



CONTACT INFORMATION

Mining Records Curator
Arizona Geological Survey
416 W. Congress St., Suite 100
Tucson, Arizona 85701
602-771-1601
<http://www.azgs.az.gov>
inquiries@azgs.az.gov

The following file is part of the Arimetco, Inc. Mining Collection

ACCESS STATEMENT

These digitized collections are accessible for purposes of education and research. We have indicated what we know about copyright and rights of privacy, publicity, or trademark. Due to the nature of archival collections, we are not always able to identify this information. We are eager to hear from any rights owners, so that we may obtain accurate information. Upon request, we will remove material from public view while we address a rights issue.

CONSTRAINTS STATEMENT

The Arizona Geological Survey does not claim to control all rights for all materials in its collection. These rights include, but are not limited to: copyright, privacy rights, and cultural protection rights. The User hereby assumes all responsibility for obtaining any rights to use the material in excess of "fair use."

The Survey makes no intellectual property claims to the products created by individual authors in the manuscript collections, except when the author deeded those rights to the Survey or when those authors were employed by the State of Arizona and created intellectual products as a function of their official duties. The Survey does maintain property rights to the physical and digital representations of the works.

QUALITY STATEMENT

The Arizona Geological Survey is not responsible for the accuracy of the records, information, or opinions that may be contained in the files. The Survey collects, catalogs, and archives data on mineral properties regardless of its views of the veracity or accuracy of those data.

**Notice of Intent for Storm Water Discharges Associated with
INDUSTRIAL ACTIVITY Under the Multi-sector NPDES General Permit**

Submission of this completed Notice of Intent (NOI) constitutes notice that the entity in Section B intends to be authorized to discharge pollutants to waters of the United States, from the facility or site identified in Section C, under EPA's Storm Water Multi-sector General Permit (MSGP). Submission of the NOI also constitutes notice that the party identified in Section B of this form has read, understands, and meets the eligibility conditions of Part I of the MSGP; agrees to comply with all applicable terms and conditions of the MSGP; understands that continued authorization under the MSGP is contingent on maintaining eligibility for coverage, and that implementation of the permittee's pollution prevention plan is required two days after a complete NOI is mailed. In order to be granted coverage, all information required on this form must be completed. Please read and make sure you comply with all permit requirements, including the requirement to prepare and implement a storm water pollution prevention plan.

A. Permit SelectionPermit number assigned to your facility under the previous permit: AZ R05 B018**New Permit Number (EPA Use Only)**

R05

B. Facility Operator Information

1. Name: EQUATORIAL ZONIA INC. 2. Phone: 5203276171
3. Mailing Address: a. Street or P.O. Box: 1430 E FT LOWELL
b. City: TUCSON c. State: AZ d. Zip Code: 85719

C. Facility/Site Information

1. Facility/Site Name: ZONIA MINE
2. Location Address: a. Street: PO BOX 649
b. City: YARNELL c. County: YAVAPAI
d. State: AZ e. Zip Code: 85362
3. a. Latitude: 34° 18' 00" b. Longitude: 112° 38' 00"
4. a. Permit Applicant: ☐ Federal ☐ State ☐ Tribal ☒ Private ☐ Other public entity
b. Is the facility located on Indian Country Lands? ☐ Yes ☒ No
5. Does the facility discharge storm water into:
a. Receiving water(s)? ☒ Yes ☐ No If yes, name(s) of receiving water(s): FRENCH GULCH
b. A municipal separate storm sewer system (MS4)? ☐ Yes ☒ No
If yes, name of the MS4 operator: _____
6. The 4-digit Standard Industrial Classification (SIC) codes or the 2-letter Activity Codes that best represent the principal products produced or services rendered by your facility and major co-located activities:
Primary: 1021 Secondary (if applicable): _____
7. Applicable sector(s) of industrial activity, as designated in Part 1.2.1 of the MSGP, that include associated discharges that you seek to have covered under this permit (choose up to three):

☐ Sector A ☐ Sector F ☐ Sector K ☐ Sector P ☐ Sector U ☐ Sector Z
☐ Sector B ☒ Sector G ☐ Sector L ☐ Sector Q ☐ Sector V ☐ Sector AA
☐ Sector C ☐ Sector H ☐ Sector M ☐ Sector R ☐ Sector W ☐ Sector AB
☐ Sector D ☐ Sector I ☐ Sector N ☐ Sector S ☐ Sector X ☐ Sector AC
☐ Sector E ☐ Sector J ☐ Sector O ☐ Sector T ☐ Sector Y ☐ Sector AD

8. Additional Facility/Site Requirements:

a. Based on the instructions provided in Addendum A of the MSGP, have the eligibility criteria for "listed species" and critical habitat been met? ☒ Yes ☐ No
b. Based on the instructions provided in Addendum B of the MSGP, have the eligibility criteria for protection of historic properties been met? ☒ Yes ☐ No

D. Certification

Do you certify under penalty of law that this document and all attachments were prepared under your direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted? Based on your inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, do you certify that the information submitted is, to the best of your knowledge and belief, true, accurate, and complete? Do you certify that you are aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations?

Print Name: B T ANTONIEWSKI

Signature: _____

Date: 122000

**Notice of Intent for Storm Water Discharges Associated with
INDUSTRIAL ACTIVITY Under the Multi-sector NPDES General Permit**

Submission of this completed Notice of Intent (NOI) constitutes notice that the entity in Section B intends to be authorized to discharge pollutants to waters of the United States, from the facility or site identified in Section C, under EPA's Storm Water Multi-sector General Permit (MSGP). Submission of the NOI also constitutes notice that the party identified in Section B of this form has read, understands, and meets the eligibility conditions of Part I of the MSGP; agrees to comply with all applicable terms and conditions of the MSGP; understands that continued authorization under the MSGP is contingent on maintaining eligibility for coverage, and that implementation of the permittee's pollution prevention plan is required two days after a complete NOI is mailed. In order to be granted coverage, all information required on this form must be completed. Please read and make sure you comply with all permit requirements, including the requirement to prepare and implement a storm water pollution prevention plan.

A. Permit SelectionPermit number assigned to your facility under the previous permit: AZ R05B018**New Permit Number (EPA Use Only)**

R05

B. Facility Operator Information

1. Name: EQUATORIAL ZONIA INC. 2. Phone: 5203276171
3. Mailing Address: a. Street or P.O. Box: 1430 E FT LOWELL
b. City: TUCSON c. State: AZ d. Zip Code: 85719

C. Facility/Site Information

1. Facility/Site Name: ZONIA MINE
2. Location Address: a. Street: PO BOX 649
b. City: YARNELL c. County: YAVAPAI
d. State: AZ e. Zip Code: 85362
3. a. Latitude: 34° 18' 00" b. Longitude: 112° 38' 00"
4. a. Permit Applicant: ☐ Federal ☐ State ☐ Tribal ☒ Private ☐ Other public entity
b. Is the facility located on Indian Country Lands? ☐ Yes ☒ No
5. Does the facility discharge storm water into:
a. Receiving water(s)? ☒ Yes ☐ No If yes, name(s) of receiving water(s): FRENCH GULCH
b. A municipal separate storm sewer system (MS4)? ☐ Yes ☒ No
If yes, name of the MS4 operator: _____
6. The 4-digit Standard Industrial Classification (SIC) codes or the 2-letter Activity Codes that best represent the principal products produced or services rendered by your facility and major co-located activities:
Primary: 1021 Secondary (if applicable): _____
7. Applicable sector(s) of industrial activity, as designated in Part 1.2.1 of the MSGP, that include associated discharges that you seek to have covered under this permit (choose up to three):

☐ Sector A ☐ Sector F ☐ Sector K ☐ Sector P ☐ Sector U ☐ Sector Z
☐ Sector B ☒ Sector G ☐ Sector L ☐ Sector Q ☐ Sector V ☐ Sector AA
☐ Sector C ☐ Sector H ☐ Sector M ☐ Sector R ☐ Sector W ☐ Sector AB
☐ Sector D ☐ Sector I ☐ Sector N ☐ Sector S ☐ Sector X ☐ Sector AC
☐ Sector E ☐ Sector J ☐ Sector O ☐ Sector T ☐ Sector Y ☐ Sector AD

8. Additional Facility/Site Requirements:

a. Based on the instructions provided in Addendum A of the MSGP, have the eligibility criteria for "listed species" and critical habitat been met? ☒ Yes ☐ No
b. Based on the instructions provided in Addendum B of the MSGP, have the eligibility criteria for protection of historic properties been met? ☒ Yes ☐ No

D. Certification

Do you certify under penalty of law that this document and all attachments were prepared under your direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted? Based on your inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, do you certify that the information submitted is, to the best of your knowledge and belief, true, accurate, and complete? Do you certify that you are aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations?

Print Name: B T ANTONIEWSKI

Signature: _____

Date: 122000

Instructions for Completing the Notice of Intent for Storm Water Discharges Associated with INDUSTRIAL ACTIVITY Under the Multi-sector General Permit

Who Must File a Notice of Intent?

Under the provisions of section 402(p) of the Clean Water Act (CWA) and regulations at 40 CFR Part 122, Federal law prohibits "point source" discharges of storm water associated with industrial activity to waters of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. If you operate a facility which is described in Part 1.2.1. of the Multi-sector General Permit (MSGP) or if you have been designated as needing permit coverage for your storm water discharges by your NPDES permitting authority, and you meet the eligibility requirements in Part 1 of the permit, you may satisfy your CWA obligation for permit coverage by submitting a completed NOI to obtain coverage under the MSGP. If you have questions about whether you need a permit under the NPDES Storm Water Program, contact your NPDES permitting authority (i.e., your EPA Regional storm water coordinator or your State water pollution control agency).

One NOI must be submitted for each facility or site for which you are seeking permit coverage. Only one NOI need be submitted to apply for coverage for all of your activities at each facility (e.g., you do not need to submit a separate NOI for each type of industrial activity located at a facility or industrial complex, provided your storm water pollution prevention plan covers each area for which you are an operator). Finally, the NOI must be submitted in accordance with the deadlines established in Part 2.1 of the MSGP.

When to File the NOI Form

DO NOT FILE THE NOI UNTIL YOU HAVE OBTAINED A COPY OF THE MULTI-SECTOR GENERAL PERMIT. You will need it to determine your eligibility, prepare your storm water pollution prevention plan, and correctly answer all questions on the NOI form — all of which must be done before you can sign the certification statement on the NOI in good faith (and without risk of committing perjury).

If you have a new facility or are the new operator of an existing facility, this form must be postmarked at least 48 hours before you need permit coverage. If your facility was covered under the 1995 Multi-sector General Permit or if you are currently operating without a permit, see Part 2.1 of the MSGP for your deadlines. CAUTION: You must allow enough lead time to gather the information necessary to complete the NOI (especially that related to determining eligibility with regards to endangered species and historic properties) and prepare the pollution prevention plan required by Part 4 of the MSGP prior to submitting your NOI.

Where to File the NOI Form

NOIs must be sent to the following address (do not send Storm Water Pollution Prevention Plans (SWPPPs) to this address):

Storm Water Notice of Intent (4203)
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

(For overnight/express delivery of NOIs, add the phone number (202) 260-9541)

NOTE: While not currently available, EPA is exploring the possibility of offering the option to complete the NOI form electronically online via the Internet. If this option does become available, directions will be posted on EPA's web site. To check on the availability of the alternative Online NOI, please visit <http://www.epa.gov/owsw>. If the Online NOI is not available, you must file the NOI at the above address.

