

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

Page 1 of 20

Part I: General Conditions

General Information

Name of Municipality or Organization: City of Fall River

State: MA

EPA NPDES Permit Number (if applicable): MA0100382

Primary MS4 Program Manager Contact Information

Name: Terry Sullivan

Title: Administrator of Community Utilities

Street Address Line 1: 1 Government Center

Street Address Line 2:

City: Fall River

State: MA

Zip Code: 02722

Email: tsullivan@fallriverma.org

Phone Number: (508) 324-2320

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? Yes

Eligibility Criteria
(check all that apply):

☐ A ☐ B ☒ C

National Historic Preservation Act (NHPA) Determination Complete? Yes

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?
(Part II, III, IV or V, Subpart B.3.(a.) of 2003 permit)

100%

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?
(Part II, III, IV or V, Subpart B.3.(b.) of 2003 permit)

Yes

Effective Date or Estimated
Date of Adoption (MM/DD/YY):

12/15/09

Construction/Erosion and Sediment Control (ESC) Authority Adopted?
(Part II, III, IV or V, Subpart B.4.(a.) of 2003 permit)

Yes

Effective Date or Estimated
Date of Adoption (MM/DD/YY):

01/01/15

Post- Construction Stormwater Management Adopted?
(Part II, III, IV or V, Subpart B.5.(a.) of 2003 permit)

Yes

Effective Date or Estimated
Date of Adoption (MM/DD/YY):

01/11/18

Part II: Summary of Receiving Waters

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

Check off relevant pollutants for discharges to impaired waterbodies (see above 303(d) lists) without an approved TMDL in accordance with part 2.2.2.a of the permit. List any other pollutants in the last column, if applicable.

[illegible]

Click to lengthen table

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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 (enter your own text to override the drop down menu)	BMP Description	Targeted Audience	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal	Beginning Year of BMP Implementation
Brochures/Pamphlets	Make stormwater brochures / handouts available at the Public Libraries and City Hall	Residents	Community Utilities	Continue to maintain availability of educational materials in select public buildings	2018
Brochures/Pamphlets	Distribute pet waste fact sheets with dog registrations and renewals	Residents	City Clerk, Community Utilities, Parks and Recreation	Provide information with all applications and renewals	2018
Brochures/Pamphlets	Distribute fact sheets or brochures on erosion and sediment control with site plan review applications	Developers	Engineering, Planning, Conservation Commission, Building Department	Provide information with all applications	2018
Presentation to watershed groups and other	Give presentation on stormwater management to watershed groups and/or organizations	Residents	Community Utilities	Give presentation and make display boards available to at least one group annually	2018
Signage about pet waste disposal	Install and maintain signs for pet waste cleanup at parks and schools	Residents	Parks and Recreation, Community Utilities	Continue to install and maintain signs for pet waste cleanup	2018

Web Page	Provide web information on septic system maintenance, illicit discharges, pet waste disposal, lawn care, pesticide and fertilizer use, grass clippings and leaf litter disposal, car washing, disposal of swimming pool water, and benefits of onsite infiltration.	Residents	Information Technology, Community Utilities, Conservation Commission	Continue to update and maintain the websites.	2018
Web Page	Provide web information on lawn care, pesticide and fertilizer use, grass clippings and leaf litter disposal, building maintenance, management of parking lot surfaces, salt usage, storage of materials and wastes, car washing, disposal of swimming pool water, and benefits of onsite infiltration.	Businesses, Institutions, and Commercial Facilities	Information Technology, Community Utilities, Conservation Commission	Continue to update and maintain the websites.	2018
Web Page	Provide web information on erosion and sediment control, Low Impact Development, and the NPDES Construction General Permit.	Developers (construction)	Information Technology, Community Utilities, Planning	Continue to update and maintain the websites.	2018

[illegible]

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Part III: Stormwater Management Program Summary (continued)

MCM 2: Public Involvement and Participation

[illegible]

[illegible]

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Part III: Stormwater Management Program Summary (continued)

MCM 3: Illicit Discharge Detection and Elimination (IDDE)

BMP Categorization (enter your own text to override the drop down menu)	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
SSO inventory	Develop SSO inventory in accordance of permit conditions	Community Utilities	Complete within 1 year of effective date of permit	2019
Storm sewer system map	Create map and update during IDDE program completion	Community Utilities	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	Community Utilities	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	Community Utilities	Complete 10 years after effective date of permit	2028
Employee training	Train employees on IDDE implementation	Community Utilities	Train annually	2018
Conduct dry weather screening	Conduct in accordance with outfall screening procedure and permit conditions	Community Utilities	Complete 3 years after effective date of permit	2021
Conduct wet weather screening	Conduct in accordance with outfall screening procedure	Community Utilities	Complete 10 years after effective date of permit	2028
Ongoing screening	Conduct dry weather and wet weather screening (as necessary)	Community Utilities	Complete ongoing outfall screening upon completion of IDDE program	2024
IDDE Ordinance/Bylaw	Develop IDDE ordinance	Community Utilities	Continue to enforce existing IDDE "municipal stormwater system rules" ordinance	2018

