

## **INSTRUCTIONS FOR Notice of Intent Form NOI-07 Construction Dewatering General Permit (MTG070000)**

Owners/operators seeking authorization under Montana’s construction dewatering general permit (CDGP) have the option of completing an electronic Notice of Intent (NOI) submittal by FACTS or hardcopy. FACTS can be found here: <http://deq.mt.gov/Public/FACTS>. Owners/operators who wish to complete the NOI request by hardcopy can find the forms here: <http://deq.mt.gov/Water/permits/Discharges> or by calling the Montana Department of Environmental Quality (DEQ) at 444-5546.

An NOI package will not be considered complete unless you answer every question. If an item does not apply to you, enter “NA” (not applicable) to show that you considered the question. Responses must be self-explanatory and must not refer exclusively to attached maps, plans, or documents. You must maintain a copy of the CDGP and completed NOI-07 package (electronic or paper copy) and have it available on-site.

### **The complete NOI-07 Package must include:**

- NOI-07 form – completed, including all required attachments, using the standard NOI form (hardcopy or electronic) provided by the DEQ;
- Appropriate application fee (see ARM 17.30.201 or contact DEQ);
- Completion of the Dewatering Control Plan (*submittal is not required*); and
- A copy of the consultation letter from the Montana Sage Grouse Habitat Conservation Program (if applicable)

In addition, you must have access to a turbidity meter or testing laboratory to monitor your discharge turbidity.

The complete NOI-07 Package shall be submitted to:

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

DEQ will review the NOI Package for completeness. If the NOI-07 Package is incomplete, DEQ will notify you regarding the deficiencies, and you must address these deficiencies to continue the review process. You must have this authorization letter prior to initiating discharge to any state surface waters.

Answer “NA” if a question is not applicable, do not leave blanks. Please type or print legibly; NOI Forms that are not legible, incomplete, or unsigned will be returned.

## **SPECIFIC ITEM INSTRUCTIONS**

### **Section A – Application Status**

Check the appropriate box. For resubmitted, renewed, and modified applications, provide the 9-digit authorization (beginning with MTG07) assigned to your construction dewatering operation.

- *New* – Use only if this is the first NOI submission for this operation. DEQ will assign the permit number.
- *Renewal* – Use only if renewing an authorization that was issued under the 2015-issued CDGP.
- *Modification* – Use only if you have an authorization but are planning changes to permitted outfalls or discharge categories. Do not use this form to transfer permit coverage to a new owner or operator. For a permit transfer you must use DEQ’s Permit Transfer Notification form (PTN).
- *Resubmittal* – Use only if DEQ requests a resubmitted NOI.

*Fees* - Each of the options above requires a fee, per outfall. Refer to the Administrative Rules of Montana (ARM) 17.30.201 for fees.

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

Identify the name of the site or activity that is the source of construction dewatering discharge. The location of the site is the specific area where the activity is physically conducted. Give the address or location of this site or activity and the geographical coordinate information. DEQ prefers the latitude and longitude location be specified in decimal degrees, accurate to the fourth decimal place. Sources for geographical coordinate information include: DEQ's CWAIC site at <http://deq.mt.gov/Water/Resources/CWAIC>, GoogleMaps, a "GPS" handheld navigation device, a USGS topographic map, or other locational sources. The location may be a physical address or description of how the site may be accessed (PO Boxes are not acceptable).

If the facility or site is located on or within the boundaries of a federally-recognized Tribal Lands DEQ is not the permitting authority. You must contact the Environmental Protection Agency (EPA) Montana's Region 8 Operation Office in Helena at (406) 457-5000.

## **Nature of the Business or Activity and Standard Industrial Classification Code**

List the primary and (if applicable) secondary four-digit Standard Industrial Classification (SIC) Code(s) that best describe the business of the owner/operator related to the relevant project. Also, provide a brief description in the space provided. At least one SIC code must be provided. SIC Codes and conversions from the newer North American Industry Classification System (NAICS) can be found at: <http://www.osha.gov/pls/imis/sicsearch.html> or <https://www.census.gov/eos/www/naics/> or in paper form from the document entitled "Standard Industrial Classification Manual," Office Management and Budget, 1987.