If your facility discharges through a municipal separate storm sewer system (MS4) that is permitted as a medium or large MS4 under the NPDES Storm Water Program, you must also submit a signed copy of the NOI to the operator of that MS4, in accordance with the deadlines established in Part 2.1 of the permit.

Completing the NOI Form

To complete this form, type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks (abbreviate if necessary to stay within the number of characters allowed for each item). Use one space for breaks between words. Please make sure you have addressed all applicable questions and have made a photocopy for your records before sending the completed form to the address above.

Section A. Permit Selection

You must indicate the NPDES storm water general permit under which you are applying for coverage. Find the generic permit "number" in Part 1.1 of the permit that covers the area where your facility is located. For example, if you are located in New Mexico (except Indian Country lands), the generic number would be NMR05*###. If you are located on Navajo lands in New Mexico, the generic permit number would be AZR05*##1. CAUTION: You must use the correct permit number or your permit coverage will be invalid since you are not located within the coverage area for that permit.

Section B. Facility Operator Information

1. Provide the legal name of the person, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or other legal entity that operates the facility or site described in this application. The name of the operator may or may not be the same as the name of the facility. The responsible party is the legal entity that controls the facility's operation, rather than the plant or site manager.
2. Provide the telephone number of the facility operator.
3. Provide the mailing address of the facility operator. Include the street address or P.O. Box, city, state, and zip code. All correspondence regarding the permit will be sent to this address, not the facility address in Section C.
4. Indicate the legal status of the facility operator as a Federal, State, Tribal private, or other public entity (other than Federal or State). This refers only to the operator, not the owner or the land the facility or site is located upon.

Section C. Facility/Site Information

1. Enter the official or legal name of the facility or site.
2. Enter the complete street address (if no street address exists, provide a geographic description [e.g., Intersection of Routes 9 and 55]), city, county, state, and zip code. Do not use a P.O. Box.
3. Enter the latitude and longitude of the approximate center of the facility or site in degrees/minutes/seconds. Latitude and longitude can be obtained from U.S. Geological Survey (USGS) quadrangle or topographic maps, by using a GPS unit, by calling 1-(888) ASK-USGS, by searching for your facility's address on several commercial "map" sites on the Internet, or by accessing EPA's web site at <http://www.epa.gov/owm/sw/industry/index.htm> and selecting Latitude and Longitude Finders under the Resources/Permit section.
4. Indicate whether the facility is located on Indian Country lands (e.g., a federally recognized reservation, etc.).
5. Indicate whether the facility or site discharges storm water into a receiving water(s) and/or a municipal separate storm sewer system (MS4). Enter the name(s) of the closest receiving water(s) and/or the MS4 (An MS4 is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by a state, city, town, borough, county, parish, district, association, or other public body and is designed or used for collecting or conveying storm water.)
6. List your primary and secondary four 4-digit Standard Industrial Classification (SIC) codes or 2-character Activity Codes that best describe the principal products or services provided at the facility or site identified in Section C of this application. For industrial activities defined in 40 CFR 122.26(b)(1)(i)-(ix) and (xi) that do not have SIC codes that accurately describe the principal products produced or services provided, use the following 2-character Activity Codes: HZ = Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA [40 CFR 122.26(b)(1)(iv)]; LF = Landfills, land application sites, and open dumps that receive or have received any industrial wastes, including those that are subject to regulation under subtitle D of RCRA [40 CFR 122.26(b)(1)(v)]; SE = Steam electric power generating facilities, including coal handling sites [40 CFR 122.26(b)(1)(vi)]; TW = Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage [40 CFR 122.26(b)(1)(ix)]; or Alternatively, if your facility or site was specifically designated by your NPDES permitting authority (EPA), enter "AD."

Section D. Certification

Certification statement and signature. (CAUTION: An unsigned or undated NOI form will prevent the granting of permit coverage.) 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 for the corporation, or
- (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipal, State, Federal, or other public facility: by either a principal executive or ranking elected official.

Paperwork Reduction Act Notice

Public reporting burden for this certification is estimated to average 3.7 hours per certification, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose to provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Director, Office of Environmental Information Services, Collection Services Division (2823), USEPA, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Include the OMB control number of this form on any correspondence. Do not send the completed NOI form to this address.

**Notice of Intent for Storm Water Discharges Associated with
INDUSTRIAL ACTIVITY Under the Multi-sector NPDES General Permit**

Submission of this completed Notice of Intent (NOI) constitutes notice that the entity in Section B intends to be authorized to discharge pollutants to waters of the United States, from the facility or site identified in Section C, under EPA's Storm Water Multi-sector General Permit (MSGP). Submission of the NOI also constitutes notice that the party identified in Section B of this form has read, understands, and meets the eligibility conditions of Part I of the MSGP; agrees to comply with all applicable terms and conditions of the MSGP; understands that continued authorization under the MSGP is contingent on maintaining eligibility for coverage, and that implementation of the permittee's pollution prevention plan is required two days after a complete NOI is mailed. In order to be granted coverage, all information required on this form must be completed. Please read and make sure you comply with all permit requirements, including the requirement to prepare and implement a storm water pollution prevention plan.

A. Permit SelectionPermit number assigned to your facility under the previous permit: **New Permit Number (EPA Use Only)** R05 **B. Facility Operator Information**

1. Name: 2. Phone:
3. Mailing Address: a. Street or P.O. Box:
b. City: c. State: d. Zip Code:

C. Facility/Site Information

1. Facility/Site Name:
2. Location Address: a. Street:
b. City: c. County:
d. State: e. Zip Code:
3.a. Latitude: ° ′ ″ b. Longitude: ° ′ ″
4.a. Permit Applicant: ☐ Federal ☐ State ☐ Tribal ☐ Private ☐ Other public entity
b. Is the facility located on Indian Country Lands? ☐ Yes ☐ No
5. Does the facility discharge storm water into:
a. Receiving water(s)? ☐ Yes ☐ No If yes, name(s) of receiving water(s):
b. A municipal separate storm sewer system (MS4)? ☐ Yes ☐ No
If yes, name of the MS4 operator:
6. The 4-digit Standard Industrial Classification (SIC) codes or the 2-letter Activity Codes that best represent the principal products produced or services rendered by your facility and major co-located activities:
Primary: Secondary (if applicable):
7. Applicable sector(s) of industrial activity, as designated in Part 1.2.1 of the MSGP, that include associated discharges that you seek to have covered under this permit (choose up to three):

☐ Sector A ☐ Sector F ☐ Sector K ☐ Sector P ☐ Sector U ☐ Sector Z
☐ Sector B ☐ Sector G ☐ Sector L ☐ Sector Q ☐ Sector V ☐ Sector AA
☐ Sector C ☐ Sector H ☐ Sector M ☐ Sector R ☐ Sector W ☐ Sector AB
☐ Sector D ☐ Sector I ☐ Sector N ☐ Sector S ☐ Sector X ☐ Sector AC
☐ Sector E ☐ Sector J ☐ Sector O ☐ Sector T ☐ Sector Y ☐ Sector AD

8. Additional Facility/Site Requirements:

- a. Based on the instructions provided in Addendum A of the MSGP, have the eligibility criteria for "listed species" and critical habitat been met? ☐ Yes ☐ No
b. Based on the instructions provided in Addendum B of the MSGP, have the eligibility criteria for protection of historic properties been met? ☐ Yes ☐ No

D. Certification

Do you certify under penalty of law that this document and all attachments were prepared under your direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted? Based on your inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, do you certify that the information submitted is, to the best of your knowledge and belief, true, accurate, and complete? Do you certify that you are aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations?

Print Name: Signature: Date:

Notice of Intent for Storm Water Discharges Associated with INDUSTRIAL ACTIVITY Under the Multi-sector NPDES General Permit

Submission of this completed Notice of Intent (NOI) constitutes notice that the entity in Section B intends to be authorized to discharge pollutants to waters of the United States, from the facility or site identified in Section C, under EPA's Storm Water Multi-sector General Permit (MSGP). Submission of the NOI also constitutes notice that the party identified in Section B of this form has read, understands, and meets the eligibility conditions of Part I of the MSGP; agrees to comply with all applicable terms and conditions of the MSGP; understands that continued authorization under the MSGP is contingent on maintaining eligibility for coverage, and that implementation of the permittee's pollution prevention plan is required two days after a complete NOI is mailed. In order to be granted coverage, all information required on this form must be completed. Please read and make sure you comply with all permit requirements, including the requirement to prepare and implement a storm water pollution prevention plan.

A. Permit Selection

Permit number assigned to your facility under the previous permit:

--	--	--	--	--	--	--	--

New Permit Number (EPA Use Only)	
-----------------------------------------	--

1	1	R05	1	1	1	1
---	---	-----	---	---	---	---

B. Facility Operator Information

1. Name: _____ 2. Phone: _____

3. Mailing Address: a. Street or P.O. Box: _____

[illegible]

C. Facility/Site Information

1. Facility/Site Name: _____

2. Location Address: a. Street: _____

b. City: _____ c. County: _____

d. State: e. Zip Code: -

3. a. Latitude: °''' b. Longitude: °'''

4.a. Permit Applicant: ☐ Federal ☐ State ☐ Tribal ☐ Private ☐ Other public entity

b. Is the facility located on Indian Country Lands? ☐ Yes ☐ No

5. Does the facility discharge storm water into:

a. Receiving water(s)? ☐ Yes ☐ No If yes, name(s) of receiving water(s): _____

b. A municipal separate storm sewer system (MS4)? ☐ Yes ☐ No

If yes, name of the MS4 operator: _____

6. The 4-digit Standard Industrial Classification (SIC) codes or the 2-letter Activity Codes that best represent the principal products produced or services rendered by your facility and major co-located activities:

Primary: Secondary (if applicable):

7. Applicable sector(s) of industrial activity, as designated in Part 1.2.1 of the MSGP, that include associated discharges that you seek to have covered under this permit (choose up to three):

☐ Sector A ☐ Sector F ☐ Sector K ☐ Sector P ☐ Sector U ☐ Sector Z
☐ Sector B ☐ Sector G ☐ Sector L ☐ Sector Q ☐ Sector V ☐ Sector AA
☐ Sector C ☐ Sector H ☐ Sector M ☐ Sector R ☐ Sector W ☐ Sector AB
☐ Sector D ☐ Sector I ☐ Sector N ☐ Sector S ☐ Sector X ☐ Sector AC
☐ Sector E ☐ Sector J ☐ Sector O ☐ Sector T ☐ Sector Y ☐ Sector AD

8. Additional Facility/Site Requirements:

a. Based on the instructions provided in Addendum A of the MSGP, have the eligibility criteria for "listed species" and critical habitat been met? ☐ Yes ☐ No

b. Based on the instructions provided in Addendum B of the MSGP, have the eligibility criteria for protection of historic properties been met? ☐ Yes ☐ No

D. Certification

Do you certify under penalty of law that this document and all attachments were prepared under your direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted? Based on your inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, do you certify that the information submitted is, to the best of your knowledge and belief, true, accurate, and complete? Do you certify that you are aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations?

Print Name: _____

Signature: _____

Date: | | | | | |

**Notice of Intent for Storm Water Discharges Associated with
INDUSTRIAL ACTIVITY Under the Multi-sector NPDES General Permit**

Submission of this completed Notice of Intent (NOI) constitutes notice that the entity in Section B intends to be authorized to discharge pollutants to waters of the United States, from the facility or site identified in Section C, under EPA's Storm Water Multi-sector General Permit (MSGP). Submission of the NOI also constitutes notice that the party identified in Section B of this form has read, understands, and meets the eligibility conditions of Part I of the MSGP; agrees to comply with all applicable terms and conditions of the MSGP; understands that continued authorization under the MSGP is contingent on maintaining eligibility for coverage, and that implementation of the permittee's pollution prevention plan is required two days after a complete NOI is mailed. In order to be granted coverage, all information required on this form must be completed. Please read and make sure you comply with all permit requirements, including the requirement to prepare and implement a storm water pollution prevention plan.

