

INSTRUCTIONS for the 2025 Notice of Intent Form NOI-07 Construction Dewatering General Permit (MTG070000)

Owners/operators seeking authorization under Montana's construction dewatering general permit (CDGP) are required to submit the 2025-Notice of Intent package (2025 NOI-07). Applicants will be required to use the FACTS database once it has been updated: <https://svc.mt.gov/deq/factspermitting>. Until then, applicants can submit NOI hardcopy forms, which can be found here: <https://deq.mt.gov/water/assistance> or call the Montana Department of Environmental Quality (DEQ) at (406) 444-5546.

A complete NOI-07 Package must include:

- NOI-07 form
- Site Map
- Dewatering Control Plan
- Appropriate application fee and
- Consultation letter from the Montana Sage Grouse Habitat Conservation Program (*if applicable*); State Historic Preservation Office (SHPO); and Montana Natural Heritage Program (MNHP) (*if new*).

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

If by hardcopy, the complete NOI-07 Package with original signature must be mailed 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 will need to address these deficiencies to continue the review process. Once complete, DEQ will issue the authorization letter. **You must have the authorization letter prior to initiating discharge to any state surface waters.**

You are required to maintain a copy of the CDGP, your completed NOI-07 package including the Dewatering Control Plan, and the Authorization Letter from DEQ and must have them available on-site (either paper or electronically).

If the facility or site is located on or within the boundaries of a federally recognized Tribal Lands, then 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.

SPECIFIC ITEM INSTRUCTIONS

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.

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 activity. DEQ will assign the permit number. Include fee payment of \$900 per billable outfall. See **Section E** for more information on outfalls.
- *Renewal* – Use only if renewing an authorization that was issued under the 2020-issued CDGP. No renewal fee is required for any authorizations issued on or after March 1, 2024. If an authorization under the 2020-issued CDGP was effective earlier than March 1, 2024, a renewal fee payment of \$400 per billable outfall is required.
- *Resubmittal* – Use only if you are providing an updated NOI. No fee required unless specifically requested.

- *Modification* – Use only if you have an authorization and are planning changes to permitted outfalls. Include a fee payment of \$400. 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).

Fees – See Administrative Rules of Montana (ARM) 17.30.201 and Section E of this form for more information regarding fees.

Section B – Site or Activity Information

Identify the name of the site or activity that will be the source of construction dewatering discharge. The location of the site is the specific area where the *activity* (i.e. dewatering) 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.

Examples of sources for geographical coordinate information include:

- “Discover DEQ’s Data” Interactive GIS Map <https://discover-mtdeq.hub.arcgis.com/> and use the Measurement tool,
- Google Maps, or
- “GPS” handheld navigation device or your smart phone.

The site location may be a physical address or description of how the site may be accessed (PO Boxes are not acceptable). If the site is within the boundaries of Tribal Lands, then you must obtain authorization from EPA.

Section C – Applicant (Owner/Operator) Information

Applicant (Owner/Operator) Name: give the formal 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. This is typically a company. The permit will be issued to the entity identified in this section. ***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.*** Indicate whether the applicant is the owner of the activity (dewatering equipment), operator, or both. Indicate whether the applicant is a privately-owned facility. If not, provide the ownership type (federal, state, municipal, other).

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

Nature of the Business or Activity & Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) Codes

List the primary and (if applicable) secondary four-digit Standard Industrial Classification (SIC) and six-digit North American Industry Classification System (NAICS) Code(s) that best describe the business of the owner/operator related to the relevant project. Also, provide the corresponding description. At least one SIC code and one NAICS code must be provided. SIC and NAICS Codes can be found at: <https://www.census.gov/naics/>, <http://www.osha.gov/pls/imis/sicsearch.html>, or <https://www.naics.com/sic-naics-crosswalk-search-results/>.

Examples of codes used for construction dewatering projects are in **Table 1**:

Table 1: SIC and NAICS Code Examples for Construction Dewatering Projects			
SIC Code	Description	NAICS	Description
1522	Residential Construction		
1541	Industrial Buildings and Warehouses	236210	Addition, alteration and renovation, general contractors, industrial buildings (except warehouses)
1542	Nonresidential Construction	611310	Colleges, Universities, and Professional Schools
1611	Highway and Street Construction	237310	Highway, Street, and Bridge Construction
1623	Water, Sewer, and Utility Lines	237110	Water and Sewer Line and Related Structures Construction
1794	Excavation Work	237990	Other Heavy and Civil Engineering Construction
1799	Special Trade Contractors	221310	Water Supply and Irrigation Systems
4952	Sewerage Systems	221320	Sewage treatment plants or facilities