Some examples are SIC codes for Building Construction (1521 through 1542), Heavy Construction (1611 through 1629), Excavation (1794), and water well drilling (1781).

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

Organizational Formal Name - give the name, as it is legally referred to, of the business, public organization, person, or other entity that owns, operates, controls or supervises the site or activity described in Section B of this form. The permit will be issued to the entity identified in this section (Section C). ***The owner or operator assumes all liability for discharges from the site and compliance with the terms and conditions of the permit and applicable regulations.***

Provide information for a contact that can provide further information to DEQ, including on-site visits.

## **Section D – Authorized Representative**

Permits must be certified by the appropriate signatory for the owner/operator identified in Section C. However, all reports including electronic Discharge Monitoring Reports, or NetDMRs, may be signed by a duly authorized representative. A person is a duly authorized representative only if:

1. The authorization is made in writing by the signatory;
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and
3. The written authorization is submitted to DEQ.

Any signatory or authorized representative shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The Responsible Official can duly authorize the person identified as a contact in Section C or another individual or position name. If the Responsible Official does not duly authorize anyone, all correspondence must come from him/her until a written designation is submitted to DEQ. In the future, if the authorization

made in this NOI is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new written delegation of authorization, including a written letter satisfying the requirements above, must be submitted to DEQ prior to or together with any reports, information, or applications to be signed by an authorized representative.

### **Section E – Outfalls and Receiving Waters**

Outfalls are defined as “a disposal system through which effluent or waste leaves the facility or site.” For the CDGP, an outfall location is the flow path from which the dewatering discharge leaves the facility after all treatment, prior to discharge into state surface waters. (Water bodies used solely for treating, transporting, or impounding pollutants shall not be considered surface water.)

For the CDGP, multiple discharge locations of the same discharge to the same stream segment or the same receiving waters can be considered one outfall. Provide the following information in the table on the NOI Form Section E for each outfall that you propose:

1. Assign a number to each outfall starting with 001. For existing permittees, ensure outfall numbers used are consistent with those identified in the past for the same outfall.
2. Provide the latitude/longitude of each outfall. DEQ prefers the latitude and longitude location be specified in decimal degrees, accurate to the fourth decimal place. Sources for geographical coordinate information include: DEQ’s CWAIC site at <http://deq.mt.gov/Water/Resources/CWAIC>, GoogleMaps, GIS, a “GPS” handheld navigation device, a USGS topographic map, or other locational sources. If the dewatering is part of a linear project and the dewatering effluent may be discharged at various points along a given stream segment, provide the mid-point for the receiving water segment on this table and indicate the maximum extent of the discharge as a range in Section K Supplemental Information.
3. Give the name of the initial receiving surface waters that receive the discharge. If the receiving water is unnamed, please also indicate the closest named drainage the receiving water flows into (i.e. unnamed tributary to Clear Creek).
4. Attach a USGS topographic quadrangle map or USGS-based topographic map or an aerial photo extending one mile beyond the property boundaries of the site or facility/activity identified in Section B depicting the facility or activity boundaries, any dewatering effluent treatment areas, the outfall location(s) and the receiving surface waters stated above.

If additional space is necessary for more outfall locations, attach additional sheets with the requested information.

An application fee needs to be included for each identified outfall that is to a unique waterbody or has unique effluent limits or monitoring requirements. Multiple outfalls from the same source that have similar effluent characteristics may not be required to pay individual application fees, unless the discharges are to different receiving waters or stream segments, or result in multiple effluent limits or monitoring requirements. If questions develop on identifying these outfalls, call DEQ prior to completing this NOI.

