

APPENDIX 4
NOTICE OF INTENT AND NOTICE OF TERMINATION
INSTRUCTIONS

Suggested Notice of Intent (NOI) Form

In order to be covered by the Non-Contact Cooling Water General Permit (NCCW GP) applicants must submit an NOI to EPA Region 1 and the appropriate state agency. The NOI consists of either the suggested NOI form included as Appendix 5 or another form of official correspondence that contains all the information required in the General Permit, the NOI instructions and the suggested form.

A. Instructions for the NOI

At a minimum, the NOI must include the following information for each individual facility and outfall. Additional information may be attached as needed.

1. General Facility Information.

- a) Provide the facility name, facility address and mailing address (if different from location address), and telephone and fax numbers. Provide a facility contact name telephone number, and email address.
- b) Provide the legal name, address, telephone and fax number of the owner and operator (if not the owner) if different from the facility information. Indicate whether the owner is a Federal, State, Tribal, private or other entity.
- c) Provide the facility's SIC code(s), type of business, and the facility location(s), including its longitude and latitude (see EPA's siting tool at: http://www.epa.gov/tri/reporting/siting_tool).
- d) Provide a topographic map indicating the location(s) of the facility and receiving water; discharge point(s); and upstream and downstream temperature monitoring points.
- e) Provide answers to the following questions:
 1. Has a prior NPDES permit been granted for this discharge? If yes, provide the permit number.
 2. Is the discharge a "new discharge" as defined by 40 CFR Section 122.2?
 3. Is the facility covered by an individual NPDES permit? If yes, provide the permit number.
 4. Is there a pending application on file with EPA for this discharge?

2. Discharge Information.

- a) Provide the name of the receiving water(s) into which each outfall will discharge and identify if it is freshwater or marine water and its state water quality classification.
- b) Describe the project or activity that generates the discharge(s) to be covered by the permit and include a schematic of water flow through the facility.
- c) For Massachusetts facilities only: Submit the completed engineering calculation of surface water temperature rise as shown in Attachment B of the General Permit.
- d) Provide the number of outfalls; and for each outfall, provide the following information. These data shall be the most recent data collected and encompass a period going back no more than 5 years:
 - The flow in GPD – both the maximum daily and average flow rate of the discharge in gallons per day; Note: The facility's authorized effluent flow will be limited to the flow reported here;
 - The maximum daily and monthly average temperature of discharge, in degrees Fahrenheit;
 - The maximum and minimum monthly pH of discharge (in s.u.);
 - Is the NCCW source potable water? If yes, EPA will calculate the applicable Total Residual Chlorine effluent limitations;
 - State whether the discharge(s) is continuous, periodic (occurs regularly, for example monthly or seasonally, but is not continuous all year) or intermittent (occurs sometimes but not regularly), or both. If the discharge is periodic, specify the frequency (number of days or months per year) of the discharge and the specific months of discharge. If the discharge is intermittent, specify the number of days per year that intermittent discharge occurs; and,
 - The latitude and longitude of each discharge point (outfall) with an accuracy of 100 feet (see EPA's siting tool at: http://www.epa.gov/tri/reporting/siting_tool).
- e) Provide the reported or calculated seven day-ten year low flow (7Q10) of the receiving water. Please attach any calculation sheets used to support stream flow and dilution calculations. See General Permit Attachment B for equations and additional information.
- f) For Massachusetts facilities only: Determine if the discharge is into an Area of Critical Environmental Concern (ACEC) and, if yes, provide the name of the ACEC. See Appendix 1 of the General Permit for more information on ACECs.

3. NCCW Source Water Information

- a) Identify the source of the NCCW (i.e., municipal water supply, private well, surface water withdrawal, groundwater) and provide the name of the source water. If the source is registered or permitted under either the Massachusetts Water Management Act or the NHDES Water User Registration Rule (Env Wq 2102), provide registration number and amount of the permitted withdrawal.
- b) If the source of the NCCW is from a surface water body, provide the following information: Is it a freshwater river or stream? Is it a lake or reservoir? Is it tidal river, estuary or ocean?
- c) Is the source of the NCCW groundwater? If yes, See Appendix 9 and submit effluent and surface water test results, as required in Part 5.4 of the General Permit.
- d) Does the facility use both a primary and backup source of NCCW? If yes, include information that identifies and explains the primary and backup sources of NCCW and how often the backup supply was used in the last five years.

4. Best Technology Available for CWIS

Are you subject to BTA requirements in Part 4.1 of the General Permit? (The facility's discharge is covered by this General Permit and the facility withdraws NCCW from surface source water). If no, provide a written explanation.

If yes, provide a facility-specific BTA description as required in Part 4.2 of the General Permit. For additional information and guidance, see Section IV of the Fact Sheet. Provide a map showing the location of each CWIS intake structure; NCCW outfall(s) and any CWIS feature referred to in the BTA description.

