

TO:	Permitting and I&E Personnel
SUBJECT:	SWROA Requirements for Existing Permits
DATE:	May 25, 2004
APPROVAL:	F. Joe Parker, Acting Director 

The requirement to implement a surface water runoff analysis (SWROA) on active mining operations is provided by rule at 38-CSR2-5.6.d. of the West Virginia Surface Mining Regulations. After January 1, 2004, all existing permits must comply with the SWROA requirements according the following timetable based upon permitted acreage.

- **Permitted acreage > 400 acres:** SWROA due date is June 29, 2004
- **Permitted acreage ≥ 200 and ≤ 400 acres:** SWROA due date is December 26, 2004
- **Permitted acreage ≥ 100 and < 200 acres:** SWROA due date is June 24, 2005
- **Permitted acreage ≥ 50 and < 100 acres:** SWROA due date is December 21, 2005
- **Permitted acreage < 50 acres:** SWROA due date is June 19, 2006

If a SWROA has been previously approved for an exiting permit and the entire permit remains in compliance with those SWROA designs, the permittee needs only to submit a written statement, signed by a corporate official having signatory authority, to the permit supervisor. This statement needs to address that the permit is SWROA compliant and specify what approved permitting transaction contains the SWROA design, e.g., Amendment #1, Revision #5, etc. After verification, the associated ERIS entry description should be revised, if needed, to show that a SWROA compliance demonstration is included.

If a permit, or portion thereof, is not SWROA compliant, a permit revision will be required to incorporate the required designs into the permit, regardless of whether on-ground remedial construction is anticipated or not. Allowable exclusions to the SWROA requirement include permits, or portions thereof, that are vegetated and qualify for Phase I release standards. Such exclusions will require a written request to be submitted as a permit revision. Permit review should coordinate with the inspector to verify any requested SWROA exclusions on a case-by-case basis. The associated ERIS entry description should indicate that the revision contains a SWROA compliance demonstration.

If a permit will become Phase I eligible within the above-mentioned timeframes, a written schedule may be provided to the inspector by the permittee specifying when the permit will achieve these standards. The submitted schedule must also include a contingency plan for SWROA compliance in the event the permit fails to meet this stipulated timeframe. This statement needs to be signed by a corporate official having signatory authority.

SWROA submittals for "not started" permits may be postponed if the permittee provides a written statement to the inspector stating that the permit's SWROA will be performed and submitted as a permit revision prior to permit activation. This statement needs to be signed by a corporate official having signatory authority.