

## **ATTACHMENT A**



**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**  
**NOTICE OF INTENT (NOI)**  
 to Obtain Coverage Under the SWD General Permit for Storm Water Discharges  
 Associated with Construction Activities

Return to: SD Department of Environment and Natural Resources  
 Surface Water Quality Program  
 PMB 2020  
 523 East Capitol Avenue  
 Pierre, South Dakota 57501-3181  
 Telephone: (605) 773-3351 or 1-800-SDSTORM

**I. Site Owner Contact Information:**

Company Name: \_\_\_\_\_  
 Primary Contact Person: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

**II. Contactor Information:**

Will any contractors be responsible for erosion and sediment control practices? Yes  No   
*(A contractor certification form must be submitted for each contractor that will have day to day responsibility for erosion and sediment control practices. If these contractors have not been identified at the time this NOI is submitted, the contractor certification form may be submitted after they have been identified.)*

**III. Construction Project Information:** *(Physical location of the construction site to be permitted)*

Project Name: \_\_\_\_\_  
 Primary Contact Person: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Latitude: \_\_\_\_\_ Longitude \_\_\_\_\_ Source: (e.g. GPS, Google, etc.) \_\_\_\_\_  
 Quarter: \_\_\_\_\_ Section: \_\_\_\_\_ Range: \_\_\_\_\_ Township: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Type of Ownership:**  Private  Federal  State  Public (Other than Federal or State)

Is this project located on Tribal Lands?  Yes  No What is the total area disturbed by the project (in acres)? \_\_\_\_\_

Do you wish to receive a full copy of the permit?  Yes  No Will this project encroach, damage or destroy one of the historic sites identified at the following websites:  Yes  No  
[http://www.sdhistory.org/HP/hp\\_streg.htm](http://www.sdhistory.org/HP/hp_streg.htm) or  
<http://www.nps.gov/history/nhl/designations/Lists/SD01.pdf>

**IV. Storm Water Pollution Prevention Plan:**

Has the Pollution Prevention Plan been developed as required? Yes  No

Please note – the Plan must be developed **before** the NOI is submitted. *DENR will not issue coverage until the storm water pollution prevention plan has been developed.*

FOR DENR USE ONLY

Postmark Date: \_\_\_\_\_ Permit Number: \_\_\_\_\_ Date Permitted: \_\_\_\_\_ Initials: \_\_\_\_\_

**IV. Receiving Waters:**

Please list all possible waters that may receive a discharge from this site. If discharging to a Municipal Storm Sewer System, indicate which municipality and the ultimate receiving water. Attach additional sheets if necessary.

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**V. Nature of Discharge:**

Please include a brief description of the construction project:

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Will construction dewatering be required?  Yes  No If Yes, please complete Section VII also.

**VI. Construction Project Dates:**

Project Start Date (MM/DD/YYYY):

Estimated Completion Date (MM/DD/YYYY):

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**VII. Dewatering History:** (*Construction Activities involving dewatering activities*):

Date dewatering will commence:

Date dewatering will end:

Total volume of dewatering:

Average flow rate of dewatering:

Source of water to be discharge:

Receiving water:

Brief description of water treatment processes employed, if any:

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Is there any reason to believe that the dewatering discharge may contain anything other than uncontaminated groundwater and storm water?

Yes  No

**If yes, you must also submit a NOI for coverage under the temporary discharge general permit.** The construction storm water general permit does not cover discharges of contaminated groundwater.

**NOTE:** Please place points of withdrawal and discharge on a topographic map, or other map if a topographic map is unavailable. This map should extend to one (1) square mile beyond the property boundaries of the facility and each of its discharge facilities, and those wells, springs, and other surface water bodies, drinking water wells, and surface water intake structures listed in public records, or otherwise known to the applicant in the map area.

**VIII. Other Information**

List other information which you feel should be brought to the attention of the SDDENR regarding coverage under this general permit. Attach additional sheets if necessary.

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**CERTIFICATION OF APPLICANT (COA)**

I, \_\_\_\_\_, the applicant(s) in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

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 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 revocation of the permit and the possibility of fine and imprisonment for knowing violations. In addition, I certify that I am aware of the terms and conditions of the General Storm Water permit and I agree to comply with those requirements.

South Dakota Codified Laws Section 1-40-27 provides:

“The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

- (1) *The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner or resident general manager of the facility for which application has been made:*
  - (a) *Has intentionally misrepresented a material fact in applying for a permit;*
  - (b) *Has been convicted of a felony or other crime involving moral turpitude;*
  - (c) *Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;*
  - (d) *Has had any permit revoked under the environmental laws of any state or the United States; or*
  - (e) *Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or*
- (2) *The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.*

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification, consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26.”

Pursuant to SDCL 1-40-27, I certify that I have read the forgoing provision of state law, and that I am not disqualified by reason of that provision from obtaining the permit for which application has been made.

Name (print) \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**PLEASE ATTACH SHEET DISCLOSING ALL FACTS PERTAINING TO SDCL 1-40-27 (1) (a) THROUGH (e). ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION.**