A. Permit SelectionPermit number assigned to your facility under the previous permit: **New Permit Number (EPA Use Only)** R05 **B. Facility Operator Information**1. Name: 2. Phone: 3. Mailing Address: a. Street or P.O. Box: b. City: c. State: d. Zip Code: **C. Facility/Site Information**1. Facility/Site Name: 2. Location Address: a. Street: b. City: c. County: d. State: e. Zip Code: 3.a. Latitude: ° ' '' b. Longitude: ° ' ''4.a. Permit Applicant: ☐ Federal ☐ State ☐ Tribal ☐ Private ☐ Other public entityb. Is the facility located on Indian Country Lands? ☐ Yes ☐ No

5. Does the facility discharge storm water into:

a. Receiving water(s)? ☐ Yes ☐ No If yes, name(s) of receiving water(s): b. A municipal separate storm sewer system (MS4)? ☐ Yes ☐ NoIf yes, name of the MS4 operator:

6. The 4-digit Standard Industrial Classification (SIC) codes or the 2-letter Activity Codes that best represent the principal products produced or services rendered by your facility and major co-located activities:

Primary: Secondary (if applicable):

7. Applicable sector(s) of industrial activity, as designated in Part 1.2.1 of the MSGP, that include associated discharges that you seek to have covered under this permit (choose up to three):

☐ Sector A ☐ Sector F ☐ Sector K ☐ Sector P ☐ Sector U ☐ Sector Z
☐ Sector B ☐ Sector G ☐ Sector L ☐ Sector Q ☐ Sector V ☐ Sector AA
☐ Sector C ☐ Sector H ☐ Sector M ☐ Sector R ☐ Sector W ☐ Sector AB
☐ Sector D ☐ Sector I ☐ Sector N ☐ Sector S ☐ Sector X ☐ Sector AC
☐ Sector E ☐ Sector J ☐ Sector O ☐ Sector T ☐ Sector Y ☐ Sector AD

8. Additional Facility/Site Requirements:a. Based on the instructions provided in Addendum A of the MSGP, have the eligibility criteria for "listed species" and critical habitat been met? ☐ Yes ☐ Nob. Based on the instructions provided in Addendum B of the MSGP, have the eligibility criteria for protection of historic properties been met? ☐ Yes ☐ No**D. Certification**

Do you certify under penalty of law that this document and all attachments were prepared under your direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted? Based on your inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, do you certify that the information submitted is, to the best of your knowledge and belief, true, accurate, and complete? Do you certify that you are aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations?

Print Name: Signature: Date:

**Notice of Intent for Storm Water Discharges Associated with
INDUSTRIAL ACTIVITY Under the Multi-sector NPDES General Permit**

Submission of this completed Notice of Intent (NOI) constitutes notice that the entity in Section B intends to be authorized to discharge pollutants to waters of the United States, from the facility or site identified in Section C, under EPA's Storm Water Multi-sector General Permit (MSGP). Submission of the NOI also constitutes notice that the party identified in Section B of this form has read, understands, and meets the eligibility conditions of Part I of the MSGP; agrees to comply with all applicable terms and conditions of the MSGP; understands that continued authorization under the MSGP is contingent on maintaining eligibility for coverage, and that implementation of the permittee's pollution prevention plan is required two days after a complete NOI is mailed. In order to be granted coverage, all information required on this form must be completed. Please read and make sure you comply with all permit requirements, including the requirement to prepare and implement a storm water pollution prevention plan.

A. Permit SelectionPermit number assigned to your facility under the previous permit: **New Permit Number (EPA Use Only)** R05 **B. Facility Operator Information**1. Name: 2. Phone: 3. Mailing Address: a. Street or P.O. Box: b. City: c. State: d. Zip Code: **C. Facility/Site Information**1. Facility/Site Name: 2. Location Address: a. Street: b. City: c. County: d. State: e. Zip Code: 3.a. Latitude: ° ′ ″ b. Longitude: ° ′ ″4.a. Permit Applicant: ☐ Federal ☐ State ☐ Tribal ☐ Private ☐ Other public entityb. Is the facility located on Indian Country Lands? ☐ Yes ☐ No

5. Does the facility discharge storm water into:

a. Receiving water(s)? ☐ Yes ☐ No If yes, name(s) of receiving water(s): b. A municipal separate storm sewer system (MS4)? ☐ Yes ☐ NoIf yes, name of the MS4 operator:

6. The 4-digit Standard Industrial Classification (SIC) codes or the 2-letter Activity Codes that best represent the principal products produced or services rendered by your facility and major co-located activities:

Primary: Secondary (if applicable):

7. Applicable sector(s) of industrial activity, as designated in Part 1.2.1 of the MSGP, that include associated discharges that you seek to have covered under this permit (choose up to three):

☐ Sector A ☐ Sector F ☐ Sector K ☐ Sector P ☐ Sector U ☐ Sector Z
☐ Sector B ☐ Sector G ☐ Sector L ☐ Sector Q ☐ Sector V ☐ Sector AA
☐ Sector C ☐ Sector H ☐ Sector M ☐ Sector R ☐ Sector W ☐ Sector AB
☐ Sector D ☐ Sector I ☐ Sector N ☐ Sector S ☐ Sector X ☐ Sector AC
☐ Sector E ☐ Sector J ☐ Sector O ☐ Sector T ☐ Sector Y ☐ Sector AD

8. Additional Facility/Site Requirements:a. Based on the instructions provided in Addendum A of the MSGP, have the eligibility criteria for "listed species" and critical habitat been met? ☐ Yes ☐ Nob. Based on the instructions provided in Addendum B of the MSGP, have the eligibility criteria for protection of historic properties been met? ☐ Yes ☐ No**D. Certification**

Do you certify under penalty of law that this document and all attachments were prepared under your direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted? Based on your inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, do you certify that the information submitted is, to the best of your knowledge and belief, true, accurate, and complete? Do you certify that you are aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations?

Print Name: Signature: Date:



Equatorial Mineral Park Incorporated

*HC 37 Box 500
Kingman, Arizona 86401
Phone: (520) 565-2226
Fax: (520) 565-9239
E-Mail: empi02@ctaz.com*

FAX TRANSMISSION COVER SHEET

Date: December 6, 2000
Fax: 5203270221
Subject: MSGP-2000

To: Harrison Matson

**YOU SHOULD RECEIVE [7] PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO
NOT RECEIVE ALL THE PAGES, PLEASE CALL**

**Brian W. Henderson
Environmental Health & Safety Coordinator
(520) 565-2226 Extension 24**

Comments:

Greetings Again Harrison,

Attached is the new NOI and Addendum A&B from the Federal Register. Look closely at item #8 on the NOI then read the addendums.

Best Regards

Brian

NPDES Form 3510-6	EPA	United States Environmental Protection Agency Washington, DC 20460	Form Approved OMB No. 2040-0086
Notice of Intent for Storm Water Discharges Associated with INDUSTRIAL ACTIVITY Under the Multi-sector NPDES General Permit			
Submission of this completed Notice of Intent (NOI) constitutes notice that the entity in Section B intends to be authorized to discharge pollutants to waters of the United States, from the facility or site identified in Section C, under EPA's Storm Water Multi-sector General Permit (MSGP). Submission of the NOI also constitutes notice that the party identified in Section B of this form has read, understands, and meets the eligibility conditions of Part I of the MSGP; agrees to comply with all applicable terms and conditions of the MSGP; understands that continued authorization under the MSGP is contingent upon maintaining eligibility for coverage, and that implementation of the permittee's pollution prevention plan is required two days after a complete NOI is mailed. In order to be granted coverage, all information required on this form must be completed. Please read and make sure you comply with all permit requirements, including the requirement to prepare and implement a storm water pollution prevention plan.			
A. Permit Selection Permit number assigned to your facility under the previous permit:		New Permit Number (EPA Use Only) <div style="border: 1px solid black; padding: 2px;">R05</div>	
B. Facility Operator Information			
Name:		Phone:	
Mailing Address: a. Street or P.O. Box:			
b. City:	c. State:	d. Zip Code:	
C. Facility/Site Information			
Facility/Site Name:			
Location Address: a. Street:			
b. City:	c. County:		
d. State:	e. Zip Code:		
a. Latitude:	b. Longitude:		
a. Permit Applicant: <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Tribal <input checked="" type="checkbox"/> Private <input type="checkbox"/> Other public entity			
b. Is the facility located on Indian Country Lands? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Does the facility discharge storm water into:			
a. Receiving water(s)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, name(s) of receiving water(s):			
b. A municipal separate storm sewer system (MS4)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If yes, name of the MS4 operator:			
The 4-digit Standard Industrial Classification (SIC) codes or the 2-letter Activity Codes that best represent the principal products produced or services rendered by your facility and major co-located activities: Primary: Secondary (if applicable):			
Applicable sector(s) of industrial activity, as designated in Part 1.2.1 of the MSGP, that include associated discharges that you seek to have covered under this permit (choose up to three):			
B. Additional Facility/Site Requirements: a. Based on the instructions provided in Addendum A of the MSGP, have the eligibility criteria for "listed species" and			

☐ Sector A ☐ Sector F ☐ Sector K ☐ Sector P ☐ Sector U ☐ Sector Z
☐ Sector B ☒ Sector G ☐ Sector L ☐ Sector Q ☐ Sector V ☐ Sector AA
☐ Sector C ☐ Sector H ☐ Sector M ☐ Sector R ☐ Sector W ☐ Sector AB
☐ Sector D ☐ Sector I ☐ Sector N ☐ Sector S ☐ Sector X ☐ Sector AC
☐ Sector E ☐ Sector J ☐ Sector O ☐ Sector T ☐ Sector Y ☐ Sector AD

critical habitat been met? ☒ Yes ☐ No

b. Based on the instructions provided in Addendum B of the MSGP, have the eligibility criteria for protection of historic properties been met? ☒ Yes ☐ No

D. Certification

Do you certify under penalty of law that this document and all attachments were prepared under your direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted? Based on your inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, do you certify that the information submitted is, to the best of your knowledge and belief, true, accurate, and complete? Do you certify that you are aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations?

Print Name: _____

Signature: _____

Date: _____



Equatorial Mining North America, Inc.

1430 E. Fort Lowell; Suite 200
Tucson, Arizona 85719
Phone: (520) 327-6171
Fax: (520) 327-0221

FAXED

Fax

To: Brian Henderson

From: H. MATSON

Fax:

Pages: 2

Phone:

Date: Dec 6 2000.

Re: SWPPP & Permit

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

There appears to be little reason to
have consultants prepare a NOI for Mineral Park.
The form may be downloaded as listed on
the attachment from EPA. The deadline is
JAN 29, 2001.

Regards.

Hanna

**Equatorial Mineral Park Incorporated**

HC 37 Box 500
Kingman, Arizona 86401
Phone: (520) 565-2226
Fax: (520) 565-9239
E-Mail: empi02@ctaz.com

FAX TRANSMISSION COVER SHEET

Date: December 6, 2000
Fax: 5203270221
Subject: MSGP-2000

To: Harrison Matson

**YOU SHOULD RECEIVE [1] PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO
NOT RECEIVE ALL THE PAGES, PLEASE CALL**

Brian W. Henderson
Environmental Health & Safety Coordinator
(520) 565-2226 Extension 24

Comments:

Greetings Harrison,

Received your fax this morning. The issue is not as simple as filling out the NOI, I can do that easily. The MSGP-2000 sets forth new regulations whereby certain criteria will have to be met prior to filing the NOI. The issue at Mineral Park is "Waters of the U.S.". A determination needs to be made whether we fall under that jurisdiction. Once a determination is made then we can move on with the MSGP-2000 or not. If we move on, then certain criteria needs to be certified with respect to Threatened or Endangered Species, Critical Habitats, and Significant Historical areas within our discharge zones.

MP has five NPDES permits I believe were made in error back in 1995. I contend that MP does not discharge storm water. Before we get imbedded within EPA's NPDES system even further, we need to make a determination that is final.

Best Regards

Brian

EPA Form 3510-6 (Revised 08-2000, Expires 04-2003)

13.9. NVR05*##I: Indian country lands within the State of Nevada, including the Duck Valley Reservation in Idaho, the Fort McDermitt Reservation in Oregon and the Goshute Reservation in Utah. No additional requirements.

13.10. Region 10.

13.10.1. (The terms and conditions of the 1995 Multi-Sector General Permit are effective for facilities in the State of Alaska through February 9, 2001.)

13.10.2. AKR05*##I: Indian country Lands within the State of Alaska.

13.10.3. IDR05*##I: The State of Idaho, except Indian country lands.

13.10.4. IDR05*##I: Indian country lands within the State of Idaho, except Duck Valley Reservation lands (see Region 9).

13.10.5. ORR05*##I: Indian country lands in the State of Oregon except Fort McDermitt Reservation lands (see Region 9).

13.10.6. WAR05*##I: Indian country lands within the State of Washington

13.10.6.1 Permittees on Chehalis Reservation lands must also meet the following conditions:

1. The permittee shall be responsible for achieving compliance with Confederated Tribes of Chehalis Reservation's Water Quality Standards, and

2. The permittee shall be responsible for submitting all Storm Water Pollution Prevention Plans to the Chehalis Tribal Department of Natural Resources at the following address for review and approval prior to the beginning of any discharge activities taking place: Confederated Tribes of Chehalis Reservation, Department of Natural Resources, 420 Howanut Road, Oakville, WA 98568.

13.10.6.2 Permittees on Puyallup Reservation lands must also meet the following conditions:

1. The permittee shall be responsible for achieving compliance with Puyallup Tribe's Water Quality Standards;

2. The permittee shall submit a copy of the Notice of Intent to be covered by the general permit to the Puyallup Tribe Environmental Department at the address listed below at the same time it is submitted to U.S. EPA;

3. The permittee shall be responsible for submitting all Storm Water Pollution Prevention Plans to the Puyallup Tribe Environmental Department at the following address for review and approval prior to the beginning of any discharge activities taking place: Puyallup Tribe Environmental Department, 2002 East 28th Street, Tacoma, WA 98404.

13.10.7. WAR05*##F: Federal Facilities in the State of Washington,

except those located on Indian country lands.

13.10.7.1 Discharges authorized by this permit shall not cause or contribute to a violation of any applicable water quality standard of the State of Washington. These standards are found at Chapter 173-201A WAC (Water Quality Standards for Surface Waters), Chapter 173-204 WAC (Sediment Management Standards) and the National Toxics Rule for human health standards (57 FR 60848-60923).

13.10.7.2 Any operator of a facility in Sectors A, D, E, F, G, H, J, L, M, N, or U who intends to obtain authorization under the MSGP-2000 for all new and existing storm water discharges must conduct and report benchmark monitoring for turbidity with a cutoff concentration of 50 NTU.

Addendum A—Endangered Species Guidance

1. Assessing Permit Eligibility Regarding Endangered Species

A. Background

To meet its obligations under the Clean Water Act and the Endangered Species Act (ESA) and to promote those Acts' goals, the Environmental Protection Agency (EPA) is seeking to ensure the activities regulated by this Multi-Sector General Permit (MSGP) pose no jeopardy to endangered and threatened species and critical habitat. To ensure that those goals are met, applicants for MSGP coverage are required under Part 1.2.3.6 to assess the impacts of their storm water discharges, allowable non-storm water discharges, and discharge-related activities on Federally listed endangered and threatened species ("listed species") and designated critical habitat ("critical habitat") by following the process listed below. EPA strongly recommends that you follow these steps at the earliest possible stage to ensure that measures to protect listed species and critical habitat are incorporated early in your planning process.

You also have an independent ESA obligation to ensure that your activities do not result in any prohibited "takes" of listed species.¹ Many of the measures required in the MSGP and in these instructions to protect species may also assist you in ensuring that your activities do not result in a prohibited take of species in violation of section 9 of the ESA. If you have or plan activities in areas that harbor endangered and threatened species, you may wish to ensure that you are protected from potential takings liability under ESA section 9 by obtaining an ESA

¹ Section 9 of the ESA prohibits any person from "taking" a listed species (e.g., harassing or harming it) unless: (1) the taking is authorized through a "incidental take statement" as part of undergoing ESA section 7 formal consultation; (2) where an incidental take permit is obtained under ESA section 10 (which requires the development of a habitat conservation plan); or (3) where otherwise authorized or exempted under the ESA. This prohibition applies to all entities including private individuals, businesses, and governments.

section 10 permit or, if there is a separate federal action regarding the facility, by requesting formal consultation under ESA section 7 regarding that action. If you are not sure whether to pursue a section 10 permit or a section 7 consultation for takings protection, you should confer with the appropriate Fish and Wildlife Service (FWS) and/or National Marine Fisheries Service (NMFS) (collectively the "Services") office.

B. How Does The Basic Eligibility Assessment Process Work?

In order to determine if you are eligible to use the permit, you need to go through a series of steps to determine:

1. Are there any listed endangered or threatened species or critical habitat in proximity to your facility or the point where your discharges reach a receiving water?
2. If there are listed species in proximity, are your discharges or discharge-related activities going to adversely affect them?
3. If adverse effects on listed species or critical habitat are likely, what can you do to eliminate or reduce these effects?
4. Have any adverse effects already been addressed under the Endangered Species Act?
5. Which, if any, of the eligibility criteria make you eligible for permit coverage?

C. What Are the Eligibility Criteria?

The Part 1.2.3.6 eligibility requirement may be satisfied by documenting that one or more of the following criteria has been met:

Criteria A. No Listed Species or Critical Habitat Are in Proximity to Your Facility or the Point Where Authorized Discharges Reach a Water of the United States (See Part 1.2.3.6.3.1)

Using the latest County Species List available from EPA and any other relevant information sources, you have determined that no listed species or critical habitat are in proximity to your facility. Listed species and critical habitat are in proximity to a facility when they are:

- Located in the path or immediate area through which or over which contaminated point source storm water flows from industrial activities to the point of discharge into the receiving water. This may also include areas where storm water from your facility enters groundwater that has a direct hydrological connection to a receiving water (e.g., groundwater infiltrates at your facility and re-emerges to enter a surface waterbody within a short period of time.)
- Located in the immediate vicinity of, or nearby, the point of discharge into receiving waters.
- Located in the area of a facility where storm water BMPs are planned or are to be constructed.

Please be aware that no protection from incidental takings liability is provided under this criteria.

Criteria B. An ESA Section 7 Consultation Has Been Performed for a Separate Federal Action Regarding Your Facility (See Part 1.2.3.6.3.2)

A formal or informal ESA § 7 consultation on a separate federal action (e.g., New Source review under NEPA, application for a dredge

and fill permit under CWA § 404, application for an individual NPDES permit, etc.) address the effects of your discharges and discharge-related activities on listed species and critical habitat. If your facility was the subject of a formal consultation, it must have resulted in either a "no jeopardy opinion" or a "jeopardy opinion" and you agree to implement any reasonable and prudent alternatives or other conditions upon which the consultation was based. If your facility was the subject of an informal consultation, it must have resulted in a written concurrence by the Service(s) on a finding that the applicant's activities are not likely to adversely affect listed species or critical habitat. For informal consultation, see 50 CFR 402.13).

Criterion C. An Incidental Taking Permit Under Section 10 of the ESA was Issued for Your Facility (See Part 1.2.3.6.3.3)

You have a permit under section 10 of the ESA and that authorization addresses the effects of your wastewater and storm water discharges and discharge-related activities on listed species and critical habitat. Note: You must follow FWS/NMFS procedures when applying for an ESA section 10 permit (see 50 CFR 17.22(b)(1)).

Criterion D. You Have Determined Adverse Effects Are Not Likely (See Part 1.2.3.6.3.4)

Using best judgment, you have investigated potential effects your discharges and discharge-related activities may have on listed species and critical habitat and have no reason to believe there would be adverse effects. Any terms and/or conditions to protect listed species and critical habitat you relied on in order to determine adverse effects would be unlikely must be incorporated into your Storm Water Pollution Prevention Plan (required by the permit) and implemented in order to maintain permit eligibility.

Please be aware that no protection from incidental takings liability is provided under this criteria.

Criterion E. Your Facility Was Covered Under the Eligibility Certification of Another Operator for the Facility Area (See Part 1.2.3.6.3.5)

Your storm water discharges, allowable non-storm water discharges, and discharge-related activities were already addressed in another operator's certification of eligibility under Part 1.2.3.6.3 which covered your facility. By certifying eligibility under Part 1.2.3.6.3.4, you agree to comply with any measures or controls upon which the other operator's certification under Part 1.2.3.6.3 was based.

Please be aware that in order to meet the permit eligibility requirements by relying on another operator's certification of eligibility, the other operator's certification must apply to the location of your facility and must address the effects from your storm water discharges, allowable non-storm water discharges, and discharge-related activities on listed species and critical habitat. This situation will typically occur where an ownership of a facility covered by this permit changes or when there are multiple operators within an industrial park or an airport.

However, before you rely on another operator's certification, you should carefully review that certification along with any supporting information. You also need to confirm that no additional species have been listed or critical habitat designated in the area of your facility since the other operator's endangered species assessment was done. If you do not believe that the other operator's certification provides adequate coverage for your facility, you should provide your own independent endangered species assessment and certification.

Please be aware that no protection from incidental takings liability is provided under this criteria.

D. What Procedures Do I Use To Determine If the Eligibility Criteria Can Be Satisfied?

Caution: Additional endangered and threatened species have been listed and critical habitat designated since the 1995 MSGP was issued and will continue to be added after the effective date of this permit. You must verify any earlier determination of eligibility is still valid before relying on that assessment to certify eligibility for this permit. Where applicable, you may incorporate information from your previous endangered species analysis in your documentation of eligibility for this permit.

To determine eligibility, you must assess (or have previously assessed) the potential effects of your storm water discharges, allowable non-storm water discharges and discharge-related activities on listed species and critical habitat. PRIOR to completing and submitting a Notice of Intent (NOI) form, you must follow the steps outlined below and document the results of your eligibility determination.

Step One: Are There Any Endangered Species or Critical Habitat in Your County (or Other Area) and, if so, Are They in Proximity to Your Facility or Discharge Locations?

1-A. Check for Listed Species Look in the latest county species list to see if any listed species are found where your facility and discharge point(s) are located. If you are located close to the border of a county or your facility is located in one county and your discharge points are located in another, you must look under both counties. Since species are listed and de-listed periodically, you will need the most current list at the time you are doing your endangered species assessment. EPA's most current county-species list is on the Internet at <http://www.epa.gov/owm/esa/st2.htm>.

=>Proceed to 1-B.

1-B. Check for Critical Habitat Some (but not all) listed species have designated critical habitat. Exact locations of such habitat is provided in the endangered species regulations at 50 CFR part 17 and part 226. To determine if facility or discharge locations are within designated critical habitat, you should either:

- Review those regulations (which can be found in many larger libraries); or
- Contact the nearest Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) Office. A list of FWS and

NMFS offices is found at section II of this Addendum; or

- Contact the State Natural Heritage centers. These centers compile and disseminate information on Federally listed and other protected species. They frequently have the most current information on listed species and critical habitat. A list of these centers is provided in section III of the Addendum.

=>Proceed to 1-C.

1-C. Check for Proximity If there are listed species in your county, are they in proximity to your facility or discharge locations? You will need to use the proximity criteria in Eligibility Criteria A to determine if the listed species are in your part of the county. The area in proximity to be searched/surveyed for listed species will vary with the size of the facility, the nature and quantity of the storm water discharges, and the type of receiving waters. Given the number of facilities potentially covered by the MSGP, no specific method to determine whether species are in proximity is required for permit coverage under the MSGP. Instead, you should use the method or methods which best allow you to determine to the best of your knowledge whether species are in proximity to your particular facility. These methods may include:

- Conducting visual inspections. This method may be particularly suitable for facilities that are smaller in size, facilities located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no nature habitat; and facilities that discharge directly into municipal storm water collection systems. For other facilities, a visual survey of the facility site and storm water drainage areas may be insufficient to determine whether species are likely to be located in proximity to the discharge.

- Contacting the nearest State Wildlife Agency or U.S. Fish and Wildlife Service (FWS) or National Marine Fisheries Service (NMFS) offices. Many endangered and threatened species are found in well-defined areas or habitats. That information is frequently known to state or federal wildlife agencies. FWS has offices in every state. NMFS has regional offices in: Gloucester, Massachusetts; St. Petersburg, Florida; Long Beach, California; Portland, Oregon; and Juneau, Alaska.

- Contacting local/regional conservation groups. These groups inventory species and their locations and maintain lists of sightings and habitats.

- Conducting a formal biological survey. Larger facilities with extensive storm water discharges may choose to conduct biological surveys as the most effective way to assess whether species are located in proximity and whether there are likely adverse effects.

If neither your facility nor discharge locations are located in designated critical habitat, then you need not consider impacts to critical habitat when following Steps Two through Five below. If your facility or discharge locations are located within critical habitat, then you must look at impacts to critical habitat when following Steps Two through Five. EPA notes that many measures imposed to protect listed species under these

64864

Federal Register / Vol. 65, No. 210 / Monday, October 30, 2000 / Notices

steps will also protect critical habitat. However, obligations to protect habitat under this permit are separate from those to protect listed species. Thus, meeting the eligibility requirements of this permit may require measures to protect critical habitat that are separate from those to protect listed species.

=> Proceed to 1-D

1-D. Check for Criteria "A" Eligibility IF NO SPECIES WERE LISTED FOR YOUR COUNTY OR THE SPECIES THAT WERE LISTED WERE NOT IN PROXIMITY TO YOUR DISCHARGE AND YOUR FACILITY AND DISCHARGE LOCATIONS WERE NOT IN PROXIMITY TO CRITICAL HABITAT, YOU ARE ELIGIBLE UNDER CRITERIA "A". Document your endangered species assessment and certify eligibility under Part 1.2.3.6.3.1 of the permit. Congratulations, go to Step Five!

=> If there were listed species or critical habitat, proceed to Step Two

Step Two: Can You Meet Eligibility Criteria "B", "C", or "E"?

2-A. Check for Criteria "B", "C", or "E" Basis: One of the following apply:

- There was a completed consultation under ESA § 7 for your facility (Criteria B) => proceed to 2-B

- There is a previously issued ESA § 10 permit for your facility (Criteria C) => proceed to 2-C

- Another operator previously certified eligibility for the area where your facility is located (Criteria E) => proceed to 2-D

=> If not, proceed to Step Three

2-B. Check for Criteria "B" Eligibility: Did the previously completed ESA § 7 consultation consider all currently listed species and critical habitat and address your storm water, allowable non-storm water, and discharge-related activities?

=> If not, proceed to Step Three

2-B-1. Did the ESA § 7 consultation result in either a "no jeopardy" opinion by the Service (for formal consultations) or a concurrence by the service that your activities would be "unlikely to adversely affect" listed species or critical habitat?

=> If not, proceed to Step Three

2-B-2. IF YOU AGREE TO IMPLEMENT ANY MEASURES UPON WHICH THE CONSULTATION WAS CONDITIONED, YOU ARE ELIGIBLE UNDER CRITERIA "B". Incorporate any necessary measures into your Storm Water Pollution Prevention Plan, document your endangered species assessment, and certify eligibility under Part 1.2.3.6.3.2. Congratulations, go to Step Five!

=> If you do not agree to implement conditions upon which the consultation was based, proceed to Step Three

2-C. Check for Criteria "C" Eligibility: IF YOUR ESA § 10 PERMIT CONSIDERED ALL CURRENTLY LISTED SPECIES AND CRITICAL HABITAT AND ADDRESSES YOUR STORM WATER, ALLOWABLE NON-STORM WATER, AND DISCHARGE-RELATED ACTIVITIES, YOU ARE ELIGIBLE UNDER CRITERIA "C". Incorporate any necessary measures into your Storm Water Pollution Prevention Plan, document your

endangered species assessment, and certify eligibility under Part 1.2.3.6.3.3 of the permit. Congratulations, go to Step Five!

=> If your ESA § 10 permit did not meet these criteria, proceed to Step Three

2-D. Check for Criteria "E" Eligibility: Did the other operator's certification of eligibility consider all currently listed species and critical habitat and address your storm water, allowable non-storm water, and discharge-related activities?

=> If no, proceed to Step Three

2-D-1. IF YOU AGREE TO IMPLEMENT ANY MEASURES UPON WHICH THE OTHER OPERATOR'S CERTIFICATION WAS BASED, YOU ARE ELIGIBLE UNDER CRITERIA "E". Incorporate any necessary measures into your Storm Water Pollution Prevention Plan, document your endangered species assessment, and certify eligibility under Part 1.2.3.6.3.5 of the Permit. Congratulations, go to Step Five!

=> If you do not agree to implement conditions upon which another operator's certification was based, proceed to Step Three

Step Three: Are Listed Species or Critical Habitat Likely To Be Adversely Affected by Your Facility's Storm Water Discharges, Allowable Non-storm Water Discharges, or Discharge-related Activities?

If you are unable to certify eligibility under Criteria A, B, C, or E, you must assess whether your storm water discharges, allowable non-storm water discharges, and discharge-related activities are likely to pose jeopardy to listed species or critical habitat. "Storm water discharge-related activities" include:

- Activities which cause, contribute to, or result in point source storm water pollutant discharges; and

- Measures to control storm water discharges and allowable non-storm water discharges including the siting, construction, operation of best management practices (BMPs) to control, reduce or prevent water pollution.

Effects from storm water discharges, allowable non-storm water discharges, and discharge-related activities which could pose jeopardy include:

- **Hydrological.** Wastewater or storm water discharges may cause siltation, sedimentation or induce other changes in receiving waters such as temperature, salinity or pH. These effects will vary with the amount of wastewater or storm water discharged and the volume and condition of the receiving water. Where a discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely.

- **Habitat.** Excavation, site development, grading, and other surface disturbance activities, including the installation or placement of wastewater or storm water ponds or BMPs, may adversely affect listed species or their habitat. Wastewater or storm water associated with facility operation may drain or inundate listed species habitat.

- **Toxicity.** In some cases, pollutants in wastewater or storm water may have toxic effects on listed species.

The scope of effects to consider will vary with each facility. If you are having difficulty in determining whether your facility is likely to pose jeopardy to a listed species or critical habitat, then the appropriate office of the FWS, NMFS, or Natural Heritage Center listed in Sections II and III of this Addendum should be contacted for assistance.

Document the results of your assessment and make a preliminary determination on whether or not there would likely be any jeopardy to listed species or critical habitat. You will need to determine that your activities are either "unlikely to adversely affect" or "may adversely affect". Your determination may be based on measures that you implement to avoid, eliminate, or minimize adverse effects.

=> Proceed to Step Four

Step Four: Can You Meet Eligibility Criteria "D"?

Using best judgment, can you determine your facility's storm water discharges, allowable non-storm water discharges, and discharge-related activities are unlikely to pose jeopardy to listed species or critical habitat?

4-A. IF STEP THREE DETERMINATION IS "UNLIKELY TO ADVERSELY AFFECT", YOU ARE ELIGIBLE UNDER CRITERIA "D". Incorporate appropriate measures upon which your eligibility was based into your Storm Water Pollution Prevention Plan and certify eligibility under Part 1.2.3.6.3.4 of the permit. Congratulations, go to Step Five.

=> If there may be adverse effects, proceed to Step 4-B

4-B. Step Three (or Step 4-A-1)

Determination is "May Adversely Affect"

You must contact the Service(s) to discuss your findings and measures you could implement to avoid, eliminate, or minimize adverse effects.

4-B-1. IF YOU AND THE SERVICE(S) REACH AGREEMENT ON MEASURES TO AVOID ADVERSE EFFECTS, YOU ARE ELIGIBLE UNDER CRITERIA "D". Incorporate appropriate measures upon which your eligibility was based into your Storm Water Pollution Prevention Plan and certify eligibility under Part 1.2.3.6.3.4 of the permit. Congratulations, go to Step Five.

4-C. Endangered Species Issues Cannot be Resolved: If you cannot reach agreement with the Service(s) on measures to avoid, eliminate, or reduce adverse effects to an acceptable level; and if any likely adverse effects cannot otherwise be addressed through meeting the other criteria of Part 1.2.3.6; then you are not eligible for coverage under the MSGP at this time and must seek coverage under an individual permit. Proceed to 40 CFR 122.26(c) for individual permit application requirements.

Step Five: Submit Notice of Intent and Document Results of the Eligibility Determination

Once all other Part 1.2 eligibility requirements have been met, you may submit the Notice of Intent (NOI). Signature and submittal of the NOI is also deemed to constitute your certification, under penalty of law, of your eligibility for permit coverage.

You must include documentation of Part 1.2.3.6 eligibility in the pollution prevention plan required for the facility. Documentation required for the various eligibility criteria are as follows:

Criteria A—A copy of the County-Species List pages with the county(ies) where your facility and discharges are located and a statement on how you determined that no listed species or critical habitat was in proximity to your discharge.

Criteria B—A copy of the Service(s)'s Biological Opinion or concurrence on a finding of "unlikely to adversely effect" regarding the ESA § 7 consultation.

Criteria C—A copy of the Service(s)'s letter transmitting the ESA § 10 authorization.

Criteria D—Documentation on how you determined adverse effects on listed species and critical habitat were unlikely.

Criteria E—A copy of the documents originally used by the other operator of your facility (or area including your facility) to satisfy the documentation requirement of Criteria A, B, C or D.

E. Duty To Implement Terms and Conditions Upon Which Eligibility Was Determined

You must comply with any terms and conditions imposed under the eligibility requirements of Part 1.2.3.6.3 to ensure that your storm water discharges, allowable non-storm water discharges, and discharge-related activities do not pose jeopardy to listed species and/or critical habitat. You must incorporate such terms and conditions in your facility's Storm Water Pollution Prevention Plan as required by the permit. If the eligibility requirements of Part 1.2.3.6 cannot be met, then you may not receive coverage under this permit. You should then consider applying to the permitting authority for an individual permit.

II. U.S. Fish and Wildlife Service Offices

National Website For Endangered Species Information. Endangered Species Home page: <http://www.fws.gov/r0endspp/endspp.html>

Region A. State, Field and Project Offices

USFWS Region One—Regional Office

Division Chief, Endangered Species, U.S. Fish and Wildlife Service, ARD Ecological Services, 911 NE 11 Avenue, Portland, OR 97232-4181, (503) 231-6121

State, Field, and Project Offices (Region One)

Field Supervisor, U.S. Fish and Wildlife Service, P.O. Box 50088, 300 Ala Moana Blvd., Rm 3108, Honolulu, HI 96850

Field Supervisor, U.S. Fish and Wildlife Service, Upper Columbia R. Basin F&W Office, 11103 East Montgomery Drive, Ste 2, Spokane, WA 99306

State Supervisor, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 250 S.E. 98th Avenue Suite 100, Portland, OR 97266

Field Supervisor, U.S. Fish and Wildlife Service, Snake River Basin F&W Office, 135 S. South Vinnell Way, Room 368, Boise, Idaho 83709

State Supervisor, U.S. Fish and Wildlife Service, Nevada State Office, 4600 Kietzke Lane, Building C, Rm. 125, Reno, NV 89502-5093

State Supervisor, U.S. Fish and Wildlife Service, Western Washington F&W Office, 510 Desmond Dr., Suite 102, Lacey, WA 98503-1273

Field Supervisor, U.S. Fish and Wildlife Service, Klamath Falls F&W Office, 6600 Washburn Way, Klamath Falls, OR 97603

Field Supervisor, U.S. Fish and Wildlife Service, Klamath River F&W Office, 1215 South Main, Suite 212, Yreka, CA 96097-1006

Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 2730 Loker Avenue West, Carlsbad, CA 92008

Field Supervisor, U.S. Fish and Wildlife Service, Ventura Field Office, 2493 Portola Road, Suite B, Ventura, CA 93003

Project Leader, U.S. Fish and Wildlife Service, Coastal California Fish and Wildlife Office, 1125 16th St., Rm. 209, Arcata, CA 95521-5582

Project Leader, U.S. Fish and Wildlife Service, Northern Central Valley F&W Office, 10959 Tyler Road, Red Bluff, CA 96080

State Supervisor, U.S. Fish and Wildlife Service, California State Office, 3310 El Camino Avenue, Suite 120, Sacramento, CA 95821-6340

Field Supervisor, U.S. Fish and Wildlife Service, Sacramento Fish & Wildlife Office, 3310 El Camino Avenue, Suite 120, Sacramento, CA 95821-6340

USFWS Region Two—Regional Office

Division Chief, Endangered Species, U.S. Fish and Wildlife Service, ARD Ecological Services, P.O. Box 1308, Albuquerque, NM 87103

State, Field, and Project Offices (Region Two)

Field Supervisor, U.S. Fish and Wildlife Service, Corpus Christi Field Office, 6300 Ocean Dr., Campus Box 338, Corpus Christi, TX 78412

Field Supervisor, U.S. Fish and Wildlife Service, Arlington Field Office, 711 Stadium Dr., East, Suite 252, Arlington, TX 76011

Field Supervisor, U.S. Fish and Wildlife Service, Clear Lake Field Office, 17620 El Camino Real, Suite 211, Houston, TX 77058

Field Supervisor, U.S. Fish and Wildlife Service, Oklahoma Field Office, 222 S. Houston, Suite a, Tulsa, OK 74127

Field Supervisor, U.S. Fish and Wildlife Service, New Mexico Field Office, 2105 Osuna, NE, Albuquerque, NM 87113

Field Supervisor, U.S. Fish and Wildlife Service, Austin Ecological Serv. Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758

Field Supervisor, U.S. Fish and Wildlife Service, Arizona State Office, 2321 W. Royal Palm Road, Suite 103, Phoenix, AZ 85021-4051

USFWS Region Three—Regional Office

Division Chief, Endangered Species, U.S. Fish and Wildlife Service, ARD Ecological Services, BHW Federal Bldg, 1 Federal Drive, Fort Snelling, MN 55111-4056

State, Field, and Project Offices (Region Three)

Field Supervisor, U.S. Fish and Wildlife Service, Chicago, Illinois Field Office, 1000 Hart Rd., Suite 180, Barrington, IL 60010

Field Supervisor, U.S. Fish and Wildlife Service, East Lansing Field Office, 2651 Coolidge Road, East Lansing, MI 48823

Field Supervisor, U.S. Fish and Wildlife Service, Reynoldsburg Field Office, 6950 Americana Parkway, Suite H, Reynoldsburg, OH 43068-4132

Field Supervisor, U.S. Fish and Wildlife Service, Bloomington Field Office, 620 South Walker Street, Bloomington, IN 47403-2121

Field Supervisor, U.S. Fish and Wildlife Service, Twin Cities E.S. Field Office, 4101 East 80th Street, Bloomington, MN 55425-1665

Field Supervisor, U.S. Fish and Wildlife Service, Columbia Field Office, 608 East Cherry Street, Room 200, Columbia, MO 65201-7712

Field Supervisor, U.S. Fish and Wildlife Service, Green Bay Field Office, 1015 Challenger Court, Green Bay, WI 54311-6331

Field Supervisor, U.S. Fish and Wildlife Service, Rock Island Field Office, 4469 48th Avenue Court, Rock Island, IL 61201

Field Supervisor, U.S. Fish and Wildlife Service, Marion Suboffice, Route 3, Box 328, Marion, IL 62959-4565

USFWS Region Four—Regional Office

Division Chief, Endangered Species, U.S. Fish and Wildlife Service, ARD—Ecological Services, 1675 Century Blvd., Suite 200, Atlanta, GA 30345

State, Field, and Project Offices (Region Four)

Field Supervisor, U.S. Fish and Wildlife Service, Panama City Field Office, 1612 June Avenue, Panama City, FL 32405-3721

Field Supervisor, U.S. Fish and Wildlife Service, South Florida Ecosystem Field Office, 1360 U.S. Hwy 1, #5; P.O. Box 2676, Vero Beach, FL 32961-2676

Field Supervisor, U.S. Fish and Wildlife Service, Caribbean Field Office, P.O. Box 491, Boqueron, PR 00622

Field Supervisor, U.S. Fish and Wildlife Service, Puerto Rican Parrot Field Office, P.O. Box 1600, Rio Grande, PR 00745

Field Supervisor, U.S. Fish and Wildlife Service, Brunswick Field Office, 4270 Norwich Street, Brunswick, GA 31520-2523

Field Supervisor, U.S. Fish and Wildlife Service, Jacksonville Field Office, 6620 Southpoint Drive S., Suite 310, Jacksonville, FL 32216-0912

Field Supervisor, U.S. Fish and Wildlife Service, Charleston Field Office, 217 Ft. Johnson Road, P.O. Box 12559, Charleston, SC 29422-2559

Field Supervisor, U.S. Fish and Wildlife Service, Clemson F.O., Dept. of Forest Resources, 261 Lehotsky Hall, Box 341003, Clemson, SC 29634-1003

Field Supervisor, U.S. Fish and Wildlife Service, Raleigh Field Office, P.O. Box 33726, Raleigh, NC 27636-3726

Field Supervisor, U.S. Fish and Wildlife Service, Cookeville Field Office, 446 Neal Street, Cookeville, TN 38501

64866

Federal Register / Vol. 65, No. 210 / Monday, October 30, 2000 / Notices

Department, 1835 Bismarck Expressway, Bismarck, ND 58504, 701/328-5357 Fax: 701/328-5363

Ohio Natural Heritage Data Base, Division of Natural Areas & Preserves, Department of Natural Resources, 1889 Fountain Square, Building F-1, Columbus, OH 43224, 614/265-6153 Fax: 614/267-3098

Oklahoma Natural Heritage Inventory, Oklahoma Biological Survey, 111 East Chesapeake Street, University of Oklahoma, Norman, OK 73019-0575, 405/325-3885 Fax: 405/325-7702, Web site: <http://obssun02.uoknor.edu/biosurvey/onhi/home.html>

Oregon Natural Heritage Program, Oregon Field Office, 821 SE 14th Avenue, Portland, OR 97214 503/731-3070; 230-1221 Fax: 503/230-9639

Pennsylvania Natural Diversity Inventory (East, West, Central)

- * Pennsylvania Natural Diversity Inventory—East, The Nature Conservancy, 34 Airport Drive, Middletown, PA 17057, 717/948-3982 Fax: 717/948-3957
- * Pennsylvania Natural Diversity Inventory—West, Western Pennsylvania Conservancy, Natural Areas Program, 316 Fourth Avenue, Pittsburgh, PA 15222, 412/288-2777 Fax: 412/281-1762
- * Pennsylvania Natural Diversity Inventory—Central, Bureau of Forestry, P.O. Box 8552, Harrisburg, PA 17105-8552, 717/783-0388 Fax: 717/783-5109

Puerto Rico Natural Heritage Program, Division de Patrimonio Natural, Area de Planificación Integral, Departamento de Recursos Naturales y Ambientales de Puerto Rico, P.O. Box 5887, Puerta de Tierra, Puerto Rico 00906, Tel: 787-722-1726 Fax: 787-725-9526

Rhode Island Natural Heritage Program, Department of Environmental Management, Division of Planning & Development, 83 Park Street, Providence, RI 02903, 401/277-2776, x4308 Fax: 401/277-2069

South Carolina Heritage Trust, SC Department of Natural Resources, P.O. Box 107, Columbia, SC 29202, 803/734-3893 Fax: 803/734-8310 (Call first)

South Dakota Natural Heritage Data Base, SD Department of Game, Fish & Parks Wildlife Division, 523 E. Capitol Avenue, Pierre, SD 57501-3182, 605/773-4227 Fax: 605/773-8249

Tennessee Division of Natural Heritage, Department of Environment & Conservation, 401 Church Street, Life and Casualty Tower, 8th Floor, Nashville, TN 37203-0447, 615/532-0431 Fax: 615/532-0611

Texas Biological and Conservation Data System, 3000 South IH-35, Suite 100, Austin, TX 78704, 512/912-7011 Fax: 512/912-7058

U.S. Virgin Islands Conservation Data Center, Eastern Caribbean Center, University of the Virgin Islands, No. 2 John Brewers Bay, St. Thomas, VI 00802, (800) 693-1030 [Voice] (800) 693-1025, [Fax], Home Page: www1.edu.vi, E-Mail: dbarry@uvi.edu

Utah Natural Heritage Program, Division of Wildlife Resources, 1596 West North Temple, Salt Lake City, UT 84116, 801/534-4761 Fax: 801/538-4709

Vermont Nongame & Natural Heritage Program, Vermont Fish & Wildlife Department, 103 S. Main Street, 10 South, Waterbury, VT 05671-0501, 802/241-3700 Fax: 802/241-3295

Virginia Division of Natural Heritage, Department of Conservation & Recreation, Main Street Station, 1500 E. Main Street, Suite 312, Richmond, VA 23219, 804/788-7851 Fax: 804/371-2674

Washington Natural Heritage Program, Department of Natural Resources, (FedEx: 1111 Washington Street, SE), P.O. Box 47016, Olympia, WA 98504-7016, 360/902-1340 Fax: 360/902-1783

West Virginia Natural Heritage Program, Department of Natural Resources, Operations Center, Ward Road, P.O. Box 67, Elkins, WV 26241, 304/637-0245 Fax: 304/637-0250

Wisconsin Natural Heritage Program, Endangered Resources, Department of Natural Resources, 101 S. Webster Street, Box 7921, Madison, WI 53707, 608/268-7012 Fax: 608/268-2925

Wyoming Natural Diversity Database, 1804 Grand Avenue, Suite 2, Laramie, WY 82070, 307/745-5026 Fax: 307/745-5026 (Call first), Internet: wyndd@lariat.or

Addendum B—Historic Properties Guidance

Applicants must determine whether their facility's storm water discharges, allowable non-storm water discharges, or construction of best management practices (BMPs) to control such discharges, has potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places.

