

Appendix G

Instructions for Filing a Notice of Intent (NOI), Change of Notice of Intent (CNOI), and Termination of Notice of Intent (NOT) for the CII GP in Massachusetts

PART 1. Notice of Intent Instructions

1.1. A. NOI Timeframes

If you are a Permittee required to obtain coverage under the General Permit for Private Commercial, Industrial and Institutional Stormwater Discharges in the Charles, Mystic and Neponset River Watersheds in Massachusetts Permit (“CII GP”) you must file a Notice of Intent consistent with the following time frames and must be prepared and submitted using EPA’s NPDES CII eReporting Tool (“NeT-Multiform”), available at: [\[https://cdx.epa.gov/\]](https://cdx.epa.gov/).

- Permittees of sites with 5 or more acres of impervious cover must submit an NOI to EPA for coverage under the CII GP no later than 6 months after the effective date* of the CII GP.
- Permittees of sites with greater than or equal to 2 and less than 5 acres of impervious cover must submit an NOI to EPA for coverage under the CII GP no later than 12 months after the effective date* of the CII GP.
- Permittees of sites with greater than or equal to 1 and less than 2 acres of impervious cover must submit an NOI to EPA for coverage under the CII GP no later than 24 months after the effective date* of the CII GP.
- In the case of change of site ownership or operator the new Permittee must submit an NOI to EPA for coverage under the CII GP no later than 30 days after property transfer or change in owner or operator.
- For sites that have new or increased impervious cover discharges, if one or more of the following three conditions are met, eligible Permittees must submit an NOI to EPA at least 30 days prior to the occupancy of the site or termination of the Construction General Permit, whichever is sooner. If the NOI timeframes outlined in Part 1.10.1 of the permit have passed the compliance schedule in Part 2.1.1.A of the permit still applies:
 - any newly developed site,
 - any site that had less than 1 acre of impervious cover that increases its impervious cover to 1 acre or more, or,
 - any site that is not yet permitted under the CII GP that increases its impervious cover to exceed the next impervious cover acreage category.¹

¹ The categories identified for permitting are sites with impervious cover ranging from 1) 1 acre or more to less than 2 acres, 2) 2 acres or more to less than 5 acres, and 3) 5 acres or more of impervious cover.

Note that the effective date of coverage will be the date indicated in the authorization to discharge provided to the Permittee by EPA in writing.

An electronic NOI must be submitted using Net-MultiForm, or, if a waiver from electronic submittal is granted by EPA Region 1, must provide the information specified in the CII GP, and summarized in this appendix, below.

1.2. B. Information That Must Be Included in the NOI

1.2.1. Eligibility Section

In this section of the NOI form, you will have to provide the following information that determines whether you are subject to the CII GP – which is also referred to as “eligibility.” In this section of the form, you will provide information on:

- 1.2.1.A. Total Impervious Cover Area (acres) of the site or the sum of Total Impervious cover from contiguous sites with the same owner or operator at time of permit effective date [based on Appendix E]. Note that any contiguous sites² operated or owned by the same entity that meet the other eligibility requirements are required to seek permit coverage if the total impervious cover from all contiguous sites is 1 acre or more.
 - a. The Permittee of an existing site has two options to determine the impervious cover acreage of their site.
 - i. Option 1: Certify EPA’s calculations of the CII site impervious cover, as calculated in the parcel level analysis for the Charles, Mystic, and Neponset River Watersheds details on how to access this information is available in Appendix E “Determining Impervious Cover Acreage”.
 - ii. Option 2: Refine the CII site’s impervious cover acreage using one of the methods described in Appendix E “Determining Impervious Cover Acreage.”
 - (1) If Permittees choose Option 2, and the Permittee is responsible for multiple sites, this calculation must be made for each site that the Permittee submitted a NOI for.
- 1.2.1.B. Tax Assessor’s Code of the site and whether the site is considered to be commercial, industrial or institutional. To identify the tax assessor code(s) for a site use the following link: <https://www.mass.gov/info-details/massachusetts-interactive-property-map>
- 1.2.1.C. Receiving Water and Watershed information. to identify the watershed in which the site is located and to which it discharges go to: <https://www.epa.gov/npdes/epas-stormwater-discharge-mapping-tools>

² “Contiguous” parcels or properties are parcels or properties of land that are adjacent and owned by the same entity. For purposes of this permit, “adjacent” properties or parcels may include those that are separated by an area such as: an alley, roadway, sidewalk, path, driveway, garden(s), or other structure that interrupts the continuous flow or use of the land and/or an easement, if the land on either side of such an area(s) is owned by the same entity.

1.2.2. Applicant Information

- 1.2.2.A. Owner or operator name
- 1.2.2.B. Owner or operator contact information.

1.2.3. NOI Preparer information

- 1.2.3.A. NOI Preparer Name
- 1.2.3.B. NOI Preparer contact information.

1.2.4. Site Information

- 1.2.4.A. Name and location, including street address and geographic coordinates (i.e., latitude/longitude).
- 1.2.4.B. Existing NPDES coverage, including NEC under MSGP

1.2.5. Discharge Information [preliminary information if available]

- 1.2.5.A. Number of outfall(s).
- 1.2.5.B. Pathway by which the discharge(s) enter the receiving water.
- 1.2.5.C. Outfall(s) location(s), including geographic coordinates (i.e., latitude/ longitude).

1.2.6. Existing Stormwater Control Measure Information [if applicable]

If you have existing Stormwater Control Measures in place, you may submit information on these as part of the NOI to EPA. For each SCM that has been maintained for which the following information is submitted you may receive stormwater management credits that can count towards your site-specific pollution reduction targets.

- 1.2.6.A. The NOI form will provide information on the following structural and non-structural controls for which you can seek credit. The type(s) of known treatment that are in existence (structural and non-structural) and any associated operation and maintenance activities.

- 1.2.6.B. Is stormwater mitigation onsite, offsite, or both?

- a. If onsite

- (1) Type of SCM used onsite:

- Infiltration trenches
 - Infiltration basins/ Rain gardens
 - Biofiltration/ Tree filters
 - Gravel Wetlands
 - Enhanced Biofiltration with internal storage
 - Sand Filters
 - Porous Pavements

- Impervious Cover Disconnection with and without storage
 - Dry Ponds Water Quality Swale with Detention
 - Enhanced Biofiltration with internal storage
 - Wet Ponds
 - Stormwater Reuse
 - Manufactured Treatment Devices
 - Street and Parking Lot Sweeping
 - Catch Basin Cleaning
 - Leaf Litter Collection Program
 - Other
- (2) report lbs/yr removed for each SCM onsite:
- b. if offsite
- (1) address of offsite mitigation
- (2) NPDES ID of site where offsite mitigation is occurring.
- (3) certify legal agreement between property owners meeting permit requirements for offsite mitigation.
- (4) Type of SCM offsite
- Infiltration trenches
 - Infiltration basins/ Rain gardens
 - Biofiltration/ Tree filters
 - Gravel Wetlands
 - Enhanced Biofiltration with internal storage
 - Sand Filters
 - Porous Pavements
 - Impervious Cover Disconnection with and without storage
 - Dry Ponds Water Quality Swale with Detention
 - Enhanced Biofiltration with internal storage
 - Wet Ponds
 - Stormwater Reuse
 - Manufactured Treatment Devices
 - Street and Parking Lot Sweeping
 - Catch Basin Cleaning
 - Leaf Litter Collection Program
 - Other
- (5) report lbs/yr removed for each offsite SCM.
- c. if partially onsite and partially offsite,
- (1) Type of SCM used onsite:
- Infiltration trenches
 - Infiltration basins/ Rain gardens
 - Biofiltration/ Tree filters
 - Gravel Wetlands
 - Enhanced Biofiltration with internal storage

- Sand Filters
 - Porous Pavements
 - Impervious Cover Disconnection with and without storage
 - Dry Ponds Water Quality Swale with Detention
 - Enhanced Biofiltration with internal storage
 - Wet Ponds
 - Stormwater Reuse
 - Manufactured Treatment Devices
 - Street and Parking Lot Sweeping
 - Catch Basin Cleaning
 - Leaf Litter Collection Program
 - Other
- (2) report lbs/yr removed for each SCM onsite:
- (3) address of offsite mitigation
- (4) NPDES ID of site where offsite mitigation is occurring.
- (5) certify legal agreement between property owners meeting permit requirements for offsite mitigation.
- (6) Type of SCM offsite
- Infiltration trenches
 - Infiltration basins/ Rain gardens
 - Biofiltration/ Tree filters
 - Gravel Wetlands
 - Enhanced Biofiltration with internal storage
 - Sand Filters
 - Porous Pavements
 - Impervious Cover Disconnection with and without storage
 - Dry Ponds Water Quality Swale with Detention
 - Enhanced Biofiltration with internal storage
 - Wet Ponds
 - Stormwater Reuse
 - Manufactured Treatment Devices
 - Street and Parking Lot Sweeping
 - Catch Basin Cleaning
 - Leaf Litter Collection Program
 - Other
- (7) report lbs/yr removed for each offsite SCM.

1.2.7. Additional Disclosure Requirements

Operators seeking coverage under the CII GP must certify compliance with the following information disclosure requirements of this permit related to threatened and endangered species and critical habitat under the Endangered Species Act (i.e., ESA) and to historic properties under the National Historical Preservation Act (i.e., NHPA).

1.2.7.A. Endangered and Threatened Species (See Appendix C)

Operators must demonstrate permit eligibility following the eligibility requirements in Appendix C and include this determination in the Notice of Intent (NOI). See Appendix C of the CII GP for additional information.

1.2.7.B. National Historic Preservation Act (See Appendix D)

Sites that are located on or near properties listed or eligible for listing in the National Registry of Historic Places under the National Historic Preservation Act of 1966, 16 USC §470 et seq. are not automatically covered under this permit. Prior to submitting a NOI, operators must meet the requirements of Appendix D pertaining to historic places, which requires the operator to determine whether discharges have the potential to affect a property that is listed or eligible for listing on the National Register of Historic Places. If the potential exists, the operator must consult with the appropriate agencies. Operators must submit the results of any consultations with the NOI.

Operators must also comply with applicable State and local laws concerning the protection of historic properties and places. Where a discharge(s) has the potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places, an operator must coordinate with the appropriate State Historic Preservation Officer (SHPO) regarding effects of their discharges. In the event there is an inadvertent discovery of a historic property on the site, the operator must immediately stop the remediation activity, contact EPA, and coordinate with the appropriate official(s) consistent with the steps outlined in 36 CFR §800.13 of the NHPA regulations. Operators must demonstrate permit eligibility following the eligibility requirements and include this determination in the Notice of Intent (NOI).

1.3. Certification Requirements

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

PART 2. Notice of Change Instructions

Eligible changes may consist of a notification of change to the following information. This includes but is not limited to:

- a change in the address for a Permittee or a change in contact information for a Permittee.
- A change in site impervious cover acreage
- Implementation of a Stormwater Control Measure

A requested change to administrative information is automatic unless EPA notifies the Permittee otherwise.

For a change in Permittee, a new NOI is required by the new Permittee and a NOT is required by the old Permittee.

For a change in Permittee or any other information for which a Change NOI must be submitted, the Permittee must submit a Change NOI no more than 30 days following the date of Permittee change or within 30 days of changes in impervious cover or implementation of Stormwater Control Measures.

PART 3. Notice of Termination Instructions

Under all conditions outlined in 3.1.1.A-3.1.1.D below, Permittees who seek to terminate coverage under this CII GP must 1) submit their NOT to EPA within thirty (30) days of the change in status and 2) comply with all CII GP and reporting requirements until the NOT is approved by EPA.

3.1. A NOT is required when one or more of the following conditions have been met:

- 3.1.1.A. Coverage under an individual or other general NPDES permit that authorizes the same stormwater discharges as this CII GP has been obtained.
- 3.1.1.B. There is a change in the owner or operator. If the owner or operator of the property subject to this permit changes the new owner or operator must file an NOI if they wish to continue coverage under this general permit no later than thirty (30) calendar days of the property transfer. The previous owner or operator must submit a Notice of Termination (NOT) no later than thirty (30) calendar days after CII GP coverage becomes active for the new owner or operator. In the case of a sale, the seller must ensure that all installed structural SCMs are maintained and functioning as designed at the time of sale and certify this in the NOT.
- 3.1.1.C. There is a change in the parcel use code following land cover use changes as reflected in the local tax codes and it is no longer eligible for permit coverage based on the eligible parcel use codes in Appendix H.
- 3.1.1.D. There is a reduction in impervious cover on site that results in the CII site to have a total of less than 1 acre of impervious cover. For this condition to be met, the elimination of impervious cover must be replaced with a qualifying pervious area³. The Permittee must certify that they have reduced their impervious cover extent to less than 1 acre in the annual report and indicate that this impervious cover reduction was achieved on the NOT.

3.2. A NOT must include the following general site information:

- 3.2.1.A. The NPDES permit number assigned by EPA.
- 3.2.1.B. The name of the site and the street address (or a description of location using approximate geographic coordinates if no street address is available) for which the notification is submitted.
- 3.2.1.C. The name, address, and telephone number of the owner of the site.
- 3.2.1.D. The name, address, and telephone number of the operator of the site, if different from the owner.
- 3.2.1.E. Discharge location (i.e., longitude and latitude) and the receiving water(s).
- 3.2.1.F. A summary of all SCMs on site and their associated pollution reductions, in accordance with the instructions in Appendix F.
- 3.2.1.G. Certification that the Permittee has complied with all permit conditions to date.
- 3.2.1.H. Impervious cover remaining on site after SCM implantation.

³ “Qualifying Pervious Areas” are defined as natural or landscaped vegetated areas fully stabilized, with runoff that mimics hydrologic characteristics of the NRCS Hydrologic Soil Groups A-D.