

## Part I: General Conditions

### General Information

Name of Municipality or Organization:  State:

EPA NPDES Permit Number (if applicable):

### Primary MS4 Program Manager Contact Information

Name:  Title:

Street Address Line 1:

Street Address Line 2:

City:  State:  Zip Code:

Email:  Phone Number:

Fax Number:

### Other Information

Stormwater Management Program (SWMP) Location (web address or physical location, if already completed):

### Eligibility Determination

Endangered Species Act (ESA) Determination Complete?

Eligibility Criteria (check all that apply): ☐ A ☐ B ☒ C

National Historic Preservation Act (NHPA) Determination Complete?

Eligibility Criteria (check all that apply): ☒ A ☐ B ☐ C

☒ Check the box if your municipality or organization was covered under the 2003 MS4 General Permit

### MS4 Infrastructure (If covered under the 2003 permit)

Estimated Percent of Outfall Map Complete?  If 100% of 2003 requirements not met, enter an estimated date of completion (MM/DD/YY):

Web address where MS4 map is published:   
If outfall map is unavailable on the internet an electronic or paper copy of the outfall map must be included with NOI submission (see section V for submission options)

### Regulatory Authorities (If covered under the 2003 permit)

Illicit Discharge Detection and Elimination (IDDE) Authority Adopted?  Effective Date or Estimated Date of Adoption (MM/DD/YY):

Construction/Erosion and Sediment Control (ESC) Authority Adopted?  Effective Date or Estimated Date of Adoption (MM/DD/YY):

Post- Construction Stormwater Management Adopted?  Effective Date or Estimated Date of Adoption (MM/DD/YY):

# Notice of Intent (NOI) for coverage under Small MS4 General Permit

## Part II: Summary of Receiving Waters

please list the waterbodies to which your MS4 discharges. For each waterbody, please report the number of outfalls discharging into it and, if applicable, the segment ID and any impairments.

Massachusetts list of impaired waters: [Massachusetts 2014 List of Impaired Waters- http://www.mass.gov/eea/docs/dep/water/resources/07v5/14list2.pdf](http://www.mass.gov/eea/docs/dep/water/resources/07v5/14list2.pdf)

[illegible]

| Waterbody that receives flow from the MS4 and segment ID if applicable | Number of outfalls into receiving water segment | Chloride                 | Chlorophyll-a            | Dissolved Oxygen/DO Saturation | Nitrogen                 | Oil & Grease/ PAH        | Phosphorus               | Solids/ TSS/ Turbidity   | E. coli                  | Enterococcus             | Other pollutant(s) causing impairments            |
|------------------------------------------------------------------------|-------------------------------------------------|--------------------------|--------------------------|--------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|---------------------------------------------------|
|                                                                        |                                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                                   |
| Unnamed Tributary North of White Pond<br>(42.43489, -71.38844)         | 1                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                                   |
| Unnamed Tributary to Assabet River<br>(42.45706, -71.38815)            | 2                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                                   |
| Waterbody that receives flow from the MS4 and segment ID if applicable |                                                 |                          |                          |                                |                          |                          |                          |                          |                          |                          |                                                   |
|                                                                        | 2                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                                   |
|                                                                        | 1                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                                   |
|                                                                        | 1                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                                   |
|                                                                        | 3                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                                   |
|                                                                        | 5                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                                   |
|                                                                        | 2                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                                   |
|                                                                        | 7                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                                   |
|                                                                        | 5                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                                   |
|                                                                        | 1                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                                   |
|                                                                        | 1                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                                   |
|                                                                        | 3                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                                   |
|                                                                        | 1                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                                   |
|                                                                        | 3                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                                   |
|                                                                        | 1                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                                   |
|                                                                        | 2                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                                   |
|                                                                        | 2                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                                   |
|                                                                        | 4                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                                   |
| Warners Pond (MA82110)                                                 | 3                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Non-Native Aquatic Plants, Mercury in Fish Tissue |

[illegible]

[Click to lengthen table](#)

## Notice of Intent (NOI) for coverage under Small MS4 General Permit

### Part III: Stormwater Management Program Summary

Identify the Best Management Practices (BMPs) that will be employed to address each of the six Minimum Control Measures (MCMs). For municipalities/organizations whose MS4 discharges into a receiving water with an approved Total Maximum Daily Load (TMDL) and an applicable waste load allocation (WLA), identify any additional BMPs employed to specifically support the achievement of the WLA in the TMDL section at the end of part III.

For each MCM, list each existing or proposed BMP by category and provide a brief description, responsible parties/departments, measurable goals, and the year the BMP will be employed (public education and outreach BMPs also requires a target audience). **Use the drop-down menus in each table or enter your own text to override the drop down menu.**

#### MCM 1: Public Education and Outreach

| BMP Media/Category<br>(enter your own text to override the drop down menu) | BMP Description                                                                                                                        | Targeted Audience                                  | Responsible Department/Parties<br>(enter your own text to override the drop down menu) | Measurable Goal                                                                          | Beginning Year of BMP Implementation |
|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|--------------------------------------|
| Brochures/Pamphlets                                                        | Provide stormwater information bill inserts. Provide informational brochures on open spaces and waterways at Town House and NRC office | Residents                                          | Concord Public Works (CPW), Natural Resource Commission (NRC)                          | Distribution of a minimum of two (2) educational messages over the permit term (5 years) | 2018                                 |
| Brochures/Pamphlets                                                        | Provide stormwater flyers to businesses in conjunction with Chamber of Commerce mailings and CPW's annual business recycling event     | Businesses, Institutions and Commercial Facilities | CPW                                                                                    | Distribution of a minimum of two (2) educational messages over the permit term (5 years) | 2018                                 |
| Brochures/Pamphlets                                                        | Provide stormwater information in permit materials; Review and update application forms to meet the new requirements                   | Developers (construction)                          | CPW                                                                                    | Distribution of a minimum of two (2) educational messages over the permit term (5 years) | 2018                                 |
| Brochures/Pamphlets                                                        | Distribute information to industrial groups based on zoning and property use                                                           | Industrial Facilities                              | CPW                                                                                    | Distribution of a minimum of two (2) educational messages over the permit term (5 years) | 2018                                 |



|  |  |  |  |  |  |  |
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|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

## Part III: Stormwater Management Program Summary (continued)

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## Notice of Intent (NOI) for coverage under Small MS4 General Permit

### Part III: Stormwater Management Program Summary (continued)

#### MCM 3: Illicit Discharge Detection and Elimination (IDDE)

| BMP Categorization<br>(enter your own text to override the drop down menu) | BMP Description                                                               | Responsible Department/Parties<br>(enter your own text to override the drop down menu) | Measurable Goal<br>(all text can be overwritten)                                                                           | Beginning Year of BMP Implementation |
|----------------------------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| SSO inventory                                                              | Develop SSO inventory in accordance of permit conditions                      | CPW                                                                                    | Complete within 1 year of effective date of permit                                                                         | 2018                                 |
| Storm sewer system map                                                     | Create map and update during IDDE program completion                          | CPW                                                                                    | Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit | 2018                                 |
| Written IDDE program                                                       | Create written IDDE program                                                   | CPW                                                                                    | Complete within 1 year of the effective date of permit and update as required                                              | 2018                                 |
| Implement IDDE program                                                     | Implement catchment investigations according to program and permit conditions | CPW                                                                                    | Complete 10 years after effective date of permit                                                                           | 2018                                 |
| Employee training                                                          | Train employees on IDDE implementation                                        | CPW                                                                                    | Train annually                                                                                                             | 2018                                 |
| Conduct dry weather screening                                              | Conduct in accordance with outfall screening procedure and permit conditions  | CPW                                                                                    | Complete 3 years after effective date of permit                                                                            | 2018                                 |
| Conduct wet weather screening                                              | Conduct in accordance with outfall screening procedure                        | CPW                                                                                    | Complete 10 years after effective date of permit                                                                           | 2018                                 |
| Ongoing screening                                                          | Conduct dry weather and wet weather screening (as necessary)                  | CPW                                                                                    | Complete ongoing outfall screening upon completion of IDDE program                                                         | 2018                                 |
|                                                                            |                                                                               |                                                                                        |                                                                                                                            |                                      |
|                                                                            |                                                                               |                                                                                        |                                                                                                                            |                                      |
|                                                                            |                                                                               |                                                                                        |                                                                                                                            |                                      |

