

Part 2 – Notice of Change (NOC) Instructions and Suggested Format

I. Notice of Change Instructions

Operators covered under the Remediation General Permit (RGP) may provide notification of or request a change to certain conditions of their authorization to discharge without submission of a new NOI. Unless otherwise noted, a requested change does not become effective until an operator receives written approval from EPA. A NOC must be submitted using either the suggested format provided with this appendix or in a form of correspondence containing all of the information required in A through C, below. If using the suggested format electronically, the signature page must be printed, signed and either scanned and attached to the electronic submittal or mailed in hard copy to the addresses listed in D, below.

At a minimum, the operator must provide the following information:

A. General site information

1. NPDES permit number assigned by EPA.
2. Site name and location, including street address.
3. Site **owner's** name, mailing address, telephone number(s), and email address. Indicate an individual that serves as the point of contact. Also indicate whether the owner is a federal, State, Tribal, or private entity.
4. Site **operator's** name, mailing address, telephone number(s), and email address, if different from the site owner's information. Indicate an individual that serves as the point of contact.
5. Discharge identification, such as the outfall number. Include the discharge location (i.e., longitude and latitude), and receiving water(s).

B. Type of change(s) requested

1. Indicate the type of eligible change being requested or the notification being provided. Change requests and notifications that should be submitted using a NOC consist of:
 - a. Request for reduction in monitoring requirements: Certain monitoring requirements may be reduced upon demonstration of compliance if the eligibility requirements for reduction are met. Written approval by EPA is required for this change to be effective. Prior to receiving written approval, the operator must continue to monitor the parameters required in this general permit at the frequency specified in this general permit. This request requires supporting rationale and monitoring data as follows:
 - i. To be eligible for a reduction in treatment system monitoring (Part 4.3) or short-term monitoring (Part 4.4) due to technical infeasibility, the operator must provide justification for each parameter for which reduction is being requested that must include a proposed monitoring frequency;

- ii. To be eligible for a reduction in **influent** monitoring (Part 4.1.2), the operator must provide monitoring data for a minimum of six (6) consecutive months and ten (10) samples for each parameter for which reduction is being requested;
 - iii. To be eligible for a reduction in **effluent** monitoring (Part 4.1.2), the operator must provide monitoring data for a minimum of six (6) consecutive months and ten (10) samples for each parameter for which reduction is being requested;
 - iv. Monitoring data must be submitted in support of requests for reduction of monitoring frequency in Part 5.1.2.a.ii and iii, above. Monitoring data submitted in support of this request must be in compliance with the monitoring and reporting requirements of this general permit, including the QA/QC requirements specified in Part 2.5.2.f, above, and must be attached in accordance with the instructions in Appendix VIII;
 - v. The discharge must be in compliance with the effluent limitation for any parameter for which a reduction is requested in Part 5.1.2.a.ii and iii, above; and
 - vi. A proposed monitoring frequency must be included for each parameter for which a reduction is requested in Part 5.1.2.a.ii and iii, which shall be no less than once per year for any parameter.
- b. Request for a change in the site-specific effluent flow limitation: A NOC must be submitted if effluent flow increases, a change in flow conditions will decrease the daily maximum effluent flow by more than 25 percent, or an operator believes use of a flow meter is infeasible. Written approval by EPA is required for this change to be effective. Prior to receiving written approval, the operator must continue to limit effluent flow as required in this general permit at the frequency specified in this general permit. Written rationale provided in the NOC for this request must indicate:
- i. The effluent flow will not exceed 1.0 MGD;
 - ii. The design flow of the treatment system will not be exceeded;
 - iii. WQBEL calculations for any limited parameter that applies to the discharge that is based on effluent flow; and
 - iv. Certification that any revised effluent limitation or monitoring requirement will be complied with.
- c. Request for a change in pH range for sites in New Hampshire: A NOC must be submitted to request a change in pH range due to naturally occurring conditions in the receiving water or where the naturally occurring source water is unaltered by the remediation activities. An operator must request and receive approval from NHDES for a change in pH range prior to submitting a NOC to EPA. See Part 2.4.3.b, above. Supporting documentation from the State must be provided with the NOC. Written approval by EPA is required for this change to be effective.
- d. Request for a change in authorized pollutants or pollutant parameters: A NOC must

be submitted if: 1) A parameter limited in this general permit that is not included in an operator's authorization to discharge is identified; 2) The concentration of any parameter present in the effluent differs significantly from the influent, once effluent sampling begins; and/or 3) a WQBEL change is required or is otherwise requested. Written approval by EPA is required for this change to be effective. Additional effluent limitations and/or monitoring requirements may apply. **Changes in a pollutant or pollutant parameter not limited in this general permit require a new NOI or an individual NPDES permit.**

