

## **Instructions for Form NOI – Notice of Intent for Storm Water Discharges Associated with Construction Activity (MTR100000)**

**Overview:** An “owner or operator” of a “storm water discharge associated with construction activity” is required to obtain authorization under an MPDES permit. “Owner or operator” means a person who owns, leases, operates, controls, or supervises a point source. In this General Permit, the “owner or operator” is also identified as the “permittee”.

A “storm water discharge associated with construction activity” regulated under this permit is determined by meeting both of the following two criteria:

- There are areas of ground disturbance or other potential pollutant sources due to the construction activity where a storm water discharge to state surface waters can occur.
- The construction activity has a total area of ground disturbance through clearing, excavating, grading, or placement/removal of earth material which is equal to or greater than one acre. The “total area” must include all areas which are part of a “larger common plan of development or sale”.

**Larger common plan of development or sale** means a contiguous area where multiple separate and distinct construction activities are planned to occur at different times on different schedules under one plan. These separate and distinct construction activities which form a larger common plan of development or sale may have areas of disturbance which are not physically connected.

The permittee must consider **support activities** for the construction project which may be on or off the conventional construction project “site”. Support activities can include, but are not limited to, areas used for access-related work, earth material borrow areas, equipment staging areas, materials storage areas, temporary concrete or asphalt batch plants, and any areas used for fill placement. For storm water discharges from support activities to be covered under this permit for a particular construction activity permit authorization, such support activities must:

- Not be part of a larger commercial operation serving multiple unrelated construction activities, and not continue operation beyond the completion of the particular construction activity; and
- Have appropriate controls and measures identified for the particular support activity. All construction activities that disturb and are part of a larger common plan of development or sale are subject to permit coverage.

**Please review Part I of the General Permit for all eligibility requirements for coverage.**

A Notice of Intent (NOI) process is used for an owner or operator to obtain authorization to discharge under this permit. Through the submittal of a NOI, the owner or operator acknowledges eligibility for coverage under this permit and agrees to comply with the effluent limits and conditions of this permit.

The complete NOI Package submitted to:

Montana Department of Environmental Quality  
Water Protection Bureau  
P.O. Box 200901  
Helena, MT 59620-0901

**The complete NOI Package consists of:**

- A completed NOI form and attached USGS map;
- A separate SWPPP completed in accordance with the requirements this General Permit;
- A copy of the consultation letter from the Montana Sage Grouse Habitat Conservation Program (if applicable); and
- The appropriate “application fee” for the NOI.

Upon receipt of the NOI Package by the Department, it is stamped with the date of receipt. The Department then performs a check to ensure the NOI Form is complete, that a signed SWPPP is attached, and that the required fee is submitted. If the NOI Package is determined to be complete, authorization is effective upon the date it was stamped as received and the Department issues a Confirmation of Receipt letter to the permittee. If the NOI Package is incomplete, the Department provides notification as to what the deficiencies are, and permit authorization does not become effective under this permit until the deficiencies are addressed and the Department subsequently receives the complete NOI Package.

Coverage does not relieve the permittee from any other statute, regulation, permits, or other regulatory requirements for activities occurring within their area and not associated with permitted storm water discharges associated with construction activities.

## **Instructions for NOI Sections**

### **Section A – NOI Status**

Check the appropriate box. For resubmitted, renewal, and modification status provide the 9-digit authorization number (beginning with MTR10) assigned to your construction activity.

**New:** Use only if no prior NOI submitted for this facility/site.

**Resubmitted:** Use only if **requested** by DEQ to resubmit NOI and/or SWPPP.

**Renewal:** Use only if renewing an authorization **before** the expiration date of December 31, 2017.

**Modification:** Use only if this facility/site has General Permit coverage and the authorization needs to be updated. A permittee may not modify an authorization to add additional construction-related disturbance area(s) unless the new additional construction-related disturbance is directly contiguous to and directly associated with the original site, except for support activities.

### **Section B – Facility or Site Information**

Enter the legal or official name and complete street address. If the street address is not available, include the nearest intersection or other identifying information. Provide the latitude and longitude for the location of the approximate center point of the construction activity site. It is preferred the latitude and longitude location be specified in decimal degrees, accurate to the fourth decimal place. If the preferred decimal degrees are not used, then the latitude and longitude must be provided in degrees, minutes, and seconds, accurate to the nearest second.

Indicate if any construction activity covered under this NOI will occur on Indian Reservations. This Permit applies to all areas of the State of Montana, except for Indian Reservations. Please contact EPA for construction activity within Indian Reservations.

### **Section C – Applicant (Owner/Operator) Information**

An “owner or operator” is a person who **owns, leases, operates, controls, or supervises** the construction activity. The owner or operator can be identified as an organization or business name. The owner or operator acknowledges eligibility for coverage under this General Permit and agrees to comply with the effluent limits and conditions of this permit.

### **Section D – Existing or Pending Permits, Certifications, or Approvals**

Provide a list of permits, certifications, and/or approvals from state or federal regulatory agencies regarding the construction activity or project.

**Local Sediment and Erosion Control Requirements:** Verify if the construction activity is proposed within a regulated Municipal Separate Storm Sewer System (MS4) to include:

- The Cities of Billings, Bozeman, Butte, Helena, Great Falls, Missoula, and Kalispell;
- Yellowstone, Cascade, and Missoula Counties; and
- Others - Malmstrom Air Force Base, University of Montana-Missoula, Montana State University, and the Montana Department of Transportation (as applicable).

If the construction activity is located within a regulated MS4, verify contact and incorporate any additional MS4 requirements into the Storm Water Pollution Prevention Plan (SWPPP).

**Sage Grouse Habitat:** Visit <https://sagegrouse.mt.gov/> and review the Sage Grouse Core Areas and General Habitat Map to determine whether your project would occur in sage grouse habitats designated as a core area, general habitat, or a connectivity area. Projects within sage grouse habitat must be submitted to the Montana Sage Grouse Habitat Conservation Program (the Program), through their website, for consultation. Any recommendations and mitigations determined by the Program are provided in a consultation letter. If the project is outside of sage grouse habitat, no consultation is required.

#### **Section E – Standard Industrial Classification (SIC) Codes**

Select at least one SIC code that best reflects the type of construction activities or description of the nature of the business applicable to General Permit coverage. SIC codes can be obtained at <http://www.census.gov/epcd/www/naics.html> or <http://www.osha.gov/pls/imis/sicsearch.html>.

#### **Section F – SWPPP Preparer and Administrator**

The permittee must identify a SWPPP Preparer and SWPPP Administrator and the requested contact information. The name of the training course(s) and date of completion(s) must be provided within the NOI form.

Valid certification documents or certificates of completion from the listed training courses must be maintained with the SWPPP. Valid certification that demonstrates the following concepts:

- MPDES permitting requirements to include, but not limited to, applicability, application procedures, SWPPP elements, standard conditions, and termination conditions;
- Local permitting requirements;
- Sage Grouse requirements based on location of the project;
- Knowledge of the principles and practices of erosion and sediment controls and pollution prevention practices;
- Construction site assessment and planning skills to include knowledge and identification of major construction activities and the phases of construction activities and all support activities, and the potential pollutants generated based on the scope of the project;
- Development, selection, and implementation skills for all storm water controls and BMPs on the site, including final stabilization measures, required by this permit based on appropriate design, installation, function, and location; and how they are to be maintained and/or repaired according to developed and/or manufacturers plans and specifications;
- Development, selection, and implementation skills for pollution prevention controls and BMPs required by this permit;
- Development and implementation skills for procedures and associated documentation for all inspections, maintenance, and required recordkeeping to include when and how to conduct; inspections, record applicable findings, take corrective actions, and, when appropriate, report violations and/or noncompliance; and
- Ability to develop and update the site map(s) required by this permit.

**SWPPP Preparer (Effective January 1, 2019):** A SWPPP Preparer must be identified. A SWPPP Preparer is an individual or position title who is responsible for planning and development of the SWPPP prior to submission of the NOI. The SWPPP Preparer must develop and document all aspects of the SWPPP, initiating with the start of construction activities, and lasting until final stabilization is achieved and the permit authorization is terminated. The SWPPP Preparer minimum requirements and valid certification must be completed before the submittal of the NOI Package to the Department.

**\*If the NOI is submitted prior to January 1, 2019, a SWPPP Preparer is not required to be identified and this section may be left blank. Effective January 1, 2019, a SWPPP Preparer must be identified in this section and obtain valid certification prior to SWPPP preparation and NOI submittal.**

**SWPPP Administrator:** The permittee must specify a primary SWPPP Administrator and a secondary SWPPP Administrator as applicable. Additional SWPPP Administrators can be identified in Attachment A. A SWPPP Administrator(s) is an individual or position title who is responsible for developing, implementing, maintaining, revising, and updating the SWPPP. The SWPPP Administrator(s) must address all aspects of the SWPPP, initiating with the start of construction activities, and lasting until final stabilization is achieved and the permit authorization is terminated. This SWPPP Administrator(s) minimum requirements and valid certification must be completed before the start of earth-disturbing activities or potential pollutant-generating activities, whichever occurs first. For new employees hired after this time, the minimum requirements and valid certification must be completed before assuming SWPPP Administrator responsibilities.

### **Section G – Receiving Surface Water(s)**

An outfall location is considered to be a discrete channel, conveyance, structure, or flow path from which storm water discharge leaves the boundary of the facility or site. “Surface waters” is any waters on the earth’s surface including, but not limited to, streams, lakes, ponds, reservoirs, or other surface water including ephemeral and intermittent drainage ways and irrigation systems. Identify the immediate receiving surface water and the latitude and longitude of the outfall using decimal degrees.

