

# Notice of Intent (NOI) for coverage under Small MS4 General Permit Page 1 of 19

## Part I: General Conditions

### General Information

Name of Municipality or Organization:  State:   
EPA NPDES Permit Number (if applicable):

### Primary MS4 Program Manager Contact Information

Name:  Title:   
Street Address Line 1:   
Street Address Line 2:   
City:  State:  Zip Code:   
Email:  Phone Number:   
Fax Number:

### Other Information

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

### Eligibility Determination

Endangered Species Act (ESA) Determination Complete?  Eligibility Criteria (check all that apply):  A  B  C  
National Historic Preservation Act (NHPA) Determination Complete?  Eligibility Criteria (check all that apply):  A  B  C

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

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

**Estimated Percent of Outfall Map Complete?**  If 100% of 2003 requirements not met, enter an estimated date of completion (MM/DD/YY):   
*(Part II, III, IV or V, Subpart B.3.(a.) of 2003 permit)*

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)

<b>Illicit Discharge Detection and Elimination (IDDE) Authority Adopted?</b> <i>(Part II, III, IV or V, Subpart B.3.(b.) of 2003 permit)</i>	<input type="text" value="Yes"/>	Effective Date or Estimated Date of Adoption (MM/DD/YY):	<input type="text"/>
<b>Construction/Erosion and Sediment Control (ESC) Authority Adopted?</b> <i>(Part II, III, IV or V, Subpart B.4.(a.) of 2003 permit)</i>	<input type="text" value="Yes"/>	Effective Date or Estimated Date of Adoption (MM/DD/YY):	<input type="text"/>
<b>Post- Construction Stormwater Management Adopted?</b> <i>(Part II, III, IV or V, Subpart B.5.(a.) of 2003 permit)</i>	<input type="text" value="Yes"/>	Effective Date or Estimated Date of Adoption (MM/DD/YY):	<input type="text"/>



Waterbody segment that receives flow from the MS4	Number of outfalls into receiving water segment	Chloride	Chlorophyll-a	Dissolved Oxygen/ DO Saturation	Nitrogen	Oil & Grease/ PAH	Phosphorus	Solids/ TSS/ Turbidity	E. coli	Enterococcus	Other pollutant(s) causing impairments
Farley Brook	13	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Butterfield Pond	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AQUATIC PLANTS (MACROPHYTES)
Unnamed Brook	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Turning Mill Brook	5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Juniper Hill	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Pheasant Brook	5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Click to lengthen table

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

### Part III: Stormwater Management Program Summary

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

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

#### MCM 1: Public Education and Outreach

<b>BMP Media/Category</b> (enter your own text to override the drop down menu)	<b>BMP Description</b>	<b>Targeted Audience</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b>	<b>Beginning Year of BMP Implementation</b>
Videos	Rubber Ducky/Think Blue video on local access tv	Residents	Engineering	Track number of times video has been played	2018
Newspaper Articles/Press Releases	Press release	Businesses, Institutions and Commercial Facilities	Engineering	Number of times printed in newspaper	2018
Brochures/Pamphlets	Press release	Developers (construction)	Engineering	Decrease number of erosion complaints	2018
Brochures/Pamphlets	Handout available at DPW	Industrial Facilities	Engineering	Track number of handouts taken	2018
Web Page	Website message	Residents	Engineering	Track number of visitors	2020
Web Page	Messages about fertilizers and BMP maintenance	Businesses, Institutions and Commercial Facilities	Engineering	Track number of visitors	2020
Brochures/Pamphlets	One page cartoon on erosion control practices	Developers (construction)	Engineering	Track number of pamphlets that are taken	2020
Web Page	PDF of appropriate BMPs	Industrial Facilities	Engineering	Track number of visitors	2020







## 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)

<b>BMP Categorization</b> (enter your own text to override the drop down menu)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)	<b>Beginning Year of BMP Implementation</b>
SSO inventory	Develop SSO inventory in accordance of permit conditions	DPW Operations	Complete within 1 year of effective date of permit	2019
Storm sewer system map	Create map and update during IDDE program completion	Engineering	Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit	2018
Written IDDE program	Create written IDDE program	Engineering	Complete within 1 year of the effective date of permit and update as required	2018
Implement IDDE program	Implement catchment investigations according to program and permit conditions	Engineering	Complete 10 years after effective date of permit	2018
Employee training	Train employees on IDDE implementation	Engineering	Train annually	2018
Conduct dry weather screening	Conduct in accordance with outfall screening procedure and permit conditions	Engineering	Complete 3 years after effective date of permit	2018
Conduct wet weather screening	Conduct in accordance with outfall screening procedure	Engineering	Complete 10 years after effective date of permit	2018
Ongoing screening	Conduct dry weather and wet weather screening (as necessary)	Engineering	Complete ongoing outfall screening upon completion of IDDE program	2018
IDDE Plan - In-stream Monitoring (Dry Weather)	Sample outfalls according to IDDE Plan	Engineering	Continue sampling program	2018
IDDE Plan - In-stream Monitoring (Wet Weather)	Sample outfalls according to IDDE Plan	Engineering	Continue sampling program	2018



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

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

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

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)	<b>Beginning Year of BMP Implementation</b>
Site inspection and enforcement of Erosion and Sediment Control (ESC) measures	Complete written procedures of site inspections and enforcement procedures	Engineering and Conservation	Complete within 1 year of the effective date of permit	2018
Site plan review	Complete written procedures of site plan review and begin implementation	Engineering and Conservation and Planning	Complete within 1 year of the effective date of permit	2018
Erosion and Sediment Control	Adoption of requirements for construction operators to implement a sediment and erosion control program	Engineering and Conservation	Complete within 1 year of the effective date of permit	
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	Complete within 1 year of the effective date of permit	2018



## 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

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)	<b>Beginning Year of BMP Implementation</b>
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	Engineering	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	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/zoning Department	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/zoning Department	Complete 4 years after effective date of permit and implement recommendations of report	2022



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

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

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

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)	<b>Beginning Year of BMP Implementation</b>
O&M procedures	Create written O&M procedures including all requirements contained in 2.3.7.a.ii for parks and open spaces, buildings and facilities, and vehicles and equipment	Engineering and DPW Operations	Complete and implement 2 years after effective date of permit	2020
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Create inventory	Engineering	Complete 2 years after effective date of permit and implement annually	2019
Infrastructure O&M	Establish and implement program for repair and rehabilitation of MS4 infrastructure	DPW Operations	Complete 2 years after effective date of permit	2018
Stormwater Pollution Prevention Plan (SWPPP)	Create SWPPPs for maintenance garages, transfer stations, and other waste-handling facilities	Engineering	Complete and implement 2 years after effective date of permit	2020
Catch basin cleaning	Establish schedule for catch basin cleaning such that each catch basin is no more than 50% full and clean catch basins on that schedule	DPW Operations & Engineering	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	DPW Operations	Sweep all streets and permittee-owned parking lots once per year in the spring	2018
Road salt use optimization program	Establish and implement a program to minimize the use of road salt	DPW Operations	Implement salt use optimization during deicing season	2018

Inspections and maintenance of stormwater treatment structures	Establish and implement inspection and maintenance procedures and frequencies	DPW Operations	Inspect and maintain treatment structures at least annually	2018
Composting Program	Household collection for municipal composting operation.	DPW Operations	Hold regular collection days for residents.	2018
Compliance with Wetland Protection Act	Continue enforcing WPA	Conservation Committee	Hold regular hearings	2018





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

## Part IV: Notes and additional information

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

Click to add text

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

## Part V: Certification

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

Name:

Kelly Arkell

Title:

Acting Town Mgr

Signature:

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

Date:

9/18/18

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

**From:** Michael Sprague  
**To:** [Kozminski, Michelle](mailto:Kozminski,Michelle)  
**Cc:** [Reports Stormwater](mailto:Reports.Stormwater); [John Livsey](mailto:John.Livsey)  
**Subject:** RE: Small MS4 NOI submission - additional or corrected information required  
**Date:** Monday, October 01, 2018 8:34:53 AM  
**Attachments:** [ESAE Lexington.pdf](#)

---

Hi Michelle,  
As required here are the missing items:

The attached pdf is the statement of how our planned activities will not adversely impact endangered species.

The missing implementation year for the Construction BMP is 2018.

And Lexington will adhere to part II of Appendix H according to part 2.2.2.b for the phosphorus impairment in the Mystic River.

And the original signed copy is in the mail for the certificate section.

If we are missing anything else please let me know.

Thank you,  
Mike Sprague

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

**From:** Kozminski, Michelle [<mailto:kozminski.michelle@epa.gov>]  
**Sent:** Friday, September 28, 2018 2:40 PM  
**To:** John Livsey <[jlivsey@lexingtonma.gov](mailto:jlivsey@lexingtonma.gov)>; Michael Sprague <[msprague@lexingtonma.gov](mailto:msprague@lexingtonma.gov)>  
**Cc:** Reports Stormwater <[Stormwater.Reports@epa.gov](mailto:Stormwater.Reports@epa.gov)>  
**Subject:** Small MS4 NOI submission - additional or corrected information required

Hello,

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

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

Thanks,  
Michelle

Michelle Kozminski  
U.S. EPA Region 1  
5 Post Office Square-OEP06-4  
Boston, MA 02109-3912  
617-918-1222



***Town of Lexington***  
**Department of Public Works**  
**Engineering**

John R. Livsey, P.E.  
Town Engineer

Tel: (781) 274-8305  
Fax: (781) 274-8385

October 1, 2018

Newton Tedder  
US Environmental Protection Agency  
Stormwater and Construction Permits Section (OEP06-1)  
Five Post Office Square, Suite 100  
Boston, MA 02109

Re: Endangered Species Determination for Lexington, MA Associated with the MA MS4 General Permit

Dear Mr. Newton Tedder:

The Town of Lexington, MA is a non-federal representative designated by the Environmental Protection Agency (EPA) for conducting formal or informal consultation with the U.S. Fish and Wildlife Service.

I have evaluated the United States Fish & Wildlife Service iPaC Biological and Conservation Data System files in response to new regulation promulgation under the 2016 Massachusetts Municipal Separate Sewer System (MS4) General Permit. The objective of this review is to determine the presence of endangered or threatened species within the program implementation area in Lexington, MA.

Our review evaluated the area of impact of required program activities, analysis of these program activity areas within the iPaC database, examining maps, other sources of information, and the personal knowledge of staff or cooperating experts.

According to the information currently in the iPaC database, there is one threatened species within the proposed project area (Northern Long-Eared Bat) and no critical habitat.

The proposed stormwater program activities are a continuation of previous permitted activities and include non-structural management of stormwater runoff as required by the MA MS4 General Permit. These activities will include education, investigation, and pollutant source control on existing municipal facilities and roadways and will not disturb terrestrial vegetation. The listed species are sensitive to land disturbance and as the program implementation will not disturb vegetation we have therefore determined that our programmatic activities will have "no affect" on the listed species.

If during the course of the permit term we plan to install structural stormwater treatment practices or engage in other land disturbing activities as a result of compliance within the MS4 General Permit, the Town of Lexington will initiate further informal or formal consultation with the USFWS.

Based on this review and an evaluation of determination requirements outlined in Appendix C of the MA MS4 General Permit, we have determined that we meet Criterion C. We request EPA's concurrence of this determination for inclusion in our Stormwater Management Program Plan.

Please do not hesitate to contact me if you have further questions about Lexington's stormwater management program.

Sincerely,



John R. Livsey, PE  
Town Engineer