

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

Page 1 of 21

Part I: General Conditions

General Information

Name of Municipality or Organization: Town of Kingston

State: MA

EPA NPDES Permit Number (if applicable): MAR041041

Primary MS4 Program Manager Contact Information

Name: Mary Guiney

Title: Conservation Agent

Street Address Line 1: 26 Evergreen Street

Street Address Line 2:

City: Kingston

State: MA

Zip Code: 02364

Email: mguiney@kingstonmass.org

Phone Number: (781) 585-0537

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)*

Printed copy is attached.

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): 04/01/13

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): 04/01/13

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): 04/01/13

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](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]

[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	Publish outreach materials; Distribute new resident packets to residents within Wetland Protection Areas; Distribute pet waste control information to residents when they (re)apply for a pet license.	Residents	Conservation Department, Assessors and Town Clerk	Distribute at least two educational messages within the permit term (5 years)	2018
Brochures/Pamphlets	Include information in permit materials.	Businesses, Institutions and Commercial Facilities	Conservation Department, Building Department, Planning Department	Distribute at least two educational messages within the permit term (5 years)	2018
Brochures/Pamphlets	Include information in permit materials; Review and Update application forms to meet the new requirements.	Developers (construction)	Building and Inspectional Services, Planning Department	Distribute at least two educational messages within the permit term (5 years)	2018
Brochures/Pamphlets	Distribute information to industrial groups based on zoning and property use.	Industrial Facilities	Building and Inspectional Services, Planning Department	Distribute at least two educational messages within the permit term (5 years)	2018

Web Page	Develop/maintain stormwater website	Residents	Conservation Department	Distribute at least two educational messages within the permit term (5 years)	2018
Displays/Posters/Kiosks	Install educational boards/signs in parks, public open space, near wetlands, etc.	Residents	Streets, Trees and Parks Department	Install at least two educational signs within the permit term (5 years)	2018
School Curricula/Programs	General stormwater messaging - Groundwater model, watershed model and cleaning dirty water taught to elementary school students and parent volunteers in school program	Residents	North South Rivers Watershed Association, Water Department, Conse	Distribute at least two educational messages within the permit term (5 years)	2018
Local Public Service Announcements	Regional Rain Barrel Sale - Education about water conservation and the reduction of stormwater from impervious surfaces	Residents	North South Rivers Watershed Association, Conservation Department	Distribute at least two educational messages within the permit term (5 years)	2018
Special Events/Festivals/Fairs	Gardening Green Expo - Regional event for WaterSmart South Shore Communities that provides information on how residents can reduce stormwater pollution from better landscaping practices.	Residents	North South Rivers Watershed Association, Conservation Department	Distribute at least two educational messages within the permit term (5 years)	2018
Brochures and Pamphlets, social media post	Greenscapes Guide - Digital download of landscaping techniques that reduce stormwater pollutants (fertilizers, pesticides, herbicides)	Residents	North South Rivers Watershed Association, Water Department, Conse	Distribute at least two educational messages within the permit term (5 years)	2018

Press release, social media post, web page, l	Septic maintenance - Maintenance of septic systems, corresponding with SepticSmart week in September	Residents	North South River Watershed Association, Water Department, Health	Distribute educational messages within the permit term (5 years)	2019
Press release, social media post, web p	Proper management of Waste Materials and Dumpsters - provide education relevant to managing and reducing waste from dumpster waste from entering stormwater	Businesses, Institutions, Commercial Facilities	North South Rivers Watershed Association, Water Department, Conse	Distribute educational messages within the permit term (5 years)	2019
Press release, social media post, web page, l	Proper Sediment and Erosion Control Management - Provided by Planning, Conservation, Building Department at permit request	Developers (Construction)	North South Rivers Watershed Association, Planning Department, Bui	Distribute educational messages within the permit term (5 years)	2020
Press release, social media post, web page, l	Proper management of Waste Materials and Dumpsters - provide education relevant to managing and reducing waste from dumpster waste from entering stormwater	Industrial Facilities	North South Rivers Watershed Association, Water Department, Conse	Distribute educational messages within the permit term (5 years)	2020
Press release, social media post, web page, l	Pet waste - Handout/ mailer to go with dog licensing & distributed at local veterinarian offices and local pet stores & WaterSmart website; potential to target offending area	Residents	North South River Watershed Association, Town Clerk	Distribute educational messages within the permit term (5 years)	2021
Press release, social media post, web page, l	Parking lot maintenance - salt storage, sweeping, catch basin cleaning, fleet maintenance	Businesses, Institutions, Commercial Facilities	North South River Watershed Association, Conservation Department	Distribute educational messages within the permit term (5 years)	2021

Press release, social media post, web page, l	Low Impact Development Information targeted to Developers - reduction of impervious surfaces, use of alternatives to paving, decentralized approach to stormwater, rain gardens, swales, bioretention	Developers (Construction)	North South Rivers Watershed Association, Planning Department, Bui	Distribute educational messages within the permit term (5 years)	2022
Press release, social media post, web page, l	Parking lot maintenance - salt storage, sweeping, catch basin cleaning, fleet maintenance	Industrial Facilities	North South River Watershed Association, Conservation Department	Distribute educational messages within the permit term (5 years)	2022

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 (enter your own text to override the drop down menu)	Responsible Department/Parties (enter your own text to override the drop down menu)	Additional Description/ Measurable Goal	Beginning Year of BMP Imple- mentation
Public Review	SWMP Review	Conservation Department	Allow annual review of stormwater management plan and posting of stormwater management plan on website	2018
Public Participation	SWMP Review	Stormwater Team (Building and Inspectional Services, Conservation Department	Allow public to comment on stormwater management plan annually	2018
Public Participation	Partnership - Advocacy Groups	Conservation Department North and South Rivers Watershed Association, Jones f	Maintain/acquire membership with local stormwater groups (Jones River Watershed Assoc., North South River Watershed Assoc.).	2018
Public Participation	School Participation	Silver Lake School District School Facilities Department	Maintain Kingston Intermediate School raingarden.	2018
Public Participation	Household haz. waste/used oil collection	Streets, Trees and Parks Department	Continue to host Town hazardous waste collection days with various groups.	2018
Public Participation	Cleanups - Roadside/General	Streets, Trees and Parks Department	Continue to host Town clean-up days with various groups.	2018
Public Participation	Volunteering	Conservation Department, Jones River Watershed Association	Continue to organize Herring counts in Spring.	2018

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 (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	Streets, Trees and Parks (STP) Department and Wastewater Department	Complete within 1 year of effective date of permit	2019
Storm sewer system map	Create map and update during IDDE program completion	STP Department, Wastewater Department, Consultant	Ongoing, update map (Phase 1) within 2 years of effective date of permit and complete full system map (Phase 2) 10 years after effective date of permit	2018
Written IDDE program	Create written IDDE program	STP Department and Consultant	Complete initial plan and outfall ranking within 1 year of the effective date of permit and update outfall ranking annually as program is implemented.	2019
Implement IDDE program	Implement catchment investigations according to program and permit conditions	Consultant	Begin implementation within 18 months of effective date of permit and complete 10 years after effective date of permit	2018
Employee training	Train employees on IDDE implementation	Consultant	Train annually	2019
Conduct dry weather screening	Conduct in accordance with outfall screening procedure and permit conditions	Consultant	Complete 3 years after effective date of permit	2020
Conduct wet weather screening	Conduct in accordance with outfall screening procedure	Consultant	Complete 10 years after effective date of permit	2020
Ongoing screening	Conduct dry weather and wet weather screening (as necessary)	Consultant	Complete ongoing outfall screening upon completion of IDDE program	2020

[illegible]

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 (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	Conservation Department, Building Department, Planning Department, Streets, T	Complete within 1 year of the effective date of permit	2019
Site plan review	Complete written procedures of site plan review and begin implementation	Conservation Department, Building Department, Planning Department, Streets, T	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 Department, Building Department, Planning Department, Streets, T	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	Conservation Department, Building Department, Planning Department, Streets, T	Complete within 1 year of the effective date of permit	2019

[illegible]

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	Conservation Department, Building Department, Planning Department	Require electronic 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	Streets, Trees and Parks Department	Complete 4 years after effective date of permit and report annually on retrofitted properties	2021
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	Building Department, Planning Department	Complete 4 years after effective date of permit and implement recommendations of report	2021
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.	Conservation Department, Building Department, Planning Department	Complete 4 years after effective date of permit and implement recommendations of report	2021

[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	Streets, Trees and Parks Department and Consultant	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	Streets, Trees and Parks Department and Consultant	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	Streets, Trees and Parks Department	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	Streets, Trees and Parks Department and Consultant	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	Streets, Trees and Parks Department	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	Streets, Trees and Parks Department	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	Streets, Trees and Parks Department	Implement salt use optimization during deicing season	2018

[illegible]

Part III: Stormwater Management Program Summary (continued)

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]

Part III: Stormwater Management Program Summary (continued)

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.

Attachments:

Figure: MS4 Outfalls

Figure: Outfalls by Watershed

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 StatePlane 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, the Red Knot, the Roseate Tern nor the Plymouth Redbelly Turtle in the MS4 area. An MS4 Project Review Request Letter has been mailed to U.S. Fish and Wildlife Service on August 16, 2018 and was delivered on August 17, 2018. Once the ESA Determination is approved by USFWS, I will resubmit the first page of this NOI with the ESA Determination marked as Complete.

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).

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:

Elaine Fiore

Title:

Chairperson, Kingston Selectboard

Signature:

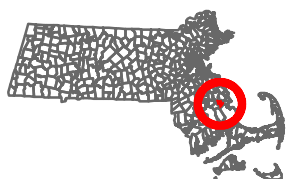
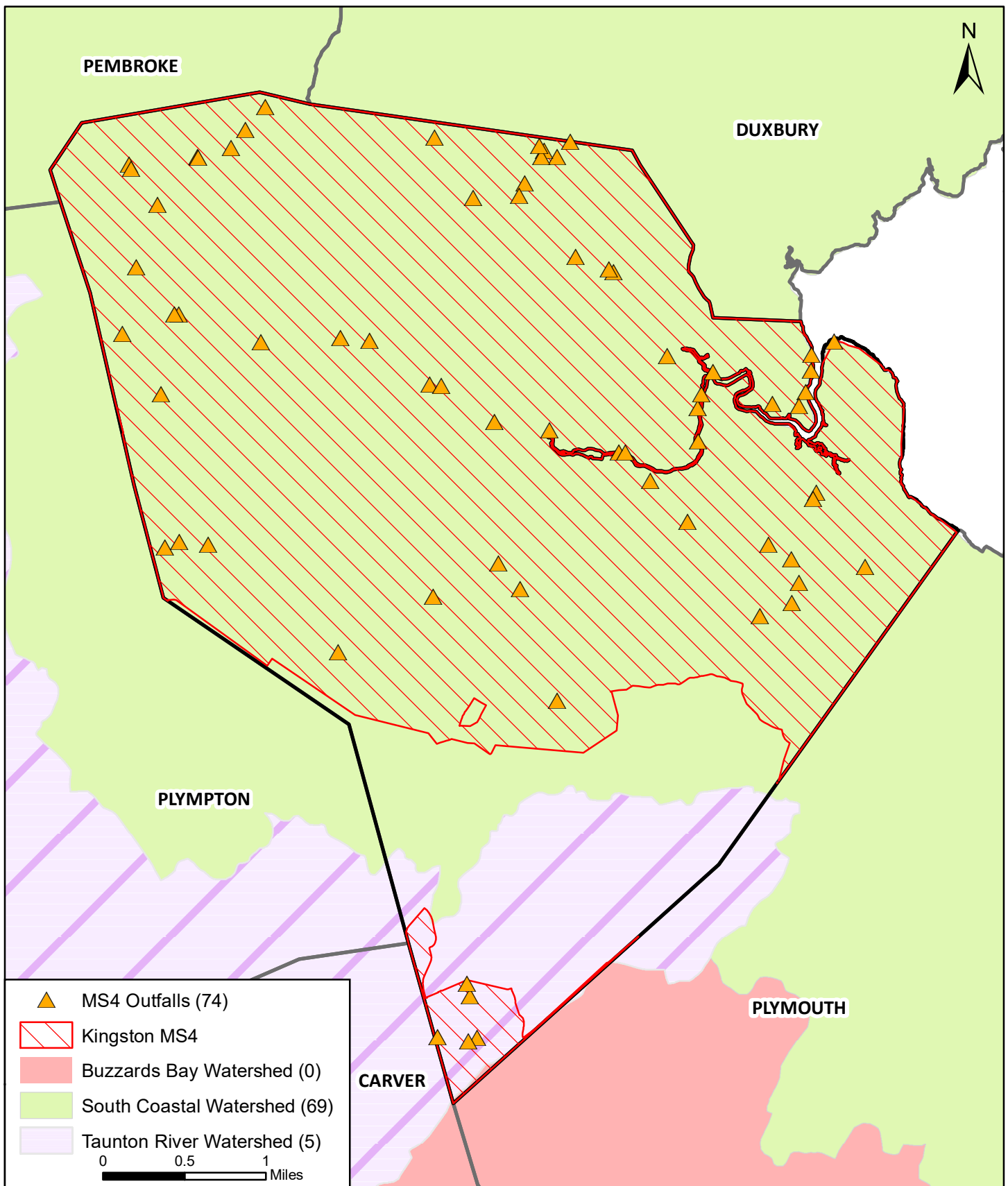
Elaine fiore

Digitally signed by Elaine fiore
Date: 2018.09.27 15:58:06 -04'00'

Date:

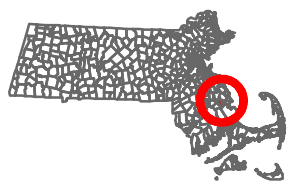
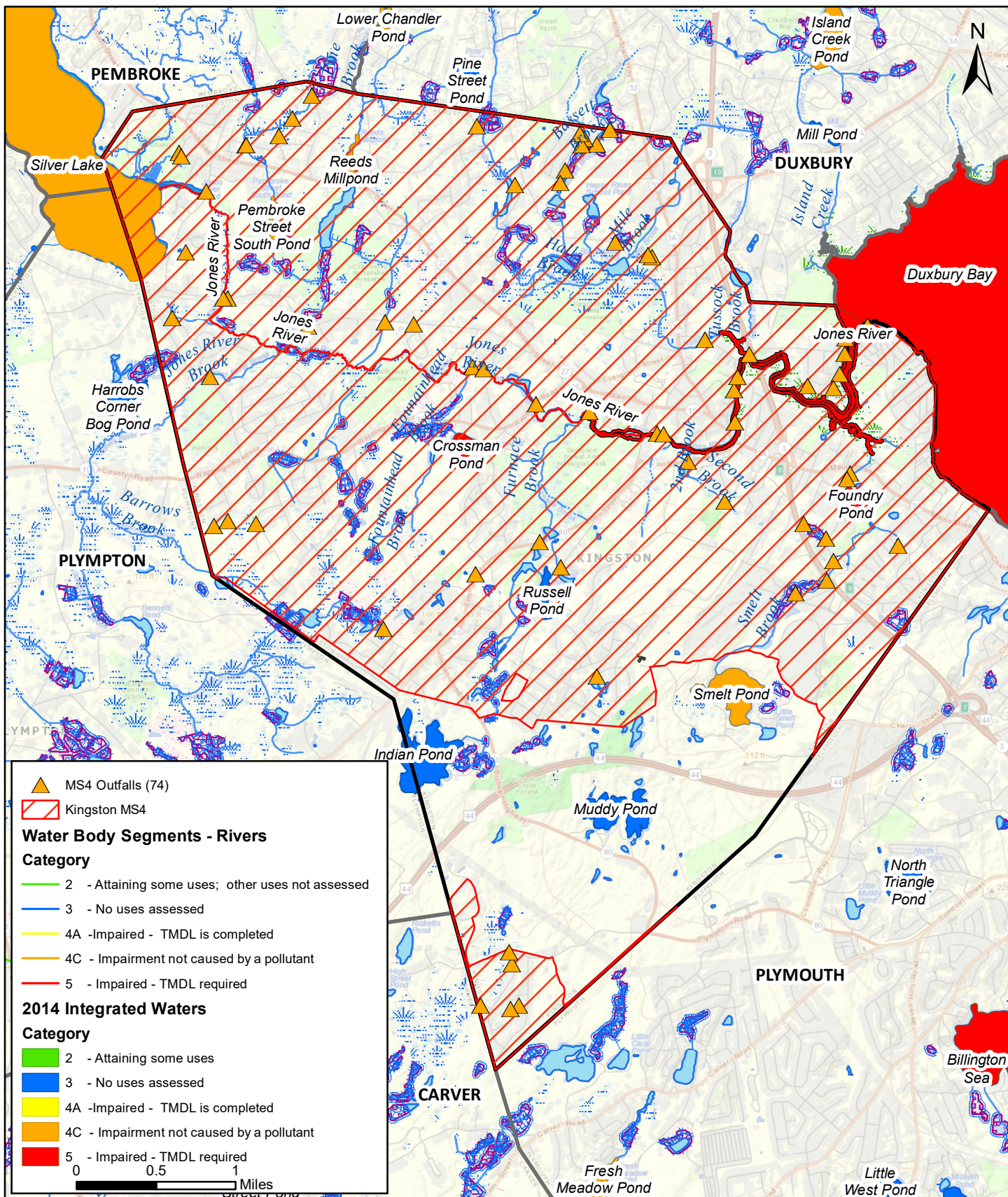
[To be signed according to Appendix B, Subparagraph B.11, Standard Conditions]

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



Outfalls by Watershed **Kingston, Massachusetts** **August 2018**





MS4 Outfalls Kingston, Massachusetts August 2018



1900 Crown Colony Drive, Suite 402
Quincy, MA 02169

August 15, 2018

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

RE: Project Review Request, Kingston MS4, Kingston, MA, 05E1NE00-2018-SLI-2434

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 July 18, 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*, the Plymouth Redbelly Turtle *Pseudemys rubriventris bangsi*, the Red Knot *Calidris canutus rufa*, and the Roseate Tern *Sterna dougallii dougallii*. 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 stormwater management projects including the evaluation for best management practices (BMPs) to reduce pollutant discharges and general pollutant load reduction through MS4 Permit implementation and enforcement. The Town of Kingston will be continuing stormwater maintenance and activities listed in the Year 15 NPDES PII Small MS4 General Permit Annual Report, which is included in the attachments. Planned activities within the MS4 area will not pose a disturbance to the habitats of the aforementioned species.

The location action area is identified on the enclosed map. This USGS topographic quadrangle displays the entirety of the Kingston MS4 project area. The MS4 area is designated using both the 2000 and 2010 U.S. census urbanized area.

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:

- This project does not involve tree cutting or manipulating a structure that could be used by the Northern Long-eared Bat. For a variety of reasons, this project would have no effect on the Northern Long-eared Bat and no additional explanation is needed in this letter.
- Although discharges from the Kingston MS4 may reach the habitat of the Plymouth Redbelly Turtle, the project implements activities that would diminish pollutants to the extent that discharge is not known to adversely affect the Plymouth Redbelly Turtle.

- Although discharges from the project may reach the environment used by the Red Knot, the project implements BMPs to reduce pollutants to the extent the discharges are not known to have measurable impacts on Red Knots, their habitat, or the fish they eat.
- Although discharges from the project may reach the environment used by the Roseate Tern, the project implements BMPs to reduce pollutants to the extent the discharges are not known to have measurable impacts on Roseate Terns, their habitat, or the fish they eat.

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 Eric Kelley at the address listed above, by phone at 617-657-0282, or eak@envpartners.com.

Sincerely,



Environmental Partners Group, Inc.
Eric A. Kelley, P.E.
Project Manager
P: (617) 657-0282
E: eak@envpartners.com

Enclosures:

- 1) IPaC Report
- 2) Year 15 NPDES PII Small MS4 General Permit Annual Report – Town of Kingston, MA
- 3) USGS Topographic Quadrangle – Town of Kingston, MA



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:
Consultation Code: 05E1NE00-2018-SLI-2434
Event Code: 05E1NE00-2018-E-05651
Project Name: Kingston

July 18, 2018

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-2434

Event Code: 05E1NE00-2018-E-05651

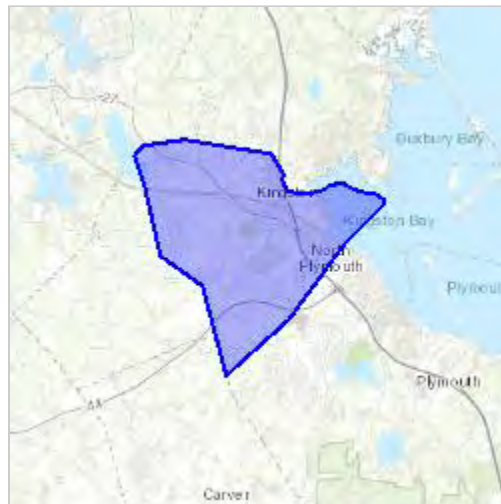
Project Name: Kingston

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/41.97813879627476N70.74266831886396W>



Counties: Plymouth, 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

Reptiles

NAME	STATUS
Plymouth Redbelly Turtle <i>Pseudemys rubriventris bangsi</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/451	Endangered

Critical habitats

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

Municipality/Organization: Town of Kingston, MA

EPA NPDES Permit Number: MAR041041

MaDEP Transmittal Number: W-036193

Annual Report Number

& Reporting Period:

No. 10: March 17-March 18

NPDES Phase II Small MS4 General Permit Annual Report

Part I. General Information

Contact Person: Mary Guiney

Title: Conservation Agent

Telephone #: 781-585-0537

Email: mguiney@kingstonmass.org

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, 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.

Signature: Gloria Mitchell

Printed Name: Gloria Mitchell

Title: Assistant to the Town Administrator/Selectboard

Date: May 1, 2018

Part II. Self-Assessment

Permit Term 2017-2018

During the March 2017 to March 2018 permit term, the Town of Kingston continued to meet the requirements of its NPDES Phase II permit with assistance from Environmental Partners Group, Inc. (EPG), ATP Environmental, and other agencies, and volunteers. EPG has a contract with the Town to submit a Notice of Intent (NOI) and Stormwater Management Plan (SWMP) under the new Stormwater MS4 General Permit that was jointly issued by USEPA Region 1 and MassDEP on April 4, 2016 with an effective date of July 1, 2017. The Town has been working with EPG to plan for submitting the required NOI by September 29, 2018 and SWMP by July 1, 2019. The FY18 budget submission included additional funding requests in order to meet the enhanced requirements of the new MS4 permit. ATP Environmental continues to assist the Town with planning and engineering for all grant-funded stormwater remediation projects in the Jones River Estuary and Kingston Bay, as they have done since 2011. Kingston had some major accomplishments during the 15th permit term and the most significant include:

- At Annual Town Meeting in May 2017, the Town of Kingston voted to fund stormwater compliance activities required by the United States Environmental Protection Agency and the Massachusetts Department of Environmental Protection under the MS4 Permit to keep the town in compliance with the new regulations through enhanced public education and outreach, public participation, illicit discharge detection and elimination, mapping of the stormwater system, evaluation of town facilities, operation and maintenance planning and employee training;
- At Annual Town Meeting in May 2017, the Town of Kingston voted to fund a beach stabilization and restoration site improvement project at Gray's beach. The subsequent design, engineering and permitting of the project allowed for the deconstruction of an existing riprap and rock sea wall that served as a coastal bank, stormwater improvements, drainage infrastructure retrofits, boat ramp enhancement, relocation and construction of a new restroom/concession building upslope from its existing location, the creation of a living shoreline/saltmarsh/dune system and other improvements to enhance the use of the park;
- The Town has been working in partnership with the Jones River Watershed Association through an EEA-funded design and permitting phase to improve flow, fish passage, and water quality of the Jones River through eventual removal of the town owned Elm Street Dam. In 2017, the Town was awarded a MassDEP 604b grant to sample stormwater outfalls upstream and downstream of the dam in order to remediate pollution discharging to the river;
- The Town of Kingston was awarded a CZM Coastal Pollutant Remediation Grant for FY 18 to improve town drainage by implementing stormwater best management practices within the roadway layout of Brook Street for the purpose of mitigating stormwater pollution and improving water quality of Second Brook and Third Brook, tributaries to the Jones River;
- The Town has been working with consulting engineers throughout the 15th permit term to finalize preliminary engineering plans for the redesign of Winter Street to improve stormwater control and treatment before discharge to a perennial stream and working to develop preliminary engineering designs to improve stormwater outfalls on Atwood Street, Prospect Street, and River Street which all discharge to wetland resource areas including the Jones River;
- The Town has been Continuing to pursue permanent easements off of Lake Street from the City of Brockton and the Silver Lake Regional School District to install stormwater best management practices and a replacement culvert on Lake Street for the purpose of improving water quality and streamflows for habitat and fish passage as designed through a 2015 MassDEP Sustainable Water Management Initiative (SWMI) grant;
- The Town has been distributing the Greenscapes Pet Waste Card through the Town Clerk's office where dog licenses are obtained (<http://www.greenscapes.org/home-owners/pet-waste/>); and
- The Conservation Commission mailed out 47 outreach and education packets to new homeowner's within Commission jurisdiction to provide information about wetlands, stormwater pollution prevention tips, organic land care, and other important topics that contribute to better water quality.

Further accomplishments by the Town of Kingston in the 15th year of implementing its Stormwater Management Plan are described in more detail below.

Stormwater Working Group

The informal Stormwater Working Group met several times, in whole or in part, in the 2017-2018 permit term for the following:

- Discussing with EPG the forthcoming expectations under the new MS4 Stormwater Permit;
- Discussing development of Kingston's Stormwater Management Regulations to support the By-Law;
- Securing and administering mitigation grants/projects;
- Evaluating conceptual, preliminary, and final design plans with ATP Environmental, EPG, & Weston & Sampson for stormwater mitigation proposals; and
- Working with the Greenscapes Program to continue public outreach components of measurable goals.

Greenscapes Program

In the 15th permit term, the Town of Kingston Water Department continued to support the *Greenscapes* Program sponsored by the NSRWA (South Shore regional partner of the Massachusetts Bays Estuaries Program) and financed by Massachusetts Department of Environmental Protection, Massachusetts Environmental Trust and the Environmental Protection Agency. Through the *Greenscapes* Program, the MassBays South Shore Regional Coordinator conducted outreach to the Kingston Intermediate School (KIS) 5th grade science classes with their *Water All Around You* Program to provide students with the knowledge and tools to be future stewards of the environment.

The 2010 movie, *The Jones River: A Duck's Eye View* (https://www.youtube.com/watch?v=Al-5q_ktq9s), by Alex Mansfield, JRWA Ecology Program Director, was shown to students to give them a visual tour of the river - dams, water quality issues, and all else - in order to educate the students and promote restoration of the river. Various *Greenscapes* informational brochures were distributed to the public in the Town Hall. The Kingston Conservation office regularly mails out the *Greenscapes* brochures to new residents who purchase property within the Commission jurisdiction and 47 new residents received the brochures in 2017-2018.

Website Announcements

In the 2017-2018 permit term Town departments continued to be very active in using the Town of Kingston website (<http://www.kingstonmass.org>) to post community announcements for a variety of things including pollution prevention tips, the availability of free compost at the transfer station, the sale of subsidized compost bins at the Department of Streets, Trees, & Parks (DSTPs), educational messages regarding stormwater, recycling, environmentally sensitive landscaping, etc. A stormwater webpage for posting more stormwater-related materials, including the Town's NPDES Phase II work and stormwater remediation work continues to be updated on a regular basis (http://kingstonma.govoffice3.com/index.asp?SEC=98244A4B-6C67-49DB-8F75-2428CB6987B9&Type=B_BASIC).

Household Hazardous Waste Day

Residents from the Town of Kingston and Duxbury participated in a Duxbury-sponsored Household Hazardous Waste Day in 2017 through a reciprocal arrangement that allows other member towns of the South Shore Recycling Cooperative (SSRC) to attend. Another is planned in Kingston for SSRC member towns on May 19, 2018 (http://ssrcoop.info/images/documents/hhw_flyer_3-17_spring.pdf). This is a service the DSTP's provides to residents on an annual, rotating basis in partnership with the Town of Duxbury in order to promote the proper disposal of household hazardous waste.

MS4 Operation & Maintenance

The Department of Streets, Trees & Parks (DSTP's) commenced their spring 2017 catchbasin, drainline, & water quality structure cleaning with the vacuor truck purchased in 2009 and in the 15th permit year cleaned approximately 80 structures, 350 linear feet of drainlines and will dispose of approximately 150 tons of material in the new fiscal year/current permit term. The DSTP's calibrates their salt spreaders every year to ensure application is appropriately regulated. As part of the enhanced program to clean the town-wide stormwater system, the staff of the DSTP's has generated much valuable data on structure condition for future operation and maintenance needs, as well as for ensuring the Town meets its good housekeeping goals.

Collaborating with Neighbors for Water Quality Improvement Projects

In the 15th permit term, the Town of Duxbury, the JRWA, and the South Shore Region of the Mass Bays Program supported the Town of Kingston's 2017 Coastal Pollutant Remediation (CPR) grant application to mitigate a priority stormwater outfall to Kingston Bay. The Town also worked with the JRWA to install stormwater BMPs at the JRWA Landing Road site through which a town-owned outfall traverses; a high priority outfall for mitigation due to high sediment loading to the Jones River. The Town of Kingston is committed to continuing collaborations with our neighboring communities and nonprofit friends to enhance our shared coastal resource waters.

Jones River Watershed Association (JRWA) & Jones River Landing (JRL) Ecology & Education Programs

Throughout 2017, JRWA/JRL held many educational events that reached nearly many adults and children, including students from area schools and Scout troops. The ecology programs and other activities of the JRWA directly benefit the residents of the town and greatly enhances the efforts of the Town of Kingston in getting the message of environmental stewardship of our wetlands, rivers, and bay out to the general public (See JRWA website at <http://www.jonesriver.org> & 2016 Annual Report at <http://jonesriver.org/getfile/annual-reports/JRWAProgressReport2016.pdf> for more information). JRWA held its 13th annual herring count in 2017. The count had its 5th largest herring run since the count started in 2005 with 4,192 fish counted; up from 3,325 the prior year.