Does your description include the measures to meet the (i) General Permit Part 4.2.1, General BTA requirements, including documentation that describes the facility's monitoring program for impinged fish and/or invertebrate; or the required alternative monitoring program frequency and/or protocol; (ii) a characterization of the source water body's aquatic life habitat in the vicinity of each CWIS during the seasons when the CWIS may be in use; (iii) the attributes of the current CWIS; (iv) design measures of the CWIS; (v) operational measures of the CWIS; (vi) occurrence of impinged fish for the past five years; (vii) if applicable, a demonstration that the facility's intake flow rate is commensurate with a closed-cycle recirculation system; and (viii) other components to reduce impingement and/or entrainment of aquatic life?

Provide the following information for each CWIS to support the facility-specific BTA description in the written description: the design capacity of the CWIS in MGD; maximum monthly average intake of the CWIS during the previous five years in MGD; month in which this flow occurred; and the maximum through-screen design intake velocity in feet per

second (fps). For facilities where the CWIS is located on a freshwater river or stream, provide the following information: the source water's annual mean flow in MGD or cfs as available from USGS or other appropriate sources; the design intake flow as a percent of the source water's annual mean flow and attach the calculations if equal to or less than 5% of annual mean flow; the source water's 7Q10 in MGD; and the design intake flow as a percent of the source water's 7Q10.

5. Information on pH Neutralization and Dechlorination Chemicals

Provide a listing of all non-toxic pH neutralization and/or dechlorination chemicals used as required in Parts 2.2.11 and 3.2.10 of the General Permit. For each chemical, include (i) product name and manufacturer; (ii) maximum and average daily quantity used as well as the maximum and average daily expected concentrations (mg/l) in the NCCW discharge; and (iii) the vendor's reported aquatic toxicity (NOAEL and/or LC₅₀ in percent for aquatic organism(s)).

6. Determination of Endangered Species Act Eligibility

If your facility is one of the 37 facilities covered under the 2014 NCCW GP shown in Appendix 4, Table A, your endangered species act (ESA) consultation responsibilities have been satisfied by EPA. You do not need to answer the four questions below. If your facility is not included as one of the 37 facilities covered under the 2014 NCCW GP, provide documentation of ESA eligibility as required in Part 1.4.1 and Appendix 2 of the General Permit and respond to the following questions:

1. Indicate whether any ESA listed threatened or endangered species and designated critical habitat are in the proximity of the discharge(s), the "action area", to be covered by this permit. This applies to ESA protected species under the jurisdiction of both the National Oceanic and Atmospheric Administration Fisheries Service (NOAA Fisheries) and the US Fish and Wildlife (USFWS) (the federal Services).
2. Indicate whether any ESA consultation with the federal Services has been completed or is underway.
3. Provide the results of the consultation with USFWS and/or NOAA Fisheries: a "no jeopardy" opinion; or written concurrence finding that the discharges are not likely to adversely affect any endangered species or critical habitat.
4. Identify which of the eligibility criteria listed in Appendix 2, Parts B(1) and B(2) have been met.

7. Documentation of National Historic Preservation Act Requirements

Respond to the following questions:

1. Are any historic properties listed or eligible for listing on the National Register of Historic Places located on the facility or site or in proximity to the discharge?
2. Have any state or tribal historic preservation officer (SHPO or THPO) been consulted in

making this determination? If yes, provide the results of the consultation.

3. Which of the three National Historic Preservation Act requirements listed in Appendix 3, Section C (requirements 1, 2, or 3) have you met?

8. Supplemental Information

Applicants should provide any supplemental information needed to meet the requirements of the permit, including but not limited to, any analytical data used to support the application, and any certification(s) required by the permit.

9. Signature Requirements

The Notice of Intent must be signed and dated by the operator in accordance with the signatory requirements of 40 CFR Section 122.22 (see below) including the following certification:

I certify under penalty of law that (1) no biocides or other chemical additives except for those used for pH adjustment and/or dechlorination are used in the noncontact cooling water (NCCW) system; (2) the discharge consists solely of NCCW (to reduce temperature) and authorized pH adjustment and/or dechlorination chemicals; (3) the discharge does not come in contact with any raw materials, intermediate product, waste product (other than heat) or finished product; (4) if the discharge of noncontact cooling water subsequently mixes with other wastewater (i.e. stormwater) prior to discharging to the receiving water, any monitoring provided under this permit will be only for noncontact cooling water; (5) where applicable, the facility has complied with the requirements of this permit specific to the Endangered Species Act and the National Historic Preservation Act; and (6) 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, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I certify that I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Federal regulations require this application to be signed as follows:

1. For a corporation, by a principal executive officer of at least the level of vice president; or
2. For partnership or sole proprietorship, by a general partner or the proprietor, respectively, or,
3. For a municipality, State, Federal or other public facility, by either a principal executive officer or ranking elected official.

