STORMWATER MANAGEMENT PLAN

Municipal Separate Storm Sewer System (MS4)
WV/NPDES General Permit No. WV0116025

SEPTEMBER 2026

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1. Introduction

The Town of Fayetteville (Town) is enacting its Stormwater Management Plan (SWMP) with the intent of issuing acts of compliance required of permitted Small Municipal Separate Storm Sewer Systems (Small MS4s) discharging stormwater into surface waters of the State of West Virginia. General National Pollutant Discharge Elimination System Permit No. WV0116025 (General Permit) establishes requirements for owners or operators of permitted Small MS4s (Permittees) to develop strategies for continual compliance with state and federal regulations regarding stormwater discharge and pollution (see **Appendix A**). Authorization of Permittees to discharge stormwater and permissible non-stormwater pollutants is contingent upon the adherence to terms and conditions defined in the General Permit. Actions required of Permittees with coverage under the General Permit include:

i. successful submittal of a Notice of Intent (NOI) to the West Virginia Department of Environmental Protection (WVDEP), of which agency approval must be obtained;
ii. payment of all permitting fees due to the WVDEP; and
iii. compliance with requirements prescribed in the General Permit, as well as all applicable state and federal regulations pertaining to stormwater discharge and water quality standards.

The Town has issued its NOI, dated October 20, 2025, to obtain coverage under the General Permit, and the WVDEP has subsequently granted its approval of the Town's notice. A copy of the Town's approved NOI is included in **Appendix B**.

2. About the Town of Fayetteville

The Town of Fayetteville (Town) is centrally positioned within Fayette County, West Virginia, and is located approximately 37 miles southeast of the City of Charleston. Based on the 2020 Decennial Census, the population of the Town is approximately 2,887 residents. The Town's establishment began in 1837 as a small farming community called Vandalia, and it was later incorporated as an official town of West Virginia in 1872. Following the Town's creation, it became the county seat of Fayette County, West Virginia. The Town was named in honor of Marquis de Lafayette, a distinguished French military officer and politician serving in the American Revolutionary War. Early in the Town's history, it was a central hub for timber, coal, and railroad industries in the region. In the present day, the Town is renowned for its tourism and outdoor recreation opportunities due to its close proximity to the New River Gorge National Park and Preserve.

The Town is situated along U.S. Route 19, which is a primary component of the national highway system connecting numerous regions along the east coast of the United States. With respect to the state transportation system, the Town falls under coverage of WVDOH District 9 and is intersected by WV Route 16.

According to the U.S. Census Bureau, the Town has a total area of 5.58 square miles, of which 5.57 square miles is land and 0.01 square miles (0.22%) is water. The Town's service area is largely bordered by the New River to the north and the City of Oak Hill to the south.

U.S. Census Bureau data also indicates there are 1,353 families and 1,470 housing units. Of the documented housing units, approximately 117 (7.96%) are categorized as vacant.

Table 2.1 – Town of Fayetteville Population by Decade, 1960-2020

Census Year	Recorded Population	Population Change from Prior Period	Percent Change from Prior Period
1960	1,848	-	-
1970	1,712	-136	-7.36%
1980	2,366	654	38.20%
1990	2,201	-165	-6.97%
2000	2,771	570	25.90%
2010	2,892	121	4.37%
2020	2,887	-5	-0.17%

The median household income in the Town is $67,623, and the median family income is $78,673. Approximately 10.3% of the population is below the national poverty level, including 11.0% of those between 18 to 64 years of age and 15.0% of those 65 years of age and over. See **Appendix C** for additional information and locational statistics of the Town collected from the U.S. Census Bureau.

Major commercial entities based in the Town include, but are not limited to:

i. Rifrafters Campground
ii. The Outpost – New River Gorge Campground
iii. Pies & Pints
iv. Secret Sandwich Society
v. Walmart Supercenter
vi. Lowe's Home Improvement
vii. Quality Inn New River Gorge
viii. The Gaines Estate
ix. Wild Blue Adventure Company
x. Bear Mountain Cabins & Campground

The Town shares many geographical features with other communities located within lightly mountainous regions of the state. Its topography can be described as containing rolling hills with gentle to moderate slopes, with deeply incised terrain as the Town's boundary approaches the New River. Surrounding landscape is characterized by dense forests and small tributaries. Excluding low-lying areas along its shared border with the New River, the Town is almost entirely above the 100-year floodplain. Local geological features include areas of extremely stony outcrop complexes with loamy topsoil consistent with regional soil groups.

There are several named and unnamed waterways within the Town's corporate limits, including many unnamed intermittent streams. The following table lists several such waterways located within the Town:

Table 2.2 – Documented Waterways in the Town of Fayetteville

Waterway Name	NHD Stream Code
New River (Lower)	KNL
Wolf Creek	KNL-22
Marr Branch	KNL-20
UNT/UNT RM 0.04/Marr Branch RM 1.00	KNL-20-A-1
Penfield Branch	KNL-14
UNT/New River RM 10.36	KNL-18
House Branch	KNL-22-A
UNT/House Branch RM 0.82	KNL-22-A-1
Crooked Run	KNL-22-B

Municipal facilities presently operating within the Town include:

i. Fayetteville Huse Memorial Park and Mausoleum
ii. Charlie McCoy Town Park
iii. Skate Park
iv. Janutolo Park
v. Fayetteville Fire Department
vi. Fayetteville Police Department
vii. Fayetteville Town Hall / Municipal Building
viii. Fayette County Public Records
ix. Fayette County Family Resource Network (FRN)
x. Fayette County Health Department
xi. Fayette County Board of Education
xii. Fayette Nursing & Rehabilitation Center
xiii. Fayetteville PK-8 School
xiv. Fayette County Commission

Common names of residential areas in the Town are:

i. Garten
ii. Lansing
iii. South Fayette
iv. Beckwith
v. Ames Heights
vi. Gaymont
vii. Bachman
viii. Fayette
ix. Kaymoor
x. Oak Ridge

3. Regulatory Background

The Federal Water Pollution Control Act Amendments of 1972, referred to as the Clean Water Act, was enacted into federal legislation to create and reinforce water quality standards in the United

States. It establishes regulations governing the discharge of pollutants into waterbodies and wetlands. The Clean Water Act also specifically establishes limits on pollutants discharged from point sources, as provided through the National Pollution Discharge Elimination System (NPDES) Program.

The NPDES Program introduced and amended in the Clean Water Act extends regulations to pollution discharges originating from MS4s. After the adoption of the General Permit by the WVDEP, the State of West Virginia has administered the regulatory approval and incorporation of its MS4s covered within the General Permit. The General Permit, effective October 8, 2025, governs the conditions under which an MS4 may discharge stormwater and allowable non-stormwater waste and enforces environmental regulations for stormwater conveyance systems in the State of West Virginia (see **Appendix A**).

The definition of an "MS4" is:

> *"… a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) designed or used for collecting or conveying stormwater; (ii) which is not a combined sewer; and (iii) which is not part of a Publicly Owned Treatment Works (POTW)…" (40 CFR §122.26(b)(8))*

Rules defined by the United States Environmental Protection Agency (EPA) classify MS4s by geographical location and size of population served. MS4s are generally categorized by the EPA into two types: Phase I and Phase II. Phase I MS4s are described as medium and large conveyance systems serving 100,000 or more residents in urbanized areas, while Phase II MS4s (Small MS4s) serve between 50,000 and 100,000 residents and/or operate in centralized locations.

The definition of a "Small MS4" is:

> *"… an MS4 that is not permitted under the municipal Phase I regulations, and which is 'owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity....'" (40 CFR §122.26(b)(16))*

Small MS4s include systems comparable to centrally operated storm sewer systems in municipalities, such as systems at military bases, large hospitals, prison complexes, and highways or other thoroughfares. In addition, regulations prohibit the incorporation of combined sewer systems or separate storm sewers in discrete areas, such as individual buildings, into issued permits.

Small MS4s receive this designation through satisfying one of the following criteria:

i. Small MS4s are automatically designated by the EPA pursuant to Title 40, Code of Federal Regulations (40 CFR, Section 122.32[a]) because they are located within an urbanized area as defined by the U.S. Census Bureau.
ii. Small MS4s are individually designated after consideration of the following factors:
    a. high population density (1,000 residents per square mile),
    b. high growth or growth potential (growth greater than 25% between 1990 and 2000, or anticipated growth greater than 25% over a 10-year period),

c. a significant contributor of pollutants to an interconnected permitted MS4,
d. a discharger to sensitive water bodies, and/or
e. a significant contributor of pollutants to waters of the United States.

4. General Permit Applicability to the Town of Fayetteville

The Town is a Small MS4 subject to the General Permit because it is a public entity owning a stormwater conveyance system fully or partially meeting the criteria of Small MS4s outlined by the EPA.

The General Permit was reissued on September 8, 2025, and expires September 7, 2030. The Town submitted the required NOI on October 20, 2025, resulting in approval of Reissuance No. 3 for WV/NPDES General Permit Registration No. WVR030050 on March 23, 2026 (see **Appendix B**). With this most recent reissuance of the General Permit, existing Permittees must submit a Stormwater Management Plan (SWMP) to the WVDEP not later than 180 days following the approval of the NOI.

Once an MS4 is granted coverage under the General Permit, the Permittee must begin implementing the SWMP and submit annual reports evaluating its effectiveness. Annual reports created by the Town will be used to: (i) summarize the results of strategies and measurable goals implemented to manage stormwater discharge; (ii) propose improvements to executed management strategies which can be adapted into future revisions of the SWMP; and (iii) provide public transparency and regulatory accountability for ongoing stormwater management efforts pursued by the Town. Annual reports evaluating the performance of the SWMP must be submitted to the WVDEP yearly no later than October 1 of each year via the agency's Electronic Submittal System (ESS).

5. Stormwater Management Program Purpose and Benefits

This SWMP has been prepared by E.L. Robinson Engineering Co. on behalf of the Town of Fayetteville (Town) pursuant to the General Permit and describes the Town's program to comply with the provisions therein. The SWMP will serve as a framework for identifying, assigning, and implementing control measures and best management practices (BMPs) intended to reduce the quantity of stormwater discharge and improve water quality.

The general intent of the SWMP is to improve and safeguard surface water quality in the State of West Virginia by proposing community and municipal strategies specific to the Town for:

i. maximizing the infiltration of clean stormwater while reducing runoff volume and rate;
ii. protecting the New River (Lower), Laurel Creek, Wolf Creek, and other streams or waterbodies within the corporate limits;
iii. reducing pollutant loading resulting from stormwater discharge; and
iv. providing long-term watershed protection.

Potential benefits of improved stream water quality that may result from enhancements to the Town's stormwater system include:

i. improvements to aquatic habitats, visual appearance, and water recreation opportunities;
ii. increase in property value of residential housing and other infrastructure located along presently impaired drainage channels;
iii. avoidance of property being adversely affected by eroded drainage channels;
iv. increased attractiveness to travelers, tourists, and economic development;
v. decreased chance of nuisance flooding due to overflowing drainage structures;
vi. improved hydraulic capacity of river and streams; and
vii. fewer opportunities for waterborne pests to breed and thrive.

In addition to these water quality benefits, the SWMP will also:

i. provide planning and guidance to be used by Town departments, residents, contractors, and the general public;
ii. be dynamic and adaptively managed to address changes in General Permit requirements, organizational structure, responsibilities, and goals;
iii. define techniques and measurable goals for evaluating the effectiveness of BMPs; and
iv. define a schedule for program implementation to comply with the requirements of the General Permit.

6. Stormwater Management Plan Requirements

The SWMP outlines resources and strategies to assist the Town in reducing pollutant discharges within its stormwater system, protecting water resources, and maintaining compliance with state and federal regulatory requirements pertaining to water quality. To the maximum extent practicable, the Town will use known, available, and feasible methods of prevention, control, and treatment to mitigate stormwater pollution entering surface waters of the State of West Virginia.

The general requirements of the SWMP, as mandated by the General Permit, are to:

i. describe the roles and duties of administrative staff responsible for the implementation of the SWMP and fulfillment of all requirements outlined in the General Permit;
ii. if applicable, provide documentation of all agreements made between shared owners and operators of the MS4, detailing each party's roles, responsibilities, and supplemental agreements made with third parties;
iii. ensure that the most current SWMP is readily available and accessible for public viewing as prescribed by the General Permit;
iv. specify all waterbodies which receive stormwater discharge from the permitted MS4, while also including information regarding water quality impairments and total maximum daily loads (TMDLs) relevant to these receiving waters; and
v. establish operating procedures and BMPs with measurable and feasible goals for each of the six Minimum Control Measures (MCMs) outlined in the General Permit.

MCMs are categories of stormwater management that must be addressed through proper planning and identification of areas of concern within the MS4. The six MCMs with management strategies further described in this SWMP are:

i. MCM 1 – Public Education and Outreach
ii. MCM 2 – Public Involvement and Participation

iii. MCM 3 – Illicit Discharge Detection and Elimination
iv. MCM 4 – Controlling Runoff from Construction Sites
v. MCM 5 – Controlling Runoff from New Development and Redevelopment
vi. MCM 6 – Pollution Prevention and Good Housekeeping for Municipal Operations

Each MCM will include BMPs that will serve to satisfy the purpose of the SWMP. BMPs are activities, prohibitions of practices, maintenance procedures, and other management practices to reduce the effects of stormwater pollution on surface waters in the State of West Virginia. BMPs may also include treatment requirements, operating procedures, and specialized practices to mitigate stormwater impacts.

7. Measuring Stormwater Management Program Effectiveness

In accordance with the requirements of the General Permit, the Town will conduct periodic assessments and reports which will analyze the effectiveness of its SWMP. Annually, the Town will compile a summary of BMPs currently implemented, the efficacy and quantified results of executed BMPs, and potential improvements to BMP strategies.

The SWMP establishes an ascending order of goals leading to the primary objective of improving stormwater quality and, by extension, the water quality of streams and other surface waters receiving stormwater. These goals against which the SWMP will be assessed are as follows:

i. implementing BMP activities and achieving the desired results of said practices;
ii. raising community awareness of stormwater discharge and pollution prevention;
iii. changing the behavior of the general public accordingly; and
iv. reducing pollutant loading and stormwater volume.

The planned strategy for assessing the SWMP and BMP effectiveness includes:

i. confirming the implementation of each BMP activity;
ii. verifying that planned measurable goals accurately reflect the intent of individual BMPs;
iii. identifying, reviewing, and evaluating quantifiable measures of BMPs; and
iv. forming conclusions using quantifiable measures regarding the effectiveness of BMPs in satisfying their respective goals and the overall goal of the SWMP.

Once executed, each BMP can then be evaluated using the question “Is this BMP effective at making a positive impact toward improving stormwater quality and quantity?” The answer to each question could be “yes”, no”, or “indeterminate”, with further questioning to deduce potential inadequacies of BMPs.

8. Administration of the Stormwater Management Program

A. Responsibilities of Program Staff

Implementation of the SWMP involves several municipal departments and requires total Town involvement and support. Dedicated efforts stem from the staff of the Town, Water Quality Board, Town Council, and other Town committees.

The SWMP will be administered and managed by the Water Quality Board, which currently maintains supervision and control over the Town's stormwater system. The Water Quality Board will have the authority and responsibility to implement the MCMs and related BMPs.

B. Administrative Contacts

Staff members currently responsible for the implementation of the SWMP are detailed in the table below.

Table 8.1 – Town of Fayetteville SWMP Administrative Officials, 2026

Name	Title
Sharon Cruikshank	Mayor, Town of Fayetteville
Matt Diederich	Town Manager, Town of Fayetteville
Gabe Pena	Chair Member, Water Quality Board
Lewis Cook	Member, Water Quality Board
Brian Washington	Member, Water Quality Board
Mark Reed	Street Foreman, Town of Fayetteville

Listed officials may be contacted through the Fayetteville Town Hall using the following contact information:

Fayetteville Town Hall
125 North Court Street
Fayetteville, West Virginia 25840
(304) 574-0101
town@fayettevillewv.gov

9. Legal Authority and Enforcement

The Town has adopted numerous ordinances to create and maintain a healthy, safe, and pleasant environment in which to live and work. To maintain and enhance the quality of life in the Town, the Water Quality Board investigates and resolves municipal code compliance issues and violations pertaining to stormwater management, such as storage area violations and illicit stormwater discharges.

Current provisions in the Codified Ordinances of the Town of Fayetteville (Codified Ordinances) relating to stormwater management practices include, but are not limited to, the following:

Table 9.1 – Municipal Codes Applicable to Stormwater Management

Code Reference	Description
933.12(b)	Prohibits discharge of substances or materials into the stormwater system by unauthorized persons or entities
933.12(c)	Requires stormwater control practices for any person or entity engaging in activities that may result in pollutants entering the stormwater system
933.12(d)	Prohibits the deposition or accumulation of waste materials in or upon any stormwater collection and conveyance structures
933.13	Prohibits the establishment or use of illicit connections to the stormwater system
933.14	Prohibits storage of contaminants or hazardous substances that may result in infiltration of the stormwater system
933.17(a)	Restricts the installation of stormwater system taps to only be performed by the Fayetteville Stormwater Utility or authorized parties

The Town has adequate legal authority to create ordinances and policies enacted for the purpose of protecting and preserving water quality. A collection of current ordinances and policies enacted by the Town can be found at https://codelibrary.amlegal.com/codes/fayetteville/latest/fayetteville_wv/0-0-0-10985.

10. Allowable Discharges into Stormwater System

The Codified Ordinances establish municipal rules and standards relating to the infiltration of pollutants into the stormwater system. These ordinances prohibit activities that may result in stormwater contamination, such as actions that involve the improper storage or disposal of materials and illicit system connections. Furthermore, these ordinances restrict allowable discharges into the stormwater system to entities that have received formal approval from the Town or that maintain a current Industrial Waste Discharge Permit. The Town retains discretion to grant approval for discharges entering its stormwater system.

Residents and local entities are encouraged to coordinate with Town officials in determining adequate methods of waste disposal and techniques for preventing pollutants from entering the stormwater system.

11. Minimum Control Measures

The implementation and evaluation of the six Minimum Control Measures (MCMs), detailed as follows, comprise the basis of the SWMP. Within each MCM category, specific BMPs have been selected based on several factors, including the results of physical observations of local waterways and evaluation of the Town's storm drainage system.

Each MCM addresses a particular aspect of the Town in which stormwater management practices should be maintained and improved.

i. The Public Education and Outreach MCM addresses the need to inform Town staff, Town officials, residents, business owners, and the local construction industry of the problems associated with stormwater pollution. This MCM section proposes methods to influence public awareness, attitude, and behavior toward improving stormwater conditions in the Town.
ii. The Public Involvement and Participation MCM is intended to create opportunities for residents, citizen groups, and business owners to be involved in the stormwater management efforts.
iii. The Illicit Discharge Detection and Elimination MCM focuses on the detection and elimination of pollutants discharged into the Town's storm sewer system. The primary focus is to determine sources of illicit discharges in the MS4 and prescribe enforcement actions for violations, once identified.
iv. The Controlling Runoff from Construction Sites MCM establishes regulatory control of construction activities occurring within the Town's service area which involve soil disturbances or other potential impacts to water quality.
i. The Controlling Runoff from New Development and Redevelopment MCM addresses control of stormwater runoff from new development and redevelopment projects.
ii. The Pollution Prevention and Good Housekeeping for Municipal Operations MCM creates a program to minimize or eliminate stormwater pollution originating from Town operations and municipal facilities.

The General Permit outlines the required documentation that must be included in the Annual Report regarding the efficacy and results of measurable goals described in the MCMs. See Part III of each MCM subsection in the General Permit for reporting and evaluation criteria required in the submission of the Annual Report.

Refer to Section 8 for listed Town officials responsible for administering BMPs for each MCM.

A. MCM 1 – Public Education and Outreach

As outlined in this MCM, the SWMP includes a comprehensive education and outreach program intended for residents, businesses, industries, elected officials, policy makers, planning staff and other employees of the Town. The goal of this program is to: (i) increase the public's knowledge of mitigation techniques for reducing stormwater pollution; (ii) elevate the public's awareness of environmental impacts and associated legal ramifications regarding illegal and improper waste disposal; and (iii) develop a diverse set of stormwater management strategies through public learning opportunities.

This MCM will be utilized to increase the public's understanding of, and familiarization with, available stormwater management techniques and their significance for improving water quality. The greater the number of informed and knowledgeable people in the community will result in increased public support of the program and greater compliance with the programmatic requirements. Raising public support will be beneficial for enacting new initiatives and seeking volunteers to help implement the program. Greater compliance will be achieved through educational strategies as the community understands its responsibilities to protect water quality.

The minimum performance measures required by the General Permit for this MCM section are:

i. the continued implementation of the education and outreach program that was established during the previous permitting cycle; and

ii. the proposal of achievable and measurable goals in improving the target audience's understanding of stormwater pollution and steps that can be taken to reduce their impact.

Table 11.1 – Potential Subject Areas for Public Discussion

Target Audience	Subject Areas for Education and Outreach
General Public	Impacts from impervious surfaces; and BMPs to control the sources of stormwater pollution and environmental stewardship actions, such as opportunities in the areas of pet waste, vehicle maintenance, landscaping, and rainwater reuse
General Public, Businesses, and Industrial Users	BMPs for the use and storage of automotive chemicals, hazardous cleaning supplies, carwash soaps and other hazardous materials; impacts of illicit discharges and how to report them; and relevant BMPs on practices to be employed to educate business and industrial users of the stormwater system.
Homeowners, Landscapers, and Property Managers	Yard care techniques that protect water quality; BMPs for the use and storage of pesticides and fertilizers; BMPs for carpet cleaning and auto repair and maintenance; runoff reduction techniques, including site design, pervious paving, retention of forests and mature trees; and stormwater pond maintenance
Engineers, Contractors, Developers, Review Staff, and Land Use Planners	Technical standards for construction site sediment and erosion control; runoff reduction techniques, including site design, pervious pavement, alternative parking lot design, and retention of forests and mature trees; stormwater treatment and flow control BMPs; and impacts of increased stormwater flow into receiving waterbodies

The Town will measure the degree of understanding and behavior modification achieved for each audience. The resulting measurements will be used to direct education and outreach resources most effectively, as well as evaluate future changes in behaviors. Additionally, the Town will maintain documentation relating to the execution of public education and outreach activities.

High-Priority Stormwater Issues

Of these listed subject areas, several topics have been identified as high-priority stormwater issues that should be addressed through public education and outreach. The following tables detail areas of greatest concern, respective impacts of increasing public discussion on these topics, the intended target audience, and applicable strategies that will be used to address each subject:

MINIMUM CONTROL MEASURE 1 – PUBLIC EDUCATION AND OUTREACH **Best Management Practices** **BMP 1.1. Recycle Center and Road Salt Storage**	
Purpose	Prevent sediments, metals, and other contaminants originating at municipal storage facilities from entering stormwater runoff and flowing into nearby waterbodies
Target Audience	Municipality workers and facility operators
Positive Impacts	Improved quality of runoff at municipal storage and recycling locations
BMPs and Strategies	Facility staff meetings and signage to communicate good housekeeping techniques and inspection procedures
Measurable Goals	Post three (3) informative signs at each facility; hold one (1) staff meeting per year at each facility with active participants in each meeting
Schedule for Implementation	Begin upon SWMP approval

MINIMUM CONTROL MEASURE 1 – PUBLIC EDUCATION AND OUTREACH **Best Management Practices** **BMP 1.2. Illicit Connections to Stormwater Infrastructure**	
Purpose	Eliminate improper stormwater discharges into conveyance systems; discourage property owners from establishing illicit connections to stormwater utilities to control pollutant discharge
Target Audience	Residents and businesses
Positive Impacts	Reduced chance of excessive stormwater overwhelming drainage structures, resulting in improved stormwater conveyance
BMPs and Strategies	Text alerts, Facebook posts, and/or pamphlets at the Town Hall informing property owners of ordinances prohibiting illicit connections and associated penalties if found in noncompliance
Measurable Goals	One (1) informative text alert or Facebook post per year, with pamphlets readily available on posting boards in the Town Hall
Schedule for Implementation	Begin upon SWMP approval

MINIMUM CONTROL MEASURE 1 – PUBLIC EDUCATION AND OUTREACH **Best Management Practices** **BMP 1.3. Pet Waste in Recreational Areas**	
Purpose	Encourage individuals with pets in recreational areas to properly dispose of animal waste and limit contributing factors of biological impairments in receiving streams
Target Audience	Residents and visitors
Positive Impacts	Reduced loading of biological loading entering stormwater runoff and nearby waterways
BMPs and Strategies	Informational brochures and signage reminding visitors to clean up after pets and maintain environmental cleanliness
Measurable Goals	Construct and maintain signs at pet stations and public locations, and stock 20 informative brochures on each signage board on a monthly basis
Schedule for Implementation	Install signage at public parks and shared spaces immediately, and place brochures at similar locations to be continuously distributed; begin upon SWMP approval

The Town will document changes in discussion topics of high-priority stormwater issues to incorporate into the next yearly evaluation cycle. With these changes in discussion topics, the Town will provide justification for their relevancy in the Annual Report.

B. MCM 2 – Public Involvement and Participation

This MCM section is intended to foster active community support for stormwater management activities. Public participation ensures that the program reflects community values and priorities, thus having the highest potential for success. All public notices related to this MCM will be conducted in compliance with applicable public notice requirements.

The SWMP will include ongoing opportunities for public involvement through advisory councils, watershed associations and/or committees, stewardship programs, environmental activities or other similar activities. The Town will facilitate opportunities for direct-action, educational, and volunteer programs to encourage public involvement with environmental cleanup efforts.

The general requirements for the Public Involvement and Participation MCM are to:

i. ensure that information regarding the MS4 program and SWMP is readily available for public viewing with the ability for concerned citizens to issue comments;
ii. provide methods for the public to report potential illicit discharges into the stormwater system, improper waste disposal, or spills; and
iii. establish a system for the public to file complaints regarding land disturbance activities or other stormwater pollution concerns.

The Town will post information relevant to the implementation of the SWMP to its public website, located at www.fayettevillewv.gov, including: (i) the most current SWMP; (ii) a copy of the General Permit; (iii) the approval letter granting the Town coverage under the General Permit; (iv) available methods for the public to provide comments, recommendations, and other input on the SWMP and Annual Report; and (v) available methods for the public to voice stormwater pollution concerns and land disturbance complaints.

Additionally, a formal notice will be issued by the Town to inform the public of details pertaining to the availability of the SWMP for viewing and contact information of the administrative members available for accepting comments and questions about the SWMP. This formal notice will be issued within 30 days following the preparation of the SWMP, and a period of no less than 60 days will be allowed for the submission of public comments and questions.

The Town will provide summarizations in its Annual Report of public feedback pertaining stormwater concerns and MS4 activities, including: (i) public comments and questions regarding the most recent publication of the SWMP and (ii) stormwater pollution complaints with associated responses from the Town.

