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**west virginia department of environmental protection**

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Division of Water and Waste Management  
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Charleston, WV 25304  
Phone: 304-926-0495 / Fax: 304-926-0496

Harold D. Ward, Cabinet Secretary  
dep.wv.gov

November 29, 2023

RE: General Permit Reg. No. WVR112194  
Cabell County Board of Education  
Meadows Elementary School  
Response to Public Comments

Dear Citizen,

The State of West Virginia, Department of Environmental Protection (DEP), Division of Water and Waste Management (DWWM) would like to take this opportunity to thank those who submitted written comments on the application from the Cabell County Board of Education (BOE). This Response to Public Comments highlights the issues and concerns that were identified through the comments received during the public notice period.

This project consists of the construction of a new elementary school in Cabell County, West Virginia. The site improvements include installation of temporary erosion controls, clearing, grading, paving, building construction, and installation of utilities. Various measures such as construction entrance, silt fence, sediment basins, and inlet protection are called out to mitigate potential environmental impacts. The project will disturb 18.5 acres on Fourpole Creek of the Lower Ohio River at 200 Warehouse Road near Huntington 25701.

Since the grading phase of construction will last for over 1 year, a Class I legal advertisement was published in The Herald Dispatch on June 28, 2023. This public notice allowed the DWWM to receive public comments on the proposed project. The public notice/public comment period closed on July 28, 2023. Over the comment period 13 comments along with 2 petitions containing 39 signatures were submitted concerning the need for a public hearing and potential flooding concerns.

A public meeting on the draft application will be held on Thursday, October 12, 2023 from 6 to 8 p.m. at Huntington High School, located at One Highlander Way, Huntington, WV

Promoting a healthy environment.

25701. The WVDEP provided information, answered questions, and accepted verbal comments. Three (3) oral comments were made during the public meeting. The public meeting comment period closed at 5 p.m. on Friday, October 27, 2023. Over this comment period 13 additional comments were submitted.

Every attempt has been made to ensure that all issues and concerns relevant to the application and within the scope of the WV/NPDES General Permit for Stormwater Associated with Construction Activities (CSW GP) were considered and addressed. While all comments are reviewed, it is beyond the purview of the DWWM to respond to comments that are not related to the permit application or CSW GP. DWWM has reviewed and considered all comments received and has prepared a Response to Public Comments.

Notice is hereby given of your right to appeal the terms and conditions of this permit registration of which you are aggrieved to the Environmental Quality Board by filing a NOTICE of APPEAL on the form prescribed by such Board, in accordance with the provisions of Section 21, Article 11, Chapter 22 of the Code of West Virginia within thirty (30) days after issuance of this permit registration.

Thank you for your interest and comments on the Cabell County BOE. If you have any further questions or concerns, please do not hesitate to contact Rick Adams of my staff at 304-926-0499 ext. 43763 or by email at [rick.d.adams@wv.gov](mailto:rick.d.adams@wv.gov).

Sincerely,

Katheryn Emery, P.E.  
Director

KDE/rda

Enclosure

**Response to Public Comments**  
**Registration No. WVR112194**

Multiple comments were provided on specific issues. Those comments have been summarized and, in some cases, similar comments have been listed together. Comments are shown in italics with the agency response below in bold.

*1. Request for Public Hearing: Nearly all commenters requested that a public hearing be held concerning the construction of the Cabell County Board of Education Meadows Elementary School.*

**A public meeting on the Cabell County BOE draft application was held on Thursday, October 12, 2023 from 6 to 8 p.m. at Huntington High School, located at One Highlander Way, Huntington, WV 25701.**

*2. Increased Risk of Flooding and Flood Control Measures: Several comments received were concerned about the increased risk of flooding and flood control measures proposed in the plan for the Meadows Elementary School Project. Commenters are concerned that the runoff from this construction site will contribute to future flooding of 4 Pole Creek.*

**During construction, two (2) sediment basins will be constructed. Diversion ditches will divert clean off-site water around the construction areas and direct sediment-laden runoff to the sediment basins located on the east side of the site, 15.96 of the 18.5 disturbed acreage will be directed into the 2 sediment basins providing in excess of 3,600 cubic feet per acre. The spillways are designed to pass a 25-year, 24-hour precipitation event and maintain more than one foot of freeboard. The remaining 2.54 acres will be sheet flow and controlled by sediment fencing.**