For existing dischargers who do not need to construct BMPs for permit coverage, a simple visual inspection may be sufficient to determine whether historic properties are affected. However, for facilities which are new industrial storm water dischargers and for existing facilities which are planning to construct BMPs for permit eligibility, applicants should conduct further inquiry to determine whether historic properties may be affected by the storm water discharge or BMPs to control the discharge. In such instances, applicants should first determine whether there are any historic properties or places listed on the National Register or if any are eligible for listing on the register (e.g., they are "eligible for listing").

Due to the large number of entities seeking coverage under this permit and the limited number of personnel available to State and Tribal Historic Preservation Officers nationwide to respond to inquiries concerning the location of historic properties, EPA suggests that applicants first access the "National Register of Historic Places" information listed on the National Park Service's web page (see Part I of this addendum). Addresses for State Historic Preservation Officers and Tribal Historic Preservation Officers are listed in Parts II and III of this addendum, respectively. In instances where a Tribe does not have a Tribal Historic Preservation Officer, applicants should contact the appropriate Tribal government office when responding to

this permit eligibility condition. Applicants may also contact city, county or other local historical societies for assistance, especially when determining if a place or property is eligible for listing on the register.

The following three scenarios describe how applicants can meet the permit eligibility criteria for protection of historic properties under this permit:

(1) If historic properties are not identified in the path of a facility's storm water and allowable non-storm water discharges or where construction activities are planned to install BMPs to control such discharges (e.g., diversion channels or retention ponds), then the applicant has met the permit eligibility criteria under Part 1.2.3.7.1.

(2) If historic properties are identified but it is determined that they will not be affected by the discharges or construction of BMPs to control the discharge, the applicant has met the permit eligibility criteria under Part 1.2.3.7.1.

(3) If historic properties are identified in the path of a facility's storm water and allowable non-storm water discharges or where construction activities are planned to install BMPs to control such discharges, and it is determined that there is the potential to adversely affect the property, the applicant can still meet the permit eligibility criteria under Part 1.2.3.7.2 if he/she obtains and complies with a written agreement with the appropriate State or Tribal Historic Preservation Officer which outlines measures the applicant will follow to mitigate or prevent those adverse effects. The contents of such a written agreement must be included in the facility's Storm Water Pollution Prevention Plan. The NOI form is being amended to include which option was selected to demonstrate compliance with NHPA provisions. EPA will notify applicants when the new NOI form takes effect.

In situations where an agreement cannot be reached between an applicant and the State or Tribal Historic Preservation Officer, applicants should contact the Advisory Council on Historic Preservation listed in Part IV of this addendum for assistance.

The term "adverse effects" includes but is not limited to damage, deterioration, alteration or destruction of the historic property or place. EPA encourages applicants to contact the appropriate State or Tribal Historic Preservation Officer as soon as possible in the event of a potential adverse effect to a historic property.

Applicants are reminded that they must comply with applicable State, Tribal and local laws concerning the protection of historic properties and places.

I. Internet Information on the National Register of Historic Places

An electronic listing of the "National Register of Historic Places," as maintained by the National Park Service on its National Register Information System (NRIS), can be accessed on the Internet at "<http://www.nps.gov/nris/home.htm>". Remember to use small case letters when accessing Internet addresses.

**Notice of Intent for Storm Water Discharges Associated with
INDUSTRIAL ACTIVITY Under the Multi-sector NPDES General Permit**

Submission of this completed Notice of Intent (NOI) constitutes notice that the entity in Section B intends to be authorized to discharge pollutants to waters of the United States, from the facility or site identified in Section C, under EPA's Storm Water Multi-sector General Permit (MSGP). Submission of the NOI also constitutes notice that the party identified in Section B of this form has read, understands, and meets the eligibility conditions of Part I of the MSGP; agrees to comply with all applicable terms and conditions of the MSGP; understands that continued authorization under the MSGP is contingent on maintaining eligibility for coverage, and that implementation of the permittee's pollution prevention plan is required two days after a complete NOI is mailed. In order to be granted coverage, all information required on this form must be completed. Please read and make sure you comply with all permit requirements, including the requirement to prepare and implement a storm water pollution prevention plan.

A. Permit SelectionPermit number assigned to your facility under the previous permit: AZR05B018**New Permit Number (EPA Use Only)**

R05

B. Facility Operator Information

1. Name: EQUATORIAL ZONIA INC. 2. Phone: 5203276171
3. Mailing Address: a. Street or P.O. Box: 1430 E FT LOWELL
b. City: TUCSON c. State: AZ d. Zip Code: 85719

C. Facility/Site Information

1. Facility/Site Name: ZONIA MINE
2. Location Address: a. Street: PO BOX 649
b. City: YARNELL c. County: YAVAPAI
d. State: AZ e. Zip Code: 85362
3. a. Latitude: 34° 18' 00" b. Longitude: 112° 38' 00"
4. a. Permit Applicant: ☐ Federal ☐ State ☐ Tribal ☒ Private ☐ Other public entity
b. Is the facility located on Indian Country Lands? ☐ Yes ☒ No
5. Does the facility discharge storm water into:
a. Receiving water(s)? ☒ Yes ☐ No If yes, name(s) of receiving water(s): FRENCH GULCH
b. A municipal separate storm sewer system (MS4)? ☐ Yes ☒ No
If yes, name of the MS4 operator: _____
6. The 4-digit Standard Industrial Classification (SIC) codes or the 2-letter Activity Codes that best represent the principal products produced or services rendered by your facility and major co-located activities:
Primary: 1021 Secondary (if applicable): _____
7. Applicable sector(s) of industrial activity, as designated in Part 1.2.1 of the MSGP, that include associated discharges that you seek to have covered under this permit (choose up to three):

☐ Sector A ☐ Sector F ☐ Sector K ☐ Sector P ☐ Sector U ☐ Sector Z
☐ Sector B ☒ Sector G ☐ Sector L ☐ Sector Q ☐ Sector V ☐ Sector AA
☐ Sector C ☐ Sector H ☐ Sector M ☐ Sector R ☐ Sector W ☐ Sector AB
☐ Sector D ☐ Sector I ☐ Sector N ☐ Sector S ☐ Sector X ☐ Sector AC
☐ Sector E ☐ Sector J ☐ Sector O ☐ Sector T ☐ Sector Y ☐ Sector AD

8. Additional Facility/Site Requirements:

a. Based on the instructions provided in Addendum A of the MSGP, have the eligibility criteria for "listed species" and critical habitat been met? ☒ Yes ☐ No
b. Based on the instructions provided in Addendum B of the MSGP, have the eligibility criteria for protection of historic properties been met? ☒ Yes ☐ No

D. Certification

Do you certify under penalty of law that this document and all attachments were prepared under your direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted? Based on your inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, do you certify that the information submitted is, to the best of your knowledge and belief, true, accurate, and complete? Do you certify that you are aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations?

Print Name: B T ANTONIEWSKI

Signature: _____

Date: 12/20/00

**Notice of Intent for Storm Water Discharges Associated with
INDUSTRIAL ACTIVITY Under the Multi-sector NPDES General Permit**

Submission of this completed Notice of Intent (NOI) constitutes notice that the entity in Section B intends to be authorized to discharge pollutants to waters of the United States, from the facility or site identified in Section C, under EPA's Storm Water Multi-sector General Permit (MSGP). Submission of the NOI also constitutes notice that the party identified in Section B of this form has read, understands, and meets the eligibility conditions of Part I of the MSGP; agrees to comply with all applicable terms and conditions of the MSGP; understands that continued authorization under the MSGP is contingent on maintaining eligibility for coverage, and that implementation of the permittee's pollution prevention plan is required two days after a complete NOI is mailed. In order to be granted coverage, all information required on this form must be completed. Please read and make sure you comply with all permit requirements, including the requirement to prepare and implement a storm water pollution prevention plan.

A. Permit SelectionPermit number assigned to your facility under the previous permit: AZ R05B018

New Permit Number (EPA Use Only)

 R05 **B. Facility Operator Information**

1. Name: EQUATORIAL ZONIA INC. 2. Phone: 5203276171
3. Mailing Address: a. Street or P.O. Box: 1430 E FT LOWELL
b. City: TUCSON c. State: AZ d. Zip Code: 85719

C. Facility/Site Information

1. Facility/Site Name: ZONIA MINE
2. Location Address: a. Street: PO BOX 649
b. City: YARNELL c. County: YAVAPAI
d. State: AZ e. Zip Code: 85362
3. a. Latitude: 34° 18' 00" b. Longitude: 112° 38' 00"
4. a. Permit Applicant: ☐ Federal ☐ State ☐ Tribal ☒ Private ☐ Other public entity
b. Is the facility located on Indian Country Lands? ☐ Yes ☒ No
5. Does the facility discharge storm water into:
a. Receiving water(s)? ☒ Yes ☐ No If yes, name(s) of receiving water(s): FRENCH GULCH
b. A municipal separate storm sewer system (MS4)? ☐ Yes ☒ No
If yes, name of the MS4 operator: _____
6. The 4-digit Standard Industrial Classification (SIC) codes or the 2-letter Activity Codes that best represent the principal products produced or services rendered by your facility and major co-located activities:
Primary: 1021 Secondary (if applicable): _____

7. Applicable sector(s) of industrial activity, as designated in Part 1.2.1 of the MSGP, that include associated discharges that you seek to have covered under this permit (choose up to three):

☐ Sector A ☐ Sector F ☐ Sector K ☐ Sector P ☐ Sector U ☐ Sector Z
☐ Sector B ☒ Sector G ☐ Sector L ☐ Sector Q ☐ Sector V ☐ Sector AA
☐ Sector C ☐ Sector H ☐ Sector M ☐ Sector R ☐ Sector W ☐ Sector AB
☐ Sector D ☐ Sector I ☐ Sector N ☐ Sector S ☐ Sector X ☐ Sector AC
☐ Sector E ☐ Sector J ☐ Sector O ☐ Sector T ☐ Sector Y ☐ Sector AD

8. Additional Facility/Site Requirements:

a. Based on the instructions provided in Addendum A of the MSGP, have the eligibility criteria for "listed species" and critical habitat been met? ☒ Yes ☐ No
b. Based on the instructions provided in Addendum B of the MSGP, have the eligibility criteria for protection of historic properties been met? ☒ Yes ☐ No

D. Certification

Do you certify under penalty of law that this document and all attachments were prepared under your direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted? Based on your inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, do you certify that the information submitted is, to the best of your knowledge and belief, true, accurate, and complete? Do you certify that you are aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations?

Print Name: B T ANTONIEWSKI

Signature: _____

Date: 122000

NPDES
FORMUnited States Environmental Protection Agency
Washington, DC 20460

Notice of Intent (NOI) for Storm Water Discharges Associated with Industrial Activity Under a NPDES Permit

Submission of this Notice of Intent constitutes notice that the party identified in Section II of this form intends to be authorized by a NPDES permit issued for storm water discharges associated with industrial activity in the State identified in Section III of this form. Becoming a permittee obligates such discharger to comply with the terms and conditions of the permit. ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM.

