NOTICE OF INTENT (NOI)

to Obtain Coverage Under the SWD General Permit for
Storm Water Discharges Associated with Industrial Activities

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

PLEASE PRINT OR TYPE

I. Applicant Information

Name ____________________________ Phone __________________
Responsible Contact Person _________________________________________________________
Street __________________________________________________________________________
City __________________________________ State ________ Zip Code ______________________

II. Facility/Site Information:

Name ____________________________ Phone __________________
Responsible Contact Person _________________________________________________________
Street __________________________________________________________________________
City __________________________________ State ________ Zip Code ______________________

III. Type of Ownership:  □ Private  □ Federal  □ State  □ Public (Other than Federal or State)

III. Type of Permit Requested: Check (X) the appropriate response:

□ Industrial Activity  □ Sand/Gravel Mining Activity  □ Construction Activity

IV. Pollution Prevention Plan

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

If No, when will it be developed?

Please note: The plan must be developed before permit coverage begins

B. Please include a brief description of best management practices (pollution control measures) being used at the facility/site:

___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

FOR DENR USE ONLY

Postmark Date: ________________ Permit Number: ____________ Date Permitted: ________________
V. Facility/Site Location:
A. Quarter ___________ Section ___________ Township ___________ Range ___________
   County ___________ [If available: Latitude ___________ Longitude ___________]
B. Site/Project Name: _____________________________________________________________
C. What is the total area covered by the site (in acres) _______________________________

VI. Receiving Waters:
Please list all possible receiving waters of the storm water discharge (if discharging to a Municipal
Storm Sewer, indicate which municipality and the ultimate receiving water):
__________________________________________________________________________
__________________________________________________________________________

VII. Nature of Discharge
A. Standard Industrial Classification (SIC) codes of this facility (Include at least one, and up
to four, SIC or 6-digit North American Industry Classification (NAIC) codes which best
describe the facility. For example, the SIC Code for a sand/gravel pit is 1442. For construction
activities, no codes are assigned; therefore, indicate CO):
__________________________________________________________________________
__________________________________________________________________________

B. Please include a brief description of the activities conducted at this facility or construction site:
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

VIII. Operational History (Industrial Only) Construction Project History (Construction or
sand/gravel mining)
Date Constructed: ________________ Project Start Date (MM/DD/YY): ________________
Operational Start-up: ________________ Estimated Area of Total Disturbance (in acres): _____
Estimated Completion Date (MM/DD/YY): __________________________________________

IX. Existing Environmental Permits
Please check (X) all other Environmental Permits which are held by this facility/activity. Include
permit numbers in the space provided:
☐ SWD or NPDES (Discharges to Surface Water) ______________________________________
☐ UIC (Underground Injection of Fluids) ____________________________________________
☐ RCRA (Hazardous Wastes) _____________________________________________________
X. **Certification** (Authorized representative should *initial* the box)

☐ 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.
STATE OF SOUTH DAKOTA

BEFORE THE SECRETARY OF

THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN THE MATTER OF THE )
APPLICATION OF )
) CERTIFICATION OF
) APPLICANT

_____________________________________________

STATE OF ___________________________________

COUNTY OF ___________________________________

I, ____________________________________, the applicant in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

I have read and understand South Dakota Codified Law Section 1-40-27 which 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.”

I certify pursuant to 1-40-27, that as an applicant, officer, director, partner, or resident general manager of the activity or facility for which the application has been made that I; a) have not intentionally misrepresented a material fact in applying for a permit; b) have not been convicted of a felony or other crime of moral turpitude; c) have not habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage; (d) have not had any permit revoked under the environmental laws of any state or the United States; or e) have not otherwise demonstrated through clear and convincing evidence of previous actions that I lack the necessary good character and competency to reliably carry out the obligations imposed by law upon me. I also certify that this application does not substantially duplicate an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Further;

“I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.”

Dated this ____ day of ___________________________ , 20____.

_______________________________________________________
Applicant (print)

_______________________________________________________
Applicant (signature)

Subscribed and sworn before me this ____ day of ___________________________ , 20____.

_______________________________________________________
Notary Public (signature)

My commission expires: ___________________________________

(SEAL)

PLEASE ATTACH ANY ADDITIONAL INFORMATION NECESSARY TO DISCLOSE ALL FACTS AND DOCUMENTS 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