MINIMUM CONTROL MEASURE 2 – PUBLIC INVOLVEMENT AND PARTICIPATION **Best Management Practices** **BMP 2.1. Pet Waste Stations**	
Description	Install pet waste stations with free collection bags in public parks and shared spaces to encourage the proper disposal of pet waste
Water Quality Benefits	Improved stormwater runoff quality through reducing the amount of fecal waste polluting public facilities
Measurable Goals	Stock each pet waste station monthly with 50 collection bags or as needed
Schedule for Implementation	Ongoing; continue upon SWMP approval

MINIMUM CONTROL MEASURE 2 – PUBLIC INVOLVEMENT AND PARTICIPATION **Best Management Practices** **BMP 2.2. School Presentations or Public Events**	
Description	Open discussions at local schools, fairs, or festivals to inform the public of stormwater management techniques and applicability to everyday activities
Water Quality Benefits	Greater public involvement from community members to host environmental cleanup events and spread awareness of pollution mitigation strategies, resulting in renewed efforts to maintain environmental cleanliness
Measurable Goals	Two (2) school presentations or public outreach events per year
Schedule for Implementation	Begin upon SWMP approval

MINIMUM CONTROL MEASURE 2 – PUBLIC INVOLVEMENT AND PARTICIPATION **Best Management Practices** **BMP 2.3. Stormwater Management Public Meetings**	
Description	Meetings held with residents to coordinate green infrastructure projects, low-impact development projects, and voluntary cleanup events with the goal of improving water quality and stormwater processing
Water Quality Benefits	Reduced pollutant loading in stormwater system through collaborative efforts introduced and planned during public discussions
Measurable Goals	One (1) annual public meeting; subsequent meetings to discuss proposed projects and events, as needed
Schedule for Implementation	Begin upon SWMP approval

C. MCM 3 – Illicit Discharge Detection and Elimination

This MCM section is dedicated to reducing pollutants and excessive stormwater flow resulting from improper or illegal discharges entering the stormwater system. The Town will develop and implement an illicit discharge detection and elimination (IDDE) program to establish procedures for municipal staff to "investigate, track, and respond to potential illicit discharges," as required by the General Permit. The Town will enhance its current system to identify and eliminate illicit discharges. The effectiveness of the IDDE program will primarily depend on the periodical review and inspection of problematic areas in the Town.

Federal regulations define an illicit discharge as any discharge into the MS4 that is not composed entirely of rainwater. Illicit discharges are considered "illicit" because the Town's storm sewer system is not designed to accept, process, or discharge non-stormwater waste. There are exceptions to non-stormwater waste which may be reasonably discharged into stormwater systems, such as wastewater permitted to an industrial entity through an NPDES permit or allowable non-stormwater discharges identified in the General Permit.

To assist in the strategical planning of the IDDE program, the Town will maintain stormwater utility mapping which clearly indicates the boundaries of the MS4. Additional details that the system mapping must include are as follows:

i. locations of known stormwater outfalls and connections to the MS4;
ii. receiving waters in the MS4 with labels further denoting waterbodies possessing pollutant impairments or TMDLs;
iii. active stormwater BMPs owned, operated, or maintained by Town which discharge into the MS4; and
iv. legible scale and map markings, such as a north arrow, scale bar, and legend for map symbology.

The MS4 mapping will be georeferenced in an acceptable method using shapefiles or other digitized mapping techniques. See **Appendix D** for current MS4 mapping of the Town's stormwater system.

Implementation of IDDE Program

The IDDE program will utilize existing ordinances and legal mechanisms available to prohibit illicit discharges into the MS4. Applicable codified ordinances of the Town which prohibit illicit stormwater discharges and define legal consequences for those found in violation of these ordinances include:

Municipal Code	Description
101.99	Where no specific penalty is otherwise provided, violation of any provision within the Codified Ordinances may result in a fine of no more than five hundred dollars ($500.00) or imprisonment for no more than thirty days, or both, with each day any such violation continues to be treated as a separate offense
933.12(b)	Prohibits discharge of substances or materials into the stormwater system by unauthorized persons or entities
933.12(d)	Prohibits the deposition or accumulation of waste materials in or upon any stormwater collection and conveyance structures
933.12(e)	Forbids any actions which may cause or permit dumpsters, solid waste bins, storage facilities, or similar containers to leak pollutants into public or private land, including stormwater drainage structures
933.12(f)	Restricts the use of the stormwater system for discharge from any environmental cleanup that is regulated under federal or state law to entities approved by the Stormwater Utility
933.15	Prohibits any discharge that would cause a violation of any NPDES permit assigned to the Town and any amendments, revisions or reissuance thereof, either separately considered or when combined with other discharges; liability for any such discharge, including but not limited to the cost of remedial activity, shall be the responsibility of the person(s) causing or responsible for the discharge, and the Town shall seek to have such persons defend, indemnify and hold harmless the Town in any administrative or judicial enforcement action against to the Town
933.18(d)	The Town is authorized to take appropriate legal action to require compliance with prescribed Articles of the Codified Ordinances regarding stormwater management

The Town may issue new ordinances as necessary to properly reflect stormwater conditions of the Town. New ordinances will need to be developed to ensure the Town has adequate jurisdiction to manage its MS4 to the fullest extent required by the General Permit. As per section 933.18(d) of the Codified Ordinances, the Town is authorized to take appropriate legal action against any individuals or entities found in noncompliance of issued stormwater ordinances. The Town could also possibly modified codes 101.99 and 933.18(d) to have the ability to enforce stiffer penalties against individuals or entities found in noncompliance.

As part of the IDDE program, the Town will organize and execute procedures to monitor stormwater discharges at high-priority outfalls. The Town will perform an annual assessment of its service area to identify the locations of which dry-weather screening activities should be prioritized. The Town will compile public reporting records, staff observations, and the location

of probable offenders of illicit discharges to determine high-priority locations of stormwater concerns. Within the MS4, at least 20% of stormwater outfalls, or 50 outfalls, whichever is less, will be selected for analysis and subsequent inspection during dry-weather screening events. Dry-weather screening events are tentatively scheduled to occur at a quarterly interval during extended periods of dry weather. The inspection form provided in **Appendix E** will be used to assess the quality of stormwater discharging from high-priority outfalls and determine the potential of illicit discharges occurring in the system. The results collected from these outfalls will be used to reasonably locate the source of illicit discharges in the MS4 and execute enforcement actions once fault has been established. In addition to these dry-weather screening activities, the Town will conduct further analyses of critical high-priority outfalls it has deemed to be of greatest importance. These critical outfalls and their respective selection rationale are as follows:

Critical Outfall No. 1: Pierce Street Residential Area (38°03'00.7" N, 81°05'59.7" W)

*This stormwater outfall is located at the junction of Rotan Street and King Avenue near the "Love Hope Center for the Arts" Exhibit. Stormwater discharged from this outfall is collected by the drainage network primarily serving the residential area along Pierce Street. The location of this outfall and associated drainage piping is central to a densely populated section of eastern Fayetteville, with stormwater runoff in this area generally discharging into House Branch. House Branch is presently listed on the WVDEP Section 303(d) list for exhibiting fecal coliform impairments (see **Appendix F**). Consistent inspections of discharges may yield results in detecting occurrences of illicit discharges into residential drainage systems contributing to excessive bacterial pollutants in House Branch.*

Critical Outfall No. 2: Fayette Avenue Primary Outfall (38°03'01.7" N, 81°05'58.3" W)

This conveyance structure is a critical component of the drainage system in central Fayetteville, including heavily developed areas along South Court Street, East Maple Avenue, Fayette Avenue, and connecting streets. The drainage structures upstream of this outfall collect stormwater runoff from numerous houses, public facilities, and businesses, thereby conveying the accumulated stormwater to House Branch through this outfall. As mentioned previously for Outfall No. 1, House Branch is environmentally impaired due to the capture of excessive bacterial pollutants likely originating from unmitigated residential runoff. Therefore, substantial efforts should be taken to monitor discharges into House Branch and assess the frequency of illicit flows entering the drainage system, followed by appropriate proper action against those found to be in violation.

IDDE Program Procedures

Supplementary to periodic inspections of high-priority outfalls, the Town will also perform additional investigations to determine sources of suspected illicit discharges. The Town will conduct individual investigations to further verify any observations collected during dry-weather screenings of high-priority outfalls, external reports of discharge events, or other findings related to discharges.

As outlined by Part III.C.2.iv of the General Permit, the Town will create a report for each investigation which will consist of information detailing: (i) the initial date and origin for which the suspected illicit discharge was reported or observed; (ii) a summary of findings gathered during

the investigation, including the source, if determined; (iii) the outcome of the investigation, including any remedial or enforcement actions taken; and (iv) date the investigation was closed.

If an investigation is unable to determine the source of illicit discharges resulting from observations or reports after six months, then the investigation will be considered inconclusive and will note in the subsequent investigation report that the source was not identified.

Public Reporting of Illicit Discharges

Members of the public are able to submit reports or complaints of illicit discharges to the Town through the contact information listed under Section 8 of this SWMP. The Town's public website also describes methods in which the public can submit reports or complaints regarding stormwater concerns and illicit discharges. All reports and complaints received will be documented by the Town using the incident report tracking sheet included in **Appendix G**.

MINIMUM CONTROL MEASURE 3 – ILLICIT DISCHARGE DETECTION AND ELIMINATION **Best Management Practices** **BMP 3.1. IDDE Program**	
Description	The adoption of an adaptive IDDE program to monitor and detect illicit discharges into the stormwater system and administer legal penalties to entities found liable for such violations
Water Quality Benefits	Reduced intake of pollutants in receiving streams located within residential and commercial areas of the Town by using investigative and enforcement methods to discourage illicit discharges
Measurable Goals	As needed, respond to reports and sightings of illicit discharges into the stormwater system, document and investigate potential occurrences of system abuses, and apply corrective measures upon the discovery of the discharge source
Schedule for Implementation	Begin upon SWMP approval

D. MCM 4 – Controlling Runoff from Construction Sites

The purpose of this MCM section is to prevent sediment and waste generated during construction activities occurring within the MS4 service area from entering the stormwater system. Excessive sedimentation is typically the main pollutant of concern, since large quantities of sediment in waterways can be disruptive and harmful to aquatic life and ecosystems. Temporary construction activities have the potential to contribute more sediment to streams and other waterbodies than what is naturally deposited over decades. Therefore, extreme care must be taken to ensure that construction activities limit the generation of sediment and waste which may be potentially introduced into the environment. This section outlines the Town's ongoing program to assess, implement, and enforce measures to reduce pollutants in stormwater runoff from construction site activities.

Ordinances will be adopted to provide jurisdiction to the Town regarding monitoring and administering Regulated Construction Activities and other land-disturbing activities within its corporate limits. The General Permit defines "Regulated Construction Activities" as:

"… construction activities in the MS4 Service Area that result in a land disturbance of (i) one acre or greater or (ii) less than an acre if part of a larger common plan of development or sale that will result in land disturbance of one acre or greater, unless such activities are exempt from NPDES permitting requirements by Federal or State law."

As mandated by the General Permit, new provisions to the Codified Ordinances and municipal regulations must be enacted to give the Town authorization to: (i) review, approve, and inspect Regulated Construction Activities; (ii) control the execution and continuation of construction activities based on the activities' compliance with the SWMP and issued NPDES permits; and (iii) enforce violations in response to noncompliant construction activities. The Town will require responsible parties of Regulated Construction Activities occurring within its municipal boundaries to submit a Stormwater Pollution Protection Plan (SWPPP) for the Town's review, approval, and record. The Town will ensure that proposed SWPPPs are compliant with the terms of the General Permit. The Town will not authorize the performance of Regulated Construction Activities until the parties responsible for such activities have been granted coverage under a WV/NPDES permit.

Inspection of Regulated Construction Activities

The Town will employ a construction inspection program to ensure that Regulated Construction Activities occurring within its boundaries are compliant with approved SWPPPs. This inspection program includes the following components and procedures:

i. The Town will perform periodic inspections of land disturbance activities and high-priority construction activities. High-priority construction activities will be regarded as construction operations with greater than five (5) acres of land disturbance, projects with stormwater drainage flowing into waterbodies with established TMDLs, and/or project deemed by the Town to potentially cause significant impacts to water quality. Construction activities resulting in land disturbances with be inspected at least once during the performance of work, and high-priority construction activities will be inspected at a minimum interval of once per month. Erosion and sediment (E&S) control resources listed in **Appendix H** will be used in conjunction with prescribed methods included in approved SWPPPs to evaluate the efficacy of implemented practices during construction.
ii. The Town will utilize its standardized inspection form, as seen in **Appendix I**, to evaluate the level of compliance of Regulated Construction Activities. Using this inspection form, the Town will document its findings regarding stormwater maintenance procedures and site-specific BMPs.
iii. Any deficiencies in the implementation of pollution mitigation techniques and measures prescribed in an approved SWPPP will be noted in the Town's inspection form. Deficiencies relating to pollution events will be immediately communicated upon discovery to the operator of Regulated Construction Activities, and instructions to implement corrective actions within 24 hours will be provided to the operator. The Town will maintain all records of performed construction stormwater inspections, associated enforcement actions, and corrective measures in response to noted deficiencies. The Town will provide complete inspection forms to the operator of Regulated Construction Activities within seven (7) days of the inspection date.

Compliance and Enforcement Procedures

Enforcement action will be taken by the Town against operators of Regulated Construction Activities found in noncompliance with the requirements of the General Permit using methods

and procedures presented in this section. Enforcement actions in response to violations will be prescribed according to the severity and frequency of violations. Notwithstanding the enforcement actions outlined, municipal ordinances will be issued to provide legal authority to the Town to act upon violations of the General Permit and attendant regulations by operators of construction activities, as necessary.

Construction Stormwater Offense	Examples of Violations and Noncompliant Actions	Enforcement Procedures
Minor Violations – Pollution Mitigation Practices	Damaged and inadequate BMP devices; minor sediment accumulation in external areas; small areas of exposed soil	Issue warning letter(s) with corrective measures to be immediately implemented; order temporary/permanent cessation of construction activities after repeated offenses; issue civil penalties and fines pursuant to the Codified Ordinances
Minor Violations – Site Documentation and Administrative Management Practices	Missing or inadequate documentation required by the SWPPP or the General Permit, minor discrepancies in reported field conditions, late submittal of documentation required to maintain compliance with the SWPPP	
Major Violations – Pollution Mitigation Practices	Refusal by construction operator to implement BMPs and good housekeeping measures required by the SWPPP; widespread failure of BMP devices in areas of construction; chronic or severe discharges of stormwater pollution; unauthorized dewatering discharges	Order immediate cessation of construction activities; issue civil penalties and fines pursuant to the Codified Ordinances; refer significant violations to the appropriate environmental agencies and legal authorities for further enforcement; terminate construction authorization; issue directives to remediate damage resulting from violations
Major Violations – Site Documentation and Administrative Management Practices	Failure to conduct routine stormwater inspections; missing permit coverage documentation; falsified inspection records and reports; initiating construction activities prior to receiving an approved SWPPP	

Public Reporting of Stormwater Concerns

Members of the public may submit reports or complaints to the Town concerning stormwater issues originating from Regulated Construction Activities using the contact information listed in Section 8 of this SWMP. The Town's website also provides available methods in which reports and complaints can be submitted for investigation. The Town will respond to public reports within 30 days of their receipt. Public reports and resulting investigations will be logged using the Town's stormwater incident report tracker provided in **Appendix G**.

MINIMUM CONTROL MEASURE 4 – CONTROLLING RUNOFF FROM CONSTRUCTION SITES **Best Management Practices** **BMP 4.1. Inspection and Management of Regulated Construction Activities**	
Description	Enact policies and requirements for Regulated Construction Activities occurring within the MS4 service area to comply with provisions of the SWMP and General Permit; provide administrative oversight over stormwater management practices at approved construction sites
Water Quality Benefits	Increased control over stormwater pollution arising from inadequate stormwater management practices used during Regulated Construction Activities
Measurable Goals	Review, approve, and inspect Regulated Construction Activities using prescribed methods; control the execution and continuation of construction activities based on the activities' compliance with the SWMP and issued NPDES permits; and enforce violations in response to noncompliant construction activities
Schedule for Implementation	Begin upon SWMP approval

E. MCM 5 – Controlling Runoff from New Development and Redevelopment

One opportunity to reduce the generation of non-point source pollution from urban stormwater runoff is through planning and design, before developments are built. Once built, it is complex and expensive to correct infrastructure design issues relating to proper stormwater discharge. This MCM section focuses on site planning and design considerations, which are most effective when addressed in the early stages of project development. Effective long-term management and maintenance are critical; therefore, the best design opportunities are those with minimal maintenance needs. The goal of this MCM is to integrate basic and practical stormwater management techniques into new development and redevelopment activities to protect water quality.

The SWMP will include a program to develop, assess, implement, and enforce design requirements to appropriately manage stormwater runoff and associated pollutants resulting from new development and redevelopment activities occurring within the MS4. This program will be applied to all sites for which Regulated Development and Redevelopment Projects are to be conducted, with such projects strictly defined in the General Permit as:

> *"… development and redevelopment projects in the MS4 Service Area that have a land disturbance area of (i) one acre or greater or (ii) less than an acre if part of a larger common plan of development or sale that will result in land disturbance of one acre or greater."*

The program will apply to public sector and private sector development, including roadways and other thoroughfares. The program must ensure that controls are in place which will increase groundwater recharge of stormwater runoff where and when possible while also protecting water quality and reducing pollutant loading.

Through the adoption of new codified ordinances, Town will require the owner(s) of Regulated Development and Redevelopment Projects to submit a proposed Post-Construction Stormwater

Plan (PCSMP) for approval and record prior to the initiation of such projects. Within its PCSMP, the owner(s) of Regulated Development and Redevelopment Projects must demonstrate that the proposed project is compliant with the following design criteria specific to mitigating water quality impacts:

Post-Construction Development Standards

Regulated Development Projects must be designed to retain a volume of runoff equivalent to 1.0 inch of rainfall or greater multiplied by the total post-construction impervious surface area on the proposed site. The Town may provide an allowance for a minimum rainfall retention of 0.8 inches for high-density developments with greater than seven (7) units per acre, transit-oriented developments, and proposed projects containing direct or indirect water quality benefits in accordance with criteria identified in this SWMP. Exemptions from this rule may be granted for Regulated Development Projects exclusively limited to roadway maintenance and improvement activities or solely involving the construction or modification of sidewalks and/or parking lots.

Post-Construction Redevelopment Standards

Regulated Redevelopment Projects must be designed to retain a volume of runoff equivalent to 0.8 inches of rainfall or greater multiplied by the total post-construction impervious surface area on the site. The Town may choose to decrease the minimum runoff retention standard to 0.5 inches of rainfall or greater for high-density redevelopment with greater than seven (7) units per acre, transit-oriented development, brownfield redevelopment, and projects with direct or indirect water quality benefits in accordance with criteria identified in the SWMP. Exemptions from this rule may be granted for Regulated Redevelopment Projects exclusively limited to roadway maintenance and improvement activities or solely involving the construction or modification of sidewalks and/or parking lots.

Approval of Submitted PCSMPs

The Town may reject any proposed PCSMP attempting to comply with the above Development and Redevelopment Standards that does not include a completed copy of the most current WVDEP MS4 Stormwater Compliance Spreadsheet. This compliance spreadsheet, as well as instructional resources and guidance for its completion, can be located on the WVDEP website at: https://dep.wv.gov/WWE/Programs/ stormwater/MS4/permits/Pages/ToolsandGuidance.aspx.

The owner(s) of Regulated Development and Redevelopment Projects may elect to provide alternative documentation demonstrating compliance with the listed design standards. The Town maintains discretion to reject any submittals of alternative documentation it may deem insufficient for fulfilling stated design requirements. Approval of the PCSMP relies on the plan's full conformance to all applicable water quality standards mandated by federal, state, and local regulations.

Implementation of the Post-Construction Development and Redevelopment Standards imposed herein are effective on the date of the approval of this SWMP. Regulated Development and Redevelopment Projects initialized 30 days prior to the approval of this SWMP are exempt from this rule and must conform to all planning and design criteria established during the preceding permitting cycle.

Stormwater Management Facility Inspection and Maintenance Program

To assess the level of programmatic compliance and performance of constructed stormwater management facilities included in Regulated Development and Redevelopment Projects, the Town will develop and utilize an oversight program for the regular inspection and maintenance of such facilities. This program will establish recordkeeping and inspection procedures to be performed by the Town and responsible parties of Regulated Development and Redevelopment Projects to ensure proper maintenance and care of stormwater management facilities. As detailed below, the inspection and maintenance program consists of the following components:

As-Built Drawings

No later than 90 days following the completion of Regulated Development and Redevelopment Projects, the Town will require responsible parties to submit certified as-built drawings of constructed stormwater management facilities proposed in approved PCSMPs for record.

Long-Term Management by Owner(s)

To ensure continual maintenance of stormwater management facilities, the Town will require responsible parties of facilities, and all subsequent parties thereafter, to execute binding agreements legally recognizing those responsible for the long-term stewardship of stormwater systems included within Regulated Development and Redevelopment Projects. Binding agreements must mandate responsibly parties and successors to: (i) perform annual stormwater facility inspections; (ii) execute any preventative maintenance procedures at the interval prescribed in operation and maintenance manuals, as necessary; and (iii) provide documentation of completed facility inspections and maintenance activities to the Town. Executed agreements must be made in favor of the Town or a designated party acting on the Town's behalf.

Municipal Inspections

The Town will maintain active records of all stormwater management facilities constructed in Regulated Development and Redevelopment Projects subject to maintenance agreements. In addition to inspections required by executed agreements, the Town will perform its own independent inspections of stormwater management facilities at a minimum interval of one (1) inspection per facility every five (5) years. Any deficiencies discovered during these inspections will be documented by the Town and will result in appropriate enforcement actions being taken against responsible parties.

Stormwater management facility maintenance agreements executed during previous issuances of the General Permit will continue to be subject to their respective terms and conditions, with the recognized authority of the Town remaining as described therein.

Compliance and Enforcement

Codified ordinances do not currently exist which provide the Town proper authority to execute inspection and oversight procedures required by the General Permit for this MCM. The Town is actively working to establish new provisions within its Codified Ordinances to guarantee local governance over Regulated Development and Redevelopment Projects.

Proposed enforcement procedures specific to degrees and varieties of violations involving Regulated Development and Redevelopment Projects are described below.

Stormwater Management Offense	Examples of Violations and Noncompliant Actions	Enforcement Procedures
Minor Violations – PCSMP Approval Process and Facility Inspection/Maintenance Records	Overdue submittal of PCSMP and stormwater management facility as-built drawings for Town approval; late inspection logs and facility records for municipal recordkeeping; minor deficiencies noted during routine municipal inspections of stormwater management facilities	Issue warning letter(s) with corrective measures to be immediately implemented; order temporary/permanent exclusion from performing development/redevelopment activities after repeated offenses; issue civil penalties and fines pursuant to the Codified Ordinances
Major Violations – Repeated Violations, Blatant Mismanagement, and Falsifying Facility Records	Refusal to submit required documentation for PCSMP approval; intentional misrepresentations on certified as-built drawings; completion of development/redevelopment activities without prior authorization; falsifying inspection/maintenance records of stormwater facilities; inadequate maintenance of stormwater facilities, potentially resulting in discharges of pollutants	Order immediate revocation of approval of development/redevelopment activities, if on-going approval; issue civil penalties and fines pursuant to the Codified Ordinances; refer significant violations to the appropriate environmental agencies and legal authorities for further enforcement; terminate construction authorization; issue directives to remediate damage resulting from violations

Public Reports and Complaints

The Town will use the Stormwater Incident Report Tracker provided in **Appendix G** to document, track, and resolve public complaints regarding post-construction stormwater management practices at Regulated Development and Redevelopment Projects. Reports can be received using the contact information provided in Section 8, as well as using additional outreach methods provided on the Town's public website (https://fayettevillewv.gov/).

Recordkeeping

As previously detailed in this MCM, the Town will maintain critical records of activities involving Regulated Development and Redevelopment Projects within the limits of its MS4, including: (i) PCSMP approvals; (ii) as-build drawings, municipal/owner inspection reports, and maintenance agreements for stormwater management facilities; (iii) a complete inventory of stormwater management facilities; (iv) documented remedial and enforcement actions taken by the Town;

and (v) public reports and complaints submitted to the Town concerning development/redevelopment activities.

MINIMUM CONTROL MEASURE 5 – CONTROLLING RUNOFF FROM NEW DEVELOPMENT AND REDEVELOPMENT **Best Management Practices** **BMP 5.1. Post-Construction Design Standards and Stormwater Management Facility Program**	
Description	Utilization of a stormwater management program developed to enforce positive stormwater design standards for Regulated Development and Redevelopment Projects and provide effective strategies for oversight of associated stormwater management facilities
Water Quality Benefits	Greater stormwater mitigation control through managing design standards of development/redevelopment activities prior to their implementation
Measurable Goals	Respond to reports and sightings of pollutant discharges originating from development/redevelopment activities; perform one (1) inspection at each stormwater management facility located at development/redevelopment sites every five (5) years
Schedule for Implementation	Begin upon SWMP approval

F. MCM 6 – Pollution Prevention and Good Housekeeping for Municipal Operations

The purpose of this MCM is to ensure that the Town's delivery of public services occurs in a manner protective of stormwater quality to the maximum extent practicable and protect overall water quality. Due to municipal facilities often using or storing large quantities of bulk industrial materials for routine activities, increased consideration must be given to the potential impacts municipal operations may cause to drainage systems receiving stormwater runoff.

