 extension 1482.

Compliance Bulletin

Division of Mining and Reclamation DMR Submission Date Change



west virginia department of environmental protection

- Currently National Pollution Discharge Elimination System (NPDES) permits require that Discharge Monitoring Reports, (DMRs) be filed on or before the 20th day of the month following the end of the monitoring period specified in the permit.
- As of April 1, 2018, the Department of Environmental Protection, Division of Mining and Reclamation (DEP DMR), will now require filing of DMRs for NPDES permits on or before the 25th day of the month following the end of the monitoring period. NPDES permits issued, modified, or reissued after that date will reflect this change.
- The DMR system has been adjusted so that DMRs filed on or before the 25th day of the month following the end of the monitoring period, specified in the permit, are not deemed to be late.
- Permits need not be modified to take advantage of this change in the reporting deadline. However, any permittee who wishes to make the change formally in its permit may apply to the DEP DMR/HPU for a minor modification.

If you have any questions,
please contact Mary McDonald at
(304) 926-0499 extension 1527.

Compliance Bulletin

Electronic Submittal of Pre-Subsidence Surveys (PSUB)

The Division of Mining and Reclamation is pleased to announce the new PSUB electronic application type in eSS under the Mining and Reclamation (OMR) DEP Office preference.

- Companies shall submit only one Pre-Subsidence Survey per electronic application.
- The "Reference ID" in eSS will define the Owner and Parcel number. For example, "Smith-288."



DEP APPLICATION XTENDER – PERMIT FILES



Air

[Division of Air Quality Home](#)

[Air Quality Index](#)

[Open Burning Regulations](#)

[Air Monitoring Data](#)

[Permit Application Forms](#)

[Policies](#)

[See More](#)



Land

[REAP](#)

[Abandoned Mine Lands and Reclamation](#)

[Division of Mining and Reclamation](#)

[Office of Environmental Remediation](#)

[Office of Oil and Gas](#)

[Office of Special Reclamation](#)

[See More](#)



Water and Waste

[Water and Waste Home](#)

[303\(d\) List](#)

[Water Withdrawal Guidance Tool](#)

[Permitting](#)

[Water Use](#)

[Aboveground Storage Tanks](#)

[See More](#)



Inside DEP

[Environmental Advocate](#)

[Contact the Executive Office](#)

[Environmental Enforcement](#)

[Youth Environmental Program](#)

[Public Information Office](#)

[Proposed Legislative Rules](#)

[See More](#)

Permitting

[Narrative Water Quality Permitting Guidance](#)

[Electronic Submission System](#)

[DEP's Document Management](#)

[See More](#)

How Do I...?

[Find a job with DEP](#)

[File a FOIA Request](#)

[Find a Public Notice](#)

[Report a Spill](#)

[Volunteer](#)

[See More](#)

Agency Geospatial Technologies

[ITO's GIS Unit](#)

[Map Applications](#)

[GIS Data](#)

[See More](#)

Events

[West Virginia Make It Shine Spring Cleanup](#)

[04/01/2019](#)

[Make It Shine Earth Day Event at Clay Center](#)

[04/23/2019](#)

[Adopt A Highway Spring Cleanup](#)

[04/27/2019](#)

[See More](#)

ESS PUBLIC QUERY

- ISSUED ESS APPLICATIONS
- APPLICATIONS OPEN FOR ADVERTISEMENT

Electronic Submission System

News

Released	Office	Application
3/11/2019	System Maintenance	There will be an interruption to ESS on 12 March 2019. ESS will be unavailable between 9 PM and 11 PM. Thank you and our apologies for any inconvenience.
1/08/2019	System Maintenance	We will be performing electrical work in our datacenter on January 22 from approximately 6:00PM to 12:00 midnight, which will render all online systems unavailable during that time window. For best results, please plan your use of our online systems before or after that. Thank you and our apologies for any inconvenience.
1/04/2019	ESS Security Enhancement	On Monday, January 7th, 2019, DEP will be enhancing the security of the ESS systems. While end users shouldn't notice any differences, some users may experience errors as the security policy goes into effect. From our testing, most of these errors can be resolved by clearing the browser cache and cookies and trying to access the resource again. If that does not work, please use the following form to submit an error to the webmaster:

System Tour

- [Take Tour](#)

Account

- [Login](#)
- [Sign Up](#)

Aboveground Storage Tanks (ASTs)

- [Do I need to register?](#)
- [Do I need to Modify My Tank Registration?](#)
- [Registration User's Guide](#)
- [Sample Registration](#)

ESS Guidance

- [Sign Up Guidance](#)
- [Security Guidance](#)

Mining

- [Tour](#)
- [General FAQ](#)
- [Maps](#)
- [eMaps](#)
- [Overview](#)

eDMR Info

- [Users Guide](#)
- [FAQ](#)
- [File Structure](#)

Public

- [Query](#)



west virginia department of environmental protection

e-Permitting Applications Search

Select Office:

Select App Status:

Identify Applicant: (Enter 3 or more characters of Name or * for all)

Permit Number:

County Name: