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**west virginia department of environmental protection**

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Division of Water and Waste Management  
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Joe Manchin III, Governor  
Stephanie R. Timmermeyer, Cabinet Secretary  
www.wvdep.org

 **DRAFT**

**LETTER OF ADDENDUM**

OHIO COUNTY DEVELOPMENT AUTHORITY  
1500 CHAPLINE ST, RM 215  
WHEELING, WV 26003

**RE: WV/NPDES Permit No. WV1011642**  
**NPDES Modification No. 1, Major**

Dear Permittee:

Your current request to modify the above referenced Permit is hereby approved. The Permit is hereby modified in accordance with the modification application received on January 08, 2007 that outlines the: relocation of Outlet No. 001 due to the Highlands Phase V expansion and to discharge storm water runoff from the construction activity into Storch's Run of Middle Wheeling Creek and treated water into Middle Wheeling Creek all of the Ohio River.

Be aware that all other terms and conditions of the permit shall remain in full force and effect. Attach this letter to your permit and insert any attached pages that may be provided.

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Lisa A. McClung  
Director

cc: Environmental Inspector  
Regional Office File  
Headquarters NPDES File



A. TERMS AND CONDITIONS INCORPORATED BY REFERENCE TO THE WV NPDES REGULATIONS FOR COAL MINING AND FACILITIES, TITLE 47, SERIES 10.

- 5.1 Duty to Comply, Penalties
- 5.2 Duty to Reapply
- 5.3 Duty to Halt or Reduce Activity
- 5.4 Duty to Mitigate
- 5.5 Proper Operation and Maintenance
- 5.6 Permit Actions
- 5.7 Transfer
- 5.8 Property Rights
- 5.9 Duty to Provide Information
- 5.10 Inspection and Entry
- 5.11 Monitoring and Records
- 5.12 Signatory Requirements
- 5.13 Reporting Requirements
- 5.14 Bypass
- 5.15 Upset
- 5.16 Reopener Clause
- 5.17 Removed Substances
- 5.18 New Sources (if applicable)
- 5.19 Definitions

**B. OTHER REQUIREMENTS**

**1. REPORTING SPILLS AND ACCIDENTAL DISCHARGES**

Nothing in this permit shall be to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties established pursuant to Series 3, Section 1 of the Environmental Quality Boards regulations.

Attached is a copy of the West Virginia Spill Alert System for use in complying with Series 3, Section 1 of the regulations as they pertain to the reporting of spills and accidental discharges.

**2. HAULAGEWAYS AND ACCESS ROADS**

Haulageways and access roads shall be constructed and maintained in accordance with best management practices including, but not limited to, the performance standards contained in Title 38, Series 2, Section 4 of the West Virginia Surface Mining Reclamation Regulations.

The herein-described activity is to be extended, modified, added to, made, enlarged, acquired, constructed or installed, and operated, used and maintained strictly in accordance with the terms and conditions of this permit; the plans and specifications submitted with Permit Application No. WV1011642 Modification No. 1, completed the 17 day of December 2007; the information submitted with the application for Reissuance No. N/A completed the N/A day of N/A N/A, with the plan of maintenance and method of operation thereof submitted with such application(s) with the WVPDES Regulations, Series 30 and with any applicable rules and regulations promulgated by the State Environmental Quality Board.

Failure to comply with the terms and conditions of this permit, with the plans and specifications submitted with Permit Application No. WV1011642 Modification No. 1, completed the 17 day of December, 2007, with the information submitted with Application No. for Reissuance No. N/A completed the N/A day of N/A, N/A and with the plan of maintenance and method of operation thereof submitted with such application(s) shall constitute grounds for the revocation or suspension of this permit and for the invocation of all the enforcement procedures set forth in Article 11, Chapter 22 of the code of West Virginia.

This permit is issued in accordance with the provisions of Article 11, Chapter 22 of the Code of West Virginia and is transferable under the terms of WVPDES Regulations, Title 47 Series 10, Subsection 3.5.c.

EMERGENCY RESPONSE SPILL ALERT SYSTEM  
WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION

REQUIREMENTS:

West Virginia Legislative Rules Title 47, Series 11, Section 2 effective July 1, 1987.

RESPONSIBILITY FOR REPORTING:

Each and every person who may cause or be responsible for any spill or accidental discharge of pollutants into the waters of the State shall give immediate notification to the Emergency Notification Number **1-800-642-3074**. Such notification shall set forth insofar as possible and as soon thereafter as practical the time and place of such spill or discharge, type or types and quantity or quantities of the material or materials therein, action or actions taken to stop such spill or discharge and to minimize the polluting effect thereof, the measure or measures taken or to be taken in order to prevent a recurrence of any such spill or discharge and such additional information as may be requested by the Department of Environmental Protection. A written verification of such notification shall be submitted upon request of the Department of Environmental Protection.

It shall be the responsibility of each industrial establishment or other entity discharging directly into a stream to have available the following information pertaining to those substances that are employed or handled in its operation in sufficiently large amount as to constitute a hazard in case of an accidental spill or discharge into a public stream:

1. Potential toxicity in water to man, animals and aquatic life;
2. Details on analytical procedures for the quantitative estimation of such substances in water; and
3. Suggestions on safeguards or other precautionary measures to nullify the toxic effects of a substance once it has gotten into a stream.

Failure to furnish such information as required by Section 14, Article 11, Chapter 22, Code of West Virginia shall be punishable under Section 24, Article 11, Chapter 22, Code of West Virginia.