For this reason, a Pollution Prevention and Good Housekeeping Program is established in this MCM to provide management strategies and procedures to minimize likely contributors of stormwater pollution originating from municipal facilities owned by the Town. The following tables dissect this program into individual BMPs with respective measurable goals and procedures to be implemented:

MINIMUM CONTROL MEASURE 6 – POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS **Best Management Practices** **BMP 6.1. Vegetation Disposal for Landscape Management Activities**	
Description	Removal and proper disposal of discarded vegetation resulting from trimming, grass-cutting, and other similar land management activities conducted by municipal personnel
Water Quality Benefits	Reduction of excessive vegetative matter entering stormwater conveyance systems in the MS4, especially when land management activities are occurring near open/exposed drainage structures
Procedures and Measurable Goals	Place temporary covers over drainage inlets located downstream of ongoing activities, as necessary; perform landscaping activities while ensuring limited plant material enters drainage structures; rake and collect excessive plant material into portable waste containers; process gathered materials at appropriate disposal sites (i.e., landfill, trash collection service, etc.)
Schedule for Implementation	Ongoing; continue upon SWMP approval

MINIMUM CONTROL MEASURE 6 – POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS **Best Management Practices** **BMP 6.2. High-Priority Facilities (Recycling Center and Salt Storage Facility)**		
Facility Name	Town of Fayetteville Recycling Center	Public Works and Salt Storage Facility
Facility Description and Purpose	Public recycling center which primarily processes solid metal waste	Municipal facility used for storing road salt to be applied during icy/snowy weather
Approximate Location (DMS)	38°02'41.0" N, 81°05'13.8" W	38°03'14.7" N, 81°06'39.4" W
Responsible Personnel	Matt Diederich (Town Manager, Town of Fayetteville) Mark Reed (Street Foreman, Town of Fayetteville)	Matt Diederich (Town Manager, Town of Fayetteville) Mark Reed (Street Foreman, Town of Fayetteville)
Potential Sources of Pollution to MS4	Suspended solids (dust, sediment, etc.), metal particulates, oil, hydraulic fluids	Suspended and dissolved solids (road salt, sand, etc.), corrosion, metal particulates
Pollution Control Measures	Place protective devices around nearby inlet structures during high-activity periods; stock absorbent pads to quickly react to spills; ensure stockpile areas are adequately covered from rainfall	Place protective devices around nearby inlet structures during high-activity periods; cover stockpiles while not in use; sweep/vacuum impervious surfaces to remove accumulated salt and sediment
Inspection Frequency	One (1) inspection per year by qualified personnel	One (1) inspection per year by qualified personnel
Pollution Prevention Training Schedule	One (1) training session per year	One (1) training session per year
Maintenance Procedure and Schedule	Inspect pollution control measures on a monthly basis to ensure proper execution	Inspect pollution control measures on a monthly basis to ensure proper execution
Recent Incident Log	None provided	None provided

MINIMUM CONTROL MEASURE 6 – POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS **Best Management Practices** **BMP 6.3. E&S Control and Construction Stormwater Management**	
Description	Require municipal employees and contractors to comply with all E&S control and stormwater discharge requirements pertaining to land disturbance activities to be engaged by the Town
Water Quality Benefits	Improved stormwater mitigation practices through assurances that municipal staff maintain an official obligation to fulfill pollution control requirements
Procedures and Measurable Goals	Mandate municipal employees and contractors to formally acknowledge previously stated requirements in order to perform land disturbance activities for or on behalf of the Town
Schedule for Implementation	Begin upon SWMP approval

MINIMUM CONTROL MEASURE 6 – POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS **Best Management Practices** **BMP 6.4. Program and Trash Management Training**	
Description	Train and educate municipal employees charged with executing the Pollution Prevention and Good Housekeeping Program on responsibilities of their specific roles in the program, as well as provide general training to workers responsible for public waste management
Water Quality Benefits	Greater performance of municipal housekeeping and waste management operations through improved employee understanding of responsibilities and roles
Procedures and Measurable Goals	Require program training for new employees and contractors to be completed within three (3) months of their engagement and annual refresher training to be completed by all employees and contractors annually
Schedule for Implementation	Begin upon SWMP approval

12. TMDL Special Conditions

Within the corporate limits of the Town, several waterbodies exist which have TMDLs developed by the WVDEP for water quality impairments. These waterbodies receive collected runoff from stormwater utilities in the Town, and the discharge of pollutants must be limited to ensure impacted streams do not exhibit excessive pollutant loading. The following table details impaired waterbodies within the corporate limits of the Town:

Tabel 12.1 – Impaired Waterbodies with Total Maximum Daily Loads (TMDLs) Established

Stream Name	NHD Stream Code	TMDL Approval Year	Pollutant
Laurel Creek	KNL-9	2008	fecal coliform
New River (Lower)	KNL	2008	fecal coliform
UNT/Marr Branch RM 0.9	KNL-20-A	2008	fecal coliform, iron
House Branch	KNL-22-A	2008	fecal coliform
Wolf Creek	KNL-22	2008	fecal coliform, iron
Crooked Run	KNL-22-B	2008	fecal coliform

Mapping included in **Appendix F** details the locations of impaired streams with established TMDLs within the Town.

Since the Town actively discharges stormwater into impaired waterbodies with established TMDLs, special conditions and procedures have been developed for the Town's management of stormwater. BMPs associated with reducing pollutant loading are specific to individual pollutants of concern, as well as likely sources contributing to their discharge.

The two primary pollutant impairments in streams receiving Town stormwater are fecal coliform and iron. See **Appendix F** for listed impaired streams within corporate limits of the Town with total maximum daily loads (TMDLs) and their associated impairments.

For this SWMP, it is assumed that all BMPs will be ultimately beneficial in reducing pollutants that impair receiving streams; however, these listed BMPs are particularly suited for mitigating critical stream pollutants.

A. Fecal Coliform Impairments

Excessive releases of fecal coliform bacteria into the environment typically originate from improperly discarded or untreated fecal waste from humans or animals. The following BMPs have been prescribed by the Town to assist in the mitigation of fecal contaminants entering impaired waterways:

MINIMUM CONTROL MEASURE – TMDL SPECIAL CONDITIONS **Best Management Practices** **TMDL BMP 1.1. Urban Wildlife Management**	
Description	Educate the general public about stormwater impacts resulting from decomposing animal carcasses in drainage areas; ensure the timely removal of animal carcasses from areas with significant runoff (roadways, parking lots, etc.)
Water Quality Benefits	Reduction in bacterial pollutants that may be transported by stormwater runoff, collected by conveyance systems, and/or discharged into receiving streams
Measurable Goals	Remove and dispose of animal carcasses from drainage areas, necessary; host one (1) education/awareness event per year at public gatherings or local assemblies
Schedule for Implementation	Ongoing; continue upon SWMP approval

MINIMUM CONTROL MEASURE – TMDL SPECIAL CONDITIONS **Best Management Practices** **TMDL BMP 1.2. Portable Toilet Usage**	
Description	Place temporary portable toilets in areas frequented by visitors and tourists during events and busy seasons
Water Quality Benefits	Encourage proper processing and disposal of fecal matter in environmentally sensitive areas, reducing the potential of fecal bacteria draining into streams and harming aquatic ecosystems
Measurable Goals	Rotate the usage of portable toilets during busy periods as needed, placing an appropriate number of facilities in high-priority outdoor areas
Schedule for Implementation	Ongoing; continue upon SWMP approval

MINIMUM CONTROL MEASURE – TMDL SPECIAL CONDITIONS **Best Management Practices** **TMDL BMP 1.3. Septic Sewer Systems**	
Description	Distribute community resources to increase awareness of stormwater issues potentially occurring from aging/failing septic tanks
Water Quality Benefits	Increased public involvement to remove potential domestic sources of untreated sewage and fecal discharges
Measurable Goals	Design informative brochures to effectively communicate environmental impacts of problematic septic systems; mail informative brochures individually or alongside other Town notices to ensure their receipt
Schedule for Implementation	Begin upon SWMP approval

B. Iron Impairments

Iron contamination is streams is usually a resulting factor of industrial operations depositing metal fragments and particles in areas with poor surface water retention, such as parking lots and roadways. Once these areas become polluted with metal particulates, stormwater runoff can easily transport this particulate matter into drainage systems and local waterways. Therefore, it is critical to prevent the accumulation of metal pollutants before stormwater runoff can further disperse them into the environment. The BMP below provides the Town's strategy for reducing water quality issues resulting from elevated iron pollution:

MINIMUM CONTROL MEASURE – TMDL SPECIAL CONDITIONS Best Management Practices TMDL BMP 1.4. Public Street Cleaning	
Description	Heighten street cleaning efforts throughout the Town for the increased removal of metallic particles
Water Quality Benefits	Prevention of metal particulate buildup on roadways which may be captured by stormwater drainage structures
Measurable Goals	Perform street cleaning on the first of each month between April and November, as well as after annual Town festivals and in addition to regularly scheduled cleaning operations
Schedule for Implementation	Ongoing; continue upon SWMP approval

13. Conclusion

The SWMP is intended to serve as an adaptable framework to assist the Town, including its residents, municipal staff, and representative bodies, with managing stormwater runoff within its MS4, protecting water quality, and minimizing environmental impacts of unmitigated stormwater pollution. Using BMPs, policies, and proposed strategies prescribed in this plan, the Town will be demonstrating its commitment to enhancing, preserving, and safeguarding the waters of the State of West Virginia.

As situations change within the Town and priorities shift between various subjects of stormwater improvements, the SWMP will be updated accordingly to reflect the current needs and objectives of the Town. Annual assessments of executed stormwater mitigation practices will provide the Town valuable insight into potential areas of improvement and understanding as to whether current strategies and objectives fulfill the necessary requirements of the General Permit and associated water quality regulations.

14. Glossary

Best Management Practices (BMPs) – schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States." BMPs also include treatment requirements, operating procedures,

and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Clean Water Act (CWA) – Public Law 92-500 as amended by Public Law 95-217, Public Law 97-117 and Public Law 95-576; U.S.C. 1251 et seq. Adopted by the U.S. Congress in 1972 the Federal Water Pollution Control Act created a comprehensive set of regulations for the protection of water quality throughout the United States. This legislation, which has been amended several times, has become more commonly referred to as the Clean Water Act. It is under this legislation that the EPA has put into place the Phase I and Phase II stormwater NPDES programs.

Code of Federal Regulations (CFR) – the codified compilation of Federal Regulations covering a wide range of issues. The Phase I and Phase II stormwater regulations are contained within the CFRs.

Common Plan of Development – a contiguous construction project where multiple separate and distinct construction activities may be taking place at different times on different schedules but under one plan. The "plan" is broadly defined as any announcement or piece of documentation or physical demarcation indicating construction activities may occur on a specific plot; included in this definition are most subdivisions and industrial parks.

Engineered Infiltration – an underground device or system designed to accept stormwater and slowly exfiltrates it into the underlying soil. This device or system is designed based on soil tests that define the infiltration rate.

Environmental Protection Agency (EPA) – the U.S. government agency responsible for protection of the environment, and which develops and administers the stormwater program regulations.

General Permit – the State's NPDES permit that regulates stormwater discharges from Small MS4s. The General Permit requires regulated Small MS4s (Permittees) to develop and implement a Stormwater Management Program (SWMP) designed to reduce the discharge of pollutants to the maximum extent practicable and to protect water quality. The main goal of the General Permit is to require the development and implementation of a program that takes an interdisciplinary approach to stormwater. The intent is that through such an approach, storm water quality impacts will be considered in all aspects of a municipality's activities and that multiple departments within the municipality will work together to implement stormwater BMPs.

Hydromodification – the alteration of the natural flow of water through a landscape, and often takes the form of channel straightening, widening, deepening, or relocating existing, natural stream channels. It can also involve excavation of borrow pits or canals, building of levees, stream bank erosion, or other conditions or practices that change the depth, width or location of waterways. Hydromodification usually results in water quality and habitat impacts.

Illicit Discharge – any non-permitted discharge to a regulated small MS4 or to waters of the State of West Virginia that does not consist entirely of stormwater or authorized non-stormwater discharges covered under a NPDES permit.

Infiltration – the process by which stormwater penetrates soil.

Land Use – the way in which land is used, especially in farming and municipal planning.

Measurable Goal – means those definable tasks or accomplishments that are associated with implementing best management practices.

Minimum Control Measure (MCM) – a stormwater program area that must be addressed (best management practices implemented to accomplish the program goal) by all regulated Small MS4s. The following six Minimum Control Measures are required to be addressed by the regulated Small MS4s: Public Education and Outreach on stormwater Impacts, Public Involvement/Participation, Illicit Discharge Detection and Elimination, Construction Site Stormwater Runoff Control, Post-Construction Stormwater Management in New Development and Redevelopment, and Pollution Prevention/Good Housekeeping for Municipal Operations.

Municipal Separate Storm Sewer System (MS4) – conveyances for stormwater, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human made channels or storm drains owned or operated by any municipality, sewer or sewage board, State agency or Federal agency or other public entity that discharges directly to surface waters of the State of West Virginia.

National Pollutant Discharge Elimination System (NPDES) – is the program by which the EPA issues permits under Section 402 of the federal Clean Water Act.

New Development – land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision.

Outfall – the point source where the MS4 discharges from a pipe, ditch or other discreet conveyance directly or indirectly to water of the State of West Virginia, or to another MS4.

Permittee – the Town of Fayetteville.

Phase I and Phase II NPDES Programs – the two phases of EPA's stormwater regulations. The Phase I regulations apply to municipal separate storm sewer systems (MS4s) generally serving populations of 100,000 or greater, construction activity disturbing five (5) acres of land or greater, and ten (10) categories of industrial activity. The Phase II regulations apply to MS4s serving smaller populations within "urbanized areas" as defined by the U.S. Census Bureau, and construction activity disturbing one (1) acre of land or greater.

Planning Documents – documents a municipality or jurisdiction uses for planning. They include but are not limited to; comprehensive or master plans, subdivision ordinances, general land use plan, zoning code, transportation master plan, specific area plans, such as sector plan, site area plans, corridor plans, or unified development ordinances.

Point Source – any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff (40 CFR §122.2).

Pollutants of Concern – those pollutants which cause a water body to be placed on the Section 303(d) list of impaired waters.

Receiving Waters or Receiving Water – the "water resources" that receive the discharge from the Permittee.

Redevelopment – on an already developed site, the creation or addition of at least 5,000 square feet of impervious surface. Redevelopment includes, but is not limited to: the expansion of a building footprint or addition or replacement of a structure; structural development including an

increase in gross floor area and/ or exterior construction or remodeling; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities related with structural or impervious surfaces. Where redevelopment results in an increase of less than fifty percent of the impervious surfaces of a previously existing development, and the existing development was not subject to these Design Standards, the Design Standards apply only to the addition, and not to the entire development.

Runoff Reduction Practices and/or Techniques – the collective assortment of stormwater practices that reduce the volume of stormwater from discharging off site. These include stormwater practices that infiltrate, evaportranspirate and reuse stormwater on site.

Source Control BMP – any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices or operational practices that control prevent stormwater pollution by controlling stormwater before pollutants have been introduced into the stormwater.

Stormwater – precipitation that does not infiltrate into the soil including material dissolved or suspended in it.

Stormwater Hotspots – commercial, industrial, institutional, municipal, or transportation related operations that may produce higher levels of stormwater pollutants, and/or present a higher potential risk for spills, leaks, or illicit discharges. Stormwater Hotspots may include gas stations, petroleum wholesalers, vehicle maintenance and repair, auto recyclers, recycling centers and scrap yards, landfills, solid waste facilities, wastewater treatment plants, airports, railroad stations and associated maintenance facilities, and highway maintenance facilities.

Stormwater Management Practice – practices that manage stormwater, including structural and vegetative components of a stormwater system.

Stormwater Management Plan (SWMP) – the plan that meets all the requirements of the State's General Permit. The SWMP shall reduce the discharge of pollutants from the regulated Small MS4 to the MEP and shall protect water quality. The SWMP shall serve as the framework for identification, assignment, and implementation of control measures/BMPs. The SWMP shall be revised to incorporate any new or modified BMPs or measurable goals developed through the Permittee's annual reporting process. The SWMP must describe the BMPs and associated measurable goals that will fulfill the requirements of the six Minimum Control Measures. The SWMP must identify the measurable goals for each of the BMPs, including, as appropriate, the months and years for scheduled actions, including interim milestones and the frequency of the action.

Stormwater Pollution Prevention Plan (SWPPP) – the erosion and sediment control plan for a construction site.

Structural BMP – any structural facility designed and constructed to mitigate the adverse impacts of stormwater and urban runoff pollution (e.g. canopy, structural enclosure). The category may include both Treatment Control BMPs and Source Control BMPs.

Total Maximum Daily Load (TMDL) – a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards. A TMDL is the sum of individual waste load allocations for point sources (WLA), load allocations for nonpoint sources and natural background (LA), and must consider seasonal variation and include a margin of safety. The TMDL comes in the form of a technical document or plan (40 CFR 130.2 and 130.7).

Treatment Control – the application of engineered systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to, filtration, gravity settling, media adsorption, biodegradation, biological uptake, chemical oxidation and UV radiation.

Water Resources, Water, or Waters – any and all water on or beneath the surface of ground, whether percolating, standing, diffused or flowing, wholly or partially within this state, or bordering this state and within its jurisdiction, and includes, without limiting the generality of the foregoing, natural or artificial lakes, rivers, streams, creeks, branches, brooks, ponds (except farm ponds, industrial settling basins and ponds and water treatment facilities), impounding reservoirs, springs, wells, watercourses and wetlands.

15. Stormwater Pollutants and Pollution Sources

A. Possible Stormwater Pollutants

i. Aluminum Cans
ii. Antifreeze
iii. Appliances
iv. Asphalt Cuttings
v. Asphalt Fragments
vi. Branches
vii. Cement
viii. Chemicals
ix. Chlorides
x. Chlorine
xi. Cleaning Agents
xii. Concrete Fragments
xiii. Detergents
xiv. Diesel Fuel
xv. Fecal Coliform Bacteria
xvi. Fertilizers
xvii. Food Service Based Fats and Grease
xviii. Gasoline
xix. Glass
xx. Glass Bottles
xxi. Grit
xxii. Heavy Metals
xxiii. Herbicides
xxiv. Household Chemicals
xxv. Hydraulic Fluid
xxvi. Hydrocarbons
xxvii. Lawn Clippings
xxviii. Leaves
xxix. Limbs
xxx. Litter
xxxi. Lubricants

xxxii. Metals
xxxiii. Mud
xxxiv. Nutrients
xxxv. Oil
xxxvi. Paint
xxxvii. Paint Thinner
xxxviii. Paper
xxxix. Pesticides
xl. Petroleum-Based Grease
xli. Phosphorus
xlii. Plastic Containers
xliii. Refuse
xliv. Salts
xlv. Sediment
xlvi. Soaps
xlvii. Suds
xlviii. Tires
xlix. Toxic Material
l. Trash
li. Tree Trimmings
lii. Wash Water
liii. Yard Waste

B. Possible Sources of Stormwater Pollution

i. Accidents
ii. Auto Dealers
iii. Building Pressure Wash
iv. Carpet Cleaning
v. Catch Basins Clogged or Obstructed
vi. Cemeteries
vii. Commercial Business Operations and Maintenance
viii. Commercial Car Wash
ix. Concrete Truck Washout
x. Construction Sites
xi. Dumpsters
xii. Equipment Pressure Wash
xiii. Fire Hose Testing
xiv. Food Service Facility Cleaning
xv. Gas Stations/ Service Stations
xvi. Golf Courses
xvii. Grease Trap
xviii. Hospitals
xix. Illegal Dumping
xx. Industrial Activities
xxi. Industrial Process or Rinse Water
xxii. Industry Operation and Maintenance

xxiii. Land Slide or Slip
xxiv. Landscaping
xxv. Maintenance Facilities
xxvi. Mobile Car Wash and Auto Detailers
xxvii. Motor Vehicle Repair
xxviii. Multifamily Dwellings
xxix. Outdoor Fluid Storage
xxx. Outdoor Material Storage (Fluids)
xxxi. Park Maintenance
xxxii. Parking Lot Upkeep (Power Washing)
xxxiii. Parking Lots
xxxiv. Petroleum Product Storage
xxxv. Private Drives
xxxvi. Public Works Yards
xxxvii. Refuse Collection
xxxviii. Road and Street Maintenance
xxxix. Roads and Streets
xl. Sanitary Sewage Spills and Overflows
xli. Single Family Dwellings
xlii. Storm Sewer Pipes, Clogged or Obstructed
xliii. Swimming Pools and Spas
xliv. Trucking Terminals
xlv. Universities
xlvi. Utility Company Repairs
xlvii. Vehicle Accidents
xlviii. Water Line Flushing

APPENDIX A

WV/NPDES General National Pollutant Discharge Elimination System Permit No. WV0116025

E.L. ROBINSON
ENGINEERING

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER AND WASTE MANAGEMENT
601 57th STREET SE
CHARLESTON, WV 25304-2345
GENERAL WATER POLLUTION CONTROL PERMIT

Permit No. WV0116025

Issue Date: September 8, 2025
Effective Date: October 8, 2025
Expiration Date: September 7, 2030

Subject: Stormwater Discharges from Municipal Separate Storm Sewer Systems

To Whom It May Concern:

This is to certify that owners and operators of small municipal separate storm sewer systems (MS4s) located in the State of West Virginia who have satisfied the registration requirements and who have agreed to be regulated under the terms and conditions of this general permit are hereby granted coverage under this General WV/NPDES Water Pollution Control Permit to discharge stormwater into waters of the State.

All operators of regulated small MS4s are required to submit a notice of intent (NOI) to be covered by this general permit, unless the small MS4 obtains an individual WV/NPDES permit in accordance with 40 CFR §122.28(b)(3)(iii) or the requirements of the small MS4 permit are waived in accordance with 40 CFR §122.32(c).

The authorized discharges shall be in accordance with the NOI filed with the department, this cover page, and Parts I – VI, as set forth in this general permit.

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PART I. COVERAGE UNDER GENERAL PERMIT NO. WV0116025

A. Authorization to Discharge

The owner or operated of a Small Municipal Separate Storm Sewer System (MS4) covered by this general permit ("Permittee") is authorized to discharge stormwater and certain authorized non-stormwater described in described Part I.F from the regulated Small MS4 to surface waters of the State of West Virginia provided that:

1. The Permittee submits a complete and accurate Notice of Intent (NOI) in accordance with Part I.E and that NOI is accepted by the Department of Environmental Protection (Department);

2. The Permittee submits any permit fees required by the Department;

3. The Permittee complies with the requirements of this general permit; and

4. The Department has not notified the operator that the discharge is ineligible for coverage in accordance with Part I.D.

5. This permit does not relieve entities that cause illicit discharges, including spills, of oil or hazardous substances, from responsibilities and liabilities under State and Federal law and regulations pertaining to those discharges.

B. Water Quality Requirements

Compliance with this general permit constitutes compliance with the standard expressed in 33 USC § 1342(p)(3)(B)(iii) of reducing pollutants to the Maximum Extent Practicable (MEP); demonstrates adequate progress in meeting water quality standards; and satisfies the appropriate water quality requirements of the Clean Water Act, West Virginia Code, and their attendant regulations (including any applicable wasteload allocations in a Total Maximum Daily Load (TMDL)).

1. This permit does not authorize a violation of West Virginia State Water Quality Standards (Title 47 CSR Series 2) and West Virginia Ground Water Quality Standards (Title 47 CSR Series 58).

C. MS4 Service Area

This general permit regulates activities within the Permittee's MS4 Service Area that may affect discharges from the regulated MS4. The MS4 Service Area is the drainage area served by the Permittee's Regulated Small MS4 that is within the jurisdiction or control of the Permitee.

Areas draining to a combined sewer system are not within the Permittee's MS4 Service Area.

D. Regulated MS4 Owners and Operators Eligible for Coverage under this General Permit

Entities eligible to obtain coverage under this general permit are municipalities, counties, transportation facilities, and federal and state-owned facilities who own, operate, or have jurisdiction over an MS4 in the State of West Virginia which are:

1. Entities that have already obtained coverage under WV0116025 based on the 2000 and 2010 Census or, located in an urban area as determined by the 2020 Decennial Census of the United States Census Bureau with a population of at least 50,000;

2. Designated by the Department or the United States Environmental Protection Agency under the Clean Water Act and associated regulations.

E. Duty to Submit a Notice of Intent

All eligible owners or operators of a regulated Small MS4 must submit an NOI for coverage under this general permit for any stormwater and authorized non-stormwater discharge from the regulated MS4, unless any of following situations apply:

1. Such discharge is covered by another WV/NPDES permit issued by the Department;

2. The Department has exercised its authority under 40 CFR § 122.28(b)(3) to require the MS4 operator apply for an individual WV/NPDES permit; or

3. The Department has waived the requirement to obtain permit coverage pursuant to 40 CFR § 122.32(d) or (e).

4. Jurisdictions eligible for permit coverage may apply for a waiver from permit coverage and may retain permit eligibility, provided the waiver is approved, by complying with the terms and conditions of the waiver or waiver order.

5. The Director retains the option to waive a portion or portions of the permit requirements

6. The Director retains the option to waive permit requirements and instead issue an Order directing the jurisdiction to conduct activities necessary for gathering evidence to support a waiver determination. This option refers to but is not limited to an Order to conduct sampling of MS4 application discharges; to test for specified parameters; and to report test results for evaluation prior to a decision on a waiver application.

7. The Director retains the authority to conduct reviews and terminate waivers at any time during the waived period.

9. Waived jurisdictions must reapply for waiver approval with each permit reissuance.

10. DEP has the duty of reviewing waivers periodically but no less than once every (5) five years.

Operators of MS4s that are applying for initial coverage under this general permit must submit a complete NOI to the Department within 180 days of notice of designation, unless the department grants a later date. Operators of MS4s that are covered by General Permit No. WV0116025 (2014) as

of the effective date of this general permit must submit a new NOI no later than January 6, 2026, unless permission for a later date has been granted by the Department. Two or more regulated MS4 operators may submit joint NOIs in accordance with 40 CFR § 122.33(b)(1)(i). Refer to Appendix B for NOI submission instructions and information requirements.

F. Authorized Non-Stormwater Discharges

Unless identified by the Department or Permittee as a significant source of pollutants to waters of the State, the non-stormwater discharge categories listed in Appendix C are allowed to enter into and discharge from the MS4.

G. Continuation of Permit Coverage

Coverage under General Permit No. WV0116025 shall be continued under the following conditions.

1. The 2014 General Permit No. WV0116025 expired on August 11, 2019. By rule, coverage under the 2014 permit continues until the issuance of a new general permit. Any Permittee that was authorized to discharge under General Permit No. WV0116025 issued in 2014, and that submits a complete NOI on or before January 6, 2026, is authorized to continue to discharge until such time as the Department either:

   a. Issues coverage to the Permittee under this general permit; or

   b. Notifies the Permittee that the discharge is not eligible for coverage under this general permit.

2. Failure to submit an NOI by January 6, 2026 will result in a condition where the permittee will be operating with no permit coverage.

3. Expiration of This General Permit on October 8, 2030. If this general permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 47 CSR 10 and remain in force and effect for those entities that are covered by the general permit on the expiration date.

H. Termination of Permit Coverage

Notwithstanding Part I.D, the Permittee's coverage under this general permit will terminate upon the occurrence of any of the following conditions.

1. The Permittee is granted coverage for discharges from its regulated MS4 under a new or reissued general permit or an individual WV/NPDES permit;

2. The Permittee notifies the Department that the MS4 municipality or facility has ceased operations or unincorporates;

3. The Department grants a waiver to the permit requirement in accordance with 40 CFR §122.32(a);

4. The Department terminates coverage under this general permit in accordance with 40 CFR § 122.28(b), 47 CSR 10-9, and or Part VI.A.4 of this permit, as applicable.

