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

Part I: General Conditions

General Information

Name of Municipality or Organization: Northampton State: MA

EPA NPDES Permit Number (if applicable): MA041016

Primary MS4 Program Manager Contact Information

Name: Donna LaScaleia Title: Director

Street Address Line 1: 125 Locust Street

Street Address Line 2:

City: Northampton State: MA Zip Code: 01060

Email: dlascaleia@northamptonma.gov Phone Number: (413) 587-1570

Fax Number: (413) 587-1576

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)* 90% If 100% of 2003 requirements not met, enter an estimated date of completion (MM/DD/YY): 07/01/20

Web address where MS4 map is published: MS4 Map (PDF) attached

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

Regulatory Authorities (if covered under the 2003 permit)

Illicit Discharge Detection and Elimination (IDDE) Authority Adopted? *(Part II, III, IV or V, Subpart B.3.(b.) of 2003 permit)* Yes Effective Date or Estimated Date of Adoption (MM/DD/YY): 06/17/04

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): 06/17/04

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): 06/17/04

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

Part II: Summary of Receiving Waters

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

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

Waterbody that receives flow from the MS4 and segment ID if applicable	Number of outfalls into receiving water segment	Chloride	Chlorophyll-a	Dissolved Oxygen/ DO Saturation	Nitrogen	Oil & Grease/ PAH	Phosphorus	Solids/ TSS/ Turbidity	E. coli	Enterococcus	Other pollutant(s) causing impairments
Barrett/King Street Brook	9	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Bassett/Parsons Brook	15	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Broad Brook	8	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Broughtons/Elm Street Brook	17	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Connecticut River (MA34-04)	8	☐	☐	☐	☐	☐	☐	☐	☒	☐	PCB in Fish Tissue
Day Brook	3	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Deer Brook	2	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Florence Stream	2	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Halfway Brook	3	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Hannum Brook	3	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Lower Meadow Brook	4	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Market Street Brook	5	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Mill River (MA34-28)	54	☐	☐	☐	☐	☐	☐	☐	☒	☐	
Mill River Diversion (MA34-32)	13	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Mill Stream	1	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Old Mill River	20	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Phelps Brook	1	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Pine Brook	5	☐	☐	☐	☐	☐	☐	☐	☐	☐	

Waterbody that receives flow from the MS4 and segment ID if applicable	Number of outfalls into receiving water segment	Chloride	Chlorophyll-a	Dissolved Oxygen/ DO Saturation	Nitrogen	Oil & Grease/ PAH	Phosphorus	Solids/ TSS/ Turbidity	E. coli	Enterococcus	Other pollutant(s) causing impairments
Roberts Meadow Brook	3	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Rocky Hill Brook	8	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Sandy Hill Brook	14	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Unnamed Tributary/Wetlands to Barrett/King Street Brook	4	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Unnamed Tributary/Welands to Bassett/Parsons Brook	48	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Unnamed Tributary/Wetlands to Danks Pond	8	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Unnamed Tributary/Wetlands to Deer Brook	1	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Unnamed Tributary/Wetlands to Hannum Brook	7	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Unnamed Tributary/Wetlands to Manhan River	5	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Unnamed Tributary/Wetlands to Mill River	5	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Unnamed Tributary/Wetlands to Mill River Diversion	1	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Unnamed Tributary/Wetlands to Sandy Hill Brook	1	☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
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		☐	☐	☐	☐	☐	☐	☐	☐	☐	

Click to lengthen table

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

Part III: Stormwater Management Program Summary

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

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

MCM 1: Public Education and Outreach

BMP Media/Category (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 Imple-mentation**
Videos	Wide distribution of Think Blue video and "15 to the River" video	Residents	DPW	Estimated number of views and website visits	2018
Newspaper Articles/Press Releases	Radio Interview about Think Blue and requirements under MS4 permit	Residents	DPW	Number of interviews and estimated audience	2018
Newspaper Articles/Press Releases	Radio Interview about Think Blue and requirements under MS4 permit	Businesses, Institutions and Commercial Facilities	DPW	Number of interviews and estimated audience	2018
Displays/Posters/Kiosks	Panel on buses, posters, press release on cigarette butts	Residents	DPW	Estimated audience and impressions, visits to website, stories placed from press release	2019
Brochures/Pamphlets	Mailing with flyer to waste management companies for distribution to business companies	Businesses, Institutions and Commerc	DPW	Estimated audience, flyers distributed	2019
School Curricula/Programs	Workshop for developers on new development standards and E&S control	Developers (construction)	DPW	Number attending and indication of how much learned	2019

Brochures/Pamphlets	Letter to mangers on fleet maintenance	Industrial Facilities	DPW	Estimated Audience, website visits	2019
School Curricula/Programs	Workshop for developers on LID strategies and technologies	Developers (construction)	DPW	Number attending and indication of how much learned	2020
Displays/Posters/Kiosks	Panel on buses, posters, press release on litter (especially nip bottles)	Residents	DPW	Estimated audience and impressions, visits to website, stories placed from press release	2021
Brochures/Pamphlets	Letter to facility directors of properties regarding installation of hooded catch basins	Businesses, Institutions and Commercial Facilit	DPW	Estimated audience, letters distributed, number interested in follow-up	2021
Newspaper Articles/Press Releases	Letters to facility directors of properties regarding installation of hooded catch basins	Industrial Facilities	DPW	Estimated audience, letters distributed, # interested in follow up	2021

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	DPW	Allow annual review of stormwater management plan and posting of stormwater management plan on website	2018
Public Participation	SWMP Review	DPW	Allow public to comment on stormwater management plan annually	2019

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 Imple-mentation**
SSO inventory	Develop SSO inventory in accordance of permit conditions	DPW	Complete within 1 year of effective date of permit	2018
Storm sewer system map	Create map and update during IDDE program completion	DPW	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	DPW	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	DPW	Complete 10 years after effective date of permit	2018
Employee training	Train employees on IDDE implementation	DPW	Train annually	2018
Conduct dry weather screening	Conduct in accordance with outfall screening procedure and permit conditions	DPW	Complete 3 years after effective date of permit	2018
Conduct wet weather screening	Conduct in accordance with outfall screening procedure	DPW	Complete 10 years after effective date of permit	2018
Ongoing screening	Conduct dry weather and wet weather screening (as necessary)	DPW	Complete ongoing outfall screening upon completion of IDDE program	2021

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 Imple-mentation**
Site inspection and enforcement of Erosion and Sediment Control (ESC) measures	Complete written procedures of site inspections and enforcement procedures	DPW	Complete within 1 year of the effective date of permit	2018
Site plan review	Complete written procedures of site plan review and begin implementation	DPW	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	DPW	Complete within 1 year of the effective date of permit	2018
Waste Control	Adoption of requirements to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes	DPW	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

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 Imple-mentation**
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	DPW	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 the frequency, volume and pollutant loads of stormwater discharges to and from its MS4 through the reduction of impervious cover and update annually.	DPW	Complete 4 years after effective date of permit and report annually on retrofitted properties	2019
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	DPW	Complete 4 years after effective date of permit and implement recommendations of report	2018

Street design and parking lot guidelines	Develop a report assessing requirements that affect the creation of impervious cover. The assessment will help determine if changes to design standards for streets and parking lots can be modified to support low impact design options.	DPW	Complete 4 years after effective date of permit and implement recommendations of report	2020
Ensure any stormwater controls or management practices for new development and redevelopment meet the retention or treatment requirements of the permit and all applicable requirements of the Massachusetts Stormwater Handbook	Adoption, amendment, or modification of a regulatory mechanism to meet permit requirements	DPW	Complete 2 years after effective date of permit	2019

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 Imple-mentation**
O&M procedures	Create written O&M procedures including all requirements contained in 2.3.7.a.ii for parks and open spaces, buildings and facilities, and vehicles and equipment	DPW	Complete and implement 2 years after effective date of permit	2019
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Create inventory	DPW	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	Complete 2 years after effective date of permit	2019
Stormwater Pollution Prevention Plan (SWPPP)	Create SWPPPs for maintenance garages, transfer stations, and other waste-handling facilities	DPW	Complete and implement 2 years after effective date of permit	2019
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	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 permitee-owned parking lots in accordance with permit conditions	DPW	Sweep all streets and permitee-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	Implement salt use optimization during deicing season	2018

Inspections and maintenance of stormwater treatment structures	Establish and implement inspection and maitenance procedures and frequencies	DPW	Inspect and maintain treatment structures at least annually	2018

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

Part III: Stormwater Management Program Summary (continued)

Actions for Meeting Total Maximum Daily Load (TMDL) Requirements

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

Applicable TMDL	Action Description	Responsible Department/Parties (enter your own text to override the drop down menu)
Long Island Sound TMDL (Nitrogen)	Adhere to requirements in part A.I of Appendix F	DPW

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

Part III: Stormwater Management Program Summary (continued)

Actions for Meeting Requirements Related to Water Quality Limited Waters

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

Pollutant	Waterbody ID(s)	Action Description	Responsible Department/Parties (enter your own text to override the drop down menu)
E. Coli	MA34-04	Adhere to requirements in part III of Appendix H	DPW
E. Coli	MA34-28	Adhere to requirements in part III of Appendix H	DPW

Part IV: Notes and additional information

Use the space below to indicate the part(s) of 2.2.1and 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

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:	David J. Narkewicz	Title:	Mayor
Signature:		Date:	9/26/18

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

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

United States Department of the Interior

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

In Reply Refer To: August 23, 2018
Consultation Code: 05E1NE00-2018-SLI-2861
Event Code: 05E1NE00-2018-E-06706
Project Name: Northampton Small MS4 General Permit, Massachusetts

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-2861

Event Code: 05E1NE00-2018-E-06706

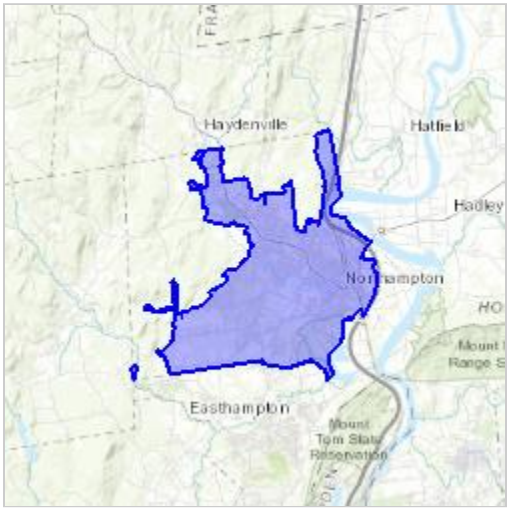
Project Name: Northampton Small MS4 General Permit, Massachusetts

Project Type: ** OTHER **

Project Description: The City of Northampton, Massachusetts seeks authorization from the US EPA to discharge stormwater under the NPDES Small MS4 General Permit.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/42.32969605224824N72.65144031989492W



Counties: Hampshire, MA

Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

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

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

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

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

Mammals

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Clams

NAME	STATUS
Dwarf Wedgemussel *Alasmidonta heterodon* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/784	Endangered

Flowering Plants

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

Critical habitats

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

CITY OF NORTHAMPTON, MASSACHUSETTS
DEPARTMENT OF PUBLIC WORKS
125 Locust Street
Northampton, MA 01060

413-587-1570
Fax 413-587-1576

Donna LaScaleia
Director

From: Donna LaScaleia, Director
City of Northampton
Department of Public Works
125 Locust Street
Northampton, MA 01060

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

August 23, 2018

Re: Project Review Request, Northampton, MA Small MS4 General Permit, 05E1NE00-2018-SLI-2861

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 8/23/2018 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, Dwarf Wedgemussel and Small Whorled Pogonia. 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: The City of Northampton seeks authorization from the U.S. EPA to discharge stormwater under the NPDES Small MS4 General Permit in Massachusetts. As required by this permit, the City will update and implement the Stormwater Management Plan for the City that includes the required minimum control measures for public education and outreach, public involvement and participation, illicit discharge detection and elimination, construction site stormwater runoff control, post-construction stormwater management in new development and redevelopment and municipal good housekeeping and pollution prevention.

The location action area is identified as the regulated MS4 area in Northampton on the enclosed map.

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:

- Although discharges from the project may reach the Mill River used by the dwarf wedgemussel, the project implements BMPs to reduce pollutants and mitigate peak flows to the extent the discharges are not known to have measurable impacts on dwarf wedgemussels or their habitat.
- Although the discharges from the project will likely not impact the terrestrial habitat used by the small whorled pogonia, the project implements BMPs to reduce pollutants and mitigate peak flows to the extent the discharges are not known to have measurable impacts on small whorled pogonia or their habitat.
- The discharges from the project will not impact the northern long-eared bat or the habitat used by the northern long-eared bat.

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 Doug McDonald at the address listed above, by phone at 413-587-1582 or dmcdonald@northamptonma.gov .

Sincerely,

Donna LaScaleia
Director

Enclosures:

1) Map of NPDES Phase II Stormwater Program Automatically Designated MS4 Areas, Northampton, MA.
2) USFWS IPaC List of threatened and endangered species

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

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[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).