I. Permit Selection: You **must** indicate the NPDES Storm Water general permit under which you are applying for coverage. Check one of these.Baseline
Industrial ☐Baseline
Construction ☐Multi-Sector
(Group Permit) ☒

II. Facility Operator Information

Name: EQUATORIAL ZONIA INC. Phone: 5203276171

Address: 1430 E FT LOWELL #200 Status of
Owner/Operator: P

City: TUCSON State: AZ ZIP Code: 85719-

III. Facility/Site Location Information

Name: ZONIA MINE Is the facility located on
Indian Lands? (Y or N) N

Address: PO BOX 649

City: YARNELL State: AZ ZIP Code: 85362-

Latitude: 341800 Longitude: 1123800 Quarter: SW Section: 12 Township: 11N Range: 04W

IV. Site Activity Information

MS4 Operator Name:

Receiving Water Body: FRENCH GULCH

If you are filing as a co-permittee,
enter storm water general permit number:SIC or Designated
Activity Code: Primary: 1021 2nd:

Is the facility required to submit monitoring data? (1, 2, 3, or 4) 2

If You Have Another Existing NPDES
Permit, Enter Permit Number:

Multi-Sector Permit Applicants Only:

Based on the Instructions provided in Addendum H of the
Multi-Sector permit, are species identified in Addendum H
in proximity to the storm water discharges to be covered
under this permit, or the areas of BMP construction to
control those storm water discharges? (Y or N) NWill construction (land disturbing activities) be conducted
for storm water controls? (Y or N) YIs applicant subject to and in compliance with a written
historic preservation agreement? (Y or N) N

V. Additional Information Required for Construction Activities Only

Project Start Date: Completion Date:

090100

113000

Estimated Area to be
Disturbed (in Acres): 0.00002Is the Storm Water Pollution Prevention Plan
in compliance with State and/or Local
sediment and erosion plans? (Y or N) YVI. Certification: The certification statement in Box 1 applies to all applicants.
The certification statement in Box 2 applies only to facilities applying for the Multi-Sector storm water general permit.

BOX 1

ALL APPLICANTS

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.

BOX 2

MULTI-SECTOR STORM WATER GENERAL PERMIT APPLICANTS ONLY:

I certify under penalty of law that I have read and understand Part I.B. eligibility requirements for coverage under the Multi-Sector storm water general permit, including those requirements relating to the protection of species identified in Addendum H.

To the best of my knowledge, the discharges covered under this permit, and construction of BMPs to control storm water run-off, are not likely to and will not likely adversely affect any species identified in Addendum H of the Multi-Sector storm water general permit or are otherwise eligible for coverage due to previous authorization under the Endangered Species Act.

To the best of my knowledge, I further certify that such discharges, and construction of BMPs to control storm water run-off, do not have an effect on properties listed or eligible for listing on the National Register of Historic Places under the National Historic Preservation Act, or are otherwise eligible for coverage due to a previous agreement under the National Historic Preservation Act.

I understand that continued coverage under the Multi-Sector general permit is contingent upon maintaining eligibility as provided for in Part I.B.

Print Name: B T ANTONIEWSKI

Date: 072100

Signature:



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Fife Symington, Governor Edward Z. Fox, Director

MU94-0242

M-102330

September 23, 1994

Mr. Harrison Matson, Chief Geologist
Arimetco International, Inc.
950 North Finance Center Dr., Suite 180
Tucson, Arizona 85710

RE: Zonia Mine, File No. 102330

Dear Mr. Matson:

On April 25, 1994 House Bill 2125 was filed in the Office of the Secretary of State. This bill, effective July 17, 1994, amended Title 49, Chapter 2, Article 3, Arizona Revised Statutes (A.R.S.), by adding Section 49-245.01. This section added provisions for the issuance of a general permit for facilities used solely for the management of stormwater and that are regulated by the Clean Water Act. It appears, that the four surface impoundments at the Zonia Mine, constructed as part of the remediation plan developed pursuant to an EPA Finding of Violation and Order (Docket No. IX-FY93-09) may qualify for this general permit. This general permit language reads as follows:

49-245.01. Stormwater general permit

A. A general permit is issued for facilities used solely for the management of stormwater and that are regulated by the Clean Water Act, including catchments, impoundments and sumps, provided the following conditions are met:

1. The owner or operator of the facility has obtained a National Pollutant Discharge Elimination System permit issued pursuant to the Clean Water Act for any stormwater discharges at the facility, or that the facility has applied, and not been denied coverage, for this type of permit for any stormwater discharges at the facility.

2. The owner or operator notifies the Director that the facility has met the requirements of paragraph 1 of this subsection.

3. The owner or operator of the facility has in place any required stormwater pollution prevention plan.

B. If the Director determines that discharges of stormwater from a facility or facilities covered by this general permit are causing a violation of Aquifer Water Quality standards, the Director may revoke the general permit of the facility or facilities or may require that an individual permit be obtained pursuant to Section 49-243. If the Director determines that discharges of stormwater from a facility or facilities covered by this general permit may, with reasonable probability, cause a violation of Aquifer Water Quality standards, the Director may require a facility or

facilities covered by this general permit to obtain an individual permit pursuant to Section 49-243.

If you believe that the four surface impoundments (LB#1 primary and secondary containment ponds, and LB#3 primary and secondary containment ponds) qualify for a general permit pursuant to A.R.S. 49-245.01, submit the required notification referenced in A.R.S. 49-245.01.A.2, and documentation of compliance with A.R.S. 49-245.01.A.3, if applicable.

If you believe the four surface impoundments do not qualify for the stormwater general permit, submit the additional information needed, including changes in applicant information (i.e., address and telephone numbers), to process an individual APP for these impoundments within 30 days of the date of this letter. The additional information needed was detailed in my letter to you dated June 6, 1994 (MU94-0100). This letter also referenced conversations we had concerning the submittal of an individual APP during the first week of August. To date an application has not been received. Your agreement to submit such an application was the basis for not issuing a temporary permit and waiving additional application fees. Failure to comply with this request may result in a compliance referral.

Finally, pursuant to A.R.S. 49-241, before any mine leaching operation or any other discharge occurs at the site, an individual APP is required. My June 6, 1994 letter referenced above also discussed additional information required for such an individual APP.

If you have any questions or wish to set up a meeting to discuss the above comments, you may contact me at (602) 207-4621 or toll free (in Arizona only) at (800) 234-5677 extension 4621.

Sincerely,



Michael D. Greenslade, P.E.
Mining APP Unit
Water Quality Division

MDG:mg

Attachment

cc: Dennis Turner, Manager - Mining APP Unit
Facility File



U.S. ENVIRONMENTAL PROTECTION AGENCY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
STORM WATER BASELINE INDUSTRIAL GENERAL PERMIT COVERAGE NOTICE

April 4, 1996

Dear Operator:

Your Notice of Intent (NOI) for the facility noted below has been processed by the U.S. Environmental Protection Agency. This facility is authorized to discharge storm water associated with industrial activity under the terms and conditions imposed by EPA's NPDES storm water baseline industrial general permit issued for use in the state of Arizona. Your facility's NPDES baseline industrial storm water general permit number is AZR00B096.

EPA's storm water baseline industrial general permit requires certain storm water pollution prevention and control measures, possible monitoring and reporting, and annual inspections. Among the conditions and requirements of this permit, you must prepare and implement a pollution prevention plan (PPP) that is tailored to your industrial site. Enclosed is a summary guidance document designed to assist you in the development and implementation of your PPP. The summary is organized according to the phases of the pollution prevention planning process. A set of worksheets and an example of a pollution prevention plan are provided for your assistance. As a facility authorized to discharge under this storm water baseline industrial general permit, all terms and conditions must be complied with to maintain coverage and avoid possible penalties.

FACILITY:

Zonia Mine
Po Box 649
Yarnell, AZ 85362-
341800, 1123800,
SW, 12, T11N R04W

OPERATOR:

Arimetco Inc
335 N Wilmot Rd Ste 400
Tucson
AZ 85711-

To obtain a copy of the baseline industrial general permit terms and conditions to which you are now held accountable, please call the EPA Office of Water Resource Center at (202)260-7786. If you have general questions concerning the storm water program, please call the EPA Region 09 contact: Eugene Bromley, (415)744-1906.

April 20, 1993

Mr. Edwin Swanson
Surface Water Quality Certification
Office of Water Quality
AZ Dept. of Environmental Quality
3033 N. Central Avenue 3rd Floor
Phoenix, Arizona 85012

Sir,

As required in the recently issued letter of water quality certification for the remediation project at the Zonia mine, Yavapai County, Arizona, this letter is written in compliance with point 9 of the certification conditions.

In regard to the need for permitting under the National Pollution Discharge Elimination System, the U.S. EPA Region 9 office through Enio Sabastiani, NPDES compliance section, is fully appraised monthly of all activities at the Zonia mine. Prior to Arimetco entering the site, as an innocent third party, an agreement was reached which outlined remediation measures designed to cease all existing discharges from the inactive mine and plant site. This remediation plan was approved by the EPA in December 1992 without the requirement of a NPDES permit. The remediation plan was also reviewed by ADEQ and pending submittal of some additional information, is hoped to gain approval in the form of a temporary Aquifer Protection Permit soon. Enclosed are several items of correspondence for verification purposes.

The fact that the EPA does not require a NPDES permit included allowance for immediate remediation work, privately financed, which will shortly cause all discharges to be contained. These

discharges, it should also be pointed out, were existing at the time of promulgation of the Clean Water Act and have allegedly been chronic. Now, instead of creating a permitting delay, an example may be set as to how private industry and government regulators can cooperate to accomplish mutually beneficial goals.

Arimetco had no previous involvement in the Zonia property but is interested in the possibility of building a copper mine with a heap leach solvent extraction electrowinning facility at the site. As with all Arimetco operations, a zero discharge facility would be designed. This design would entail a thorough analysis as to how zero discharge status could be achieved. Since this design work is ongoing, it would be premature to submit an emergency plan more detailed than the remediation plan at this time.

The remediation plan calculates storm water runoff from the three leach basins at Zonia and will provide, after completion, complete containment for the 24 hour, 100 year event. Since all containment structures must have spillways these are naturally accommodated in the design (reference drawings ZEE # 1-5 APP application). Runoff from the pit area is generally controlled with existing containment berms but this will be reexamined in light of possible renewed mining activity.

The in-situ leach areas are rubblized to the extent that little or no runoff occurs at these sites. The difficulties here arise from the rapid infiltration and groundwater flow. Groundwater discharge may occur at Zonia or French Gulch Springs without intervention. The groundwater level at the in-situ area is planned to be depressed by pumping at a rate of 200-400 gpm 24 hrs per day until flow paths are reversed preventing discharge. The solution will be pumped to either evaporative sprays or to the SW holding pond.

If in the event of extreme precipitation with accompanying high groundwater levels, the pumps are not capable of halting a discharge, the discharge will be neutralized and heavy metals

precipitated using a crushed limestone filter bed medium. This medium has already been placed as an emergency measure along Zonia Gulch with favorable results. Emplacement of a similar filter bed below French Gulch Springs must await cleanup activities along the gulch and implementation of upstream runoff controls. The runoff control would be needed in part to prevent the filterbed from simply washing away.

In regard to the sampling plan for the Zonia mine, the U.S. EPA has previously established a set of parameters to be analyzed which varies somewhat from the standard ADEQ plan. We request that the attachment A of the Water Quality Certification be altered to conform as follows:

Inorganics

Dissolved Metals:

pH	Ca, Mg
TDS	Ni, Zn
HCO	Na, K
SO	Cr, Cd
Cl	Fe, Cu
	As, Pb

This plan eliminates duplication of analytical costs for elements which are not present in elevated levels or likely to be present. This will also make the data collection more site specific rather than generic.

The containment issues will be further addressed in the forthcoming APP application. I trust this review is sufficient for the present time. Thank you for your cooperation.

Sincerely,

Harrison Matson
Chief Geologist

cc: Ed Pond ADEQ