PART II. STORMWATER MANAGEMENT PLAN

A. General Requirements

The Permittee shall develop, implement, and enforce a Stormwater Management Plan (SWMP) designed to reduce the discharge of pollutants from the regulated MS4 to the Maximum Extent Practicable (MEP) in accordance with this permit, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act, West Virginia Code, and their attendant regulations.

The SWMP shall include, at a minimum, the following written components:

1. The roles and responsibilities of each of the Permittee's divisions and departments in the implementation of the requirements of the permit tasked with ensuring that the permit requirements are met;

2. If the Permittee utilizes another entity to implement portions of the MS4 program, including MS4 operators submitting a joint NOI and sharing responsibility for implementing the SWMP, a copy of all written agreements. The description of each party's roles and responsibilities, including any written agreements with third parties, shall be updated as necessary;

3. A list of all waters that receive a discharge from the MS4 owned or operated by the Permittee, including the following information for each such receiving water:

   a. The names of the receiving surface waters;

   b. Identification of any impairments in the West Virginia Combined 2018/2020/2022 305(b)/303(d) Integrated Water Quality Monitoring and Assessment Report; and

   c. Identification of any TMDLs.

4. For each Minimum Control Measure (MCM) in Part III, the following information shall be included:

   a. Each SWMP requirement stated in Part III;

   b. A description of the BMPs or strategies that the Permittee anticipates will be implemented to demonstrate compliance with the permit conditions in Part III;

   c. The standard operating procedures or policies necessary to implement the BMPs;

   d. The measurable goal by which each BMP or strategy will be evaluated (by reference to the goals stated in the reporting and evaluation sections of Part III); and

   e. The persons, positions, departments, and/or co-permittees responsible for implementing each

BMP or strategy.

5. A list of documents incorporated by reference, including the version and date of the document being incorporated; and

B. Preparation of New or Revised SWMP

The following conditions shall govern the preparation of revised SWMPs by existing Permittees or new SWMPs by new Permittees.

1. Existing Permittees. Each Permittee covered by General Permit No. WV0116025 as of the effective date of this general permit must update its SWMP to meet the requirements of this general permit within 180 days of the approval of the NOI. The updated SWMP may be submitted to the Department for a courtesy review. The Department may, at its discretion, provide comments and recommendations within 60 days of receipt of the updated SWMP. Until such time that the SWMP is updated in accordance with this subsection, the Permittee shall continue to implement the SWMP in effect as of the effective date of this general permit.

2. New Permittees. No later than 180 days following the date of permit coverage, a new Permittee shall submit to the Department a schedule for the development and implementation of each component of the SWMP listed in Part II.A of this general permit. Upon approval by the Department, the Permittee shall comply with the schedule. If the Department provides no response within 60 days of the submission, the Permittee shall comply with the schedule as submitted.

3. Existing and New Permittees. The Permittee shall post the most up-to-date version of the SWMP on the Permittee's website, if available. If the Permittee does not operate a website, a copy of the SWMP shall be provided to any person upon request.

C. Sharing Responsibility

In accordance with 40 CFR § 122.35, two or more Permittees may rely on one another to satisfy one or more permit obligations, provided the SWMP contains a clear description of the parties' agreement (as stated in Part II.A.2). However, each Permittee remains responsible for compliance with all terms of the general permit.

Each party must confirm the terms of the agreement(s) in writing and retain copies of the agreement(s) for the duration of this general permit, including any automatic extensions of the permit term.

D. Subsequent Review and Revision of the SWMP

Revisions to the SWMP are expected throughout the life of this permit as part of the iterative process to reduce pollutant loading and protect water quality to the MEP. As such, revisions made in accordance with this general permit as a result of the iterative process do not require modification of this permit. The Permittee shall summarize revisions to SWMP as part of the Annual Report as described in Part IV.B.

E. Legal Authority to Implement the SWMP

The Permittee shall utilize the legal authority provided by the laws and regulations of the State of West Virginia to control discharges to and from the MS4 as required by this general permit and described in the SWMP. This legal authority may be a combination of statute, ordinance, permit, policy, specific contract language, order, or interjurisdictional agreements.

PART III. MINIMUM CONTROL MEASURES

The Permittee shall implement each of the six Minimum Control Measures (MCMs) as described in this Part III within its MS4 Service Area. Permittees are encouraged to work with other MS4 operators to implement these MCMs when appropriate.

A. MCM 1: Public Education and Outreach

1. Objectives

The Permittee shall implement a public education and outreach program designed to:

a. Increase the public's knowledge of how to reduce stormwater pollution, placing priority on reducing impacts to impaired waters and other local water pollution concerns;

b. Increase the public's knowledge of hazards associated with illegal discharges and improper disposal of waste, including pertinent legal implications; and

c. Implement a diverse program with strategies that are targeted toward individuals or groups most likely to have significant stormwater impacts.

2. Implementation

To comply with this MCM, the Permittee shall complete each of the following actions:

a. Define High-Priority Stormwater Issues. The Permittee shall identify no fewer than three high-priority stormwater issues to meet the goal of educating the public in accordance with the objectives stated in Part III.A.1. High-priority issues may include, but are not limited to, the following examples: Chesapeake Bay nutrients, pet wastes, local receiving water impairments, TMDLs, high-quality receiving waters, litter control, BMP maintenance, anti-icing and deicing agent bulk storage, planned green infrastructure redevelopment, and illicit discharges from commercial sites. For each high-priority stormwater issue, the SWMP shall document the following:

i. The rationale for selection of each high-priority stormwater issue and an explanation of how each education or outreach strategy is intended to have a positive impact on stormwater discharges;

ii. The target audience to receive each high-priority stormwater message;

iii. The strategies from Table 1 that will be used to communicate each high-priority stormwater message; and

iv. The anticipated time periods the messages will be communicated or made available to the public.

b. Implement Education and Outreach Strategies. The Permittee shall use two or more of the strategies listed in Table 1 per year to communicate to the target audience the high-priority stormwater issues identified in accordance with Part III.A.2.a, including how to reduce stormwater pollution.

Table 1
Strategies for Public Education and Outreach

Strategies	Examples[1]
Traditional written materials	Informational brochures, newsletters, fact sheets, utility bill inserts, or recreational guides for targeted groups of citizens
Alternative materials	Bumper stickers, refrigerator magnets, t-shirts, or drink koozies
Educational Materials	Educational materials provided from the EPA or WVDEP, or made by other MS4's public interest, or environmental organizations.
Signage	Temporary or permanent signage in public places or facilities, vehicle signage, billboards, or storm drain stenciling
Media materials	Information disseminated through electronic media, radio, televisions, movie theater, newspaper, or GIS story maps
Speaking engagements	Presentations to school, church, industry, trade, special interest, or community groups
Curriculum materials	Materials developed for school-aged children, students at local colleges or universities, or extension classes offered to local citizens
Training materials	Materials developed to disseminate during workshops offered to local citizens, trade organization, or industrial officials
Public education activities	Booth at community fair, demonstration of stormwater control projects, presentation of stormwater materials to schools to meet applicable education or curriculum requirements, or watershed walks, and ways in which the public can become involved in conservation efforts.
Public meetings	Public meetings on proposed community stormwater management retrofits, green infrastructure redevelopment, ecosystem restoration projects, TMDL development, voluntary residential low impact development, or other stormwater issues

1. *Examples provided for illustrative purposes; not meant to be all-inclusive or limiting.*

3. Reporting and Evaluation

To allow the Department to determine whether the Permittee has successfully implemented the enforceable, measurable goals set forth in this general permit for MCM 1, the Annual Report shall include the following information for the reporting year:

a. The high-priority stormwater issues the Permittee addressed in the public education and outreach program;

b. A summary of the public education and outreach activities conducted for the report year.. This summary shall also include numeric tracking where applicable, of outreach strategies. For example only: number of people who attended meetings or other outreach activities, the number of flyers sent out, the number of surveys completed;

c. A description of any changes in high-priority stormwater issues for the upcoming year, including strategies used to communicate high-priority stormwater issues or target audiences for the public education and outreach plan. The Permittee shall provide a rationale for any of these changes.

B. MCM 2: Public Involvement and Participation

1. Objectives

The Permittee shall implement a public involvement and participation program designed to:

a. Ensure that information about the MS4 program activities is readily available to the public;

b. Allow the public to report potential illicit discharges, improper disposal, or spills to the MS4, complaints regarding land disturbing activities, or other potential stormwater pollution concerns; and

b. Provide opportunities for the public to provide comments on the Permittee's SWMP.

2. Implementation

To comply with this MCM, the Permittee shall complete each of the following actions:

a. Ensure MS4 Program Information Is Readily Available to the Public. The Permittee shall ensure that information about the MS4 program is readily available to the public. If the Permittee maintains a suitable website, the information may be posted online to a page dedicated to the MS4 program. If the Permittee does not operate a suitable website or determines that the posting of the information online would not be the most effective way to reach its target audience, the Permittee may instead keep publicly available copies of the information in an easily accessible location including, but not limited to, a public library, community center, or local government building, during normal business hours. The SWMP shall include a list of the information made publicly available and the rationale for the selected method of dissemination. Copies of the following will be made available to the public in accordance with this subsection:

i. This general permit and the Permittee's coverage letter;

ii. The most current SWMP;

iii. The Annual Report submitted to the Department for each year of the term covered by this general permit;

iv. Documentation of the methods available to the public to provide comments, suggestions, recommendations, or other input on the SWMP and Annual Report, which methods may be consolidated with the complaint and reporting methods referenced in the next subsection (Part III.B.2.a.v); and

v. Documentation of the methods available to the public to report potential illicit discharges, improper disposal, spills to the MS4, land-disturbing activity complaints, other potential stormwater pollution concerns in accordance with the respective public participation requirements of MCM 3 (Part III.C.2.b.v), MCM 4 (Part III.D.2.f); and MCM 5 (Part III.E.2.i). The Permittee may provide separate public reporting and complaint methods for MCMs 3, 4, and 5, or a single, comprehensive method through which all public reports and complaints may be submitted to the Permittee.

b. Provide Public Involvement Opportunities. The Permittee shall implement no fewer than three activities per year from two or more of the categories listed in Table 2 to provide an opportunity for public involvement to improve water quality and support local restoration and clean-up projects. The SWMP shall describe the public involvement opportunities to be implemented by the Permittee, the anticipated time period the activities will occur, and the water quality benefits expected to be obtained by each activity.

Table 2
Public Involvement Opportunities

Strategies	Examples[1]
Monitoring	Establish or support citizen monitoring group
Restoration	Stream, watershed, shoreline, or park clean-up day, adopt-a-waterway program, tree plantings, and riparian buffer plantings
Public education activities	Booth at community fair, demonstration of stormwater control projects, presentation of stormwater materials to schools to meet applicable education or curriculum requirements, or watershed walks
Public meetings	Public meetings on proposed community stormwater management retrofits, green infrastructure redevelopment, ecosystem restoration projects, TMDL development, voluntary residential low impact development,, or other stormwater issues
Public comment	Issue public notice for comments on SWMP updates or other MS4 program activities (provided a response to comments is prepared)
Disposal or collection events	Household hazardous chemicals collection, vehicle fluids collection
Pollution prevention	Adopt-a-storm drain program, implement a storm drain marking program, promote use of residential stormwater BMPs, implement pet waste stations in public areas, adopt-a-street program

1. *Examples provided for illustrative purposes; not meant to be all-inclusive or limiting.*
2. *Activities that continue for more than one year can be credited for each year.*

c. Public Comment on the New or Updated SWMP. Within 30 days of preparing a new or updated SWMP in accordance with Part II.B, the Permittee shall publish a public notice that the SWMP is available for review and comment by the public. The notice shall be posted to the Permittee's website if the Permittee maintains a website dedicated to the MS4. If the Permittee does not maintain a website, the notice shall be published in a newspaper of general circulation in the MS4 service area. The notice shall state (i) where the public can obtain a

copy of the SWMP; (ii) contact information for a person designated to accept comments on or answer questions about the SWMP; and (iii) a period of no less than 60 days for the public to ask questions or request information (telephone) and submit written comments on the SWMP. The Permittee shall consider and prepare a written response to each written comment received during the comment period. The response to comments shall be sent to any commenter who provided contact information.

The Permittee may not count its compliance with this public comment and response requirement as an "activity" for the purpose of complying with the public involvement requirements in Part III.B.2.b. However, any subsequent public notice and comment opportunities provided on other elements of the Permittee's MS4 program may be counted as "activities" for the purpose of Part III.B.2.b.

3. Reporting and Evaluation

To allow the Department to determine whether the Permittee has successfully implemented the enforceable, measurable goals set forth in this general permit for MCM 2, the Annual Report shall include the following information for the reporting year:

a. A summary of all public comments received by the Permittee under Part III.B.2.c and the Permittee's written responses to each comment. The summary should identify any changes the Permittee made to the SWMP in response to a public comment. Documentation of the public notice issued under Part III.B.2.c shall also be included;

b. A summary of any stormwater pollution complaints received from the public, excluding natural flooding complaints, and how the Permittee responded;

c. A link to the Permittee's dedicated MS4 program website or the location where publicly accessible MS4 documents are maintained;

d. A description of the public involvement activities implemented by the Permittee. To the extent such information is reasonably available or voluntarily disclosed by the participants, the Permittee shall include (1) an estimate of the number of participants in the activity and (2) a summary of the demographic characteristics of the participants;

e. An evaluation of whether the public involvement activities implemented during the year were beneficial to improving water quality (to the extent practicable); and

f. A description of any changes in the Permittee's public involvement activities for the upcoming year, including the rationale for any such changes.

C. MCM 3: Illicit Discharge Detection and Elimination

1. Objectives

The Permittee shall implement an illicit discharge and detection elimination (IDDE) program designed to:

a. Appropriately map the regulated MS4; and

b. Implement measures to effectively identify and eliminate illicit discharges.

2. Implementation

To comply with this MCM, the Permittee shall complete each of the following actions:

a. Maintain an MS4 Map. The Permittee shall maintain a map of the regulated MS4. The SWMP shall either (1) include the MS4 map as an attachment or, (2) if the map is maintained primarily in a digital form, identify the format of the digital version and where the relevant files are primarily stored or hosted. . The map shall be updated at least annually to reflect any new or revised relevant information obtained by the Permittee in the previous year. Existing Permittees shall continue to maintain their MS4 maps in accordance with this general permit. New Permittees shall prepare an MS4 map within 2 (Two) years from submission of the NOI. The Permittee's MS4 will be formatted as described below.

i. The map shall identify and show the location of the following elements:

(1) Known MS4 outfalls;

(2) Known connections to the MS4;

(3) Receiving waters for discharges from the MS4, with labels for any waters listed as impaired or subject to an approved TMDL;

(4) Structural stormwater BMPs owned, operated, or maintained by the Permittee, and which discharge to the MS4;

(5) Boundary of the regulated MS4 service area; and

(6) Any other relevant information (e.g., land uses) the Permittee elects to include.

ii. The map shall be formatted at a legible scale and contain conventional map markings, including:

(1) North arrow;

(2) Scale bar; and

(3) Legend explaining the meaning of all symbols, color codes, or other representations.

iii. The Permittee shall maintain a digital boundary of the current MS4 area. These files must be georeferenced. Examples of acceptable boundaries are those used in GIS mapping which include shapefiles, autocad drawings, or other digital boundaries such as KMZ or KML files.

b. Implement an IDDE Program. The Permittee shall adopt and implement an IDDE program with procedures set forth in the SWMP to investigate, track, and respond to potential illicit discharges. Except as noted below, Permittees shall update their IDDE programs, or develop

an IDDE program for new Permittees. in accordance with this general permit to accompany the SWMP. The IDDE Program shall consist of the following elements:

i. Unauthorized Discharge Prohibition. Excluding authorized non-stormwater discharges identified in Part I.E and Appendix C, the Permittee shall prohibit non-stormwater discharges into the MS4 by ordinance or other legal mechanism to the extent allowable under Federal, State, or Local law. The ordinance or mechanism shall provide for enforcement actions against persons found to be in violation. An existing Permittee must review and, if necessary, update its IDDE ordinance or mechanism within 12 months of the effective date of this general permit. A new Permittee must adopt an IDDE ordinance by the date stated in its SWMP. The legal mechanism shall be cited or referenced in the SWMP.

ii. Other Relevant Legal Authorities. The SWMP shall include a description of the legal authorities, policies, standard operating procedures, or other legal mechanisms available to the Permittee to eliminate identified sources of ongoing illicit discharges, including procedures for using legal enforcement authorities.

iii. Dry Weather Screening of High-Priority Outfalls. The Permittee shall implement a risk-based screening program to assist in detecting and eliminating illicit discharges. The SWMP shall include a schedule and methodology to evaluate at least 20% of the Permittee's MS4 outfalls, or 50 outfalls, whichever is less, each year. The Permitee shall use, as appropriate, mapping, past history of illicit discharges, upstream entities or facilities, public complaints, and available water quality data to determine areas with high potential for illicit discharges and improper disposal. Dry weather screening activities shall be prioritized in these areas. The SWMP shall identify high-priority outfalls and provide the rationale for the prioritization decisions. It also should include a copy of the inspection report form that will be completed for each outfall screening event. The inspection form shall, at a minimum, document the following:

(1) The location and/or unique identifier for the outfall;

(2) Time since last runoff-producing precipitation or snowmelt event;

(3) Whether the outfall is discharging and, if so, a description of the estimated discharge rate and visual characteristics of the discharge (e.g., odor, color, clarity);

(4) Any observed indicators of a possible illicit charge, including floatables, deposits, stains, and unusual vegetative conditions (e.g., dying or dead vegetation, excessive vegetative growth); and

(5) The inspector's opinion as to whether the observed conditions indicate the potential for an ongoing or unknown past illicit discharge.

iv. Investigation of Suspected Illicit Discharges. The SWMP shall document procedures the Permittee will follow to investigate suspected discharges. At a minimum, an investigation will be conducted for each known or suspected illicit discharge documented during a dry weather screening event, reported by a member of the public or other third party, or otherwise observed by Permittee's staff. If the Permittee is unable to identify the source

of an illicit discharge within six months of beginning the investigation, then the Permittee shall document that the source remains unidentified. If the observed discharge is intermittent, the Permittee shall document that attempts to observe the discharge flowing were unsuccessful. A report shall be generated for each investigation, which shall, at a minimum, record the following:

(1) Date the known or suspected illicit discharge was initially observed or report and the source of the information (e.g., dry weather screening report, citizen complaint);

(2) Results of the investigation, including the source, if identified;

(3) Resolution of the investigation, including whether any remediation or enforcement actions were taken; and

(4) Date the investigation was closed.

v. Public Reports and Complaints. The Permittee shall establish and maintain methods by which the public can report water quality complaints, including potential illicit discharges. The Permittee must publish a phone number, email address (or web-based form), and/or mailing address for the public to submit water quality complaints. The methods of submitting a complaint shall be published on the MS4 section of the Permittee's website if Permittee maintains such a website.

3. Reporting and Evaluation

To allow the Department to determine whether the Permittee has successfully implemented the enforceable, measurable goals set forth in this general permit for MCM 3, the Annual Report shall include the following information for the reporting year:

a. A statement confirming that the MS4 map was updated to reflect any relevant changes since the last Annual Report and, if applicable, a summary of the updates;

b. A summary of any revisions to the Permittee's prohibition on illicit discharges or other relevant legal authorities during the reporting year;

c. The methods maintained by the Permittee for the public to report potential illicit discharges or other water quality complaints, and a summary of any water quality complaints received through those methods from the public and the Permittee's response to the same. (The Permittee need not repeat any summaries that are included in the section of the Annual Report for MCM 2 (Part III.B.3));

d. A summary of the dry weather screening events completed during the reporting year, including the number of outfalls screened and the number that presented evidence of possible illicit discharges;

e. A summary of illicit discharge investigations completed during the year. The summary must include the number of investigations that determined that an illicit discharge is unlikely to have occurred; the number of investigations that were inconclusive; and the number of investigations for which an illicit discharge was determined likely or confirmed. For each

likely or confirmed illicit discharge, the Permittee shall provide a summary of how the incident was resolved, including any remediation or enforcement actions; and

f. Provide a description of the of the permittees IDDE program evaluation, and a description of any changes for the upcoming year as a result of the program evaluation, including the rationale for any such changes..

D. MCM 4: Controlling Runoff from Construction Sites

1. Objectives

The Permittee shall implement a program to reduce pollutants in stormwater runoff from construction activities in the MS4 Service Area that result in a land disturbance of (i) one acre or greater or (ii) less than an acre if part of a larger common plan of development or sale that will result in land disturbance of one acre or greater, unless such activities are exempt from NPDES permitting requirements by Federal or State law ("Regulated Construction Activities").

2. Implementation

To comply with this MCM, the Permittee shall complete each of the following actions:

a. Legal Authority. The Permittee's SWMP shall document that the Permittee has adopted an ordinance, regulation, or other similar enforceable legal authority to regulate land-disturbing activities that meet or exceed the criteria stated in Part III.D. The Permittee must have authority to (1) review and approve Regulated Construction Activities; (2) prohibit Regulated Construction Activities that do not comply with requirements of the program; (3) inspect Regulated Construction Activities; (4) issue stop work orders to operators of non-compliant construction activities; and (5) enforce violations. The Permittee shall implement all requirements of Part III.D to the extent of its legal authority, and the SWMP shall document and explain any provisions of Federal or State law that could materially limit or affect the Permittee's authority to implement any provisions of this part;

b. Stormwater Pollution Prevention Plan Review and Approval. The Permittee shall require by ordinance, regulation, or similar mechanism that any person proposing to engage in a Regulated Construction Activity submit a proposed Stormwater Pollution Prevention Plan (SWPPP) to the Permittee for review and approval. At a minimum, an approvable SWPPP must satisfy the criteria and standards minimize water quality impacts. The MS4 shall have authority to request additional information from the applicant and require revisions to the SWPPP to ensure compliance with the General Permit requirements and any other local requirements. The Permittee shall not approve a proposed SWPPP for a Regulated Construction Activity until the operator provides documentation that the Department has issued NPDES permit coverage for construction stormwater discharges from the activity by an (1) individual WV/NPDES permit or (2) a general WV/NPDES permit (e.g., WV/NPDES Permit No. WV0115924, WV/NPDES Permit No. WV0116815). If a relevant NPDES stormwater discharge permit issued by the Department satisfies the minimum requirements listed in Appendix C, the Permittee may presume the SWPPP satisfies the requirements of this subsection except any additional local requirements adopted by the Permittee. SWPPP approvals shall be issued in writing by mail, email, web-based system, or other similar method. The Permittee shall prohibit the commencement of any Regulated Construction

Activity without a SWPPP approved by the Permittee. The Permittee's procedures for reviewing and approving SWPPPs shall be documented in its SWMP;

c. Inspections. The Permittee shall develop and implement a program to inspect Regulated Construction Activities for compliance with approved SWPPPs. The inspection program procedures shall be incorporated into the SWMP and shall include, at a minimum, the following elements:

i. Inspection Frequency. Each Regulated Construction Activity shall be inspected at least once during the period of active land disturbance. High-priority construction activities must be inspected at least once per month. The SWMP shall define high-priority construction activities to include (1) projects that have a land-disturbance area greater than 5 acres; (2) projects that drain to waterbody subject to a TMDL; and, as appropriate, (3) any other project types or project locations determined by the Permittee to present an elevated risk of impacts to water quality based on local conditions.

ii. Inspection Report Forms. To ensure that Regulated Construction Activity inspections are conducted in a consistent manner, the Permittee shall develop a standardized inspection report form to be completed by the Permittee's inspectors. The inspection report forms shall, at a minimum, include entries for the following items: (1) SWPPP and CGP are maintained onsite; (2) BMPs are implemented in accordance with the approved SWPPP; (3) BMPs are properly maintained; (4) disturbed soils are stabilized in accordance with the SWPPP; (5) documentation is maintained demonstrating that the operator is conducting self-inspections and maintenance on the frequency required by the SWPPP; and (6) documentation that any corrective actions prescribed by the operator's inspector or the Permittee, have been completed in a timely manner as required. The form shall include a space to document any deficiencies discovered during the inspection.

iii. Communication of Inspection Findings to Operators. A copy of each inspection report form (or an abbreviated or modified version thereof documenting the inspector's findings) shall be provided to the owner or operator of the Regulated Construction Activity as soon as practicable, but no later than 7 days. Any pollution event must be reported to the operator immediately upon discovery. The communication shall include an instruction to complete any necessary maintenance or corrective actions within 24 hours.

d. Compliance and Enforcement. The Permittee shall develop standard compliance and enforcement procedures for Regulated Construction Activity operators that fail to comply with any requirements imposed by the Permittee under this Part III.D (MCM 4). The procedures shall outline the circumstances and measures to be employed to bring operators into compliance, including, as appropriate, (1) notices to correct SWPPP deficiencies per Part III.D.2.c.iii, (2) warning letters, (3) orders, instructions, or other legal mechanism to require that operators take corrective action to remedy significant or repeated noncompliance (including, when appropriate, an order to stop work until the deficiencies are corrected), and (4) directives to minimize or remediate environmental or property damage result resulting from SWPPP noncompliance (e.g., retrieving sediment deposited outside of the construction BMPs). The procedures shall outline an enforcement process for significant and/or chronic noncompliance, including, as appropriate, penalties, corrective actions, legal actions, or referral to other regulatory or law enforcement authority. These procedures shall be

incorporated into the Permittee's SWMP. The Permittee shall implement the compliance and enforcement procedures developed under this subsection.

e. Public Reports and Complaints. The Permittee shall develop as part of its SWMP a program to accept, track, and respond to substantive complaints from the public related to BMP implementation and stormwater discharges from Regulated Construction Activities to the Permittee's MS4. As part of the program, the Permittee shall publish information on its website (if one is maintained) or if no website exists, through other appropriate means advising the public how to report stormwater-related problems at the sites of Regulated Construction Activities, including an email address (or web-based form) and phone number available to receive reports. The Permittee shall log all public reports and complaints in a tracking system, which shall include a (1) summary or copy of the complaint; (2) actions taken to investigate the complaint; and (3) whether any compliance, enforcement, or other actions were taken as a result of the investigation. Permittees may use the example complaint tracking form template in Appendix D for this purpose. The Permittee shall provide a response to any commenter that provided contact information within 30 days of receipt of complaint. However, the Permittee need not provide responses to individual commenters if it elects to post a record of public complaints and their resolutions to its website.

f. Recordkeeping. With respect to Regulated Construction Activities, the Permittee shall maintain records of (1) SWPPP approvals; (2) SWPPP inspections conducted by or on behalf of the Permittee; (3) enforcement and compliance actions taken by the Permittee; and (4) public reports and complaints and the Permittee's responses thereto.

