

# Section E Existing Permits, Phase I

BRE Permit Approvals from U.S. Army Corps of Engineers



DEPARTMENT OF THE ARMY  
HUNTINGTON DISTRICT, CORPS OF ENGINEERS  
502 EIGHTH STREET  
HUNTINGTON, WEST VIRGINIA 25701-2070

REPLY TO  
ATTENTION OF:

April 18, 2006

Operations and Readiness Division  
Regulatory Branch  
200501241

Mr. Erik Duncan  
Potesta and Associates, Inc.  
7012 MacCorkle Avenue, Inc.  
Charleston, West Virginia 25304

Dear Mr. Duncan:

I refer to a report entitled "Wetland and Stream Investigation and Delineation For a Transmission Line Associated with the Beech Ridge Wind Farm Greenbrier County, West Virginia" dated December 2005. Supplemental information was also submitted to this office on March 27, 2006. The reports contain information concerning the extent of waters of the United States (U.S.) present within a 15-mile long corridor proposed for an overhead electric transmission line associated with the proposed Beech Ridge Wind Farm. The proposed transmission line would travel from the approximate location of proposed turbine G15 or the transmission substation of the wind farm in Greenbrier County to an Appalachian Power substation north of the community of Grassy Falls in Nicholas County, West Virginia. The beginning of the line is located at approximately 38° 04'31.5" North and 80° 31'7.0" West on the Richwood, Duo and Nettie, West Virginia U.S. Geological Survey 7.5 minute topographical maps. You have requested the U.S. Army Corps of Engineers (USACE) verify the conclusions made in the JD report.

The USACE authority to regulate jurisdictional waters of the U.S. is based on the definitions and limits of jurisdiction contained in 33 CFR 328. Navigable waters, their tributaries and adjacent wetlands are waters of the U.S. subject to the provisions of Section 404 of the Clean Water Act (CWA). The determination of jurisdiction for streams is based on the presence of an ordinary high water (OHW) mark and evidence indicating the streams exhibit surface water connections to tributary systems to navigable waters. The USACE regulates streams up to the point where they no longer exhibit an OHW mark. Wetlands consist of areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The determination of jurisdiction for wetlands is determined based on the presence of wetland hydrologic conditions, hydric soils and hydrophytic plant communities and evidence indicating the wetlands exhibit surface water connections to tributary systems to navigable waters. The wetlands on site were delineated using typical methods referred to in the January 1987 "Corps of Engineers Wetlands Delineation Manual" (1987 Manual).

APR 20 2006

Based on the provided report, four wetlands (No. 1, 2, 3 and 4) totaling 1.06 acres, seven ponds ([No. 1 through 7]; Pond 1 is associated with Wetland 1) totaling 1.61 acres and seventeen stream segments (No. 1 through 17) totaling 850 linear feet are located within the proposed transmission line Right-of-Way. Wetlands 1, 2, 3 and 4, Ponds 5, 6 and 7 and Streams 1 through 17 are part of a surface tributary system of navigable (Section 10) waters of the U.S. Tables A, B and C attached to this letter summarize the extent of waters of the U.S. and surface water connections to navigable waters of the U.S.

Based on the information provided, the wetland and stream delineation is verified. This jurisdictional verification is valid for a period of five years from the date of this letter unless new information warrants revision of the delineation prior to the expiration date. This letter contains an approved jurisdictional determination for the subject site. If you object to this determination, you may request an administrative appeal under the USACE regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Great Lakes and Ohio River Division Office at the following address:

Mr. Mike Montone  
Great Lakes and Ohio River Division  
Post Office Box 1159  
Cincinnati, Ohio 45201-1159  
Phone: (513) 684-6212

In order for an RFA to be accepted by the USACE, the USACE must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by June 17, 2006. **It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.**

This determination has been conducted to identify the limits of the USACE Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work. If you have any questions concerning the above, please contact Mrs. Teresa Spagna of the South Regulatory Section at (304) 399-5710.

Sincerely,



Ginger Mullins, Chief  
Regulatory Branch

Enclosure

Copies Furnished: (next page)

**Copies Furnished:**

**Beech Ridge Energy LLC  
3460 Olney-Laytonsville Road, Suite 200  
Olney, Maryland 20832**

Table A

Wetland ID Number	Extent (acres)	USACE Regulatory Jurisdiction	Surface Water Connection to Navigable Waters
1	0.10	Yes	Job Knob Branch of Laurel Creek of Cherry River of Gauley River
2	0.56	Yes	McMillion Creek of Laurel Creek of Cherry River of Gauley River
3	0.02	Yes	Left Fork of Laurel Creek of Hominy Creek of Gauley River
4	0.38	Yes	Left Fork of Laurel Creek of Hominy Creek of Gauley River

Table B

Pond ID Number	Extent (acres)	USACE Regulatory Jurisdiction	Surface Water Connection to Navigable Waters
1	0.10	No	N/A
2	0.42	No	N/A
3	0.20	No	N/A
4	0.99	No	N/A
5	0.43	Yes	Left Fork of Laurel Creek of Hominy Creek of Gauley River
6	1.04	Yes	Left Fork of Laurel Creek of Hominy Creek of Gauley River
7	0.15	Yes	Left Fork of Laurel Creek of Hominy Creek of Gauley River

Table C

Stream ID Number	Flow Classification (Ephemeral, Intermittent or Perennial)	Extent (linear feet)	USACE Regulatory Jurisdiction	Surface Water Connection to Navigable Waters
1	Intermittent	50	Yes	Job Knob Branch of Laurel Creek of Cherry River of Gauley River
2	Intermittent	50	Yes	Linn Branch of Laurel Creek of Cherry River of Gauley River
3	Intermittent	50	Yes	Hogcamp Run of Laurel Creek of Cherry River of Gauley River
4	Perennial	50	Yes	Hogcamp Run of Laurel Creek of Cherry River of Gauley River
5	Intermittent	50	Yes	Beech Run of Laurel Creek of Cherry River of Gauley River
6	Perennial	50	Yes	Beech Run of Laurel Creek of Cherry River of Gauley River
7	Perennial	50	Yes	McMillion Creek of Laurel Creek of Cherry River of Gauley River
8	Perennial	50	Yes	McMillion Creek of Laurel Creek of Cherry River of Gauley River
9	Intermittent	50	Yes	Left Fork of Laurel Creek of Hominy Creek of Gauley River
10	Intermittent	50	Yes	Left Fork of Laurel Creek of Hominy Creek of Gauley River
11	Perennial	50	Yes	Left Fork of Laurel Creek of Hominy Creek of Gauley River
12	Perennial	50	Yes	Left Fork of Laurel Creek of Hominy Creek of Gauley River
13	Perennial	50	Yes	Left Fork of Laurel Creek of Hominy Creek of Gauley River
14	Perennial	50	Yes	Left Fork of Laurel Creek of Hominy Creek of Gauley River
15	Perennial	50	Yes	Left Fork of Laurel Creek of Hominy Creek of Gauley River
16	Ephemeral	50	Yes	Left Fork of Laurel Creek of Hominy Creek of Gauley River
17	Perennial	50	Yes	Left Fork of Laurel Creek of Hominy Creek of Gauley River

Applicant: BEECH RIDGE ENERGY LLC		File Number: 200501241	Date: 4-18-2006
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
X	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

**SECTION I:** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION**

If you have questions regarding this decision and/or the appeal process you may contact:  
Ginger Mullins, Chief, Regulatory Branch, 304-399-5389  
Rebecca Rutherford, Ch, North Regulatory Section 304-399-5210  
Mark Taylor, Chief, South Regulatory Section, 304 399-5710

Address: U.S. Army Corps of Engineers  
Regulatory Branch  
502 8<sup>th</sup> Street  
Huntington, WV 25701

If you only have questions regarding the appeal process you may also contact:

Mr. Mike Montone  
Great Lakes and Ohio River Division  
Post Office Box 1159  
Cincinnati, Ohio 45201-1159  
Phone: (513) 684-6212

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:
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DEPARTMENT OF THE ARMY  
HUNTINGTON DISTRICT, CORPS OF ENGINEERS  
502 EIGHTH STREET  
HUNTINGTON, WEST VIRGINIA 25701-2070

REPLY TO  
ATTENTION OF

OCT 03 2006

Operations and Readiness Division  
Regulatory Branch  
200501241-Job Knob Branch

Erik Duncan  
Beech Ridge Energy, LLC  
Post Office Box 179  
Rupert, West Virginia 25984

Dear Mr. Duncan:

I refer to a Department of the Army permit application and plans requesting authorization to place fill material into waters of the United States (U.S.) in conjunction with a proposed 15-mile overhead electrical transmission line associated with the construction and operation of the Beech Ridge Wind Farm. During construction of the transmission line, 11 steel pipes, each measuring 20-24-inches in diameter, will be placed temporarily within waters of the U.S. The proposed transmission line will travel from the approximate location of proposed turbine G15 or the transmission substation of the wind farm in Greenbrier County to an Appalachian Power substation north of the community of Grassy Falls in Nicholas County, West Virginia. The beginning of the line is located at approximately 38° 04'31.5" North and 80° 31'7.0" West on the Richwood, West Virginia U.S. Geological Survey quadrangle. This project has been assigned file number 200501241. Please refer to this number in all future correspondence regarding this project.

Based upon the information provided, approximately 0.04 acre of waters of the U.S., consisting of 125 linear feet of 5 intermittent stream segments and 150 linear feet of 6 perennial stream segments, will be filled as a result of constructing 11 temporary access crossings. Table 1 of this letter summarizes each proposed activity and their effects on waters of the U.S. Cumulative temporary impacts to waters of the United States total approximately 275 linear feet for the entire 15 mile transmission. A 50-foot wide permanent right-of-way will be maintained for the life of the transmission line. None of the wetlands existing within this proposed right-of-way will be adversely affected. Upon completion of construction activities associated with the transmission line, the temporary crossings will be removed and the affected stream segments re-established and restored to their approximate original configurations. The proposed turbines will be placed in areas not containing waters of the U.S.

This project has been reviewed in accordance with Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and Section 404 of the Clean Water Act (Section 404). The U. S. Army Corps of Engineers (USACE) responsibility under Section 10 is to regulate any work in, or affecting, navigable waters of the U.S. Based on your description of the proposed work, and other information available to us, it has been determined this project will not involve activities subject to the requirements of Section 10.

Under Section 404, the USACE regulates the discharge of dredged and fill material into waters of the U.S., including wetlands. The USACE authority to regulate jurisdictional waters of the U.S. is based on the definitions and limits of jurisdiction contained in 33 CFR 328. Navigable waters, their tributaries and adjacent wetlands are waters of the U.S. subject to the provisions of Section 404 of the Clean Water Act (CWA). For purposes of Section 404 of the CWA, the lateral limits of jurisdiction over non-tidal water bodies extend to the ordinary high water mark in the absence of adjacent wetlands. USACE define the term "ordinary high water mark" (OHW) for purposes of the CWA lateral jurisdiction at 33 CFR 328.3(e). Wetlands consist of areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The determination of jurisdiction for wetlands is determined based on the presence of wetland hydrologic conditions, hydric soils and hydrophytic plant communities and evidence indicating the wetlands exhibit surface water connections to tributary systems to navigable waters. The wetlands on site were delineated using typical methods referred to in the January 1987 "Corps of Engineers Wetlands Delineation Manual" (1987 Manual).

As previously verified by this office on March 23, 2006, the "Wetland and Stream Investigation and Delineation Beech Ridge Wind Farm Greenbrier County, West Virginia" dated October 2005 was verified by this office. This reports contained information concerning the extent of waters of the U.S. present within a 2,000 acre tract of land for the turbine locations associated with the proposed Beech Ridge Wind Farm turbines. Wetland 2 is located approximately 400 feet northwest of proposed turbine B1 and is approximately 0.07 acre in size. This wetland is part of a surface tributary system of Laurel Creek of Cherry River. Cherry River ultimately flows into the Gauley River, a navigable (Section 10) waterway of the U.S. Stream 1 is an intermittent unnamed tributary of Roaring Creek and approximately 75 linear feet of this stream is located within the project area. This stream is part of a surface tributary system of Roaring Creek of the Greenbrier River, a navigable (Section 10) waterway of the U.S. Stream 2 is an intermittent unnamed tributary to Old Field Branch and approximately 120 linear feet of this stream is located within the project area. This stream is part of a surface tributary system of Old Field Branch of South Fork of Big Clear Creek. Big Clear Creek flows into the Meadow River, which ultimately flows into the Gauley River, a navigable (Section 10) waterway of the U.S. On April 18, 2006, this office verified a report entitled "Wetland and Stream Investigation and Delineation For a Transmission Line Associated with the Beech Ridge Wind Farm Greenbrier County, West Virginia" dated December 2005 four wetlands (No. 1, 2, 3 and 4) totaling 1.06 acres, seven ponds ([No. 1 through 7]; Pond 1 is associated with Wetland 1) totaling 1.61 acres and seventeen stream segments (No. 1 through 17) totaling 850 linear feet are located within the proposed transmission line Right-of-Way. Wetlands 1, 2, 3 and 4, Ponds 5, 6 and 7 and Streams 1 through 17 are part of a surface tributary system of navigable (Section 10) waters of the U.S. and are subject to regulation under Section 404.

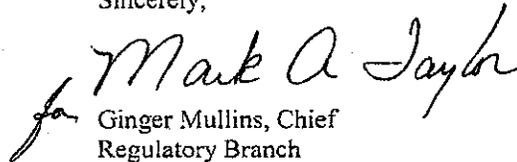
Based on the information provided, your proposed project will involve activities subject to the requirements of Section 404. Therefore, a Department of the Army authorization will be required under the provisions of Section 404. We have determined your proposed work meets the criteria for Nationwide Permit (NWP) 12 under the January 15, 2002 Federal Register, Final Notice of Issuance of Nationwide Permits (67 FR 2020). The West Virginia Department of Environmental Protection (WVDEP) has issued a general water quality certification, subject to conditions and limitations, for this nationwide permit.

Please be advised the NWP 12 verification is valid until it is modified, reissued, or revoked. All of the existing nationwide permits are scheduled to be modified, reissued, or revoked prior to March 18, 2007. It is incumbent upon you to remain informed of changes to the nationwide permits. We will issue a public notice when the nationwide permits are reissued. Furthermore, if you commence or are under contract to commence this activity before the date the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the nationwide permit to complete the activity under the present terms and conditions of this nationwide permit.

In view of the above, your project is authorized, subject to the terms and conditions of the enclosed material. Please note the requirements of the attached special conditions on pages 6 and 7 of your nationwide permit authorization and be aware this nationwide permit authorization does not obviate the requirement to obtain state or local assent required by law for the activity. It is your responsibility to ensure your work conforms with all of the environmental management conditions listed in the enclosed material.

It is recommended the proposed culvert installation in the intermittent and perennial stream segments be completed according to the West Virginia Division of Natural Resources' (WVDNR) specifications to assure the proposed culvert maintains adequate low flow conditions sufficient for the necessary life-cycle movements of those species of aquatic life indigenous to these intermittent and perennial stream segments, including those species that normally migrate through the area. Additionally, in-stream work is not permissible during the warm water fish spawning season, April through June, unless a waiver is granted by the WVDEP and WVDNR. Lastly, it your responsibility to ensure the authorized activity does not cause more than minimal changes to the hydraulic flow characteristics of these intermittent and perennial stream segments, increase flooding, or cause more than minimal degradation of water quality of any stream (see General Conditions 9 and 21 of the enclosed NWP 12). All disturbed areas shall be appropriately seeded and mulched to prevent erosion and accretion. Upon completion of the work, the attached certification must be signed and returned to this office. If you have any questions, please contact Mrs. Teresa Spagna at 304-399-5710.

Sincerely,

for  
Ginger Mullins, Chief  
Regulatory Branch

Enclosures

Copies Furnished: (next page)

Copies Furnished:

Mr. Lyle Bennett  
West Virginia Department of Environmental Protection  
601 57<sup>th</sup> Street  
Charleston, West Virginia 25304

Mr. Roger Anderson  
West Virginia Division of Natural Resources  
Post Office Box 67  
Elkins, West Virginia 26241

Ms. Susan Pierce  
West Virginia Division of Culture and History  
1900 Kanawha Boulevard  
Charleston, West Virginia 25605-0300

Mr. Thomas Chapman  
United States Fish and Wildlife Service  
694 Beverly Pike  
Elkins, West Virginia 26241

**TABLE 1**  
**BEECH RIDGE WIND FARM**  
**GREENBRIER COUNTY, WV**  
**200501241-JOB KNOB BRANCH**  
**PROPOSED STREAM CROSSINGS FOR TEMPORARY ACCESS ROADS**

Stream ID Number	Flow Classification (Ephemeral, Intermittent or Perennial)	Extent (linear feet)	Surface Water Connection to Navigable Waters	Equipment Crossing/ Temporary Impact	Temporary Crossing Acreages
1	Intermittent	20-25	Job Knob Branch of Laurel Creek of Cherry River of Gauley River	Yes	0.0020
2	Intermittent	20-25	Linn Branch of Laurel Creek of Cherry River of Gauley River	Yes	0.0017
3	Intermittent	20-25	Hogcamp Run of Laurel Creek of Cherry River of Gauley River	Yes	0.0014
4	Perennial	20-25	Hogcamp Run of Laurel Creek of Cherry River of Gauley River	Yes	0.0023
5	Intermittent	20-25	Beech Run of Laurel Creek of Cherry River of Gauley River	Yes	0.002
6	Perennial	20-25	Beech Run of Laurel Creek of Cherry River of Gauley River	Yes	0.0027
7	Perennial	20-25	McMillion Creek of Laurel Creek of Cherry River of Gauley River	Yes	0.0057
8	Intermittent	20-25	Pack Fork of Laurel Creek of Cherry River of Gauley River	Yes	0.0014
9	Perennial	20-25	Left Fork of Line Laurel Creek of Hominy Creek of Gauley River	Yes	0.00038
10	Perennial	20-25	Line Laurel Creek of Hominy Creek of Gauley River	Yes	0.0086
11	Perennial	20-25	Grassy Creek of Hominy Creek of Gauley River	Yes	0.0114

**NATIONWIDE PERMIT 12 VERIFICATION SPECIAL CONDITIONS FOR  
THE BEECH RIDGE ENERGY LLC  
15-MILE OVERHEAD ELECTRICAL TRANSMISSION LINE PROJECT  
200501241-JOB KNOB BRANCH**

1. Work shall be performed in accordance with the attached drawings, maps and tables.
2. All stream work must be conducted during low flow periods to minimize impacts to the aquatic environment.
3. In-stream filling activities are prohibited during the fish spawning season (April through June) unless a waiver is granted by the West Virginia Department of Environmental Protection.
4. Best management practices (BMPs), including but not limited to utilization of silt fences, straw bales, check dams, limiting vegetation removal and bank shaping to the maximum extent practicable, mulching and seeding, and the prohibition of the use or storage of toxic or hazardous materials within the construction areas, must be implemented during construction activities.
5. All temporary fill material placed into waters of the United States will be removed immediately upon completion of construction activities and disposed of at a contained upland site. Therefore, all waters are to be restored to their pre-construction contours to the maximum extent practicable.
6. Appropriate site specific best management practices for sediment and erosion control will be fully implemented during construction activities at the site. All disturbed areas associated with the temporary and permanent stream crossings will be seeded and/or revegetated with native species and approved seed mixes (where practicable) after completion of construction activities for stabilization and to help preclude the establishment of non-native invasive species.
7. All remaining waters of the United States on-site must be protected during construction activities to ensure these areas are not primarily or secondarily impacted during development of the site. These areas should be clearly marked to eliminate potential intrusion of heavy machinery and equipment.
8. If any work becomes necessary at the site that will involve the inundation, excavation or placement of dredged or fill material into the remaining waters of the United States at the site the permittee must contact this office regarding permit requirements prior to the initiating the proposed work.
9. Mechanized land clearing necessary for the construction and maintenance of the transmission line is authorized provided the cleared area is kept to the minimum necessary and the functions and values of waters of the United States are not permanently adversely affected (i.e. conversion of a forested wetland to a herbaceous wetland in the permanently maintained utility line right-of-way).