It shall be the responsibility of any person who causes or contributes in any way to the spill or accidental discharge of any pollutant or pollutants into State waters to immediately take any and all measures necessary to contain such spill or discharge. It shall further be the responsibility of such person to take any and all measures necessary to clean up, remove and otherwise render such spill or discharge harmless to the water of the State.

When the Director, Division of Water and Waste Management determines it necessary for the effective containment and abatement of spills and accidental discharges, the Director of Water and Waste Management may require the person or persons responsible for such spill or discharge to monitor affected waters on a manner prescribed by the Director of Water and Waste Management until the possibility of any adverse effect on the waters of the State no longer exists.

VOLUNTARY REPORTING BY LAW OFFICERS, U.S. COAST GUARD, LOCK MASTERS AND OTHERS:

In cases involving river and highway accidents where the responsible party may or may not be available to report the incident, law officers, U.S. Coast Guards, Lock Masters and other interested persons should make the report.

WHO TO CONTACT:

Notify Department Headquarters in Charleston, West Virginia at the following number: 1-800-642-3074. (This is a toll-free, 24-hour emergency response number.)

INFORMATION NEEDED:

- Source of spill or discharge
- Location of incident
- Time of incident
- Name of material spilled/discharged
- Amount of material spilled/discharged
- Spilled/discharged materials toxicity
- Personnel at the scene
- Actions initiated
- Shipper/Manufacturer identification
- Railcar/Truck identification numbers
- Container type

STATE OF WEST VIRGINIA NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM **DRAFT** DISCHARGE MONITORING REPORT

FACILITY NAME: OHIO COUNTY DEVELOPMENT AUTHORITY - Highlands Phase V/L COMMERCIAL LABORATORY NAME: COMMERCIAL LABORATORY ADDRESS: \_\_\_\_\_

LOCATION OF FACILITY: Ohio COMMERCIAL LABORATORY ADDRESS: \_\_\_\_\_

PERMIT NO.: WV1011642 OUTLET NO.: 001

WASTELOAD FOR THE MONTH OF: \_\_\_\_\_

ASSOCIATED PERMITS: \_\_\_\_\_

INDIVIDUAL PERFORMING ANALYSIS: \_\_\_\_\_

Report the rainfall for the 24 hour period prior to each sample included in this report in the spaces provided below.			
Rainfall (in)	Date	Rainfall (in)	Date

Parameter		Effective 07/01/2007 To													
		Quantity			Other Units										
		Minimum	Average Monthly	Max. Daily	Units	Number Exceed.	Minimum	Average Monthly	Max. Daily	Units	Number Exceed.	Measurement Frequency	Sample Type		
00058	Reported														
Flow	Permit Limits	N/A	Rpt Only	Rpt Only	GPM		N/A	N/A							Measured
00400	Reported														
pH	Permit Limits	N/A	N/A	N/A		6.00	N/A	9.00	Std Units						Grab
00530	Reported														
Total Suspended Solids	Permit Limits	N/A	N/A	N/A		N/A	35.00	70.00	MG/L						Grab
01045	Reported														
Iron, Total (As Fe)	Permit Limits	N/A	N/A	N/A		N/A	1.42	2.47	MG/L						Grab
	Reported														
	Permit Limits														
	Reported														
	Permit Limits														
	Reported														
	Permit Limits														

"I certify under penalty of law that this document and all attachments were prepared under the direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of a fine and imprisonment for knowing violations."

Date Completed \_\_\_\_\_

Signature/Title of Principal Officer \_\_\_\_\_

RATIONALE PAGE

NPDES Number: **WV1011642 (NPM-1-Major)** County: Ohio  
Company Name: OHIO COUNTY DEVELOPMENT AUTHORITY  
Facility Name: Highlands Phase V Area storm water  
SMA/Permit No.: N/A  
Other Apps:  
Date of Draft: 12/17/2007  
Permit Writer: Ken Politan  
Region: HQ

- 1. New or expanded discharge? **NO**
- 2. Facility eligible for General Permit? **NO**
- 3. Basis for effluent limitation:

A. Determine uses of each receiving stream.

<u>Stream Uses</u>	<u>Stream Name</u>
1	MIDDLE WHEELING CK
1	Storch's Run

B. Parameters of concern: **YES** pH **YES** Fe **NO** Mn  
**NO** Al (D) **NO** Al (T) **NO** Others

Specify Others:

C. Justification Review: This modification incorporates the erosion and sediment control and storm water management plan requirements for the expanded phase v area of the Highlands and relocates outlet no. 001 which controls leachate from a reclaimed refuse pile. This modification converts the NPDES Permit into an individual storm water permit for the phase V expansion area.

- 4. Types of effluent limitations:

**Technology** Based Outlets (0):

**Water Quality** Based Outlets (0):

**Best Professional Judgement** Based Outlets (0):

**Special** Outlets (0):

**Ammonia** Outlets (0):

**Sewage** Outlets (0):

Additional Comments: Some drawings have two scenarios and will be labeled either "with interchange" or "without interchange". If neither label is included the drawings apply to both scenarios. The "without interchange" project will go out to bid first. The "with interchange" will be an addendum when the interchange is approved. Also, during the construction of the Expanded Phase V project, outlet no. 001 will be relocated as described in the "Sequence of Construction" specifications and Exhibit 1-VI-A Drawings (with and without interchange). The final relocation of outlet no. 001 is depicted on the Exhibit1-VI-A drawings.

- 5. Special Conditions or other monitoring requirements:

**Stream** Monitoring: D-1, U-1

**Groundwater** Monitoring:

- 6. Does the application contain:  
Valley fills/refuse?

**N/A**

In Ephemeral Streams?  
In Intermittent/Perennial Streams?

N/A  
N/A