

## INSTRUCTIONS FOR NOI-49

### Notice of Intent for the General Permit for Sand and Gravel Operations (MTG490000)

A Notice of Intent (NOI) process is used for an owner or operator to obtain authorization to discharge under the Montana Department of Environmental Quality (DEQ) Montana Pollutant Discharge Elimination System General Permit for Sand and Gravel Operations (SGGP). Through the submittal of a NOI-49, the owner or operator acknowledges eligibility for coverage under this permit and agrees to comply with the effluent limits and conditions of this permit. **Please review Part I of the General Permit for all eligibility requirements for coverage.**

The NOI form is to be completed by the owner/operator of sand and gravel operations eligible for coverage under this permit. Provide all of the information requested in the NOI-49 form, including submittal of specified fees and certification by the appropriate signatory. Please type or print legibly; applications that are not legible or are not complete will be returned. Responses must be self-explanatory and must not refer exclusively to attached maps, plans, or documents. You must maintain a copy of the SGGP and completed NOI-49 Package for your records

Sand and Gravel General Permit documents and related forms are available on the DEQ's website at: <http://www.deq.mt.gov> or from DEQ by calling (406) 444-5546.

#### The complete NOI-49 Package must consist of:

- A completed NOI-49 form, including all required attachments, using the standard NOI form provided by the DEQ;
- A copy of the consultation letter from the Montana Sage Grouse Habitat Conservation Program (if applicable); and
- The appropriate application fee.

The complete NOI-49 Package shall be completed and 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-49 Package is incomplete, DEQ provides notification stating the deficiencies, and you must address these deficiencies to continue the review process. Coverage of discharge under the 2019-issued SGGP becomes effective on the date of an authorization letter from the DEQ. You must have this authorization letter prior to initiating discharge to any state surface waters.

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### SPECIFIC ITEM INSTRUCTIONS

#### Section A - NOI Status

Check the appropriate box. For resubmitted, renewal, and modification status provide the 9-digit authorization (beginning with MTG49) assigned to your sand and gravel operation.

*New* – Use only if this is the first NOI submission for this operation.

*Renewal* – Use only if renewing an authorization **before** the expiration date of October 31, 2019.

*Modification* – Use only if this operation has General Permit coverage and the authorization requires a modification. Do not use this form to transfer permit coverage to a new owner or operator. For a permit transfer you must use Form Permit Transfer Notification (PTN).

*Resubmittal/Administrative Processing* – Use **Resubmittal** only if DEQ requests a resubmitted NOI. Use **Administrative Processing** on a case by case basis.

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

**Section B - Facility or Site Information:**

Identify the name of the facility or site that is the source of the sand and gravel discharge. The location of the site is the specific area where the activity is physically conducted. The location may be a physical mailing address or description of how the site may be accessed. PO Boxes are not acceptable. If the street address is not available, include the nearest intersection or other identifying information. Latitude and longitude must be accurate. 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 the operation covered under this NOI will occur on Indian Reservations. This General Permit applies to all areas of the State of Montana, except for Indian Reservations. Please contact EPA for operations within Indian Reservations.

Geographic information may be obtained at: <http://nris.state.mt.us> and <http://deq.mt.gov/Water/WQPB/CWAIC>.

List the primary and/or secondary four-digit Standard Industrial Classification (SIC) Code(s) that best describe the business of the owner/operator. 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: <https://www.osha.gov/pls/imis/sicsearch.html> and <https://www.census.gov/eos/www/naics/>.

**Section C - Applicant (Owner/Operator) Information:**

Give the name, as it is legally referred to, of the person, business, public organization, or other entity that owns, operates, controls or supervises the site(s) described in **Section B** of this NOI 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 General Permit. If the owner or operator is other than an individual or government entity, it must be registered with the Montana Secretary of State's office.

Complete the applicant contact person information as requested. Give the name, title, work phone number, and email address of a person who is thoroughly familiar with the operation of the facility or site activity or project and with the facts reported in this form, and who can be contacted by DEQ for additional information.