[illegible]

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Part III: Stormwater Management Program Summary (continued)

MCM 4: Construction Site Stormwater Runoff Control

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
Site inspection and enforcement of Erosion and Sediment Control (ESC) measures	Complete written procedures of site inspections and enforcement procedures	Engineering, Planning, Conservation Commission, Building Department	Complete within 1 year of the effective date of permit	2019
Site plan review	Complete written procedures of site plan review and begin implementation	Engineering, Planning, Conservation Commission, Building 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	Engineering, Planning, Conservation Commission, Building Department, Commu	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	Engineering, Planning, Conservation Commission, Building Department, Public W	Complete within 1 year of the effective date of permit	2019
Construction Ordinance/Bylaw	Develop a regulatory mechanism requiring sediment and erosion controls at construction sites disturbing >1 acre	Engineering, Planning, Conservation Commission, Zoning Board, Building Depart	Complete within 1 year of the effective date of permit	2019

[illegible]

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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	Site Plan Review Committee, Engineering, Planning, Conservation Commission, B	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	Engineering, Planning, Community Utilities, Facilities Maintenance	Complete 4 years after effective date of permit and report annually on retrofitted properties	2022
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, Conservation Commission, Building Department, Community Utilities	Complete 4 years after effective date of permit and implement recommendations of report	2022
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.	Planning, Conservation Commission, Zoning Board, Building Department, Comm	Complete 4 years after effective date of permit and implement recommendations of report	2022

[illegible]

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 (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
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	Public Works / Community Maintenance, Parks and Recreation, Facilities	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	Public Works / Community Maintenance, Parks and Recreation, Facilities	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	Community Utilities	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	Community Utilities, Public Works / Community Maintenance, Facilities	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	Community Utilities	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	Public Works / Community Maintenance	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	Public Works / Community Maintenance	Implement salt use optimization during deicing season	2018

[illegible]

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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. 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.**

[illegible]

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.

The City of Fall River obtained an official species list for threatened and endangered species via the IPaC system (Consultation Code: 05E1NE00-2018-SLI-2524) within the regulated urbanized area. Per the IPaC system, one species exists within the MS4 regulated area: the Northern Long-eared Bat (*Myotis septentrionalis*). Based on the habitat of this species, it is our opinion that the current stormwater discharges will have "no effect" on the listed species. As no construction is being conducted, there will be no disturbances to terrestrial habitats of the Long-eared Bat. Existing stormwater discharges will have no effect on these habitats, as they are to aquatic areas. If structural Best Management Practices (BMPs) not identified on the NOI are proposed for installation or construction during the course of the permit term, the City of Fall River agrees to conduct endangered species screening for the proposed site and contact USFWS if it is determined that the new activity "may affect" or is "not likely to adversely affect" listed species or critical habitat under jurisdiction of the USFWS.

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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:

Jasiel F. Correia II

Title:

Mayor

Signature:



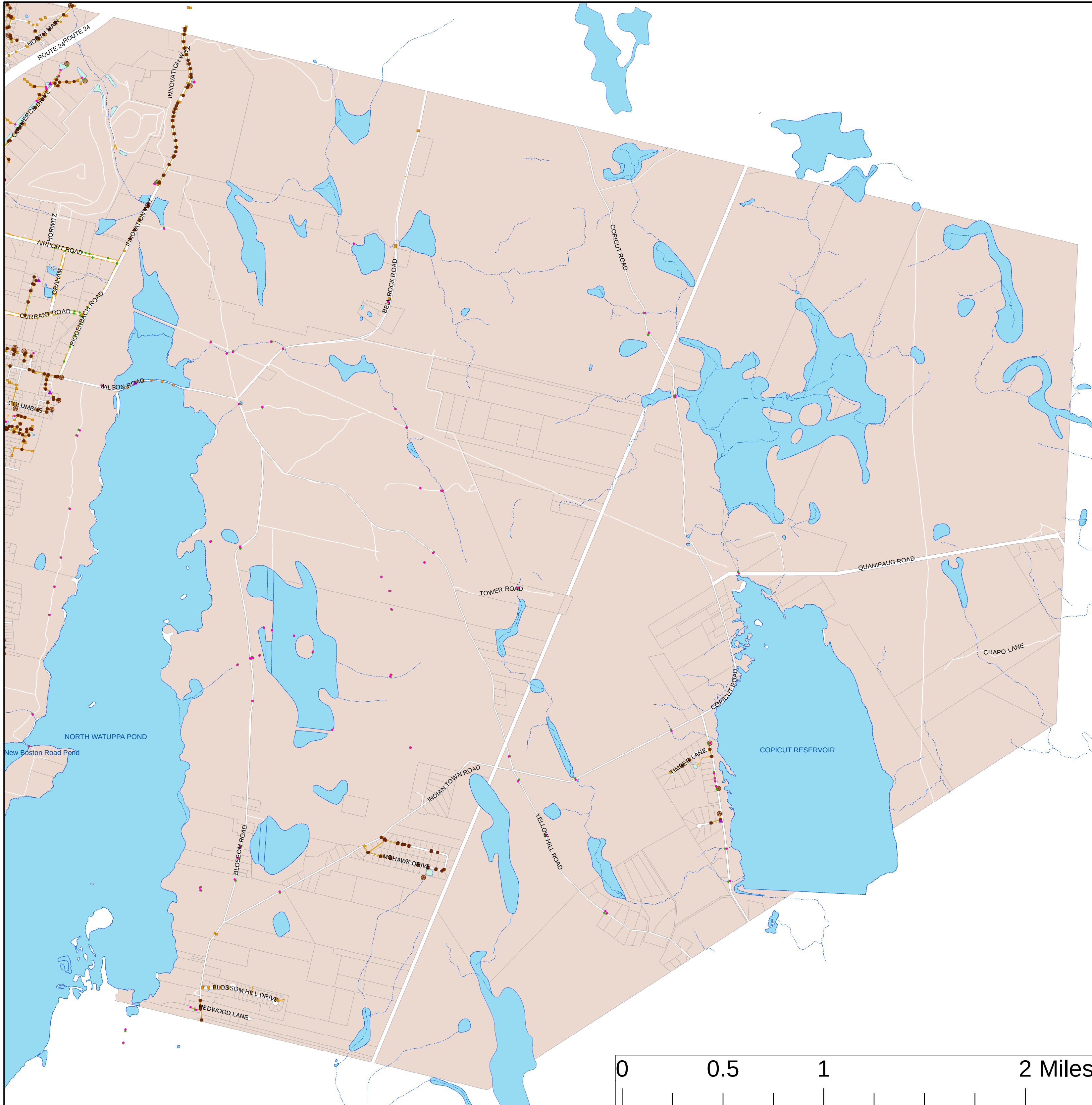
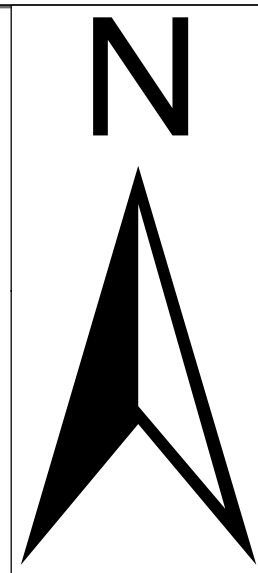
Date:

9/20/18

[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

Fall River Separate Stormwater System



- Legend**
- Separate Stormwater System**
- Catchbasin
 - Manhole
 - Misc Structure
- Outfalls**
- Combined Sewer Overflow Outfall
 - Pipe Inlet
 - Separate Stormwater Outfall
 - Pipe Outlet
- Separate Stormwater Lines**
- Closed Pipes
 - Open Swales
 - Rivers and Streams
 - SW Retention/Detention Ponds
 - Lakes_Ponds
 - Assessor Parcel Layer

1:12,000





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:

August 03, 2018

Consultation Code: 05E1NE00-2018-SLI-2524

Event Code: 05E1NE00-2018-E-06109

Project Name: Fall River MS4 Endangered Species Review

Subject: Updated 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-2524

Event Code: 05E1NE00-2018-E-06109

Project Name: Fall River MS4 Endangered Species Review

Project Type: LAND - DRAINAGE

Project Description: Determination of impact of stormwater discharges and discharge related activities to threatened and endangered species per Appendix C of the MA MS4 General Permit. Stormwater discharge occurs from pre-existing outfalls within the regulated zone, as shown on the map.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.685616305953346N71.15476408688188W>



Counties: Bristol, MA | Newport, RI

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 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.

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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

Critical habitats

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