Water Quality Monitoring

With five years of CPR-funded stormwater mitigation projects completed and the priority outfalls identified through the 2011 Mass Bays Research & Planning grant mitigated, the Town will now focus on priority outfalls identified through the 2012 DEP 604(b) Water Quality Management Planning grant under which stormwater sampling occurred at 10 different outfalls; 6 town-owned and 4 state-owned outfalls. The Town will develop a comprehensive water quality monitoring plan for all stormwater outfalls as part of the new SWMP to be developed under the new permit. The Kingston Board of Health conducted weekly sampling of water quality at swimming beaches during the permit term and the MA Division of Marine Fisheries (MassDMF) continued to conduct sanitary surveys for the shellfish growing areas in the bay. This bacterial monitoring helps to inform the Town of Kingston as to potential stormwater pollutants and target areas of concern. In addition, the JRWA conducted water quality sampling throughout Summer 2017 in Kingston Bay and at their Landing Road site on the Jones River as part of the Provincetown Center for Coastal Studies (PCCS) bay-wide monitoring. The parameters sampled during the 13 sampling events included salinity, temperature, nitrate+nitrite, ammonium, total nitrogen, orthophosphate, total phosphorus, turbidity, chlorophyll, and phaeophytin with results found here: <http://www.capecodbay-monitor.org>. JRWA will conduct the same sampling program in the 16th permit term.

Planned Activities 2018-2019

Planned activities for the 2017-2018 permit term include:

1. Work with EPG to prepare NOI & SWMP to comply with the new General Permit;
2. Finalize and implement Stormwater Management Regulations to support administration of Kingston's Stormwater Management By-Law;
3. Continue work to prioritize targets for pollutant remediation, work to implement BMPs, and administer grant projects while seeking further grant opportunities;
4. Work with consulting engineers to finalize engineering plans and complete permitting of Winter Street stormwater mitigation and develop engineering plans to mitigate outfalls on Atwood, Prospect, and River Streets;
5. Completed construction of additional salt storage shed in Spring 2017;
6. Improve stormwater webpage on Town of Kingston website in conjunction with the Stormwater Management By-Law and Regulations, overall NPDES program, stormwater sampling grants, and remediation projects;
7. Develop maintenance record database for enhanced management of the MS4 and for use in GIS;
8. Regularly update the online mapping website to increase awareness of the Town's MS4, among other things;
9. Work with the Planning Dept. on enhancing the Town's GIS for the benefit of MS4 management, among other things;
10. Continue to improve annual DSTEP activities including researching salt use reduction strategies;
11. Work with DEP Division of Watershed Management to source track bacterial hotspot in Tussock Brook within the Lower Jones;
12. Continue to expand use of LID in Kingston and on town-owned properties/projects;
13. Continue Water Department support of the Greenscapes Program, working with Greenscapes on public education efforts;
14. Conduct workshops for single family homeowners such as Stormwater Management for the Home, Healthy Lawns & Landscapes, Landscaping in the Coastal Zone, etc. to educate residents about various ways to reduce stormwater pollution to wetlands & waterways;
15. Continue mailing stormwater brochures and conducting stormdrain stenciling to complete goals under existing General Permit;
16. Provide MassDOT water quality data for sampled outfalls from Route 3A and Route 3 so that they may begin to prioritize Kingston outfalls for mitigation in their Impaired Waters Program;
17. Continue collaboration with JRWA on grant applications for stormwater/resource area improvements, protection of open space, community clean-up days, educational programs, restoration projects, dam removals, etc.;
18. Continue partnership with KIS, SLRHS Conservation & Horticulture, as well as other community groups (Boy Scouts, Girl Scouts, etc.) for Town of Kingston stormwater and resource area improvement projects;
19. Continue partnerships with other agencies and non-profits; and
20. Continue partnerships with neighboring towns on grant proposals to improve water quality of the bay.

Part III. Summary of Minimum Control Measures

1. Public Education and Outreach

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 15 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 16
# 1.1	Partnership with local watershed association	Conservation, DSTEP's, Planning, BOS, Water Dept., Harbormaster, etc.	Collaborate on storm water management, water quality monitoring, herring count, educational programs, clean-ups, etc.	Supported JRWA grant applications for public education and outreach (dam removal & climate change) (NOAA)	Continue cooperative efforts with JRWA outreach and education and grants in 2018 (NOAA)
Revised				<i>Water All Around You Program</i> at Kingston Intermediate School (JRWA, MBP, NSRWA, Greenscapes) Herring count at Water Dept. (JRWA & public) River & CoastSweep clean-up (JRWA, other partners & public)	Continue collaboration on this successful program Herring count in spring 2018 organized with Water Dept. and community (JRWA) Do collaborative clean – ups in 2018 (Coastsweep etc.)

# 1.2	Storm drain stenciling	DSTP, Conservation, KIS, Stormwater Working Group	Re-start and finish town-wide stenciling with educational doorhangers & newspaper articles	No stormdrain stenciling in 2017, but installed several "Dump No Waste, Drains to Bay" catchbasin & drain manhole grates/covers (CPR)	Continue work to expand stenciling effort to increase stormwater education efforts. DSTP to assist on major roads.
Revised					May re-evaluate technique/methods – explore use of metal markers/etched grates/covers Write more newspaper articles on project, use website
# 1.3	Distribution of educational materials and offer of free workshops for residents/officials through Greenscapes Program	Kingston Water Dept., ConCom	Display and use these materials at Kingston Town Hall to encourage greenscapes in Kingston Install a Greenscape on town property Use town website for educational stormwater messages	Greenscapes Program (MBP, NSRWA, & other sponsors) ConCom continued mailings to new residents living near wetlands and waterways Created stormwater webpage in 2015 to increase public education – continued to update	Continue support of Greenscapes Program Continue mailings Continue to improve contents of stormwater webpage
Revised				Regular articles & public access shows on river and watershed (JRWA, PACTV, Kingston Reporter)	Use media more to educate public about stormwater
# 1.4	Pet waste station installation at local conservation lands	Conservation, E.B. Sampson Fund (town grant program)		Maintained Pet Waste Stations installed on 5 conservation land parcels (Senior volunteer)	Install new pet waste station at public places
Revised				Mailed <i>Scoop It</i> brochure to licensed dog owners.	Continue to mail <i>Scoop It</i> brochure to licensed dog owners
# 1.5	Educational seminars for employees, residents, local engineers, developers, real estate agents on water quality, stormwater, conservation issues	Stormwater Working Group	Plan contents of workshops and set dates with schedule of seminars in tax bills, in paper, on website	Draft Stormwater Management Regulations	Hold more workshops Implement supporting Stormwater Management Regulations
Revised					
# 1.6	Annual clean-up of town properties/streets	Conservation, DSTP	Hold annual clean-up days	Various Boy/Girl Scout groups and volunteers cleaned up conservation land parcels & DSTP's disposed of rubbish (Boy/Girl Scouts & public)	Participate in Fall Coastsweep and expand beyond the coast to inland areas (ConCom, DSTP's Recreation, community groups, volunteers, etc.)

Revised				DSTP's conduct monthly cleanups along roadways	Continue regular cleanup
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2. Public Involvement and Participation

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 15 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 16
# 2.1	Partnership with local schools	ConCom, DSTP's Water Dept.	KIS Raingarden Maintenance Greescapes Program participation	ConCom & DSTP's did not maintain raingardens in 2017 <i>Water All Around You</i> program for KIS 5 th graders (MBP, NSRWA, & JRWA)	Conduct maintenance in 2018 with volunteer & school (volunteers/KIS) <i>Water All Around You</i> program for KIS 5 th graders (MBP, NSRWA, & JRWA)
Revised					
# 2.2	Partnership with watershed association	Planning, DSTPs, Harbormaster, Conservation DSTPs, Conservation, Planning, Water, Health, Building Conservation, DSTPs, BOS Water Dept.	Continue collection of water quality data (JRWA) Stormwater Working Group Continued mitigating priority outfalls (ATP) Hold annual Herring counts & Greenscapes support	JRWA water quality monitoring in river & bay (JRWA & PCCS) Under contract with EPG for new NOI & SWMP (JRWA) Completed Phase IV & started Phase V (ATP & JRWA) Trained volunteers to participate in 2017 herring count (JRWA)	Continue water quality sampling and engage public in sampling (JRWA) Submit new NOI & SWMP draft SW regulations, consider targeted mailings. (JRWA) Commence Phase V (ATP & JRWA) Continue herring count & work with Greenscapes in new permit term (JRWA)
Revised					
# 2.3	Storm drain stenciling	Highway, Conservation, KIS, Stormwater Working Group	Organizing neighborhoods/volunteers to stencil storm drains	No stenciling in 2017, but purchased CB/DMH grates & covers with "No Dumping, Drains to Bay" messages	Continue purchase of etched grates & covers and seek volunteers for stenciling in 2018
Revised					
# 2.4	Establishing formal Stormwater Management Task Force with citizen involvement	Selectmen and all other applicable boards	Establish Storm Water Management Task Force with regularly scheduled meetings and activities	Still informal Stormwater Working Group meetings with appropriate town officials (JRWA & other agencies)	Establish formal Stormwater Management Task Force with expanded involvement to include more town boards and citizens at large (EPG, JRWA, other towns input)

Revised					
# 2.5	Household Hazardous Waste Collection and Recycling Day	DSTP's and Town of Duxbury	Hold annual collection days Collect mercury-containing thermometer/thermostats throughout year	Successful collection day in Kingston held in spring 2017 that was well attended by Kingston and Duxbury residents (SSRC) DSTP's cont'd collecting mercury thermometers, thermostats and handing out non-mercury thermometers	Spring 2018 collection day in Duxbury for Kingston residents as well (SSRC) Town to continue program
# 2.6	Educational seminars, mailings, & other information for residents, local engineers, developers, real estate agents on water quality, stormwater, conservation issues	Stormwater Working Group	Plan contents of workshops and set dates. Advertise seminars in tax bills, in paper, & website. Expand educational outreach via website, mailings, etc.	Regulatory revision workshop (including stormwater provisions) open to public in Kingston by DEP in 15th permit term (DEP) Advocated for stormwater pollution prevention with various town departments & public through public hearings & conservation related mailings to new residents Created stormwater webpage on town website	Hold more workshops for general public Work on improving webpage
# 2.7	Annual clean-up days on town properties	Conservation, DSTP	Hold annual clean-up day	Various Boy/Girl Scout groups cleaned up conservation land parcels and DSTP's disposed of rubbish (Boy/Girl Scouts & public)	Work on coordinating more large scale clean-up days on town lands with various town groups such as Coastsweep and beyond in 2018 (JRWA & Public)
# 2.8	Form "Friends of Conservation Land" group	Conservation, Open Space Committee & DSTP's	Hold regular clean-up days and watch group to reduce vandalism, theft and littering of town conservation land where there are many wetlands and streams	Senior volunteer for conservation land maintenance & began planning Volunteer Land Stewardship Program (Americorps-MassLift, Wildlands Trust, & public)	Continue outreach efforts to fully implement the Volunteer Land Stewardship Program (Americorps-MassLift, Wildlands Trust, & public)

3. Illicit Discharge Detection and Elimination

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 15 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 16
# 3.1	Catch basin/outfall and sewer mapping to receiving waters	Planning, DSTP, Conservation	Mapping hotspots that are suspected to carry high pollutant loads	Under contract with EPG to submit NOI & SWMP (EPG)	Submit new NOI and SWMP (2018) & implement SW regulations to aid implementation of amended by-law (EPG)
Revised					
# 3.2	Sewering of densely developed areas and environmentally sensitive areas of town to reduce septic influence on water quality	Sewer Commission	Expand sewer capacity	Continued planning for sewer expansion	Continue planning for sewer expansion
Revised					
# 3.3	Regulatory Review & Permit Enforcement	Selectmen, Planning, Building, Zoning, Conservation, DSTP's, BOH		Draft Stormwater Management Regulations	Implement Stormwater Management Regulations
Revised					
# 3.4	Storm drain stenciling	DSTP, Conservation, Stormwater Working Group	Adopt a Storm Drain	Discussion of including this in storm drain stenciling efforts, but no progress made	Neighborhood representatives to monitor storm drains for illicit discharges – pursue this with stormdrain stenciling efforts
Revised					
# 3.5	Water Quality Monitoring	Planning, Conservation, Highway, Water, Harbormaster, Stormwater Working Group	Expand WQ monitoring to include surveying for illicit discharge detection	BOH Beach sampling and DMF Sanitary Surveys only in 15 th year Based on WQ analysis, prioritized new outfalls for remediation	Complete conceptual, preliminary, and final plans to implement BMPs at priority outfalls (ATP & CPR)

4. Construction Site Stormwater Runoff Control

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 15 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 16
# 4.1	Regulatory Mechanisms	Selectmen, Planning, Building, Conservation, DSTP, Stormwater Working Group	Establish and implement local stormwater management by-laws and/or stormwater authority to increase construction runoff controls in design criteria	Draft Stormwater Management Regulations	Finalize Stormwater Management Regulations and complete implementation (EPG, JRWA, public) Continue implementing & encouraging LID through regulatory permitting
Revised					
# 4.2	Site Plan Review	Planning, Conservation, Building, Zoning, BOH, Stormwater Working Group	Establish Phase II specific stormwater guidelines for review of site plans	Regularly require developers to obtain NPDES CGP for disturbance of 1 acre or more of land	Review in accordance with Stormwater Management By-Law & Regulations
Revised					
# 4.3	Enforcement	Building, Planning, Zoning, BOH, DSTP, Conservation, Stormwater Working Group	Establish new site inspection forms, new procedures and fee/fine schedules for incorporating requirements of Phase II TMDLs on 303d waters	Draft Stormwater Management Regulations further defining enforcement procedures	Implement Stormwater Management Regulations to further enhance enforcement procedures Work with Plymouth, Duxbury, MEP & DEP to develop TMDL for bay and develop land use management standards to work toward removing waterbodies from 303d list
Revised					

5. Post-Construction Stormwater Management in New Development and Redevelopment

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 15 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 16
# 5.1	Regulatory Mechanisms	Selectmen, Town Administrator, Planning, Building, Conservation, DSTP	Implement local stormwater management by-law	Draft Stormwater Management Regulations further defining enforcement procedures	Implement Stormwater Management Regulations to improve enforcement procedures
Revised					
# 5.2	Site Plan Review/As-Built Review	Planning, Conservation, Building, Zoning, BOH, DSTP	Establish Phase II - specific stormwater guidelines and low impact development guidelines for review of site plans	Draft Stormwater Management Regulations finalize jurisdictional review GIS mapping will improve reviews	Implement Stormwater Management Regulations to improve reviews Continue work on town-wide GIS enhancements
Revised					
# 5.3	Enforcement	Building, Planning, Zoning, BOH, DSTP, Conservation	Establish new site inspection forms, new procedures and fee/fine schedules for incorporating requirements of Phase II	Draft Stormwater Management Regulations further defining enforcement procedures Continue to attach Operations & Maintenance Plans to Conservation Orders of Conditions and refer directly to the O & M Plan with specific conditions into perpetuity (as required under DEP stormwater policy) Continue requiring annual reports submitted to ConCom for stormwater maintenance post-construction	Implement Stormwater Management Regulations to further enhance enforcement procedures Establish cash (instead of bond) surety with developers to create binding obligation to keep stormwater runoff onsite Follow up on post-construction enforcement

6. Pollution Prevention and Good Housekeeping in Municipal Operations

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 15 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 16
# 6.1	Employee Training	Selectmen, DSTP, Water, Building, Planning, Conservation, Stormwater Working Group	Establish pollution prevention plan and good housekeeping procedures & schedules	Attended workshop on Creating Healthy, Resilient Communities Through Green Infrastructure in January 2017 Went to UNH Stormwater Center in 2017 with Supt. of Streets, Trees & Parks	Plan to seek other training opportunities
Revised					
# 6.2	Improved Maintenance	DSTP, Water, Building	Increase frequency of maintenance and implement better storage practices	Vacuum truck cleaned ~80 structures in 2017-2018 & disposed of ~150 tons (including street sweepings) Annual street sweeping reduced through elimination of sand from de-icing practices	Work on database to track maintenance activities Work on salt reduction strategies as well
Revised				Calibrate spreaders to reduce salt use	Continue to calibrate spreaders
# 6.3	Improved stormwater treatment	DSTP, Water, Conservation, Planning	Upgrade current systems in sensitive areas	Completed SW retrofits at 2 sites with grant funds in 2017 (CZM, ATP)	SW retrofits at 1-2 sites to be implemented in 2018 (CZM, ATP, HW) Continue to seek funding for retrofitting town-owned sites to improve stormwater treatment (ATP)
Revised					
#6.4	Inter-department education	Conservation, Building, Water, DSTP, Sewer, Zoning	Continue informal education	Continued communicating the importance of stormdrain protection during road work for water, sewer, & drainline work performed by the town and the use of enhanced erosion controls	Continue to be vigilant with informal inter-departmental education of stormwater impacts to waterways Seek formal training sessions for all dept's.
#6.5	Improved Recycling	BOS, DSTP's, Recycling Committee	Continue improvements	DSTP's continues to sell compost bins which will help in eliminating food waste from	Continue to encourage composting to eliminate food waste from the waste

				waste stream. Commenced rigid plastic and antifreeze recycling at transfer station Board of Health regulations requiring private haulers to recycle went into effect on April 2017.	stream Continue to improve recycling
#6.6	Stormdrain Stenciling	Stormwater Working Group, DSTP's	Start and finish town-wide stenciling with educational doorhangers & newspaper articles	No stormdrain stenciling in 15 th permit term, but installed several "Dump No Waste, Drains to Bay" catchbasin & drain manhole grates/covers (CPR)	Work with community groups to continue stenciling project in 2018 Write newspaper articles, use website, other media outlets

7. BMPs for Meeting Total Maximum Daily Load (TMDL) Waste Load Allocations (WLA) <<if applicable>>

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 15 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 16
#7.1	Target 303d waterbodies for Water Quality Monitoring	Stormwater Working Group	Focus sampling on 303d impaired waterbodies to work toward removing them from 303d list	Implemented SW retrofit systems at 1 town-owned outfall (2 sites) discharging to bay in 2017 (CZM, ATP)	Conduct monitoring in 2018 at headwater to Jones, etc. Seek grant funds to implement BMP retrofits at prioritized sites identified through 604(b) sampling (ATP & others)
Revised					
#7.2	GIS Mapping	Stormwater Working Group	Complete mapping of stormdrain system and outfalls	Continued annual updates to OnlineGIS (CAI) No GIS training in 2017	Continue to upgrade OnlineGIS with updated & improved datalayers Continue to seek GIS training in 16 th permit term
Revised					

#7.3	Stormwater Modeling	Stormwater Working Group	Focus modeling on 303d impaired waterbodies to work toward removing them from 303d list as well as bay needing TMDL	2016 - Completed mitigation of outfalls prioritized through the MassBays Research & Planning grant work in 303d bay & Jones River	Begin addressing priorities identified through 604b project in lower Jones
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Part IV. Summary of Information Collected and Analyzed

The following assessments were conducted in the year 2017-2018:

1. Based on priorities identified through the DEP-funded 604(b) Water Quality Management Planning project, ATP Environmental has been working on developing conceptual, preliminary, and final engineering plans for future BMP permitting & implementation;
2. Board of Health beach sampling summer swim season 2017-2018 with no closures;
3. DMF/Harbormaster 2017-2018 sanitary survey sampling of Kingston Bay; and
4. JRWA water quality monitoring of river and bay in during Summer 2017 for PCCS Cape Cod Bay sampling.

Part V. Program Outputs & Accomplishments (OPTIONAL) * (Please see note below this section)

Programmatic

Stormwater management position created/staffed	(y/n)	N
Annual program budget/expenditures	(\$)	ATM2011 – \$ 23,350.00 for NOI & SWMP. Remaining budget for education & outreach = \$ 1,565.00

Education, Involvement, and Training

Estimated number of residents reached by education program(s)	(# or %)	-Many (website) -47 (Conservation mailings) -All (Mass Recycles/ Greenscapes) -Many more (JRWA Programs)
Stormwater management committee established	(y/n)	Y - Informal
Stream teams established or supported	(# or y/n)	JRWA
Shoreline clean-up participation or quantity of shoreline miles cleaned	(y/n or mi.)	2 miles
Household Hazardous Waste Collection Days		
▪ days sponsored	(#)	12 (in SSRC – 1 in Kingston/Dux)
▪ community participation	(#)	?(in SSRC)

▪ material collected	(tons or gal)	Electronic Waste – ? tons Textiles – ? tons (SSRC)
School curricula implemented	(y/n)	Y (<i>Water All Around You</i> & School Recycling Programs)

Legal/Regulatory

In Place
Prior to
Phase II
Adopted

Under
Review

Drafted

Regulatory Mechanism Status (indicate with "X")				
▪ Illicit Discharge Detection & Elimination	Amended 2014	x		
▪ Erosion & Sediment Control		x		
▪ Post-Development Stormwater Management	Amended 2014	x		
Accompanying Regulation Status (indicate with "X")				
▪ Illicit Discharge Detection & Elimination	Amended 2014	x		
▪ Erosion & Sediment Control		x		
▪ Post-Development Stormwater Management	Amended 2014	x		

Mapping and Illicit Discharges

Outfall mapping complete	(%)	100%
Estimated or actual number of outfalls	(#)	253
System-Wide mapping complete	(%)	100%
Mapping method(s)		
▪ Paper/Mylar	(%)	100%
▪ CADD	(%)	0
▪ GIS	(%)	100%
Outfalls inspected/screened	(# or %)	4%
Illicit discharges identified	(#)	0
Illicit connections removed	(#) (est. gpd)	0
% of population on sewer	(%)	26.0%
% of population on septic systems	(%)	74.0%

Construction

Number of construction starts (>1-acre)	(#)	1
Estimated percentage of construction starts adequately regulated for erosion and sediment control	(%)	95%
Site inspections completed	(# or %)	40
Tickets/Stop work orders issued	(# or %)	1
Fines collected	(# and \$)	1 (\$3K)
Complaints/concerns received from public	(#)	5

Post-Development Stormwater Management

Estimated percentage of development/redevelopment projects adequately regulated for post-construction stormwater control	(%)	95%
Site inspections completed	(# or %)	30
Estimated volume of stormwater recharged	(gpy)	85%

