

## Remediation General Permit Appendix V

### Notice of Intent (NOI) Suggested Forms & Instructions

#### I. Notice of Intent (NOI) Suggested Form and Instructions

In order to be covered by the remediation general permit (RGP), applicants must submit a completed Notice of Intent (NOI) to EPA Region I and the appropriate state agency. The owner or operator, as defined by 40 CFR § 122.2, means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

The following are three general “**operator**” scenarios (variations on any of these three are possible, especially as the number of owners and contractors increases):

- ▶ “*Owner*” as “*Operator*” - *sole permittee*. The property owner designs the structures and control systems for the site, develops and implements the BMPP, and serves as general contractor (or has an on-site representative with full authority to direct day-to-day operations). Under the definition of operator, in this case, the “Owner” would be considered the “operator” and therefore the only party that needs permit coverage. Everyone else working on the site may be considered subcontractors and do not need to apply for permit coverage.
- ▶ “*Contractor*” as “*Operator*” - *sole permittee*. The property owner hires a company (e.g., a contractor) to design the project and oversee all aspects, including preparation and implementation of the BMPP and compliance with the permit (e.g., a “turnkey” project). Here, the contractor would likely be the only party needing a permit. Similarly, EPA expects that property owners hiring a contractor or consultant to perform groundwater remediation work (e.g., due to a leaking fuel oil tank) would come under this type of scenario. EPA believes that the contractor, being a professional in the industry, should be the responsible entity rather than the individual. The contractor is better equipped to meet the requirements of both applying for permit coverage and developing and properly implementing the plans needed to comply with the permit. However, property owners would also meet the definition of “operator” and require permit coverage in instances where they perform any of the required tasks on their personal properties.
- ▶ “*Owner*” and “*Contractor*” as “*Operators*” - *co-permittees*. The owner retains control over any changes to site plans, BMPPs, or wastewater conveyance or control designs, but the contractor is responsible for conducting and overseeing the actual activities (e.g., excavation, installation and operation of treatment train, etc.) and daily implementation of BMPP and other permit conditions. In this case, both parties need to apply for coverage.

Generally, a person would not be considered an “operator,” and subsequently would not need permit coverage, if: 1) that person is a subcontractor hired by, and under the supervision of, the owner or a general contractor (e.g., if the contractor directs the

subcontractor's activities on-site, it is probably not an operator); or 2) the person's activities would otherwise result in the need for coverage under the RGP but another operator has legally assumed responsibility for the impacts of project activities.

**A. Instructions for the Suggested Notice of Intent (NOI)** - At a minimum, the Notice of Intent must include the following for each individual facility or site. Additional information may be attached as needed.

**1. General facility/site information.**

- a) Provide the facility/site name, mailing address, and telephone and fax numbers. Provide the facility Standard Industrial Classification (SIC ) code(s), which can be found online at [http://www.osha.gov/pls/imis/sic\\_manual.html](http://www.osha.gov/pls/imis/sic_manual.html). Provide the site location, including longitude and latitude.
- b) Provide the facility/site owner's name, address, email address, telephone and fax numbers, if different from the site information. Indicate whether the owner is a Federal, State/Tribal, private, or other entity.
- c) Provide the site operator's (e.g., contractor's) name, mailing address, telephone and fax numbers, and email address if different from the owner's information.
- d) For the site for which the application is being submitted, indicate whether:
  - 1) a prior NPDES permit exclusion has been granted for the discharge (if so, provide the tracking number of the exclusion letter);
  - 2) a prior NPDES application (Form 1 & 2C – for reference, please visit [http://www.epa.gov/region1/npdes/epa\\_attach.html](http://www.epa.gov/region1/npdes/epa_attach.html)) has ever been filed for the discharge (if so, provide the tracking number and date that the application was submitted to EPA);
  - 3) the discharge is a “new discharge” as defined by 40 CFR 122.2; and
  - 4) for sites in Massachusetts, is the discharge covered under the Massachusetts Contingency Plan (MCP) 310 CMR 40.0000 and exempt from state permitting.
- e) Indicate whether there is any ongoing state permitting, licensing, or other action regarding the facility or site which is generating the discharge. If “yes,” provide any site identification number assigned by the state of NH or MA, any permit or license number assigned, and the state agency contact information (e.g. name, location, telephone no.).
- f) Indicate whether or not the facility is covered by other EPA permits including:
  - 1) the Multi-Sector General Permit (MSGP)  
<http://cfpub.epa.gov/npdes/stormwater/msgp.cfm>;
  - 2) the Final NPDES General Permit for Dewatering Activity Discharges in Massachusetts and New Hampshire  
<http://www.epa.gov/region1/npdes/dewatering.html>;
  - 3) the EPA Construction General Permit  
<http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>;
  - 4) an individual NPDES permit; or
  - 5) any other water quality-related individual or general permit.If so, provide permit tracking number(s).
- g) Indicate if the site/facility discharge(s) to an Area of Critical Environmental Concern (ACEC), as shown on the tables and maps in Appendix I.

h) Based on the nature of the facility/site and any historical sampling data, the applicant must indicate which of the sub-categories within which the potential discharge falls.