Section D – Authorized Representative

Permit applications must be certified by the appropriate signatory authority (responsible official) for the owner/operator identified in Section C. However, all reports, including electronic Discharge Monitoring Reports (NetDMRs), may be signed by a duly authorized representative (ARM 17.30.1323(2)). 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 (ARM 17.30.1323(3)):

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

An outfall is defined as “a disposal system through which effluent or waste leaves the facility or site.” An applicant must provide all CDGP outfall location(s) – specifically, where the dewatering discharge will leave the site after all treatment, prior to reaching state surface waters. Water bodies used solely for treating, transporting, or impounding pollutants, such as settling ponds, are not considered surface water. In addition, irrigation waters where the waters are used up within the irrigation system and said waters are not returned to any other state waters are not state waters and therefore are not subject to permitting.

There is a renewal and an annual fee for each billable outfall. A “Billable Outfall” is one, or a group, of outfalls discharging to a unique waterbody that has unique effluent limits or monitoring requirements. In other words, multiple dewatering discharges to the same stream segment or the same receiving waters with the same effluent limits are considered one billable outfall [ARM 17.30.201(6)(a)].

Provide the following information in NOI-07 **Section E** for each outfall location that you propose:

1. Assign a number to each outfall starting with 001. For existing permittees requesting to renew or modify their permit authorization, ensure the outfall numbers used are consistent with those identified in the past. **Every dewatering discharge location must be authorized and is considered a “billable outfall” unless the discharges go into the same receiving waterbody or are considered part of a linear project.** Contact DEQ if you have questions.
2. Provide the latitude/longitude of each outfall. DEQ prefers **decimal degrees**, accurate to the fourth decimal place. See sources for geographical coordinate information identified in **Section B** of these instructions.
3. Give the name of the initial receiving surface waters that receive the discharge. If the initial receiving water is unnamed, provide a description of it and also indicate the first downstream named drainage (e.g. “unnamed tributary to Clear Creek”).

➤ Linear Projects

An exception to the above is made for linear projects. EPA's 2022 Construction General Permit (CGP) definition for a linear construction site includes the “construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.” DEQ will allow applicants to group outfalls into billable outfall groups for linear projects, since there is minimal dewatering at each location before the project moves on to other dewatering locations. For DEQ's 2025-CDGP, any applicant with a linear project may group the potential construction dewatering discharge locations into **linear project billable outfall groups** by type of receiving water:

1. **Large Rivers:** Specifically, the Big Horn River (Yellowtail Dam to mouth), Clark Fork River (Bitterroot River to state line), Flathead River, Kootenai River (Libby Dam to state line), Madison River (Ennis Lake to Mouth), Missouri River, South Fork Flathead (Hungry Horse Dam to mouth), or Yellowstone River [see also 2025-CDGP Attachment #3].
2. **Perennial:** Waterbodies smaller than larger rivers which contain water year-round. Includes medium rivers/wadable streams, wetlands, or lakes/reservoirs.
3. **Intermittent:** 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 [ARM 17.30.602(13)]. Includes semi-permanent lakes or ponds.
4. **Ephemeral:** 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 [ARM 17.30.602(10)]. Includes seasonal lakes or ponds.

Application and annual fees, daily logs, and NetDMR outfalls will be based on the billable outfall groups. The applicant for a linear project should list each applicable billable outfall group in Section E, and provide the centroid location (i.e. if there are no outfalls to Large Rivers, do not include “Large Rivers” as a billable outfall group). The name of the receiving surface waters should be the applicable group(s) listed above.

The applicant must list all potential discharge locations for the linear project as part of the NOI submittal, including the location (latitude/longitude), the name of initial and first-named receiving waterbodies, and the associated billable outfall group. The comprehensive list of these outfalls should be provided as an attachment to the NOI-07.

➤ Non-Linear Projects

For non-linear projects, the applicant must list all potential discharge locations in **Section E**, including the location (latitude/longitude) and the name of initial and first-named receiving waterbodies. For non-linear projects with more than one outfall, such as dewatering within subdivisions, any outfall leading to the same waterbody will be considered one billable outfall. *However, if multiple outfalls from one project discharge to separate waterbodies – such as Farmers Canal and Cattail Creek – there are two or more billable outfalls.* **This is a change from the 2020-CDGP.**

If questions develop on identifying outfalls, call DEQ prior to completing this NOI.