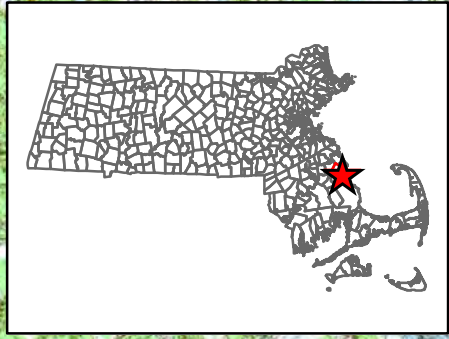
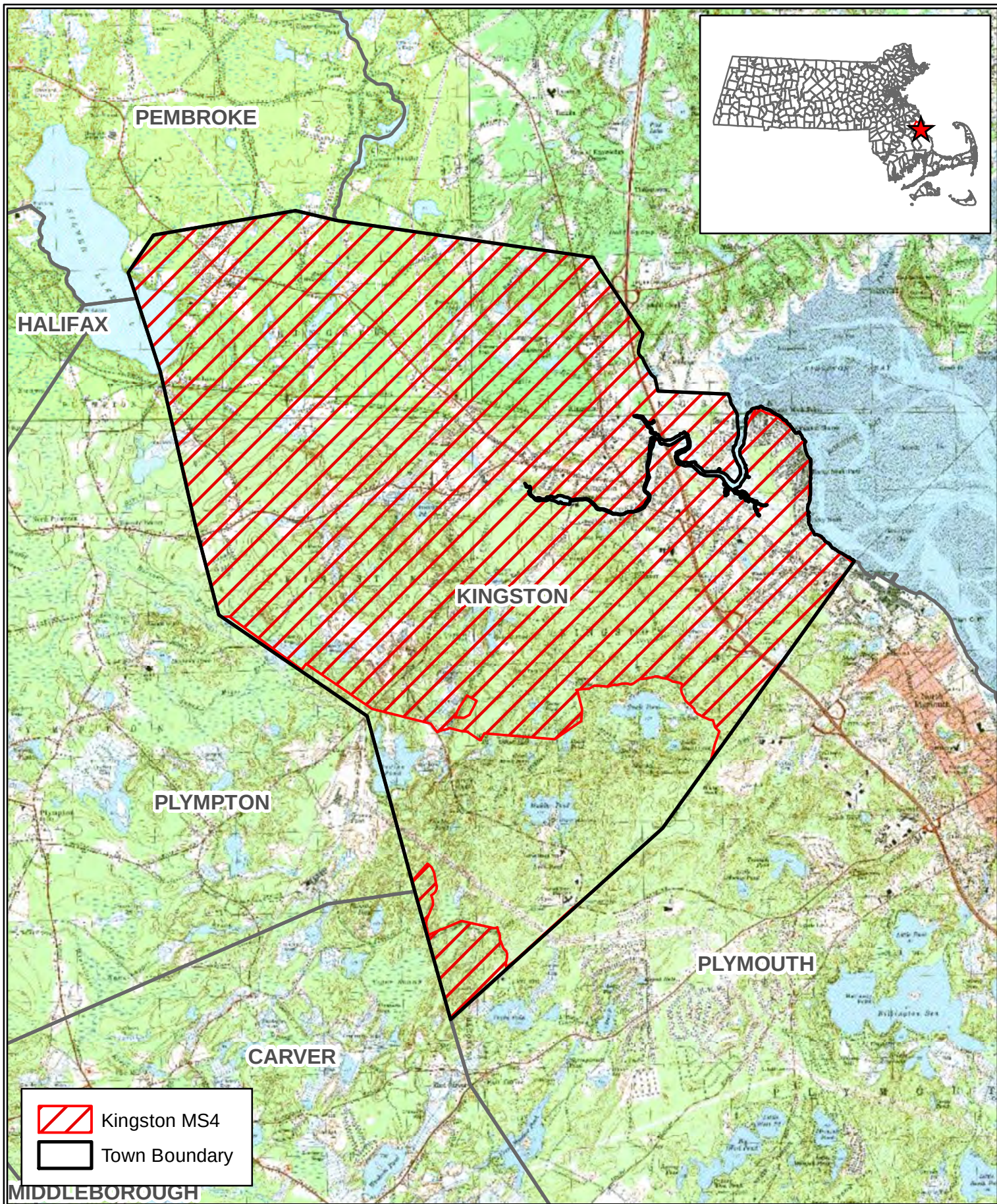
Operations and Maintenance

Average frequency of catch basin cleaning (non-commercial/non-arterial streets)	(times/yr)	Once/year
Average frequency of catch basin cleaning (commercial/arterial or other critical streets)	(times/yr)	Once/year
Total number of structures cleaned	(#)	~80
Storm drain cleaned	(LF or mi.)	~350 LF
Qty. of screenings/debris removed from storm sewer <i>infrastructure (includes street sweepings)</i>	(lbs. or tons)	~150 tons
Disposal or use of sweepings (landfill, POTW, compost, recycle for sand, beneficial use, etc.)		None (FY19)
Cost of screenings disposal <i>(includes street sweepings)</i>	(\$)	0

Average frequency of street sweeping (non-commercial/non-arterial streets)	(times/yr)	1/year
Average frequency of street sweeping (commercial/arterial or other critical streets)	(times/yr)	1/year
Qty. of sand/debris collected by sweeping <i>(includes storm sewer screenings)</i>	(lbs. or tons)	~150 tons
Disposal of sweepings (landfill, POTW, compost, beneficial use, etc.)	(location)	None (FY19)
Cost of sweepings disposal <i>(includes storm sewer screenings)</i>	(\$)	0 (FY19 disposal)
Vacuum street sweepers purchased/leased	(#)	No
Vacuum street sweepers specified in contracts	(y/n)	N, but will be for porous pavements

Reduction in application on public land of: ("N/A" = never used; "100%" = elimination)		
▪ Fertilizers	(lbs. or %)	20%
▪ Herbicides	(lbs. or %)	20%
▪ Pesticides	(lbs. or %)	20%

Anti-/De-Icing products and ratios (100% NaCl or CaCl ₂ , depending on temperature)	% NaCl	100%
	% CaCl ₂	100%
	% MgCl ₂	0
	% CMA	0
	% Kac	0
	% KCl	0
	% Sand	0
Pre-wetting techniques utilized	(y/n)	Y
Manual control spreaders used	(y/n)	Y
Automatic or Zero-velocity spreaders used	(y/n)	Y(1 town truck)
Estimated net reduction in typical year salt application	(lbs. or %)	0%(researching)
Salt pile(s) covered in storage shed(s)	(y/n)	Y (replaced FY17)
Storage shed(s) in design or under construction	(y/n)	N

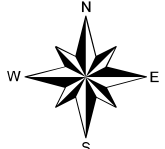


Kingston MS4



Town Boundary

0 3,000 6,000 12,000 Feet



USGS Topographic Quadrangle
Kingston, Massachusetts

Environmental Partners
A partnership for engineering solutions.



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

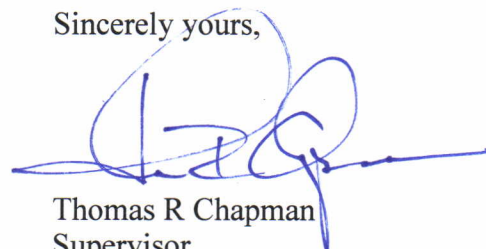
species listed under **Criterion C**,¹ you may still use this letter to certify under **Criterion B**. All existing guidance regarding requirements for certifying eligibility according to the USFWS Criterion A, B, or C for coverage by the 2016 MS4 Permit (see MA MS4 General Permit Appendix C – Endangered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