**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 - Outfall Location**

Provide a list of all discharge locations (outfalls) and their latitude, longitude, and receiving water name. For renewals, use the outfall number(s) specified in the current authorization. For new projects list all outfalls starting with 001 and continuing 002, 003, etc.

### **Waterbodies with Impairments**

Identify if discharges from the sand and gravel operations will discharge to impaired waterbodies. Determine if the immediate receiving surface waters identified in **Section E** 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 operation.

### **Proximity to a Contaminated Site**

The applicant must review readily available information to identify known or suspected release sites, including groundwater plumes that may be in the vicinity of the operation. 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/rem/data\\_maps](http://deq.mt.gov/Land/rem/data_maps)
- Federal Superfund: <http://deq.mt.gov/Land/fedsuperfund>
- State Superfund: <http://deq.mt.gov/Land/statesuperfund/findasite>

If the sand and gravel operation is near a known or suspected contamination the applicant must collect a pre-discharge sample of the groundwater and/or surface water that is representative of the proposed for discharge. The sample must be analyzed for any known or suspected pollutants of concern in accordance with 40 CFR 136. The laboratory's detection level should be able to report at or below Required Reporting Value (RRV) contained in Department Circular DEQ-7. The laboratory results need to be submitted with the NOI. DEQ will evaluate lab results to determination eligibility for coverage under the General Permit for Sand and Gravel Operations. If sample not collected, please provide an explanation in **Section J**. DEQ may require additional future testing in the authorization letter.

*Map* – Attach a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the operation or facility and identify and label the location of each of its proposed intake structures and discharge structures (outfalls). Include all surface waters, including springs and ephemeral drainages, in the map area. Identify impaired receiving waters. Delineate sage grouse habitat (if applicable). Delineate suspected areas of contamination (if applicable). The map must be easily legible. NOI forms submitted with incomplete or illegible maps will be considered incomplete and returned with instructions to provide an appropriate map.

### **Section F - Operation or Facility Description**

Provide a description of the activities occurring at the sand and gravel operation or facility to include methods and equipment used. Indicate timeframes for each activity including any known periods of non-operating status. Please include a list of all activity with potential to contaminate effluent, if applicable (i.e. oil and petroleum products, chemical additives, storage of hazardous or dangerous materials, equipment, etc.)

### **Section G - Flows, Sources of Pollution and Treatment Technologies**

For each outfall provide a description of all operations contributing wastewater to the effluent (washing, pit dewatering, and storm water runoff); the average flow contributed by each operation; and the treatment received by the wastewater. Continue on additional sheets if necessary.

*Flow Diagram* - Attach a flow diagram showing the water flow through the facility. Indicate sources of intake water, operations/activities contributing wastewater to the effluent, and treatment units labeled to correspond to the more detailed descriptions in **Section F**. If a water balance cannot be determined, provide a pictorial description of the nature and amount of any sources of water and any collection or treatment measures.

**Section H - Effluent Characteristics**

Collect at least one sample, and report the results, for each of the pollutants listed in this section. Approved methods, as specified in 40 CFR 136 must be used for all analyses. Collect grab samples for oil and grease. If sample(s) not collected, please provide an explanation in **Section J**.

**Section I - New Sources**

This section must be completed if your operation does not yet exist and will be constructed and initiating operation.

1. Contact the Montana Natural Heritage Program (MNHP), <http://mtnhp.org/>, and request a project review for the proposed sand and gravel operation. Then describe the potential impacts of the proposed operation or facility on unique ecological resources, species of special concern, including vegetation, wildlife, fish or aquatic resources, or habitat. Attach analysis from NRIS and any applicable maps or additional documentation.

2. Contact the Montana State Historic Preservation Office (SHPO), <http://mhs.mt.gov/shpo/>, and request a project review for the proposed sand and gravel operation. Then describe the potential impact of the proposed activity on any historical, cultural, or archeological resources. Attach analysis from SHPO and any applicable maps or additional documentation.

**Section J – Additional Information**

Provide any additional information or explanations as required from other sections within this NOI form.

**Section K - Certification for all Owners/Operators**

The NOI-49 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. Certification of this NOI is certification that the applicant will comply with the terms and conditions of the General Permit.

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.