**NATIONWIDE PERMIT 12 VERIFICATION SPECIAL CONDITIONS FOR  
THE BEECH RIDGE ENERGY LLC  
15-MILE OVERHEAD ELECTRICAL TRANSMISSION LINE PROJECT  
200501241-JOB KNOB BRANCH**

10. The Greenbrier County floodplain administrator should be contacted for the specific development standards and permits required for impacts within the 100-year floodplain.
11. The West Virginia Division of Natural Resources should be contacted regarding possible impacts to state-listed endangered and threatened species.
12. The proposed project lies within the range of the Indiana bat (*Myotis sodalis*), a Federally-listed endangered species. Since first listed as endangered in 1967, their population has declined by nearly 60%. Several factors have contributed to the decline of the Indiana bat including the loss and degradation of suitable hibernacula, human disturbance during hibernation, pesticides, and the loss and degradation of forested habitat, particularly stands of large, mature trees. Fragmentation of forest habitat may also contribute to declines. It has been determined the proposed site contains trees or associated habitats exhibiting characteristics suitable for Indiana bat usage, the United States Fish and Wildlife Service (USFWS) recommends the habitat and surrounding trees be saved wherever possible. If the trees must be cut, coordination with the USFWS is required. Additionally, suitable bat roost trees should not be cut between April 15 and September 15. If desirable trees are present and must be cut, mist net or other surveys may be warranted to determine if bats are present. Any survey should be designed and conducted in coordination with this office and the USFWS, West Virginia Field Office. **The permittee should notify the USFWS at 304-636-6586 regarding potential effects to endangered and threatened species.**
  - a. As required under Nationwide Permit General Condition 11, the permittee is reminded this nationwide permit authorization does not authorize the "take" of a threatened or endangered species as defined under the Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS or their World Wide Web page at <http://www.fws.gov/r9endspp/endspp.html>.
13. No work may be initiated at the site until Section 106 of the National Historic Preservation Act has been fulfilled. It is recommended that the permittee contact the West Virginia Division of Culture and History (SHPO) at 304-558-0220 regarding any potential effects of the proposed work on cultural resources. This authorization is not valid until the provisions of the National Historic Preservation Act (NHPA) have been satisfied. **No construction activities may begin until you have received written notification from this office or the SHPO stating Section 106 of the NHPA has been fulfilled.**
14. If any archeological sites or human remains are uncovered during construction, you will cease all work immediately and contact this office, the sheriff's office (if human remains are uncovered), and the West Virginia Division of Culture and History at 304-558-0220.

Permit Number: 200501241-Job Knob Branch

Name of Permittee: Erik Duncan, Beech Ridge Energy, LLC

Date of Issuance:

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

Huntington District  
U. S. Army Corps of Engineers  
502 8th Street  
Huntington, West Virginia 25701-2070  
Attn: OR-FS

Please note that your permitted activity is subject to a compliance inspection by an U. S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

PM: Teresa Spagna



DEPARTMENT OF THE ARMY  
HUNTINGTON DISTRICT, CORPS OF ENGINEERS  
502 EIGHTH STREET  
HUNTINGTON, WEST VIRGINIA 25701-2070

REPLY TO  
ATTENTION OF:  
Operations and Readiness Division  
Regulatory Branch  
200501241-Job Knob Branch

MAY 6 2008

Erik Duncan  
Beech Ridge Energy, LLC  
Post Office Box 179  
Rupert, West Virginia 25984

Dear Mr. Duncan:

I refer to a request dated April 23, 2008 for reauthorization of a previously verified Nationwide Permit 12 for a proposed 15-mile overhead electrical transmission line associated with the construction and operation of the Beech Ridge Wind Farm. The proposed transmission line will travel from the approximate location of proposed turbine G15 or the transmission substation of the wind farm in Greenbrier County to an Appalachian Power substation north of the community of Grassy Falls in Nicholas County, West Virginia. Construction of the transmission line will require the installation of temporary equipment crossings in Job Knob Branch, Linn Branch, Hogcamp Branch, Beech Run, McMillion Creek, Pack Fork, Left Fork of Line Laurel Creek, Line Laurel Creek and Grassy Creek, all of which are tributaries of the Gauley River watershed. The beginning of the line is located at approximately 38° 04'31.5" North and 80° 31'7.0" West on the Richwood, West Virginia U.S. Geological Survey quadrangle. This project has been assigned file number 200501241. Please refer to this number in all future correspondence regarding this project.

The United States Corps of Engineers (Corps) authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Section 404 of the Clean Water Act requires that a Department of the Army (DA) permit be obtained prior to placing dredged or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899 requires that a DA permit be obtained for any work in, on, over or under a navigable water.

To the extent that the Corps has jurisdiction over the discharge of dredged or fill material associated with the culvert installation, the proposed activity meets the criteria for Nationwide Permit # 12 under the March 19, 2007, Federal Register, Issuance of Nationwide Permits (72 FR 11092) provided you comply with all terms and conditions of the enclosed material. Please be aware this nationwide permit authorization does not obviate the requirement to obtain state or local assent required by law for the activity. If you have any questions concerning the above, please contact Ms. Teresa D. Spagna at (304) 399-6910.

Sincerely,

Mark A. Taylor  
Chief, South Regulatory Section

# Section E Existing Permits, Phase 1

BRE Permit Approvals from West Virginia Division of Environmental Protection



File

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**west virginia department of environmental protection**

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Division of Water and Waste Management  
601 57th Street SE  
Charleston, West Virginia 25304-2345  
Phone: 304-926-0495  
Fax: 304-926-0496

Joe Manchin III, Governor  
Stephanic R. Timmermeyer, Cabinet Secretary  
[www.wvdep.org](http://www.wvdep.org)

July 18, 2007

ERIK DUNCAN  
BEECH RIDGE ENERGY LLC  
7564 STANDISH PL  
STE 123  
ROCKVILLE, MD 20855

**CERTIFIED RETURN RECEIPT REQUESTED**

Re: WV/NPDES Permit No. WV0115924  
General Permit Registration No. WVR102962  
Beech Ridge Energy Wind Farm Project - Contract No. 1,  
Greenbrier County

Dear Permittee:

Attached is a copy of your completed registration form for your activity with the above assigned registration number. You are now authorized to operate under General Permit No. WV0115924. This registration form should be kept with your copy of the General Permit. You should carefully read the contents of the permit and become familiar with all requirements needed to remain in compliance with the permit.

Although you should be aware of all the terms and conditions of this permit, we wish to advise you of the following important requirements:

1. In accordance with Section G.4 of the General Permit, you have developed a complete storm water pollution prevention plan. This plan is to be retained on site and be available for review by the Director or her authorized representative as of the date of your coverage by the General Permit, which is the date of this letter.
2. The erosion control measures approved by this agency for this project shall be maintained in proper condition to individually and collectively perform the functions for which they were designed. In order to insure the efficiency and proper maintenance of these measures, the permittee shall make sufficiently frequent, periodic inspections to detect any impairment of the designed stability, capacity or environmental requirements of the approved measures. The permittee shall take immediate steps to correct any such impairment found to exist.
3. If this SWPPP proves to be ineffective in controlling erosion and the sediment in storm water discharges associated with industrial/construction activities, or site conditions change, the Permittee shall amend the SWPPP and install appropriate sediment and/or control devices in accordance with Section G.4.c) of this permit and the application instructions.
4. The current General Permit expires on December 4, 2007. If you wish to continue an activity

**Promoting a healthy environment.**

ERIK DUNCAN

Page 2

July 18, 2007

regulated by this permit after the expiration date of the permit, provisions for coverage will be made during the public notice process for any new General Permit to be issued at that time.

5. The General Permit Registration may be terminated upon satisfactory stabilization of the construction site. Stabilization means that all disturbed areas and drainage structures are covered by some type of permanent protection. This includes pavement, rock, concrete, pipe, buildings, established grass (that covers more than 70 percent of the ground), or similar materials as approved in the SWPPP. To terminate coverage under the General Permit, the permittee must request a final inspection by submitting a "Notice of Termination" (form enclosed). The "Notice of Termination" shall also include as-built drawings, certified by a Registered Professional Engineer, for any permanent ponds or basins. Upon confirmation that site is stabilized, a prorated invoice for the annual permit fee may be prepared.

Issuance of this approval of the General Permit registration does not authorize any injury to persons or property or invasion of other private rights, or any infringement of federal, state or local law or rules.

**The validity of this General Permit Registration is contingent upon payment of the applicable annual permit fee, as required by Chapter 22, Article 11, Section 10 of the Code of West Virginia.**

Your efforts toward preventing the degradation of our natural resources are greatly appreciated. If you have any questions, please contact Megan Grose of this Office at (304) 926-0499.

Sincerely,

  
Lisa A. McClung  
Director

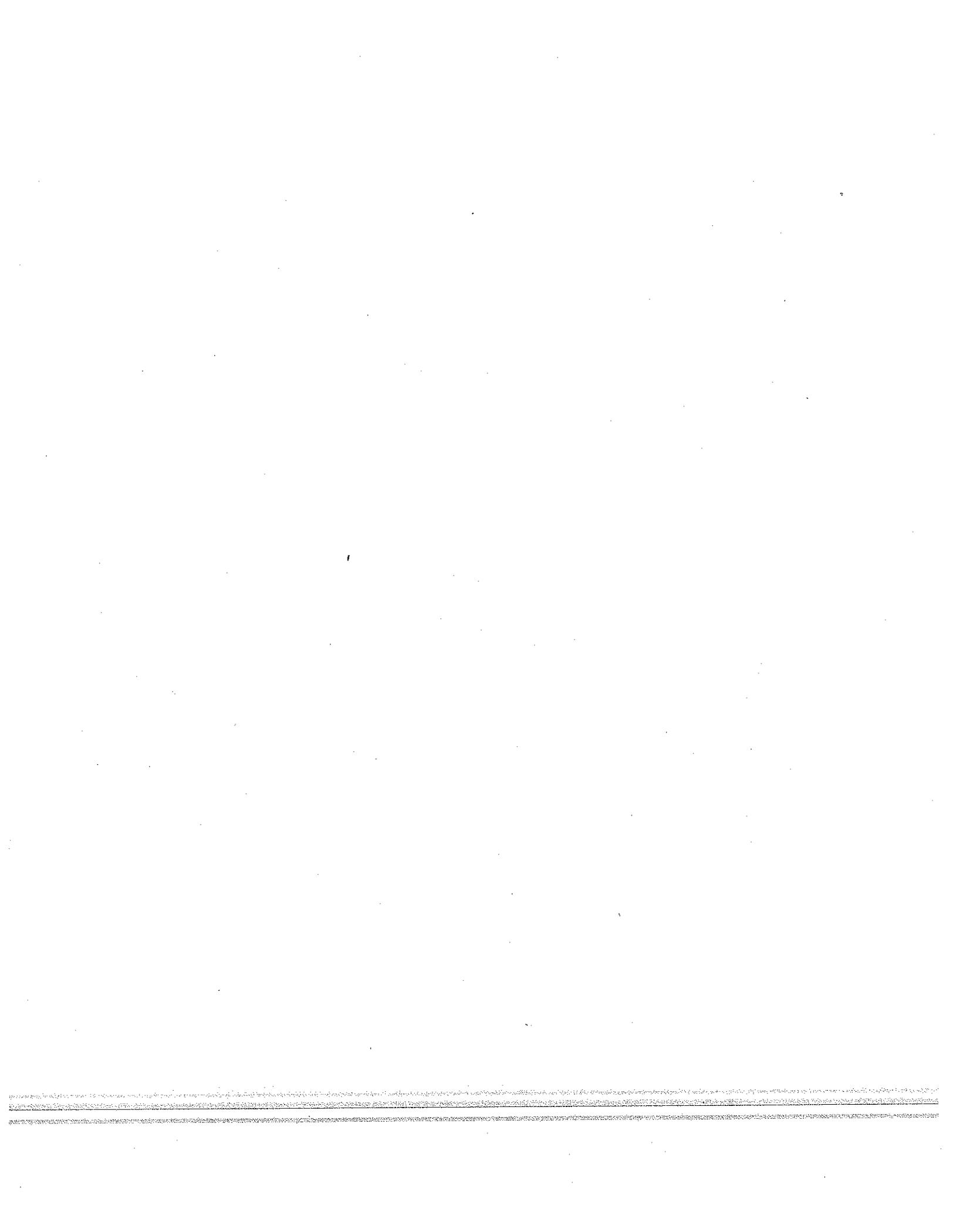
LAM:mg

Enclosures

**NOTICE TO PERMITTEES**

The 1999 regular session of the West Virginia legislature revised the Water Pollution Control Act, Chapter 22, Article 11, Section 10 of the Code of West Virginia relating to fees associated with permits. This section of the Code requires all holders of a State water pollution control permit or a national pollutant discharge elimination system permit to be assessed an annual permit fee, based upon rules promulgated by the Secretary of the Department of Environmental Protection. The Secretary has promulgated a final rule in accordance with the code revision to this effect and these rules were effective May 4, 2000. The rules establish an annual permit fee based upon the relative potential to degrade the waters of the State which, in most instances, relate to volume of discharge. However, for sewage facilities, the annual permit fee is based upon the number of customers served by the facility. You may contact the Secretary of State's Office, State Capitol Building, Charleston, WV 25305, to obtain a copy of the rules. The reference is Title 47, Legislative Rules, Department of Environmental Protection, Division of Water Resources, Series 26 Water Pollution Control Permit Fee Schedules.

Based upon the volume of discharge for which your facility is currently permitted, the number of customers served by your facility or for the category you fall within, pursuant to Section 7 of Title 47, Series 26, your annual permit fee is **\$1500.00**. This fee is due no later than the anniversary date of permit issuance in each year of the term of the permit or in the case of coverage under a general permit, the fee is due no later than the anniversary date of your coverage under the general permit. **You will be invoiced by this agency at the appropriate time for the fee.** Failure to submit the annual fee within ninety(90) days of the due date will render your permit void upon the date you are mailed a certified written notice to that effect.





STATE OF WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF WATER AND WASTE MANAGEMENT  
601 57<sup>th</sup> STREET SE  
CHARLESTON, WV 25304-2345  
GENERAL

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WATER POLLUTION CONTROL PERMIT

Permit No. WV0115924

Issue Date: November 5, 2007  
Effective Date: December 5, 2007  
Expiration Date: December 4, 2012

Subject: Stormwater Associated  
With Construction Activities

To Whom It May Concern:

This is to certify that any establishment with discharges composed entirely of stormwater associated with construction activities disturbing one acre or greater of land area (construction activities are land disturbing operations such as grubbing, grading, filling and excavation operations during site development for residential, commercial or industrial purposes) and agreeing to be regulated under the terms of this general permit, except for;

1. Operations that result in the disturbance of less than one acre of total land area, which are not part of a larger common plan of development or sale.
2. Stormwater discharges associated with land disturbing activities that may reasonably be expected to be causing or contributing to a violation of a water quality standard as determined by the Director.
3. Land disturbing activities already governed by other Department of Environmental Protection NPDES permits. This includes Division of Mining and Reclamation permits for coal mining and non-metallic quarries.
4. Landfills, except in the preparation of a new landfill and/or clay borrow areas.
5. Other activities exempt from NPDES permitting requirements as set forth in 40CFR 122.3(e) and 47CSR 10-3.2.b.4 (NPDES Program).
6. Land disturbing activities related to oil and gas activities as required by the Energy Policy Act of 2005. These activities include but are not limited to construction of drilling sites, waste management pits, and access roads, as

well as construction of the transportation and treatment infrastructure such as pipelines, natural gas treatment plants, natural gas pipeline compressor stations, and crude oil pumping stations. Construction activities that result in a discharge of a reportable quantity release or that contribute pollutants (other than non-contaminated sediments) to a violation of a water quality standard are still subject to permit coverage.

is hereby granted coverage under this General WV/NPDES Water Pollution Control Permit to allow stormwater discharges into the surface waters of the State. This General Permit is subject to the following terms and conditions:

The information submitted on and with the site registration application form will hereby be made terms and conditions of the General Permit with like effect as if all such information were set forth herein, and other pertinent conditions set forth in Sections A, B, C, D, E, F, G, H, I and J.

Construction of single family residences by the homeowner or homeowner's contractor requiring land disturbances less than three acres in size are provided coverage under the General WV/NPDES Water Pollution Control Permit and do not require application for registration. However, all other terms and conditions of the General WV/NPDES Water Pollution Control Permit still apply except for the Notice of Termination requirement.

Sites approved from January 1, 2006, thru November 4, 2007, are hereby granted coverage under General WV/NPDES Water Pollution Control Permit WV0115924. Sites approved prior to January 1, 2006, will have until June 30, 2008, to have final stabilization completed. Final stabilization means disturbed areas shall be covered by the appropriate permanent protection. Final stabilization includes; pavement, buildings, stable waterways (riprap, concrete, grass or pipe), a healthy, vigorous stand of perennial grass that uniformly covers at least 70 percent of the ground, stable outlet channels with velocity dissipation which directs site runoff to a natural watercourse, and any other approved structure or material. If these sites are not stabilized by June 30, 2008, an application to receive permit coverage will be required to be submitted to the Division of Water and Waste Management on or before, July 1, 2008.