**2. Discharge information.**

- a) Describe the discharge activities to be covered by the permit. Attach additional sheets as needed.
- b) Provide the following information about each discharge:
  - 1) the number of discharge points;
  - 2) the maximum and average flow rate of the discharge in cubic feet per second. For the average flow magnitude, include the units and appropriate notation if this value is a calculated design value or estimate if technical/design information is not available;
  - 3) the latitude and longitude of each discharge with an accuracy of 100 feet (see EPA's siting tool at: [http://www.epa.gov/tri/report/siting\\_tool](http://www.epa.gov/tri/report/siting_tool));
  - 4) the total volume of potential discharge (gal), only if hydrostatic testing;
  - 5) whether the discharge(s) is intermittent or seasonal and if ongoing.
- c) Provide the expected start and end dates of discharge (month/day/year).
- d) Attach a line drawing or flow schematic showing water flow through the facility including:
  - 1) sources of intake water;
  - 2) contributing flow from the operation;
  - 3) treatment units; and
  - 4) discharge points and receiving waters(s).

**3. Contaminant information.**

In order to complete the NOI, the applicant will need to take a minimum of one sample of the untreated water and have it analyzed for the parameters applicable to the sub-category into which the discharge falls, as listed in Appendix III of the permit and selected in Part 1 of the NOI form, except as noted below.

Permittees shall provide additional sampling results with the NOI if such sampling already exists, or if the permittee has reason to believe the site contains additional contaminants not listed in Appendix III for that sub-category or contains additional contaminants not included in Appendix III.

The applicant may use historical data as a substitute for the new sample if the data was collected no more than 2 years prior to the "Submittal of the NOI" and if collected pursuant to:

- i. for sites in Massachusetts, 310 CMR 40.0000, the Massachusetts Contingency Plan ("Chapter 21E");
- ii. for sites in New Hampshire, New Hampshire's Title 50 RSA 485-A: Water Pollution and Waste Disposal or Title 50 RSA 485-C: Groundwater Protection Act;

a) Based on the analysis of the untreated influent, the applicant must indicate whether each listed chemical is believed present or believed absent in the potential discharge.

Based on the required sampling and analysis, the applicant must fill in the table, or provide a narrative description, with the following additional information for each chemical that is believed present (chemical that violate EPA's criteria limitations):

- 1) the number of samples taken (minimum of one sample for applicable parameters per Appendix III);
- 2) the type of sample (e.g. grab, composite, etc.);
- 3) the analytical method used, including the method number;
- 4) the minimum level (ML) of the method used (based on Appendix VI);
- 5) the maximum daily amount (concentration (ug/l) and mass (kg)) of each pollutant, based on the sampling data  
lb/day (pounds per day) equals flow (in million gallons per day, MGD) times concentration in milligrams per liter (mg/l) times 8.34.  
Example: 2.5 MGD x 30 mg/l TSS x 8.34 = 625.5 lb TSS/day  
MGD = gallons per minute (gpm) x 0.00144  
1 kg = 2.2 lbs

And;

- 6) the average daily amount (concentration and mass) of each pollutant, based on the sampling data.

If the results of any sampling indicate that pollutants exist in addition to those listed in Appendix III of the RGP of the permit, the applicant must also describe those contaminants on the NOI in boxes in section I.3.c.) on the line marked "Other," or use additional sheets as needed. Subsequently, EPA may require monitoring for such parameters or will decide if an individual permit is necessary.

c) Determination of Reasonable Potential and Allowable Dilution for Discharges of Metals:

If any *metals* are believed present in the potential discharge to freshwater<sup>1</sup>, the applicant must follow the procedures below to determine the dilution factor for each metal.

***Step 1: Initial Evaluation***

- 1) The applicant must evaluate all metals believed present in the discharge subject to this permit, including "naturally occurring" metals such as dissolved and/or total Iron. Applicants must enter the highest detected concentration of the metal at zero dilution in the "Maximum value" column of the NOI.
- 2) Based on the maximum concentration of each metal, the applicant must perform an initial evaluation assuming zero dilution in the receiving water. The applicant must compare the metals concentrations in the untreated (intake) waters to the effluent limits contained in Appendix III.

---

<sup>1</sup>Dilution factors may be available for discharges to saline waters but only with approval of the flow modeling information from the State prior to the submission of the NOI.

- i. If potential discharges (untreated influent) with metals contain concentrations above the concentration limits listed in Appendix III, applicant must proceed to step 2.
- ii. If potential discharges (untreated influent) with metals contain concentrations below the concentrations listed in Appendix III, the applicant may skip step 2 and those metals will **not** be subject to permit limitations or monitoring requirements.

