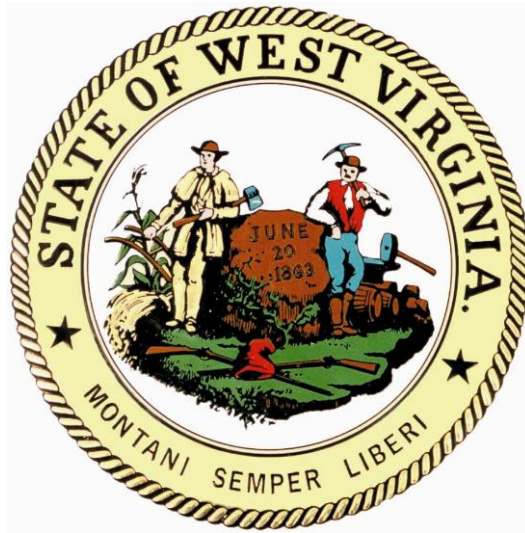


Application for

West Virginia State Waters Permit

For Federally Non-Jurisdictional Waters



WEST VIRGINIA STATE WATERS PERMIT FOR FEDERALLY NON-JURISDICTIONAL WATERS

This application must be completed for any activity involving a discharge into federally non-jurisdictional waters of the State which require a West Virginia State Waters Permit from the West Virginia Department of Environmental Protection (WVDEP). In accordance with the West Virginia Water Pollution Control Act (WPCA), the WVDEP has the responsibility to protect all waters of the State. The WPCA requires a permit for activities that may cause an alteration to the physical or biological integrity of the waters of the State. To determine whether you need to submit this application to the WVDEP, contact the WVDEP - Division of Water and Waste Management 401 Certification Program at (304) 926-0499.

The WVDEP West Virginia State Waters Permit is authorized by W. Va. Code §22-11-8(b)(3). The statute does not differentiate between those waters of the State which are under the federal jurisdiction of the Corps of Engineers and those waters of the State which are outside said jurisdiction, nor is there any provision contained in the WPCA which provides for an exemption from obtaining a permit for impacts to federally non-jurisdictional waters. Therefore, WVDEP follows the existing West Virginia Legislative Rule §47CSR5A which pertains to jurisdictional waters for the purpose of outlining this application process and compensatory mitigation guidelines.

In order for the WVDEP to issue a West Virginia State Waters Permit, the project must comply with the State Water Quality Standards (§47CSR2) and not potentially result in an adverse long- term or short-term impact on water quality. Included with the Water Quality Standards is the Antidegradation Implementation Rule (§60CSR5) effective July 2, 2001. The Rule includes additional application requirements and public participation procedures. Because there is a potential for lowering of water quality, or impacts to designated uses, associated with every project being reviewed for a West Virginia State Waters Permit, every applicant must provide the information required of this application.

Information provided with the application will be used to evaluate the project for a State permit and is a matter of public record. If the Secretary determines that the application lacks information necessary to determine whether the applicant has demonstrated the criteria set forth in Legislative Rule 47CSR5A, the WVDEP will inform the applicant in writing of the additional information that must be submitted. The application will not be accepted until it is considered complete by the Department. You will be informed in writing when your application is determined to be complete.

Please submit one (1) paper copy of this form and one (1) electronic copy with the \$350 application fee (if applicable, see instructions) to: Division of Water and Waste Management, 401 Certification Program, 601 57th Street SE, Charleston, West Virginia 25304

If any information is missing in this package it will be considered incomplete. A full permit review will not be made until all information is provided. The WVDEP will notify you of any missing and/or further information necessary for a proper and thorough review for a permit.

For Agency Use Only	
Date Received by Agency:	WVDEP application No.:
Filing Fee of \$350 received:	Check No.:
Reviewer's Name:	Date Application Deemed Complete:

APPLICANT INFORMATION

Applicant Name:	Agent Name:
Company:	Company:
Address:	Address:
City: State: Zip Code:	City: State: Zip Code:
Telephone Number:	Telephone Number:
Email Address:	Email Address:

PROJECT DESCRIPTION

Type of operation:
Activity or activities proposed in federally non-jurisdictional stream or wetland:
Project purpose:
Briefly describe the proposed project:

PROJECT INFORMATION

County:

Nearest Town:

Coordinates (decimal degrees):

Directions to site: include a USGS topographical map section showing location of proposed project.

Watershed Name (12 digit HUC):

Watershed Size (acres):

Name of federally non-jurisdictional stream(s) where impact(s) will occur and receiving streams to which they drain:

Federally non-jurisdictional wetlands on project site (acres):

Federally non-jurisdictional wetlands impacted by proposed project (acres):

Briefly describe wetland type and function:

Describe the type, composition, and quantity of fill material:**NO PRACTICAL ALTERNATIVE DEMONSTRATION (See Instructions)**

**DELINEATION OF FEDERALLY NON-JURISDICTIONAL STREAMS
AND WETLANDS (See Instructions)**

MITIGATION / COMPENSATION AGREEMENT
Include West Virginia Stream and Wetland Valuation Metric (See Instructions)

SIGNATURE – STATEMENT OF AFFIRMATION

Please read carefully before signing

Application is hereby made for a West Virginia State Waters Permit to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true and accurate. I certify that I have the authority to undertake the activities proposed in the application. I understand and agree to allow representatives of the Department of Environmental Protection to enter upon said property in order to inspect the proposed project. I understand that the granting of other permits by local, state or federal agencies does not release me from the requirements of obtaining the permit requested herein before commencing the project.

Applicants Printed Name: _____

Applicant's Signature: _____ Date: _____

PUBLIC NOTICE

Publication Date:

Expiration Date (30 days after initial publication date):

TO WHOM IT MAY CONCERN:

A West Virginia State Waters Permit, as required by W. Va. Code §22-11-8(b)(3) has been requested from the West Virginia Department of Environmental Protection (WVDEP) for:

(Name of Project)

(Name and Address of Applicant)

SCOPE OF PERMIT:

The West Virginia Water Pollution Control Act requires a permit for activities that may cause an alteration to the physical or biological integrity of the waters of the State. The WVDEP West Virginia State Waters Permit is authorized by W. Va. Code §22-11-8(b)(3). WVDEP follows the existing West Virginia Legislative Rule §47CSR5A which pertains to jurisdictional waters for the purpose of outlining this application process and compensatory mitigation guidelines.

DESCRIPTION OF THE ACTIVITY:

PROJECT LOCATION:

INFORMATION AVAILABLE:

The West Virginia State Waters Permit application is available for inspection between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, at the following location:

WV Department of Environmental Protection
Division of Water and Waste Management
401 Certification Program
601 57th Street SE
Charleston, West Virginia 25304

COMMENTS:

Comments and information relating to the West Virginia State Waters Permit for this activity are hereby solicited. The need for a public hearing will be determined based on an evaluation of specific request(s) for such hearing. Comments and information can be emailed to: WQScomments@wv.gov

All electronically-received comments will be considered if received prior to the expiration date of this notice.

Comments and information can also be mailed to:

WV Department of Environmental Protection
Division of Water and Waste Management
401 Certification Program
601 57th Street SE
Charleston, West Virginia 25304

All mailed comments and information on the activity's impact will be considered if postmarked prior to the expiration date of this notice. Comments and information postmarked later than the expiration date may not be considered.