#### SECTION A. TERMS OF PERMIT

Discharges from sites covered under the General Permit shall not cause or contribute to a violation of 47CSR2 (Requirements Governing Water Quality Standards) and 46CSR12, (Requirements Governing Groundwater Standards) of the West Virginia Legislative Rules pursuant to Chapter 22, Article 11 and Article 12. Discharges that are not in compliance with these standards are not authorized.

#### SECTION B. SCHEDULE OF COMPLIANCE

Compliance with this General Permit and the approved Stormwater Pollution Prevention Plan is required upon the beginning of the construction project.

**SECTION C. MANAGEMENT CONDITIONS**

**C.1. Duty to Comply**

**C.1.a.** The permittee must comply with all conditions of this permit. Permit noncompliance constitutes a violation of the federal Clean Water Act (CWA) and State Act (Chapter 22, Article 11 and Article 12) and is grounds for enforcement action; for permit modification, revocation and reissuance, suspension or revocation; or denial of a permit renewal application.

**C.1.b.** The permittee shall comply with all effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

**C.2. Duty to Reapply**

If the permittee seeks to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit or general permit registration as detailed in permit reissuance.

**C.3. Duty to Mitigate**

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

**C.4. Permit Actions**

This permit may be modified, revoked and reissued, suspended, or revoked for cause. The filing of a request by the permittee for permit modification, revocation and reissuance, or revocation, or a notification of a planned change or anticipated noncompliance, does not stay any permit condition.

**C.5. Property Rights**

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

**C.6. Signatory Requirements**

All applications, reports, or information submitted to the Director shall be signed and certified as required in 47CSR10-4.6. (NPDES Program). If an authorization becomes inaccurate because a different individual or position has responsibility for the overall operation of the project, a new authorization must be submitted to the Director prior

to, or together with any reports, information, or applications to be signed by an authorized representative.

**C.7. Transferability**

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.

**C.8. 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. This information may include water quality information as specified by the Director. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

**C.9. Other Information**

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall immediately submit such facts or information.

**C.10. Inspections and Entry**

The permittee shall allow the Director or an authorized representative upon the presentation of credentials and such other documents as may be required by law

**C.10.a. To 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;**

**C.10.b. To have access to and copy at reasonable times any records that must be kept under the conditions of this permit;**

**C.10.c. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;**

**C.10.d. To 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.**

**C.11. Permit Modification**

This permit may be modified, suspended, or revoked in whole or in part during its term in accordance with the provisions of Chapter 22, Article 11 of the Code of West Virginia. Any permittee wishing to modify his coverage under this permit shall submit such request at least 45 days prior to the commencement of the proposed action for modification if no public notice period is required. A modification that will have a public notice period must be submitted at least 90 days prior to construction to allow for the public notice procedure.

**C.12. Water Quality**

The effluent or effluents covered by this permit are to be of such quality so as to not cause violations of applicable water quality standards.

**C.13. Oil and Hazardous Substance Liability**

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 to which the permittee is or may be subject under Section 311 of the CWA.

**C.14. Liabilities**

C.14.a. Any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the CWA is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Section 301, 302, 306, 307, or 308 of the CWA 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 one year, or both.

C.14.b. 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 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 six months per violation, or by both.

C.14.c. Nothing in C.14.a. and C.14.b. 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 and State Groundwater Protection Act, Chapter 22, Article 12.

**C.15. Outlet Markers**

An outlet marker shall be posted during the term of General Permit coverage in accordance with Title 47, Series 11, Section 9 (Special Rules) of the West Virginia Legislative Rules.

**SECTION D. OPERATION AND MAINTENANCE**

**D.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 the permit.

**D.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 this permit.

**D.3. Bypass**

**D.3.a. Definitions**

**D.3.a.1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility; and**

**D.3.a.2. "Severe property damage" means substantial physical damage to property, damage to the treatment facility which causes them to become inoperable, or substantial and permanent loss of natural resources that 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.**

**D.3.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 D.3.c. and D.3.d. of this permit.**

**D.3.c. Notification of bypass**

**D.3.c.1. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.**

**D.3.c.2. If the permittee does not know in advance of the need for bypass, notice shall be submitted as requires in F.2.a. of this permit.**

**D.3.d. Prohibition of bypass**

**D.3.d.1. Bypass is permitted only under the following conditions, and the Director may take enforcement action against a permittee for bypass, unless;**

D.3.d.1.A. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

D.3.d.1.B. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated sediment, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance. This condition is not satisfied if the sediment and erosion control structures were not installed in the proper sequence; and

D.3.d.1.C. The permittee submitted notices as required under D.3.c. of this permit.

D.3.d.2. 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 D.3.d.1. of this permit.

D.4. Upset

D.4.a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with the terms and conditions of the permit and the Stormwater Pollution Prevention Plan 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 preventive maintenance, or careless or improper operation.

D.4.b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of D.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.

D.4.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:

D.4.c.1. An upset occurred and that the permittee can identify the cause(s) of the upset.

D.4.c.2. The permitted project was at the time being properly operated.

D.4.c.3. The permittee submitted notice of the upset as required in F.2.a. of this permit.

D.4.c.4. The permittee complied with any remedial measures required under C.3. of this permit.

D.4.d. Burden of proof. In any enforcement proceedings the permittee seeking to establish the occurrence of an upset has the burden of proof.

D.5. Removed Substances

Where removed substances are not otherwise covered by the terms and conditions of this permit or other existing permits by the Director, any solids, sludge, filter backwash or other pollutants (removed in the course of treatment or control of wastewater) and which are intended for disposal within the State, shall be disposed of only in a manner and at a site subject to the approval by the Director. If such substances are intended for disposal outside the State or for reuse, i.e., as a material used for making another product, which in turn has another use, the permittee shall notify the Director in writing of the proposed disposal or use of such substances, the identity of the prospective disposer or users, and the intended place of disposal or use, as appropriate.

SECTION E. MONITORING AND REPORTING

Monitoring of discharges is not required for construction activities unless directed by the Director.

E.1. Definitions

“As-built drawing” means a certified drawing of conditions as they were actually constructed.

“Best management practices” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, other management practices and various structural practices such as but not limited to silt fence, sediment traps, seeding and mulching, and rip-rap used to prevent or reduce erosion and sediment runoff and the pollution of surface waters of the State. 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.

“Buffer zone” means the region near the border of a protected area; a transition zone between areas managed for different objectives.

“Clearing” means cutting and removing vegetation with chain saws, brush axes, brush hogs and other mechanical means where there is little or no soil disturbance.

“Clean Water Act” (CWA) (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Public Law 92-500, as amended by Public Law 95-217, Public Law 97-117 and Public Law 95-576; 33 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.

“Control” is a best management practice such as erosion control or sediment control that will reduce sedimentation on a construction project.

“Construction Activity” means land disturbance operations such as grubbing, grading, filling, and excavating during site development for residential, commercial or industrial purposes. This includes, but is not limited to, access roads, borrow and spoil areas.

“Director” means the Director of the Division of Water and Waste Management, Department of Environmental Protection, or her designated representative.

“Disturbed area” is the total area of land disturbing activity that will take place during all phases of a construction project, including, but not limited to, all waste and borrow sites, utility installation, road building, mass grading, and site development.

“Diversion” means a berm or excavated channel or combination berm and channel constructed across sloping land on a predetermined grade. This includes but is not limited to protecting work areas from upslope runoff and reducing the size of the drainage going to sediment trapping structures (clean water diversion), transporting runoff across a project to minimize erosion and diverting sediment-laden water to an appropriate sediment-trapping structure.

“Erosion” means the displacement of solids (soil, mud, rock, and other particles) by the agents of wind, water, and ice in response to gravity.

“Establishment” means an industrial establishment, mill, factory, tannery, paper and pulp mill, mine, colliery, breaker or mineral processing operation, quarry, refinery, well and each and every industry or plant or works in the operation or process of which industrial wastes, sewage or other wastes are produced.

“Estimate” means to be based on a technical evaluation of the sources contributing to the discharge.

“Excavating” means large scale grading accomplished usually with heavy machinery.

“Final stabilization” means disturbed areas shall be covered permanent protection. Final stabilization includes pavement, buildings, stable waterways (riprap, concrete, grass or pipe), a healthy, vigorous stand of perennial grass that uniformly covers at least 70 percent of the ground, stable outlet channels with velocity dissipation that directs site runoff to a natural watercourse, and any other approved structure or material.

“Grading” means changing surface contours by removing soil and stone from one place and building it up in another.

“Groundwater” means the water occurring in the zone of saturation beneath the seasonal high water table or any perched water zones.

“Groundwater Protection Plan” (GPP) means groundwater protection practices developed and implemented in accordance with WV Legislative Rules, 47CSR58 (Groundwater Protection Rule).

“Grubbing” means physically removing vegetative stumps and roots from the ground and disturbing the earth, usually by heavy machinery.

“Intermittent stream” means a stream that has no flow during sustained periods of no precipitation and does not support aquatic life whose life history requires residence in flowing waters for a continuous period of at least six months.

“Karst” means a type of topography formed over limestone, dolomite, or gypsum resulting in dissolving or solution of the underlying calcareous rock.

“Minor construction activity” means an activity which disturbs one acre or more, but less than three acres.

“National Pollutant Discharge Elimination System” (NPDES) means the national program for issuing, denying, modifying, revoking and reissuing, suspending, revoking, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Section 307, 318, 402, and 405 of CWA, including any approved state program.

“Notice of Intent” (NOI) is the form to be submitted by the applicant to register a small construction project (one that disturbs one to less than three acres) under the Construction Stormwater General Permit. A project that disturbs one to less than three acres but will have construction activities one year or longer must file a Site Registration Application Form.

“Notice of Termination” (NOT) is the form to be submitted by the permittee to terminate coverage under the Construction General Stormwater Permit, after final stabilization has been completed. See Final Stabilization.

“Permanent detention/retention facility” means: Detention- The process of reducing offsite stormwater discharge rates by temporarily holding the water in a storage basin and then releasing it slowly over a period of time. The objective of a detention facility is to regulate the runoff from a given rainfall event and to control discharge rates to reduce the impact on downstream stormwater systems. Retention- The prevention of stormwater runoff from being discharged into receiving waters by storing it in a storage area. Water is retained and stored until it is lost through percolation, removed by evapotranspiration by plants, or through evaporation from the free water surface. Retention systems are designed to not have any offsite discharges.

“Point source” is any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, and container from which pollutants are or may be discharged to surface waters of the state.

“Pollutant” means industrial waste, sewage or other wastes.

**“Post-development”** means the anticipated final conditions of the project, including rooftops, parking lots, streets, drainage systems, vegetation, and any other structure planned. For subdivisions and speculative developments, it will be assumed that all lots are developed.

**“Pre-development”** means the condition of the land, the amount and health of the ground cover and vegetation prior to development.

**“Runoff coefficient”** means the fraction of total rainfall that is not infiltrated into the ground that will appear at the point of discharge as runoff.

**“Runoff curve number”** is the numeric value reflecting the runoff coefficient and is based on soils, slopes, and type and health of the ground cover.

**“Secretary”** means the Secretary of the Department of Environmental Protection, or her designated representative.

**“Sediment”** means any particulate matter that can be transported by fluid flow and which eventually is deposited as a layer of solid particles on the bed or bottom of a body of water or other liquid.

**“Sedimentation”** means the deposition by settling of a suspended material.

**“Sediment trap”** means a temporary ponding area formed by constructing an embankment or excavation and embankment that will trap the flow of sediment-laden runoff. Sediment traps have a properly stabilized outlet/weir or riser and pipe to detain sediment-laden runoff from small disturbed areas of five acres or less. Outlets must be designed to extend the detention time and allow the majority of the sediment to settle out.

**“Sediment basin”** means a temporary structure consisting of an earthen embankment, or embankment and excavated area, located in a suitable area to capture sediment-laden runoff from a construction site. A sediment basin reduces the energy of the water through extended detention (48 to 72 hours) to settle out the majority of the suspended solids and sediment and prevent sedimentation in waterways, culverts, streams and rivers. Sediment basins have both wet and dry storage space to enhance the trapping efficiency and are appropriate in drainage areas of five acres and greater.

**“Sinkhole”** means a depression in the land surface formed by solution or collapse that directs surface runoff into subsurface or to an underground drainage flow.

**“Site Registration Application forms”** means the forms designed by the Director for the purpose of registering for coverage under a general permit. Under the General Permit there will be two separate forms, one for one to less than three acres (Notice of Intent) and the Site Registration Application form for projects that disturb three acres and greater. A project that disturbs one to less than three acres but will have construction activities one year or longer must file a Site Registration Application form.

“Stormwater” means stormwater runoff, snowmelt runoff, and surface runoff and drainage.

“Stormwater management facilities” means structures such as ponds, basins, outlets, ditches, velocity dissipaters, infiltration trenches and basins, extended detention basins and ponds, and any other structure used to control the quality and quantity of stormwater from a development project.

“Stormwater Pollution Prevention Plan” (SWPPP) means the erosion and sediment control plan and the post development plan submitted as part of the Site Registration Application form.

“Tier 2.5 Waters” means Waters of Special Concern as identified in 60CSR5 (Antidegradation Implementation Procedures) and 47CSR2-4.1.c. (Requirements Governing Water Quality Standards).

“Tier 3 Waters” means waters as otherwise identified in 47CSR2-4.1.d. (Requirements Governing Water Quality Standards).

“Trout Streams” means any waters which meet the definition of 47CSR2-2.18. (Requirements Governing Water Quality Standards).

“1-year, 24-hour precipitation event” means the maximum 24-hour precipitation event with a probable recurrence interval of once in one year.

“25-year, 24-hour precipitation” means the maximum 24-hour precipitation event with a probable recurrence interval of once in 25 years.

## SECTION F. OTHER REPORTING

### F.1. Reporting Spill 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 47CSR11-2. (Special Rules) of the West Virginia Legislative Rules promulgated pursuant to Chapter 22, Article 11.

### F.2. Immediate Reporting

F.2.a. The permittee shall report any noncompliance which may endanger health or the environment immediately after becoming aware of the circumstances by using the Department’s designated spill alert telephone number ((800) 642-3074). A written submission shall be provided within five 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 time, 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.

#### SECTION G. OTHER REQUIREMENTS

##### G.1. Requiring an Individual Permit or an Alternative General Permit.

G.1.a. The Director may require any person authorized by this permit to apply for and obtain either an individual NPDES permit or an alternative NPDES General Permit. Any interested person may petition the Director to take action under this paragraph. The Director may require any owner or operator authorized by this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that such a permit application is required.

##### G.2. Prohibition of Non-Stormwater Discharges

All discharges authorized by this permit shall be composed entirely of stormwater. Discharges of material other than stormwater are not authorized by this permit except as follows.

The following non-stormwater discharges are authorized by this permit: discharges from firefighting activities, fire hydrant flushing; waters used to wash vehicles or control dust; potable water sources, including waterline flushing; irrigation drainage; lawn watering; routine external building washdown which does not use detergents; pavement washwater where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated groundwater; and foundation or footing drains where flows are not contaminated with process materials such as solvents that are combined with stormwater discharges associated with industrial activity.

This permit does not authorize the conveyance, diversion, channeling, directing or otherwise allowing the discharge of stormwater into a sinkhole without an Underground Injection Control Permit.

##### G.3. Releases in Excess of Reportable Quantities

This permit does not relieve the permittee of the reporting requirements of 40CFR117 and 40CFR302. The discharge of hazardous substances in the stormwater discharge(s) from a project is not authorized by this General Permit, and in no case shall the discharge(s) contain a hazardous substance equal to or in excess of reporting quantities.

**G.4. Stormwater Pollution Prevention Plans and Groundwater Protection Plans (SWPPP/GPP)**

A Stormwater Pollution Plan and a Groundwater Protection Plan shall be developed for each project covered by this permit. These two plans may be combined into one plan if all of the requirements for both plans are met. Alternatively, they may be developed and maintained as separate stand-alone documents.

Stormwater Pollution Prevention Plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges associated with construction activity. In addition, the plan shall describe and ensure the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction activity and to assure compliance with the terms and conditions of this permit.

Groundwater Protection Plans (GPP) shall be prepared in accordance with the requirements of 47CSR58-4.11. et seq (Groundwater Protection Regulations). The GPP shall identify all operations that may reasonably be expected to contaminate the groundwater resources with an indication of the potential for soil and groundwater contamination from those operations. In addition the GPP shall provide a thorough and detailed description of procedures designed to protect groundwater from the identified potential contamination sources. The GPP is not required to be submitted to the Division of Water and Waste Management for review. Guidance in the completion of a GPP is available from the Division of Water and Waste Management.

- G.4.a. The SWPPP and the GPP shall be signed in accordance with Section C.6. and retained onsite.
- G.4.b. The application and SWPPP shall be submitted to the Division of Water and Waste Management at least 45 days before construction is to begin, except as noted in G.4.b.3. and G.4.b.4. Prospective permittees should submit applications for review prior to accepting construction bids on the project. As the plans are evaluated by the Director or authorized representative, the Director or authorized representative may notify the permittee during the 45-day review period that the plan does not meet one or more of the minimum requirements of this section. After such notification from the Director or authorized representative, the permittee shall make changes to the plan in accordance with the time frames established below, and shall submit to the Director a written certification that the requested changes have been made.
  - G.4.b.1. Except as provided in G.4.b.2., the permittee shall have 30 days after such notification to make the changes necessary.
  - G.4.b.2. The permittee shall have 24 hours after such notification to make changes relating to sediment and erosion controls to prevent loss of sediment from an active construction site, unless additional time is provided by the Director or an authorized representative.

- G.4.b.3. Projects disturbing less than three acres and that do not discharge to or upstream of Tier 2.5 or Tier 3 waters shall submit only the Notice of Intent Form (NOI) 10 days prior to initiating construction. A project that disturbs one to less than three acres but will have construction activities one year or longer must file a Site Registration Application form.
- G.4.b.4. Projects that will discharge to or upstream of Tier 2.5 or Tier 3 waters and disturb three acres or more, or that will disturb 100 or more acres, or that the grading phase of construction will last for more than one year, shall submit the application and SWPPP at least 90 days prior to construction to allow for the public notice procedure.
- G.4.b.5. Within 24 hours of filing an NOI (one to less than three acres) or a Site Registration Application (three acres or more) with DWWM, all projects shall display a sign for the duration of the construction project near the entrance of the project or, for linear projects, at a location near an active part of the project that is accessible by the public, which contains the following information using the template found in the instructions: 1) the registrant's name or the name of a contact person along with a telephone number; 2) A brief description of the project; 3) a statement indicating that the NOI or SWPPP, as applicable, has been filed with the DWWM; 4) the address and telephone number of the agency where the NOI or SWPPP is maintained; and 5) That any person may obtain a copy of the NOI or SWPPP by contacting the DWWM at (800) 654-5227. The sign shall be a minimum of two feet by two feet and at least three feet above ground level, clearly visible and legible from a public roadway or right-of-way. If it is not feasible to display a sign at or near the project, the registrant, with prior approval from the DWWM, may post a notice containing the foregoing information at a local public building, including, but not limited to, a town hall or public library.
- G.4.c. The permittee shall modify, using forms provided by DWWM, the SWPPP whenever there is a change in design, construction, scope of operation, or maintenance, which has the potential to adversely impact the surface waters of the State, or if the SWPPP proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activities. Should conditions warrant, the Director, or the Director's representative, may request changes to the SWPPP during a field inspection. The Director may review changes or modifications to the SWPPP in the same manner as above.
- The permittee shall amend the GPP whenever there is a change in design, construction, operation, or maintenance which could reasonably be expected to have an impact on the potential contamination of groundwater.
- G.4.d. In addition to the requirements of G.4.e, the SWPPP shall also include, at a minimum, the following items:
- G.4.d.1. General management controls

**G.4.d.1.A. Preventive maintenance – A preventive maintenance program shall involve inspection and maintenance of sediment and erosion control best management practices to identify and address conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.**

**G.4.d.1.B. Good housekeeping – Good housekeeping requires the maintenance of a clean and orderly project.**

**G.4.d.1.C. Spill prevention and response procedures – Areas where potential spills may occur, and their accompanying drainage points, shall be identified clearly in the SWPPP/GPP. Where appropriate, specify material handling procedures and storage requirements in the SWPPP/GPP. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a cleanup shall be available to personnel, including spill kits.**

**G.4.d.2. Consistency with other plans**

**Stormwater Pollution Prevention Plans may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans under section 311 of the CWA or any Best Management Practices (BMP) and Groundwater Protection Plans (GPP) pursuant to 47CSR58 (Groundwater Protection Rule) or otherwise required by an NPDES permit and may incorporate any part of such plans into the Stormwater Pollution Prevention Plan by reference.**

**G.4.e. Requirements for construction activities – Operations that discharge stormwater associated with construction activity disturbing one or more acres are not only subject to the requirements of Section G.4.d. of this permit, but are also subject to the following requirements. The SWPPP shall include, as a minimum, the following items.**

**G.4.e.1. Site description – Each plan shall, at a minimum, provide a description of the following:**

**G.4.e.1.A. A description of the nature of the construction activity, including a proposed timetable for major activities;**

**G.4.e.1.B. Estimates of the total area of the site and the part of the site that is expected to undergo excavation or grading and the total amount of excavation by cut and fill;**

**G.4.e.1.C. For each discharge design point, the pre-construction peak discharge from a one year, 24-hour storm in cubic feet per second and the post-development peak discharge from a one year, 24-hour storm in cubic feet per second shall be calculated. The design procedures shall follow professionally accepted engineering and hydrologic methodologies.**

**G.4.e.1.D. Site maps indicating, with a minimum of five-foot contours, drainage patterns and slopes prior to construction and anticipated conditions after grading activities, topsoil stockpiles, waste areas, borrow sites, locations of sediment control structures identified**

in the narrative, the location of impervious areas after construction is complete, final stormwater routing including all ditches and pipe systems, property boundaries and easements, nearest receiving stream, access roads, legend and springs, surface waters and any other information necessary to describe the project in detail.

G.4.e.1.E. A description and detail of the proposed construction entrance(s). Each site shall have stone access entrance and exit drives and parking areas to reduce the tracking of sediment onto public or private roads. Except for haul roads, all unpaved roads on the site carrying more than 25 vehicles per day shall be graveled.

G.4.e.2. Controls – Each construction operation covered by this permit shall develop a description of controls appropriate for the project and implement such controls. The description of these controls shall address the following minimum components, including a schedule for implementing such controls.

G.4.e.2.A. Erosion and sediment controls

G.4.e.2.A.i. Vegetative practices – A description of interim and permanent stabilization practices, including site specific implementation schedules of the practices shall be provided. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized as rapidly as possible. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Also include in the plan seedbed preparation requirements and the type and amount of soil amendments necessary to establish a healthy stand of vegetation. A record of the dates when major grading activities will occur, and when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures will be initiated shall be included in the plan. Except as noted below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has permanently ceased.

G.4.e.2.A.i.a. Where the initiation of stabilization measures by the seventh day after construction activity temporarily or permanently ceases is precluded by snow cover, stabilization measures shall be initiated as soon as conditions allow.

G.4.e.2.A.i.b. Where construction activity will resume on a portion of the site within 21 days from when activities ceased, (e.g., the total time period that construction activity is temporarily halted is less than 21 days) then stabilization measures do not have to be initiated on that portion of the site by the seventh day after construction activities have temporarily ceased.

G.4.e.2.A.i.c. Areas where the seed has failed to germinate adequately (uniform perennial vegetative cover with a density of 70%) within 30 days after seeding and

mulching must be reseeded immediately, or as soon as weather conditions allow.

G.4.e.2.A.i.d. Diversions must be stabilized prior to becoming functional.

G.4.e.2.A.ii. Structural practices – A description of the structural practices to be used to divert flows around exposed soils, store flows or otherwise limit runoff from exposed areas and eliminate sediment-laden runoff from the site. Such practices may include but are not limited to silt fences, earth dikes and berms, land grading, diversions, drainage swales, check dams subsurface drains, pipe slope drains, storm drain inlet protection, rock outlet protection, reinforced soil retention systems and geotextiles, gabions and riprap, and permanent and temporary sediment traps/basins.

G.4.e.2.A.ii.a. For locations on a site that have a drainage area of five acres or less, a sediment trap which provides a storage volume equal to 3,600 cubic feet per acre of drainage area shall be installed. Half of the volume of the trap will be in a permanent pool and half will be dry storage.

G.4.e.2.A.ii.b. For drainage areas of greater than five acres, a sediment basin providing 3,600 cubic feet per drainage acre shall be installed. Half of the volume of the basin shall be in a permanent pool and half shall be dry storage. Sediment basins must be able to dewater the dry storage volume in 48 to 72 hours. A sediment basin must be able to pass through the spillway(s) a 25-year, 24-hour storm event, and still maintain at least one foot of freeboard.

G.4.e.2.A.ii.c. The inlet(s) and outlet(s) for a sediment trapping structure must be protected against erosion by appropriate material such as riprap or other similar media.

G.4.e.2.A.ii.d. If necessary, diversions will be used to direct runoff to the trapping structure. Diversions must be stabilized prior to becoming functional.

G.4.e.2.A.ii.e. For locations served by a common drainage where a detention basin providing 3,600 cubic feet of storage is not attainable, additional sediment and erosion controls within the project area are required in lieu of the required sized sediment basin. Justification and a narrative description of the additional measures proposed must be provided for use of any practice(s) other than sediment basins or traps.

G.4.e.2.A.ii.f. Fill slopes must be protected by measures used to divert runoff away from fill slopes to conveyance measures such as pipe slope drains or stable channels.

G.4.e.2.A.ii.g. Sediment trapping structures will be eliminated and the area properly reclaimed and stabilized when the contributing drainage area is stabilized and the structures are no longer needed, unless the structure is converted into a permanent stormwater detention/retention structure.

G.4.e.2.A.ii.h. All trapped sediments will be disposed on an upland area where there is no chance of entering nearby streams.

G.4.e.2.A.ii.i. Breaching the embankment to dewater the structure is not permitted. Dewatering and structure removal shall not cause a violation of water quality standards. Provide a description of the procedures that will be used in removing these structures and the time frame.

G.4.e.2.A.ii.j. No sediment-laden water will be allowed to leave the site without going through an appropriate best management practice.

G.4.e.2.A.ii.k. Hay or straw bales are not acceptable BMPs.

G.4.e.2.A.iii. Presumptive conditions for discharges to Tier 2.5 and Tier 3 waters

Construction activities discharging to Tier 2.5 or Tier 3 waters will go through the Tier 2.5 or Tier 3.0 antidegradation review process.

G.4.e.2.B. Stormwater management plan

A description of measures that will be installed during construction to control pollutants in stormwater discharges after the project is completed shall be included in the SWPPP. The completed project shall convey stormwater runoff in a manner that will protect both the site and the receiving stream from post-construction erosion. All surface waters and other runoff conveyance structures shall be permanently stabilized as appropriate for expected flows. In developing structural practices for stormwater control, the permittee shall consider the use of, but not limited to: infiltration of runoff onsite; flow attenuation by use of open vegetated swales and natural depressions; stormwater retention structures and stormwater detention structures. A combination of practices may be utilized. The permittee should consider low impact development (LID) in the design of the site and the best management practices. This will allow the site to retain its natural hydrology and infiltrate stormwater within the boundary of the site. The use of impervious surfaces for stabilization should be avoided. Velocity dissipation devices shall be placed at the outlet of all detention or retention structures and along the length of any outlet channel as necessary to provide a non-erosive velocity flow from the structure to a water course.

Projects located in areas that have local government requirements and/or criteria for post development stormwater management must meet those requirements and/or criteria. Compliance with this general permit does not assure compliance with local codes regulations, or ordinances.

The permittee shall submit all calculations, watershed mapping, design drawings, and any other information necessary to explain the technical basis for the stormwater management plan. Since development site conditions vary widely, plan preparers will have significant latitude in designing practices to comply with this provision of the

permit. However, design procedures shall follow professionally accepted engineering and hydrologic methodologies. Permanent stormwater management structures that will impound water (detention/retention basins or similar structures) shall be designed and certified by a registered professional engineer. These structures shall also have a certified as-built drawing submitted with the Notice of Termination at the completion of the project.

**G.4.e.2.C Other controls**

**G.4.e.2.C.i. Waste disposal** – All solid waste and construction/demolition material must be disposed of in accordance with the Code of West Virginia and Legislative Rule Title 33 Series 1, (Solid Waste Management Rule).

**G.4.e.2.C.ii. Provisions must be made to control fugitive dust.**

**G.4.e.2.C.iii. Groundwater Protection Plan (GPP)** – The applicant shall prepare a GPP that will satisfy the 47CSR58-4.11. et seq. Groundwater must be protected in accordance with the Code of West Virginia and Legislative Rule Title 47 Series 58 (Groundwater Protection Rule).

**G.4.e.2.C.iv. Employee training** – Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the SWPPP. Training should address topics such as spill response, good housekeeping and routine inspection. Training shall be on a quarterly basis and records of the training shall be maintained on site for review by the Director or the Director's representative.

**G.4.e.2.C.v. Visual inspection** – Company personnel shall be identified to inspect as set forth under G.4.e.2.D. A tracking procedure shall be used to ensure that adequate corrective actions have been taken in response to deficiencies identified during an inspection. Records of inspections shall be maintained onsite for review by the Director or the Director's representative.

**G.4.e.2.C.vi. Recordkeeping and internal reporting procedures** – Incidents such as spills, leaks and improper dumping, along with other information describing the quality and quantity of stormwater discharges should be included in the records. Inspection and maintenance records must be kept onsite for review by the Director or the Director's representative.

**G.4.e.2.D Maintenance**

A description of procedures to maintain in good and effective condition and promptly repair or restore all grade surfaces, walls, dams and structures, vegetation, erosion and sediment control measures and other protective devices identified in the site plan. At a minimum, procedures in a plan shall provide that all erosion controls on the site are inspected at least once every seven calendar days and within 24 hours after any storm event of greater than 0.5 inches of rain per 24-hour period.

G.4.e.2.D.i. All public and private roads adjacent to a construction entrance must be inspected and cleaned of debris originating from the construction site as necessary.

G.4.f. All Stormwater Pollution Prevention Plans and Groundwater Protection Plans required under this permit are considered reports that shall be available to the public under Section 308(b) of the CWA. The owner or operator of a project with stormwater discharges covered by this permit shall make plans available to members of the public upon request. However, the permittee may claim any portion of a Stormwater Pollution Plan or Groundwater Protection Plan as confidential in accordance with 47 CSR10-12.7. (NPDES Program).

G.4.g. Compliance with other laws and statutes

Nothing in this general permit shall be construed as excusing the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G.5. Discharges to Impaired Waters

This permit does not authorize new sources or new discharges of constituents of concern to impaired waters unless consistent with the approved total maximum daily load (TMDL) and applicable state law. Impaired waters are those that do not meet applicable water quality standards and are listed on the Clean Water Act Section 303(d) list. Pollutants of concern are those constituents for which the water body is listed as impaired. Discharges of pollutants of concern to impaired waterbodies for which there is an approved TMDL are not eligible for coverage under this permit unless they are consistent with the approved TMDL. Within six months of the TMDL approval, permittees must incorporate any limitations, conditions or requirements applicable to their discharges necessary for compliance with the TMDL, including any monitoring or reporting required by DWWM rules, into their SWPPP in order to be eligible for coverage under this general permit.

Sites that discharge into a receiving water that has been listed on the Clean Water Act 303(d) list of impaired waters, and with discharges that contain the pollutant(s) for which the water body is impaired, must document in the SWPPP how the BMPs will control the discharge of the pollutant(s) of concern.

G.6. Endangered and Threatened Species

If a site discharges to a stream where a federally endangered or threatened species or its habitats are present, the applicant shall contact the U.S. Fish and Wildlife Service to insure that requirements of the federal Endangered Species Act are met.

H. Reopener Clause

If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge authorized by this general permit, the owner or operator of such discharge may be required to obtain an individual permit or alternative general permit in accordance with Section G.1. of this permit, or the permit may be modified to include different limitations and/or requirements.

I. The conditions, standards, and limitations of this General Permit will be reviewed at the time of reissuance for possible revisions that may lead to more or less stringent conditions, standards, and limitations.

J. Permit coverage for construction activities encompassed by this permit expires upon satisfactory stabilization of the site. Satisfactory stabilization means ALL disturbed areas shall be covered by some permanent protection. Stabilize includes pavement, buildings, waterways (riprap, concrete, grass, or pipe), a healthy, vigorous stand of grass that uniformly covers more than 70 percent of the ground, stable outlet channels with velocity dissipation which directs site runoff to a natural watercourse, and any other approved structure or material. The permittee will request a final inspection by sending in the Notice of Termination. The Notice of Termination shall also include as-built drawings, certified by a registered professional engineer, for any permanent ponds or basins. Sites not stabilized will continue to have coverage under this permit and will be assessed an annual permit fee as promulgated by the West Virginia Legislature. Sites will be assessed a prorated annual fee based upon the completion date and proper stabilization. The Notice of Termination must be submitted within 30 days after final stabilization is achieved.

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The herein-described activity is to be constructed or installed and operated, used and maintained strictly in accordance with the terms and conditions of this permit with any plans, specifications, and information submitted with the individual site registration application form, with any plan of maintenance and method of operation thereof submitted and with any applicable rules and regulations promulgated by the Environmental Quality Board and the Secretary of the Department of Environmental Protection.

Failure to comply with the terms and conditions of this permit, with any plans, specifications and information submitted, and with any plan of maintenance and method of operation thereof submitted shall constitute grounds for the revocation or suspension of this permit to any individual establishment or other person and for the invocation of all the enforcement procedures set forth in Chapter 22, Articles 11 and 12 of the Code of West Virginia.

This permit is issued in accordance with the provisions of Chapter 22, Article 11 of the Code of West Virginia.

BY:

  
Director



west virginia department of environmental protection

Division of Water and Waste Management  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Phone: 304-926-0495  
Fax: 304-926-0496

Joe Manchin III, Governor  
Stephanie R. Timmermeyer, Cabinet Secretary  
www.wvdep.org

January 11, 2008

ERIK DUNCAN  
BEECH RIDGE ENERGY LLC  
7564 STANDISH PL, STE 123  
ROCKVILLE, MD 20855

RE: Construction projects with active registrations under  
WV/NPDES General Permit No. WV0115924-  
Registration No. WVR102962, Beech Ridge Energy  
Wind Farm Project - Contract No. 1, Greenbrier Co.

Dear Permittee:

You currently hold an active registration under the WV/NPDES Stormwater Construction General Permit (No. WV0115924). This permit was reissued on November 5, 2007 and became effective on December 5, 2007.

Sites approved from January 1, 2006, thru November 4, 2007, are hereby granted coverage under General WV/NPDES Water Pollution Control Permit WV0115924. No action is required on your part at this time to maintain permit coverage. However, if new or expanded construction activities are proposed on your site, you must apply for registration of those activities.

Please remember that a Notice of Termination form must be submitted to terminate permit coverage when stabilization of the site is complete.

If you have any questions, please contact William Timmermeyer at (304) 926-0499, Ext. 1336.

Sincerely,

Lisa A. McClung  
Director

LAM:wft

cc: Env. Inspector/Env. Inspector Supervisor

Promoting a healthy environment.



File

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west virginia department of environmental protection

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Division of Water and Waste Management  
601 57th Street SE  
Charleston, West Virginia 25304-2345  
Phone: 304-926-0495  
Fax: 304-926-0496

Joe Manchin III, Governor  
Randy C. Huffman, Cabinet Secretary  
[www.wvdep.org](http://www.wvdep.org)

July 16, 2008

ERIK DUNCAN  
BEECH RIDGE ENERGY LLC  
7564 STANDISH PL  
STE 123  
ROCKVILLE, MD 20855

**CERTIFIED RETURN RECEIPT REQUESTED**

Re: WV/NPDES Permit No. WV0115924  
General Permit Registration No. WVR103543  
Beech Ridge Energy Wind Farm Project - Contract No. 2,  
Greenbrier County

Dear Permittee:

Attached is a copy of your completed registration form for your activity with the above assigned registration number. You are now authorized to operate under General Permit No. WV0115924. This registration form should be kept with your copy of the General Permit. You should carefully read the contents of the permit and become familiar with all requirements needed to remain in compliance with the permit.

