

# THE NPDES PROGRAM IN WEST VIRGINIA: GETTING BACK TO THE BASICS

By

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The NPDES program was delegated to the Division of Water Resources on May 10, 1982. The Environmental Protection Agency (EPA) on May 31, 1985, approved a revision of the NPDES program which transferred delegation authority for coal mining related functions of the NPDES program from the Division of Water Resources to the Department of Natural Resources. On February 2, 1988, the Department of Energy requested the concurrence of the EPA to transfer a portion of the NPDES program for coal, oil, gas, and other mineral resources from the Department of Natural Resources and Division of Water Resources.

The State Water Pollution Control Act, Article 5A was enacted in 1964. Since that time, it has gone through changes to its present format. The Clean Water Act (Federal Water Pollution Control Act) was enacted in 1972, and since that time it has gone through changes also. Both the State and Federal Acts had predecessor legislation which was the state Water Commission and the federal Water Pollution Control Act of 1948, respectively. A common basic element to both of these laws is a term called "water quality standards". Over the years, this term has been forgotten, ignored, or not even explained. Water quality standards are one of the most important basic elements to both the State and Federal laws. It is the driving force for the terms and conditions in NPDES permits and whether you are in compliance or non-compliance.

With a new decade and more attention being given to water quality standards by environmental groups and federal oversight, basic questions need to be explained. What is a water quality standard? What is the purpose of a water quality standard? Where and when do water quality standards apply? How are water quality standards enforced? How will water quality standards impact the coal industry?