

Notice of Intent (NOI) for coverage under Small MS4 General Permit Page 1 of 25

Part I: General Conditions

General Information

Name of Municipality or Organization: State:

EPA NPDES Permit Number (if applicable):

Primary MS4 Program Manager Contact Information

Name: Title:

Street Address Line 1:

Street Address Line 2:

City: State: Zip Code:

Email: Phone Number:

Fax Number:

Other Information

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

Eligibility Determination

Endangered Species Act (ESA) Determination Complete?

Eligibility Criteria (check all that apply): ☐ A ☒ B ☐ C

National Historic Preservation Act (NHPA) Determination Complete?

Eligibility Criteria (check all that apply): ☒ A ☐ B ☐ C

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

MS4 Infrastructure (if covered under the 2003 permit)

Estimated Percent of Outfall Map Complete? If 100% of 2003 requirements not met, enter an estimated date of completion (MM/DD/YY):

Web address where MS4 map is published:

Regulatory Authorities (if covered under the 2003 permit)

Illicit Discharge Detection and Elimination (IDDE) Authority Adopted? Effective Date or Estimated Date of Adoption (MM/DD/YY):

Construction/Erosion and Sediment Control (ESC) Authority Adopted? Effective Date or Estimated Date of Adoption (MM/DD/YY):

Post-Construction Stormwater Management Adopted? Effective Date or Estimated Date of Adoption (MM/DD/YY):

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Part II: Summary of Receiving Waters

Please list the waterbody segments to which your MS4 discharges. For each waterbody segment, please report the number of outfalls discharging into it and, if applicable, 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](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]

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
Wetland at Andrews Hollow	1	<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"/>	
Wetland at Granite St/Woodbury Ln	1	<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"/>	
Wetland at Eden Road/Meadow Rd	1	<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"/>	
Wetland at Thatcher Road near Heritage Dr	1	<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"/>	
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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 Implementation
Brochures/Pamphlets	Continue to make stormwater brochures available to residents in Rockport. Have brochures focus on the effects of lawn care on water quality.	Residents	Dept. of Public Works	Mail one (1) brochure in the Consumer Confidence Report to residents. Track the number of residents who receive the mailing.	FY19
Brochures/Pamphlets	Provide stormwater educational brochures focusing on the benefits of adopting low impact development practices such as disconnecting impervious surfaces.	Businesses, Institutions and Commercial Facilities	Dept. of Public Works	Distribute educational brochures to Businesses, Institutions and Commercial facilities. Track the number of facilities that receive the mailing.	FY19
Brochures/Pamphlets	Provide educational information to developers regarding the Town's sediment and erosion control requirements for stormwater management during construction.	Developers (construction)	Dept. of Public Works	Distribute educational material to developers/make materials available at Town Hall. Track the number of developers to which materials are distributed.	FY20

Brochures/Pamphlets	Distribute educational materials to industrial properties regarding stormwater best management practices, including equipment inspection, waste disposal, dumpster maintenance, use and storage of de-icing materials, and parking lot sweeping.	Industrial Facilities	Dept. of Public Works	Distribute brochure and maintain a list of all recipients.	FY20
Web Page	Provide educational material regarding the Town's stormwater management program and water quality impacts on the Town's website. Focus on good housekeeping, including proper maintenance of septic systems.	Residents	Dept. of Public Works	Update the Town's website with information regarding the Town's stormwater management program. Track interaction with the site.	FY21
Web Page	Update the Town's website to include information on vehicle maintenance, fertilizer use, parking lot sweeping, ice removal optimization, and waste/material storage for local businesses.	Businesses, Institutions and Commercial Facilities	Dept. of Public Works	Modify the Massachusetts ThinkBlue educational materials for use on the Town's website and track interaction with the site.	FY22

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

Part III: Stormwater Management Program Summary (continued)

MCM 2: Public Involvement and Participation

BMP Categorization	Brief BMP Description (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	Dept. of Public Works	Provide the public with an opportunity to review the Town's SWMP. Post the SWMP on the Town's website and/or make it available at Town Hall.	FY19
Public Participation	Involve Public Schools	Middle School Science Department/DPW Director	Continue working with Rockport students annually to learn about field work such as sediment sampling, water quality testing, dye testing and more. Implement stormwater projects in biology and environmental science classes.	FY19
Public Participation	Participate in Earth Day Community Clean Up	Department of Public Works/Conservation Commission/Beautification Committee	Continue to hold annual Voluntary Community Clean up Day to clean up areas throughout Town to improve general cleanliness and water quality in those areas.	FY19
Public Participation	Participate in the nationwide Coast Sweep	Conservation Commission	Continue to assist in the collection and recording of derelict fishing gear, trash, and other human-made items, in order to identify sources of marine debris. Participate in "Fishing for Energy."	FY20

[illegible]

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 inventory of where SSOs have discharged over the last 5 years.	Dept. of Public Works	Complete within 1 year of effective date of permit and update SSO inventory annually.	FY19
Storm sewer system map	Continue to update drainage map in accordance with permit conditions and update during IDDE program completion. Rockport drainage and outfall map was created in August 2000 and was most recently updated in 2017/2018.	Dept. of Public Works	Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit. Report on progress annually.	FY20
Written IDDE program	Create written IDDE plan to meet permit conditions.	Dept. of Public Works	Complete within 1 year of the effective date of permit and update as required.	FY19
Implement IDDE program	Implement catchment investigations according to program and permit conditions. Perform TV inspection, smoke testing and dye testing as needed to identify illicit connections.	Dept. of Public Works	Begin implementation within two years of permit effective date. Complete 10 years after effective date of permit. Track and report number of illicit connections removed annually.	FY20
Employee training	Train employees on IDDE implementation	Dept. of Public Works	Provide training annually. Include in the annual report how often and what type of training is provided, as well as number of employees trained.	FY19

Conduct dry weather screening and sampling	Conduct dry weather outfall screening and sampling in accordance with permit conditions.	Dept. of Public Works	Complete all dry weather screening and sampling within 3 years after effective date of permit. Track the number of outfalls that are screened/sampled annually.	FY21
Conduct wet weather screening and sampling	Conduct wet weather screening and sampling at outfalls/ interconnections in catchments where System Vulnerability Factors are present in accordance with permit conditions.	Dept. of Public Works	Complete all wet weather screening and sampling within 10 years after effective date of permit. Track the number of outfalls that are screened/sampled annually.	FY22
Ongoing screening	Conduct dry weather and wet weather screening (as necessary)	Dept. of Public Works	Complete ongoing outfall screening upon completion of IDDE investigations.	FY29
Assessment and Priority Ranking	Assess and rank the potential for all catchments to have illicit discharges. Identify catchments with System Vulnerability Factors that will necessitate wet weather sampling.	Dept. of Public Works	Complete within 1 year of the effective date of the permit.	FY19
Follow-up Ranking	Update catchment prioritization and ranking as dry weather screening information becomes available.	Dept. of Public Works	Complete within 3 years of effective date of permit.	FY21
Catchment Investigations	Develop written catchment investigation procedures and incorporate into the IDDE Plan.	Dept. of Public Works	Complete within 18 months of effective date of permit	FY19

[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	Update written procedures for site inspections and enforcement to meet current permit requirements.	Planning Board/Conservation Committee	Complete within 1 year of the permit effective date. Report on the number of site inspections and enforcement actions annually.	FY19
Site plan review	Develop written procedures for site plan review and begin implementation	Planning Board/Conservation Committee	Complete within 1 year of the effective date of permit. Report on the number of site plan reviews conducted, inspections conducted, and enforcement actions taken annually.	FY19
Erosion and Sediment Control	Continue to require construction operators to implement a sediment and erosion control program and enhance program as needed to meet permit requirements. Review and update existing regulations as needed to ensure that construction operators implement a sediment and erosion control program that includes BMPs that are appropriate for conditions at the construction site in accordance with permit requirements.	Planning Board/Dept. of Public Works/Conservation Committee	Continue to enforce existing sediment and erosion control requirements, and update regulations as needed within one year of the permit effective date.	FY19