Although you should be aware of all the terms and conditions of this permit, we wish to advise you of the following important requirements:

1. In accordance with Section G.4 of the General Permit, you have developed a complete storm water pollution prevention plan. This plan is to be retained on site and be available for review by the Director or her authorized representative as of the date of your coverage by the General Permit, which is the date of this letter.
2. The erosion control measures approved by this agency for this project shall be maintained in proper condition to individually and collectively perform the functions for which they were designed. In order to insure the efficiency and proper maintenance of these measures, the permittee shall make sufficiently frequent, periodic inspections to detect any impairment of the designed stability, capacity or environmental requirements of the approved measures. The permittee shall take immediate steps to correct any such impairment found to exist.
3. If this SWPPP proves to be ineffective in controlling erosion and the sediment in storm water discharges associated with industrial/construction activities, or site conditions change, the Permittee shall amend the SWPPP and install appropriate sediment and/or control devices in accordance with Section G.4.c) of this permit and the application instructions.
4. The current General Permit expires on December 4, 2012. If you wish to continue an activity

Promoting a healthy environment.

ERIK DUNCAN  
Page 2  
July 16, 2008

regulated by this permit after the expiration date of the permit, provisions for coverage will be made during the public notice process for any new General Permit to be issued at that time.

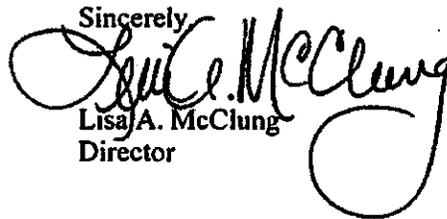
5. The General Permit Registration may be terminated upon satisfactory stabilization of the construction site. Stabilization means that all disturbed areas and drainage structures are covered by some type of permanent protection. This includes pavement, rock, concrete, pipe, buildings, established grass (that covers more than 70 percent of the ground), or similar materials as approved in the SWPPP. To terminate coverage under the General Permit, the permittee must request a final inspection by submitting a "Notice of Termination" (form enclosed). The "Notice of Termination" shall also include as-built drawings, certified by a Registered Professional Engineer, for any permanent ponds or basins. Upon confirmation that site is stabilized, a prorated invoice for the annual permit fee may be prepared.

Issuance of this approval of the General Permit registration does not authorize any injury to persons or property or invasion of other private rights, or any infringement of federal, state or local law or rules.

**The validity of this General Permit Registration is contingent upon payment of the applicable annual permit fee, as required by Chapter 22, Article 11, Section 10 of the Code of West Virginia.**

Your efforts toward preventing the degradation of our natural resources are greatly appreciated. If you have any questions, please contact Megan Grose of this Office at (304) 926-0495.

Sincerely



Lisa A. McClung  
Director

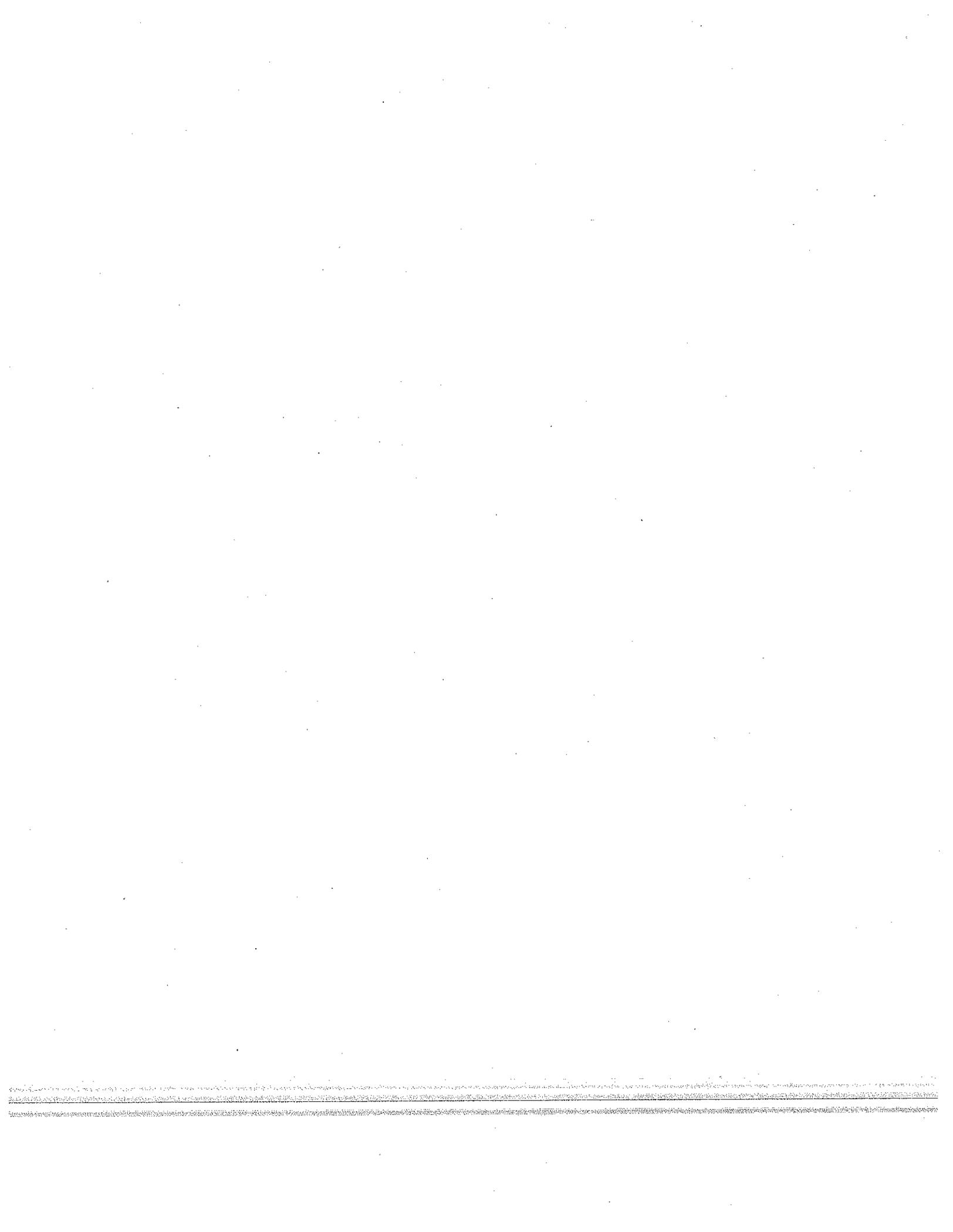
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Enclosures

**NOTICE TO PERMITTEES**

The 1999 regular session of the West Virginia legislature revised the Water Pollution Control Act, Chapter 22, Article 11, Section 10 of the Code of West Virginia relating to fees associated with permits. This section of the Code requires all holders of a State water pollution control permit or a national pollutant discharge elimination system permit to be assessed an annual permit fee, based upon rules promulgated by the Secretary of the Department of Environmental Protection. The Secretary has promulgated a final rule in accordance with the code revision to this effect and these rules were effective May 4, 2000. The rules establish an annual permit fee based upon the relative potential to degrade the waters of the State which, in most instances, relate to volume of discharge. However, for sewage facilities, the annual permit fee is based upon the number of customers served by the facility. You may contact the Secretary of State's Office, State Capitol Building, Charleston, WV 25305, to obtain a copy of the rules. The reference is Title 47, Legislative Rules, Department of Environmental Protection, Division of Water Resources, Series 26 Water Pollution Control Permit Fee Schedules.

Based upon the volume of discharge for which your facility is currently permitted, the number of customers served by your facility or for the category you fall within, pursuant to Section 7 of Title 47, Series 26, your annual permit fee is \$1500.00. This fee is due no later than the anniversary date of permit issuance in each year of the term of the permit or in the case of coverage under a general permit, the fee is due no later than the anniversary date of your coverage under the general permit. **You will be invoiced by this agency at the appropriate time for the fee.** Failure to submit the annual fee within ninety(90) days of the due date will render your permit void upon the date you are mailed a certified written notice to that effect.



*West Virginia Department of Environmental Protection*

*Division of Air Quality*

*Joe Manchin, III*  
*Governor*

*Randy C. Huffman*  
*Cabinet Secretary*

**Class II**  
**General Permit G50-B**  
**Registration**  
**to Construct**



for the  
Prevention and Control of Air Pollution in regard to the Construction,  
Modification, Relocation, Administrative Update and Operation of  
Concrete Batch Plants

**G50-B068**

Issued to:  
**Concrete Mobility, LLC**  
**Beech Ridge Wind Farm**  
**025-00098**

  
\_\_\_\_\_  
*John A. Benedict*  
*Director*

*Issued: May 19, 2009 • Effective: May 19, 2009*

This Class II General Permit Registration does not affect any other 45CSR13 permits.

Facility Location: Duo, Greenbrier County, West Virginia  
Mailing Address: 2917 West 133<sup>rd</sup> Street, Suite 100, Shakopee, MN 55379  
Facility Description: Concrete Batch Plant  
SIC Codes: 3273  
UTM Coordinates: 535.713 km Easting • 4,218.359 km Northing • Zone 17  
Registration Type: Construction  
Description of Change: Installation and operation of a 120 cy/hr concrete batch plant.

*Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [ §§ 22B-1-1 et seq. ], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.*

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*The source is not subject to 45CSR30.*

Class II General Permit: G50-B068  
Concrete Batch Plants

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General Permit Registration Number: G50-B068  
Registrant: Concrete Mobility, LLC  
Facility Name: Beech Ridge Wind Farm  
Mailing Address: 2917 West 133<sup>rd</sup> Street, Suite 100, Shakopee, MN 55379

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This Class II General Permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §22-5-1 et seq.) and 45CSR13 — Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation. The registrant identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of the G50-B Class II General Permit.

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### Equipment List

Equipment ID No.	Description	Maximum Production Rate		Control Equipment
		Hourly CY/HR	Annual CY/YR	
WH-1	Mid County Fab Weigh Hopper (Course Aggregates)	120	50,000	UL-WS
WH-2	Mid County Fab Weigh Hopper (Fine Aggregates)	120	50,000	UL-WS
WH-3	Mid County Fab Weigh Hopper (Course Aggregates)	120	50,000	UL-WS
WH-4	Mid County Fab Weigh Hopper (Cement/Flyash)	120	50,000	APCD-3
OS-1	Course Aggregate Stockpile (50,000 tpy throughput)			WS
OS-2	Fine Aggregate Stockpile 33,000 tpy throughput)			WS
BS-1	Cement Bin (5,287 tpy throughput)			FE
BS-2	Fly Ash Bin (2,950 tpy throughput)			FE
BS-3	Cement Bin (5,287 tpy throughput)			FE

**Emission Limitations**

Emission Source	Controlled PM Emissions		Controlled PM <sub>10</sub> Emissions	
	lb/hour	TPY	lb/hour	TPY
<b>Fugitive Emissions</b>				
Stockpile Emissions	0.05	0.20	0.02	0.09
Unpaved Haulroad Emissions	17.79	2.77	5.25	0.82
<b>Fugitive Emissions Total</b>	<i>17.84</i>	<i>2.97</i>	<i>5.27</i>	<i>0.91</i>
<b>Point Source Emissions</b>				
Transfer Point Emissions	6.24	1.16	3.11	0.58
<b>Point Source Emissions Total (PTE)</b>	<i>6.24</i>	<i>1.16</i>	<i>3.11</i>	<i>0.58</i>
<b>FACILITY EMISSIONS TOTAL</b>				
	<b>24.08</b>	<b>4.13</b>	<b>8.38</b>	<b>1.49</b>

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a General Permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

## DEP NPDESEP

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**From:** DEP NPDESEP  
**Sent:** Wednesday, May 27, 2009 10:18 AM  
**To:** dstegemoller@whiteconstruction.com; DEP NPDESEP  
**Cc:** Kershner, Susan J; Bandy, Jeremy W; Quinn, Deborah I  
**Subject:** Approval for WVR104457, Euke Road Entrance Re-alignment, Greenbrier Co., 1 Acre  
**Attachments:** EP 14151\_2007\_Construction\_Storm\_Water\_General\_Permit[1].pdf; NOT 14400\_SW\_Cons\_Termination\_notice.doc

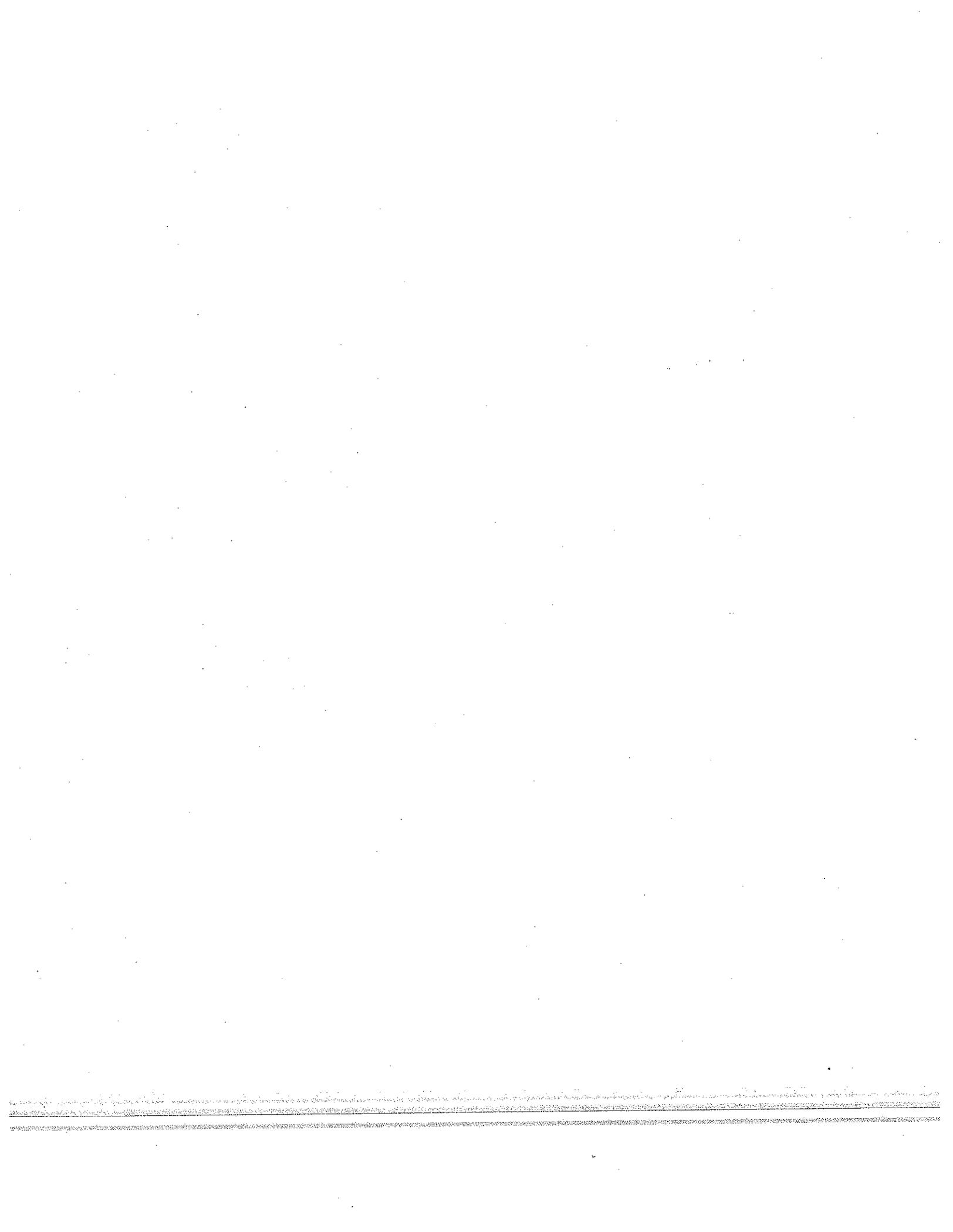
Don Stegemoller  
White Construction Inc.  
PO Box 249  
Clinton, IN 47842  
(812) 240-2984

Physical Site Location: Co. Rt. 1/1, Duo

Please be advised that this e-mail constitutes approval for your **Notice of Intent** construction activity and your registration no. is WVR104457. You are now authorized to operate under WV/NPDES General Water Pollution Control Permit No. WV0115924, issued on November 5, 2007, copy attached.

You should carefully read the contents of this General Permit and become familiar with all requirements needed to remain in compliance with your permit. We've also attached a "Notice of Termination" form to be completed and submitted when all disturbed areas are stabilized. You can find the permit and Notice of Termination form via the Internet by visiting Permitting, Division of Water and Waste Management at [www.wvden.org](http://www.wvden.org). Your annual permit fee has been assessed as \$100.00. You will be invoiced by this agency upon the anniversary date of this approval date. Failure to submit the annual fee within ninety (90) days of the due date will render your permit void upon the date you are mailed a certified written notice to that effect. Please be advised that a pro-rated annual permit fee may be assessed upon the completion date and proper stabilization.

Scott G. Mandirola  
Acting Director  
WV DEP-Division of Water & Waste Mgt.  
601 57th St SE  
Charleston, WV 25304-2345  
Phone: (304) 926-0495  
Fax: (304) 926-0496



WEST VIRGINIA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION  
DIVISION OF AIR QUALITY



# Certificate to Operate

Company, Facility/Source

CONCRETE MOBILITY, LLC  
DUO, WV / BEECH RIDGE WIND FARM

DAQ Company ID No.: 02500098  
Class: 9M

Amount Paid: \$200.00  
Received: 7/13/2009

Mailing Information

BRENDA FLOOD, CEO  
CONCRETE MOBILITY, LLC  
2917 133RD STREET WEST, SUITE 100  
SHAKOPEE MN 55379

Operating Year

July 1, 2009 - June 30, 2011

Pursuant to West Virginia Code 22-5-4 and Rule 45CSR22 "Air Quality Management Fee Program" the Division of Air Quality of the Department of Environmental Protection has hereby issued a certificate to operate for the operating year indicated above.

Division of Air Quality  
801 57th Street, SE  
Charleston, WV 25304  
Phone: 804/628-0475

### **IMPORTANT**

1. This is a CERTIFICATE TO OPERATE issued annually by the Division of Air Quality (DAQ) for facilities/sources operating in the State of West Virginia. Possession of a CERTIFICATE TO OPERATE does not necessarily imply that a facility/source is operating in compliance with the Code or rules promulgated pursuant thereto, or its permits, if any, nor does possession of a CERTIFICATE TO OPERATE in any way relieve the owner/operator of such source from the requirements to comply with the Code, rules or permit conditions.
2. This CERTIFICATE TO OPERATE is to be maintained on the facility/source premises and is to be made available upon request of a DAQ official or any other official as appropriate.
3. In addition to obtaining an annual CERTIFICATE TO OPERATE, facilities/sources subject to air quality rules promulgated under West Virginia Code 22-5-4 requiring permits to operate are also required to obtain a PERMIT TO OPERATE. Such facility/source shall comply with all applicable requirements of the rules before being eligible to obtain a PERMIT TO OPERATE.
4. Failure to obtain a CERTIFICATE TO OPERATE or a PERMIT TO OPERATE is a violation of the West Virginia Code and applicable rules and may result in penalties.
5. This certificate constitutes a receipt for payment of the annual fee required under Rule 45CSR22.