### **Section F – Proximity to Contaminated Sites**

As described in the CDGP, discharge of dewatering effluent that contains contamination from a previous release is not allowed under the CDGP. **For due diligence, the applicant must review readily available information to identify known or suspected release sites, including groundwater plumes in the vicinity of the dewatering.** Release sites are depicted here: <http://svc.mt.gov/deq/wmadst/#>. Other specific information sources may include:

- Leaking Underground Storage Tank (LUST) list: <http://deq.mt.gov/Land/lust/lustsites>
- Abandoned Mine Lands list: <http://deq.mt.gov/Land/AbandonedMines/priority>
- Federal Superfund: <http://deq.mt.gov/Land/FedSuperfund>
- State Superfund: <http://deq.mt.gov/Land/StateSuperFund/cecralistformats>

If applicant has information that an area of known or suspected contamination is near the dewatering activity, the applicant must:

- Determine the distance between the planned dewatering activity (well or pump location) and the suspected area of contamination.
- Contact the regulatory program with authority on the release. The contact name and date must be provided in this section of the NOI.
- Take a pre-discharge ground water sample and supply DEQ with a copy of lab results for the pollutants in question. The analyses must be capable of detecting the suspected pollutants down to the Required Reporting Value (RRV) listed in Circular DEQ-7. If a sample cannot be obtained prior to authorization, available hydrologic information on the contamination plume must be submitted. DEQ may decide to authorize the dewatering contingent on a sample taken within the first four hours of dewatering with expedited analysis.

*If pollutants are found to be in concentrations over their RRV, then dewatering discharge cannot be authorized under the CDGP. If all parameters are “nondetect” at levels below the RRV, DEQ will continue to process the request, but may require periodic testing for suspected contaminants for the life of the dewatering project.*

**Section G – Description of Expected Discharge Duration and Mitigation Measures (Dewatering Control Plan)**

Please provide the following to the extent known:

- The projected beginning and end dates for the construction dewatering activities at your site. *Dewatering discharge is not allowed until after an authorization letter is obtained from DEQ.*
- *Please be reminded to submit a written request for termination of this authorization after all dewatering is completed, signed by the Responsible Official.* Authorizations that are not terminated are subject to annual fees accrued for every calendar year.
- Provide an estimate of the expected flow rate of the treated dewatering discharge into state surface waters, after initial purge has been completed, in gallons per minute (gpm). Use engineering assumptions to the extent available. For instance, Caltrans provides a rough estimate of pumping flow rates in their “Field Guide to Construction Site Dewatering,” CTSW-RT-010:

Typical Pump Flow Rates Pump Size (submersible)	Typical Flow Rates*
1.5-inch	90 to 120 gpm
2-inch	90 to 300 gpm
3-inch	300 to 800 gpm
4-inch	400 to 1300 gpm
6-inch	400 to 1800 gpm

- **Dewatering Control Plans are mandatory.** Each applicant is required to certify that have completed and will implement a dewatering plan prior to initiating construction dewatering. Provide a summary of your Dewatering Control Plan by indicating all Best Management Practices (BMPs) that you will or might employ to reduce the turbidity/suspended sediment load. As your project progresses you may change selections to address site-specific issues; if so, the Dewatering Plan must be updated. The CDGP also requires the applicant to take corrective action for failure of any BMPs.

**Section H –Selection of Dewatering Category & Mixing Zones *(for each outfall):***

**Dewatering Category:** for each outfall, the applicant needs to review the ‘receiving water – discharge’ scenario in order to select the representative dewatering category as described in the CDGP and outlined below. *By selecting a category, the applicant acknowledges that they will comply with the applicable effluent limits and monitoring requirements for that category as described in the CDGP.*

**A. “Minimal Impact” category** – capped at 100 NTU. If Category A is selected, the applicant also needs to indicate which subcategory applies.