***Step 2: Calculation of Dilution Factor***

1) **For applicants in NH:** If a metal concentration in a potential discharge (untreated influent) to **freshwater** exceeds the limits in Appendix III with zero dilution, the applicant shall evaluate the potential concentration considering a dilution factor (DF) using the formula below. **For sites in New Hampshire, the applicant must contact NH DES to determine the 7Q10 and dilution factor.**

$$DF = [(Qd + Qs)/Qd] \times 0.9$$

**Where:**

<b>DF</b>	<b>= Dilution Factor</b>
<b>Qd</b>	<b>= Maximum flow rate of the discharge in cubic feet per second (cfs) (1.0 gpm = .00223 cfs)</b>
<b>Qs</b>	<b>= Receiving water 7Q10 flow, in cfs, where 7Q10 is the annual minimum flow for 7 consecutive days with a recurrence interval of 10 years</b>
<b>0.9</b>	<b>= Allowance for reserving 10% of the assets in the receiving stream as per Chapter ENV-Wq 1700, Surface Water Quality Regulations</b>

i. Using the DF calculated from the formula above, the applicant must refer to the corresponding dilution range column in Appendix IV. The applicant then compares the maximum concentration of the metal entered on the NOI to the corresponding total recoverable metals limits listed in Appendix IV. Please note that for this reissuance the applicant will be permitted to determine a limit using any fraction within the 1-5 dilution factor range times the metal limit (for all regulated metals). For example: if the DF is 1.5, the Iron limit is 1,500 ug/L; if the DF is 1.5, the antimony limit is 8.4, etc. All limits above a dilution factor of 5 are maintained.

1. If a metal concentration in the potential discharge (untreated influent) is less than the corresponding limit in Appendix IV, the metal will **not** be subject to permit limitations or monitoring requirements.
2. If a metal concentration in the potential discharge (untreated influent) is equal to or exceeds the corresponding limit in Appendix IV, the applicant must reduce it in the effluent to a concentration below the applicable total recoverable metals limit in Appendix IV prior to discharge.

ii. In either case, the applicant must submit the results of this calculation as part of the NOI. EPA and NH DES will review the proposed effluent limitations for each metal and approve or disapprove the limits in the notification of coverage letter to the applicant.

2) **For applicants in MA:** If a metal concentration in a potential discharge (untreated influent) to **freshwater** exceeds the limits in Appendix III with zero dilution, the applicant must evaluate the potential concentration considering a dilution factor (DF) using the formula below.

$$DF = (Qd + Qs)/Qd$$

**Where:** **DF** = **Dilution Factor**  
**Qd** = **Maximum flow rate of the discharge in cubic feet per second (cfs) (1.0 gpm = .00223 cfs)**  
**Qs** = **Receiving water 7Q10 flow (cfs) where 7Q10 is the minimum flow (cfs) for 7 consecutive days with a recurrence interval of 10 years**

i. The applicant may estimate the 7Q10 for receiving water by using available information such as nearby USGS stream gauging stations directly or by application of certain “flow factors,” using historic streamflow publication information, calculations based on drainage area, information from state water quality offices, or other means. In many cases Massachusetts has calculated 7Q10 information using “flow factors” for a number of streams in the state. The source of the low flow value(s) used by the applicant must be included on NOI application form. Flow data can also be obtained from web applications such as the one located at: <http://ma.water.usgs.gov/streamstats/>.

ii. Using the DF calculated from the formula above, the applicant must refer to the corresponding dilution range column in Appendix IV. The applicant then shall compare the maximum concentration of each metal entered on the NOI to the corresponding total recoverable metals limit listed in Appendix IV. Please note that for this reissuance the applicant will be permitted to determine a limit using any fraction of the 0-5 of DF times the metal limit (for all regulated metals). For example: if the DF is 1.5, the Iron limit is 1,500 ug/L; if the DF is 1.5, the antimony limit is 8.4, etc. Not to exceed DF of 5.

1. If a metal concentration in the potential discharge (untreated influent) is less than the corresponding limit in Appendix IV, the metal will **not** be subject to permit limitations or monitoring requirements.

2. If a metal concentration in a potential discharge (untreated influent) is equal to or exceeds the corresponding limit in Appendix IV, the applicant must reduce it in the effluent to a concentration below the applicable total recoverable metals limit in Appendix IV prior to discharge.

iii. The applicant must submit the results of this calculation as part of the NOI. EPA (and MassDEP where the discharge is not covered by 310 CMR 40.0000) will review the proposed effluent limitations for each metal and approve or disapprove the limits in the notification of coverage letter to the applicant.

**4. Treatment system information.**

- a) Provide a written description of the treatment train and how the system will be set up for each discharge and attach a schematic of the proposed or existing treatment system(s).
- b) Identify each major treatment unit (e.g. frac tanks, filters, air stripper, liquid phase/vapor phase activated carbon, oil/water separators, etc.) by checking all that apply and describing any additional equipment not listed. Attach additional sheets as needed.
- c) Provide the proposed average and maximum flow rates (in gallons per minute, gpm) for the discharge and the design flow rates (in gpm) of the treatment system. Clearly identify the component of the treatment with the most limited flow, i.e., the part of the treatment train that establishes the design flow.
- d) Describe any chemical additives being used, or planned to be used, and attach MSDS sheets for each. EPA may request further information regarding the chemical composition of the additive, potential toxic effects, or other information to insure that approval of the use of the additive will not cause or contribute to a violation of State water quality standards. Approval of coverage under the RGP will constitute approval of the use of the chemical additive(s). If coverage of the discharge under the RGP has already been granted and the use of a chemical additive becomes necessary, the permittee must submit a Notice of Change (NOC).

**5. Receiving surface water(s) information.**

- a) Identify the discharge pathway by checking whether it is discharged: directly to the receiving water (river, stream, or brook), within the facility (e.g., through a sewer drain), to a storm drain, to a wetland, or other receiving body.
- b) Provide a narrative description of the discharge pathway, including the name(s) of the receiving waters into which discharge will occur.
- c) Provide a detailed map(s) indicating the location of the site and outfall(s) to the receiving water(s):
  - 1) For multiple discharges, the discharges should be numbered sequentially.
  - 2) In the case of indirect dischargers (to municipal storm sewer, etc) the map(s) must be sufficient to indicate the location of the discharge to the indirect conveyance and the discharge to the state classified surface water. The map should also include the location and distance to the nearest sanitary sewer as well as the locus of nearby sensitive receptors (based on USGS topographical mapping), such as surface waters, drinking water supplies, and wetland areas.
- d) Provide the state water quality classification of the receiving water and the basin (for Massachusetts, the Surface Water Quality Standards (314 CMR 4.00) are available at <http://www.mass.gov/dep/water/laws/regulati.htm#wqual>) (for New Hampshire, contact the NH DES at (603) 271-2984).
- e) Specify the reported seven day-ten year low flow (7Q10) of the receiving water (see Section I.A.3) c. above). In New Hampshire, the 7Q10 must be provided by to the applicant by the New Hampshire Department of Environmental Services.

f) Indicate whether the receiving water is a listed 303(d) water quality impaired or limited water and if so, for which pollutants (see Section IX of the Fact Sheet for additional information).

For MA, the most updated integrated list of waters (CWA 303(d) and 305(b)) is available at <http://www.mass.gov/dep/water/resources/tmdls.htm#info>.

For NH, the most updated integrated list of waters (CWA 303(d) and 305(b)) is available at <http://des.nh.gov/organization/divisions/water/wmb/swqa/index.htm>.

Also, indicate if there is a final TMDL for any of the listed pollutants. For MA, final TMDLs can be found at: <http://www.mass.gov/dep/water/resources/tmdls.htm> and for NH, final TMDLs can be found at

<http://des.nh.gov/organization/divisions/water/wmb/tmdl/index.htm>. For more information, contact the states at: New Hampshire Department of Environmental Services, Watershed Management Bureau at 603-271-3503 or the Massachusetts Department of Environmental Protection at 508-767-2796 or 508-767-2873.

#### **6. ESA and NHPA Eligibility.**

As required in Parts I.A.4 and Appendix VII the operator of a site/facility must ensure that the potential discharge will not adversely affect endangered species, designated critical habitat, or national historic places that are in proximity to the potential discharge. If the potential discharge is to certain water bodies, the applicant must also submit a formal certification with the NOI that indicates the consultation, with the U.S. Fish and Wildlife Service and National Marine Fisheries Service (the Services), resulted in either a no jeopardy opinion or a written concurrence on a finding that the discharge is not likely to adversely affect any endangered species or critical habitat. Facilities should begin the consultation as early in the process as possible.

- a) Using the instructions in Appendix VII and information in Appendix II, indicate under which criterion listed you are eligible for coverage under this general permit.
- b) If you selected criterion D or F, indicate if consultation with the federal services has been completed or if it is underway.
- c) If consultation with the U.S. Fish and Wildlife Service and/or NOAA Fisheries Service was completed, indicate if a written concurrence finding that the discharge is “not likely to adversely affect” listed species or critical habitat was received.
- d) Attach documentation of ESA eligibility as described below and required in Appendix VII, Part I.C, Step 4.

*Criterion A - No federally-listed threatened or endangered species or federally-designated critical habitat are present:* A copy of the most current county species list pages for the county(ies) where your site or facility and discharges are located. You must also include a statement on how you determined that no listed species or critical habitat are in proximity to your site or facility or discharge locations.

*Criterion B – Section 7 consultation completed with the Service(s) on a prior project:* A copy of the USFWS and/or NOAA Fisheries, as appropriate, biological opinion or concurrence on a finding of “unlikely to adversely effect” regarding the ESA Section 7 consultation.

*Criterion C – Activities are covered by a Section 10 Permit:* A copy of the USFWS and/or the NOAA Fisheries, as appropriate, letter transmitting the ESA Section 10 authorization.



*Criterion D - Concurrence from the Service(s) that the discharge is “not likely to adversely affect” federally-listed species or federally-designated critical habitat (not including the four species of concern identified in Section I of Appendix I):* A copy of the USFWS and/or the NOAA Fisheries, as appropriate, letter or memorandum concluding that the discharge is consistent with the general permit’s “not likely to adversely affect” determination.

*Criterion E – Activities are covered by certification of eligibility:* A copy of the documents originally used by the other operator of your site or facility (or area including your site) to satisfy the documentation requirement of Criteria A, B, C or D.