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west virginia department of environmental protection

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Environmental Enforcement  
254 Industrial Drive  
Oak Hill, WV 25901  
Telephone: (304) 465-1919 Fax: (304) 465-1524

Earl Ray Tomblin, Governor  
Randy C. Huffman, Cabinet Secretary  
[www.dep.wv.gov](http://www.dep.wv.gov)

March 14, 2011

Invenergy, LLC  
Attn: Erik Duncan  
2028 Benedict Circle  
St. Albans, WV 25177

**CERTIFIED RETURN RECEIPT REQUESTED**  
Cert #7010 1060 0001 2817 3278

Dear:

Enclosed is a copy of the inspection report submitted to the U.S. Environmental Protection Agency, the Department of Environmental Protection's Division of Water and Waste Management, and to the Environmental Enforcement's Compliance Monitoring Office.

No deficiencies were noted during the inspection of your facility. If you have any questions, please contact me at (304) 465-1919.

Sincerely,

Jeremy Bandy  
Inspector Supervisor

Enclosure

cc: Yogesh Patel, Assistant Director, DWWM/Permits (via e-mail)  
Joseph M. Hickman, Assistant Chief Inspector, EE/WW (via e-mail)  
Deborah Keener, Compliance Monitoring (via e-mail)  
US EPA, Region III (via Waterscape)

Promoting a healthy environment.

**EPA Water Compliance Inspection Report**

**Section A: National Data System Coding (ie PCS)**

Transaction N	Code 5	NDPES WV00115924	Mo/Day/Yr 2-24-11	Inspection Type J	Inspector S	Facility Type 2
Remarks: WVR104703						
Inspection Work Days .5	Facility Self-Monitoring Evaluation Rating 3	BI N	QA N	Reserved		

**Section B: Facility Data**

<b>Name and Location of Facility Inspected:</b>	<u>Beech Ridge Wind Farm Storage Yard</u> <u>Off CR #1</u> <u>Rupert WV</u>	<b>Entry Time:</b> <u>9:30</u>	<b>Permit Effective Date:</b> <u>12-5-07</u>
<b>Name(s) of On-Site Representatives(s) Titles/Phone and Fax Numbers:</b>	<u>Chris Mehann</u> <u>Office 304 250 7131</u> <u>Cell 304 851 2566</u>	<b>Exit Time/Date:</b> <u>11:00/2-24-11</u>	<b>Permit Expiration Date:</b> <u>12-4-12</u>
<b>Name, Address of Responsible Official/Title/Phone/Fax:</b>	<u>Erik Duncan</u> <u>Development Manager</u> <u>Invenergy LLC</u> <u>2028 Benedict Circle</u> <u>St. Albans, WV 25177</u> <u>304-549-7696</u>	<b>Contacted:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Other Facility Data:</b>

**Section C: Areas Evaluated During Inspection**

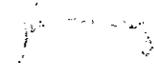
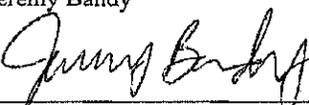
M - Marginal; N - No; N/A - Not Applicable; N/E - Not Evaluated; S - Satisfactory; U - Unsatisfactory; Y - Yes

S	Permit	N/A	Flow Measurement	N/A	Sampling	N/A	Operations & Maintenance
N/A	Records/Reports	N/A	Laboratory	N/A	Compliance Schedule	N/A	Sludge Disposal
S	Fac Site Review	N/A	Eff/ Rec. Waters	N/A	Self-Monitoring	N/A	Pollution Prevention
N/A	Pretreatment	S	Stormwater	N/A	CSO/SSO	N/A	Multimedia
N/A	Groundwater Data	N/A	Unpermitted Bypass	N/A			

**Section D: Summary of Findings / Comments (attach additional sheets if necessary):**

**Site has been adequately stabilized. OK to terminate permit coverage.**

Compliance Assistance (check all that apply): Troubleshooting  Records/Reports  Sampling

<b>Name/Signature(s) of Inspector(s)</b> John Hendley 	<b>Agency/Office/Telephone/Fax</b> WVDEP/EE 254 Industrial Drive Oak Hill WV 26901 304 465-1919	<b>Date</b> 3-7-11
<b>Signature of Management QA Reviewer</b> Jeremy Bandy 	<b>Agency/Office/Phone/Fax</b> WVDEP/EE 254 Industrial Drive Oak Hill WV 26901 304 465-1919	<b>Date</b> 3-11-11

Revised: October 2003

General Permit No. WV00115924  
**WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**WV/NPDES CONSTRUCTION STORMWATER PERMIT**

FACILITY NAME Beech Ridge Wind Farm Storage Yard      REGISTRATION No. WVR104703

DEVELOPER (Permittee) Beech Ridge Energy, LLC  
 ADDRESS 2028 Benedict Circle St. Albans, WV 25177      PHONE 304-549-7696

LOCATION Off CR #1 Rupert, WV      COUNTY Greenbrier  
 SITE OPERATOR Chris Mehann      ADDRESS  
Office 304 250 7131  
Cell 304 851 2566

Approximate Disturbed Acres \_\_\_\_\_

**PERMIT / SITE EVALUATION**

1. SILT FENCE	N/A	9. PERMANENT SEED & MULCH	S	17. AREAS LEFT UNSTABILIZED FOR >21 DAYS	N/A
2. DIVERSIONS	N/A	10. VIGOR OF GRASS	S	18. CLEARING AND GRUBBING	N/A
3. SEDIMENT TRAPS	N/A	11. DITCH CHECKS	N/A	19. PERMANENT WATERWAYS STABILIZED	N/A
4. SEDIMENT BASINS	N/A	12. STABLE CONSTRUCTION ENTRANCE	N/A	20. GPP	N/A
5. MAINTENANCE	N/A	13. PIPE SLOPE DRAINS/BERMS	N/A	21. OUTLET MARKERS	N/A
6. WATER BARS	N/A	14. ALL DOWNSLOPE AREAS PROTECTED	S	22. ENTRANCE SIGN	N/A
7. TOPSOIL STOCKPILE	N/A	15. DEVICES INSTALLED IN TIMELY MANNER	N/A	23. NOTICE OF TERMINATION	S
8. TEMP SEED AND OR MULCH	N/A	16. AREAS AT FINAL GRADE >7 DAYS	N/A	24. OTHER	

S-Satisfactory    U-Unsatisfactory    N/A-Not Applicable    N/O-Not Observed    N/D Not Determined    M-Marginal

LAST INSPECTION: N/A RECEIVING STREAMS(S): Cherry River of the Gauley River of the Kanawha River  
 RECEIVING STREAMS(S) EVALUATION: MUDDY? No    SEDIMENT DEPOSITS? N/O

COMMENTS DEFICIENCIES AND RECOMMENDATIONS

Site has been adequately stabilized. OK to terminate permit coverage.

**WARNINGS: Immediately, address all comments, deficiencies, and recommendations.**

PERMITTEE OR REPRESENTATIVE: Erik Duncan      TITLE: Development Manager

INSPECTOR: John Hendley      DATE: 2-24-11  
 TIME: 11:00    WEATHER: clear  
 NOV: no    COMPLIANCE DATE: \_\_\_\_\_    SAMPLES: no    PICTURES: no

Distribution copies: Office, Permittee, Charleston, Inspector

ADDENDUM yes  
 Modified: 11/16/05jdp

**EPA Water Compliance Inspection Report**

**Section A: National Data System Coding (ie PCS)**

Transaction N	Code 5	NDPES WV00115924	Mo/Day/Yr 2-24-11	Inspection Type I	Inspector S	Facility Type 2
Remarks: WVR103543						
Inspection Work Days .5	Facility Self-Monitoring Evaluation Rating 3	B1	QA	Reserved		
		N	N			

**Section B: Facility Data**

Name and Location of Facility Inspected:	<u>Beech Ridge Wind Farm Contract #2</u> <u>Off CR #1</u> <u>Rupert WV</u>	Entry Time: <u>9:30</u>	Permit Effective Date: <u>12-5-07</u>
Name(s) of On-Site Representatives(s) Titles/Phone and Fax Numbers:	<u>Chris Mehann</u> <u>Office 304 250 7131</u> <u>Cell 304 851 2566</u>	Exit Time/Date: <u>11:00/2-24-11</u>	Permit Expiration Date: <u>12-4-12</u>
Name, Address of Responsible Official/Title/Phone/Fax:	<u>Erik Duncan</u> <u>Development Manager</u> <u>Invenergy LLC</u> <u>2028 Benedict Circle</u> <u>St. Albans, WV 25177</u> <u>304-549-7696</u>	Contacted: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Other Facility Data:

**Section C: Areas Evaluated During Inspection**

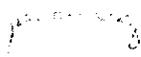
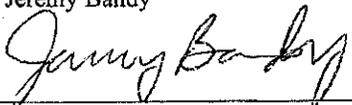
M - Marginal; N - No; N/A - Not Applicable; N/E - Not Evaluated; S - Satisfactory; U - Unsatisfactory; Y - Yes

S	Permit	N/A	Flow Measurement	N/A	Sampling	N/A	Operations & Maintenance
N/A	Records/Reports	N/A	Laboratory	N/A	Compliance Schedule	N/A	Sludge Disposal
S	Fac Site Review	N/A	Eff / Rec. Waters	N/A	Self-Monitoring	N/A	Pollution Prevention
N/A	Pretreatment	S	Stormwater	N/A	CSO/SSO	N/A	Multimedia
N/A	Groundwater Data	N/A	Unpermitted Bypass	N/A			

Section D: Summary of Findings / Comments (attach additional sheets if necessary):

**Site has been adequately stabilized. OK to terminate permit coverage.**

Compliance Assistance (check all that apply): Troubleshooting  Records/Reports  Sampling

Name/Signature(s) of Inspectors(s) John Hendley 	Agency/Office/Telephone/Fax WVDEP/EE 254 Industrial Drive Oak Hill WV 26901 304 465-1919	Date 3-7-11
Signature of Management QA Reviewer Jeremy Bandy 	Agency/Office/Phone/Fax WVDEP/EE 254 Industrial Drive Oak Hill WV 26901 304 465-1919	Date 3-11-11

General Permit No. WV00115924  
**WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**WV/NPDES CONSTRUCTION STORMWATER PERMIT**

**FACILITY NAME** Beech Ridge Wind Farm Contract #2      **REGISTRATION No.**      WVR103543

**DEVELOPER (Permittee)**      Beech Ridge Energy, LLC  
**ADDRESS**      2028 Benedict Circle St. Albans, WV 25177      **PHONE**      304-549-7696

**LOCATION**      Off CR #1 Rupert, WV      **COUNTY**      Greenbrier  
**SITE OPERATOR**      Chris Mehann      **ADDRESS**  
    Office 304 250 7131  
    Cell 304 851 2566

**Approximate Disturbed Acres**      \_\_\_\_\_

**PERMIT / SITE EVALUATION**

1. SILT FENCE	N/A	9. PERMANENT SEED & MULCH	S	17. AREAS LEFT UNSTABILIZED FOR >21 DAYS	N/A
2. DIVERSIONS	N/A	10. VIGOR OF GRASS	S	18. CLEARING AND GRUBBING	N/A
3. SEDIMENT TRAPS	N/A	11. DITCH CHECKS	N/A	19. PERMANENT WATERWAYS STABILIZED	N/A
4. SEDIMENT BASINS	N/A	12. STABLE CONSTRUCTION ENTRANCE	N/A	20. GPP	N/A
5. MAINTENANCE	N/A	13. PIPE SLOPE DRAINS/BERMS	N/A	21. OUTLET MARKERS	N/A
6. WATER BARS	N/A	14. ALL DOWNSLOPE AREAS PROTECTED	S	22. ENTRANCE SIGN	N/A
7. TOPSOIL STOCKPILE	N/A	15. DEVICES INSTALLED IN TIMELY MANNER	N/A	23. NOTICE OF TERMINATION	S
8. TEMP SEED AND OR MULCH	N/A	16. AREAS AT FINAL GRADE >7 DAYS	N/A	24. OTHER	

S-Satisfactory    U-Unsatisfactory    N/A-Not Applicable    N/O-Not Observed    N/D Not Determined    M-Marginal

LAST INSPECTION: N/A RECEIVING STREAMS(S): Meadow River of the Gauley River of the Kanawha River  
 RECEIVING STREAMS(S) EVALUATION: MUDDY? No    SEDIMENT DEPOSITS? N/O

**COMMENTS DEFICIENCIES AND RECOMMENDATIONS**

Site has been adequately stabilized. OK to terminate permit coverage.

**WARNINGS: Immediately, address all comments, deficiencies, and recommendations.**

PERMITTEE OR REPRESENTATIVE: Erik Duncan      TITLE: Development Manager

INSPECTOR: John Hendley      DATE: 2-24-11  
 TIME: 11:00    WEATHER: clear  
 NOV: no    COMPLIANCE DATE: \_\_\_\_\_    SAMPLES: no    PICTURES: no

Distribution copies: Office, Permittee, Charleston, Inspector

ADDENDUM yes  
 Modified: 11/16/05jdp

**EPA Water Compliance Inspection Report**

**Section A: National Data System Coding (ie PCS)**

Transaction N	Code 5	NDPES WV00115924	Mo/Day/Yr 2-24-11	Inspection Type J	Inspector S	Facility Type 2
Remarks: WVR102962						
Inspection Work Days .5	Facility Self-Monitoring Evaluation Rating 3	B1	QA	Reserved		
		N	N			

**Section B: Facility Data**

Name and Location of Facility Inspected:	<u>Beech Ridge Wind Farm Contract #1</u> <u>Off CR #1</u> <u>Rupert WV</u>	Entry Time: <u>9:30</u>	Permit Effective Date: <u>12-5-07</u>
Name(s) of On-Site Representatives(s) Titles/Phone and Fax Numbers:	<u>Chris Mehann</u> <u>Office 304 250 7131</u> <u>Cell 304 851 2566</u>	Exit Time/Date: <u>11:00/2-24-11</u>	Permit Expiration Date: <u>12-4-12</u>
Name, Address of Responsible Official/Title/Phone/Fax:	<u>Erik Duncan</u> <u>Development Manager</u> <u>Invenergy LLC</u> <u>2028 Benedict Circle</u> <u>St. Albans, WV 25177</u> <u>304-549-7696</u>	Contacted: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Other Facility Data:

**Section C: Areas Evaluated During Inspection**

M - Marginal; N - No; N/A - Not Applicable; N/E - Not Evaluated; S - Satisfactory; U - Unsatisfactory; Y - Yes

S	Permit	N/A	Flow Measurement	N/A	Sampling	N/A	Operations & Maintenance
N/A	Records/Reports	N/A	Laboratory	N/A	Compliance Schedule	N/A	Sludge Disposal
S	Fac Site Review	N/A	Eff/ Rec. Waters	N/A	Self-Monitoring	N/A	Pollution Prevention
N/A	Pretreatment	S	Stormwater	N/A	CSO/SSO	N/A	Multimedia
N/A	Groundwater Data	N/A	Unpermitted Bypass	N/A			

Section D: Summary of Findings / Comments (attach additional sheets if necessary):

**Site has been adequately stabilized. OK to terminate permit coverage.**

Compliance Assistance (check all that apply): Troubleshooting  Records/Reports  Sampling

Name/Signature(s) of Inspectors(s) John Hendley	Agency/Office/Telephone/Fax WVDEP/EE 254 Industrial Drive Oak Hill WV 26901 304 465-1919	Date 3-7-11
Signature of Management QA Reviewer Jeremy Bandy	Agency/Office/Phone/Fax WVDEP/EE 254 Industrial Drive Oak Hill WV 26901 304 465-1919	Date 3-11-11

General Permit No. WV00115924  
**WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**WV/NPDES CONSTRUCTION STORMWATER PERMIT**

FACILITY NAME Beech Ridge Wind Farm Contract #1 REGISTRATION No. WVR102962

DEVELOPER (Permittee) Beech Ridge Energy, LLC  
 ADDRESS 2028 Benedict Circle St. Albans, WV 25177 PHONE 304-549-7696

LOCATION Off CR #1 Rupert, WV COUNTY Greenbrier  
 SITE OPERATOR Chris Mehann ADDRESS  
Office 304 250 7131  
Cell 304 851 2566

Approximate Disturbed Acres \_\_\_\_\_

**PERMIT / SITE EVALUATION**

1. SILT FENCE	N/A	9. PERMANENT SEED & MULCH	S	17. AREAS LEFT UNSTABILIZED FOR >21 DAYS	N/A
2. DIVERSIONS	N/A	10. VIGOR OF GRASS	S	18. CLEARING AND GRUBBING	N/A
3. SEDIMENT TRAPS	N/A	11. DITCH CHECKS	N/A	19. PERMANENT WATERWAYS STABILIZED	N/A
4. SEDIMENT BASINS	N/A	12. STABLE CONSTRUCTION ENTRANCE	N/A	20. GPP	N/A
5. MAINTENANCE	N/A	13. PIPE SLOPE DRAINS/BERMS	N/A	21. OUTLET MARKERS	N/A
6. WATER BARS	N/A	14. ALL DOWNSLOPE AREAS PROTECTED	S	22. ENTRANCE SIGN	N/A
7. TOPSOIL STOCKPILE	N/A	15. DEVICES INSTALLED IN TIMELY MANNER	N/A	23. NOTICE OF TERMINATION	S
8. TEMP SEED AND OR MULCH	N/A	16. AREAS AT FINAL GRADE >7 DAYS	N/A	24. OTHER	

S-Satisfactory U-Unsatisfactory N/A-Not Applicable N/O-Not Observed N/D Not Determined M-Marginal

LAST INSPECTION: N/A RECEIVING STREAMS(S): Meadow River of the Gauley River of the Kanawha River  
 RECEIVING STREAMS(S) EVALUATION: MUDDY? No SEDIMENT DEPOSITS? N/O

**COMMENTS DEFICIENCIES AND RECOMMENDATIONS**

Site has been adequately stabilized. OK to terminate permit coverage.