3. Reporting and Evaluation

To allow the Department to determine whether the Permittee has successfully implemented the enforceable, measurable goals set forth in this general permit for MCM 4, the Annual Report shall include the following information for the reporting year:

a. Any material changes to the relevant legal authorities identified in the SWMP in accordance with Part III.D.2.a, including an explanation of the beneficial or adverse effect the change may have on the Permittee's ability to implement the requirements of Part III.D;

b. Any material changes in the local requirements for SWPPPs, if any, adopted by the Permittee;

c. The number of SWPPPs submitted to the Permittee for review and the respective number of approvals and denials issued;

d. A summary of compliance and enforcement actions taken by the Permittee, including the total number of each type of compliance actions and enforcement actions implemented;

e. An evaluation of the effect of the Permittee's compliance and enforcement actions have had on facilitating compliance with requirements of this Part III.D by Regulated Construction Activity operators. This evaluation shall be based on a comparison of rates of noncompliance and public reports compared to previous years (with due consideration of circumstances that could affect the number of documented noncompliance incidents, such as increased construction activity, more frequent inspections, or natural variability) and any other

appropriate factors. The evaluation shall also document any modifications to the compliance and enforcement processes in the Permittee's SMWP in response to the evaluation.

f. Attach a copy of the public report and complaint tracker developed in accordance with Part III.D.2.f.

E. MCM 5: Controlling Runoff from New Development and Redevelopment

1. Objectives

The Permittee shall implement a post-construction stormwater management program to reduce the discharge of stormwater-based pollutants from development and redevelopment projects in the MS4 Service Area that have a land disturbance area of (i) one acre or greater or (ii) less than an acre if part of a larger common plan of development or sale that will result in land disturbance of one acre or greater ("Regulated Development Projects," "Regulated Redevelopment Projects," or, collectively, "Regulated Projects").

2. Implementation

To comply with this MCM, the Permittee shall complete each of the following actions:

a. Legal Authority. The Permittee's SWMP shall document that the Permittee has adopted an ordinance, regulation, or other similar enforceable legal authority to regulate Regulated Projects that meet or exceed the criteria stated in Part III.D. The Permittee must have authority to (1) review and approve Regulated Projects; (2) prohibit discharges from Regulated Projects that do not comply with requirements of the program; (3) inspect stormwater management facilities for Regulated Projects; and (4) enforce violations. The Permittee shall implement all requirements of Part III.E to the extent of its legal authority, and the SWMP shall document and explain any provisions of Federal or State law that could materially limit or affect the Permittee's authority to implement any provisions of this part;

b. Post-Construction Stormwater Management Plan Review and Approval. The Permittee shall require by ordinance, regulation, or similar mechanism that any person proposing to undertake a Regulated Project submit a proposed Post-Construction Stormwater Management Plan (PCSMP) to the Permittee for review and approval. At a minimum, an approvable PCSMP must satisfy the standards listed below in Part III.E.2.d to minimize water quality impacts. The Permittee shall have authority to request additional information from the applicant and require revisions to the PCSMP to ensure compliance with the applicable requirements of this part and any other local requirements. PCSMP approvals shall be issued in writing by mail, email, web-based system, or other similar method. The Permittee shall prohibit the commencement of any Regulated Projects without a PCSMP approved by the Permittee. The Permittee's procedures for reviewing and approving PCSMP shall be documented in its SWMP;

c. Post-Construction Development Standards. The Permittee shall adopt post-construction development standards in accordance with this subpart, which shall be documented in its SWMP. The Permittee may adopt one standard exclusively or approve more than one standard as alternatives available for use by developers. The Permittee also may define locations, categories of projects, or other criteria which dictate which standard may be used for a

Regulated Development Project. Provided, however, that the SWMP shall clearly state which standard is required or permitted, and a reasonable grandfathering or transition period shall be adopted for any changes to the required standard.

i. Development Standard 1: Runoff Retention. Regulated Development Projects must be designed to retain a volume of runoff equivalent to 1.0 inch (or greater) multiplied by the total post-construction impervious surface area on the site. The Permittee may allow the runoff retention standard to be lowered to 0.8 inch (or greater) for high-density development (greater than 7 units per acre), transit-oriented development, and projects that have direct or indirect water quality benefits in accordance with criteria identified in the SWMP. The Permittee may reject as incomplete any PCSMP relying on Development Standard 1 that does not include a completed copy of the most current version of Department's Compliance Spreadsheet found at: https://dep.wv.gov/WWE/Programs/stormwater/MS4/permits/Pages/ToolsandGuidance.aspx (or alternative documentation designated by the Permittee) demonstrating compliance with this standard;

ii. Development Standard 2: Pollutant Reduction. Regulated Development Projects must be designed to reduce the total average annual load of Total Phosphorus (TP), Nitrates, Nitrites, and Total Suspended Solids (TSS) generated from the total post-construction surface area of the site. PCSMP plans shall use the TP, TSS, Nitrates, and Nitrite removal efficiencies for selected BMPs that have been published by the Chesapeake Bay Program, if available. If the Chesapeake Bay Program has not addressed the planned or installed BMP performance, the Permittee may accept the use of other Federal- or State-approved BMP design guidance or performance standards (e.g. State stormwater handbooks and design guidance manuals) to calculate BMP performance. A non-exclusive list of other Federal- or State-approved BMP design guidance or performance standards can be found in Appendix E. The Permittee may reject as incomplete any PCSMP relying on Development Standard 2 that does not include calculations and other support sufficient to demonstrate compliance with this standard;

iii. Development Standard 3: Extended Infiltration. Regulated Development Projects must be designed to treat stormwater before releasing it to surface waters by extended or engineered infiltration. Extended filtration practices that are designed to capture and manage up to one inch of rainfall may discharge through an underdrain system. The Permittee may reject as incomplete any PCSMP relying on Development Standard 3 that does not include calculations and other support sufficient to demonstrate compliance with this standard; and/or

iv. Development Standard 4: Equivalent Alternative. The Permittee may adopt an alternative standard for Regulated Development Projects provided it demonstrates to the Department's satisfaction that adoption of the standard for development projects will result in improved water quality compared to Development Standard 1, 2, or 3. To obtain approval for an equivalent standard, the Permittee must prepare a package including the development standard and supporting technical documentation. The package must be publicly noticed for at least 30 days. The package, any public comments received by the Permittee, and the Permittee's responses thereto shall be submitted to the Department. The Permittee may assume approval of the equivalent standard if the Department does not

notify the Permittee within 90 days (1) that the standard is disapproved or (2) that additional information is needed to complete the Department's review.

In addition to satisfying one of the standards stated above, PCSMPs must comply with the general criteria and any other local requirements adopted by the Permittee.

d. Post-Construction Redevelopment Standards. The Permittee shall adopt post-construction redevelopment standards in accordance with this Part III.E.2.d, which shall be documented in its SWMP. The standards listed below are alternatives, and the Permittee shall approve at least one of the standards for use on Regulated Redevelopment Projects. The Permittee also may define locations, categories of projects, or other criteria which dictate which standard may be used for a Regulated Redevelopment Project. Provided, however, that the SWMP shall clearly state which standard is required or permitted, and a reasonable grandfathering or transition period shall be adopted for any changes to the required standard.

i. Redevelopment Standard 1: Runoff Retention. Regulated Redevelopment Projects must be designed to retain a volume of runoff equivalent to 0.8 inch (or greater) multiplied by the total post-construction impervious surface area on the site. The Permittee may allow the runoff retention standard to be lowered to 0.5 inch (or greater) for high-density development (greater than 7 units per acre), transit-oriented development, brownfield redevelopment, and projects that have direct or indirect water quality benefits in accordance with criteria identified in the SWMP. The Permittee may reject as incomplete any PCSMP relying on Redevelopment Standard 1 that does not include a completed copy of the most current version of the permittees Compliance Spreadsheet found at: https://dep.wv.gov/WWE/Programs/stormwater/MS4/permits/Pages/ToolsandGuidance.aspx demonstrating compliance with this standard;

ii. Redevelopment Standard 2: Extended Infiltration. Regulated Redevelopment Projects must be designed to treat stormwater before releasing it to surface waters by extended or engineered infiltration. Extended filtration practices that are designed to capture and manage up to one inch of rainfall may discharge through an underdrain system. The Permittee may reject as incomplete any PCSMP relying on Redevelopment Standard 3 that does not include calculations and other support sufficient to demonstrate compliance with this standard.

iii. Redevelopment Standard 3: Impervious Area Reduction. Regulated Redevelopment Projects that produce a net decrease of impervious area within the limits of disturbance must comply with the following standard:

(1) If the net impervious area is decreased by less than 50%, the post-construction TP load shall be reduced by at least 20% below the predevelopment TP load; or

(2) The impervious area is decreased by 50% or more.

The Permittee may reject as incomplete any PCSMP relying on Redevelopment Standard 3 that does not include calculations and other support sufficient to demonstrate compliance with this standard. Redevelopment Standard 4 may not be applied to a Regulated Redevelopment Project that produces a net increase of impervious area within the limits of disturbance.

iv. Redevelopment Standard 4: Equivalent Alternative. The Permittee may adopt an alternative standard for Regulated Redevelopment Projects provided it demonstrates to the Department's satisfaction that adoption of the standard for redevelopment projects will result in improved water quality compared to Redevelopment Standard 1, 2, 3, or 4. To obtain approval for an equivalent standard, the Permittee must prepare a package including the redevelopment standard and supporting technical documentation. The package must be publicly noticed for at least 30 days. The package, any public comments received by the Permittee, and the Permittee's responses thereto shall be submitted to the Department. The Permittee may assume approval of the equivalent standard if the Department does not notify the Permittee within 90 days (1) that the standard is disapproved or (2) that additional information is needed to complete the Department's review.

In addition to satisfying one of the standards listed above, PCSMPs must comply with the general criteria and any other local requirements adopted by the Permittee. However, Regulated Redevelopment Projects that are exclusively limited to maintenance and improvement of existing roadways (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects), sidewalks, and parking lots shall improve existing conditions where feasible but may be exempted from compliance with Redevelopment Standards 1 and 2. Any categories of exempt redevelopment activities shall be identified in the SWMP.

e. Offsite Compliance Options. The Permittee may allow Regulated Projects to satisfy the applicable development or redevelopment standard, in whole or in part, through offsite compliance options. If the Permittee elects to permit offsite compliance options, the SWMP shall document (1) which offsite compliance options are available for use; (2) any eligibility criteria for the use of offsite compliance options; (3) submission and documentation requirements for project proponents seeking to use offsite compliance options; and (4) procedures for the review and approval of PCSMPs that propose offsite compliance options. The Permittee's offsite compliance program shall be materially consistent with the Department's *Guidance for Developing an Off-Site Stormwater Compliance Program in West Virginia* (Appendix E), including any subsequent Department-issued documents or regulations that may revise or supersede the guidance.

f. Stormwater Management Facility Inspection and Maintenance. The Permittee shall operate a program to facilitate proper inspection and maintenance of stormwater management facilities constructed to comply with this Permit's development and redevelopment standards (Parts III.E.2.c & III.E.2.d). The program shall be documented in the SWMP and include the following components:

i. As-Built Drawings. The Permittee shall require that proponents of Regulated Projects submit certified as-built drawings of all stormwater management facilities required by a PCSMP no later than 90 days after the completion of the development or redevelopment project. The as-built drawings must be appended to Long-Term Maintenance Agreements (Part III.E.2.f.ii).

ii. Long-Term Maintenance Agreements. The Permittee shall require that proponents of Regulated Projects (other than the Permittee) execute binding agreements for the

long-term inspection and maintenance of any stormwater management facilities installed on Regulated Projects. Such agreements shall require the Regulated Project owner or operator, its successor, or other responsible party to (1) inspect stormwater facilities on an annual basis (unless the Permittee determines that an alternative schedule is appropriate); (2) perform any necessary maintenance within a prescribed period; and (3) provide inspection and maintenance records to the Permittee. Agreements shall be made in favor of the Permittee or a designated party acting on the Permittee's behalf. To the extent allowed by law, the Permittee may require that Long-Term Maintenance Agreements be recorded in the local property records and be made to run with the land.

iii. Inspections by Permittee. The Permittee shall keep an inventory of stormwater management facilities subject to maintenance agreements. The Permittee shall inspect each stormwater management facility on the inventory at least once every five years. If the inspection identifies any deficiencies, the Permittee shall take reasonable action to enforce its rights under the Long-Term Maintenance Agreement or exercise its compliance and enforcement authority to compel the responsible party to complete any necessary maintenance.

iv. Legacy Stormwater Management Facilities. For any stormwater management facility maintenance agreements or maintenance plans approved under prior versions of General Permit No. WV0116025, the Permittee shall continue to enforce those agreements and plans in accordance with their respective terms and conditions.

g. Compliance and Enforcement. The Permittee shall develop standard compliance and enforcement procedures for Regulated Project owners that fail to comply with any requirements imposed by the Permittee under this Part III.E (MCM 5). The procedures shall outline the circumstances and measures to be employed to bring owners into compliance, including, as appropriate, (1) notices to correct deficiencies, (2) warning letters, and (3) orders, instructions, or other legal mechanisms, including those in the Long-Term Maintenance Agreement, to require that owners take corrective action to remedy significant or repeated noncompliance. The procedures shall outline an enforcement process for significant and/or chronic noncompliance, including, as appropriate, penalties, corrective actions, legal actions, or referral to other regulatory or law enforcement authority. These procedures shall be incorporated into the Permittee's SWMP. The Permittee shall implement the compliance and enforcement procedures developed under this subsection.

i. Public Reports and Complaints. The Permittee shall develop as part of its SWMP a program to accept, track, and respond to substantive complaints from the public related to post-construction stormwater management and stormwater discharges from Regulated Projects to the Permittee's MS4 (excluding natural flooding events). As part of the program, the Permittee shall publish information on its website (if one is maintained) or through other appropriate means advising the public how to report stormwater-related problems at the sites of Regulated Projects, including an email address (or web-based form) and phone number available to receive reports. The Permittee shall log all public reports and complaints in a tracking system, which shall include a (1) summary or copy of the complaint; (2) actions taken to investigate the complaint; and (3) whether any compliance, enforcement, or other actions were taken as a result of the investigation; and

j. Recordkeeping. The Permittee shall maintain records of (1) PCSMP approvals; (2) inventory

of stormwater management facilities; (3) Long-Term Maintenance Agreements; (4) stormwater management facility inspections conducted by or on behalf of the Permittee; (5) enforcement and compliance actions taken by the Permittee; and (6) public reports and complaints.

3. Reporting and Evaluation

To allow the Department to determine whether the Permittee has successfully implemented the enforceable, measurable goals set forth in this general permit for MCM 5, the Annual Report shall include the following information:

a. Any material changes to the relevant legal authorities identified in the SWMP in accordance with Part III.E.2.a, including an explanation of the beneficial or adverse effect the change may have on the Permittee's ability to implement the requirements of Part III.E;

b. Any material changes in the local requirements for PCSMPs, if any, adopted by the Permittee;

c. The number PCSMPs submitted to the Permittee for review and the respective number of approvals and denials issued;

d. A summary of compliance and enforcement actions taken by the Permittee, including the total number of each type of compliance action and enforcement action implemented;

e. An evaluation of the development and redevelopment standards approved for use by Permittee. The evaluation shall identify any (1) public complaints, (2) known water quality issues, or (3) observed downstream flooding or channel erosion problems reasonably attributable to post-construction stormwater discharges from Regulated Projects completed during the term of this permit. For any such issues identified during the reporting year, the Permittee shall identify the development or redevelopment standard utilized for the project and determine, if practicable, whether the issue was likely caused by (1) an apparent deficiency in the standard; (2) improper installation or maintenance of the required stormwater controls; or (3) another cause. The report shall document any adaptive changes to the SWMP made in response to the evaluation.

f. A copy of the public report and complaint tracker developed in accordance with Part III.E.2.i.

F. MCM 6: Pollution Prevention & Good Housekeeping for Municipal Operations

1. Objective

The Permittee shall implement good housekeeping procedures designed to minimize the facility discharge of pollutants from municipal facilities and operations to the MEP.

2. Implementation

To comply with this MCM, the Permittee shall complete each of the following actions, which must be consolidated into a written Pollution Prevention and Good Housekeeping Program included in the SWMP:

a. Landscape Management Activities. Permittees shall update and/or adopt written procedures for implementing best management practices for each of the landscape management activities listed below to minimize the discharge of pollutants to the MS4. However, if the Permittee does not engage in any of the listed activities, it need not develop written procedures for that activity.

   i. Use of Fertilizer. The application of fertilizers to municipal properties shall not exceed the application rates established by any applicable nutrient management plan. For areas not covered under nutrient management plans where fertilizer is applied, application rates shall not exceed manufacturer's recommendations;

   ii. Use of Herbicides and Pesticides. The application of herbicides and pesticides to municipal properties shall not exceed the manufacturer's recommendations;

   iii. Vegetation Disposal. Landscaping and vegetation management activities on municipal properties shall ensure that leaves, lawn and bush trimming, and other related vegetative debris is not stockpiled or disposed of in areas where it may be washed into the MS4; and

b. Management of High-Priority Facilities. The Permittee shall identify all "High-Priority Facilities," which means any facilities owned or operated by the Permittee with drainage to the regulated MS4 where one or more of the following activities occur: (i) composting; (ii) equipment storage, cleaning, maintenance, and fueling; (iii) long-term bulk materials storage; (iv) pesticide, herbicide, fertilizer, or other chemicals storage; (v) recycling; (vi) anti-icing and deicing agent bulk storage, handling, and transfer; (vii) solid waste handling and transfer, and (viii) Permittee-owned or -operated vehicle washing, maintenance, and salvage. The Permittee may exclude any facilities that operate under a separate NPDES permit for stormwater discharges or for which the relevant materials or activities are not exposed to rain, snow, snowmelt, or runoff. For each High-Priority Facility, the Permittee shall develop a site-specific Stormwater Pollution Prevention Plan (SWPPP) that includes the following elements:

   i. Site Description. A site description that includes a site map identifying all stormwater outfalls, direction of stormwater flows, existing source controls, and receiving water bodies;

   ii. Responsible Personnel. All persons (by name or job title) responsible for implementing each requirement of the SWPPP shall be identified;

   iii. Potential Sources of Pollutants to the MS4. All potential pollutants, pollutant sources, and non-stormwater discharges shall be identified in the SWPPP;

   iv. Pollution Prevention Procedures. The SWPPP shall contain written procedures and practices tailored to the facility that are designed to reduce and prevent pollutant discharges to the MS4;

   v. Catalogue of Stormwater Controls. All structural control measures, such as stormwater management facilities and other stormwater pollutant source controls that are intended to or have the effect of avoiding or minimizing the discharge of stormwater pollutants to the MS4 shall be identified in the SWPPP;

vi. Inspection Procedures and Schedule. The SWPPP must include an inspection schedule mandating that each facility be inspected by qualified personnel on a frequency of no less than once per year. Inspections shall documentation compliance with the SWPPP, including, at a minimum, the following elements: (i) implementation of the Pollution Prevention Procedures; (ii) condition of each stormwater control identified in the SWPPP; and (iii) documentation that maintenance activities required by the SWPPP have been completed. The results of each inspection shall be documented in an inspection report. Any deficiencies identified in an inspection report shall be corrected as soon as practicable;

vii. Maintenance Procedures and Schedule. The maintenance requirements, including the maintenance frequency, for each stormwater control shall be identified in the SWPPP;

viii. Incident Log. A log of each unauthorized discharge, release, or spill incident at the facility that caused or was reasonably likely to cause a discharge of pollutants to the MS4, to include the following information: (i) date of incident; (ii) material discharged, released, or spilled; (iii) estimated quantity discharged, released, or spilled; and (iv) remediation or other corrective actions;

ix. Training. On at least an annual basis, all staff and contractors active at the facility and responsible for high-priority activities shall receive training on the requirements of the SWPPP, with an emphasis on the importance of eliminating unauthorized discharges to the MS4; and

x. Recordkeeping. All (i) inspection reports; (ii) maintenance reports; (iii) incident logs; and (iv) training records generated pursuant to the SWPPP shall be kept with the SWPPP.

c. Construction and Other Land-Disturbing Activities. Through training, inspection, contract terms, and/or other effective means, the Permittee shall adopt measures to require that its employees and contractors comply with all applicable erosion and sediment control and stormwater discharge requirements for land-disturbing activities conducted for or on behalf of the Permittee.

d. Employee and Contractor Training. Staff and contractors engaged by the Permittee to conduct any of the activities covered by the Pollution Prevention and Good Housekeeping Program shall receive training on the procedures and practices relevant to their respective functions and responsibilities. The training shall be given to new employees and contractors within three months of their engagement. Refresher training shall be provided to each covered employee and contractor each year. For contractors, the Permittee may provide training or require that its contractors certify that employees and subcontractors performing the relevant tasks for the Permittee have received appropriate training in accordance with this Part III.F. In addition to the training requirements referenced elsewhere in this Part III.F, employees and contractors shall receive training on the following topics to the extent they may be relevant and applicable to the employee or contractor's functions for the Permittee:

i. Proper Chemical and Material Storage and Use. This training shall be provided to employees and contractors whose duties involve the storing and use of chemicals or other materials that may cause pollution in stormwater discharging to the MS4. This includes

fuel, oils, grease, strippers, and additional products for operation and maintenance of equipment and of buildings, streets, and the MS4.

ii. Trash Management. Employees and contractors whose duties include managing solid waste or maintaining public lands (e.g., trash collection in public parks) shall receive training on the importance of keeping trash and litter from being washed into the MS4.

iii. Fleet Maintenance. Employees and contractors responsible for vehicle fleet storage and maintenance shall receive training on preventing the discharge of pollutants to the MS4 from activities including (i) vehicle cleaning (e.g., discharge of polluted wash water) and (ii) vehicle maintenance (e.g., avoiding spills of fuel, oil, and other chemicals.

3. Reporting and Evaluation

To allow the Department to determine whether the Permittee has successfully implemented the enforceable, measurable goals set forth in this general permit for MCM 6, the Annual Report shall include the following information:

a. A summary of any written procedures developed or modified to implement the Pollution Prevention and Good Housekeeping Program during the reporting period;

b. A statement confirming that the Permittee properly implemented the SWPPPs for High-Priority Facilities during the reporting year, except for any deficiencies that are documented in the Annual Report;

c. A hardcopy, digital file, or link to a digital version of the current SWPPP, including all attachments and updates, for each High-Priority Facility, subject to the following: (i) Portions of the SWPPP that have been updated or revised during the reporting year (e.g., inspection reports) shall be attached to the Annual Report. (ii) Portions of the SWPPP that were previously submitted to the Department and have not been revised during the reporting year may be incorporated by reference into the Annual Report. For example, if the body of the SWPPP has not been revised during the reporting year, then only the inspection reports and other attachments that are updated must be attached to the Annual Report.

d. A statement identifying any facilities that have been added to or removed from the list of High-Priority Facilities, with an explanation any removed facilities;

e. A summary of the inspections or other measures taken by the Permittee (except for training activities, which are reported in accordance with Part III.F.3.e, below) to determine that its employees and contractors complied with applicable erosion and sediment control and stormwater discharge requirements for land-disturbing activities conducted for or on behalf of the Permittee during the reporting year; and

f. A summary of all employee and contractor training events conducted under this general permit for the reporting year, including the (i) completion date for the training activity; (ii) number of employees who completed the training activity; and (iii) a summary of the content and objectives of the training consistent with the Pollution Prevention and Good Housekeeping Program. However, if a contractor conducts its own training, then documentation that the contractor has certified that the training was conducted.

PART IV. MS4 PROGRAM EVALUATION, RECORDKEEPING, AND REPORTING

A. Recordkeeping

1. Record Retention

The Permittee shall keep records to verify compliance with this general permit for at least three years beyond the permit expiration date and any continuance as described in Part I.G.

2. Availability of Records

Upon request, records related to this general permit shall be submitted to the Department and released to the public in accordance with the Freedom of Information Act.

B. Annual Reports

1. Reporting Periods and Submission Deadlines

An Annual Report shall be submitted to the Department no later than October 1 of each year in an electronic format via the Department's Electronic Submittal System (ESS) (http://dep.wv.gov/ess).

Each report shall cover the previous year from July 1 to June 30.

2. General Contents of the Annual Report

For existing Permittees, each Annual Report shall include the following information:

a. The Permittee, system name, registration number, and permit number;

b. The reporting period for which the Annual Report is being submitted;

c. A signed certification as per 47 CSR 10-4.6;

d. Each annual reporting item referenced in Part III for the six MCMs (refer to the subsections titled, "Reporting and Evaluation," under each of the six MCMs);

e. An evaluation of the MS4 program implementation, including a review of each MCM, to determine the MS4 program's effectiveness and whether or not changes to the SWMP are necessary.

3. Modified Annual Reporting Requirements for New Permittees

For any Permittee receiving initial coverage under this general permit for the discharge of stormwater, the Annual Report shall include the following information:

a. The general content items referenced above in Parts IV.B.2.a, IV.B.2.a.b, and IV.B.2.a.c;

b. A status update on each component of SWMP being developed, including an assessment of whether the Permittee has been and/or anticipates being in compliance with the MCM-development schedule in the SWMP (Part II.B.2); and

c. The general content items referenced above in Parts IV.B.2.d and IV.B.2.e, as modified by this subsection. A new Permittee need not include the reporting items in Parts V.B.2.d and V.B.2.e for any MCM that has not yet been implemented by the Permittee. The Permittee shall include the referenced reporting items in the Annual Report in the next reporting period following the first full year of implementing the MCM. For example, if a new Permittee begins implementing MCM 4 in March 2026, it need not include the reporting items in Parts IV.B.2.d and IV.B.2.e for MCM 4 until the Annual Report due October 1, 2027.

4. Additional Reporting Requirements for Permittees Discharging to TMDL Waters

For those Permittees with requirements established under Part V, the Annual Report shall include a status report on the implementation of any local TMDL BMP's in accordance with Part V.B.

PART V. TMDL SPECIAL CONDITIONS

A. Applicability

This Part V applies to any regulated MS4 that discharges to a waterbody subject to a TMDL that has been approved by EPA. For TMDLs based on biological impairment, the TMDL Implementation shall be based on the stressors for which a wasteload allocation is assigned to the Permittee. The SWMP must include the following measures:

1. Identification of the significant sources of the pollutants of concern discharging to the Permittee's MS4 that are not covered under a separate NPDES permit to the extent known.

2. The BMPs designed to reduce the pollutants of concern in accordance with Parts V.C to V.H, as applicable;

3. A schedule of anticipated actions planned for implementation during this permit term.

4. This permit does not authorize new sources or new discharges of pollutants of concern to impaired waters unless consistent with applicable state law.

5. Impaired waters are those that do not meet applicable water quality standards. Impaired waters are identified on the West Virginia, Section 303(d) list until a TMDL is developed and approved by USEPA.