➤ Mixing Zone:

For any discharge to large rivers or perennial waterbodies, the applicant needs to provide information to calculate the approved mixing zone, based on 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, reservoirs, or wetlands, the mixing zone area will be the smaller of the 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.

MAP

Attach a map (or maps) or marked-up aerial photo(s) extending one mile beyond the property boundaries of the site or facility/activity. The map(s) need to depict **the facility or activity boundaries**, any **treatment area(s)**, **outfall(s)**, **major drainage patterns**, and the **receiving surface waters**. Indicate what types of maps are included.

Section F – Proximity to Contaminated Sites

Discharge of dewatering effluent that contains contamination from a previous release is not allowed if the concentration(s) are greater than the thresholds shown in Table 2 (below). **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.** The below link leads to DEQ's GIS Mapping App, which includes layers for Superfund and petroleum releases (choose Cleanup and Remediation button on top right-hand side next to the “i”):

<https://gis.mtdeq.us/portal/apps/webappviewer/index.html?id=f554f421c3e64f5599e76b5cb8dd3391>

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

1. Determine the distance from the planned dewatering activity (well or pump location) to the closest boundary of the suspected area of contamination. If this information is not available on GIS, you must ask the regulatory clean-up program contact (*see below*).
2. Determine the regulatory clean-up program with authority on the release, as either found in GIS, DEQ's website, or by calling the DEQ Remediation Bureau's main number at (406) 444-6444.
3. Contact the program manager for the regulatory program with authority on the release. The contact name and date must be provided in this section of the NOI. To find the program contacts, please see [2025_GIS_Contamination_Links_and_Contacts.docx](#), DEQ's website, or call the DEQ Remediation's main number. Describe your proposed dewatering activity and location to the contact, and request information on potential pollutants' concentrations in the area you are dewatering.
4. List the potential pollutants from the contaminated area.
5. Supply information on the expected concentration of each pollutants. Either use lab data provided by the applicable regulatory program (if available), knowledge of expected contamination from the project manager, or take a pre-discharge sample and supply DEQ with a copy of lab results for the pollutants in question. The analyses must be conducted in accordance with 40 CFR 136 and be capable of detecting the suspected pollutants down to the Required Reporting Value (RRV) listed in Circular DEQ-7. If the RRV cannot be achieved, include an explanation from the laboratory.

If a sample cannot be obtained at the time the NOI is submitted, available information on the contamination must be submitted as soon as possible. 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 the Contaminant Threshold, then dewatering discharge cannot be authorized under the CDGP. If all parameters are either “non-detect” at the RRV or at levels below the threshold, DEQ will continue to process the request, but may require periodic testing for suspected contaminants for the life of the dewatering project.

Table 2 provides proposed thresholds for common groundwater contaminants.

Table 2: Thresholds for Common Contaminants for CDGP Permit Coverage ⁽¹⁾

Parameter ($\mu\text{g/L}$)	Circular DEQ-7 RRV	50% Lowest Water Quality Std	Contaminant Threshold
Benzene	0.6	2.5	2.5
Toluene	1	28.5	28.5
Ethylbenzene	1	34	34
Xylene	3	5,000	5,000
Arsenic	1	5	5
Nitrate + Nitrite	20	5,000	5,000
Naphthalene	10	50	50
Pentachlorophenol	5	0.05	5
Perchloroethylene (Tetrachloroethylene)	0.7	2.5	2.5

(1) For other contaminants, the threshold will be the greater of the RRV or 50% of the lowest water quality standard in Circular DEQ-7.

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. *Dewatering discharge that may reach state surface waters is not allowed until an authorization letter is issued by 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 in arrears, 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 (DCP) are mandatory. *NEW. Each applicant is required to submit a dewatering plan as part of the NOI-07 package. See the General Permit for the DCP requirements. In the NOI-07 form, 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 Turbidity Groups Based on Receiving Waters & Mixing Zone

*NEW. DEQ has modified the turbidity categories. The following provides the updated descriptions of the receiving waterbody groupings (also see Permit Fact Sheet Part III.B.1):

A. Minimal Impact

The turbidity limits for discharges under Group A, after all control, are 100 NTU daily maximum and 100 NTU monthly average. The reasons specific types of waterbodies are grouped under “Minimal Impact” varies, but for any of the categories, construction dewatering discharges are expected to have minimal impact on the receiving water turbidity:

- **Ephemeral waterbodies** – only flow in response to rainfall or snow melt, and groundwater is always below the bottom of the waterbody. This can include ephemeral lakes. Ephemeral waterbodies are exempted from the specific water quality standards in ARM 17.30.620 to .629 but protected under the narrative requirements.
- **Constructed storm sewer systems** – drainage systems designed and built solely for the transport of storm water or snow melt. This includes underground stormwater collection systems, road-side ditches, and stormwater retention and detention basins. Constructed storm sewer systems do not include irrigation drains or ditches, canals, or streams, which are intermittent. Constructed storm sewer systems are ephemeral in that they only flow in response to rainfall or snow melt.
- **Dry intermittent segments** – dewatering discharge to a segment that is dry during the dewatering period and the discharge will dissipate and will not reach downstream waters. This includes discharge to dry irrigation drains, ditches, or canals; dry intermittent streams; and dry lakes. *If the situation changes so that there is ambient water at the time of dewatering, the permittee is responsible for complying with the requirements for waterbodies under Group B, “Increased Risk of Impact.”*

- **Large rivers** – Direct discharge to specified segments of one of the large rivers: the Big Horn River (Yellowtail Dam to mouth), Clark Fork River (Bitterroot River to state line), Flathead River, Kootenai River (Libby Dam to state line), Madison River (Ennis Lake to Mouth), Missouri River, South Fork Flathead (Hungry Horse Dam to mouth), or Yellowstone River [see also 2025-CDGP Attachment #3].

➤ **Group A Exceptions**

This sub-group provides coverage for discharges to Group A waterbodies that may have turbid ambient waters, making compliance with the 100 NTU limits difficult. The two exceptions are:

- **Impaired Waters** – on the 303(d) list for turbidity or sediment. Identified in CWAIC.
- **Turbid ambient waters** – discharge will occur/may occur during periods with turbid receiving water that may be naturally greater than 100 NTU.

The monthly average turbidity limit is capped at the most stringent of 100 NTU or no change from background. The maximum daily limit is no change from background.

The permittee will be required to monitor both upstream of the discharge (if the initial receiving waterbody has any flow) and the discharge turbidity after all treatment, to compare the two to demonstrate ‘no increase above background.’ If there is no ambient flow, then the permittee shall only monitor the discharge and will be limited to 100 NTU.

B. **Increased Risk of Impact**

Group B is more restrictive, to ensure protection of potentially sensitive receiving waters. Turbidity limits for discharges to these more sensitive waterbodies, at the outfall after all control, are 10 NTU average monthly and 20 NTU maximum daily. The following waterbodies have an increased risk of being impacted by construction dewatering discharges:

- **Perennial waterbodies** (rivers, streams, lakes, reservoirs)
- **Intermittent rivers**
- **Wetlands**

➤ **Group B Exceptions**

There are two types of waterbodies that have special considerations and have an exception to the Group B limits:

- **Waterbodies classified as A-Closed or A-1** (see ARM 17.30 Subchapter 6). These waterbodies have ‘no greater than background’ regulatory requirements because they are the most protected class of waterbodies.

The monthly average turbidity limit is capped at the most stringent of 10 NTU or no change from background. The maximum daily limit is no change from background.

The permittee will be required to monitor both upstream of the discharge (if the initial receiving waterbody has any flow) and the discharge turbidity after all treatment, and compare the two to demonstrate ‘no increase above background.’ If there is no ambient flow, then the permittee shall only monitor the discharge and will be limited to the Group B limits.

Mixing Zone Request (for Group A Large Rivers and Group B Perennial waterbodies (including perennial lakes, reservoirs, or wetlands)):

For any discharge under Group A - large rivers or Group B - perennial waterbodies, 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 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 in accordance with the General Permit 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 – SHPO and MTNHP

New or modified Source: This section must be completed if your dewatering activity is not yet permitted or does not yet exist and will be constructed and initiating operation on an area not previously reviewed.

- Contact the Montana Natural Heritage Program (MNHP), <https://mtnhp.org/Requests/> and request a Environmental Summary Report (ESR) for the proposed operation. Attach the MNHP report to the NOI Form.
- Contact the Montana State Historic Preservation Office (SHPO), <http://mhs.mt.gov/shpo/> and request a project review for the proposed operation. Attach the SHPO analysis to the NOI Form.

Section L - 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 M – Certification

The NOI Form certification must be completed by a Responsible Official for the applicant (owner/operator signatory authority). The signatory responsible for the authorization is described in ARM 17.30.1323(1). Examples of the correct signatory are owners or vice presidents of a construction firm. Signatures must either be original (“wet”) for hardcopy submittals, or CROMERR-compliant electronic certifications when using the FACTS system.

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.