B. Submission of NOI to EPA

1. **Proposed New Discharges:** Facilities with proposed new discharges that are seeking coverage under this General Permit must submit an NOI to EPA and the respective State, at least 60 days prior to the commencement of discharge or as soon as practicable.
2. **Existing Permitted Discharges:** Facilities with existing coverage under the NCCW General Permit that expired on November 4, 2019 and that wish to seek coverage under this General Permit, must file an NOI to EPA and the respective State for coverage under this General Permit within 60 days of the effective date of this permit. In order to be administratively continued to discharge under the expired 2014 NCCWGP, permittees were required to submit an **Administrative Continuation Request (ACR)** prior to December 4, 2019. An NOI is not required if the permittee submits a notice of termination (NOT), as set forth in Part 7.1 of the Permit, before the 60 day time frame expires.
3. Filing with EPA - All operators located in Massachusetts and New Hampshire that apply for coverage under this General Permit must submit a written or emailed NOI to EPA Region 1. The completed, signed NOI forms and attachments must be submitted to EPA Region 1 at:

US Environmental Protection
Agency NCCW GP Processing
Mail code: OEP 06-1
5 Post Office Square, Suite 100
Boston, MA 02109

or emailed to NCCW.GeneralPermit@epa.gov

4. Filing with the states - A copy of the NOI form filed with EPA Region 1 must also be filed with state agencies. The state agency may elect to develop a state specific form or other additional information requirements.

a. Discharges in Massachusetts

All applicants shall use the Executive Office of Energy and Environmental Affairs (EEA) ePlace portal found at <https://www.mass.gov/how-to/wm-15-npdes-general-permit-notice-of-intent>, to apply for the State permit. This link is for permits category BRP WM15, which includes a variety of General Permits. The applicant must attach a copy of EPA's NOI for this permit and pay the appropriate State fee to obtain coverage under this permit.

b. Discharges in New Hampshire:

All applicants must provide a completed copy of EPA's Suggested Notice of Intent Form included as Appendix 5 or other official correspondence that contains all the information required in the NOI to:

New Hampshire Department of Environmental Services
Water Division, Wastewater Engineering Bureau
29 Hazen Drive, P.O. Box 95

Concord, New Hampshire 03302-0095 or emailed to Hayley.G.Franz@des.nh.gov

All applicants should keep a copy of all application materials for their records.

C. Notice of Termination (NOT)

Operators of facilities and/or operations authorized under this permit shall notify EPA Region 1 of the termination of discharge(s) authorized under the NCCW GP. The NOT must be either the suggested NOT form (See Appendix 7) or another form of official correspondence containing the information required in the instructions below. The NOT must be completed and submitted within 30 days of the permanent cessation of the discharge(s) authorized by the NCCW GP.

1. Instructions – The NOT requires the following information:

- a. Name, mailing address, and location of the facility or site for which the notification is submitted;
- b. Name, address, and telephone number of the operator addressed by the NOT;
- c. The assigned NPDES permit number;
- d. Confirmation that the discharge has been permanently terminated and the reason for the termination (i.e. connected to municipal sewer, conversion to a closed loop system, etc.); and
- e. Signatory requirements according to 40 CFR 122.22 (see NOI instructions) in addition to the following certification:

I certify under penalty of law that all discharges from the identified facility that are authorized by the Noncontact Cooling Water General Permit (the NCCW GP) have been terminated. I understand that by submitting this Notice of Termination (NOT) that I am no longer authorized to discharge from this facility under the NCCW GP and that discharging pollutants from the activity covered by the NCCW GP is unlawful under the Clean Water Act where the discharge is not authorized by a permit. I also understand that the submission of this NOT does not release an owner/ operator from liability for any violation of the NCCW GP or the Clean Water Act.

2. Submission of NOT – Signed and completed NOT forms must be submitted to EPA Region 1 at the address below.

US Environmental Protection Agency
NCCW NOT Processing
Mailcode: OEP 06-1
5 Post Office Square, Suite 100
Boston, MA 02109

Or emailed to NCCW.GeneralPermit@epa.gov

A copy of the NOT form must also be submitted to the appropriate state agency as described below.

Massachusetts Department of Environmental Protection
Division of Watershed Management
8 New Bond Street
Worcester, MA 01606

In addition, NOTs must be submitted to MassDEP.npdes@mass.gov with the following statement in the subject line: "NOT for NCCWGP" and include facility name.

New Hampshire Department of Environmental Services
Water Division, Wastewater Engineering Bureau
29 Hazen Drive, P.O. Box 95
Concord, New Hampshire 03302-0095