



**NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES)
APPLICATION INSTRUCTIONS**

GENERAL INFORMATION:

Pursuant to **Virginia Code 45.2-1029 B**, the Division of Mined Land Reclamation (DMLR) has the authority to issue non-sewage NPDES permits to coal surface mining and reclamation operations. The Virginia Department of Environmental Quality issues and administers NPDES permits for sewage discharges from coal related operations.

If you need assistance in completing the NPDES application form, please contact the Water Quality section at (276) 523-8199.

The Applicant must submit one complete copy of the NPDES application to the Division of Mined Land Repurposing; 3405 Mountain Empire Road; Big Stone Gap, Virginia 24219.

The application must be submitted by all applicants who do not have a current NPDES permit. The application will not be considered complete unless every question on the form is answered. If an item does not apply to your operation, enter "NA" to show that the question was considered. The application shall also be used by those who have existing NPDES permits and are applying for re-issuance of the NPDES permit.

Public Information - Any information required by the NPDES application and any effluent data shall not be considered as confidential information. The information is available to the public upon request. Any information submitted to the DMLR which goes beyond that required by the application and the **Virginia Coal Surface Mining Control and Reclamation Act of 1979** (Act) may be claimed as confidential.

INSTRUCTIONS/INFORMATION TO COMPLETE APPLICATION:

Applicant - Company's official or legal name.

Application Number - Assigned by DMLR.

1. Standard Industrial Classification (SIC)¹ - List in descending order of significance, the four digit SIC codes which best describe the facility in terms of the principal products or services produced or provided. Also specify the classification (e.g., bituminous coal mine). For bituminous coal and lignite mines operated on a contract, fee, or similar basis, the SIC code is 1213. If not operated under contract, fee, or similar basis, the SIC code is 1211. If there are any questions concerning the appropriate SIC code or classification for a facility, please contact the DMLR's Water Quality section (276) 523-8199.

¹ **SIC code numbers** are descriptions found in the "Standard Industrial Classification Manual" prepared by the Executive Office of the President, Office of Management and Budget - available from the Government Printing Office, Washington, D.C.

2. Company Representative(s) - Identifies the person(s) who will ensure proper monitoring and reporting of discharges.

3. Sample Collection/Analysis - Identifies the commercial laboratory which will conduct sampling and analyses of discharges. Commercial laboratory means any establishment which provides a permittee with contract services for performing monitoring, evaluation, and reporting of discharge compliance or non-compliance with the terms and conditions of the NPDES permit.

Should the permittee use commercial laboratory services to comply with its permit's monitoring and reporting requirements, the permittee's contract with the laboratory must provide:

That the commercial laboratory shall permit any authorized State or Federal representative, upon presentation of proper credentials, the right to -

- A) Enter upon the commercial laboratory's premises in which any of the permittee's records are kept for the purpose of inspecting those records.
- B) Have access to and copy at reasonable times any records belonging to the permittee, relative to the requirements of the NPDES permit.
- C) Inspect at reasonable times any monitoring or analytical equipment or method required of the permittee.
- D) Conduct comparative sampling for the purpose of assuring the permittee's compliance or as otherwise authorized by the Act and the regulations promulgated thereunder.

4. Outfall Location - Use an appropriate 7.5 minute quadrangle map to determine the latitude and longitude of each outfall and the name of the receiving water. Determine the latitude and longitude to the nearest second. Listing latitude and longitude for haulroad sumps is optional. (If an outfall is moved less than 15 seconds from the reported latitude or longitude, it will not be considered as a relocation.)

5. Flows, Sources of Pollution, and Treatment Technologies -

A. Show all operations which will contribute wastewater, including process and production areas, cooling water, and stormwater runoff. Similar operations may be grouped into a single unit and labeled to correspond to the more detailed listing under part "B". The water balance should show average flows. Show all significant losses of water to products, atmosphere, and discharge. Actual measurements should be used whenever available; otherwise, a best estimate may be used.

The line drawing should show, generally, the route taken by water in the facility from intake to discharge. A drainage map may be substituted for the line drawing when the discharge results entirely from surface runoff.

B. List all sources of wastewater to each outfall. Operations may be described in general terms. The flow contributed by each source may be estimated if no data is available, and for stormwater, any reasonable measure of duration, volume, or frequency may be used. For each treatment unit, indicate its size, flow rate, retention time, and describe the ultimate disposal of any solid or liquid wastes not discharged. Identify outfall(s) to be utilized as representative for effluent characterization and include a listing of those outfalls represented. (Use additional pages as necessary.)

