

NOTICE OF INTENT
Oklahoma Department of Agriculture Food and Forestry

FORM
AEMS 093
07/2020 Rev.

Notice of Intent (NOI) for Storm Water Discharges Associated with Agricultural Construction Activity Under the AgPDES 2017 Construction General Permit (CGP)

SUBMISSION OF THIS NOTICE OF INTENT CONSTITUTES NOTICE THAT THE PARTY IDENTIFIED IN PART I OF THIS FORM INTENDS TO BE AUTHORIZED BY AN AgPDES PERMIT ISSUED FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY IN THE STATE OF OKLAHOMA. BECOMING A PERMITTEE OBLIGATES SUCH DISCHARGER TO COMPLY WITH THE TERMS AND CONDITIONS OF THE PERMIT. IN ORDER TO OBTAIN AUTHORIZATION, ALL REQUESTED INFORMATION MUST BE PROVIDED ON THIS FORM. SEE INSTRUCTIONS ON BACK OF FORM.

IF YOUR FACILITY OR SITE IS ON INDIAN COUNTRY LAND, FILE YOUR NOI WITH THE EPA, USING EPA FORM 3510-9.

Electronic Submission Waiver (skip if submitting through ODAFF's eNOI system)

I hereby acknowledge my waiver request from the use of ODAFF's electronic Notice of Intent system (eNOI) because my use of eNOI will incur undue burden or expense over my use of this paper NOI form, or if eNOI is otherwise unavailable.

Briefly describe the reason why use of the electronic system causes undue burden or expense.

I. Facility Owner/Operator Information (If you are a Co-permittee check this box)

Name: _____ Phone: (_____) _____

Fax: (_____) _____

Address: _____ Status of Owner/Operator: _____

City: _____ State: _____ Zip Code: _____ E-mail: _____

II. Site Information

Name of the project _____

Address _____ City _____ County _____ ZIP Code _____

Telephone No. (_____) _____ Location: Latitude _____ Longitude _____

Legal Description _____

Is this facility/site on Indian Country land? No Yes (if Yes See Instructions)

III. Project Description

Please provide a description of your construction project. (e.g., construction of barns, lagoons, etc.)

Has a Storm Water Pollution Prevention Plan (SWPPP) been developed? Yes No Is SWPPP implemented? Yes No

Address of location of SWPPP for viewing: Address in I. above. Address in II. above. Other, please specify below.

Address: _____ City _____ Zip Code _____

Phone: (_____) _____

Other Operational AgPDES Number (if any): _____

Name of Receiving Water Body or the name of the first waterbody that receives storm water directly from the point of discharge:

Is the Receiving Water Body on the DEQ 303(d) list of impaired waterbodies? No Yes

If yes, list the pollutants causing the impairment: _____

Are any of the waters of the state to which you discharge designated as a High Quality Water, Sensitive Water Supply or Outstanding Resource Water? No Yes

If yes, what type? _____

Indicate the size of your construction site: Between one and five acres _____ Five or More acres _____

Estimated area to be disturbed (to nearest acre): _____

ENDANGERED SPECIES PROTECTION

Using the instructions in Appendix D of CGP, under which criterion listed in Appendix D are you eligible for coverage under this permit. (only check 1 box)? (See instructions for a brief description of criterion A B & C for endangered species protection, page 3 of this form)

A B C

Provide a brief summary of the basis for criterion selected. _____

HISTORIC PRESERVATION

(See instructions for a brief description of Appendix E of CGP for historic preservation, page 4 of this form)

Are you installing any stormwater controls as described in Appendix E that require subsurface earth disturbance? (See Appendix E Step 1) Yes No

If yes, have prior surveys or evaluation conducted on site already determined historic properties do not exist, or that prior disturbances have precluded the existence of historic properties? (Appendix E Step 2) Yes No

If no, have you determined that your installation of subsurface earth-disturbing stormwater controls will have no effect on historic properties? (Appendix E Step 3) Yes No

If no, did the state or tribal historic preservation officer (or other tribal representative), whichever applies, respond to you within the 14 calendar days to indicate whether the activity affects historic properties? Yes No

If yes, describe the response: _____

_____/_____/_____/_____/_____/_____

Month Day Year

Month Day Year

Estimated Construction Start Date

Estimated Completion Date

Will construction project (land disturbing activities) include construction of stormwater control measures or BMPs? Yes No

Is the Storm Water Pollution Prevention Plan in compliance with all applicable local sediment and erosion plans? Yes No None

IV. Certification

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 this 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.

Name (Please Print): _____ Date: _____

Signature: _____ Title _____

For AEMS use only: Assigned Authorization Number: _____

Instructions

ODAFF Notice of Intent (NOI) for Storm Water Discharges (SWD) Associated with Construction Activity to be Covered Under the AgPDES 2017 Construction General Permit (CGP)

Who Must File a Notice of Intent Form

Under the provisions of the Clean Water Act, as amended, (33 U.S. 1251 et.seq. the Act), Oklahoma Agriculture Code, Title 2 of the Oklahoma Statutes, Section 2A - 8 and the rules OAC 35:44-1-2 and 35:44-1-1(c)10, discharge of storm water from construction activities is prohibited without a Pollutant Discharge Elimination System Permit. The operator of a construction site that has such a stormwater discharge (SWD) must submit a NOI to obtain coverage under the Construction Stormwater General Permit. If you have questions about whether you need a permit under the AgPDES Stormwater program, or if you need information, write to the address listed below or telephone the ODAFF AEMS at 405-522-5495 or 405-522-5493 and ask for AgPDES Permitting.

Where to File NOI Form

If submitting the NOI prior to December 21, 2020, the CAFO operator must prepare and submit the NOI using this paper NOI form. If submitting the NOI on or after December 21, 2020, the operator must prepare and submit the NOI using ODAFF's electronic Notice of Intent System (eNOI) on ODAFF's website (<http://www.ag.ok.gov/aems/agpdes.htm>) unless eNOI is otherwise unavailable or the operator has obtained a waiver from the requirements to use eNOI for submission of the NOI. Operators waived from the requirement to use eNOI for NOI submission must certify on the paper NOI submitted to ODAFF that use of eNOI will incur undue burden or expense compared to using the paper Notice of Intent form and provide documentation of reasoning used for this determination. Late NOIs will be accepted, but authorization to discharge will not be retroactive. Please submit paper NOIs to the following address:

**ODAFF
AEMS Division
P.O. Box 528804
Oklahoma City, OK 73152
FAX (405) 522-6357**

Completing the Form

You must type or print, using upper-case letters, in the appropriate areas only. If you have any questions on this form, call AEMS at (405) 522-5495.

Section I. Facility Owner/Operator Information

Provide the legal name, mailing address, and telephone number of the person, firm, public organization, or any other entity that either individually or together meet either of the following two criteria: (1) have operational control over the site specifications (including the ability to make modifications in specifications); and (2) have the day-to-day operational control of those activities at the site necessary to ensure compliance with plan requirements and permit conditions. If you are a Co-Permittee, check the appropriate box. Do not use a colloquial name.

Enter the appropriate letter to indicate the legal status of the operator of the facility: F = Federal; S = State; M = Public (other than Federal or State); P = Private.

Section II. Site Information

Enter the Project's official or legal name and complete street address, including city, county, state, ZIP code and phone number. If the site lacks a street address, indicate with a general statement the location of the site (e.g., Intersection of State Highways 61 and 34). **The applicant must also provide the latitude and longitude** of the facility in degrees, minutes, and seconds to the nearest 15 seconds (45° 7' 24" = 45.1234 decimal latitude) of the approximate center of the site. The latitude and longitude of your facility can be located by using a GPS device or USGS quadrangle maps. The quadrangle maps may be obtained at 1-800-USA MAPS.

If your facility or site is on Indian Country land, do not complete this form. File your NOI with the EPA using EPA Form 3510-9.

Section III. Project Description

Please provide a description of the construction project. This would include general information about the purpose of construction. For example, state that the construction project is an expansion of current facilities, new lagoon construction, facility reconfiguration, facility repair, or any other activities that will take place in the construction project.