**WARNINGS: Immediately, address all comments, deficiencies, and recommendations.**

PERMITTEE OR REPRESENTATIVE: Erik Duncan TITLE: Development Manager

INSPECTOR: John Hendley DATE: 2-24-11  
 TIME: 11:00 WEATHER: clear  
 NOV: no COMPLIANCE DATE: \_\_\_\_\_ SAMPLES: no PICTURES: no

Distribution copies: Office, Permittee, Charleston, Inspector

ADDENDUM yes  
 Modified: 11/16/05jdp

Section E Existing Permits, Phase 1

~~100~~ BRE Permit Approvals from Greenbrier County

05/12/2010 18:02  
05/10/2010 09:33  
05/10/2010 11:10

3046455358  
AGSTEN CONSTRUCTION + 913045863789  
3046455358

GBR CO HEALTH DEPT  
GBR CO HEALTH DEPT

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SS-182A  
Rev 6/07

West Virginia Department of Health & Human Resources  
**GREENBRIER CO.** Department of Health



Application for a Permit to Install or Modify an Onsite Sewage Disposal System

Property Owner INVENERGY, LLC Phone (H) \_\_\_\_\_ (W) \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Property Location BEECH RIDGE NIAA FARM 13 MILES UP ANIERA R. FROM  
RUPPERT

Has this property ever been previously denied for a permit? Yes  No  Date \_\_\_\_\_  
Facility is New  Existing  Lot Size \_\_\_\_\_ Acres  Sq. Ft.  Water Source \_\_\_\_\_  
Type Facility Residence  Other  \_\_\_\_\_  
Number of Bedrooms \_\_\_\_\_ Number Individuals Served \_\_\_\_\_ Design Daily Flow \_\_\_\_\_ gpd  
Deed Recorded In Deed Book 577 Page 419 County Tax Map 18-19-3 Parcel No. \_\_\_\_\_  
Subdivision Name NIAA Approval No. \_\_\_\_\_ Section \_\_\_\_\_ Lot \_\_\_\_\_

The minimum lot size or area reserved for a sewage disposal system in a subdivision may vary based on the date the subdivision was created. On lots created after July 1, 1970, permits for individual sewage disposal systems shall be withheld until a subdivision approval has been granted which indicates that such systems may be expected to comply with applicable design standards on all proposed building lots contained within the original tract.

To the best of my knowledge, the information provided on this application is true and I understand that I am responsible for informing the sewage system installer of the existing or proposed locations of sewage systems and water sources including wells. I further understand that it is my responsibility to consult the sanitarian for assistance as necessary and to determine the location of any existing or proposed sewage systems or wells if presently unknown to me.

Date: \_\_\_\_\_ Signature of Owner: \_\_\_\_\_

Sewage Disposal System Information

Application is for a permit to: Install  Modify   
Check all that apply: Septic Tank  Absorption Field  Holding Tank  Pit Privy  Vault Privy   
Alternative System (attach detailed plans)  Chemical/Composting Toilet  Other

Percolation Test: Test Holes #1 \_\_\_\_\_ mins. #2 \_\_\_\_\_ mins. #3 \_\_\_\_\_ mins. #4 \_\_\_\_\_ mins.  
Total Minutes = \_\_\_\_\_ Divided by 24 = \_\_\_\_\_ Average time for water to fall one inch.

Six-foot hole is free of water or solid rock? Yes  No  Test conducted on (date) \_\_\_\_\_

I hereby certify that the percolation test was conducted in accordance with the procedures outlined in the Sewage Treatment and Collection System Design Standards, 64CSR47. Notice: all homeowner installers must pass a certification examination administered by the Local Health Department prior to conducting perc testing.

Date: 05-12-10 Signature of Certified Installer: [Signature]

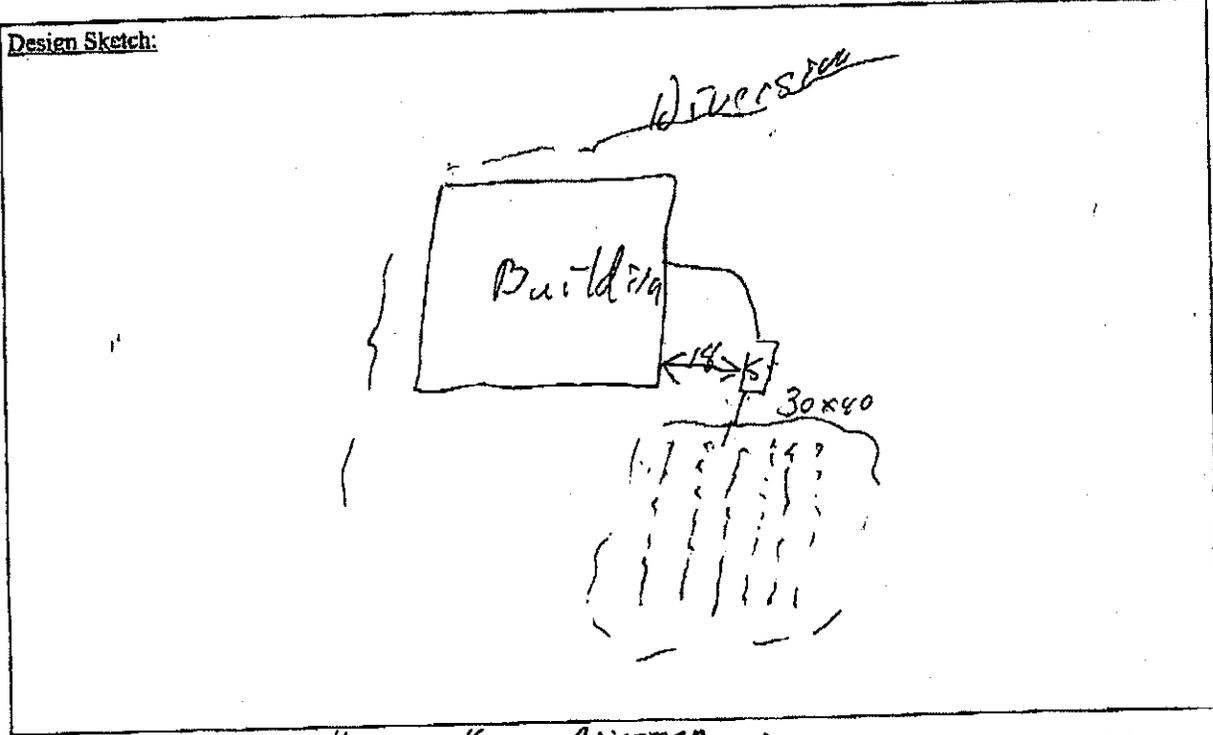
For Health Department Use: Coordinates N \_\_\_\_\_ W \_\_\_\_\_ Date Rec'd \_\_\_\_\_  
Site Eval 5-12-10 By [Signature] State Fee Pd \_\_\_\_\_ Rec'd From \_\_\_\_\_  
Permit issued  Denied  Permit # \_\_\_\_\_ Comments \_\_\_\_\_

Septic Tank: Capacity (gallons) \_\_\_\_\_ Material \_\_\_\_\_ Top Seam  or Mid Seam   
 Manufacturer \_\_\_\_\_ Outlet Filter Used? Yes  No  Manufacturer \_\_\_\_\_

Drain Field: Materials: Gravel  Gravelless Pipe  Chambers  Other \_\_\_\_\_ Brand \_\_\_\_\_  
 300 ft<sup>2</sup>/BR  400 ft<sup>2</sup>/BR  Other \_\_\_\_\_ No. Bedrooms 14 X \_\_\_\_\_ ft<sup>2</sup>/BR = \_\_\_\_\_ total ft<sup>2</sup>  
 No. Lines \_\_\_\_\_ Length of Lines (ft) \_\_\_\_\_  
 Trench Width (ft) \_\_\_\_\_ Average Depth \_\_\_\_\_ Max Depth \_\_\_\_\_ Pipe ASTM No. \_\_\_\_\_  
 Effluent distribution (check all that apply): Distribution Box  Serial  Pump dosed  Siphon dosed   
 If Absorption Bed: Length (ft) 20 Width 40 Chambers: # Used \_\_\_\_\_ Brand \_\_\_\_\_  
60 x 9 ft = 540 sq ft

Separation Distances (ft) Septic tank to: Bldg Foundation 18' Property Line \_\_\_\_\_ Water Supply 100'  
 Absorption field to: Bldg Foundation 20' Property Line \_\_\_\_\_ Water Supply 100'

Draw a sketch of the property showing any existing or proposed well locations, the location of all structures, property line locations, and the proposed sewage system as it is to be installed. Show all structures and facilities to be served by on-site sewage on the lot.



Certified Installer Harold Lloyd Melby (Wiseman Excavating) Telephone 304-541-6615  
 Business Address Rt 1 Box 190 Liberty WV 25124  
 Certification No. 54-10-017 Exp. Date 05-03-2015  
 Contractor's License No. WV043641 Exp. Date 02-19-2011 Issued to Brad Wiseman

I hereby certify that the installation or modification of all parts of the sewage disposal system, including required material standards, will be done in compliance with the Sewage Treatment and Collection System Design Standards Rule. 64CSR47, and appropriate manufacturer's recommended procedures and practices.

Date: 05-12-10 Signature of Certified Installer: Harold Lloyd Melby  
586-3789  
Lloyd

SW-257  
Rev. 8/01

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES



# PERMIT



Owner INVENERGY, LLC and Driller FRAME DRILLING CO.

are hereby issued a permit to CONSTRUCT a well located  
(Construct, Modify, or Abandon)

at BEECH RIDGE RD CLEARCO, WV 13 MI UP ANJEAN RD FROM RUPERT

in accordance with Chapter 16, Article 1, Section 9 of the Code of West Virginia.

Date issued: 5/10/2010

MICHAEL K. ELTZROTH

RS

Issuing Officer

Title

Expires: 5/10/2011

GREENBRIER

County Health Department

Permit No.: DW-05-09B-54

This permit is not transferable and any change of information submitted in application dated will automatically render this permit invalid

**THIS PERMIT IS NOT APPLICABLE TO PUBLIC WATER SUPPLIES**

*Att: Scott Wallace*

SW-257  
Rev. 8/01

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES



# PERMIT



Owner INVENERGY, LLC. and Driller FRAME DRILLING CO.

are hereby issued a permit to CONSTRUCT GEO THERMAL a well located  
(Construct, Modify, or Abandon)  
at BEECH RIDGE RD CLEARCO, WV 13 MI UP ANJEAN RD FROM RUPERT

in accordance with Chapter 16, Article 1, Section 9 of the Code of West Virginia.

Date issued: 5/10/2010

MICHAEL K. ELTZROTH

R.S.

Issuing Officer

Title

Expires: 5/10/2011

Permit No.: DW-05-09B-53

GREENBRIER

County Health Department

This permit is not transferable and any change of information submitted in application dated will automatically render this permit invalid

**THIS PERMIT IS NOT APPLICABLE TO PUBLIC WATER SUPPLIES**

*Att: Scott Walker*

# COMMERCIAL BUILDING/IMPROVEMENT PERMIT

Owner: INVERGY LLC (BEECH RIDGE ENERGY)	
Permit #: C-1836	Location: Beech Ridge
Dist/Map/Par/Lot: 18/26/1	Flood zone: X
For: FOOTINGS & FOUNDATION ONLY for 300sq ft office	
Issue date: 10/16/09	Expiration date: 4/16/10
Issuing officer: Kelly Banton	

Approved plans must be retained on the job and this notice kept posted until final inspection has been made and a certificate of occupancy issued.

This permit conveys no right to occupy any street, alley or sidewalk or any part thereof, either temporarily or permanently. Encroachments on public property, not specifically permitted under the Building Code, must be approved by the jurisdiction.

**POST THIS NOTICE ON WORK SITE**

[www.greenbriercounty.net](http://www.greenbriercounty.net)

# COMMERCIAL BUILDING/IMPROVEMENT

## PERMIT

Owner: <i>Beech Ridge Energy LLC</i>	
Permit #: <i>C-1529-1594</i>	Location: <i>Grassy Knob Rd</i>
Dist/Map/Par/Lot: <i>Williamsburg 241'</i>	Flood zone: <i>X</i>
For: <i>Wind Turbine Foundation A1-A19</i>	
Issue date: <i>4/13/09</i>	Expiration date: <i>4/13/10</i>
Issuing officer: <i>Ashley Carr</i>	

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[www.greenbriercounty.net](http://www.greenbriercounty.net)

# COMMERCIAL BUILDING/IMPROVEMENT PERMIT

Owner: <b>BEECH RIDGE ENERGY LLC</b>	Location: <b>Grassy Knob Rd.</b>
Permit #: <b>C-1519</b>	Flood zone:
Dist/Map/Par/Lot: <b>Williamburg District Maple Brook Zoning</b>	
For: <b>Wind Turbine Foundation - A18</b>	Expiration date: <b>4/13/10</b>
Issue date: <b>4/13/09</b>	Issuing officer: <b>Assey Carr</b>

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# COMMERCIAL BUILDING/IMPROVEMENT PERMIT

Owner: <b>Beech Ridge Energy LLC</b>	
Permit #: <b>C-1529-1594</b>	Location: <b>Grassy Knob Rd.</b>
Dist/Map/Par/Lot: <b>Williamsburg</b>	Flood zone: <b>X</b>
For: <b>Wind Turbine Foundation F3-F8</b>	
Issue date: <b>4/13/09</b>	Expiration date: <b>4/13/10</b>
Issuing officer: <b>Ashley Carr</b>	

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# COMMERCIAL BUILDING/IMPROVEMENT PERMIT

Owner: <b>Beech Ridge Energy LLC</b>	Location: <b>Grassy Knob Rd.</b>
Permit #: <b>C-1529-1594</b>	Flood zone: <b>X</b>
Dist/Map/Par/Lot: <b>Williamsburg 2611</b>	
For: <b>Wind Turbine Foundation G1-G15</b>	
Issue date: <b>4/13/09</b>	Expiration date: <b>4/13/10</b>
Issuing officer: <b>Ashley Carr</b>	

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# COMMERCIAL BUILDING/IMPROVEMENT PERMIT

Owner: <b>Beech Ridge Energy LLC</b>	
Permit #: <b>C-1529-1594</b>	Location: <b>Grassy Knob Rd.</b>
Dist/Map/Par/Lot: <b>Williamsburg 2611</b>	Flood zone: <b>X</b>
For: <b>Wind Turbine Foundation B1-B7</b>	
Issue date: <b>4/13/09</b>	Expiration date: <b>4/13/10</b>
Issuing officer: <b>Ashley Carr</b>	

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# COMMERCIAL BUILDING/IMPROVEMENT PERMIT

Owner: <b>Beech Ridge Energy LLC</b>	Location: <b>Grassy Knob Rd.</b>
Permit #: <b>C-1529-1594J</b>	Flood zone: <b>X</b>
Dist/Map/Par/Lot: <b>Williamsburg 2611</b>	
For: <b>Wind Turbine Foundation E1 - E13</b>	
Issue date: <b>4/13/09</b>	Expiration date: <b>4/13/10</b>
Issuing officer: <b>Ashley Carr</b>	

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# COMMERCIAL BUILDING/IMPROVEMENT PERMIT

Owner:	Beech Ridge Energy LLC
Permit #:	C-1529-1594
Dist/Map/Par/Lot:	Williamsburg 2611
Location:	Grassy Knob Rd
Flood zone:	X
For:	Wind Turbine Foundation J3 - J7
Issue date:	4/13/09
Expiration date:	4/13/10
Issuing officer:	Ashley Carr

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# COMMERCIAL BUILDING/IMPROVEMENT PERMIT

Owner: <b>Beech Ridge Energy LLC</b>	Location: <b>Grassy Knob Rd.</b>
Permit #: <b>C-1529-1594</b>	Flood zone: <b>X</b>
Dist/Map/Par/Lot: <b>Williamsburg 2411</b>	
For: <b>Wind Turbine Foundation H1-H9</b>	Expiration date: <b>4/13/10</b>
Issue date: <b>4/13/09</b>	
Issuing officer: <b>Ashley Carr</b>	

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POST THIS NOTICE ON WORK SITE

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# ELECTRICAL PERMIT

Owner: BEECH RIDGE ENERGY, LLC	Location: Grassy Knob Rd.
Permit #: E-1774	Flood zone:
Dist/Map/Par/Lot: 18-26-1	
For: Phase II - Electrical Set	
Issue date: 9/29/09	Expiration date: 9/29/10
Issuing officer: Kelly Barton	

Approved plans must be retained on the job and this notice kept posted until final inspection has been made and a certificate of occupancy issued.

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POST THIS NOTICE ON WORK SITE

[www.greenbriercounty.net](http://www.greenbriercounty.net)

# COMMERCIAL BUILDING/IMPROVEMENT PERMIT

Owner: INVERGY LLC (BEECH RIDGE ENERGY)

Permit #: C-1836

Location: Beech Ridge

Dist/Map/Par/Lot: 18/26/1

Flood zone: X

For: FOOTINGS & FOUNDATION ONLY for 300sq ft office

Issue date: 10/16/09

Expiration date: 4/16/10

Issuing officer: Kelly Banton

Approved plans must be retained on the job and this notice kept posted until final inspection has been made and a certificate of occupancy issued.

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[www.greenbriercounty.net](http://www.greenbriercounty.net)

# COMMERCIAL BUILDING/IMPROVEMENT PERMIT

Owner: **BEECH RIDGE ENERGY LLC**

Permit #: **C-1773**

Location: **Grassy Knob Rd.**

Dist/Map/Par/Lot: **18-26-1**

Flood zone:

For **Phase II - Equipment Set**

Issue date: **9/29/09**

Expiration date: **9/29/10**

Issuing officer: **Kelly Barton**

Approved plans must be retained on the job and this notice kept posted until final inspection has been made and a certificate of occupancy issued.

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[www.greenbriercounty.net](http://www.greenbriercounty.net)

# COMMERCIAL BUILDING/IMPROVEMENT

## PERMIT

Owner: <b>MEAD WEST VACO</b>	Location: <b>Beech Ridge</b>
Permit #: <b>C-1658</b>	Flood zone:
Dist/Map/Par/Lot:	
For: <b>SUBSTATION FOUNDATION</b>	
Issue date: <b>6/8/09</b>	Expiration date: <b>12/8/09</b>
Issuing officer: <b>Asahey Carr</b>	

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PERMIT TO ENTER UPON, UNDER, OVER OR ACROSS THE STATE ROADS OF THE STATE OF WEST VIRGINIA, AS PROVIDED FOR IN SECTION 6, ARTICLE 16, CHAPTER 17; SECTION 9, ARTICLE 16, CHAPTER 17; SECTION 8, ARTICLE 4, CHAPTER 17, WEST VIRGINIA CODE, 1931, AS AMENDED.