6. Description of Treatment Facility(ies) - Provide the information for each discharge, including the types of treatment provided and chemical agents to be used. The results of any biological analysis for acute and/or chronic toxicity that have been made on any of your discharges or on a receiving water in relation to your discharge with in the past three years should be included on page 10 in “ATTACHMENT 8-A.”

7. Pollutant Characteristics - Check **YES** or **NO**, as applicable.

8. Effluent Characteristics - The applicant must collect data or utilize existing data to report information on the pollutants listed in the table on page 5 Part 8 of the application for each representative outfall. The results of at least one analysis must be provided for each parameter listed in the table. The applicant must also indicate if any pollutants not listed in the table but included in EPA form 2C are believed present. If pollutants are believed present, analyses should be performed and results included. For new permits or new outfalls not yet constructed effluent characterization may be utilized from an existing outfall on a similar permit; if data from a similar permit is used, include the MPID in the outfall number.

9. Public Notice - The Applicant must bear the cost of advertising a public notice to be published once a week for two consecutive weeks in a local newspaper or general circulation. The public shall have 30 days from the publication of the first notice to submit written comments or objections concerning the NPDES permit application. If no public objections are filed with the DMLR, or if any public response received can be satisfactorily answered, then the NPDES permit may be approved and issued. Significant public response and objection may necessitate public hearing as provided under the Act.

Attachment “A” provides the format for the public notice.

10. Company Certification - Regulations require the Certification be signed as follows:

- A. For a corporation - by a principal executive officer of at least the level of vice president.
- B. For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
- C. For a municipality, state, federal, or other public facility - by either a principal executive officer or ranking elected official.
- D. For A and B above: Any person possessing a current Power of Attorney issued by the company, corporation, etc. A copy of the Power of Attorney must be attached to this application.

Attachment A - Example - Public Notice

PUBLIC NOTICE
APPLICATION FOR
COAL SURFACE MINING/NPDES PERMIT
UNDER CHAPTER 10, TITLE 45.2 OF THE CODE OF VIRGINIA

APPLICATION NUMBER:

(NAME OF APPLICANT) of (BUSINESS ADDRESS) is applying to the Virginia Division of Mined Land Repurposing for a permit to conduct coal surface mining and reclamation operations at the following location:

INSERT A DESCRIPTION OR MAP WHICH SHALL:
Clearly show or describe the county(ies), town, river(s), stream(s), or other bodies of water, local landmarks, roads, or other information which will allow local residents to readily identify the proposed permit area.
Clearly show or describe the exact location and boundaries of the proposed permit area.
State the name of the U.S. Geological Survey 7.5 minute quadrangle map(s) which contain the proposed permit area.
If a map is utilized to show the proposed permit area, indicate the North point.

IF THE APPLICATION REQUESTS AN EXPERIMENTAL PRACTICE (4 VAC 25-130-785.13)
Include a paragraph which states that an experimental practice has been proposed, and identify the regulatory provisions for which a variance has been requested to accommodate the experimental practice.

IF THE OPERATION WILL RELOCATE, OR COME WITHIN ONE HUNDRED FEET OF THE OUTSIDE RIGHT-OF-WAY LINE OF ANY PUBLIC ROAD
Except for areas where mine access roads or haulage roads join the Right -of-Way line, include the following paragraph: “The proposed operation will (RELOCATE) (COME WITHIN 100 FEET OF) the following public road: (As appropriate, provide a concise description of the public road, the portion to be relocated, the new location, and the duration of the relocation.)”

Drainage and waste water resulting from the permitted operation will be discharged as follows:

1. Name the receiving stream(s).
2. State the type of discharge
3. Provide the location of the discharge(s) - brief description of each discharge location , location on the map (if used), and a statement as to whether the discharge is new or existing.

A copy of the application materials is available for public inspection and comment at the (**Designated Public Office**). A copy of the draft NPDES permit and fact sheet are available for public inspection and comment at the Division’s Big Stone Gap office. Any person whose interests are or may be adversely affected by the proposed operation, or an Officer, or Head of any Federal, State, or local government agency or authority may within 30 days of (**DATE OF FIRST PUBLICATION**) submit written comments or objections to the Division of Mined Land Repurposing concerning the proposed operation (and may also request, in writing, that the Division hold an Informal Conference concerning the application. A request for an informal conference shall follow the requirements of 4 VAC 25-130.773.13(c) of the **Virginia Coal Surface Mining Reclamation Regulations**).

All correspondence concerning the application should be submitted to the Division of Mined Land Repurposing, 3405 Mountain Empire Road, Big Stone Gap, Virginia 24219, Telephone: (276) 523-8100 - Attn.: Permit Section.