6. Pollutants of concern are those pollutants for which the water body is listed as impaired. A current list of impaired water bodies and TMDL's for each MS4 entity known on the effective date of this permit is provided on the WVDEP website at the following URL: https://dep.wv.gov/WWE/Programs/stormwater/MS4/Pages/default.aspx. The website contains maps showing approximate MS4 boundaries along with 303(d) receiving streams. The maps are not the result of surveys.

i) Each permittee is required to examine the relevant map from the website and make a determination if the boundaries are sufficiently accurate for the WVDEP to capture the applicable 303(d) data on a watershed scale. If the provided mapping is deemed insufficient by the MS4 entity, the MS4 shall notify the director and provide updated boundaries.

7. The permittee shall summarize impairment pollutant-reduction activities completed during the year in the annual report.

a) New permittees shall develop and implement BMPs for areas within the MS4 that drain to impaired waters and describe the BMPs in the annual report.

B. Implementation for MS4s Discharging into Waters with Approved State and Federal TMDLs

a) Each discharger to a TMDL water shall propose BMPs to reduce pollutants of concern to the TMDL in the SWMP.

i) Permittees shall implement BMPs in accordance with the SWMP and annually, evaluate BMP effectiveness. The Annual Report shall contain the evaluation, along with proposed new BMPs to replace ineffective ones

b) Within six (6) months of notification from the Director of the approval of a new state or federal TMDL for which the permittee is identified as a source, permittees must develop and implement BMPs targeting the pollutant of concern and must gauge the effectiveness of selected BMPs in making progress toward achieving wasteload allocations.

C. Bacterial TMDLs

The Permittee shall select and implement at least three of the strategies listed in Table 3 designed to reduce the load of bacteria to the MS4. Permittee may select and implement an alternative strategy provided the TMDL Implementation explains that it is no less effective than one of the strategies listed in Table 3. Selection of the strategies shall correspond to sources identified in Part V.B.4.

Table 3
Strategies for Bacteria Reduction Stormwater Control/Management Strategy

Source	Strategies[1]
Domestic pets (dogs and cats)	Provide signage to pick up dog waste, providing pet waste bags and disposal containers. Adopt and enforce pet waste ordinances or policies, or leash laws or policies. Place dog parks away from environmentally sensitive areas. Maintain dog parks by removing disposed of pet waste bags and cleaning up other sources of bacteria. Protect riparian buffers and provide unmanicured vegetative buffers along streams to dissuade stream access.
Urban wildlife	Educate the public on how to reduce food sources accessible to urban wildlife (e.g., manage restaurant dumpsters and grease traps, residential garbage).

	Install storm drain inlet or outlet controls. Clean out storm drains to remove waste from wildlife. Implement and enforce urban trash management practices. Implement rooftop disconnection programs or site designs that minimize connections to reduce bacteria from rooftops. Implement a program for removing animal carcasses from roadways and properly disposing of the same (either through proper storage or through transport to a licensed facility).
Illicit connections or illicit discharges to the MS4 Illicit connections or illicit discharges to the MS4	Implement an enhanced dry weather screening and illicit discharge, detection, and elimination program beyond the requirements of Part III.C to identify and remove illicit connections and identify leaking sanitary sewer lines infiltrating to the MS4 and implement repairs. Implement a program to identify potentially failing septic systems. Educate the public on how to determine whether their septic system is failing. Implement septic tank inspection and maintenance program. Implement an educational program beyond any requirements in Part III.C to explain to citizens why they should not dump materials into the MS4.
Dry weather urban flows (e.g., irrigation, car washing)	Implement public education programs to reduce dry weather flows from storm sewers related to lawn and park irrigation practices, car washing, powerwashing and other non-stormwater flows. Provide irrigation controller rebates. Implement and enforce ordinances or policies related to outdoor water waste. Inspect commercial trash areas, grease traps, washdown practices, and enforce corresponding ordinances or policies.
Birds (e.g., Canadian geese, pigeons)	Identify areas with high bird populations and evaluate deterrents, population controls, habitat modifications, and other measures that may reduce bird-associated bacteria loading. Prohibit feeding of birds.
Other Sources	Enhance maintenance of stormwater management facilities owned or operated by the Permittee. Enhance requirements for third parties to maintain stormwater management facilities. Develop BMPs for locating, transporting, and maintaining portable toilets used on Permittee-owned sites. Educate third parties that use portable toilets on BMPs. Provide public education on appropriate recreational vehicle dumping practices.

1. *Examples provided for illustrative purposes; not meant to be all-inclusive or limiting.*

D. Local Sediment, Metals, and Nutrients TMDLs

The Permittee shall reduce the loads associated with local sediment (including TSS and biological impairments caused by sediment), metal (including, without limitation, iron, aluminum, manganese, lead, and selenium), and nutrient (including phosphorus and nitrogen) TMDLs through implementation of one or more of the practices listed below.

1. One or more BMPs approved by the Chesapeake Bay Program. Pollutant load reductions generated by annual practices, such as street and storm drain cleaning, shall only be applied to the compliance year in which the annual practice was implemented.

With each Annual Report, the Permittee shall submit to the Department an update on the progress made toward achieving local TMDL Implementation goals for sediment, metals, and/or nutrients. The Permittee's compliance with its TMDL Implementation will constitute adequate progress toward attaining each applicable wasteload allocation.

E. Polychlorinated Biphenyl (PCB) TMDLs

The Permittee shall reduce the loads associated with PCBs through implementation of the following measures:

1. The Permittee shall develop, maintain, or update, as appropriate, an inventory of potentially significant sources of PCBs owned or operated by the Permittee that drain to the MS4. The inventory shall include the following information for each potential source:

   a. Location of the potential source;

   b. Whether or not the potential source is from current site activities or activities previously conducted at the site that have been terminated (i.e., legacy activities); andPollution red

   c. A description of any measures, if known, being implemented or to be implemented to prevent exposure to stormwater and the discharge of PCBs from the site.

2. If at any time during the term of this general permit, the Permittee discovers a previously unidentified significant source of PCBs within the MS4 Service Area, the Permittee shall notify the Department in writing within 30 days of discovery.

F. Chloride TMDLs

The Permittee shall reduce the loads associated with chlorides through implementation of the following measures:

1. No later than 36 months after the permit effective date, the Permittees shall develop an anti-icing and deicing agent education and outreach strategy that identifies target audiences (e.g., big box retailers) for increasing awareness of anti-icing and deicing agent application impacts on receiving waters and encourages implementation of enhanced BMPs for application, handling, and storage of anti-icing and de-icing agents used for snow and ice management.

2. Anti-icing and deicing agent education and outreach strategies shall contain a schedule to implement one or more of the strategies listed in Table 1 (Part III.A) per year to communicate to target audiences the importance of responsible anti-icing and deicing agent application, transport, and storage.

3. The Permittee shall implement an increased SWPPP inspection frequency of at least two times per year for any High-Priority Facility identified under Part III.F where anti-icing and deicing agent bulk handling and storage activities are occurring. One inspection shall occur during winter months when icy conditions are possible (generally, October to March) and the other shall occur during the warmer months when icy conditions are unlikely (generally, May to August). In its Annual Report, the Permittee shall evaluate the effectiveness of its SWPPP for these facilities

based on the results of the inspections and any other relevant and available information. If the evaluation identifies any deficiencies in the implementation of the SWPPP or controls that are not performing as intended, it shall revise the SWPPP appropriately.

G. Other TMDLs

For any TMDL not addressed in Parts V.C to V.F, the Permittee shall include BMPs designed to reduce the discharge of the relevant pollutant from the regulated MS4 to the MEP. The selection of BMPs shall be included in the SWMP, including the wasteload allocation assigned to MS4s, and any other related or supporting documents. As stated in Part III.B.2.c. the SWMP must be made available for public review and comment.

PART VI. STANDARD NPDES PERMIT CONDITIONS

A. Management Conditions

1. Duty to Comply

The Permittee must comply with all conditions of this general permit. Permit noncompliance constitutes a violation of the CWA and State Act and is grounds for enforcement action; for permit modification, revocation and reissuance, suspension or revocation; or for denial of a permit renewal application.

2. Duty to Mitigate

The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this general permit that has a reasonable likelihood of adversely affecting human health or the environment.

3. Permit Actions

This permit may be modified, revoked and reissued, suspended, or revoked for cause in accordance with the provisions of Chapter 22-11-12 of the Code of West Virginia. The filing of a request by the Permittee for permit modification, revocation and reissuance, or revocation, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

4. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege.

5. Signatory Requirements

All applications, reports, or information submitted to the Director in accordance with the permit shall be signed and certified as required in Title 47, Series 10, Section 4.6 of the West Virginia Legislative Rules.

6. Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary.

7. Duty to Provide Information

The Permittee shall furnish to the Director, within a reasonable specified time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, suspending, or revoking this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

8. Other Information

Where the Permittee becomes aware that it failed to submit any relevant facts in the NOI or submitted incorrect information in an NOI or in any report to the Director, it shall promptly submit such facts or information.

9. Inspection and Entry

The Permittee shall allow the Director, an authorized representative, or an EPA representative, upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the Permittee's premises in which an effluent source or activity is located, or where records must be kept under the conditions of this permit;

b. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the State Act, any substances or parameters at any location.

10. Outlet Markers

A permanent marker shall be posted as close as practicable to the discharge location of the representative outfall or other outfalls contained in the SWMP in accordance with Title 47, Series 11, Section 9 of the West Virginia Legislative Rules.

This permit does not require monitoring for compliance, however the EPA requires a representative outfall must be designated and an outlet marker placed as close as practicable to the location.

11. Liabilities

a. Any person who violates a permit condition implementing sections 301, 302, 306, 307, 308,

318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed $10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

b. Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

c. Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

d. Nothing in this subsection shall be construed to limit or prohibit any other authority the Director may have under the State Water Pollution Control Act, Chapter 22, Article 11.

B. Operation and Maintenance

1. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also include adequate laboratory controls, and appropriate quality assurance procedures. Unless otherwise required by Federal or State law, this provision requires the operation of back-up auxiliary facilities or similar systems which are installed by the Permittee only when the operation is necessary to achieve compliance with the conditions of the permit. For domestic waste treatment facilities, waste treatment operators, as classified by the WV Bureau of Public Health Laws, W. Va. Code Chapter 16-1, will be required except that in circumstances where the domestic waste treatment facility is receiving any type of industrial waste, the Director may require a more highly skilled operator.

2. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

3. Bypass

a. Definitions

i. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility; and

ii. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass not exceeding limitations. The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts VI.B.11.3.c and VI.B.11.3.d of this permit

c. If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten (10) days before the date of the bypass. If the Permittee does not know in advance of the need for bypass, notice shall be submitted as required Part VI.D of this permit

d. Prohibition of Bypass

i. Bypass is permitted only under the following conditions, and the Director may take enforcement action against a Permittee for a bypass, unless;

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of engineer equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(3) The Permittee submitted notices as required under Part VI.B.3.c of this permit.

ii. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in Part VI.B.3.d.i of this permit.

4. Upset

a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitation if the requirements of Part VI.B.4.c are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

i. An upset occurred, and that the Permittee can identify the cause(s) of the upset;

ii. The permitted facility was at the time being properly operated;

iii. The Permittee submitted notice of the upset as required in IV.2.b) of this permit; and

iv. The Permittee complied with any remedial measures required under Part VI.A.2 of this permit.

d. Burden of proof. In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

C. Monitoring and Reporting

1. Monitoring Generally

Discharge monitoring is not required for compliance purposes by this general permit. If the Permittee chooses to monitor stormwater discharges for informational or screening purposes, they may do so. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

D. Other Reporting

1. Reporting Spills and Accidental Discharges

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities or penalties established pursuant to Title 47, Series 11, Section 2 of the West Virginia Legislative Rules promulgated pursuant to Chapter 22, Article 11.

Attached is a copy of the West Virginia Spill Alert System for use in complying with Title 47, Series 11, Section 2 of the Legislative rules as they pertain to the reporting of spills and accidental discharges (Appendix F).

2. Immediate Reporting

a. The Permittee shall report any noncompliance which may endanger health or the environment immediately after becoming aware of the circumstances by using the Agency's designated spill alert telephone number located in Appendix F. A written submission shall be provided within five (5) days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been

corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

b. The following shall also be reported immediately:

i. Any unanticipated bypass which exceeds any effluent limitation in the permit;

ii. Any upset which exceeds any effluent limitation in the permit; and

iii. The Permittee complied with any remedial measures required by Part VI.A.2 of this permit.

c. The Director may waive the written report on a case-by-case basis if the oral report has been received in accordance with the above.

d. Compliance with the requirements of this subsection shall not relieve a person of compliance with Title 47, Series 11, Section 2

3. Reporting Requirements

a. Planned changes. The Permittee shall give notice to the Director of any planned physical alterations or additions to the permitted facility which may affect the nature or quantity of the discharge. Notice is required when:

i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in Section 13.7.b of Series 10, Title 47; or

ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under IV.2 of this section.

b. Anticipated noncompliance. The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

c. In addition to the above reporting requirements, all existing manufacturing, commercial, and silvicultural discharges must notify the Director in writing as soon as they know or have reason to believe:VI

i. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, or any toxic pollutant which is not limited in the permit.

ii. That they have begun or expect to begin to use or manufacture as an intermediate or final product or by-product of any toxic pollutant which was not reported in the permit application under Section 4.4.b.9 of Series 10, Title 47 and which will result in the discharge on a routine or frequent basis of that toxic pollutant at levels which exceed five times the detection limit for that pollutant under approved analytical procedure.

iii. That they have begun or expect to begin to use or manufacture as an intermediate or final product or by-product of any toxic pollutant which was not reported in the permit application under Section 4.4.b.9 of Series 10, Title 47 and which will result in the discharge on a non-routine or infrequent basis of that toxic pollutant at levels which exceed ten times the detection limit for that pollutant under approved analytical procedure.

4. Other Noncompliance

The Permittee shall report all instances of noncompliance not reported under the above paragraphs at the time annual reports are submitted. The reports shall contain the information listed in Part VI.D.2.b. Should other applicable noncompliance reporting be required, these terms and conditions will be found in Part VI of this permit.

5. Program Review

a) The Department will assess the effectiveness of the SWMP for eliminating non-storm water discharges and reducing the discharge of pollutants to the MEP, by reviewing program implementation and annual reports.

b) Additional periodic evaluations may be conducted to determine compliance with permit conditions.

The permittee must comply with all terms and conditions of this permit. Permit noncompliance constitutes a violation of the federal Clean Water Act (CWA) and State Act, Chapter 22, Article 11 & Article 12 and is grounds for enforcement action; for permit modification, suspension or revocation.

Failure to comply with the terms and conditions of this permit shall constitute grounds for the revocation or suspension of this permit and for the invocation of all the enforcement procedures set forth in Chapter 22, Article 11 of the Code of West Virginia.

Jeremy W. Randy
Director

APPENDIX A
DEFINITIONS

Unless the context in which used clearly requires a different meaning, as used in this general permit:

"Annual practice" means a nonstructural best management practice such as street or storm drain cleaning that reduces pollution for one compliance year upon implementation.

"Annual Report" means a document submitted to the Department no later than October 1 of each year in an electronic format via the Department's Electronic Submittal System that summarizes and evaluates the Permittee's implementation of this general permit during the reporting year.

"Best management practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, policies, and other management practices to prevent or reduce the pollution of waters of the State of West Virginia. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, waste disposal or drainage from material storage. BMP's can include structural as well as non-structural practices.

"CFR" means the Code of Federal Regulations.

"Clean Water Act" or "CWA" means Public Law 92-500, as amended by Public Law 95-217, Public Law 97-117 and Public Law 95-576; U.S.C. 1251 et seq.

"Common Plan of Development" is a contiguous construction project where multiple separate and distinct construction activities may be taking place at different times on different schedules but under one plan. The "plan" is broadly defined as any announcement or piece of documentation or physical demarcation indicating construction activities may occur on a specific plot; included in this definition are most subdivisions and industrial parks.

"CSR" means the West Virginia Code of State Rules.

"Department" means the West Virginia Department of Environmental Protection.

"Director" means the Director of the Division of Water and Waste Management, West Virginia Department of Environmental Protection, or his/her designated representative.

"Dry Weather" means a period in which there has not been a measurable precipitation or snowmelt event within a twenty-four (24) hour period.

"Dry Weather Screenings" are on-site inspections of storm water outfalls during dry periods for the purpose of locating and evaluating the quality of discharges in an effort to reduce or eliminate pollution.

"EPA" means the United States Environmental Protection Agency.

"Evaluative Process" The use of collected data and best professional judgment to interpret received data, rather than accepting generalized assumptions.

"Existing Permittee" is the owner or operator of a regulated small municipal separate storm sewer that was authorized to discharge under General Permit No. WV0116025 (2014).

"Illicit Discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except (1) discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and (2) non-stormwater discharges listed in Appendix C of this general permit.

"Impervious" means a surface composed of material that significantly impedes or prevents natural infiltration of water into soil.

"Long-Term Maintenance Agreements" means a formal written agreement or contract between a Permittee and a property owner that obligates the owner and its successors and assigns to inspect and maintain stormwater management facilities installed in accordance with this general permit in perpetuity.

"Maximum Extent Practicable" Each permitted entity shall select appropriate Best Management Practices (BMPs) based on an evaluative process which should include the following: Public input and acceptance, Consideration of the receiving water, Technical feasibility of selected BMP, Cost of implementation, Regulatory compliance, and Effectiveness.

"Minimum Control Measure" or "MCM" means the six programmatic elements of Part III of this general permit that are documented in the Permittee's Stormwater Management Plan and which are designed to result in the reduction of the discharge of pollutants from the regulated Small MS4. The programmatic elements include: (1) Public Education and Outreach, (2) Public Involvement and Participation, (3) Illicit Discharge Detection and Elimination, (4) Controlling Runoff from Construction Sites, (5) Post Construction Stormwater Management, (6) Pollution Prevention and Good Housekeeping.

"Municipal Separate Storm Sewer System" or "MS4" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by any municipality, sewer or sewage board, State agency or Federal agency or other public entity that discharges directly to surface waters of the State of West Virginia that is designed or used for collecting or conveying storm water but which is not a combined sewer or part of a publicly owned treatment works.

"MS4 Service Area" The MS4 Service Area is the drainage area served by the Permittee's Regulated Small MS4 that is within the jurisdiction or control of the Permitee.

"New Permittee" is the owner or operator of a small municipal separate storm sewer that was not authorized to discharge under General Permit No. WV0116025 (2014) but who is required to submit a notice of intent to obtain authorization to discharge under this general permit.

"Notice of Intent" or "NOI" means a notification of intent to seek coverage under this general permit to discharge stormwater from a regulated small municipal separate storm sewer permit to waters of the State of West Virginia.

"National Pollutant Discharge Elimination System" or "NPDES" means a provision of the Clean Water Act which regulates the discharge of pollutants into waters of the United States. This federally mandated permit program regulating point source discharges.

"Operator" means the owner or operator of any facility or activity subject to this general permit. In the

context of stormwater associated with a construction project or land-disturbing activity, "operator" means any person associated with the project or activity that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or (ii) the person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a stormwater pollution prevention plan for the site (i.e., the person is authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions). In the context of stormwater discharges from an MS4, "operator" means the municipal or other governmental entity that owns or operates the regulated MS4.

"Outfall" means a point source as defined by 40 CFR § 122.2 at the point where a municipal separate storm sewer discharges to waters of the State of West Virginia and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the State and are used to convey waters of the State.

"Pollutant of concern" means a pollutant which cause a water body to be placed on the Section 303(d) list of impaired waters and for which a Permittee has been assigned a wasteload allocation in an applicable Total Maximum Daily Load.

"Post-Construction Stormwater Management Plan" or "PCSMP" means a plan developed by the operator of a regulated development or redevelopment project to minimize water quality impacts from stormwater discharges from the site after the completion of construction activities. The PCSMP must satisfy the standards adopted by the Permittee in accordance with this general permit and is subject to review and approval by the Permittee.

"Receiving water" means a surface water of the State of West Virginia into which stormwater is discharged from an outfall.

"Redevelopment," including brownfield development, means any construction, alteration, or improvement, including, but not limited to, the demolition or building of structures, filling, grading, paving, or excavating, where existing land use is residential, commercial, industrial, or institutional. Ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements are not considered to be redevelopment activities for the purposes of this general permit.

"Regulated Construction Activity" means a construction activity in the MS4 Service Area that results in a land disturbance of (i) one acre or greater or (ii) less than an acre if part of a larger common plan of development or sale that will result in land disturbance of one acre or greater, unless such activities are exempt from NPDES permitting requirements by Federal or State law.

"Regulated Development Project" means a development project in the MS4 Service Area that has a land disturbance area of (i) one acre or greater or (ii) less than an acre if part of a larger common plan of development or sale that will result in land disturbance of one acre or greater.

"Regulated Redevelopment Project" means a redevelopment project in the MS4 Service Area that has a land disturbance area of (i) one acre or greater or (ii) less than an acre if part of a larger common plan of development or sale that will result in land disturbance of one acre or greater.

"Regulated Small MS4" or "regulated MS4" means those portions of an MS4 that are (1) located in an

urban area as determined by the 2020 Decennial Census of the United States Census Bureau with a population of at least 50,000; (2) designated by the Department or United States Environmental Protection Agency under the Clean Water Act and associated regulations; or (3) covered under General Permit No. WV0116025 (2014) as of the effective date of this general permit. An MS4, or portion thereof, that has been granted a waiver in accordance with 40 CFR §122.32(a) is not a regulated Small MS4.

"Reporting year" means the period from July 1 to June 30 of each year that is covered by an Annual Report submitted within three months of the conclusion of the period. For example, the Annual Report due by October 1, 2028, should cover the reporting year running from July 1, 2027, to June 30, 2028.

"Secretary" means the Secretary of the West Virginia Department of Environmental Protection, or his/her designated representative.

"Small municipal storm sewer system" or "Small MS4" means an MS4 that its not defined as "Large" or "Medium" by 40 CFR § 122.26(b). All MS4s in West Virginia are Small MS4s.

"Stormwater Management Program" or "SWMP" means a document describing the management program covering the duration of this general permit for a MS4 that includes a comprehensive planning process that involves public participation and intergovernmental coordination to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and regulations and the State law and its attendant regulations, using management practices, control techniques, and system, design, and engineering methods, and such other provisions that are appropriate.

"Stormwater Pollution Prevention Plan" or "SWPPP" means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges and required measures to minimize the water quality impacts from those discharges. In the context of stormwater associated with a construction project or land-disturbing activity, a SWPPP consists of an approved erosion and sediment control plan, approved post-construction stormwater management plan, and other provisions. In the context of stormwater discharges from an MS4, a SWPPP is a site-specific plan for managing stormwater discharges from a high-priority facility owned by the Permittee in accordance with Part III.F.2.b.

"Total Maximum Daily Load" or "TMDL" means the sum of the individual wasteload allocations for point sources, load allocations (LAs) for nonpoint sources, natural background loading, and a margin of safety calculated the pollutant loading that a waterbody can receive and still safely meet water quality standards.

"USC" means the United States Code.

"Wasteload Allocation" or "WLA" means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. WLAs constitute a type of water quality-based effluent limitation.

APPENDIX B
NOTICE OF INTENT
SUBMISSION PROCEDURE
AND INFORMATION REQUIREMENTS

A. Submission Instructions

Each MS4 operator required to submit a Notice of Intent (NOI) by Part I.C of this general permit must submit its NOI electronically using the Department's Electronic Submission System (ESS). ESS can be accessed at the following link: http://dep.wv.gov/ess.

Existing permittees may use their current ESS login to submit the NOI. New permittees must follow the instructions on the ESS website (http://dep.wv.gov/ess) to request an ESS login in advance of submitting the NOI.

The information necessary to populate the NOI must be input directly into an electronic form on ESS. The required information is stated in subsection B, below. When all information has been input on the electronic form, the system will give the Permittee the option of signing and submitting the NOI to the Department.

B. Information Requirements

Operators must enter the following information into the NOI form on ESS:

1. The name and location of the MS4 (including latitude and longitude coordinates);

2. The name of the owner or operator of the MS4;

3. The mailing address of the owner or operator of the MS4;

4. The type of MS4 (e.g., city, county, incorporated town, unincorporated town, college or university, local school board, military installation, transportation system, federal or state facility, or other);

5. The name, title, mailing address, telephone number, and email address for the following individuals:

   a. The responsible official with authority to sign reports on behalf of the Permittee; and

   b. The MS4 permit contact.

6. The following receiving waters information:

   a. The names of the receiving surface waters to which the MS4 system discharges; and

   b. Whether or not the receiving waters are listed as impaired in the West Virginia Combined 2018/2020/2022 305(b)/303(d) Integrated Water Quality Monitoring and Assessment Report; and

c. Whether or not the receiving waters are subject to a TMDL.

7. The names of any physically interconnected MS4s to which the MS4 discharges;

8. A list of all existing signed agreements between the operator and any applicable third parties where the operator has entered into an agreement in order to implement minimum control measures or portions of minimum control measures; and

9. If the two more MS4 operators are submitting a joint NOI, the information referenced below in subsection C.

C. Joint NOIs

The Department encourages regulated MS4 operators to submit joint NOIs in accordance with 40 CFR § 122.33(b)(1)(i). In addition to the information listed in subsection B, joint NOIs must include the following:

1. The information required by numbers 1 through 8 of subsection B shall be repeated for each MS4 operator participating in the joint NOI; and

2. The NOI shall include a description of the roles and responsibilities of each operator, including a summary of which stormwater minimum control measures each operator will implement and identify the entities that will implement the other stormwater minimum control measures within the area served by the MS4(s). Joint NOI's shall include any Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA) with the application.