Provide the following information in the table:

- Outfall number assignment starts with 001. If the outfall is not discrete or well defined, the relative outfall location may be assigned to the relative flow path or drainage area.
- If the immediate receiving surface water is unnamed, provide the latitude and longitude of the immediate receiving surface water and indicate the closest named surface water that the unnamed receiving waterbody flows into (i.e. unnamed tributary to Rock Creek or unnamed drainage to Clear Creek). This naming process will provides better clarification.
- For existing permittees, ensure outfall numbers used are consistent with those identified in the past for the same outfall.

### **Waterbodies with Impairments**

Identify if storm water discharges from the construction activity will discharge to impaired waterbodies. Determine if the immediate receiving surface waters identified in Section G and/or other surface waters with connectivity and within one mile of the construction site boundaries identified in the map required in Section K are listed as impaired.

Information on impaired waterbodies may be obtained from the Department or from the Montana DEQ Clean Water Act Information Center website at <http://svc.mt.gov/deq/dst#/app/cwaic>. An interactive map is located at: <http://deq.mt.gov/Water/WQPB/CWAIC>. Compare pollutant(s) of impairment to identified potential pollutant sources from your construction activities. Typical pollutants from construction activities include sediment, suspended solids and turbidity, and any secondary sources of pollutants based on materials and support activities.

### **Section H – Nature of the Construction Activity or Project**

In your own words, briefly describe the overall construction activity that requires authorization under this General Permit. Provide a summary of the phases and associated Best Management Practices required to achieve final stabilization. Do not repeat the SIC Code description. Provide information regarding the actual project.

Enter the total site area of the project in acres. Enter the number of acres of construction related disturbance for the site. This calculation includes the common plan of development or sale and support activities. Enter the estimated project start date, completion date, and final stabilization date. These dates are recognized as estimated and provide a timeframe for the project.

### **Section I – Supplemental Information**

**\*For Permit Modification Only. Leave this section blank except for modification.**

Modification requests (including decreased or increased disturbance area) submitted by the permittee within six months of the date of issuance of the authorization are processed as a minor modifications. If the authorization requires modification after six months of the date of issuance (other than an ownership/name change using the **Permit Transfer Notification** form), the modification will be processed with a new project fee.

A permittee may not modify the NOI to add additional construction-related disturbance area(s) unless the new additional construction-related disturbance is directly contiguous to and directly associated with the original site, except for support activities.

**Sage Grouse Consultation Requirements for Modifications:** Any modification due to a change in disturbed acreage requires verification of the construction project boundaries being in designated sage grouse habitat that will result in a consultation letter and/or updates to a consultation letter. If the modification request is outside of sage grouse habitat, no consultation is required.

### **Section J – Fee**

**New Projects:** The fee for new projects is based on the number of disturbed acres from Section H of this form. The fee for disturbing one to five acres (inclusive) is \$900.00. The fee for over five acres up to and including ten acres is \$1,000.00. The fee for over ten acres up to and including twenty-five acres is \$1,200.00. The fee for over twenty-five acres up to and including one hundred acres is \$2,000.00. The fee for any number of acres over one hundred is \$3,500.00.

**Modification:** The fee for a minor modification to the original permit authorization is \$500.00. Minor modifications must be made within six months of the original issue date. Examples of a minor modification include changing the number of disturbed acres within one of the ranges above, or changing or adding outfall locations. If the acreage increases to a new fee range, the permittee must pay the difference from the original fee amount submitted. Updating administrative information (examples: addresses, phone numbers and changing the SWPPP administrator) are examples that do not require an NOI or fee.

If the modification is made after the first six months from the original issue date, the full fee applies. See the correct amount under New Projects above.

**Renewal:** A renewal is only for permittees requiring continued authorization beyond the December 31, 2017, expiration date. The fee is based on the number of disturbed acres under new projects.

**Resubmittal:** A resubmittal is only used if the entity was required to resubmit by request of DEQ. The fee is \$500.00.

**Permit Transfer Fee:** The permit transfer is to change ownership of the permit authorization to another entity. The fee is \$500.00. Do not use this form, use the PTN Form.

**Section K – Attachments**

**Map:** Attach a USGS topographic map extending one mile beyond the project boundaries of the site or activity in Section B depicting the facility or activity boundaries, the receiving surface waters in Section G, and other major drainage patterns to include connectivity from the receiving surface waters.

**SWPPP and Site Map:** Indicate and attach these documents as outlined in the General Permit.

**Section L – Certification**

Authorized Signatories: This form must be completed, signed, and certified as follows:

- For a corporation, by a principal officer of at least the level of vice president;
- For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
- For a municipality, state, federal, or other public facility, by either a principal executive officer or ranking elected official.

**Office Managers or bookkeepers are not authorized signatories unless they are also one of the above persons.**