- e. Request to discharge chemical(s) and/or additive(s): A NOC must be submitted when an operator intends to discharge a chemical or additive that was not disclosed in the NOI submitted for a site. Written approval by EPA is required for this change to be effective. Monitoring data submitted in support of this request must be in compliance with the monitoring and reporting requirements specified in this general permit, including the QA/QC requirements specified in Part 2.5.2.f, and must be attached in accordance with the instructions in Appendix VIII. Written rationale provided in the NOC for this request must include:
 - i. All information required in Part 2.5.2.g.iii, above; and
 - ii. An explanation as required in Part 2.5.3.b.i through iii, above; or
 - iii. Monitoring data that demonstrates that each of the 126 priority pollutants are non-detect in discharges with the addition of the requested chemicals and/or additives. All data submitted in support of this request must be in compliance with the monitoring and reporting requirements of this general permit, including the QA/QC requirements specified in Part 2.5.2.f, above, and must be attached in accordance with the instructions in Appendix VIII.

- f. Notification of change to administrative information: This includes, but is not limited to: expected start or end date of discharge; a change in the address for an owner or operator; a change in contact information for an owner or operator; and a change in ownership, so long as the operator authorized to discharge under this general permit remains unchanged. A requested change to administrative information is automatic unless EPA notifies the operator otherwise. Examples of when EPA is likely to provide such notification is when EPA intends to revoke and reissue coverage under this general permit or intends to issue an individual permit. **For a change in operator, a new NOI is required.** For a change in ownership, the new owner must submit:
 - i. Written notification to EPA no more than thirty (30) days following the date of ownership change; and
 - ii. Written notification containing the new ownership information, the specific date for ownership change, and an acknowledgement of permit responsibility, coverage, and liability.

- g. Notification of a change in discharge location: Notification may be provided in a NOC for a change in discharge location so long as the receiving water identified in

the NOI remains unchanged. Supporting documentation for this notification must indicate the new discharge location. A change in discharge location is automatic unless EPA notifies the operator otherwise. **For a change in receiving water, a new NOI is required.**

- h. Notification of a change in activity area: Notification may be provided in a NOC for a change in activity area so long as the receiving water identified in the NOI and the operator authorized to discharge under this general permit remain unchanged, and any change in treatment or discharge location are either included in the NOC, or are unchanged. Supporting documentation for this notification must indicate the new activity area. A change in activity area is automatic unless EPA notifies the operator otherwise. **For a change in receiving water and/or operator, a new NOI is required.**
 - i. Notification of a change to a treatment system or process: Notification may be provided in a NOC for a change to a treatment system or process that adds or removes any major component. Written rationale for this notification must indicate:
 - i. Why the addition or removal is necessary, including when necessary to meet an effluent limitation in this general permit, or to meet a State permit condition; and
 - ii. The discharge will meet the effluent limitations in this general permit with the addition or removal.
 - j. Notification of a discharge interruption planned or encountered which will extend greater than ninety (90) days. Written rationale for this notification must indicate:
 - i. The reason(s) for the interruption of discharge;
 - ii. When the discharge ceased or will cease;
 - iii. When the discharge will be re-initiated; and
 - iv. An acknowledgment that the additional monitoring required for system re-start will be conducted and routine sampling will be resumed as specified in the RGP.
2. Attach a brief narrative statement that describes the change. Include any written rationale or supporting documentation for the change, if required, or if otherwise being provided.
 3. Attach monitoring data, if required, or if otherwise being provided, in accordance with the instructions in Appendix VIII.

C. Certification requirement

1. The NOC must be signed in accordance with the signatory requirements of 40 CFR Section 122.22 and include the following certification statement:

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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

2. Notification Requirements

All operators must certify that notification has been provided to the municipality in which the discharge is located. If a private or municipal storm sewer system is used for a site discharge, then an operator must certify that notification has been provided to the owner of the storm sewer. Select “NA” for the purposes of certification, if notification to the owner of a storm sewer system is not applicable.

D. Submission of NOCs

1. Submit NOCs to EPA electronically at NPDES.Generalpermits@epa.gov, or, where an operator is able to demonstrate a reasonable basis, such as technical or administrative infeasibility, that precludes submittal in electronic format, in hard copy form:

U.S. Environmental Protection Agency
Office of Ecosystem Protection
EPA/OEP RGP Applications Coordinator
5 Post Office Square - Suite 100 (OEP06-01)
Boston, MA 02109-3912

2. Submit NOCs to the appropriate State

A copy of a NOC submitted to EPA must also be submitted to the appropriate State. For submittal addresses, see Part 4.6 of the RGP.

3. Submit NOCs upon request

All operators must provide a copy of the NOC submitted to EPA to the municipality in which the discharge is located, if requested. Operators must also provide a copy of the NOC submitted to EPA to the owner of any private or municipal storm sewer system used for a site discharge, if requested.