

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

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? <small>(Part II, III, IV or V, Subpart B.3.(b.) of 2003 permit)</small> | <input type="text" value="Yes"/> | Effective Date or Estimated Date of Adoption (MM/DD/YY): | <input type="text" value="05/24/05"/> |
| Construction/Erosion and Sediment Control (ESC) Authority Adopted? <small>(Part II, III, IV or V, Subpart B.4.(a.) of 2003 permit)</small> | <input type="text" value="No"/> | Effective Date or Estimated Date of Adoption (MM/DD/YY): | <input type="text" value="07/30/19"/> |
| Post- Construction Stormwater Management Adopted? <small>(Part II, III, IV or V, Subpart B.5.(a.) of 2003 permit)</small> | <input type="text" value="No"/> | Effective Date or Estimated Date of Adoption (MM/DD/YY): | <input type="text" value="07/30/19"/> |

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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>

| 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"/> | |
| Alewife Brook (MA93-45) | 9 | <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"/> | Fecal Coliform (EPA TMDL #50120) |
| Essex River (MA93-11) | 13 | <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"/> | Fecal Coliform (EPA TMDL #50121) |
| Chebacco Lake (MA93014) | 9 | <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"/> | Mercury in Fish Tissue (EPA TMDL #33880) |
| Alewife Brook (MA93-46) | 16 | <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"/> | Fecal Coliform (EPA TMDL #50121) |
| Essex Bay (MA93-16) | | <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"/> | Fecal Coliform (EPA TMDL #50121) |
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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 <small>(enter your own text to override the drop down menu)</small> | BMP Description | Targeted Audience | Responsible Department/Parties <small>(enter your own text to override the drop down menu)</small> | Measurable Goal | Beginning Year of BMP Implementation |
|--|--|--|--|--|---|
| Brochures/Pamphlets | Updated version of comprehensive literature discussing the importance of "greenscaping", small scale stormwater management, practices, sewer/ septic system maintenance & other ways to avoid illicit discharges | Residents | External Contractor | - Number distributed - Resident testimonials | 2018 |
| Workshop | Stormwater presentation will discuss specific BMPs for parking lots; how to reduce impervious surfaces and maintain the space more sustainably. | Businesses, Institutions and Commercial Facilities | External Contractor | - Number of attendees - Number of presentations re-distributed to commercial representatives. | 2020 |
| Workshop/Info Sheet | Workshop and associated literature will cover LID options for reducing runoff and promoting on-site infiltration. | Developers (construction) | External Contractor | - Number of attendees - Increase in LID use | 2019 |
| | No Industrial in Town | Industrial Facilities | | | |

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|----------------------|--|--|---------------------|--|------|
| Brochures/Pamphlets | Pet Waste literature will be available in one of two forms (one page info sheet or rack card) and can be redistributed as necessary. | Residents | External Contractor | - Number distributed - Resident testimonials | 2021 |
| Meeting/Presentation | Presentation will discuss proper "greenscaping" practices on a business/commercial level. Content will be targeted to property managers and will include sand/salt storage and landscape management. | Businesses, Institutions and Commercial Facilities | External Contractor | - Number of attendees - Number of presentations redistributed to commercial representatives | 2022 |
| Workshop | Workshop and literature will go into greater detail, following the workshop regarding low impact development held in year one. Town ordinances and associated incentives will be outlined. | Developers (construction) | External Contractor | - Number of attendees | 2023 |
| | No industrial facilities in Town | Industrial Facilities | | | |
| Brochures/Pamphlets | Pet Waste literature issued annually with renewed dog licenses per Appendix F Part III. | Residents | Town Clerk | - Number distributed | 2019 |
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Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part III: Stormwater Management Program Summary (continued)

MCM 2: Public Involvement and Participation

| BMP Categorization | Brief BMP Description <small>(enter your own text to override the drop down menu)</small> | Responsible Department/Parties <small>(enter your own text to override the drop down menu)</small> | Additional Description/ Measurable Goal | Beginning Year of BMP Imple- mentation |
|---------------------------|---|--|--|---|
| Public Review | SWMP Review | DPW Operations | Allow annual review of stormwater management plan. | 2019 |
| Public Participation | SWMP Review | DPW Operations | Allow public to comment on stormwater management plan annually | 2019 |
| Public Participation | Stormwater Committee/Task Force | DPW Operations | Establish and record quarterly meetings | 2018 |
| Public Participation | Cleanups - Roadside/General | DPW Operations | Establish annual fall program | 2019 |
| Public Participation | Cleanups - Shoreline/Waterbody | DPW Operations | Establish and advertise annual cleanup program | 2020 |
| Public Participation | Website | DPW Operations | Create dedicated stormwater-related website | 2020 |
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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 <small>(enter your own text to override the drop down menu)</small> | BMP Description | Responsible Department/Parties <small>(enter your own text to override the drop down menu)</small> | Measurable Goal <small>(all text can be overwritten)</small> | Beginning Year of BMP Implementation |
|--|---|--|--|---|
| SSO inventory | Develop SSO inventory in accordance of permit conditions | DPW Operations | Complete within 1 year of effective date of permit | 2019 |
| Storm sewer system map | Create map and update during IDDE program completion | DPW Operations | Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit | 2020 |
| Written IDDE program | Create written IDDE program | DPW Operations | Complete within 1 year of the effective date of permit and update as required | 2019 |
| Implement IDDE program | Implement catchment investigations according to program and permit conditions | DPW Operations | Complete 10 years after effective date of permit | 2021 |
| Employee training | Train employees on IDDE implementation | DPW Operations | Train annually | 2018 |
| Conduct dry weather screening | Conduct in accordance with outfall screening procedure and permit conditions | DPW Operations | Complete 3 years after effective date of permit | 2018 |
| Conduct wet weather screening | Conduct in accordance with outfall screening procedure | DPW Operations | Complete 10 years after effective date of permit | 2019 |
| Ongoing screening | Conduct dry weather and wet weather screening (as necessary) | DPW Operations | Complete ongoing outfall screening upon completion of IDDE program | 2023 |
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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

| BMP Categorization <small>(enter your own text to override the drop down menu or entered text)</small> | BMP Description | Responsible Department/Parties <small>(enter your own text to override the drop down menu)</small> | Measurable Goal <small>(all text can be overwritten)</small> | Beginning Year of BMP Implementation |
|--|---|--|--|---|
| Site inspection and enforcement of Erosion and Sediment Control (ESC) measures | Complete written procedures of site inspections and enforcement procedures | Conservation Committee | Complete within 1 year of the effective date of permit | 2019 |
| Site plan review | Complete written procedures of site plan review and begin implementation | Planning/zoning Department | Complete within 1 year of the effective date of permit | 2019 |
| Erosion and Sediment Control | Adoption of requirements for construction operators to implement a sediment and erosion control program | Conservation Committee | Complete within 1 year of the effective date of permit | 2019 |
| 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 | DPW Operations | Complete within 1 year of the effective date of permit | 2019 |
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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 (enter your own text to override the drop down menu or entered text) | BMP Description | Responsible Department/Parties (enter your own text to override the drop down menu) | Measurable Goal (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 | Building Permitting and Enforcement | Require submission of as-built plans for completed projects | 2020 |
| 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 | Conservation Committee | Complete 4 years after effective date of permit and report annually on retrofitted properties | 2020 |
| 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 | Planning/zoning Department | Complete 4 years after effective date of permit and implement recommendations of report | 2020 |
| 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. | DPW Operations | Complete 4 years after effective date of permit and implement recommendations of report | 2020 |

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

| BMP Categorization <small>(enter your own text to override the drop down menu or entered text)</small> | BMP Description | Responsible Department/Parties <small>(enter your own text to override the drop down menu)</small> | Measurable Goal <small>(all text can be overwritten)</small> | Beginning Year of BMP Implementation |
|--|--|--|--|---|
| 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 | DPW Operations | Complete and implement 2 years after effective date of permit | 2020 |
| Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment | Create inventory | Parks/Recreation | Complete 2 years after effective date of permit and implement annually | 2020 |
| Infrastructure O&M | Establish and implement program for repair and rehabilitation of MS4 infrastructure | DPW Operations | Complete 2 years after effective date of permit | 2020 |
| Stormwater Pollution Prevention Plan (SWPPP) | Create SWPPPs for maintenance garages, transfer stations, and other waste-handling facilities | DPW Operations | Complete and implement 2 years after effective date of permit | 2020 |
| 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 | DPW Operations | Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually | 2019 |
| Street sweeping program | Sweep all streets and permittee-owned parking lots in accordance with permit conditions | DPW Operations | 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 | DPW Operations | Implement salt use optimization during deicing season | 2019 |

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.**

| Applicable TMDL | Action Description | Responsible Department/Parties <small>(enter your own text to override the drop down menu)</small> |
|---|--|---|
| North Coastal Watershed (Bacteria/Pathogen) | Adhere to requirements in part A.III of Appendix F | DPW Operations/Town Clerk |
| | Adhere to requirements in part A.III of Appendix F | |
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Notice of Intent (NOI) for coverage under Small MS4 General Permit

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.

1. A project review request was submitted to U.S. Fish and Wildlife on September 13, 2018. We have yet to receive a response but will supplement this NOI with the response documents when received.
2. Chebacco Lake is a listed receiving water body and is also listed as a Massachusetts Category 4a Water for Mercury in the Massachusetts Year 2014 Integrated List of Waters. It has been assumed that Chebacco Lake falls under the "Northeast Regional Mercury TMDL (2007) as presented in Part C I of Appendix F.

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

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 managed 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:

Lisa J. O'Donnell

Title:

Chairman, Essex Board of Sel.

Signature:



Date:

9/24/2018

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

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

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

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:

Title:

Signature:

Date:

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

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 St, Suite 300
Concord, NH 03301-5087
<http://www.fws.gov/newengland>

September 24, 2018

To whom it may concern:

The U.S. Fish and Wildlife Service (USFWS) reviewed the stormwater discharge activities associated with the 2016 National Pollutant Discharge and Elimination System (NPDES) Massachusetts (MA) Small Municipal Separate Storm Sewer System (MS4) general permit (MA MS4 General Permit) issued by the Environmental Protection Agency (EPA). We determined those activities may affect, but are not likely to adversely affect, certain species listed under the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) when specific conditions are met. When these conditions are met, we do not need to review individual projects. These comments are provided in accordance with section 7 of the ESA and complement existing 2016 MA MS4 General Permit Appendix C Guidance. We understand the applicant is acting as a non-Federal representative of the EPA for the purpose of consultation under section 7. **This letter provides additional guidance for meeting Criterion B and should be submitted as part of your application package to the EPA.**

If the USFWS Information for Planning and Consultation website (<https://ecos.fws.gov/ipac/>) indicates your MA MS4 General Permit project action area may contain one or more of the following federally listed endangered species: roseate tern (*Sterna dougallii*), northern red-bellied cooter (*Pseudemys rubriventris*), dwarf wedgemussel (*Alasmidonta heterodon*), rusty patched bumble bee (*Bombus affinis*), northeastern bulrush (*Scirpus ancistrochaetus*), or American chaffseed (*Schwalbea americana*); threatened species: piping plover (*Charadrius melodus*), bog turtle (*Glyptemys muhlenbergii*), Puritan tiger beetle (*Cicindela puritana*), northeastern beach tiger beetle (*Cicindela dorsalis*), or red knot (*Calidris canutus rufa*); or their federally designated critical habitat; and the specific conditions listed below are met, you may submit this letter to complete the **MA MS4 General Permit Appendix C: Step 4** in place of a concurrence letter for informal consultation as documentation of ESA eligibility for **USFWS Criterion B**.

In addition, this letter also satisfies the requirement in the **MA MS4 General Permit Appendix C: Step 2 (3)** to contact the USFWS and obtain a concurrence letter, if you have not yet done so. If your project action area includes one or more of the above-listed species *and* one or more of the

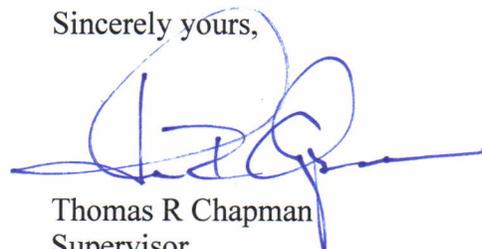
species listed under **Criterion C**,¹ you may still use this letter to certify under **Criterion B**. All existing guidance regarding requirements for certifying eligibility according to the USFWS Criterion A, B, or C for coverage by the 2016 MS4 Permit (see MA MS4 General Permit Appendix C – Endangered Species Guidance) remains unchanged.

We have determined that proposed stormwater discharge activities covered under the 2016 MS4 Permit *may affect, but are not likely to adversely affect*, the above-listed species and the species' critical habitat when the following are true:

1. all stormwater discharges are pre-existing or previously permitted by EPA;
2. any planned operations and maintenance work covered by this permit will only affect previously disturbed areas where stormwater controls are already installed. In these situations the chance of encountering any of the subject species is discountable;
3. the project implements EPA MS4 Best Management Practices (BMPs) and meets Clean Water Act and Massachusetts Water Quality Standards. Although permitted discharges may reach the environment used by these species, BMPs reduce pollutants to the extent that discharges are not known to have measurable impacts on these species or their habitat;
4. no new construction or structural BMPs are proposed under this permit at this time; and
5. you agree that if, during the course of the permit term, you plan to install a structural BMP not identified in the Notice of Intent (NOI), you will re-initiate consultation with the USFWS as necessary (see **MA MS4 General Permit Appendix C: Step 2 (5)**).

If the above criteria are met, further consultation with the USFWS under section 7 of the ESA is not required at this time; however, if the proposed action changes in any way such that it may affect a listed species in a manner not previously analyzed or if new information reveals the presence of additional listed species that may be affected by the project, the applicant or the EPA should contact us immediately and suspend activities that may affect those species until the appropriate level of consultation is completed with our office. Thank you for your cooperation, and please contact David Simmons of this office at (603) 227-6425 if you have questions or need further assistance.

Sincerely yours,



Thomas R Chapman
Supervisor
New England Field Office

¹ Criterion C includes guidance for project action areas that may contain species for which EPA has already made a determination. These species include the northern long-eared bat (*Myotis septentrionalis*), sandplain gerardia (*Agalinis acuta*), small whorled pogonia (*Isotria medeoloides*), and/or American burying beetle (*Nicrophorus americanus*) (MA MS4 General Permit Appendix C: Step 3 – Determine if You Can Meet Eligibility USFWS Criterion C).



ENVIRONMENTAL
ECOLOGICAL
ENERGY
SURVEY
CIVIL

From: Kevin McHugh, P.E.
Coneco Engineers & Scientists, Inc.
238 Littleton Road
Westford, MA 01886

To: U.S. Fish and Wildlife Service
New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301

September 13, 2018

Re: Project Review Request,
2016 MS4 Notice of Intent
Essex, Massachusetts
SLI No. 3080
Event Code: 05E1NE00-2018-E-07252

We have reviewed the referenced project using the Environmental Protection Agency's (EPA) project review process for our Municipal Separate Storm Sewer System (MS4) and have followed all guidance and instructions in completing the review. We completed our review on September 13, 2018 and are submitting our project package in accordance with the instructions for further review. The U.S. Fish and Wildlife Service's (Service) Information for Planning and Consultation (IPaC) species list indicated these species may be present in the project area:

- Northern Long-eared Bat *Myotis septentrionalis*
- Red Knot *Calidris canutus rufa*
- Roseate Tern *Sterna dougallii dougallii*
- Small Whorled Pogonia *Isotria medeoloides*

We are submitting this letter as a non-Federal representative of the EPA pursuant to the requirements of the EPA's process for NPDES/MS4 permits.

Our proposed action consists of: Town-wide stormwater management. The Town of Essex is seeking coverage under the EPA's NPDES MS4 permit and a component of the Notice of Intent is an endangered species determination.

The location action area is the Town of Essex, the boundaries of which are identified on the enclosed map entitled "NPDES Phase II Stormwater Program Automatically Designated MS4 Areas".

Permit implementation will begin in the fall of 2018 and the permit has an expiration date of June 30, 2022.

This is a request for review by the Service pursuant to section 7 of the Endangered Species Act. We determined that the project may affect, but is not likely to adversely affect the above listed species, because the endangered species are well defined and protected within the Town. No work would be undertaken or discharges constructed or altered that would adversely impact the listed endangered species.

The enclosed project package provides the information about the species and/or critical habitat considered in our review, and we identified our determinations for the resources that may be affected by the project. We request you concur with our determination that the project may affect, but is not likely to adversely affect the species described above.

For additional information, please contact Kevin McHugh at the address listed above, by phone at 617-640-7949 or email at kmchugh@coneco.com.

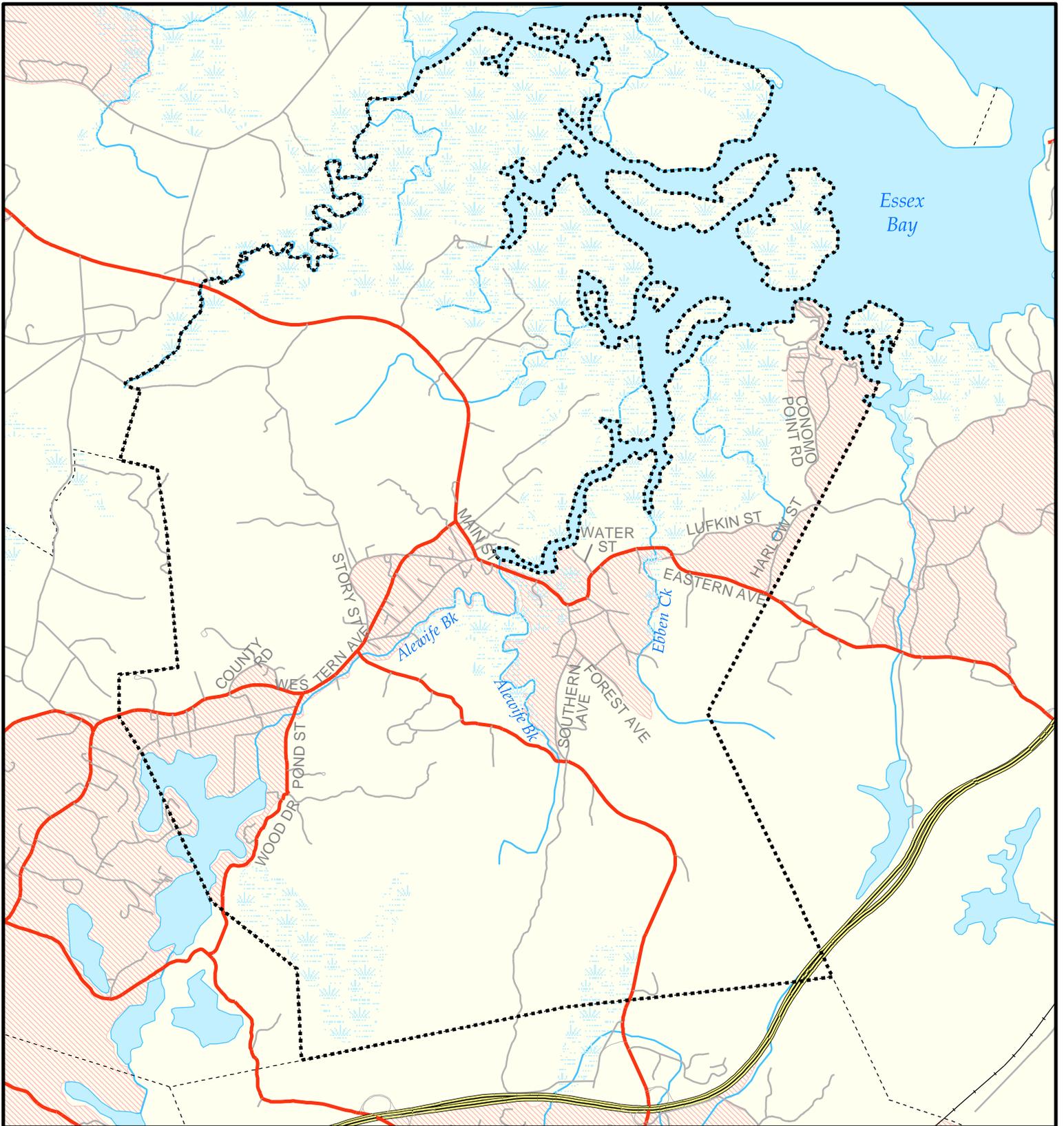
Sincerely,

A handwritten signature in black ink that reads "Kevin E. McHugh". The signature is written in a cursive style with a clear, legible font.

Kevin McHugh, P.E.
Senior Project Manager

Enclosures:

- 1) ENTIRE PROJECT REVIEW PACKAGE
- 2) Other relevant project data/documents



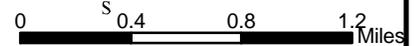
Area of Focus:



**NPDES Phase II Stormwater Program
Automatically Designated MS4 Areas
*Essex, Massachusetts***

Town Population: 3,267
Regulated Population: 1,849

-  Essex Town Boundary
-  Regulated Area (2000 Urbanized Area)



Data Sources: Urbanized Areas from US Census Bureau (2000). Political boundaries from MassGIS. Hydrography from NHD. Transportation data from GDT at 1:24,000. Map Created: 10/4/02; US EPA- New England GIS Center L:/projects/stormwater/phase2/matowns/new/



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 14, 2018

Consultation Code: 05E1NE00-2018-SLI-3080

Event Code: 05E1NE00-2018-E-07252

Project Name: Essex

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). 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-3080

Event Code: 05E1NE00-2018-E-07252

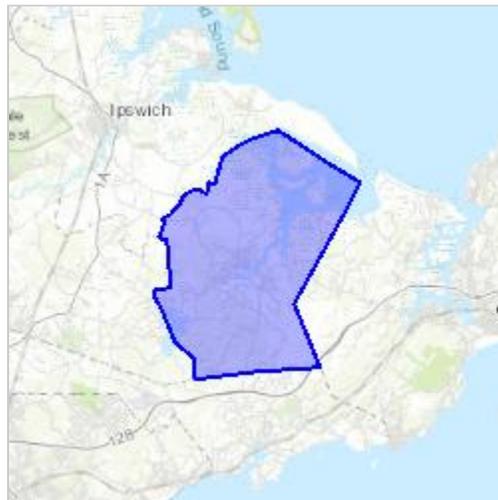
Project Name: Essex

Project Type: ** OTHER **

Project Description: MS4 NOI Application

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.63577678726323N70.77920139848555W>



Counties: Essex, MA

Endangered Species Act Species

There is a total of 4 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 Fisheries¹, 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> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045 | Threatened |

Birds

| NAME | STATUS |
|--|------------|
| Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1864 | Threatened |
| Roseate Tern <i>Sterna dougallii dougallii</i> Population: northeast U.S. nesting pop. No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2083 | Endangered |

Flowering Plants

| NAME | STATUS |
|--|-------------------|
| Small Whorled Pogonia <i>Isotria medeoloides</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1890 | Threatened |

Critical habitats

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