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## Notice of Intent (NOI) for coverage under Small MS4 General Permit

### Part III: Stormwater Management Program Summary (continued)

#### MCM 4: Construction Site Stormwater Runoff Control

| <b>BMP Categorization</b><br>(enter your own text to override the drop down menu or entered text) | <b>BMP Description</b>                                                                                                                                                  | <b>Responsible Department/Parties</b><br>(enter your own text to override the drop down menu) | <b>Measurable Goal</b><br>(all text can be overwritten) | <b>Beginning Year of BMP Implementation</b> |
|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------|
| Site inspection and enforcement of Erosion and Sediment Control (ESC) measures                    | Complete written procedures of site inspections and enforcement procedures                                                                                              | CPW, Department of Planning and Land Management (DPLM)                                        | Complete within 1 year of the effective date of permit  | 2018                                        |
| Site plan review                                                                                  | Complete written procedures of site plan review and begin implementation                                                                                                | CPW, DPLM, Division of Natural Resources (DNR)                                                | Complete within 1 year of the effective date of permit  | 2018                                        |
| Erosion and Sediment Control                                                                      | Adoption of requirements for construction operators to implement a sediment and erosion control program                                                                 | CPW, DPLM                                                                                     | Complete within 1 year of the effective date of permit  | 2018                                        |
| Waste Control                                                                                     | Adoption of requirements to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes | CPW                                                                                           | Complete within 1 year of the effective date of permit  | 2018                                        |
|                                                                                                   |                                                                                                                                                                         |                                                                                               |                                                         |                                             |
|                                                                                                   |                                                                                                                                                                         |                                                                                               |                                                         |                                             |
|                                                                                                   |                                                                                                                                                                         |                                                                                               |                                                         |                                             |
|                                                                                                   |                                                                                                                                                                         |                                                                                               |                                                         |                                             |
|                                                                                                   |                                                                                                                                                                         |                                                                                               |                                                         |                                             |

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## Notice of Intent (NOI) for coverage under Small MS4 General Permit

### Part III: Stormwater Management Program Summary (continued)

#### MCM 5: Post-Construction Stormwater Management in New Development and Redevelopment

| BMP Categorization<br>(enter your own text to override the drop down menu or entered text) | BMP Description                                                                                                                                                                                                                            | Responsible Department/Parties<br>(enter your own text to override the drop down menu) | Measurable Goal<br>(all text can be overwritten)                                              | Beginning Year of BMP Implementation |
|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|--------------------------------------|
| As-built plans for on-site stormwater control                                              | The procedures to require submission of as-built drawings and ensure long term operation and maintenance will be a part of the SWMP                                                                                                        | CPW, DPLM                                                                              | Require submission of as-built plans for completed projects                                   | 2018                                 |
| Target properties to reduce impervious areas.                                              | Identify at least 5 permittee-owned properties that could be modified or retrofitted with BMPs to reduce impervious areas and update annually                                                                                              | CPW, DPLM                                                                              | Complete 4 years after effective date of permit and report annually on retrofitted properties | 2018                                 |
| Allow green infrastructure                                                                 | Develop a report assessing existing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist                                                               | CPW, DPLM                                                                              | Complete 4 years after effective date of permit and implement recommendations of report       | 2018                                 |
| Street design and parking lot guidelines                                                   | Develop a report assessing requirements that affect the creation of impervious cover. The assessment will help determine if changes to design standards for streets and parking lots can be modified to support low impact design options. | CPW, DPLM                                                                              | Complete 4 years after effective date of permit and implement recommendations of report       | 2018                                 |

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## Notice of Intent (NOI) for coverage under Small MS4 General Permit

### Part III: Stormwater Management Program Summary (continued)

#### MCM 6: Municipal Good Housekeeping and Pollution Prevention

| <b>BMP Categorization</b><br>(enter your own text to override the drop down menu or entered text)         | <b>BMP Description</b>                                                                                                                                           | <b>Responsible Department/Parties</b><br>(enter your own text to override the drop down menu) | <b>Measurable Goal</b><br>(all text can be overwritten)                                                                    | <b>Beginning Year of BMP Implementation</b> |
|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| O&M procedures                                                                                            | Create written O&M procedures including all requirements contained in 2.3.7.a.ii for parks and open spaces, buildings and facilities, and vehicles and equipment | CPW                                                                                           | Complete and implement 2 years after effective date of permit                                                              | 2018                                        |
| Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment | Create inventory                                                                                                                                                 | CPW                                                                                           | Complete 2 years after effective date of permit and implement annually                                                     | 2018                                        |
| Infrastructure O&M                                                                                        | Establish and implement program for repair and rehabilitation of MS4 infrastructure                                                                              | CPW                                                                                           | Complete 2 years after effective date of permit                                                                            | 2018                                        |
| Stormwater Pollution Prevention Plan (SWPPP)                                                              | Create SWPPPs for maintenance garages, transfer stations, and other waste-handling facilities                                                                    | CPW                                                                                           | Complete and implement 2 years after effective date of permit                                                              | 2018                                        |
| Catch basin cleaning                                                                                      | Establish schedule for catch basin cleaning such that each catch basin is no more than 50% full and clean catch basins on that schedule                          | CPW                                                                                           | Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually | 2018                                        |
| Street sweeping program                                                                                   | Sweep all streets and permittee-owned parking lots in accordance with permit conditions                                                                          | CPW                                                                                           | Sweep all streets and permittee-owned parking lots once per year in the spring                                             | 2018                                        |
| Road salt use optimization program                                                                        | Establish and implement a program to minimize the use of road salt                                                                                               | CPW                                                                                           | Implement salt use optimization during deicing season                                                                      | 2018                                        |



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# Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part III: Stormwater Management Program Summary (continued)

### Actions for Meeting Total Maximum Daily Load (TMDL) Requirements

Use the drop-down menus to select the applicable TMDL, action description to meet the TMDL requirements, and the responsible department/parties. If no options are applicable, or more than one, **enter your own text to override drop-down menus.**

[illegible]

# Notice of Intent (NOI) for coverage under Small MS4 General Permit

### Part III: Stormwater Management Program Summary (continued)

## Actions for Meeting Requirements Related to Water Quality Limited Waters

Use the drop-down menus to select the pollutant causing the water quality limitation and enter the waterbody ID(s) experiencing excursions above water quality standards for that pollutant. In addition, if you are subject to additional requirements due to a downstream nutrient impairment (see Part 2.2.2 of the permit) select the pollutant of concern and indicate applicable waterbody IDs or write "all waterbodies" if applicable. Choose the action description from the dropdown menu and indicate the responsible party. If no options are applicable, or more than one, **enter your own text to override drop-down menus.**

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## Notice of Intent (NOI) for coverage under Small MS4 General Permit

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### Part IV: Notes and additional information

Use the space below to indicate the part(s) of 2.2.1 and 2.2.2 that you have identified as not applicable to your MS4 because you do not discharge to the impaired water body or a tributary to an impaired water body due to nitrogen or phosphorus. Provide all supporting documentation below or attach additional documents if necessary. Also, provide any additional information about your MS4 program below.

#### Attachments:

Figure - MS4 Outfalls

USFWS Correspondence

The outfalls included in Part II: Summary of Receiving Waters were selected based on a 100 foot distance from any waters of the U.S.. Coordinates listed under unnamed water segments are based on the NAD 1983 State Plane Massachusetts FIPS 2001 (US Feet) Coordinate System, and are listed as latitude/longitude in decimal degrees.

Regarding the ESA section 7 consultation, I agree that the MS4 Permit will not adversely affect the Northern Long-eared Bat in the MS4 area.

Regarding the National Historic Preservation Act, under 36 CFR 800, this facility is an existing facility authorized by the previous Permit, and is not undertaking any activity involving subsurface land disturbance less than 1 acre. This MS4 Permit will have "no potential to cause effects," in accordance with 36 CFR 800.3(a)(1).

## Notice of Intent (NOI) for coverage under Small MS4 General Permit

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### Part V: Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

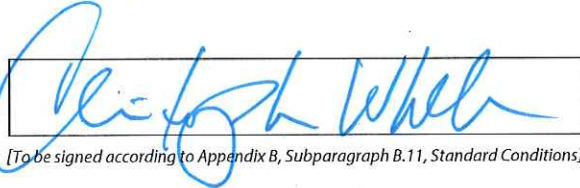
Name:

CHRISTOPHER WHELAN

Title:

TOWN MANAGER

Signature:



[To be signed according to Appendix B, Subparagraph B.11, Standard Conditions]

Date:

9/28/2018

Note: When prompted during signing, save the document under a new file name



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

New England Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301-5087  
<http://www.fws.gov/newengland>



January 8, 2018

To Whom It May Concern:

This project was reviewed for the presence of federally listed or proposed, threatened or endangered species or critical habitat per instructions provided on the U.S. Fish and Wildlife Service's New England Field Office website:

<http://www.fws.gov/newengland/EndangeredSpec-Consultation.htm> (accessed January 2018)

Based on information currently available to us, no federally listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area(s). Preparation of a Biological Assessment or further consultation with us under section 7 of the Endangered Species Act is not required. No further Endangered Species Act coordination is necessary for a period of one year from the date of this letter, unless additional information on listed or proposed species becomes available.

Thank you for your cooperation. Please contact David Simmons of this office at 603-227-6425 if we can be of further assistance.

Sincerely yours,

Thomas R. Chapman  
Supervisor  
New England Field Office





## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
New England Ecological Services Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301-5094  
Phone: (603) 223-2541 Fax: (603) 223-0104  
<http://www.fws.gov/newengland>



In Reply Refer To:

September 20, 2018

Consultation Code: 05E1NE00-2018-SLI-3151

Event Code: 05E1NE00-2018-E-07398

Project Name: Concord MS4

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List



## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**New England Ecological Services Field Office**  
70 Commercial Street, Suite 300  
Concord, NH 03301-5094  
(603) 223-2541

## Project Summary

Consultation Code: 05E1NE00-2018-SLI-3151

Event Code: 05E1NE00-2018-E-07398

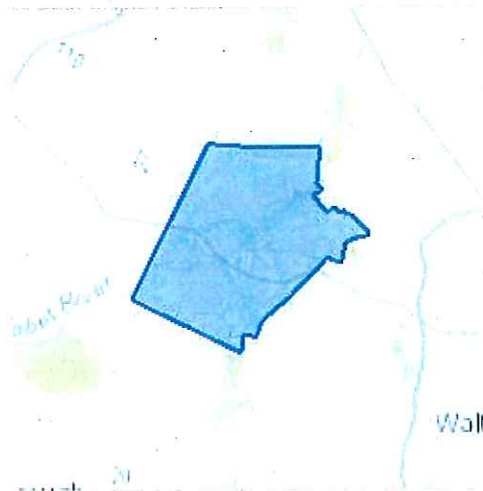
Project Name: Concord MS4

Project Type: \*\* OTHER \*\*

Project Description: Stormwater MS4

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.45858957650303N71.35976018899339W>



Counties: Middlesex, MA

## Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

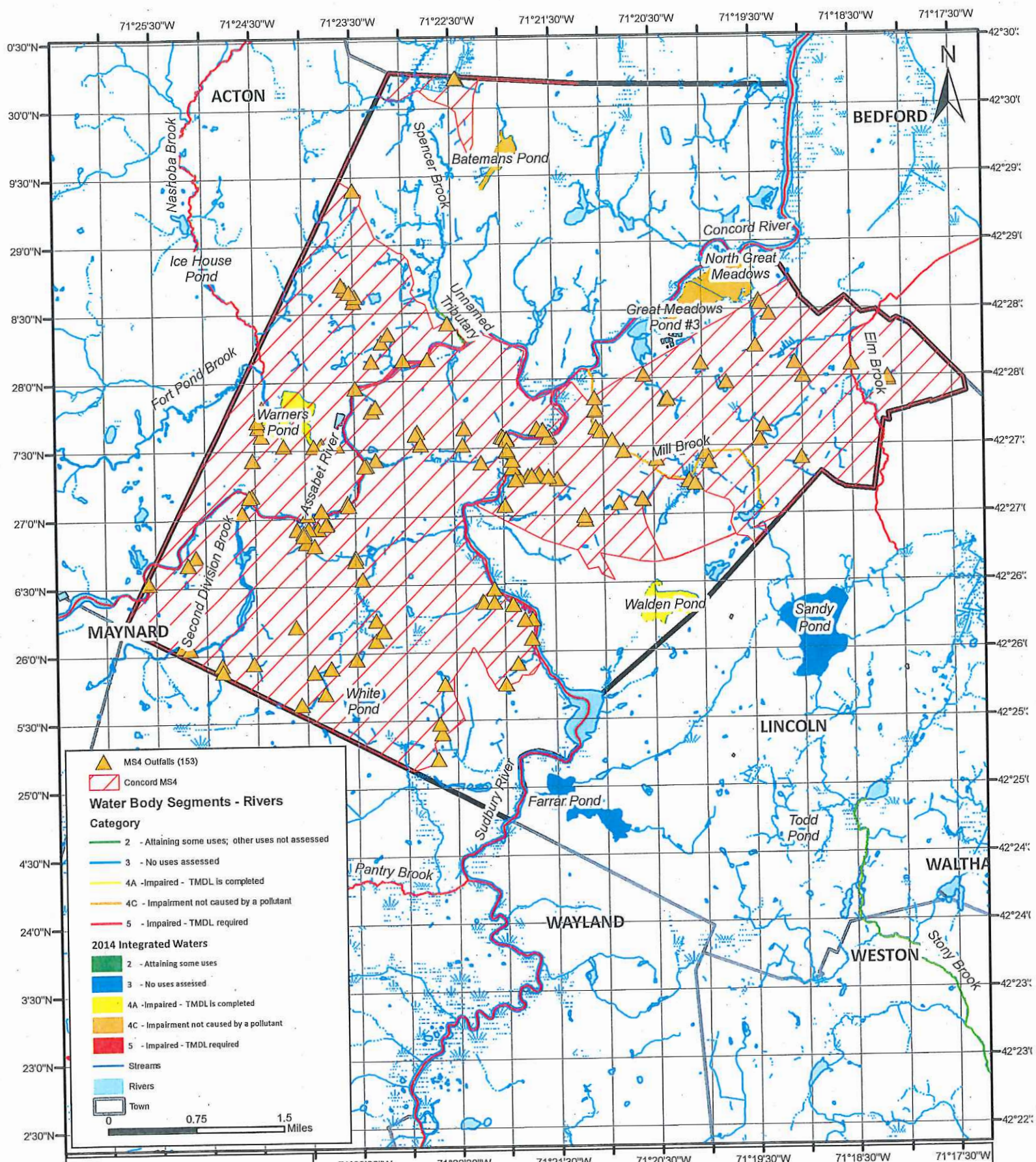
## Mammals

| NAME                                                                                                                                                                                                                             | STATUS     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| Northern Long-eared Bat <i>Myotis septentrionalis</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a> | Threatened |

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.