THIS PERMIT, Made this 24 day of August 20 09, between the WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, a statutory corporation hereinafter called DIVISION and INVENERGY LLC, dba Beech Ridge Energy, LLC  
Address: P.O. Box 179 RUPERT WV 25984 Phone No: 304 846.6482  
hereinafter called APPLICANT.

WITNESSETH

In consideration of the hereinafter set out covenants and in accordance with Section 6, Article 16, Chapter 17; or Section 9, Article 16, Chapter 17; or Section 8, Article 4, Chapter 17, of the Official Code of West Virginia, 1931, as amended, and the rules and regulations promulgated thereunder, APPLICANT does hereby apply to enter

Route Type & No. CR 10/1 DOH Project No. N/A (if applicable);  
at 6.10 miles north of Intersection CR 10 and CR 9/3 on CR 10/1 Mile Post 6.10 - 10.60  
in Greenbrier County, for the purposes hereinafter set forth and in accordance with the plans and specifications which are attached hereto and made a part hereof: bury (3) 35 kV

direct burial cable, (1) non-conductive communication cable, and (2) -  
7 # 8 or 7 # 6 AWG bare copperweld or equal across CR 10/1  
at a depth of at least 36 inches to the top of cable.

APPLICANT further agrees to accept the conditions hereinafter set forth:

- APPLICANT shall deposit with DIVISION the sum of \$ 25,000 in the form of an official, certified or cashier's check, or executed bond with surety satisfactory to DIVISION to cover any damage and inspection costs DIVISION may sustain by reason of the granting of this permit, including any expense incurred in restoring said highway to its original condition or the proper repair of any and all damages that may result within one (1) year from the date of the completion of said work.
- APPLICANT agrees to reimburse DIVISION for inspection costs as follows:
  - A. For any inspection costs incurred under this permit.
  - B. At \$ \_\_\_\_\_ per linear foot for \_\_\_\_\_ feet of water line installed under this permit
  - C. At \$ \_\_\_\_\_ per linear foot for \_\_\_\_\_ feet of sewer line installed under this permit
- APPLICANT shall notify DIVISION at least 48 hours in advance of the date the work will begin. Failure to comply will be cause for cancellation of this permit.
- APPLICANT agrees to protect its employees, equipment and users of the highway at all times in accordance with the current Division of Highways manual "Traffic Control For Street and Highway Construction and Maintenance Operations".
- APPLICANT agrees to comply with all applicable state and federal laws in the performance of work under this permit.
- Supplementary conditions cited on the reverse side of this permit are understood and agreed to be a part hereof.
- The work authorized under this permit shall be completed on or before (Date): August 31, 2010

Applicant's signature on this permit affirms that all text herein is a verbatim reproduction of The West Virginia Division of Highways Encroachment Permit Form MM-109, revision date May 19, 2005. All attachments are inclusive to this permit.

RECOMMENDED: **ORIGINAL SIGNED BY**  
David W. Jenkins

Title Utility Supervisor

Matthew L. Rowan  
Signature and Title of Applicant Construction  
Manager

BOND REQUIREMENT:  
BOND NO. 929489021 /DATE 9/11/2009

Attached  On File   
INSPECTION: Owner/Consultant   
Full Time  Part Time   
Periodic  Reimbursable  No Cost

APPROVED: **ORIGINAL SIGNED BY:**  
Matthew L. Rowan, P. E.

Title (Acting) District Engineer/Manager  
West Virginia Division of Highways

AUTHORIZATION NO: PM4589R

PERMIT NO: 09-09-0310

**CALL BEFORE YOU DIG**  
1-800-245-4848  
**"IT'S THE LAW IN WV"**  
**MINIMUM 48 BUSINESS**  
**HOURS NOTICE REQUIRED**

# COMMERCIAL BUILDING/IMPROVEMENT PERMIT

Owner: INVERGY LLC (Beech Ridge Energy)	
Permit #: C-1836	Location: Beech Ridge
Dist/Map/Par/Lot: 18/26/1	Flood zone: X
For: New 3000 sq ft Commercial Building	
Issue date: 12/16/09	Expiration date: 12/16/10
Issuing officer: Kelly Banton	

Approved plans must be retained on the job and this notice kept posted until final inspection has been made and a certificate of occupancy issued.

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**POST THIS NOTICE ON WORK SITE**

[www.greenbriercounty.net](http://www.greenbriercounty.net)

# COMMERCIAL BUILDING/IMPROVEMENT PERMIT

Owner: **BEACH RIDGE ENERGY LLC**

Permit #: **C-1773**

Location: **GRASSY KUBE RD**

DIST: **MCP/PAV 18-06-1**

Flood zone:

For: **Phase II - Equipment Set**

Issue date: **9/29/09**

Expiration date: **9/29/10**

Issuing officer: **Kelly Barber**

Approved plans must be retained on the job and this notice kept posted until final inspection has been made and a certificate of occupancy issued.

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POST THIS NOTICE ON WORK SITE

[www.greenbriercommunity.net](http://www.greenbriercommunity.net)

# COMMERCIAL BUILDING/IMPROVEMENT PERMIT

Owner: <b>MAD WESS VACO</b>	Location: <b>Beech Ridge</b>
Permit #: <b>C-1658</b>	Flood zone:
Dist/Map/Par/Lot:	
For: <b>SUB STATION FOUNDATION</b>	
Issue date: <b>6/8/09</b>	Expiration date: <b>12/8/09</b>
Issuing officer: <b>Asacry Cue</b>	

Approved plans must be retained on the job and this notice kept posted until final inspection has been made and a certificate of occupancy issued.

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SS-183  
Rev 8/04

West Virginia Department of Health & Human Resources  
Greenbrier County Department of Health

Permit #: ST-13-09B-116  
Tax Map Name: \_\_\_\_\_  
Map # 18-1903 Parcel # \_\_\_\_\_  
County Road: \_\_\_\_\_  
Coordinates: N \_\_\_\_\_ W \_\_\_\_\_

**COPY**

**PERMIT  
ON-SITE SEWAGE DISPOSAL SYSTEM**

Owner: INVENERGY, LLC. Installer: HAROLD "LLOYD" MCVEY  
Address: ONE SOUTH WACKER Address: RT 1 BOX 190  
CHICAGO, IL 25984 LIBERTY, WV 25124

You are hereby issued a permit to:  install  modify an on-site sewage disposal system located:  
RUPERT-BEECH KNOB WIND FARM PROJECT 13 MI UP ANJEAN RD

Facility: OFFICE Design Flow: \_\_\_\_\_ Lot Size (ft<sup>2</sup>/acres): \_\_\_\_\_ Water Source: \_\_\_\_\_ WELL \_\_\_\_\_

Based upon review of the information on your submitted application, dated 5/6/2010, and the proper installation of the herein described system, the system shall be in compliance with applicable West Virginia Sewage System Rules and Design Standards.

The sewage system shall consist of a:

- Septic tank - Capacity: 1,000 gallons or more. Constructed of: Concrete.
- Soil disposal system with a minimum equivalency of 1200 square feet of conventional gravel trench area. Depth to the bottom of the trench or bed installation shall be 18-24" inches from original ground surface.
  - Gravel system: Lengths of lines: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ feet. Width: \_\_\_\_\_ inches.
  - Chamber system: Number of units: \_\_\_\_\_ Lengths of lines: \_\_\_\_\_, \_\_\_\_\_ units. Manufacturer of chamber: \_\_\_\_\_
  - Bed system:  Gravel  Chamber Length: 42 feet. Width 32 feet.
  - Other: \_\_\_\_\_

This permit is non-transferable and automatically expires 12 months after issue date.

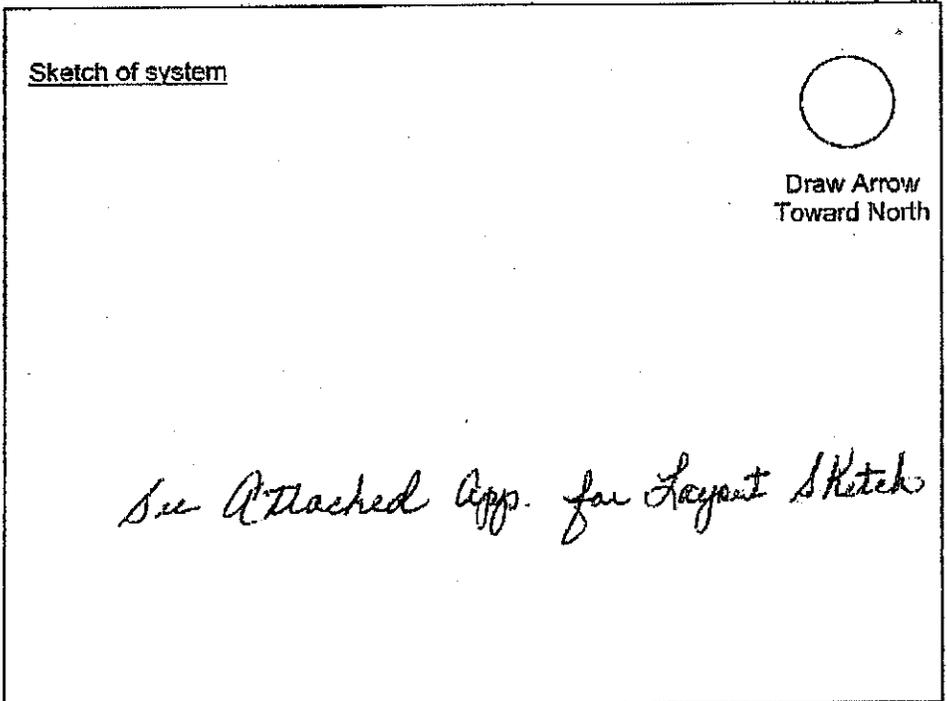
This permit is NULL and VOID when official inspection reveals conditions different than those stipulated on the permit or facts are later found that would indicate non-compliance with applicable rules.

All systems must be inspected and approved prior to being covered with earth or placed into use.

The applicant or his agent must notify this department 24 hours or more prior to planned inspection time. Health Department Phone Number: 645-1539

Additional Specifications on Reverse.

Sketch of system



○  
Draw Arrow  
Toward North

*See Attached App. for Layout Sketch*

Issue Date: 6/7/2010

Health Officer or Sanitarian Michael K. Eitzroth, RS

**COPY** 05/12/2010 11:48 AM 3046455358 172634  
CASH 150  
PERMIT 51  
DATE 5/16/10

SS-182A  
Rev 6/07

West Virginia Department of Health & Human Resources  
Department of Health  
**GREENBRIER CO.**



Application for a Permit to Install or Modify an Onsite Sewage Disposal System

Property Owner INENERGY, LLC Phone (H) \_\_\_\_\_ (W) \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Property Location BEETH RIDGE WIND FARM 13 MILES UP ANTIETAM RD FROM  
RUPERT

Has this property ever been previously denied for a permit? Yes  No  Date \_\_\_\_\_  
Facility is New  Existing  Lot Size \_\_\_\_\_ Acres /Sq. Ft.  Water Source \_\_\_\_\_  
Type Facility Residence  Other  \_\_\_\_\_  
Number of Bedrooms \_\_\_\_\_ Number Individuals Served \_\_\_\_\_ Design Daily Flow \_\_\_\_\_ gpd  
Deed Recorded in Deed Book 578 Page 419 County Tax Map 18-19-3 Parcel No. \_\_\_\_\_  
Subdivision Name NA Approval No. \_\_\_\_\_ Section \_\_\_\_\_ Lot \_\_\_\_\_

The minimum lot size or area reserved for a sewage disposal system in a subdivision may vary based on the date the subdivision was created. On lots created after July 1, 1978, permits for individual sewage disposal systems shall be withheld until a subdivision approval has been granted which indicates that such systems may be expected to comply with applicable design standards on all proposed building lots contained within the original tract.

To the best of my knowledge, the information provided on this application is true and I understand that I am responsible for informing the sewage system installer of the existing or proposed locations of sewage systems and water sources including wells. I further understand that it is my responsibility to consult the sanitarian for assistance as necessary and to determine the location of any existing or proposed sewage systems or wells if presently unknown to me.

Date: \_\_\_\_\_ Signature of Owner: \_\_\_\_\_

Sewage Disposal System Information

Application is for a permit to: Install  Modify   
Check all that apply: Septic Tank  Absorption Field  Holding Tank  Pit Privy  Vault Privy   
Alternative System (attach detailed plans)  Chemical/Composting Toilet  Other  \_\_\_\_\_

Percolation Test: Test Holes #1 \_\_\_\_\_ mins. #2 \_\_\_\_\_ mins. #3 \_\_\_\_\_ mins. #4 \_\_\_\_\_ mins.  
Total Minutes = \_\_\_\_\_ Divided by 24 = \_\_\_\_\_ Average time for water to fall one inch.

Six-foot hole is free of water or solid rock? Yes  No  Test conducted on (date) \_\_\_\_\_

I hereby certify that the percolation test was conducted in accordance with the procedures outlined in the Sewage Treatment and Collection System Design Standards, 64CSR47. Notice: all homeowner installers must pass a certification examination administered by the Local Health Department prior to conducting perc testing.

Date: 05-12-10 Signature of Certified Installer: Harold S. [Signature]

For Health Department Use: Coordinates N \_\_\_\_\_ W \_\_\_\_\_ Date Rec'd \_\_\_\_\_  
Site Eval 5-12-10 By [Signature] Date For Pd \_\_\_\_\_ Rec'd From \_\_\_\_\_  
Permit Issued  Denied  Permit # 57-13-078 Comments \_\_\_\_\_  
116

SS-177  
Rev 3/04

West Virginia Department of Health & Human Resources  
Department of Health

Permit #: ST-13-09B-116  
Tax Map Name: \_\_\_\_\_  
Map # \_\_\_\_\_ Parcel # \_\_\_\_\_  
County Road: \_\_\_\_\_  
Coordinates: N \_\_\_\_\_ W \_\_\_\_\_

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## ON-SITE SEWAGE DISPOSAL SYSTEM INSPECTION REPORT

Name of Owner: Invincible Installer: Louis McVey  
Address: \_\_\_\_\_  
Property Location: \_\_\_\_\_  
Type of Facility: Mini Terrace Garage Facility is: New  Existing  Lot Size (ft<sup>2</sup>/acres): \_\_\_\_\_  
Design Loading in gpd/No. Bedrooms: 100/1 Source of Water Supply: well

### SEWAGE TANK COMPONENT

Capacity in Gallons: 11000 Material: Concrete Manufacturer: RMW  
Distance (ft) of System to: Dwelling: \_\_\_\_\_ Private  Public  Water Source: 100' Property Line: \_\_\_\_\_

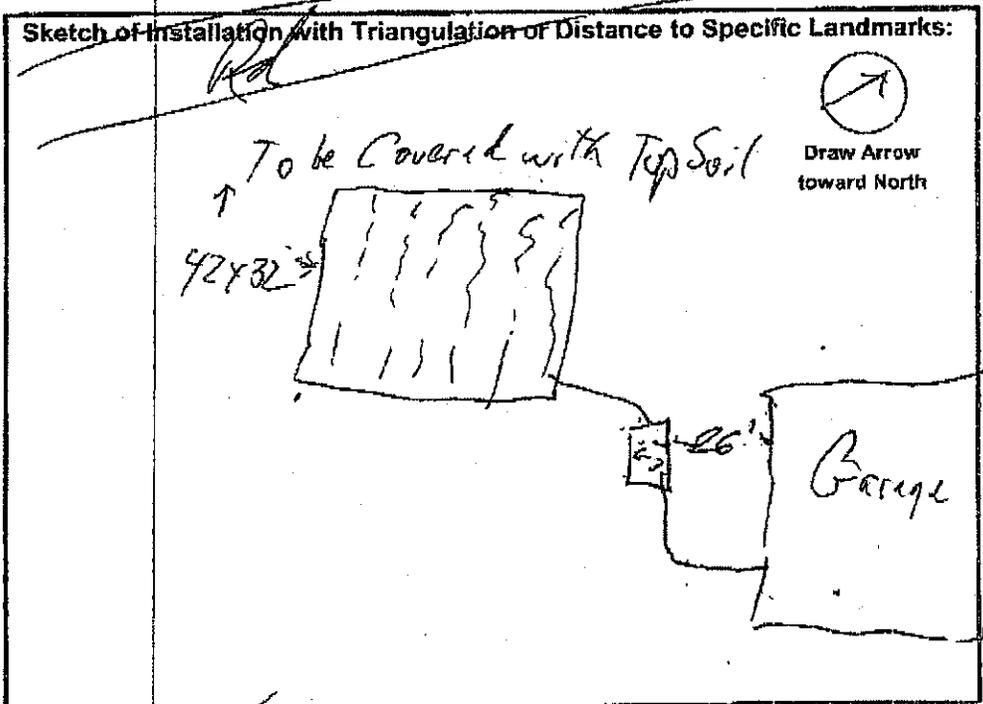
### ON-SITE DISPOSAL SYSTEM

Class I System: Standard Soil Absorption Trenches  or Bed  Gravelless Pipe  Diameter: \_\_\_\_\_ Inches  
Chamber Soil Absorption Trenches  or Bed   
Class II System: Pumped/Dosed Soil Absorption Trenches  or Bed  Evapotranspiration Trenches  or Bed   
Shallow Soil Absorption Trenches  or Bed  Other: \_\_\_\_\_  
No. of Lines: 7 Length (in feet) of Each: 90  
Width of Trenches: \_\_\_\_\_ inches/feet. Depth to Bottom of Field: \_\_\_\_\_ inches.  
If Bed, Dimensions: \_\_\_\_\_ feet. If Chamber System, Name: \_\_\_\_\_ No. of Units: 40x5  
Approved & Adequate Materials Used? Yes  No  Size Equates to 200+ Sq. Ft. of Standard Field  
Distance (ft) of System to: Dwelling: \_\_\_\_\_ Private  Public  Water Source: \_\_\_\_\_ Property Line: \_\_\_\_\_  
Remarks: \_\_\_\_\_

An inspection indicates that the sewage disposal system described above **DOES MEET**  **DOES NOT MEET**  **CANNOT BE DETERMINED TO MEET**  the minimum standards established by the West Virginia Bureau for Public Health.

To correct a health hazard, modifications to existing systems may be done to improve part of a system. Such modifications may not be able to be designated as a does meet system since inadequate information is known.

Although many factors contribute to the successful functioning of a sewage disposal system, this office recommends water conservation and maintaining an even usage of water throughout the week.



Visit Date(s): \_\_\_\_\_  
Final Inspection Date: 5-21-10

Sanitarian: AKK