[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	Review regulations, and update as needed, to require submission of as-built drawings within two years of construction completion and ensure long term operation and maintenance of BMPs.	Dept. of Public Works	Update regulations, as needed, within 2 years of permit effective date.	FY20
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.	Dept. of Public Works	Complete 4 years after effective date of permit and report annually on retrofitted properties.	FY21
Allow green infrastructure practices	Develop a report assessing existing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist.	Dept. of Public Works/Engineering Dept./Planning Board/Conservation Committee	Complete 4 years after effective date of permit and implement recommendations of report, where feasible.	FY22
Street design and parking lot guidelines	Develop a report assessing requirements that affect the creation of impervious cover. Determine if design standards for streets and parking lots can be modified to support low impact design options.	Dept. of Public Works/ Engineering Dept./Planning Board/Transportation Board	Complete 4 years after effective date of permit and implement recommendations of report, where feasible.	FY22

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	Dept. of Public Works	Develop and implement within 2 years of permit effective date.	FY20
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Continue updating inventory	Dept. of Public Works	Complete inventory within 2 years of permit effective date and update annually.	FY20
Infrastructure O&M	Document the existing program in the SWMP for maintaining MS4 infrastructure in a timely manner to reduce or eliminate the discharge of pollutants.	Dept. of Public Works	Develop and implement within 2 years of permit effective date.	FY20
Stormwater Pollution Prevention Plan (SWPPP) Development, Inspections, and Training	Create SWPPPs for the DPW Facility, Transfer Station, the Wastewater Treatment Facility, and the Water Filtration Facility as needed, and any other waste handling facilities. Provide annual training regarding each SWPPP.	Dept. of Public Works	Complete and implement within 2 years of permit effective date, and provide inspections quarterly and training annually thereafter. Track number of employees trained annually.	FY20

Catch basin cleaning	Continue the annual inspection of each catch basin in the Town of Rockport, and clean each catch basins as needed to ensure that all catch basins are no more than 50 percent full.	Dept. of Public Works	Continue to clean catch basins on established schedule and report number of catch basins cleaned and volume of material removed annually by an electronic reporting system.	FY20
Street sweeping program	Sweep all streets and permittee-owned parking lots in accordance with permit conditions.	Dept. of Public Works	Continue to sweep all streets and permittee-owned parking lots twice per year, and sweep roads in the downtown area once per week and as needed. Track number of miles of roadway swept or volume of sediment removed annually.	FY20
Road salt use optimization program	Establish and implement a program to minimize the use of road salt and evaluate the use of alternative materials.	Dept. of Public Works	Implement salt use optimization during deicing season and ensure that snow disposal does not result in disposal of snow into waters of the United States. Ensure that all piles "containing salt" are covered, in addition to regular salt storage.	FY20
Inspection and maintenance of stormwater treatment structures	Establish and implement inspection and maintenance procedures and frequencies.	Dept. of Public Works	Inspect all stormwater treatment structures annually. Conduct maintenance as necessary. Track number of structures inspected and maintained annually.	FY20

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.**

[illegible]

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

Part III: Stormwater Management Program Summary (continued)

Actions for Meeting Requirements Related to Water Quality Limited Waters

Use the drop-down menus to select the pollutant causing the water quality limitation and enter the waterbody ID(s) experiencing excursions above water quality standards for that pollutant. Choose the action description from the dropdown menu and indicate the responsible party. If no options are applicable, or more than one, **enter your own text to override drop-down menus.**

[illegible]

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

Page 24 of 25

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.

Through initial consultation with the US Fish & Wildlife, it was determined that threatened species within Rockport include the northern long-eared bat and the small whorled pogonia; and endangered species include the roseate tern. The Town further consulted with US Fish & Wildlife per Appendix C as part of the endangered species determination, and received follow-up correspondence confirming the determination of Criterion B. This letter dated September 24, 2018 has been appended to this Notice of Intent. US Fish & Wildlife concurs that actions currently proposed within this Notice of Intent are not likely to adversely impact the species listed. As structural Best Management Practices are constructed in the future, the Town will re-initiate consultation with US Fish & Wildlife prior to construction activities.

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

Page 25 of 25

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:

Mitchell Vieira

Title:

Town Administrator

Signature:



Date:

9/28/18

[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 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).