*Criterion F - Concurrence from the Service(s) that the discharge is “not likely to adversely affect” species of concern, as identified in Section I of Appendix I:* A copy of the USFWS and/or the NOAA Fisheries, as appropriate, concurrence with the applicant’s determination that the discharge is “not likely to adversely affect” listed species.

- e) Using the instructions in Appendix VII, identify which criterion listed in Part C makes you eligible for coverage under this general permit.
- f) If Criterion 3 was selected, attach all written correspondence with the State or Tribal historic preservation officers, including any terms and conditions that outline measures the applicant must follow to mitigate or prevent adverse effects due to activities regulated by the RGP.

**7. Supplemental information.** Applicants should provide any supplemental information needed to meet the requirements of the permit, including any analytical data used to support the application, and any certification(s) required.

**8. Signature Requirements** - The Notice of Intent must be signed by the operator in accordance with the signatory requirements of 40 CFR Section 122.22, including the following certification:

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage 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.*

**B. Suggested Form for Notice of Intent (NOI) for the Remediation General Permit**

**1. General facility/site information.** Please provide the following information about the site:

a) Name of <b>facility/site</b> :		<b>Facility/site</b> mailing address:	
Location of <b>facility/site</b> : longitude: _____ latitude: _____	Facility SIC code(s):	Street:	
b) Name of <b>facility/site owner</b> :		Town:	
Email address of facility/site owner:	State:	Zip:	County:
Telephone no. of facility/site <b>owner</b> :			
Fax no. of facility/site <b>owner</b> :	<b>Owner</b> is (check one): 1. Federal____ 2. State/Tribal____ 3. Private____ 4. Other ____ if so, describe:		
Address of <b>owner</b> (if different from site):			
Street:			
Town:	State:	Zip:	County:
c) Legal name of <b>operator</b> :	<b>Operator</b> telephone no:		
	<b>Operator</b> fax no.:	<b>Operator</b> email:	
<b>Operator</b> contact name and title:			
Address of <b>operator</b> (if different from owner):	Street:		
Town:	State:	Zip:	County:

d) Check Y for “yes” or N for “no” for the following:  
 1. Has a prior NPDES permit exclusion been granted for the discharge? Y\_\_\_ N\_\_\_, if Y, number: \_\_\_\_\_  
 2. Has a prior NPDES application (Form 1 & 2C) ever been filed for the discharge?  
 Y\_\_\_ N\_\_\_, if Y, date and tracking #: \_\_\_\_\_  
 3. Is the discharge a “new discharge” as defined by 40 CFR 122.2? Y\_\_\_ N\_\_\_  
 4. For sites in Massachusetts, is the discharge covered under the Massachusetts Contingency Plan (MCP) and exempt from state permitting? Y\_\_\_ N\_\_\_

e) Is site/facility subject to any State permitting, license, or other action which is causing the generation of discharge? Y\_\_\_ N\_\_\_  
 If Y, please list:  
 1. site identification # assigned by the state of NH or MA: \_\_\_\_\_  
 2. permit or license # assigned: \_\_\_\_\_  
 3. state agency contact information: name, location, and telephone number:

f) Is the site/facility covered by any other EPA permit, including:  
 1. Multi-Sector General Permit? Y\_\_\_ N\_\_\_, if Y, number: \_\_\_\_\_  
 2. Final Dewatering General Permit? Y\_\_\_ N\_\_\_, if Y, number: \_\_\_\_\_  
 3. EPA Construction General Permit? Y\_\_\_ N\_\_\_, if Y, number: \_\_\_\_\_  
 4. Individual NPDES permit? Y\_\_\_ N\_\_\_, if Y, number: \_\_\_\_\_  
 5. any other water quality related individual or general permit? Y\_\_\_ N\_\_\_, if Y, number: \_\_\_\_\_

g) Is the site/facility located within or does it discharge to an Area of Critical Environmental Concern (ACEC)? Y\_\_\_ N\_\_\_

h) Based on the facility/site information and any historical sampling data, identify the sub-category into which the potential discharge falls.

<u>Activity Category</u>	<u>Activity Sub-Category</u>
I - Petroleum Related Site Remediation	A. Gasoline Only Sites ____ B. Fuel Oils and Other Oil Sites (including Residential Non-Business Remediation Discharges) ____ C. Petroleum Sites with Additional Contamination ____
II - Non Petroleum Site Remediation	A. Volatile Organic Compound (VOC) Only Sites ____ B. VOC Sites with Additional Contamination ____ C. Primarily Heavy Metal Sites ____
III - Contaminated Construction Dewatering	A. General Urban Fill Sites ____ B. Known Contaminated Sites ____

IV - Miscellaneous Related Discharges	A. Aquifer Pump Testing to Evaluate Formerly Contaminated Sites ____ B. Well Development/Rehabilitation at Contaminated/Formerly Contaminated Sites ____ C. Hydrostatic Testing of Pipelines and Tanks ____ D. Long-Term Remediation of Contaminated Sumps and Dikes ____ E. Short-term Contaminated Dredging Drain Back Waters (if not covered by 401/404 permit) ____
---------------------------------------	---

**2. Discharge information.** Please provide information about the discharge, (attaching additional sheets as necessary) including:

a) Describe the discharge activities for which the owner/applicant is seeking coverage:	
b) Provide the following information about each discharge:	
1) Number of discharge points:	2) What is the <b>maximum</b> and <b>average flow rate</b> of discharge (in cubic feet per second, ft <sup>3</sup> /s)? Max. flow _____ Is maximum flow a <b>design value</b> ? Y___ N___ Average flow (include units) _____ Is average flow a design value or estimate? _____
3) Latitude and longitude of each discharge within 100 feet: pt.1: lat. _____ long. _____; pt.2: lat. _____ long. _____; pt.3: lat. _____ long. _____; pt.4: lat. _____ long. _____; pt.5: lat. _____ long. _____; pt.6: lat. _____ long. _____; pt.7: lat. _____ long. _____; pt.8: lat. _____ long. _____; etc.	
4) If hydrostatic testing, total volume of the discharge (gals): _____	5) Is the discharge intermittent ____ or seasonal ____? Is discharge ongoing? Y ___ N _____
c) Expected dates of discharge (mm/dd/yy): start _____ end _____	
d) Please attach a line drawing or flow schematic showing water flow through the facility including: 1. sources of intake water, 2. contributing flow from the operation, 3. treatment units, and 4. discharge points and receiving waters(s).	

**3. Contaminant information.**

a) Based on the sub-category selected (see Appendix III), indicate whether each listed chemical is **believed present** or **believed absent** in the potential discharge. Attach additional sheets as needed.

<u>Parameter *</u>	<u>CAS Number</u>	<u>Believed Absent</u>	<u>Believed Present</u>	<u># of Samples</u>	<u>Sample Type (e.g., grab)</u>	<u>Analytical Method Used (method #)</u>	<u>Minimum Level (ML) of Test Method</u>	<u>Maximum daily value</u>		<u>Average daily value</u>	
								<u>concentration (ug/l)</u>	<u>mass (kg)</u>	<u>concentration (ug/l)</u>	<u>mass (kg)</u>
1. Total Suspended Solids (TSS)											
2. Total Residual Chlorine (TRC)											
3. Total Petroleum Hydrocarbons (TPH)											
4. Cyanide (CN)	57125										
5. Benzene (B)	71432										
6. Toluene (T)	108883										
7. Ethylbenzene (E)	100414										
8. (m,p,o) Xylenes (X)	108883; 106423; 95476; 1330207										
9. Total BTEX <sup>2</sup>	n/a										
10. Ethylene Dibromide (EDB) (1,2-Dibromoethane) <sup>3</sup>	106934										
11. Methyl-tert-Butyl Ether (MtBE)	1634044										
12. tert-Butyl Alcohol (TBA) (Tertiary-Butanol)	75650										

\* Numbering system is provided to allow cross-referencing to Effluent Limits and Monitoring Requirements by Sub-Category included in Appendix III, as well as the Test Methods and Minimum Levels associated with each parameter provided in Appendix VI.

<sup>2</sup> BTEX = Sum of Benzene, Toluene, Ethylbenzene, total Xylenes.

<sup>3</sup> EDB is a groundwater contaminant at fuel spill and pesticide application sites in New England.

<u>Parameter *</u>	<u>CAS Number</u>	<u>Believed Absent</u>	<u>Believed Present</u>	<u># of Samples</u>	<u>Sample Type (e.g., grab)</u>	<u>Analytical Method Used (method #)</u>	<u>Minimum Level (ML) of Test Method</u>	<u>Maximum daily value</u>		<u>Average daily value</u>	
								<u>concentration (ug/l)</u>	<u>mass (kg)</u>	<u>concentration (ug/l)</u>	<u>mass (kg)</u>
13. tert-Amyl Methyl Ether (TAME)	9940508										
14. Naphthalene	91203										
15. Carbon Tetrachloride	56235										
16. 1,2 Dichlorobenzene (o-DCB)	95501										
17. 1,3 Dichlorobenzene (m-DCB)	541731										
18. 1,4 Dichlorobenzene (p-DCB)	106467										
18a. Total dichlorobenzene											
19. 1,1 Dichloroethane (DCA)	75343										
20. 1,2 Dichloroethane (DCA)	107062										
21. 1,1 Dichloroethene (DCE)	75354										
22. cis-1,2 Dichloroethene (DCE)	156592										
23. Methylene Chloride	75092										
24. Tetrachloroethene (PCE)	127184										
25. 1,1,1 Trichloro-ethane (TCA)	71556										
26. 1,1,2 Trichloro-ethane (TCA)	79005										
27. Trichloroethene (TCE)	79016										

<u>Parameter *</u>	<u>CAS Number</u>	<u>Believed Absent</u>	<u>Believed Present</u>	<u># of Samples</u>	<u>Sample Type (e.g., grab)</u>	<u>Analytical Method Used (method #)</u>	<u>Minimum Level (ML) of Test Method</u>	<u>Maximum daily value</u>		<u>Average daily value</u>	
								<u>concentration (ug/l)</u>	<u>mass (kg)</u>	<u>concentration (ug/l)</u>	<u>mass (kg)</u>
28. Vinyl Chloride (Chloroethene)	75014										
29. Acetone	67641										
30. 1,4 Dioxane	123911										
31. Total Phenols	108952										
32. Pentachlorophenol (PCP)	87865										
33. Total Phthalates (Phthalate esters) <sup>4</sup>											
34. Bis (2-Ethylhexyl) Phthalate [Di-(ethylhexyl) Phthalate]	117817										
35. Total Group I Polycyclic Aromatic Hydrocarbons (PAH)											
a. Benzo(a) Anthracene	56553										
b. Benzo(a) Pyrene	50328										
c. Benzo(b)Fluoranthene	205992										
d. Benzo(k)Fluoranthene	207089										
e. Chrysene	21801										
f. Dibenzo(a,h)anthracene	53703										
g. Indeno(1,2,3-cd) Pyrene	193395										
36. Total Group II Polycyclic Aromatic Hydrocarbons (PAH)											

<sup>4</sup>The sum of individual phthalate compounds.

<u>Parameter *</u>	<u>CAS Number</u>	<u>Believed Absent</u>	<u>Believed Present</u>	<u># of Samples</u>	<u>Sample Type (e.g., grab)</u>	<u>Analytical Method Used (method #)</u>	<u>Minimum Level (ML) of Test Method</u>	<u>Maximum daily value</u>		<u>Average daily value</u>	
								<u>concentration (ug/l)</u>	<u>mass (kg)</u>	<u>concentration (ug/l)</u>	<u>mass (kg)</u>
h. Acenaphthene	83329										
i. Acenaphthylene	208968										
j. Anthracene	120127										
k. Benzo(ghi) Perylene	191242										
l. Fluoranthene	206440										
m. Fluorene	86737										
n. Naphthalene	91203										
o. Phenanthrene	85018										
p. Pyrene	129000										
37. Total Polychlorinated Biphenyls (PCBs)	85687; 84742; 117840; 84662; 131113; 117817.										
38. Chloride	16887006										
39. Antimony	7440360										
40. Arsenic	7440382										
41. Cadmium	7440439										
42. Chromium III (trivalent)	16065831										
43. Chromium VI (hexavalent)	18540299										
44. Copper	7440508										
45. Lead	7439921										
46. Mercury	7439976										
47. Nickel	7440020										
48. Selenium	7782492										
49. Silver	7440224										
50. Zinc	7440666										
51. Iron	7439896										
Other (describe):											



<u>Parameter *</u>	<u>CAS Number</u>	<u>Believed Absent</u>	<u>Believed Present</u>	<u># of Samples</u>	<u>Sample Type (e.g., grab)</u>	<u>Analytical Method Used (method #)</u>	<u>Minimum Level (ML) of Test Method</u>	<u>Maximum daily value</u>		<u>Average daily value</u>	
								<u>concentration (ug/l)</u>	<u>mass (kg)</u>	<u>concentration (ug/l)</u>	<u>mass (kg)</u>

b) For discharges where **metals** are believed present, please fill out the following (attach results of any calculations):

<i>Step 1:</i> Do any of the metals in the influent exceed the effluent limits in Appendix III (i.e., the limits set at zero dilution)? Y___ N___	If yes, which metals?
<i>Step 2:</i> For any metals which exceed the <b>Appendix III</b> limits, calculate the <b>dilution factor (DF)</b> using the formula in Part I.A.3.c (step 2) of the NOI instructions or as determined by the State prior to the submission of this NOI. What is the dilution factor for applicable metals? Metal: _____ DF: _____ Metal: _____ DF: _____ Metal: _____ DF: _____ Metal: _____ DF: _____ Etc.	Look up the limit calculated at the corresponding dilution factor in <b>Appendix IV</b> . Do any of the metals in the <b>influent</b> have the potential to exceed the corresponding <b>effluent</b> limits in Appendix IV (i.e., is the influent concentration above the limit set at the calculated dilution factor)? Y___ N___ If Y, list which metals:

**4. Treatment system information.** Please describe the treatment system using separate sheets as necessary, including:

a) A description of the treatment system, including a schematic of the proposed or existing treatment system:						
b) Identify each applicable treatment unit (check all that apply):	Frac. tank	Air stripper	Oil/water separator	Equalization tanks	Bag filter	GAC filter
	Chlorination	De-chlorination	Other (please describe):			

c) Proposed **average** and **maximum flow rates** (gallons per minute) for the discharge and the **design flow rate(s)** (gallons per minute) of the treatment system:  
 Average flow rate of discharge \_\_\_\_\_ gpm    Maximum flow rate of treatment system \_\_\_\_\_ gpm  
 Design flow rate of treatment system \_\_\_\_\_ gpm

d) A description of chemical additives being used or planned to be used (attach MSDS sheets):