APPENDIX C
LIST OF AUTHORIZED
NON-STORMWATER DISCHARGES

1. Uncontaminated water line flushing;

2. Landscape irrigation and lawn watering, provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling;

3. Diverted stream flows;

4. Rising groundwaters;

5. Uncontaminated groundwater infiltration, as defined at 40 CFR § 35.2005(20);

6. Uncontaminated pumped groundwater;

7. Discharges from potable water sources managed in a manner to avoid instream impact;

8. Foundation or footer drains where flows are not contaminated with process materials;

9. Air conditioning condensation;

10. Springs;

11. Water from crawl space pumps;

12. Individual residential vehicle washing, or discharges from fundraising car washes if the washing uses only biodegradable, phosphate-free, water-based cleaner;

13. Flows from riparian habitats and wetlands;

14. Dechlorinated freshwater swimming pool discharges managed in a manner to avoid instream impact;

15. Street and pavement wash waters that do not contain cleaning additives or are otherwise managed in a manner to avoid instream impact;

16. Routine external building washdown provided no soaps, solvents, or detergents are used, external building surfaces do not contain hazardous substances, and the wash water is filtered, settled, or similarly treated prior to discharge;

17. Discharges or flows from emergency/unplanned firefighting activities including the immediate discharge of materials determined by fire department personnel or emergency management officials to be necessary to protect life or property, provided the Permittee takes or ensures that the responsible party takes all reasonable steps to minimize or prevent any adverse effect on human health or the environment. This authorization does not transfer liability for a spill from the party responsible for the spill to the MS4 operator or relieve the party responsible for a spill from any reporting requirements imposed by Federal, State, or Local law.;

18. Discharges from flows of water for fire prevention or firefighting training activities managed in a manner to avoid instream impact;

19. Discharges authorized by a separate National Pollutant Discharge Elimination System (NPDES) permit;

APPENDIX D
STORMWATER PUBLIC COMPLAINT TRACKER TEMPLATE*

Public Report or Complaint				Investigation and Resolution		
Incident ID	**Date Received**	**Reported By**	**Summary of Complaint / Report**	**Assigned To**	**Summary of Findings / Resolution**	**Closure Date**

**Provided as an example for the convenience of Permittees; use of this template is not required.*

APPENDIX E
EROSION AND SEDIMENT CONTROL RESOURCES

Sediment and Erosion Control BMP manuals:

1. Erosion and Sediment Control BMP manual — WV DEP

https://dep.wv.gov/WWE/Programs/stormwater/csw/Pages/ESC_BMP.aspx

2. Maryland Soil Erosion and Sediment Control BMP manual;

https://mde.maryland.gov/programs/water/StormwaterManagementProgram/Documents/2011%20MD%20Standard%20and%20Specifications%20for%20Soil%20Erosion%20and%20Sediment%20Control.pdf

3. Virginia Erosion and Sediment Control Handbook;

https://assets.vbt.io/public/files/6975/VA_Resources_Construction/Virginia_DEQ_Erosion_and_Sediment_Control_Handbook.pdf

4. USEPA has a listing of available stormwater manuals on its website.

https://search.epa.gov/epasearch/?querytext=stormwater+manuals&areaname=&areacontacts=#/

5. Guidance For Developing an Off-Site Stormwater Compliance Program in West Virginia, December 2012

https://dep.wv.gov/WWE/Programs/stormwater/MS4/permits/Documents/WV_Mitigation-FeeInLieu-Guidance_Final_Jan-2013.pdf

APPENDIX F
WEST VIRGINIA SPILL ALERT SYSTEM

In the event of a spill or accidental discharge, immediately call (800) 642-3074

APPENDIX B

Town of Fayetteville MS4 Notice of Intent, Issued October 20, 2025

E.L. ROBINSON
ENGINEERING

	Applicant: FAYETTEVILLE, TOWN OF **Reference ID: EDMR110263 (10/20/2025)** **Status: New**	**Type: MS4 Notice of Intent** **Permit ID: New/Pending** **Printed: Dec. 09, 2025 10:38 AM**

1: MS4 Operator Information

MS4 Entity Responsible Party Information

Name of the MS4 Responsible Party: Town of Fayetteville

Title:

Address: 125 N. Court St

City: Fayetteville **State:** West Virginia

Zip Code: 25840 **County:** Fayette

Telephone: (304) 574-0101 **Email:** matt@fayettevillewv.gov

MS4 Operator / Contact Information

Name of the Phase II MS4 Operator: Matt Diederich

Name of Designated MS4 Contact: Matt Diederich

Title: Town Manager

Department:

Address: 125 N. Court St

City: Fayetteville **State:** West Virginia

Zip Code:	25840	**County:**	Fayette
Telephone:	(304) 574-0101	**Email:**	matt@fayettevillew

MS4 Location Information

Street Address:	125 N. Court St		
City:	Fayetteville	**State:**	West Virginia
Zip Code:	25840	**County:**	Fayette

Coordinate Information: This is the location of your representative outfall.

Latitude:	38	3	4	**Longitude:**	8	6	25
	Degrees	**Minutes**	**Seconds**		**Degrees**	**Minutes**	**Seconds**

Map Link:

MS4 Type Information

Type of MS4: City

2: Sharing Responsiblilty

Joint NOI

If this application is part of a Joint NOI, *all parties* must complete an NOI Application

Will this application be part of a Joint NOI? ○ Yes ◉ No

Joint NOI: Other MS4s

List the name and registration number of each MS4 that will be a part of this Joint NOI

Name of MS4 Entity:

Registration Number:

MS4 Shared Responsiblity

Please attach to this section any MOU or MOA related to sharing responsibility with any other entities that will be implementing permit obligations on your behalf.

Has another entity agreed to implement all your permit obligations on your behalf?

○ Yes ◉ No

MS4 Shared Responsiblity Entities

Name of Entity:

Contact Name:

Title:

Department:

Mailing Address:

City:

State: West Virginia

Zip Code:

County:

Telephone:

Email: someone@domain.com

MS4 Shared Responsiblity of MCMs

Please attach to this section any MOU or MOA related to sharing responsibility with any other entities that will be implementing permit obligations on your behalf.

Has another entity agreed to implement one or more of the minimum control measures (or a component thereof) on your behalf?

○ Yes ◉ No

MS4 Shared Responsiblity of MCMs Entities

Control measure(s) or component of a control measure to be implemented by the other entity:

Name of Entity:

Contact Name:

Title:

Department:

Mailing Address:

City:

State: West Virginia

Zip Code:

County:

Telephone:

Email: someone@domain.com

A: Receiving Waterbodies

Receiving Waterbodies

To complete this section, first go to the WVDEP MS4 Website (Click Here (https://dep.wv.gov/WWE/Programs/stormwater/MS4/Pages/default.aspx)) to locate the stream data for your MS4. Please download or print your data to PDF. Click on the Attachments tab on the top-right of this page. Select 1 additional document to attach, then browse for your PDF, select it and then be sure to click upload. Then click on the Instructions tab at the top-right of this page for further guidance.

Enter the name(s) of any receiving waterbody(s) for this MS4:

Name of Receiving Waterbody: Laurel Creek

Name of Receiving Waterbody: New River (Lower)

Name of Receiving Waterbody: Marr Branch

Name of Receiving Waterbody: House Branch

Name of Receiving Waterbody: Wolf Creek

Name of Receiving Waterbody: Crooked Run

Receiving Water Information

Receiving Water Information

The dropdown below contains the list of waterbodies entered in Section A. Select one and then answer the question(s) below.

You will need to add additional sections from the previous menu to add information for any additional waterbodies.

Name of Receiving Waterbody: Laurel Creek

Is this water body impaired? (•) Yes ( ) No

Receiving Water Information

If so, what are it's impairments?

Impairment: Fecal Coliform

Is there a TMDL for that impairment (•) Yes ( ) No

Receiving Water Information

Receiving Water Information

The dropdown below contains the list of waterbodies entered in Section A. Select one and then answer the question(s) below.

You will need to add additional sections from the previous menu to add information for any additional waterbodies.

Name of Receiving Waterbody: New River (Lower)

Is this water body impaired? (•) Yes ( ) No

Receiving Water Information

If so, what are it's impairments?

Impairment: Fecal Coliform

Is there a TMDL for that impairment (•) Yes ( ) No

Receiving Water Information

Receiving Water Information

The dropdown below contains the list of waterbodies entered in Section A. Select one and then answer the question(s) below.

You will need to add additional sections from the previous menu to add information for any additional waterbodies.

Name of Receiving Waterbody: **Marr Branch**

Is this water body impaired? (•) Yes ( ) No

Receiving Water Information

If so, what are it's impairments?

Impairment: **Fecal Coliform and Iron**

Is there a TMDL for that impairment (•) Yes ( ) No

Receiving Water Information

Receiving Water Information

The dropdown below contains the list of waterbodies entered in Section A. Select one and then answer the question(s) below.

You will need to add additional sections from the previous menu to add information for any additional waterbodies.

Name of Receiving Waterbody: **House Branch**

Is this water body impaired? (•) Yes ( ) No

Receiving Water Information

If so, what are it's impairments?

Impairment: **Fecal Coliform**

Is there a TMDL for that impairment (•) Yes ( ) No

Receiving Water Information

Receiving Water Information

The dropdown below contains the list of waterbodies entered in Section A. Select one and then answer the question(s) below.

You will need to add additional sections from the previous menu to add information for any additional waterbodies.

Name of Receiving Waterbody: **Crooked Run**

Is this water body impaired? (•) Yes ( ) No

Receiving Water Information

If so, what are it's impairments?

Impairment: Fecal Coliform

Is there a TMDL for that impairment (●) Yes ( ) No

Receiving Water Information

Receiving Water Information

The dropdown below contains the list of waterbodies entered in Section A. Select one and then answer the question(s) below.

You will need to add additional sections from the previous menu to add information for any additional waterbodies.

Name of Receiving Waterbody: Wolf Creek

Is this water body impaired? (●) Yes ( ) No

Receiving Water Information

If so, what are it's impairments?

Impairment: Fecal Coliform and Iron

Is there a TMDL for that impairment (●) Yes ( ) No

4: Interconnected MS4s

MS4 Discharges To

Does this MS4 have any physically interconnected MS4s to which this MS4 discharges? ( ) Yes (●) No

MS4 Discharges To MS4 Name

Specify the name(s) of the MS4(s) to which this MS4 discharges:

Name of Interconnected MS4:

MS4 Discharges From

Does this MS4 have any physically interconnected MS4s from which this MS4 receives discharges? ( ) Yes (●) No

MS4 Discharges From MS4 Name

Specify the name(s) of the MS4(s) from which this MS4 receives discharges:

Name of Interconnected MS4:

5: Fee Calculation

MS4 Permit Fee Schedule

This application has a fee of $2,625 for Uncontaminated Discharge, and a 30% higher fee of $3,413 for Contaminated Discharge.

The Uncontaminated Discharge option requires semi-annual monitoring.

Category of discharge for this MS4?

- ○ Uncontaminated Discharge
- ◉ Contaminated Discharge

Application Fee: **$3413.00**

In addition this permit will have an annual fee equal to 10% of the application fee that will be billable to the permittee.

Annual Fee: **$341.30**

Please remit your application fee by mail in the form of a check addressed to:

WVDEP - DWWM
MS4/NPDES
601 57th Street, SE
Charleston, WV 25304

Alternatively, you may pay by ePayment/credit card by calling:

(304) 926-0499 ext 41195

6: Certification Statement and Signature

WV/NPDES GENERAL PERMIT NUMBER WV0116025

SMALL MUNICIPAL SEPERATE STORM SEWER SYSTEMS

NOTICE OF INTENT (NOI)

By completing and submitting this application, I have reviewed, understood and agreed to the terms and conditions of the general permit. I understand that provisions of the permit are enforceable by law. Violations of any term and condition of the general permit and/or other applicable law or regulation can lead to enforcement action.

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED ON THIS FORM AND ALL ATTACHEMENTS AND THAT, BASED UPON MY INQUIRING OF THOSE INVIDUALS IMMEDIANTELY RESPONSIBLE FOR OBTAINING THE INFROMATION, THE INFORMATION SUBMITTED 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 FINE AND IMPRISONMENT. I FURTHER UNDERSTAND THAT I WILL BE OPERATING UNDER THE MUNICIPAL SEPERATE STORM SEWER SYSTEMS GENERAL PERMIT EFFECTIVE OCTOBER 8, 2025 AND I AGREE TO THE TERMS OF THE PERMIT.

Signature of Responsible Party

DATE 10/20/2025

PRINT NAME

Matt Diederich

Please Print, Sign, Scan and attach this document rather than mailing as a wet ink signature is no longer required.

APPENDIX C

U.S. Census Bureau Profile Data

E.L. ROBINSON
ENGINEERING

Place

Fayetteville town, West Virginia

Fayetteville town, West Virginia is a city, town, place equivalent, or township located in West Virginia. Fayetteville town, West Virginia has a land area of 5.6 square miles.

ON Display Sources

Populations and People
Total Population
2,887
P1 | *2020 Decennial Census*

Income and Poverty
Median Household Income
$67,623
S1901 | *2024 American Community Survey 5-Year Estimates*

Education
Bachelor's Degree or Higher
28.3%
S1501 | *2024 American Community Survey 5-Year Estimates*

Employment
Employment Rate
51.0%
DP03 | *2024 American Community Survey 5-Year Estimates*

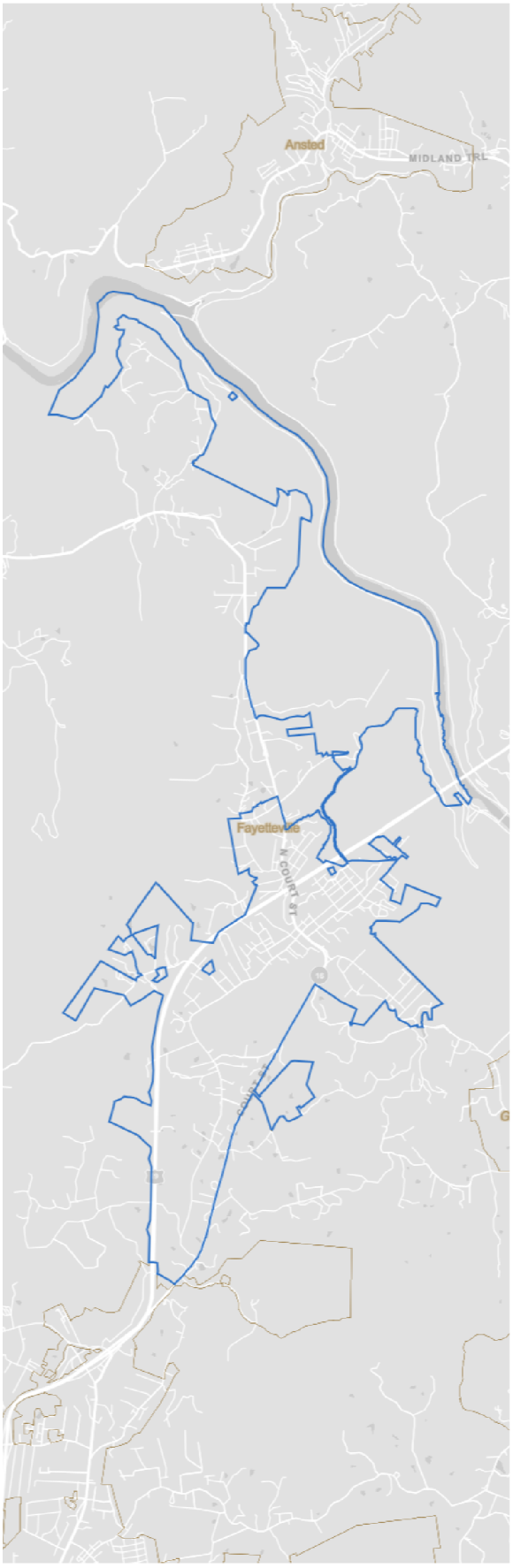
Housing
Total Housing Units
1,470
B25002 | *2024 American Community Survey 5-Year Estimates*

Health
Without Health Care Coverage
8.6%
S2701 | *2024 American Community Survey 5-Year Estimates*

Families and Living Arrangements
Total Households
1,353
DP02 | *2024 American Community Survey 5-Year Estimates*

Race and Ethnicity
Hispanic or Latino (of any race)
80
P9 | *2020 Decennial Census*

Fayetteville town, West Virginia Reference Map



Source: U.S. Census Bureau

Employment

Class of Worker

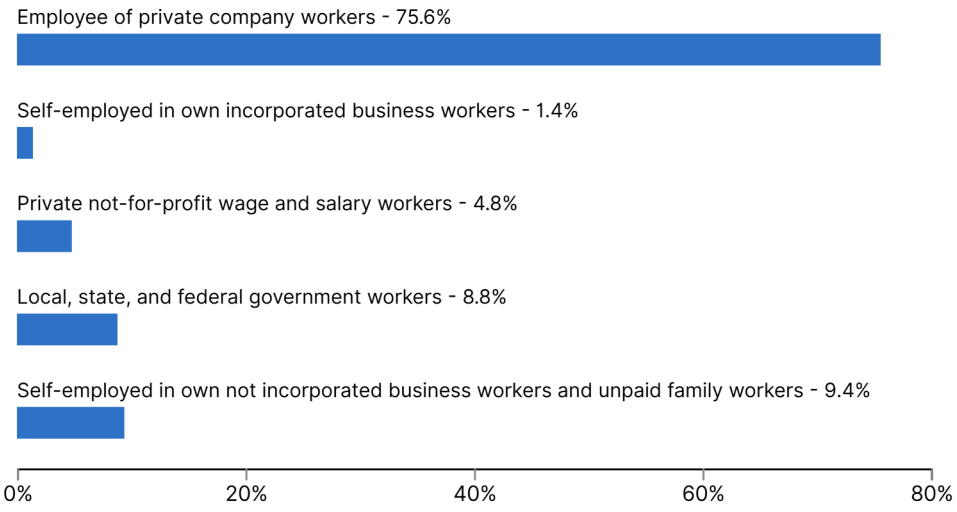
8.8% ± 6.2%
Local, state, and federal government workers in Fayetteville town, West Virginia

19.9% ± 0.7%
Local, state, and federal government workers in West Virginia

S2406 | *2024 American Community Survey 5-Year Estimates*

Class of Worker
in Fayetteville town, West Virginia

Share / Embed



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S2406 | *2024 American Community Survey 5-Year Estimates*

Commuting

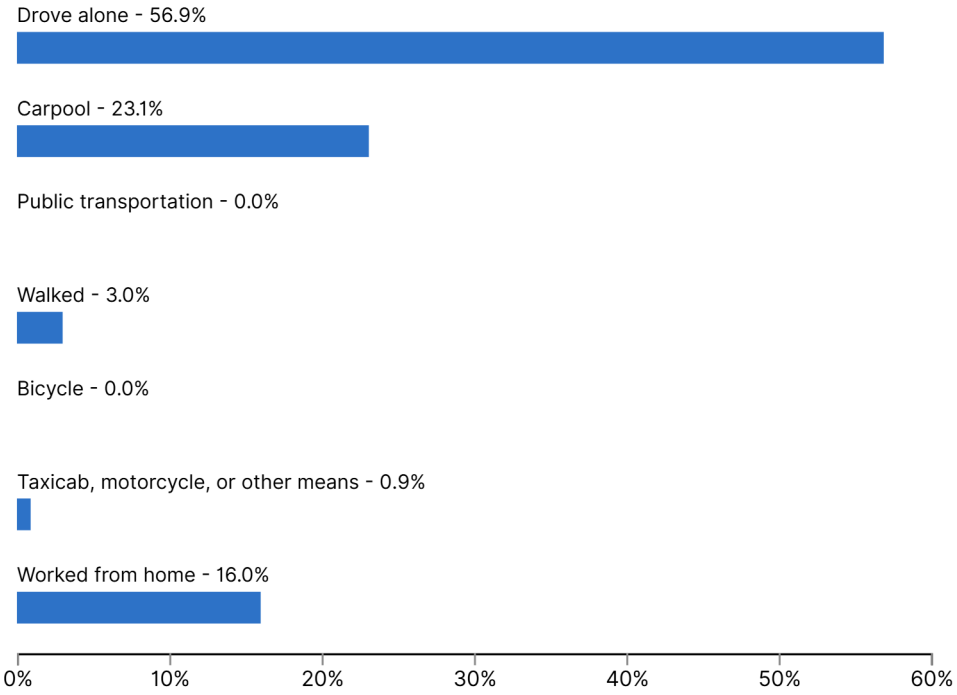
30.9 ± 6.7
Average travel time to work (in minutes) in Fayetteville town, West Virginia

26.5 ± 0.5
Average travel time to work (in minutes) in West Virginia

S0801 | *2024 American Community Survey 5-Year Estimates*

Means of Transportation to Work (Workers 16 Years and Over)
in Fayetteville town, West Virginia

Share / Embed



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S0801 | *2024 American Community Survey 5-Year Estimates*

Employment and Labor Force Status

51.0% ± 9.5%
Employment Rate in Fayetteville town, West Virginia

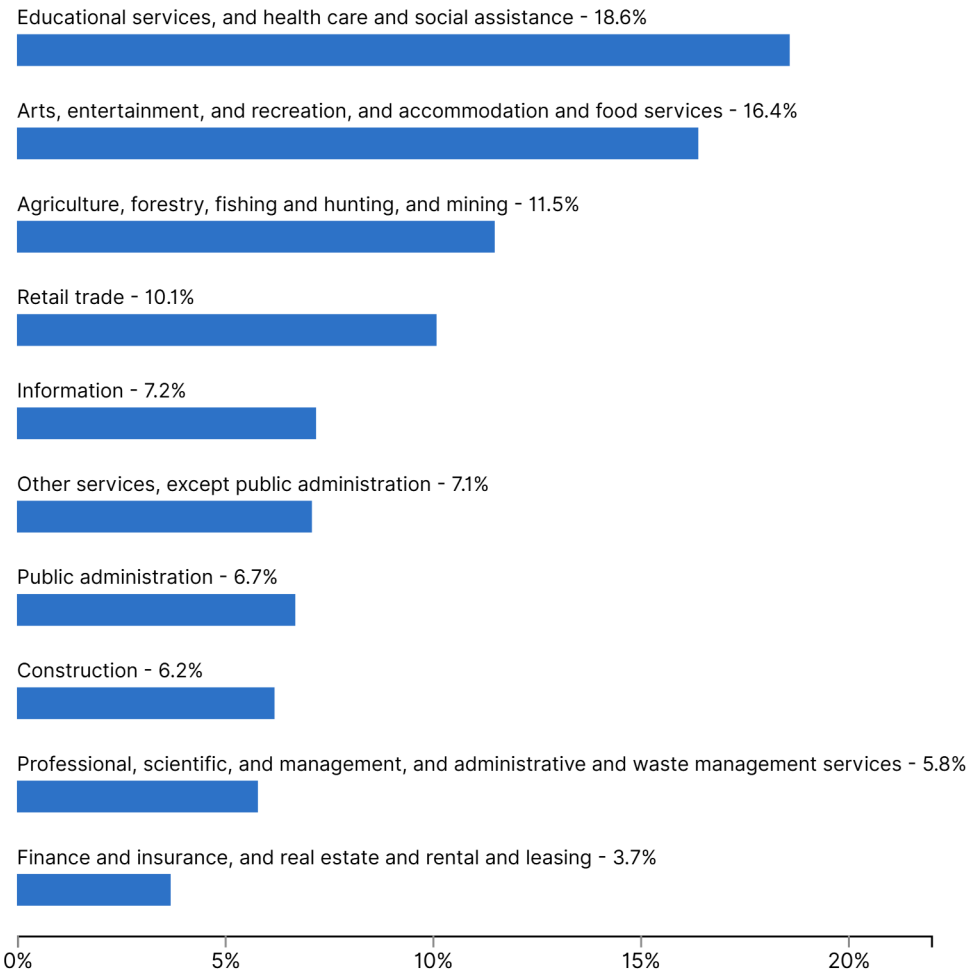
52.2% ± 0.6%
Employment Rate in West Virginia

DP03 | *2024 American Community Survey 5-Year Estimates*

Industry

Industry for the Civilian Employed Population 16 Years and Over
in Fayetteville town, West Virginia

Share / Embed



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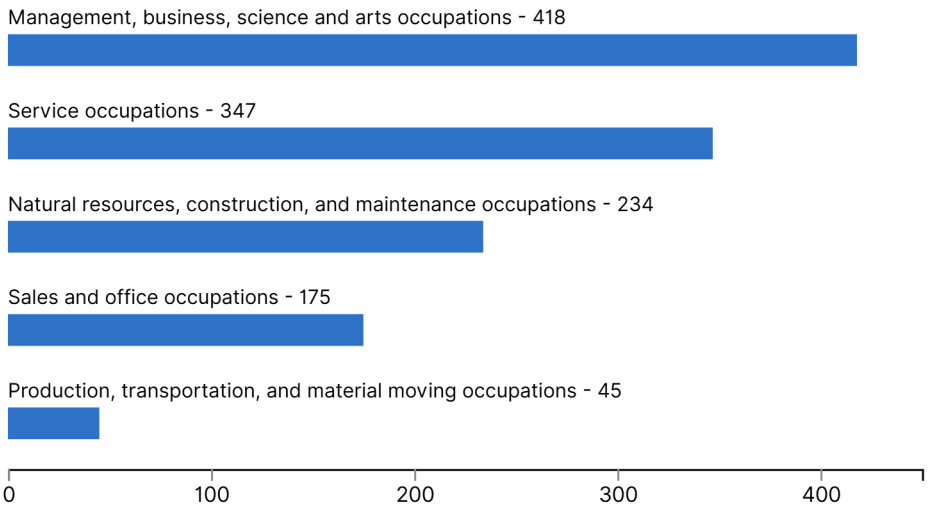
DP03 | *2024 American Community Survey 5-Year Estimates*

Occupation

Occupation for the Civilian Employed Population 16 Years and Over
in Fayetteville town, West Virginia

Share / Embed



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S2401 | *2024 American Community Survey 5-Year Estimates*

Work Experience

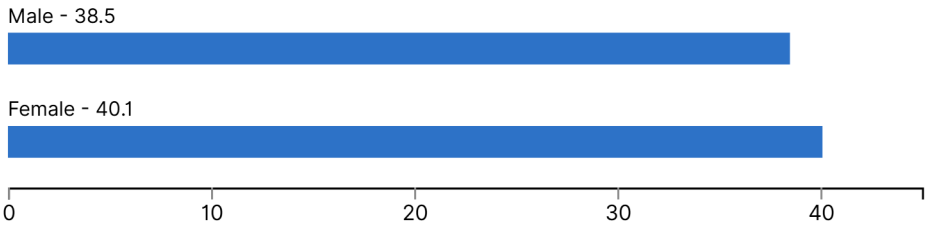
39.1 ± 2.9
Mean Usual Hours Worked for Workers in Fayetteville town, West Virginia

39.0 ± 0.3
Mean Usual Hours Worked for Workers in West Virginia

S2303 | *2024 American Community Survey 5-Year Estimates*

Mean Usual Hours Worked for Workers by Sex
in Fayetteville town, West Virginia

Share / Embed



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S2303 | *2024 American Community Survey 5-Year Estimates*

APPENDIX D

Town of Fayetteville MS4 Service Area Map

E.L. ROBINSON
ENGINEERING

Sheet 1

Sheet 2

Sheet 3

Sheet 4

Sheet 5

Laurel Creek

Wolf Creek

House Branch

Marr Branch

New River (Lower)

Mill Creek

Short Creek

WEST VIRGINIA

Legend

- Storm Sewer Outfall
- Storm Sewer Inlet
- Storm Sewer Catch Basin

TMDL Streams

Pollutant
- Fecal Coliform
- Fecal Coliform & Iron

Pollutant
- Fecal Coliform
- Fecal Coliform & Iron
- Storm Sewer Line
- Fayetteville MS4 Service Area

Plotted by: sshank
File Path: \\WAIN\(13)Miscellaneous\1026024 - Fayetteville MS4 Program Support\GIS\Maps\MS4 Service Area.aprx

