|  |  |
| --- | --- |
|  | Air Quality Permit Application FormConstruction Activities in the Rapid City AreaNotice of IntentAnd Certification of Applicant Form  |
|  |
| (please complete shaded areas) |

SEND TO:

SD Department of Agriculture and Natural Resources

Air Quality Program

523 East Capitol

Pierre, South Dakota 57501-3181

**General Information:**

|  |  |
| --- | --- |
| If permit is being renewed or amended, give existing permit number: |  |
| 1. Contractor Information: |
|  Company name: |  |
|  Mailing address: |  |
|  City, state, zip code: |  |
|  Permit contact: |  |
|  Email Address: |  |
|  Telephone number: | Business |  | Cell |  |
|  On-site contact: |  |
|  Email Address: |  |
|  Telephone number: | Business |  | Cell |  |
| 2. Project location in the Rapid City air quality control zone: |
|  Project name: |  |
|  Project address: |  |
|  Legal description and county: |  |
|  | **(Quarter, Section, Township, Range)** |
| 3. Type of Project (check the appropriate box(es)):  |
|  | Land Clearing |  | Excavating and Grading |
|  | Earth Moving |  | Demolition |
|  | Road Construction |  | Repairing paved roads or parking areas |
|  | Others (specify) |  |

|  |  |
| --- | --- |
| Detailed description of project: |  |
|  |
| 4. Project information: |
|  Size of disturbed area (indicate area on site map and attach): |  | acres |
|  Date commencement of construction: |  |
|  Anticipated completion date: |  |
|  Manner and timeframe in which disturbed areas will be reclaimed: |  |
|  |
|  Manner in which excess material is to be disposed: |  |
|  |
|  Disposal location: |  |
|  Distance from site: |  |
| 5. List of subcontractors: |
|  a. |
|  b. |
|  c. |
|  d. |
|  e. |
|  f. |
|  g. |
| 6. Attach a site map  |

**Certification:**

This application is submitted in accordance with the provisions of the South Dakota Air Pollution

Control Regulations, ARSD 74:36.

"I certify that to the best of my knowledge, after reasonable inquiry, the statements and information contained in the application and supporting documents are true, accurate, and complete. In accordance with South Dakota Codified Laws 1-41-20, I have also enclosed a completed Certification of Applicant form.

|  |  |  |
| --- | --- | --- |
| Signature: |  |  |
| Print Name: |  | Date |
|  | Responsible Official |  |
| **A responsible official is defined as a president, vice president, secretary, or treasurer for a corporation; general partner or the proprietor for a partnership; and principal executive officer or ranking elected official for municipal, state, federal or public agency.** |

**STATE OF SOUTH DAKOTA**

**BEFORE THE SECRETARY OF**

**THE DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES**

**IN THE MATTER OF THE )**

**APPLICATION OF )**

 **) CERTIFICATION OF**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )**

 **) APPLICANT**

**STATE OF** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **)**

 **)**

**COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )**

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

I have read and understand South Dakota Codified Law Section 1-41-20 which provides:

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

*(1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner, or resident general manager of the facility for which application has been made:*

*(a) Has intentionally misrepresented a material fact in applying for a permit;
(b) Has been convicted of a felony or other crime involving moral turpitude;
(c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;
(d) Has had any permit revoked under the environmental laws of any state or the United States; or
(e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or*

*(2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.*

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

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

I certify pursuant to 1-41-20, that as an applicant, officer, director, partner, or resident general manager of the activity or facility for which the application has been made that I; a) have not intentionally misrepresented a material fact in applying for a permit; b) have not been convicted of a felony or other crime of moral turpitude; c) have not habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage; (d) have not had any permit revoked under the environmental laws of any state or the United States; or e) have not otherwise demonstrated through clear and convincing evidence of previous actions that I lack the necessary good character and competency to reliably carry out the obligations imposed by law upon me. I also certify that this application does not substantially duplicate an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Further;

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

Dated this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , 20\_\_\_\_ .

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Applicant (print)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Applicant (signature)

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , 20\_\_\_\_\_ .

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public (signature)

My commission expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (SEAL)

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

**SDCL 1-41-20 (1) (a) THROUGH (e).**

**ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT**

**AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION**