

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMITS FOR NON-CONTACT COOLING WATER DISCHARGES

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NOTE: The non-contact cooling water General Permits (NCCW GP) for the Commonwealth of Massachusetts (MA) and the State of New Hampshire (NH) are combined. Part 1 contains General Permit eligibility and coverage information for both MA and NH, Parts 2 and 3 contain the General Permit provisions for discharges in MA and NH, respectively, and Parts 4 through 7 contain provisions which apply to both General Permits.

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MASSACHUSETTS GENERAL PERMIT (No. MAG250000)

In compliance with the provisions of the Federal Clean Water Act (CWA), as amended (33 U.S.C. §§ 1251 et seq.) and the Massachusetts Clean Waters Act, as amended (M.G.L. Chap. 21, §§ 26-53), operators of facilities located in Massachusetts that discharge non-contact cooling water (NCCW) to the classes of waters as designated in the Massachusetts Water Quality Standards, 314 CMR 4.00 et seq., are authorized to discharge to all waters, unless otherwise restricted, in accordance with the effluent limitations, monitoring requirements and other conditions set forth herein.

This General Permit shall become effective on the date of signature.

This General Permit and the authorization to discharge supersedes the General Permit which expired on November 4, 2019 and shall expire at midnight, five (5) years from the last day of the month preceding the effective date.

Signed this day of

KENNETH
MORAFF
Digitally signed by
KENNETH MORAFF
Date: 2024.04.18
10:38:52 -0400'

Ken Moraff, Director
Water Division
U.S. Environmental Protection Agency
Region 1
Boston, MA

NEW HAMPSHIRE GENERAL PERMIT (No. NHG250000)

In compliance with the provisions of the Federal Clean Water Act, as amended (33 U.S.C. §§ 1251 et seq.), operators of facilities located in New Hampshire that discharge non-contact cooling water (NCCW) are authorized to discharge to Class B waters, unless otherwise restricted by State Water Quality Standards, New Hampshire RSA § 485-A:8 and the N.H. Code of Administrative Rules Env-Wq 1700-1709, in accordance with the effluent limitations, monitoring requirements and other conditions set forth herein.

This General Permit shall become effective on the date of signature.

This General Permit and the authorization to discharge supersedes the General Permit which expired on November 4, 2019 and shall expire at midnight, five (5) years from the last day of the month preceding the effective date.

Signed this day of

KENNETH Digitally signed by
KENNETH MORAFF
MORAFF Date: 2024.04.18
11:12:30 -0400'

Ken Moraff, Director
Water Division
U.S. Environmental Protection Agency
Region 1
Boston, MA

Part 1 Eligibility and Coverage under the NCCW GP

1.1 Eligible Discharges

Facilities that discharge cooling water that does not come into direct contact with any raw material, intermediate product, finished product, or waste product (other than heat) (i.e., NCCW) are eligible for coverage under this General Permit. The discharges of NCCW from open loop geothermal heat pumps are also authorized. Covered facilities may withdraw and discharge up to 1.0 million gallons per day (MGD) of NCCW, unless the facility receives approval for a higher NCCW intake or discharge flow from EPA and the appropriate state. In no case may a facility that withdraws or discharges more than 2.0 MGD of water from or to waters of the United States be eligible for coverage under this General Permit.

1.2 Geographic Coverage Area

1. Massachusetts (MA): Facilities authorized by the Massachusetts General Permit (MAG250000) in the Commonwealth of Massachusetts may withdraw from and discharge to all waters of the Commonwealth, except as provided in Section 1.3, immediately below, unless otherwise restricted by the Massachusetts Surface Water Quality Standards: 314 CMR 4.00 (or as revised), including 314 CMR 4.04(3) Protection of Outstanding Resource Waters.
2. New Hampshire (NH): Facilities authorized by the New Hampshire General Permit (NHG250000) may withdraw from and discharge to Class B waters of the State of New Hampshire, except as provided in Section 1.3, immediately below, unless otherwise restricted by the State Water Quality Standards: New Hampshire 50 RSA 485-A:8 (or as revised) and the New Hampshire Code of Administrative Rules, Chapter Env-Wq 1700-1709 (or as revised).

1.3 Specific Discharges Excluded from Coverage

The following discharges are excluded from coverage under this General Permit.

1. Discharges from facilities that use one or more cooling water intake structures and which have a cumulative design intake flow greater than two (2) million gallons per day.
2. New or Increased Discharges to Outstanding Resource Waters in Massachusetts and New Hampshire:
 - a. In Massachusetts, as defined by 314 CMR 4.06(3), 314 CMR 4.06(1)(d)4, and 314 CMR 4.06(1)(d)2, including Public Water Supplies (314 CMR 4.06(1)(d)1), which have been designated by the state as Class A waters, unless the facility receives an authorization or has previously been granted an authorization by the Massachusetts

Department of Environmental Protection (MassDEP) under 314 CMR 4.04(3)(b). In the event an applicant is proposing to discharge to an Outstanding Resource Water or High Quality Water for the first time, MassDEP should be contacted directly, MassDEP should be contacted directly at the address listed in Appendix 8. Additional state requirements may be required to be covered under this General Permit.

- b. as defined in New Hampshire under Env-Wq 1708.04(a), unless allowed by the NHDES under Env-Wq 1708.04(b).
3. Discharges to Class A waters in New Hampshire, in accordance with RSA 485-A:8, I, and Env-Wq 1708.05. To determine if the proposed receiving water is a Class A waterbody, contact the NHDES at the address listed in Appendix 8 of this Permit.
4. New or increased discharges to designated reaches of Wild and Scenic Rivers. See links to the National Wild and Scenic River System below:
 - for MA: <http://www.rivers.gov/massachusetts.php>
 - for NH: <http://www.rivers.gov/new-hampshire.php>
5. New or increased discharges to Ocean Sanctuaries in Massachusetts, as defined at 302 CMR 5.00 in accordance with Massachusetts General Law 132A.
6. Discharges of pollutants which are specifically included in the States' published 303(d) lists of "non-attainment" segments of receiving waters in the Commonwealth or State unless the discharge is at or below a concentration that meets water quality standards for the listed pollutants.
7. Discharges that violate the appropriate state's antidegradation policy or the New Hampshire Water Conservation Rules (Env-Wq 2101).
8. Discharges to designated areas under the Essential Fish Habitat Act (EFH) unless the requirements specified in this General Permit are fulfilled. See discussion in the Fact Sheet.
9. Discharges to a Publicly-Owned Treatment Works (POTW) or a privately owned treatment works that is permitted under CWA § 402.
10. Discharges from "New Source" dischargers, as defined in 40 CFR § 122.2.
11. Discharges for which the Director¹ makes a determination that an individual permit is required under 40 CFR § 122.28(b)(3). See Part 5.11 of this Permit for more information.

¹ The person authorized to sign NPDES permits by EPA and/or the State

1.4 Additional Eligibility Requirements

1. Endangered species requirements (MA and NH): EPA expects to conclude ESA section 7 consultation for the 37 facilities that were granted coverage under the 2014 NCCW GP. Any of these 37 facilities whose operators apply for coverage under this re-issued General Permit are not required to follow the protocols specified in Appendix 2. Their actions will be covered under EPA’s completed ESA section 7 consultation. However, facility operators not listed among the 37 facilities referenced above and shown in Table A of the Permit who apply for coverage under the proposed NCCW GP are designated as “New Applicants”. New Applicants must follow the protocol specified in Appendix 2 of the General Permit. Discharges to areas that are designated as habitat for certain species under the Endangered Species Act (ESA) are excluded from coverage under this General Permit unless the requirements specified in this permit are fulfilled by New Applicants. See Appendix 2 for more information. The new applicant shall certify eligibility regarding endangered species in the NOI based on the criteria in Parts B(1) and B(2) of Appendix 2. The NOI shall include documentation supporting the permittee’s eligibility determination regarding federal Endangered and Threatened Species and Critical Habitat Protection under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS) and NOAA Fisheries, including:

- a. Information on whether federally listed endangered or threatened species, or critical habitat are found in proximity to outfalls;
- b. Whether such species or habitat are likely to be adversely affected by the discharges or water withdrawals;
- c. Results of the endangered species screening determinations found in Appendix 2; and
- d. If any such species or habitat is present, a description of the measures the permittee shall implement to protect federally listed endangered or threatened species, or critical habitat, including any conditions imposed by the USFWS and/or NOAA Fisheries. If a new applicant fails to document and implement such measures, those discharges are ineligible for coverage under this permit.

EPA will conduct individual section 7 consultations with NOAA Fisheries for New Applicants seeking coverage under this permit that intake water for non-contact cooling from protected sturgeon spawning areas in the Merrimack, Connecticut or Deerfield Rivers in Massachusetts and the Piscataqua, Salmon Falls or Cocheco Rivers in New Hampshire. New Applicants must indicate if they intake water from any of these rivers in the ESA section of their NOI. Additional Best Technology Available (BTA)² requirements for these facilities are described in Part 4 of the permit.

2. Historic preservation requirements (MA and NH): Discharges which adversely affect properties listed or eligible for listing in the National Registry of Historic Places under

2. Section 316(b) of the CWA requires that the location, design, construction and capacity of cooling water intake structures (CWIS) reflect the best technology available (BTA) for minimizing adverse environmental impacts

the National Historic Preservation Act of 1966, 16 USC §§ 470 et seq. are not authorized under this permit. The applicant must certify eligibility regarding historic properties in the NOI based on the criteria in Appendix 3. The applicant shall include documentation in their NOI supporting their eligibility determination with respect to Historic Properties Preservation, including:

- a. Information on whether the permittee's discharges or water withdrawals would have an effect on a property that is listed or eligible for listing on the National Register of Historic Properties (NRHP);
- b. Where such effects may occur, any documents received by the permittee or any written agreements the permittee has made with the State Historic Preservation Officer (SHPO) representative to mitigate those effects;
- c. Results of the Appendix 3 historic property screening investigations; and
- d. If applicable, a description of the measures the permittee shall implement to avoid or minimize adverse impacts on places listed, or eligible for listing, on the NRHP, including any conditions imposed by the SHPO. If the permittee fails to document and implement such measures, those discharges are ineligible for coverage under this permit. See Appendix 3 for more information.

3. Areas of Critical Environmental Concern requirements (MA only): For facilities located in Massachusetts, permit coverage for discharges to Areas of Critical Environmental Concern (ACEC), as defined by the Massachusetts Wetlands Protection Act c.131 § 40, are contingent upon review and approval by MassDEP. See Appendix 1 for a listing of ACECs by city and town in Massachusetts.

4. Discharges to impaired waters (MA and NH): Discharges to waterbodies that are listed as impaired for one or more designated uses on the applicable state's most recent EPA-approved 303(d) list of waters must demonstrate that the discharge meets applicable water quality standards for listed pollutants causing impairment. For MA, see the final *Massachusetts Integrated List of Waters for the Clean Water Act 2018-2020 Reporting Cycle* ("303(d) List")³. For NH, see the 2020/2022 State of New Hampshire 303(d) Surface Water Quality List⁴.

³ *Massachusetts 2018-2020 Integrated List of Waters for the Clean Water Act 2018/2020 Reporting Cycle*, MassDEP Division of Watershed Management Watershed Planning Program, Worcester, MA, November 2021.

⁴ 2020/2022 State of New Hampshire Section 303(d) Surface Water Quality List. NHDES. February 18, 2022 R-WD-20-18

Part 2 Permit Requirements for Facilities in Massachusetts (MAG250000)

2.1 Effluent Limitations and Monitoring Requirements

During the period beginning on the effective date and lasting through expiration, the permittee is authorized to discharge NCCW. Each outfall discharging NCCW shall be limited and monitored by the permittee as specified below, in accordance with the source water and receiving water classification, when indicated. Monitoring for each outfall is to be conducted and reported in accordance with Part 2.2.1 and Part 6.

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u> ^{1,2,3}	
	Average Monthly	Maximum Daily	Monitoring Frequency	Sample Type
Flow	Report	See footnote 5	1/Week	Meter or estimate
Discharge Temperature, Warm Water fishery ⁶ (Class A and B)	Report	83 °F ⁷	1/Week	Grab ¹³
Discharge Temperature, Cold Water Fishery ⁶ (Class A and B)	Report	68 °F ⁷	3/Week	Grab ¹³
Discharge Temperature ⁸ (Class SA and SB)	Report	80 °F ⁷	1/Week	Grab ¹³
Waterbody Temperature ⁸ (Class A)	-----	Rise of less than 1.5 °F from background	1/Week	Grab ¹³ See 2.2.3
Waterbody Temperature ⁸ (Class B)	-----	Rise of less than 3.0 °F (cold water fisheries) or less than 5.0 °F (warm water fisheries) from background ⁹	1/Week	Grab ¹³ See 2.2.3
Waterbody Temperature ⁸ (Class SA)	-----	Rise of less than 1.5 °F from background	1/Week	Grab ¹³ See 2.2.3
Waterbody Temperature ⁸ (Class SB – July to September)	-----	Rise of less than 1.5 °F from background	1/Week	Grab ¹³ See 2.2.3
Waterbody Temperature ⁸ (Class SB – October to June)	-----	Rise of less than 4.0 °F from background	1/Week	Grab ¹³ See 2.2.3
pH (Class A and B)	-----	6.5-8.3 s.u. ^{10,11}	1/Week	Grab ¹³ ; report monthly ¹⁴ maximum and minimum
pH (Class SA and SB)	-----	6.5-8.5 s.u. ^{10,11}	1/Week	Grab ¹³ ; report monthly ¹⁴ maximum and minimum
pH of Upstream Receiving Water ¹¹	---	Report	1/Week	Grab ¹³
Total Residual Chlorine ¹² (Class A, B, SA, and SB)	See 2.2.4	See 2.2.4	1/Month	Grab ¹³
LC ₅₀ & C-NOEC	Two 24-hour composite samples - See 2.2.2			

1. Effluent samples shall yield data representative of the discharge. A routine sampling program shall be developed in which samples are taken at the discharge point to the receiving water and prior to co-mingling with any other wastestream. Changes in sampling location must be approved in writing by the Environmental Protection Agency Region 1 (EPA) and MassDEP. The Permittee shall report the results to EPA and the State of any additional testing above that required herein, if testing is done in accordance with 40 CFR Part 136.
2. In accordance with 40 CFR § 122.44(i)(1)(iv), the Permittee shall monitor according to sufficiently sensitive test procedures (i.e., methods) approved under 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O, for the analysis of pollutants or pollutant parameters (except WET). A method is “sufficiently sensitive” when: 1) The method minimum level (ML) is at or below the level of the effluent limitation established in the permit for the measured pollutant or pollutant parameter; or 2) The method has the lowest ML of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O for the measured pollutant or pollutant parameter. The term “minimum level” refers to either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL), whichever is higher. Minimum levels may be obtained in several ways: They may be published in a method; they may be based on the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a laboratory, by a factor.
3. When a parameter is not detected above the ML, the Permittee must report the data qualifier signifying less than the ML for that parameter (e.g., < 50 µg/L, if the ML for a parameter is 50 µg/L). For calculating and reporting the average monthly concentration when one or more values are not detected, assign a value of zero to all non-detects and report the average of all the results. The number of exceedances shall be enumerated for each parameter in the field provided on every Discharge Monitoring Report (DMR).
4. Measurement frequency of 1/week is defined as the sampling of one discharge event in each seven-day calendar week. Measurement frequency of 1/month is defined as the sampling of one discharge event in each calendar month. If no sample is collected during the measurement frequencies defined above, the Permittee must report an appropriate No Data Indicator Code.
5. Effluent flow is limited to the maximum flow rate reported by the permittee in the Notice of Intent and shall be no higher than 1.0 MGD, unless, on a case-by-case basis, EPA and MassDEP approve a discharge of greater than 1.0 MGD but not more than 2.0 MGD.
6. The definitions for cold and warm water fisheries can be found in the Massachusetts Surface Water Quality Standards, 314 CMR 4.02.
7. This temperature limit shall not be exceeded in accordance with 314 CMR Sections 4.05(3)(a) 2., 4.05(3)(b) 2., 4.05(4)(a) 2., and 4.05(4)(b) 2.

8. This temperature shall be based on weekly samples or the maximum recorded temperature using continuous monitoring data. Monitoring the temperature rise requires a background waterbody sample taken in accordance with Part 2.2.3 below.
9. In lakes and ponds the temperature rise shall not exceed 3 °F in the epilimnion (based on the monthly average of maximum daily temperature); and natural seasonal and daily variations shall be maintained in accordance with 314 CMR 4.05(3)(b) 2.
10. There shall be no change from background conditions that would impair any uses assigned to the receiving water class.
11. The pH range of 6.5 to 8.3 standard units (S.U.) for Class A and B waters and 6.5 to 8.5 S.U. for Class SA and SB waters must be achieved in the final effluent unless the Permittee demonstrates to MassDEP that Massachusetts Surface Water Quality Standards can be attained with an alternate range and submits an NOC (found in Appendix 8) with supporting documentation for this approval. Applicants must contact MassDEP to submit the appropriate effluent and ambient pH data required to make such a determination. If an alternate pH range is approved by MassDEP the Permittee shall sample ambient pH on the same day as the effluent pH and report the ambient pH value on the DMR.
12. Monitoring for total residual chlorine is only required for dischargers that use chlorinated municipal drinking water for NCCW. The compliance level for TRC is 20 µg/L for those facilities with a limit of 20 µg/L or less. See 2.2.4 below.
13. Continuous monitoring devices may be used to measure effluent and water body temperature and pH. When required, the maximum temperature, monthly average temperature, maximum pH, and minimum pH shall be reported from within the continuous dataset.
14. Based on weekly grab samples or continuous monitoring data for a given month.

2.2 Other Requirements

1. Samples taken in compliance with the monitoring requirements specified above shall be taken at a location that provides a representative sample of the effluent just prior to discharge to the receiving water or, if the effluent is commingled with another discharge, prior to such commingling.
2. Chronic and/or acute toxicity test(s) shall be performed on the NCCW discharge by the permittee upon request by EPA or MassDEP. Any testing shall be performed in accordance with EPA's toxicity test protocol, a copy of which will be provided at the time of request. Toxicity test protocols may be viewed at <https://www.epa.gov/npdes-permits/epa-mpdes-permit-forms-attachments-new>

[england](#). The test(s) shall be performed on two 24-hour composite effluent samples taken during normal facility operation. The results of the test(s) (C-NOEC and LC₅₀) shall be forwarded to MassDEP and EPA no later than 30 days after completion of the test(s).

3. The permittee is required to monitor in-waterbody temperature in accordance with the requirements of Part 2.1, except as noted below. Natural seasonal and daily variations in the waterbody shall be maintained (314 CMR 4.05(3)). Waterbody monitoring shall be done at a one foot depth on a day when the facility is operating and on a day when the discharge temperature is monitored and reported.

During each monitoring event, the permittee shall collect one upstream (background) grab sample and one downstream grab sample at a sufficient distance downstream of the outfall to allow for initial dilution (mixing zone). The location of the downstream sample shall be consistent with the Massachusetts mixing zone requirements at 314 CMR 4.03(2).

If the discharge is into a lake, pond, ocean, estuary or a non-flowing water body, one background grab sample shall be taken from an area not expected to be impacted by the discharge. Another “downstream” grab sample shall be taken in an area where the temperature is likely to be impacted by the discharge after allowable mixing consistent with the Massachusetts Mixing Zone policy. The background and downstream in-water body temperature samples shall be taken within a fifteen minute time period and during a continuous discharge of NCCW. The background and downstream in-waterbody temperature sample locations shall be identified on a map and submitted with the NOI, at an appropriate scale to distinguish the sampling locations and location of the facility NCCW outfall.

Alternatively, the permittee may demonstrate through engineering calculations that the discharge will not cause or contribute to a violation of the applicable waterbody temperature change. This calculation shall be based on the maximum amount of heat discharged from the facility and the dilution available in the receiving water, if any. See Attachment B of the Permit for the formulas to be used in such a calculation and example calculations.

4. The maximum daily and average monthly concentrations of Total Residual Chlorine (TRC) allowed in the effluent are based on the applicable water quality criteria and the available dilution in the receiving water. This is expressed by the following equation:

$$\text{Effluent Limit} = (\text{Dilution Factor}) \times (\text{Water Quality Criterion})$$

Note that the permittee's provided TRC effluent limits will be no greater than 1.0 mg/L, regardless of the dilution factor of the receiving water (see Section III.D of the Fact Sheet). The applicable water quality criteria for the calculation are shown below:

- Freshwater acute (Class A or B) = 19 µg/l (0.019 mg/l); use for daily maximum
- Freshwater chronic (Class A or B) = 11 µg/l (0.011 mg/l); use for average monthly
- Marine acute (Class SA or SB) = 13 µg/l (0.013 mg/l); use for daily maximum
- Marine chronic (Class SA or SB) = 7.5 µg/l (0.0075 mg/l); use for average monthly

The available dilution shall be determined by DEP upon request. Both the dilution factor and applicable chlorine limits will be reviewed by EPA during review of the facility's NOI. The permittee will be provided with the appropriate TRC limits when notified of permit coverage.

The TRC limits only apply to facilities that use municipal drinking water as a source of non-contact cooling water (NCCW). The permittee may not add chlorine or any other biocide to NCCW used at the facility. If a facility proposes to use municipal drinking water as an alternate source of NCCW after receiving authorization to discharge and the municipal water source was not indicated in the NOI, the facility must submit a Notice of Change (NOC) (available in Appendix 7) to EPA and the State Agency prior to using this alternate source to obtain a TRC effluent limit and related reporting requirements.

5. The discharge shall be free from pollutants in concentrations or combinations that, in the receiving water, settle to form objectionable deposits; float as debris, scum or other matter to form nuisances; produce objectionable odor, color, taste or turbidity; or produce undesirable or nuisance species of aquatic life.
6. The discharge shall be free from pollutants in concentrations or combinations that adversely affect the physical, chemical, or biological nature of the bottom.
7. The discharge shall not result in pollutants in concentrations or combinations in the receiving water that are toxic to humans, aquatic life or wildlife.
8. The discharge shall be free from floating, suspended and settleable solids in concentrations or combinations that would impair any use assigned to the receiving water.
9. For Class A waters, the discharge shall be free from oil and grease, petrochemicals and other volatile or synthetic organic pollutants. For Class SA waters, the discharge shall be free from oil and grease and petrochemicals. For Class B and SB waters, the discharge shall be free from oil, grease and petrochemicals that produce a visible film on the surface of the water, impart an oily taste to the water or an oily or other undesirable taste to the edible portions of

aquatic life, coat the banks or bottom of the water course, or are deleterious or become toxic to aquatic life.

10. Any discharge or intake that causes a violation of the water quality standards of the receiving waters is prohibited.
11. This permit does not allow the discharge of any chemicals except for non-toxic chemicals used for pH neutralization and/or dechlorination. The use of additives to control biological growth, corrosion, and/or scale in cooling water is prohibited. Prior to discharging pH neutralization and/or dechlorination chemicals, the discharger must receive written approval from EPA. The written request for such chemical approval must contain the following information:
 - (1) Name and manufacturer,
 - (2) Maximum and average daily quantity used as well as the maximum and average daily expected concentrations (mg/l) in the NCCW discharge, and
 - (3) The vendor's reported aquatic toxicity (NOAEL and/or LC₅₀ in percent for aquatic organism(s)).

The initial request for approval may be submitted along with the applicant's NOI. All substitutions of non-toxic neutralization chemicals must be approved by EPA in writing prior to their usage. All written substitution requests must contain the information required in (1), (2), and (3) immediately above. EPA encourages permittees to use the NOC format provided in Appendix 7 for chemical substitution requests.

2.3 State Permit Conditions

This Permit is in the process of receiving state water quality certification issued by the State under § 401(a) of the CWA and 40 CFR § 124.53. EPA will incorporate appropriate state water quality certification requirements (if any) into the Final Permit.

Part 3 Permit Requirements for Facilities in New Hampshire (NHG250000)

3.1 Effluent Limitations and Monitoring Requirements

During the period beginning on the effective date and lasting through expiration, the permittee is authorized to discharge NCCW. Each outfall discharging NCCW shall be limited and monitored by the permittee as specified below, in accordance with the source water and receiving water classification, when indicated. Monitoring for each outfall is to be conducted and reported in accordance with Part 3.2 and Part 6.

Effluent Characteristic	Discharge Limitations		Monitoring Requirements ^{1,2,5}	
	Average Monthly	Maximum Daily	Monitoring Frequency ⁴	Sample Type
Flow, MGD	Report	See footnote 5	1/Week	Meter or estimate
Discharge Temperature, Warm Water Fishery	Report	83 °F	1/Week	Grab ⁶
Discharge Temperature, Cold Water Fishery	Report	68 °F	3/Week	Grab ⁶
pH ⁷	---	6.5-8.0 ⁶	1/Week	Grab ⁶ ; report monthly maximum and minimum ¹⁰
pH of Upstream Receiving Water ^{6,8}	---	Report	1/Week	Grab ⁶
Total Residual Chlorine ⁹	See 3.2.4	See 3.2.4	1/Month	Grab
LC ₅₀ & C-NOEC, %	Two 24-hour composite samples - See 3.2.5			

Footnotes:

1. Effluent samples shall yield data representative of the discharge. A routine sampling program shall be developed in which samples are taken at the discharge point to the receiving water and prior to co-mingling with any other wastestream. Changes in sampling location must be approved in writing by the Environmental Protection Agency Region 1 (EPA) and NHDES. The Permittee shall report the results to EPA and the State of any additional testing above that required herein, if testing is done in accordance with 40 CFR Part 136.
2. In accordance with 40 CFR § 122.44(i)(1)(iv), the Permittee shall monitor according to sufficiently sensitive test procedures (i.e., methods) approved under 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O, for the analysis of pollutants or pollutant parameters (except WET). A method is “sufficiently sensitive” when: 1) The method minimum level (ML) is at or below the level of the effluent limitation established in the permit for the measured pollutant or pollutant parameter; or 2) The method has the lowest ML of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR

chapter I, subchapter N or O for the measured pollutant or pollutant parameter. The term “minimum level” refers to either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL), whichever is higher. Minimum levels may be obtained in several ways: They may be published in a method; they may be based on the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a laboratory, by a factor.

3. When a parameter is not detected above the ML, the Permittee must report the data qualifier signifying less than the ML for that parameter (e.g., $< 50 \mu\text{g/L}$, if the ML for a parameter is $50 \mu\text{g/L}$). For calculating and reporting the average monthly concentration when one or more values are not detected, assign a value of zero to all non-detects and report the average of all the results. The number of exceedances shall be enumerated for each parameter in the field provided on every Discharge Monitoring Report (DMR).
4. Measurement frequency of 1/week is defined as the sampling of one discharge event in each seven-day calendar week. Measurement frequency of 1/month is defined as the sampling of one discharge event in each calendar month. If no sample is collected during the measurement frequencies defined above, the Permittee must report an appropriate No Data Indicator Code.
5. Effluent flow is limited to the maximum flow rate reported by the permittee on its Notice of Intent, unless, on a case-by-case basis, EPA and NHDES approve a discharge of greater than 1.0 MGD but not more than 2.0 MGD.
6. Continuous monitoring devices may be used to measure effluent and water body temperature and pH. When required, the instantaneous maximum temperature, monthly average temperature, instantaneous maximum pH, and instantaneous minimum pH shall be reported based on the continuous dataset.
7. The pH shall be within the specified range at all times unless the ambient (background) upstream pH of the river is outside of this range. See Part 3.3.4 of the Permit. When the pH range is outside of the specified range, results of the ambient pH sample obtained to demonstrate compliance with this limit shall be reported in the discharge monitoring report (DMR). When required, the ambient sample shall be taken within one (1) hour of the effluent sample and the permittee must specify to which weekly sample the ambient sample corresponds. If the pH is within the specified range, the Permittee shall report an appropriate NODI code for background pH.
8. Upstream receiving water monitoring and reporting is required if the permittee is demonstrating compliance of its effluent’s pH in accordance with Part 3.3.4 of this permit.

9. Monitoring for total residual chlorine is only required for dischargers using chlorinated municipal drinking water for NCCW. The compliance level for TRC is 20 µg/L for those facilities that have a limit of 20 µg/L or less. See 3.2.4 below.

3.2 Other requirements

1. Samples taken in compliance with the monitoring requirements specified above shall be taken at a location that provides a representative analysis of the effluent just prior to discharge to the receiving water or, if the effluent is commingled with another permitted discharge, prior to such commingling.
2. Any change in sampling locations must be reviewed and approved in writing by EPA and NHDES. EPA encourages the use of the Notice of Change (NOC) format found in Appendix 8. All samples shall be tested using the analytical methods found in 40 CFR part 136 or alternative methods approved by EPA in accordance with the procedures in 40 CFR part 136. All samples shall be a composite sample unless specified as a grab sample in either 40 CFR part 136 or Part 3.1. (“sample type”) above.
3. Any discharge or intake that causes a violation of the water quality standards of the receiving waters is prohibited.
4. The maximum daily and average monthly concentrations of Total Residual Chlorine (TRC) allowed in the effluent are based on the applicable water quality criteria and the available dilution in the receiving water. The calculated limit is determined by the following equation, which accounts for the State of New Hampshire’s requirement to reserve 10% of a receiving water’s Assimilative Capacity:

$$\text{Effluent Limit} = (\text{Dilution Factor}) \times (\text{Water Quality Criteria}) \times 0.9$$

Note that the permittee’s provided TRC effluent limits will be no greater than 1.0 mg/L, regardless of the dilution factor of the receiving water (see section III.D. of the Fact Sheet). The applicable water quality criteria for the calculation are shown below:

- Freshwater acute = 19 µg/l (0.019 mg/l); use for daily maximum
- Freshwater chronic = 11 µg/l (0.011 mg/l); use for average monthly
- Marine acute = 13 µg/l (0.013 mg/l); use for daily maximum
- Marine chronic = 7.5 µg/l (0.0075 mg/l); use for average monthly

The available dilution shall be provided by DES upon request. Both the dilution factor and applicable chlorine limits will be reviewed by EPA during review of the facility’s NOI. The permittee will be provided with the appropriate TRC limits when notified of

permit coverage.

The TRC limit only applies to facilities that use municipal drinking water as a source of non-contact cooling water. The permittee may not add chlorine or any other biocide to non-contact cooling water used at the facility. If a facility proposes to use municipal drinking water as an alternate source of NCCW after receiving authorization to discharge and the municipal water source is not indicated in the NOI, the facility must submit a Notice of Change (NOC) (available in Appendix 7) to EPA and the NHDES prior to using this alternate source to obtain a TRC effluent limit and related reporting requirements.

5. Chronic and/or acute toxicity test(s) shall be performed on the NCCW discharge by the permittee upon request by EPA or NHDES. Any testing shall be performed in accordance with EPA's toxicity test protocol, a copy of which will be provided at the time of request. Toxicity test protocols may be viewed at <https://www.epa.gov/npdes-permits/epa-mpdes-permit-forms-attachments-new-england>. The test(s) shall be performed on two 24-hour composite samples taken during normal facility operation. The results of the test(s) (C-NOEC and LC₅₀) shall be forwarded to NHDES and EPA within 30 days after completion.
6. The discharge shall be free from substances in kind or quantity that settle to form harmful benthic deposits; float as foam, oil, debris, scum or other visible substances; produce odor, color, taste or turbidity that is not naturally occurring and would render the surface water unsuitable for its designated uses; result in the dominance of nuisance species; or interfere with recreational activities.
7. Tainting substances shall not be present in the discharge in concentrations that individually or in combination are detectable by taste and odor tests performed on the edible portions of aquatic organisms.
8. The discharge shall not result in toxic substances or chemical constituents in concentrations or combinations in the receiving water that injure or are inimical to plants, animals, humans or aquatic life; or persist in the environment or accumulate in aquatic organisms to levels that result in harmful concentrations in edible portions of fish, shellfish, other aquatic life, or wildlife that might consume aquatic life.
9. The discharge shall not result in an exceedance of the naturally occurring turbidity in the receiving water by more than 10 NTUs.
10. This permit does not allow the discharge of any chemicals except for non-toxic chemicals used for pH neutralization and/or dechlorination. The use of additives to control biological growth, corrosion, and/or scale in cooling water is prohibited. Prior to discharging pH neutralization and/or dechlorination chemicals, the discharger must

receive written approval from EPA and NHDES. The written request for such chemical approval must contain the following information:

- (1) Name and manufacturer,
- (2) Maximum and average daily quantity used as well as the maximum and average daily expected concentrations (mg/l) in the NCCW discharge, and
- (3) The vendor's reported aquatic toxicity (NOAEL and/or LC₅₀ in percent for aquatic organism(s)).

The initial request for approval may be submitted along with the applicant's NOI. All substitutions of non-toxic neutralization and/or dechlorination chemicals must be approved by EPA and NHDES in writing prior to their usage. All written substitution requests must contain the information required in (1), (2) and (3) immediately above. EPA encourages permittees to use the NOC format provided in Appendix 8 for chemical substitution requests.

11. An authorization to discharge under this General Permit, where the permittee discharges to a municipal or private storm drain owned by another party, does not convey any rights or authorization to connect to that drain.

3.3 State Permit Conditions

1. The Permittee shall not at any time, either alone or in conjunction with any person or persons, cause directly or indirectly the discharge of waste into the said receiving water unless it has been treated in such a manner as will not lower the legislated water quality classification or interfere with the uses assigned to said water by the New Hampshire Legislature (RSA 485-A:12).
2. This NPDES Permit is issued by EPA under Federal law. Upon final issuance by EPA, the NHDES-WD may adopt any authorization under this Permit, including all terms and conditions, as a State Permit pursuant to RSA 485-A:13. Each Agency shall have the independent right to enforce the terms and conditions of this Permit. Any modification, suspension or revocation of this Permit shall be effective only with respect to the Agency taking such action and shall not affect the validity or status of the Permit as issued by the other Agency, unless and until each Agency has concurred in writing with such modification, suspension or revocation. In the event any portion of this permit is declared invalid, illegal, or otherwise issued in violation of state law, such permit shall remain in full force and effect under federal law as a NPDES Permit issued by the EPA.
3. When the source water for the discharge is not the receiving water (i.e., groundwater or municipal water), the pH range of 6.5 to 8.0 Standard Units (S.U.) must be achieved in the final effluent unless the Permittee can demonstrate to NHDES-WD: 1) that the range

should be widened due to naturally occurring conditions in the receiving water; or 2) that the naturally occurring receiving water pH is not significantly altered by the Permittee's discharge. The scope of any demonstration project must receive prior approval from NHDES–WD. In no case, shall the above procedure result in pH limits outside the range of 6.0 to 9.0 S.U., which are federal technology-based effluent limitation guidelines for pH commonly found in 40 CFR subchapter N Parts 405 through 471.

4. When the source water for the discharge is the receiving water, the pH of the discharge shall be in the range of 6.5 to 8.0 Standard Units (s.u.) unless the ambient pH in the receiving water is outside of this range and it is not altered by the facility's discharge or activities. If the permittee's discharge pH is lower than 6.5 s.u., the permittee may demonstrate compliance by showing that the discharge pH was either higher than, or no more than 0.5 s.u. lower than, the ambient upstream receiving water pH. If the permittee's discharge pH is higher than 8.0 s.u., the permittee may demonstrate compliance by showing that the discharge pH is either lower than, or no more than 0.5 s.u. higher than, the upstream receiving water pH. For this demonstration the upstream receiving water sample must be collected on the same day as the discharge pH is measured. The location where the upstream ambient pH sample is collected shall be representative of upstream conditions unaffected by the facility's discharge(s) or activities. For this determination for discharges to tidal waters, upstream samples must be collected during the last two hours of the ebb (outgoing) tide, when discharge pH values are below 6.5 s.u.; and during the last two hours of the flood (incoming) tide, when discharge pH values are above 8.0 s.u.
5. At any time that NHDES determines that additional water quality certification requirements are necessary to protect water quality, an individual discharger may be required to meet additional conditions to obtain coverage or to continue coverage under the NCCW General Permit. Any such conditions shall be supplied to the permittee in writing.

NOTE: The following Parts 4 through 7 are common elements of both the Massachusetts and New Hampshire General Permits.

Part 4 Requirements for the Design and Operation of Cooling Water Intake Structures

This section implements the requirements of CWA § 316(b). Section 316(b) requires that the location, design, construction and capacity of cooling water intake structures (CWIS) reflect the best technology available (BTA) for minimizing adverse environmental impacts, namely to minimize the entrainment and impingement of aquatic organisms (see Attachment A for definitions) by facilities covered under this permit.

4.1 Facilities That Must Comply With CWIS Requirements

If the facility (1) has discharges covered by or expected to be covered by this permit AND (2) withdraws water from a surface water for use as NCCW, then the permittee must comply with the requirements of Section 4.2.

4.2 BTA Requirements to Minimize the Adverse Environmental Effects of a CWIS

- 1. General BTA Requirements:** To satisfy the § 316(b) BTA requirements of this General Permit, a facility that operates a cooling water intake structure to withdraw cooling water from waters of the United States must:
 - a. Operate a physical exclusion technology that either a) has an actual velocity of no greater than 0.5 foot per second (fps) measured at the opening of the intake structure; or b) returns all impinged aquatic life to the source waterbody in a manner that maximizes survival.
 - b. Minimize the amount of cooling water withdrawn.
 - c. Ensure that any spraying to remove impinged fish or invertebrates from a CWIS uses no chlorinated water and is a low-pressure spray, having a rating of 20 pounds per square inch (psi) or less.
 - d. Submit an impingement monitoring program with the NOI tailored to the facility's CWIS to regularly monitor for impinged fish and impinged invertebrates. This program shall be conducted beginning sixty (60) days after the effective date of permit coverage and end no earlier than three (3) years after the effective date of permit coverage. The results of this monitoring shall be retained on-site for inspection by or submission to EPA for at least five years from the date of the monitoring event. If practicable, this program shall include inspections of all locations where impingement may occur, at a minimum frequency of three

times a week at varying times of day, operating conditions, and source water conditions. All inspections must be recorded in writing, and this inspection record shall include the date, time, presence or absence of impinged organisms, and the name of the inspector. If organisms are observed, the permittee must record the following information: the number, species and length of the impinged fish; the condition of the fish (dead or alive); and any actions taken by the facility (e.g. fish returned to river, fish collected, cooling water intake flow reduced). If the permittee determines that this monitoring program frequency and/or protocol are not practicable, the permittee shall provide in its NOI an explanation of this determination, an alternate frequency and/or protocol, and an explanation of why the alternative frequency and/or protocol are adequate to determine the number of impinged fish and invertebrates on the facility's CWIS.

- e. If the permittee observes fifty (50) or more fish on the CWIS during any one of the following activities or situations, this would qualify as an unusual impingement event (UIE), requiring notification as described below: 1) during a regular impingement monitoring program observation event, 2) at any time during the inspection of a CWIS, or 3) when the cumulative number of individual fish observed on the CWIS totals fifty (50) or more based on multiple observations over the course of any 4-hour period. The permittee shall report such a UIE to the EPA and particular State as required in Part 6.1.3 of this Permit within 24 hours by telephone. A written confirmation report shall be included as an attachment with the next monthly discharge monitoring report (DMR) report that is due to be submitted through NetDMR. These oral and written reports shall include the following information: the date and time of the unusual impingement event; the number, species and length of the impinged fish; the condition of the fish (dead or alive); and any actions taken by the facility (e.g. fish returned to river, fish collected, cooling water intake flow reduced).

- 2. Facility-Specific BTA Requirements:** Facilities that meet the description contained in Section 4.1 must implement, in addition to the general BTA requirements listed in section 4.2.1, measures that satisfy a facility-specific use of the BTA. The Notice of Intent (NOI) must include a facility-specific BTA description which shall consist of one or more of the following: (1) attributes of the current CWIS, (2) design measures, and/or (3) operational measures. See Attachment C of the General Permit for a list of potential components of a facility-specific BTA description. A Permittee can submit a facility-specific BTA description that was submitted under a previous NCCWGP provided that such description is still accurate and representative.
- 3. Implementation of Facility-Specific BTA Requirements:** Upon EPA's authorization to discharge under this General Permit, the permittee shall implement and maintain the components of the facility-specific BTA description submitted in the NOI or as modified

by EPA in the authorization. Any subsequent changes to the location, design, or capacity of the facility's CWIS during the period of General Permit coverage must be approved by EPA prior to their implementation. EPA encourages permittees to use the NOC format in Appendix 7 of this General Permit to notify EPA of a change in CWIS.

Part 5 Application and Notice of Intent (NOI)

5.1 Obtaining Coverage under the NCCW General Permit:

To be covered by this permit, an applicant must submit a Notice of Intent (NOI) to both EPA and the appropriate State. The NOI must contain all the information required above in Part 4, Requirements for the Design and Operation of Cooling Water Intake Structures; all the information required below; and all the information required in Appendix 4. Any applicable state application fees should be paid in full. The NOI must state that the discharge meets the eligibility conditions and applicable requirements of the General Permit and that the applicant is requesting coverage under this General Permit. The facility will be authorized to discharge under the General Permit upon receiving written authorization from EPA.

A facility operator must submit an NOI if it is seeking coverage under this General Permit for the first time or if it was covered under a previous NCCW GP.

Any facility operating under an effective (unexpired) or an administratively continued individual NPDES permit may request that the individual permit be revoked and that coverage under this General Permit be granted. When the facility is granted coverage under the General Permit, the facility's individual permit will be terminated.

5.2 NOI Options:

The operator of the facility is responsible for applying for the General Permit as required by 40 CFR §122.21(b). To be covered by this General Permit, operators of facilities whose discharge or discharges are identified in Part 1.1 of this permit, must submit to EPA and the appropriate State, a complete and accurate signed NOI. For purposes of this General Permit, the NOI consists of either:

- The suggested NOI format of Appendix 5 of this permit, or
- Another format of official correspondence containing all of the information required in the NOI instructions in Appendix 4 of this permit.

5.3 NOI Submittal Time Frames:

- 1. Proposed New Discharges:** Facilities with proposed new discharges of NCCW 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. This would include those facilities covered by 2014 GP that did not submit an Administrative Continuation Request (ACR) form to administratively continue coverage after the 2014 NCCWGP expired.

- 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. 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 below, before the 60 day time frame expires.

5.4 NOI requirements for groundwater sources of NCCW

1. If groundwater is used for all or any portion of the source water of the facility's NCCW, the NOI must include the results of laboratory analyses for the parameters listed below of a representative sample of the NCCW effluent and the receiving water. All metals shall be reported as total recoverable.

Antimony	Chromium (Total)	Iron	Silver
Arsenic	Chromium (VI)	Mercury	Zinc
Cadmium	Copper	Nickel	Lead
pH	Chloride	Hardness	

Radionuclides:

Gross Alpha, Radium 226 + Radium 228

Uranium

2. The effluent sample shall be taken at a location that provides a representative analysis of the NCCW effluent. To the extent practicable, the effluent sample shall be taken just prior to discharge to the receiving water or, if the effluent is commingled with another permitted discharge, prior to such commingling. The instream sample for hardness should be taken upstream of the facility discharge and other facility activities that could affect water quality.
3. All samples shall be tested using the analytical methods found in 40 CFR Part 136, alternative methods approved by EPA in accordance with the procedures at 40 CFR Part 136, or methods listed in Appendix 9.
4. Analysis of the effluent samples, as well as the samples for hardness, shall use the 40 CFR Part 136 approved test methods that will achieve the lowest available minimum levels (MLs). *See* Appendix 9.

5.5 CWIS characterization required in NOI

For those facilities that withdraw water to be used for non-contact cooling, the NOI shall include a characterization of the aquatic life habitat of the source water body in the vicinity of the CWIS during the seasons when the CWIS may be in use to include the following: the abundance of fish eggs, larvae, juveniles and adults; the density of these life stages; and the potential for entrainment and impingement of fish eggs, larvae, juveniles and adults in the CWIS intake water. This characterization must include information such as the fish species expected in the waterbody, stocking programs affecting their presence, and the quality of the local spawning and nursery habitat. This characterization shall be based on sampling, water body characteristics, CWIS features, available documentation of the presence of fish species (or the absence of fish species) in the surface water body, and/or other information. The NOI shall cite any reports, documents, or personal observations used as references for this characterization, and, if available, provide a copy of such references with the NOI.

In addition, the NOI shall include the following information related to each CWIS to support the facility-specific BTA description:

- a. The design capacity of the CWIS, in million gallons per day (MGD).
- b. If the combined design capacity of all CWISs is greater than 1.0 MGD, the measures to be taken by the facility to maintain a daily maximum surface water withdrawal of no more than 1.0 MGD. For facilities that have EPA and State approval to discharge greater than 1.0 MGD of NCCW, the maximum daily surface water withdrawal shall not exceed the daily maximum discharge limit of the facility.
- c. The maximum monthly average intake of the CWIS during the previous five years, in MGD, and the month in which this flow occurred.
- d. Whether the facility withdraws cooling water at a rate commensurate with a closed-cycle cooling system. If so, a demonstration of this shall be included in the NOI;
- e. The water body type of the source water (e.g., estuary; freshwater river or stream; lake or reservoir; ocean; or tidal river);
- f. The maximum through-screen velocity in feet per second (fps) at the design intake flow and actual intake flow (if different); this value may be measured or calculated.
- g. The source water's annual mean flow if the CWIS is located on a freshwater river or stream, in cubic feet per second (cfs) as available from USGS or another appropriate source.
- h. The design intake flow as a percent of the source water's annual mean flow if the CWIS is located on a freshwater river or stream.
- i. The source water's 7Q10 if the CWIS is located on a freshwater river or stream, in MGD. For facilities previously covered under this General Permit, the 7Q10 for receiving waters will be provided on the NCCW GP website at <http://www.epa.gov/region1/npdes/nccwgp.html>;
- j. The design intake flow as a percent of the source water's 7Q10 if the CWIS is located

- on a freshwater river or stream.
- k. The reuse of cooling water in manufacturing or other cooling processes.
 - l. A description of the procedures to monitor and maintain the through-screen velocity and ensure that debris does not occlude the screens and increase the through-screen velocity above 0.5 fps.
 - m. A description of the physical exclusion system including how fish are returned to the source waterbody (if removed).
 - n. Certification that chlorinated water is not used to remove organisms from a physical exclusion system and, if spray wash is used, only low-pressure spray (i.e., less than 20 psi) is used to remove aquatic life.
 - o. A description of the historical occurrence of impinged fish on or in the CWIS during the five years prior to the date of the applicant's NOI. If impingement has been observed, the following information shall be included for each impingement episode, if available: duration of the event, number, species and length of impinged fish, condition of fish (dead or alive), actions taken (e.g. fish returned to river, fish collected, cooling water intake flow reduced, etc.).

EPA will consult with NOAA Fisheries regarding any NOIs submitted by New Applicant facilities that withdraw water for non-contact cooling from the Connecticut, Deerfield or Merrimack Rivers in Massachusetts or the Piscataqua, Salmon Falls or Cochecho Rivers in New Hampshire. Following consultation with NOAA Fisheries, EPA may require additional facility-specific BTA requirements in order to protect endangered and threatened species under the permit. These measures may include an alternate through-screen intake velocity of 0.2 fps to minimize entrainment of early life stages of protected sturgeon. These New Applicant facilities will be required to implement all of the general and facility-specific BTA requirements above in addition to any measures prescribed by EPA in the NOI authorization to protect federally endangered and threatened species.

5.6 Endangered Species Act:

All New Applicants who submit an NOI must certify compliance with one of the criteria found in Appendix 2 regarding ESA species under the jurisdiction of the USFWS and NOAA Fisheries.

New Applicant facilities must indicate if they withdraw water for non-contact cooling from the following rivers or river segments:

- Merrimack River downstream of Haverhill, MA
- Connecticut River between Springfield, MA and Turners Falls, MA
- Piscataqua River
- Deerfield River
- Salmon Falls River
- Cochecho River

EPA will evaluate section 7 consultation with NOAA Fisheries regarding the protection of Atlantic sturgeon and shortnose sturgeon early life stages at these facilities, if necessary.

EPA will also review the NOI of New Applicants to determine if their receiving water overlaps with adult and juvenile life stages of Atlantic sturgeon, shortnose sturgeon, protected sea turtle species and protected whale species. EPA will then evaluate potential section 7 consultation with NOAA Fisheries regarding these species.

EPA will evaluate section 7 consultation with the USFWS regarding the protection of the dwarf wedgemussel at facilities in the Connecticut River watershed, if necessary.

5.7 National Historic Preservation Act:

All NOI applicants must certify compliance with one of the criteria in Appendix 3.

5.8 Signature:

The NOI must be signed by the operator of the facility in accordance with the signatory requirements of 40 CFR § 122.22.

5.9 Submission of NOIs:

Each applicant must submit a copy of the NOI to EPA and the appropriate State authority listed in Appendix 6.

5.10 Submission of State Applications:

1. **Massachusetts:** facilities previously covered under the expired General Permit, facilities with new or increased discharges, or facilities with a NCCW discharge currently covered by an individual permit that are seeking coverage under the General Permit, must submit the following documents to the appropriate MassDEP offices, at the addresses listed in Appendix 8:
 - a. a copy of the completed Suggested NOI Format found in Appendix 5 and,
 - b. the completed State transmittal form.

The transmittal form, instructions, and fee amount may be obtained through the MassDEP's ePLACE portal at <https://www.mass.gov/how-to/wm-15-npdes-general-permit-notice-of-intent>. Click on "How to submit" to link to both the transmittal form and form instructions.

2. **New Hampshire:** There is no state application form. Facilities located in New Hampshire are encouraged to use EPA's suggested NOI format found in Appendix 5.

5.11 When the Director May Require an Application for an Individual NPDES Permit:

1. The Director may require any facility owner/operator authorized by this permit to apply for and obtain an individual NPDES permit. Any interested owner/operator may petition the Director to take such action. NCCW discharges that the Director determines require an individual NPDES permit will not be authorized under this NCCW GP.
2. Facilities that require an individual permit based on the Director's consideration of factors including, but not limited to, the following:
 - a. Variability of the pollutants or pollutant parameters in the effluent (based on chemical-specific information and the type of treatment facility);
 - b. Receiving stream or withdrawal stream characteristics, including possible or known water quality impairment;
 - c. Recommendation from the State;
 - d. The location, capacity, design or construction of the cooling water intake structure that may represent an adverse environmental impact;
 - e. Other considerations (including but not limited to consultation with the State, a history of toxic impact or compliance problems at the facility) which the Director determines could cause or contribute to adverse water quality impacts;
 - f. Stream flows that are not maintained at levels to protect existing and designated uses as established in the State's water quality standards;
 - g. The discharge from or intake into the facility, when combined with other dischargers in the watershed, that may represent a cumulative adverse environmental impact to the receiving water; or
 - h. Metal concentrations in the effluent (from a facility that uses groundwater as the source of NCCW) that may cause or contribute to adverse water quality impact after consideration of the dilution available and other factors;
 - i. Effluent limitation guidelines are promulgated for point sources covered by this permit;
 - j. A Water Quality Management Plan or Total Maximum Daily Load containing requirements applicable to such point source is approved;
 - k. The intake and/or discharge may adversely affect essential fish habitat (EFH), thus reducing the quality and/or quantity of EFH, or the intake and/or discharge is likely to adversely affect endangered species protected under the Endangered Species Act (ESA).
3. If the Director requires that an individual permit be issued, the permittee will be notified in writing that an individual permit is required and will be given a brief explanation of the reasons for this decision.

4. When an individual NPDES permit is issued to an operator otherwise subject to this General Permit, the operator's coverage under this General Permit will be automatically terminated on the effective date of the individual permit.

5.12 When a Permittee May Request that an Individual NPDES Permit Be Issued

Any operator may request to be excluded from coverage under this General Permit by applying for an individual permit. The request may be made by submitting an NPDES permit application and documentation to support the request to EPA for consideration.

5.13 EPA Determination of Coverage:

Any applicant may request coverage under this General Permit, but the final decision to authorize coverage will be determined by EPA. Coverage under the General Permit will not be effective until EPA has reviewed the NOI, made a determination that coverage under the NCCW General Permit is warranted, and has notified the operator in writing of its determination. The effective date of coverage will be specified in EPA's authorization letter.

5.14 NOIs on the EPA NPDES NCCW GP website:

All NOIs received by EPA that EPA proposes to authorize will be posted on the EPA NPDES NCCW GP website, <https://www.epa.gov/npdes-permits/noncontact-cooling-water-general-permit-nccw-gp-massachusetts-new-hampshire>, for a minimum of 15 days. Following the 15 day period, EPA will either grant authorization, request additional information, or deny authorization under this permit and require submission of an application for an individual NPDES permit. A facility will be authorized to discharge under the terms and conditions of this permit upon receipt of the written notice of authorization from EPA.

Part 6 Monitoring and Reporting Requirements

The effluent monitoring requirements have been established to yield data representative of the discharge under authority of § 308 (a) of the CWA in accordance with 40 CFR §§122.41 (j), 122.44 (l), and 122.48.

6.1 Electronic Reporting

Beginning on the date of the permittee's EPA authorization to discharge under the permit, the permittee shall electronically submit all monitoring data required by the permit to EPA using NetDMR. NetDMR is a national web-based tool for regulated Clean Water Act permittees to submit discharge monitoring reports (DMRs) electronically via a secure Internet application to U.S. EPA through the Environmental Information Exchange Network. NetDMR allows participants to discontinue mailing in hard copy forms under 40 CFR § 122.41 and § 403.12.

NetDMR is accessed from the following url: <http://www.epa.gov/netdmr>. Further information about NetDMR can be found at the EPA Region 1 NetDMR website at <http://www.epa.gov/region1/npdes/netdmr/index.html>. Unless otherwise specified in this permit, the Permittee shall submit reports, requests, and information and provide notices in the manner described in this section.

Permittees shall submit DMRs and reports required under this General Permit electronically to EPA using NetDMR. Monitoring results shall be summarized for each calendar month and reported electronically using NetDMR no later than the 15th day of the month following the completed reporting period. All reports required under this General Permit shall be submitted to EPA as an electronic attachment to the DMR. Permittees are no longer required to submit hard copies of DMRs to EPA and the appropriate State agency.

1. Submittal of Reports as NetDMR Attachments

Unless otherwise specified in this permit, the Permittees shall electronically submit all reports to EPA as NetDMR attachments rather than as hard copies.

2. State Reporting

Massachusetts:

Duplicate signed copies of all WET test reports shall be submitted to the Massachusetts Department of Environmental Protection, Division of Watershed Management, at the following address:

Massachusetts Department of Environmental Protection
Bureau of Water Resources -Division of Watershed Management
8 New Bond Street
Worcester, Massachusetts 01606

New Hampshire:

Duplicate signed copies of all WET test reports shall also be submitted to the New Hampshire Department of Environmental Services as a hardcopy to the following address:

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

3. Verbal Reports and Verbal Notifications

Any verbal reports or verbal notifications, if required in Part I.D of Attachment A of this permit, shall be made to both EPA and to the State. This includes verbal reports and notifications which require reporting within 24 hours (e.g., Parts I.D.5.a and Part I.D.5.b of Permit Attachment A)

Verbal reports and verbal notifications shall be made to:

EPA ECAD at 617-918-1510

And

NHDES Assigned NPDES Inspector listed below:

Central/South NH: 603-271-2985

North/West NH: 603-271-1494

NH Seacoast: 603-271-1493

Or

MassDEP Emergency Response at 888-304-1133

Part 7 Administrative Requirements

7.1 Notice of Termination (NOT) of Discharge

Permittees shall notify EPA and the appropriate State agency in writing of the termination of the discharge(s) authorized under the General Permit. The Notice of Termination (NOT) may be either the suggested NOT format in Appendix 6, or any other form of official correspondence that incorporates all of the information required in Appendix 4, Part C. The NOT must be completed and submitted within 30 days of the permanent cessation of the discharge(s) authorized by the NCCW General Permit. Signed and completed NOT and attachments must be submitted to EPA and the appropriate State agency at the addresses listed in Appendix 8.

7.2 Continuation of this General Permit after its Expiration

If this General Permit is not reissued prior to its expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and in effect for discharges that were authorized prior to expiration. If a facility was granted permit authorization prior to the expiration date of this permit, it will automatically remain authorized by this permit until the earliest of:

1. Authorization under a reissued general permit following timely and appropriate submittal of a complete and accurate NOI request to discharge under the reissued permit;
2. The permittee's submittal of a Notice of Termination;
3. Issuance of an individual permit for the permittee's discharges; or
4. A formal permit decision by the Regional Administrator not to reissue this General Permit, at which time the permittee must seek coverage under an alternative general permit or an individual permit.

However, once the General Permit expires, EPA cannot provide written authorization of coverage under the General Permit to any applicant which submits an NOI to EPA after the date.

Facilities that were granted administrative continuance under the 2014 NCCWGP must submit a timely, appropriate, complete, and accurate NOI requesting authorization to discharge under the reissued permit, or a timely request for authorization under an individual or alternative general permit. Otherwise, the authorization under the 2014 NCCWGP will terminate on the due date for the NOI, or 60 days after the effective date of the permit.