Indicate if the Stormwater Pollution Prevention Plan (SWPPP) has been developed. Indicate if the SWPPP has been implemented. Refer to Part 7 of the General Permit for Information on SWPPP. 'Yes' means the SWPPP is ready to be implemented upon notification of coverage or that the SWPPP is ready to be implemented at the time the NOI form is submitted. Provide the address and phone number where the SWPPP may be viewed, if different from address previously given. Check appropriate box.

Are other AgPDES or NPDES permit numbers assigned to this site?

Enter the name of the receiving water body, the closest predominant receiving water body. The Oklahoma 303(d) list of impaired waterbodies can be found online at http://www.deq.ok.gov/wqdnew/305b_303d/index.html.

Indicate whether your construction site is between 1 and 5 acres or more than 5 acres. Enter the estimated area to be disturbed including but not limited to: grubbing, excavation, grading, and utilities and infrastructure installation. Indicate to the nearest acre.

Endangered Species Protection (Summary information provided here does not substitute for detailed information & requirements in Appendix D of the permit.)

Using the instructions in Appendix D of the CGP, indicate under which criterion (i.e., A, B, C,) of the permit the applicant is eligible with regard to protection of federally listed endangered and threatened species and designated critical habitat. A description of the basis for the criterion selected must also be provided. (See permit Appendix D for details. This summary does not substitute permit Appendix D)

Criterion Summary

A - No federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in your site's "action area"

B - The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your action area under eligibility Criterion A, C, D, E, or F and there is no reason to believe that federally-listed species or federally-designated critical habitat not considered in the prior certification may be present or located in the "action area".

C - Federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in or near your site's "action area," and your site's discharges and discharge-related activities are not likely to adversely affect listed threatened or endangered species or critical habitat

Historic Preservation

Use the instructions in Appendix E to complete the questions on the NOI form regarding historic preservation. **(See permit Appendix E for details. This summary does not substitute permit Appendix E)**

Step 1 - Are you installing any stormwater controls that require subsurface earth disturbance? Examples: Dikes, Berms, Catch Basins, Ponds, Ditches, Trenches, Culverts, Channels Perimeter Drains (this is not an exhaustive list)

If you are not installing one of the above stormwater controls or another type of control that requires subsurface earth disturbance, then you may indicate *No* on your NOI, and no further screening is necessary.

Step 2 - If you are installing a stormwater control that requires subsurface earth disturbance, you must next determine if it has already been determined that no historic properties exist on your site based on prior professional cultural resource surveys or other evaluations, or that the existence of historic properties has been precluded because of prior earth disturbances. If prior to your project it has already been determined that no historic properties exist at your site based on available information, including information that may be provided by your applicable state or tribal historic preservation officer, then you may indicate this on your NOI, and no further screening steps are necessary. Similarly, if earth disturbances that have occurred prior to your project have eliminated the possibility that historic properties exist on your site, you may indicate this on your NOI, and no further screening steps are necessary.

Step 3 - If your answer to the questions in Steps 1 and 2 is "no", then you must assess whether your earth-disturbing activities related to the installation of stormwater controls will have an effect on historic properties. This assessment may be based on historical sources, knowledge of the area, an assessment of the types of earth-disturbing activities you are engaging in, considerations of any controls and/or management practices you will adopt to ensure that your stormwater control-related earth-disturbing activities will not have an effect on historic properties, and any other relevant factors.

If none of the circumstances in Steps 1-3 exist for your project, you must proceed to Step 4.

Step 4 - If you are installing any stormwater controls that require subsurface earth disturbance and you have not satisfied the conditions in Steps 1-3, you must contact and consult with the appropriate historic preservation authorities.

Enter the estimated construction start and completion date using four digits for the year.

Indicate if land-disturbing activities will be conducted for the construction of storm water control.
Indicate if the SWPPP is in compliance with all other applicable local sediment and erosion plans.

Section IV. Certification

Federal Statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows: For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign had been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: by a general partner of the proprietor, or; for a municipality, state, Federal, or other public facility: by either a principal executive or ranking elected official.

IT IS YOUR RESPONSIBILITY TO ACQUIRE A COPY OF THIS PERMIT AND CAREFULLY READ ALL THE TERMS AND CONDITIONS