- *A.1. Discharge to a storm sewer or an ephemeral waterbody.* A storm sewer system is comprised only of storm water or snow melt. Ephemeral is defined as ‘a stream or part of a stream which flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice and whose channel bottom is always above the local water table.’ Ephemeral waterbodies are not considered high quality water; therefore, the applicant may discharge to them regardless whether they are wet or dry.
- *A.2 Discharge to a dry intermittent segment.* This subcategory includes dry intermittent streams or lakes. Intermittent stream is defined as ‘a stream or reach of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface run-off and ground water discharge.’ An applicant is allowed to discharge under this subcategory only if the upstream segment is dry. If circumstances change and there is ambient water upstream, the owner/operator is required to comply with Category B requirements in accordance with the General Permit.
- *A.3 Discharge to large rivers.* This subcategory includes the eight rivers listed in Department Circular DEQ-12A, Table E-1 (Big Horn, Clark Fork, Flathead, Kootenai, Madison, Missouri, South Fork Flathead, or Yellowstone Rivers). A mixing zone is applicable for this category.

**B. “Discharge Turbidity Limited to Prevent Impact” category** – the turbidity in the discharge for authorizations under this category is limited to prevent impact on any high-quality water. This category has the most conservative turbidity effluent limits and therefore could apply to any state surface water, other than A-1 and A-closed. Wetlands are also covered under this category due to the great variability in their sensitivity.

**C. “Real-time Turbidity Demonstration” category** – the turbidity in the discharge is limited to below the upstream (ambient) turbidity in order to ensure ‘no increase above background;’ in addition the discharge cannot exceed an average monthly turbidity of 100 NTU.

*Note:* Discharges to the most protected waterbodies, A-Closed and A-1 Classifications, include the following water quality standards respectively: “No increase above naturally occurring turbidity is allowed except as permitted in 75-5-318, MCA” and “No increase above naturally occurring turbidity or suspended sediment is allowed except as permitted in 75-5-318, MCA.” Therefore, unless permitted otherwise under the 318 Authorization, authorization requests for these waterbodies are limited to either Category A.1 or A.2 (dry waterbodies) or Category C (no greater than background). If the discharge may be to a more protected waterbody and the classification is unknown, applicants can check the regulations under ARM 17.30 Subchapter 6 or the Clean Water Act Information Center (CWAIC) at <http://deq.mt.gov/Water/Resources/CWAIC>

**Mixing Zone:** For any discharge under subcategory A.3 (discharge to large rivers) or category B (discharge turbidity limited to prevent impact for variable receiving waters), the applicant needs to provide information to calculate the approved mixing zone at the driest time that will be encountered for the proposed project.

- For flowing water, a mixing zone length based on 10 times the receiving water width will be automatically applied for these dischargers.
- For standing water such as lakes or wetlands, the mixing zone area will be the smaller of 200 feet radius or 5% of the wetted area.
- Other discharges do not need and will not be authorized for mixing zones, and “NA” should be indicated.

### **Section I– Turbidity Monitoring Method**

The owner/operator is required to monitor the turbidity of dewatering activities when discharging to state surface waters. You are responsible for either contracting with a laboratory or obtaining access to a turbidity meter – identify which method you have selected, and provide the specific information required. You are allowed to change methods during your dewatering project.

## **Section J - Sage Grouse**

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 K - Additional Information**

Use this space to provide additional information such as explaining the basis for a proposed permit modification being submitted, further description of linear projects, information on any flocculation agent proposed to be used, etc.

## **Section L – Certification**

The NOI Form certification must be completed by the applicant (owner/operator) responsible for the authorization as identified in Section C, and as described in ARM 17.30.1323. Examples of the correct signatory are owners or vice presidents of the construction firm. Certification of this NOI is certification that the applicant will comply with the applicable terms of the CDGP.

If you have any questions concerning how to fill out this form, or other forms related to the Montana Pollutant Discharge Elimination System (MPDES) discharge permitting program, please contact DEQ at (406) 444-5546.