



ADMINISTRATIVE RULES OF MONTANA



17.30.1115 NOTICE OF INTENT PROCEDURES: CONSTRUCTION ACTIVITY

- (1) A person who discharges or proposes to discharge storm water associated with construction activity shall submit to the department a notice of intent (NOI) as provided in this rule.
 - (a) The NOI must be signed by the owner of the project or by the operator, or by both the owner and the operator if both have responsibility to ensure that daily project activities comply with the SWPPP and other general permit conditions. If more than one operator is responsible for compliance with the SWPPP and general permit each operator shall sign the NOI.
 - (i) persons signing an NOI shall comply with the permit application signature requirements set out in ARM 17.30.1323.
 - (b) For storm water discharges associated with construction activity that result in construction-related disturbance of less than five acres of total land area, the permit requirements in this subchapter are effective beginning March 10, 2003.
- (2) An NOI must be completed on an NOI form developed by the department. The NOI must be completed in accordance with the requirements stated in the general permit, and must include the legal name and address of the operators, the facility name and address, the type of facility or discharges, and the receiving surface waters.
 - (a) An NOI must include a narrative description of:
 - (i) the location (including a map) and the nature of the construction activity;
 - (ii) the total area of the site and the area within the site that is expected to undergo excavation during the life of the permit;
 - (iii) proposed measures, including BMPs, to control pollutants in storm water discharges during construction, including a brief description of applicable local erosion and sediment control requirements;
 - (iv) proposed measures to control pollutants in storm water discharges that will occur after construction operations have been completed, including a brief description of applicable local erosion and sediment control requirements;
 - (v) for a storm water discharge that will result in construction-related disturbance of five acres or more of total land area, an estimate of the runoff coefficient of the site and the increase in impervious area after the construction addressed in the permit application is completed, the nature of fill material and existing data describing the soil or the quality of the discharge; and

- (vi) the name of the receiving surface waters.
- (3) An NOI must be accompanied by a SWPPP, which must be completed in accordance with the requirements identified in the general permit including the following:
 - (a) the SWPPP must be signed by all signatories to the NOI; and
 - (b) the SWPPP must require the identification and assessment of potential pollutant sources that could be exposed to storm water runoff, and must contain provisions to implement BMPs, in accordance with the general permit.
- (4) Authorization to discharge under the general permit is effective upon receipt by the department of a complete notice of intent and SWPPP, together with the permit fee, by the date on which construction-related disturbance is initiated.
- (5) The department may include, in the general permit for storm water discharges associated with construction activity, conditions that incorporate by reference qualifying local erosion and sediment control program requirements. A "qualifying local erosion and sediment control program" is one that includes the elements listed in (6) and all additional requirements necessary to achieve the applicable technology-based standards of best available technology (BAT) and best conventional technology (BCT) . If a qualifying local program does not include one or more of the elements in (6) , then the department shall include those elements as conditions in the permit.
- (6) A qualifying local erosion and sediment control program includes requirements for construction site operators to:
 - (a) implement appropriate erosion and sediment control BMPs;
 - (b) control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
 - (c) develop and implement a SWPPP. A SWPPP includes site descriptions, descriptions of appropriate control measures, copies of approved local requirements, maintenance procedures, inspection procedures, and identification of non-storm water discharges; and
 - (d) submit a site plan for review that incorporates consideration of potential water quality impacts.
- (7) Permittees shall keep records of all data used to complete the NOI and SWPPP and any supplemental information submitted under this subchapter for a period of at least three years from the date the NOI is signed.

Authorizing statute(s): 75-5-201, 75-5-401, MCA

Implementing statute(s): 75-5-401, MCA

History: NEW, 2003 MAR p. 219, Eff. 2/14/03.