**Post Construction, the two sediment basins will be converted to Permanent Dry Stormwater Detention Basins. These structures are designed with a Skimmer Discharge System with Outlet Pipe and Spillway to reduce the post construction discharge.**

**All of the impermeable area (buildings, concrete, asphalt, etc.) is being shown discharging into “Detention Basin-1” or into “Detention Basin-2” which will ultimately provide adequate retention time and result in the 54.5% Decrease in Post-Construction Discharge.**

**Outfall 1 is in an existing drainage channel which collects drainage from most of the site area and one of the culverts crossing the access road. Part of the lower portion of the access road discharges into a roadside ditch next to the commercial property and part of the access road discharges into another roadside ditch along Warehouse Road.**

**The portion of the site being developed is analyzed to ensure that pre-development flows are not exceeded because the downstream watershed is prone to flooding. The following table summarizes the pre-development and post-development discharge rates for Outfall 1:**

	1-year	10-year	100-year
<b>Pre-Development</b>	14.73 cfs	41.89 cfs	78.67 cfs
<b>Post-Development</b>	6.70 cfs	16.23 cfs	60.26 cfs

*3. Detention Pond Maintenance: Several comments received were concerned about the continued maintenance of the detention ponds once the Stormwater Construction Registration is terminated.*

**It is beyond the purview of the DWWM to enforce the maintenance of post construction stormwater management systems.**

*4. Questions about Designated “Qualified Person: Commenters are concerned whether the designated qualified person to inspect the construction of the two sediment basins will be appropriately qualified for this purpose.*

**This will be the responsibility of the Cabell County BOE to employ a Qualified Person. The person(s) inspecting the site may be a staff person or a third party hired to conduct such inspections as long as they meet the definition of a Qualified Person.**

**A “Qualified Person” means a person who is knowledgeable in the principles and practices of sediment and erosion controls, pollution prevention, and possesses the education and abilities to assess conditions at the proposed site that could impact stormwater quality and to assess the effectiveness of proposed stormwater controls to meet the requirements of this permit.**

*5. Accuracy of the pre-development and post-development flow calculations: Commenters are concerned about the accuracy of the pre-development and post-development flow calculations if this data was obtained by an impartial firm or company.*

**It is the responsibility of the applicant, Cabell County BOE, to ensure a complete application, prepared by a Qualified Person, for authorization to discharge stormwater from construction related land disturbance. Calculations and justification are required to be submitted if post-construction stormwater management features are proposed.**

**For each Large Construction Project an evaluation point shall be selected. The pre-construction peak discharge from a 1-year, 24-hour storm in cubic feet per second and the post-development peak discharge from a 1-year, 24-hour storm in cubic feet per second shall be calculated at the evaluation point.**

**If post-construction peak discharge is 10% (or more) greater than the pre-construction peak discharges of 5 cubic foot per second or more for the 1-year, 24-hour storm, at the evaluation point, post-construction stormwater management BMPs must be implemented to reduce potential erosion at the discharge point location.**

*6. Appropriate Detention Pond Inspection prior to construction: Commenters would like someone with credentials to inspect the dry detention ponds prior to the application being granted.*

**It is the responsibility of the applicant, Cabell County BOE, to provide appropriate engineering designs. The design procedures are required to follow professionally accepted engineering and hydrologic methodologies prepared and completed by qualified professionals.**

*7. Upstream stormwater concerns: Commenters are asking if upstream stormwater flow is being accounted for Pre and Post construction peak discharges.*

**Upstream stormwater is not considered for the Pre and Post peak discharges because upstream flow will not be affected by this construction site. The portion of the site being developed is analyzed at Outfall 1 which is in an existing drainage channel which collects drainage from most of the site area and one of the culverts crossing the access road.**

*8. Plant and animal species concerns: Commenters want to know if there have been studies done to research what species of plant and animal life will be harmed.*

**This registration allows the applicant to discharge stormwater during construction activity. The name of the immediate receiving stream is Fourpole Creek of the Lower Ohio River. The Agency is not aware of any federally endangered or threatened species or its critical habitats present in this stream therefore the applicant addressed this correctly in their SWPPP.**