**5. Receiving surface water(s).** Please provide information about the receiving water(s), using separate sheets as necessary:

a) Identify the discharge pathway:	Direct to receiving water _____	Within facility (sewer) _____	Storm drain _____	Wetlands _____	Other (describe): _____
b) Provide a narrative description of the discharge pathway, including the name(s) of the receiving waters:					
c) Attach a detailed map(s) indicating the site location and location of the outfall to the receiving water: 1. For multiple discharges, number the discharges sequentially. 2. For indirect dischargers, indicate the location of the discharge to the indirect conveyance and the discharge to surface water The map should also include the location and distance to the nearest sanitary sewer as well as the locus of nearby sensitive receptors (based on USGS topographical mapping), such as surface waters, drinking water supplies, and wetland areas.					
d) Provide the state water quality classification of the receiving water _____					
e) Provide the reported or calculated seven day-ten year low flow (7Q10) of the receiving water _____ cfs Please attach any calculation sheets used to support stream flow and dilution calculations.					
f) Is the receiving water a listed 303(d) water quality impaired or limited water? Y____ N____ If yes, for which pollutant(s)? _____					
Is there a final TMDL? Y____ N____ If yes, for which pollutant(s)? _____					

**6. ESA and NHPA Eligibility.**

Please provide the following information according to requirements of Permit Parts I.A.4 and I.A.5 Appendices II and VII.

<p>a) Using the instructions in Appendix VII and information on Appendix II, under which criterion listed in Part I.C are you eligible for coverage under this general permit? A ____ B ____ C ____ D ____ E ____ F ____</p> <p>b) If you selected Criterion D or F, has consultation with the federal services been completed? Y ____ N ____ Underway ____</p> <p>c) If consultation with U.S. Fish and Wildlife Service and/or NOAA Fisheries Service was completed, was a written concurrence finding that the discharge is “not likely to adversely affect” listed species or critical habitat received? Y ____ N ____</p> <p>d) Attach documentation of ESA eligibility as described in the NOI instructions and required by Appendix VII, Part I.C, Step 4.</p>
<p>e) Using the instructions in Appendix VII, under which criterion listed in Part II.C are you eligible for coverage under this general permit? 1 ____ 2 ____ 3 ____</p> <p>f) If Criterion 3 was selected, attach all written correspondence with the State or Tribal historic preservation officers, including any terms and conditions that outline measures the applicant must follow to mitigate or prevent adverse effects due to activities regulated by the RGP.</p>

**7. Supplemental information.**

<p>Please provide any supplemental information. Attach any analytical data used to support the application. Attach any certification(s) required by the general permit.</p>
---

**8. Signature Requirements:** The Notice of Intent must be signed by the operator in accordance with the signatory requirements of 40 CFR Section 122.22, including the following certification:

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage 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.*

Facility/Site Name:

Operator signature:

Printed Name & Title:

Date:

**B. Submission of NOI to EPA** - All operators applying for coverage under this General Permit must submit a completed Notice of Intent (NOI) to EPA. Signed and completed NOI forms and attachments must be submitted to EPA-NE at:

U.S. Environmental Protection Agency  
5 Post Office Square, Suite 100  
Mail Code OEP06-4  
Boston, MA 02109-3912  
ATTN: Remediation General Permit NOI Processing

or electronically mailed to [NPDES.Generalpermits@epa.gov](mailto:NPDES.Generalpermits@epa.gov)

or faxed to the EPA Office at 617-918-0505

If filling out the suggested NOI form electronically on EPA's website, the signature page must be signed and faxed or mailed to EPA at the fax number and/or address listed above.

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

a) Discharges in Massachusetts - In addition to the NOI, permit applicants must submit copies of the State Application Form BRPWM 12, Request for General Permit coverage for the RGP. The application form and the Transmittal Form for Permit Application and Payment may be obtained from the Massachusetts Department of Environmental Protection (MassDEP) website at [www.state.ma.us/dep](http://www.state.ma.us/dep). Municipalities are fee-exempt, but should send a copy of the transmittal form to that address for project tracking purposes. All applicants should keep a copy of the transmittal form and a copy of the application package for their records.

1) A copy of the NOI, the transmittal form, a copy of the check, and Form BRPWM 12 should be sent to:

Massachusetts Department of Environmental Protection  
Division of Watershed Management  
627 Main Street, 2<sup>nd</sup> floor  
Worcester, MA 01608

2) A copy of the transmittal form and the appropriate fee should be sent to:

Massachusetts Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02111

Please note: Applicants for discharges in Massachusetts should note that under 310 CMR 40.000, *as a matter of state law*, the general permit only applies to discharges that are **not** subject to the

Massachusetts Contingency Plan (MCP) and 310 CMR 40.000. Therefore, discharges subject to the MCP are **not** required to fill out and submit the State Application Form BRPWM 12 or pay the state fees. However, they must submit a NOI to EPA.

b) Discharges in New Hampshire - applicants must provide a copy of the Notice of Intent to:

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

2. Filing with Municipalities - A copy of the NOI must be submitted to the municipality in which the proposed discharge would be located.