E.L. ROBINSON ENGINEERING
5088 Washington Street, West
Charleston, WV 25313
Phone: 304-776-7473
Fax: 304-776-6426
www.elrobinsonengineering.com

NO.	DATE	REVISION	BY

MAP PREPARED FOR:
Town of Fayetteville

SCALE: 1" = 1,500'
GRAPHIC SCALE
0 750 1,500 3,000 Feet

Fayetteville MS4 Program

Storm Sewer System Sheet Index Map

PROJECT NUMBER
1026024

DATE
9/22/2026

FIGURE NUMBER
Index

Plotted by: sshank
File Path: \\WAIN\(13)Miscellaneous\1026024 - Fayetteville MS4 Program Support\GIS\Maps\MS4 Service Area.aprx

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Fax: 304-776-6426
www.elrobinsonengineering.com

NO.	DATE	REVISION	BY

NO.	DATE	REVISION	BY

MAP PREPARED FOR:
Town of Fayetteville

SCALE: 1" = 300'
GRAPHIC SCALE
0 150 300 600 Feet

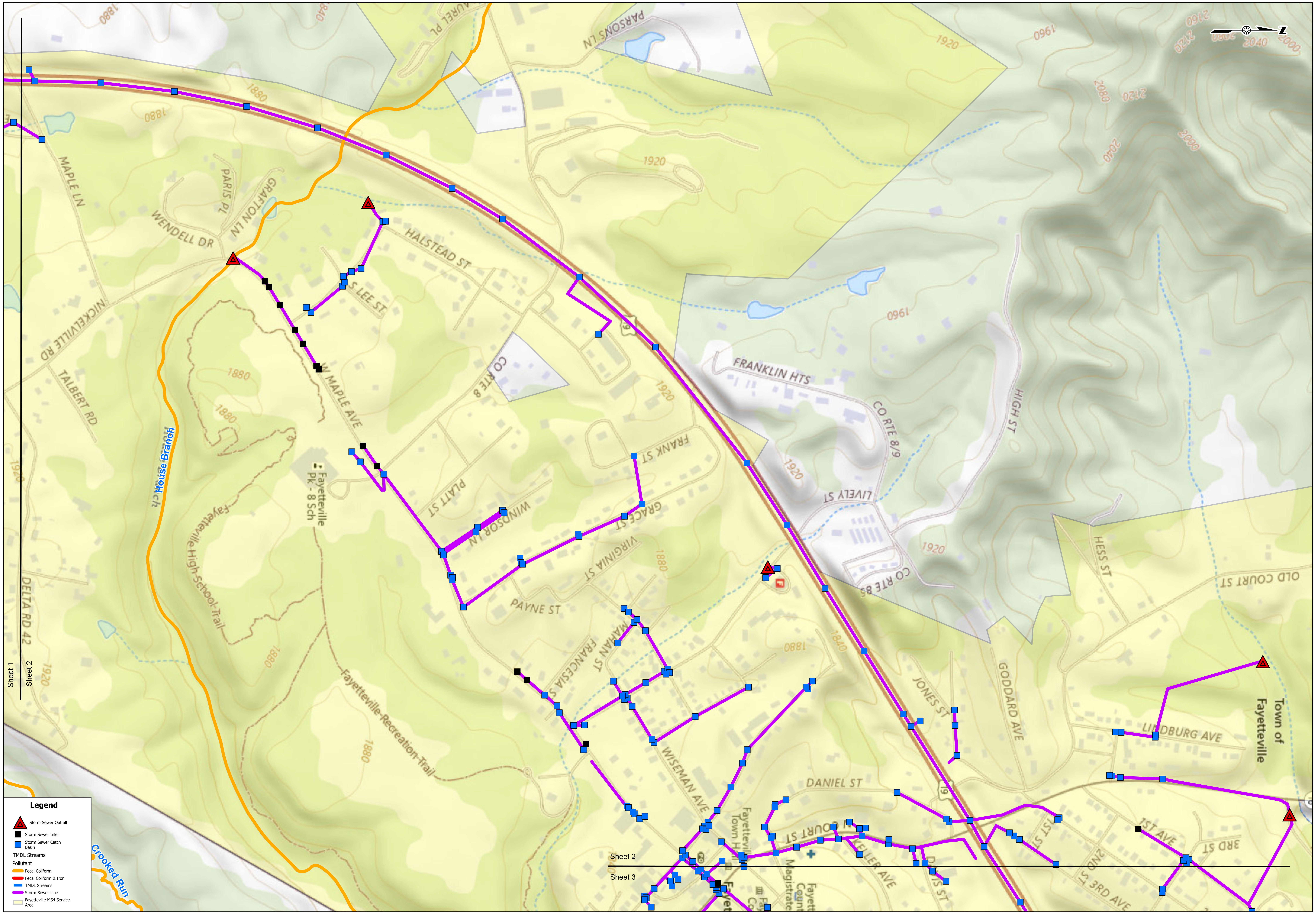
Fayetteville MS4 Program

Storm Sewer System Map

PROJECT NUMBER
1026024

DATE
9/22/2026

FIGURE NUMBER
1



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NO.	DATE	REVISION	BY

MAP PREPARED FOR:
Town of Fayetteville

SCALE: 1" = 300"
GRAPHIC SCALE
0 150 300 600 Feet

Fayetteville MS4 Program

Storm Sewer System Map

PROJECT NUMBER
1026024

DATE
9/22/2026

FIGURE NUMBER
2

Sheet 2

Sheet 3

Sheet 3

Sheet 4

Legend

- Storm Sewer Outfall
- Storm Sewer Inlet
- Storm Sewer Catch Basin

TMDL Streams

Pollutant

- Fecal Coliform
- Fecal Coliform & Iron
- TMDL Streams
- Storm Sewer Line
- Fayetteville MS4 Service Area

Plotted by: sshank
File Path: \\MAIN\(13)Miscellaneous\1026024 - Fayetteville MS4 Program Support\GIS\Maps\MS4 Service Area.aprx

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www.elrobinsonengineering.com

NO.	DATE	REVISION	BY

NO.	DATE	REVISION	BY

MAP PREPARED FOR:
Town of Fayetteville

SCALE: 1" = 300'
GRAPHIC SCALE
0 150 300 600 Feet

Fayetteville MS4 Program

Storm Sewer System Map

PROJECT NUMBER
1026024

DATE
9/22/2026

FIGURE NUMBER
3

Plotted by: sshank
File Path: \\MAIN\(13)Miscellaneous\1026024 - Fayetteville MS4 Program Support\GIS\Maps\MS4 Service Area.aprx

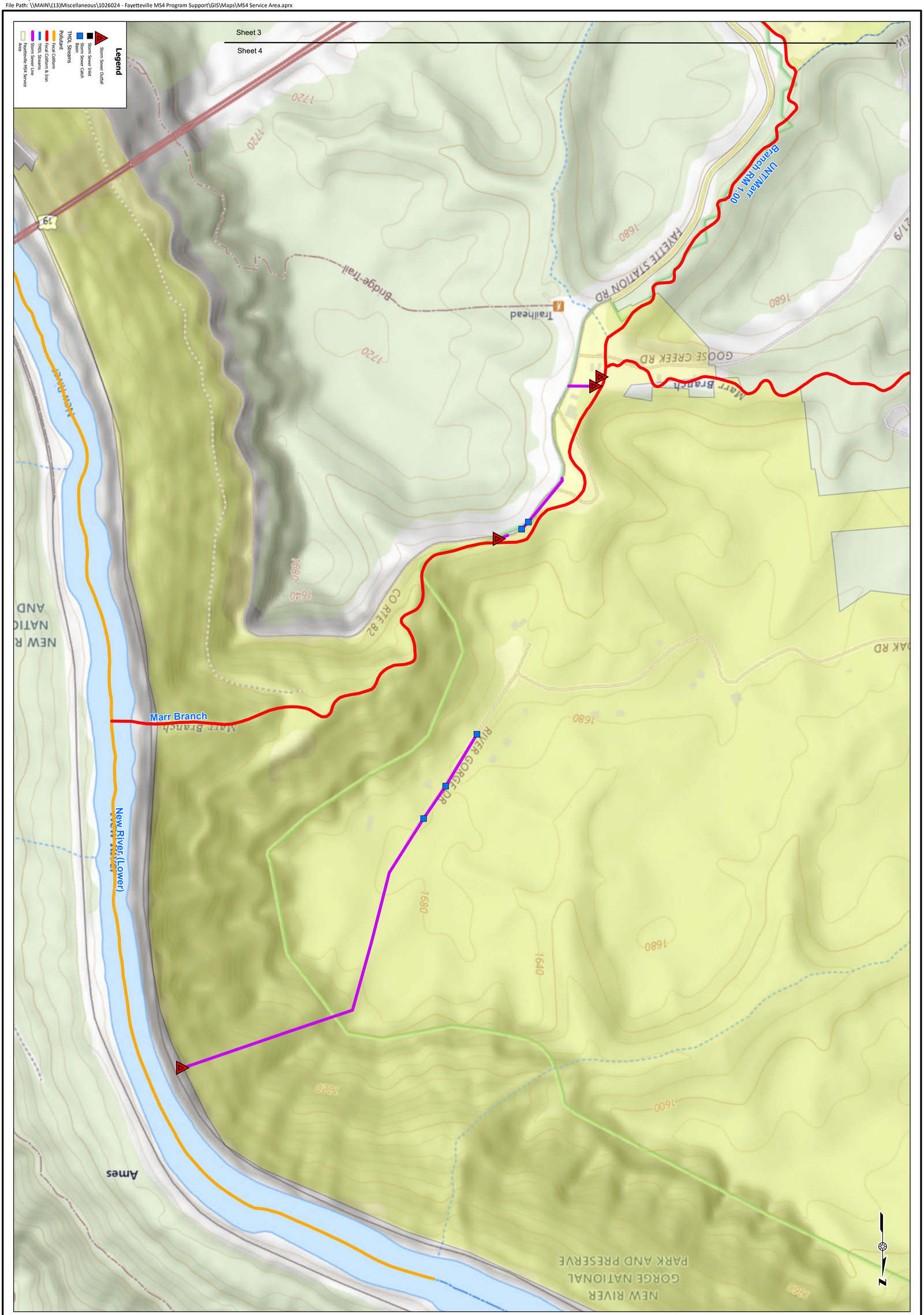

FIGURE NUMBER 4	PROJECT NUMBER 1026024	**Fayetteville MS4 Program**	MAP PREPARED FOR: Town of Fayetteville	NO.	DATE	REVISION	BY
	DATE 9/22/2026	**Storm Sewer System Map**	SCALE: 1" = 300" GRAPHIC SCALE 0 150 300 600 Feet	NO.	DATE	REVISION	BY

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Charleston, WV 25313
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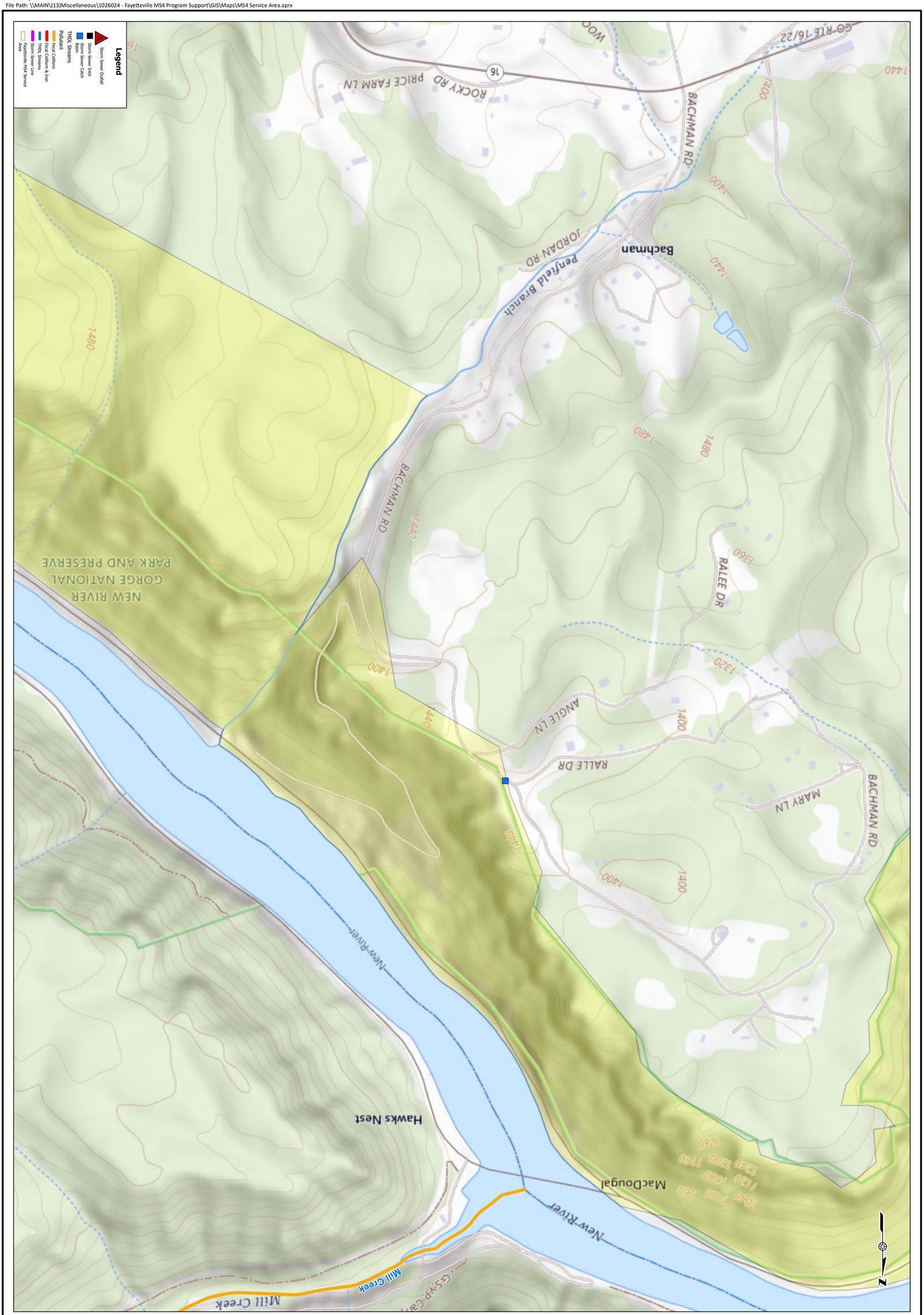
Plotted by: sshank
File Path: \\MAIN\(13)Miscellaneous\1026024 - Fayetteville MS4 Program Support\GIS\Maps\MS4 Service Area.aprx



5	FIGURE NUMBER	PROJECT NUMBER 1026024	**Fayetteville MS4 Program**	MAP PREPARED FOR: Town of Fayetteville	NO.	DATE	REVISION	BY
		DATE 9/22/2026	**Storm Sewer System Map**	SCALE: 1" = 300" GRAPHIC SCALE 0 150 300 600 Feet				

E.L. ROBINSON ENGINEERING
5088 Washington Street, West
Charleston, WV 25313
Phone: 304-776-7473
Fax: 304-776-6426
www.elrobinsonengineering.com

APPENDIX E

Stormwater Outfall Inspection Form

E.L. ROBINSON
ENGINEERING

TOWN OF FAYETTEVILLE
125 NORTH COURT STREET
FAYETTEVILLE, WEST VIRGINIA 25840

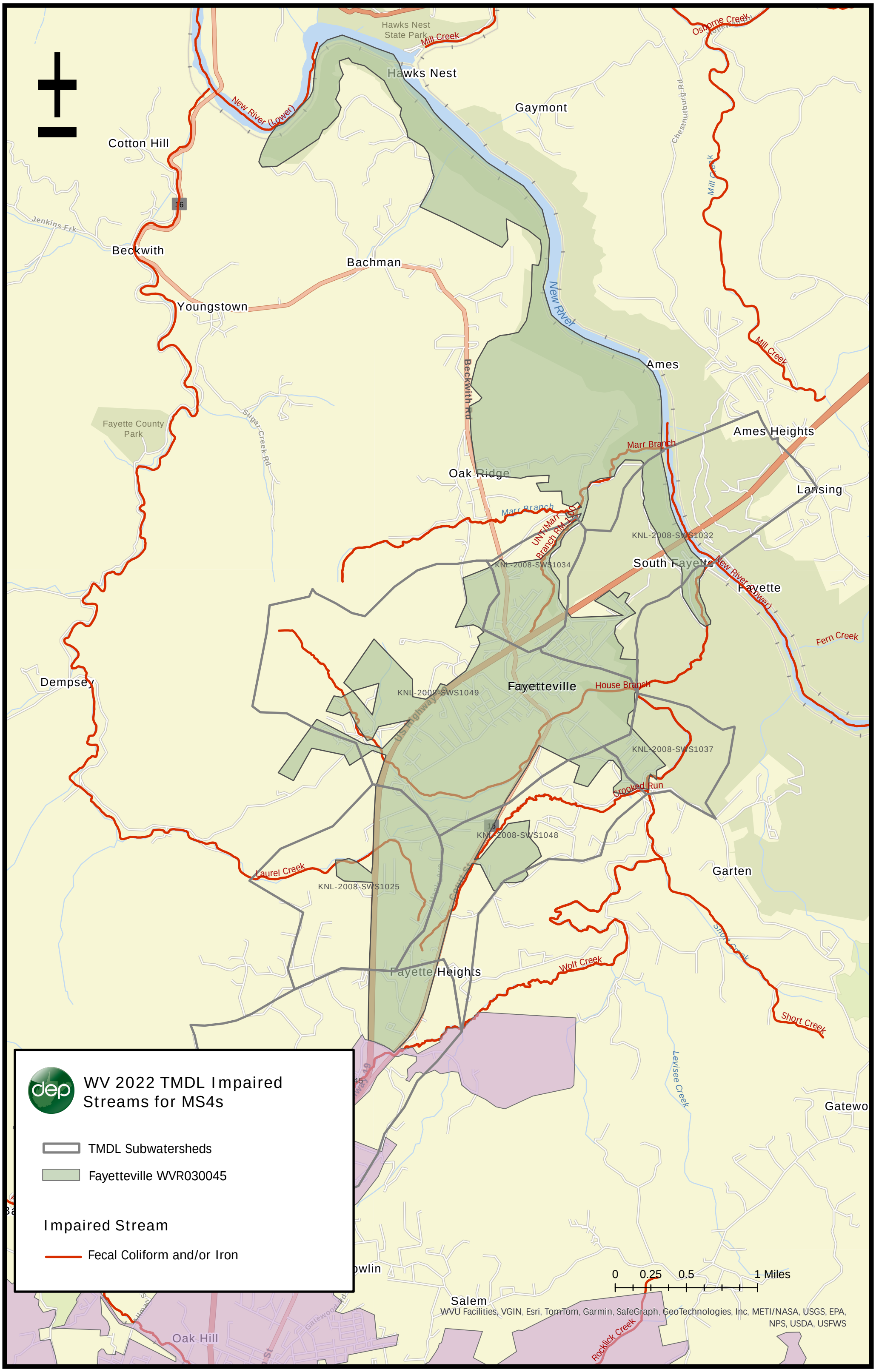
STORMWATER OUTFALL INSPECTION FORM

GENERAL INFORMATION				
Outfall Number and Location:				
Date of Inspection:	Start/End Time:			
Time Since Last Runoff-Producing Event or Snowmelt:				
Inspector Name(s):				
Inspector Contact Information:				
OUTFALL CONDITIONS				
Observations	**Yes**	**No**	**N/A**	**Findings and Results of Inspection**
Is the stormwater outfall actively discharging? If so, note the estimated discharge rate and visual characteristics of effluent.	☐	☐	☐	
Are there any possible indicators of Illicit discharges present at the outfall (e.g., staining, excessive or dead vegetation, etc.)?	☐	☐	☐	
Do the observed conditions indicate that illicit discharges have recently occurred in the stormwater system?	☐	☐	☐	
Are there any additional indicators within the vicinity of the stormwater outfall that may be used in determining the cause of observed conditions?	☐	☐	☐	
INSPECTION COMMENTS AND SITE OBSERVATIONS				
_____				
_____				
_____				
_____				
_____				
INSPECTOR CERTIFICATION				
I hereby certify that this inspection was performed in accordance with applicable requirements and that the information contained within is accurate to the best of my knowledge.				
_____ Inspector Name (print)	_____ Inspector Signature			_____ Date

APPENDIX F

WV 2022 TMDL Impaired Streams for MS4s – Town of Fayetteville, West Virginia

E.L. ROBINSON
ENGINEERING


Hawks Nest State Park
Mill Creek
Hawks Nest
Gaymont
New River (Lower)
Cotton Hill
Chestnutburg Rd
Osborne Creek
Mill Creek
16
Jenkins Frk
Beckwith
Bachman
Youngstown
New River
Mill Creek
Ames
Beckwith Rd
Fayette County Park
Sugar Creek Rd
Ames Heights
Marr Branch
Oak Ridge
Lansing
Marr Branch
UNT1/Marr Branch RM 1.57
KNL-2008-SWS1032
KNL-2008-SWS1034
South Fayette
New River (Lower)
Fayette
Fern Creek
Dempsey
KNL-2008-SWS1049
Fayetteville
House Branch
US Highway 19
KNL-2008-SWS1037
Crooked Run
19
KNL-2008-SWS1048
Laurel Creek
KNL-2008-SWS1025
Garten
Court St
Fayette Heights
Wolf Creek
Short Creek
Levisee Creek
Gatewo
owlin
0 0.25 0.5 1 Miles
Salem
WVU Facilities, VGIN, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS
Rocklick Creek
Oak Hill
Gatewood Rd
WV 2022 TMDL Impaired Streams for MS4s
TMDL Subwatersheds
Fayetteville WVR030045
Impaired Stream
Fecal Coliform and/or Iron

Municipality/ Entity	TMDL Project	Year TMDL approved	SUBID	SWS_Code	Stream Name	NHD Code	Pollutant	WLA
Fayetteville	New River Watershed	2008	1025	KNL-2008-SWS1025	Laurel Creek	KNL-9	Fecal Coliform	MS4 designated after TMDL competed
Fayetteville	New River Watershed	2008	1032	KNL-2008-SWS1032	New River (Lower)	KNL	Fecal Coliform	MS4 designated after TMDL competed
Fayetteville	New River Watershed	2008	1034	KNL-2008-SWS1034	UNT/Marr Branch RM 0.9	KNL-20-A	fecal coliform and iron	MS4 designated after TMDL competed
Fayetteville	New River Watershed	2008	1037	KNL-2008-SWS1037	House Branch	KNL-22-A	Fecal Coliform	MS4 designated after TMDL competed
Fayetteville	New River Watershed	2008	1045	KNL-2008-SWS1045	Wolf Creek	KNL-22	fecal coliform and iron	MS4 designated after TMDL competed
Fayetteville	New River Watershed	2008	1048	KNL-2008-SWS1048	Crooked Run	KNL-22-B	Fecal Coliform	MS4 designated after TMDL competed
Fayetteville	New River Watershed	2008	1049	KNL-2008-SWS1049	House Branch	KNL-22-A	Fecal Coliform	MS4 designated after TMDL competed

APPENDIX G

Stormwater Incident Report Tracker

E.L. ROBINSON
ENGINEERING

TOWN OF FAYETTEVILLE
125 NORTH COURT STREET
FAYETTEVILLE, WEST VIRGINIA 25840

STORMWATER INCIDENT REPORT TRACKER
REPORTING PERIOD: _____ / _____

PUBLIC REPORT OR COMPLAINT				INVESTIGATION AND RESOLUTION			
Incident ID	Date Received	Reported By	Summary of Complaint/Report	Assigned To	Summary of Findings	Remedial/Enforcement Actions Taken	Closure Date

APPENDIX H

Erosion and Sediment Control Resources

E.L. ROBINSON
ENGINEERING

Sediment and Erosion Control BMP manuals:

1. Erosion and Sediment Control BMP manual — WV DEP

https://dep.wv.gov/WWE/Programs/stormwater/csw/Pages/ESC_BMP.aspx

2. Maryland Soil Erosion and Sediment Control BMP manual;

https://mde.maryland.gov/programs/water/StormwaterManagementProgram/Documents/2011%20MD%20Standard%20and%20Specifications%20for%20Soil%20Erosion%20and%20Sediment%20Control.pdf

3. Virginia Erosion and Sediment Control Handbook;

https://assets.vbt.io/public/files/6975/VA_Resources_Construction/Virginia_DEQ_Erosion_and_Sediment_Control_Handbook.pdf

4. USEPA has a listing of available stormwater manuals on its website.

https://search.epa.gov/epasearch/?querytext=stormwater+manuals&areaname=&areacontacts=#/

5. Guidance For Developing an Off-Site Stormwater Compliance Program in West Virginia, December 2012

https://dep.wv.gov/WWE/Programs/stormwater/MS4/permits/Documents/WV_Mitigation-FeeInLieu-Guidance_Final_Jan-2013.pdf

APPENDIX I

Stormwater Construction Inspection Form

E.L. ROBINSON
ENGINEERING

TOWN OF FAYETTEVILLE
125 NORTH COURT STREET
FAYETTEVILLE, WEST VIRGINIA 25840

CONSTRUCTION STORMWATER INSPECTION FORM

SITE INFORMATION	
Project Name/Location:	
WV/NPDES Construction Stormwater General Permit Number:	
Name of Operator(s):	
INSPECTION INFORMATION	
Date of Inspection:	Start/End Time:
Inspector Name(s):	
Inspector Contact Information:	

STORMWATER INSPECTION FINDINGS

	Observations	Yes	No	N/A	Results and Deficiencies
1.	Are the Stormwater Pollution Prevent Plan (SWPPP), Groundwater Protection Plan (GPP), and WV/NPDES Permit maintained onsite?	☐	☐	☐	
2.	Are best management practices (BMPs) implemented in accordance with the approved SWPPP?	☐	☐	☐	
3.	Are executed BMPs properly maintained, implemented, and compliant with operational requirements?	☐	☐	☐	
4.	Are disturbed soils stabilized using adequate techniques prescribed in the approved SWPPP?	☐	☐	☐	
5.	Is documentation maintained which indicates that the Operator is conducting self-inspections and maintenance to the extent and frequency required by the SWPPP?	☐	☐	☐	
6.	Is documentation maintained which indicates that any corrective actions prescribed by the Operator's inspector or an administrative party have been implemented in a timely manner as required?	☐	☐	☐	

INSPECTION COMMENTS AND SITE OBSERVATIONS

_____

_____

_____

_____

_____

INSPECTOR CERTIFICATION

I hereby certify that this inspection was performed in accordance with applicable requirements and that the information contained within is accurate to the best of my knowledge.

_____	_____	_____
Inspector Name (print)	Inspector Signature	Date