**MS4 Outfalls**  
**Concord, Massachusetts**  
**September 2018**



**From:** [Christopher Olbrot](#)  
**To:** [Vuto, Michelle](#)  
**Cc:** [Natalie Pommersheim \(nmp@envpartners.com\)](mailto:nmp@envpartners.com)  
**Subject:** NOI additional information.  
**Date:** Friday, February 01, 2019 11:40:33 AM

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Good Morning Michelle,  
Pursuant to your email dated 1/29, [the Town will comply with part V of Appendix H of the Permit.](#)

Please let us know if there is any other information you require.

Best,  
Chris

**Chris Olbrot, PE, SE | Town Engineer**

CPW-Engineering Division  
133 Keyes Rd  
Concord MA 01742  
(978) 318-3210  
[colbrot@concordma.gov](mailto:colbrot@concordma.gov)

**From:** [Vuto, Michelle](#)  
**To:** ["Christopher Olbrot"](#)  
**Cc:** [Natalie Pommersheim \(nmp@envpartners.com\)](#); [Richard Reine](#); [Jacob Zwicker](#)  
**Subject:** RE: Small MS4 NOI submission - additional or corrected information required  
**Date:** Tuesday, January 29, 2019 2:02:00 PM

---

Hi Chris,

Thanks for the additional information. Regarding the impairments, please also respond confirming that the town will follow part V of Appendix H for turbidity.

Sorry for the delay in EPA's reply during the government shutdown.

Best,  
Michelle

Michelle Vuto  
Stormwater & Construction Permits  
U.S. EPA Region 1  
5 Post Office Square—OEP06-4  
Boston, MA 02109-3912  
617-918-1222

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**From:** Christopher Olbrot <colbrot@concordma.gov>  
**Sent:** Wednesday, January 02, 2019 9:13 AM  
**To:** Vuto, Michelle <vuto.michelle@epa.gov>  
**Cc:** Natalie Pommersheim (nmp@envpartners.com) <nmp@envpartners.com>; Richard Reine <rreine@concordma.gov>; Jacob Zwicker <jzwicker@concordma.gov>  
**Subject:** RE: Small MS4 NOI submission - additional or corrected information required

Hi Michelle,

I hope you had a nice holiday season. We received your request for additional or corrected information to receive the complete NOI submission for the Town of Concord.

For the receiving waters listed on page 2 of the NOI, all impairments are listed for each waterbody listed in the NOI, including those pollutants that do not have a check box. Impairments have been added to Elm Brook for Fecal Coliform and Physical Substrate Habitat Alterations, and a check box added for Turbidity.

For the TMDLs listed on page 18 of the NOI, all applicable TMDLs have been listed, including the Shawsheen River TMDL for Bacteria/Pathogens with the action description to adhere to requirements in part A.III of Appendix F.

For the impairments listed on page 19 of the NOI, the waterbody listed for phosphorus was removed



from the list, as MA82B-07 is already covered by the Assabet TMDL on page 18 of the NOI.

Please let us know if any additional information is required.

Best Regards,  
Chris

Chris Olbrot, PE | Town Engineer  
CPW-Engineering Division  
133 Keyes Rd  
Concord MA 01742  
(978) 318-3210  
[colbrot@concordma.gov](mailto:colbrot@concordma.gov)

-----Original Message-----

From: Vuto, Michelle [<mailto:Vuto.Michelle@epa.gov>]  
Sent: Thursday, December 20, 2018 11:23 AM  
To: Christopher Olbrot  
Cc: Reports Stormwater  
Subject: Small MS4 NOI submission - additional or corrected information required

Hi Chris,

EPA requires additional or corrected information to receive a complete NOI submission for your MS4 and continue the review process.

Please respond to this email with the requested details in the attached report. You do not need to resubmit your entire NOI form. Please respond with the requested information as soon as you can. If the additional information is not received within 30 days of the date on this email EPA may initiate the process to deny your NOI, unless additional time is granted by EPA for such submission.

Please let me know if you have any questions.

Thanks,  
Michelle

Michelle Vuto  
Stormwater & Construction Permits  
U.S. EPA Region 1  
5 Post Office Square-OEP06-4  
Boston, MA 02109-3912  
617-918-1222

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