

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

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

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

Web address where MS4 map is published:

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

### Regulatory Authorities (if covered under the 2003 permit)

|   |                                  |  |                                       |
|---|----------------------------------|--|---------------------------------------|
| <b>Illicit Discharge Detection and Elimination (IDDE) Authority Adopted?</b><br><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" value="05/05/07"/> |
| <b>Construction/Erosion and Sediment Control (ESC) Authority Adopted?</b><br><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" value="05/02/09"/> |
| <b>Post-Construction Stormwater Management Adopted?</b><br><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" value="05/02/09"/> |

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### 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](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    |
|--|---|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|---|
| MA83-18 Shawshen River<br>(Outfall ID #15022-1 to 15022-7)                                   | 7   | <input type="checkbox"/> | <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"/> | Fecal Coliform                            |
| MA83-18 Shawshen River<br>(Outfall ID #15025-1 to 15025-6)                                   | 6   | <input type="checkbox"/> | <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"/> | Fecal Coliform                            |
| MA83-18 Shawshen River<br>(Outfall ID #15027-1 to 15027-8)                                   | 8   | <input type="checkbox"/> | <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"/> | Fecal Coliform                            |
| MA83-18 Shawshen River<br>(Outfall ID #15041-1 to 15041-16)                                  | 16  | <input type="checkbox"/> | <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"/> | Fecal Coliform                            |
| MA83005 Fosters Pond<br>(Outfall #15043-1 to 15043-5)  | 5   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | Mercury in Fish Tissue                    |
| MA92-04 Tributary (Mill Brook) to Maple Meadow Brook<br>(Outfall ID #17001-1 to 17001-8)     | 8   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |   |
| MA92-04 Tributary (Sawmill Brook) to Maple Meadow Br.<br>(Outfall ID #17004-1 to 17004-19)   | 19  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |   |
| MA 92-04 Tributary (lower Mill Br.) to Maple Meadow Br.<br>(Outfall ID #17005-1 to 17005-64) | 64  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |   |
| MA 92-04 Maple Meadow Brook<br>(Outfall ID #17006-1 to 17006-8)                              | 8   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |   |
| MA92-05 Lubbers Brook (upper)<br>(Outfall ID #17007-1 to 17007-75)                           | 75  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |   |
| MA92-05 Lubbers Brook (lower)<br>(Outfall ID #17008-1 to 17008-77)                           | 77  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |   |
| MA92059 Silver Lake<br>(Outfall ID #17008-78 to 17008-82)                                    | 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"/> | DDT & Mercury in Fish Tissue              |
| MA92-06 Ipswich River<br>(Outfall ID #17012-1 to #17012-25)                                  | 25  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | Mercury in Fish Tissue                    |
| MA92-08 Martins Brook<br>(Outfall ID #17019-1 to 17019-61)                                   | 61  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Aquatic Macroinvertebrate, Fecal Coliform |

| MA71-01 Aberjona River<br>(Outfall ID #19104-1 to 19104-4) | 4 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Ammonia, Aquatic macroinvertebrate, Arsenic, Sediment Bioassays. |
|--|---|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--|
|  |   | <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"/> |  |

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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

| <b>BMP Media/Category</b><br>(enter your own text to override the drop down menu) | <b>BMP Description</b>   | <b>Targeted Audience</b>                           | <b>Responsible Department/Parties</b><br>(enter your own text to override the drop down menu) | <b>Measurable Goal</b>   | <b>Beginning Year of BMP Implementation</b> |
|---|--|--|---|--|---|
| Brochures/Pamphlets   | General Info Regarding proper disposal of pet waste;   | Residents  | Engineering Div., Animal Control Officer.   | Reduce pet waste in catch basins, and reduce pollutant discharges to receiving waters.   | 2019  |
| Brochures/Pamphlets & Web Page  | Proper use of Fertilizers and MDAR fertilizer regulations  | Businesses, Institutions and Commercial Facilities | DPM Operations Manager  | Reduction of nutrients to waterbodies  | 2020  |
| Brochures/Pamphlets & Web Page  | General information regarding good housekeeping practices for equipment repair and storage, storage of materials, waste disposal and de-icing materials. | Industrial Facilities                              | Engineering Div., and Planning and Conservation Department                                    | Promote good housekeeping practices, non-structural BMPs, and reduce potential for pollutant discharge from LUHPPLs                                      | 2020  |
| Displays/Posters/Kiosks   | Properly Manage Erosion and Sediment Control from Construction Sites; and proper Operation and Maintenance of existing facilities.                       | Developers (construction)                          | Engineering Div., and Planning and Conservation Department                                    | Reduction in sediment discharge to the MS4 and overall pollutant reduction to resource areas through properly functioning stormwater management systems. | 2021  |



|                                    |   |  |  |  |      |
|------------------------------------|---|--|--|--|------|
| Local Public Service Announcements | General Information regarding water quality and protection of natural resources.  | Residents  | Engineering Div. with assistance from the NIMCOG Stormwater Collab | Reduce potential for illegal dumping, protection of drain inlets, and increase awareness of outfall discharges.  | 2021 |
| Brochures/Pamphlets & Web Page     | Implementation of Operation and Maintenance of existing stormwater systems and establishing a Long Term Pollution Prevention Plan.  | Industrial Facilities                              | Engineering Div., and Planning and Conservation Department         | Reduction in Pollutant Discharge to resource areas.  | 2022 |
| Brochures/Pamphlets                | Long Term Pollution Prevention Planning - Fertilizer Management, snow/de-icing management, proper waste management, proper storage of materials, overall good housekeeping practices. | Businesses, Institutions and Commercial Facilities | Engineering, Planning and Conservation, DPW Operations             | Reduce potential for pollutant (nutrients, sodium, sediment, and trash) discharge to the MS4 system and resource areas   | 2022 |
| Meeting                            | Workshop to discuss the objectives of the Town's local Stormwater Management regulations, the State Policy, and EPA's Construction General Permit.                                    | Developers (construction)                          | Engineering, Conservation, DPW Operations                          | Increase education of properly managing stormwater runoff from development sites, the benefits to Low Impact Development design, and ideas on low-cost retrofit of existing stormwater management systems. | 2023 |
|                                    |   |  |  |  |      |
|                                    |   |  |  |  |      |
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### Part III: Stormwater Management Program Summary (continued)

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## 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><br>(enter your own text to override the drop down menu) | <b>BMP Description</b>  | <b>Responsible Department/Parties</b><br>(enter your own text to override the drop down menu) | <b>Measurable Goal</b><br>(all text can be overwritten)  | <b>Beginning Year of BMP Implementation</b> |
|---|---|---|--|---|
| SSO inventory   | Develop SSO inventory in accordance of permit conditions                      | Engineering Div., Water/Sewer Div., GIS Coordinator   | Complete within 1 year of effective date of permit   | 2019  |
| Storm sewer system map  | Create map and update during IDDE program completion                          | Engineering Div., & GIS Coordinator   | Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit | 2020  |
| Written IDDE program  | Create written IDDE program   | Engineering Div., DPW, & Health Department  | Complete within 1 year of the effective date of permit and update as required  | 2019  |
| Implement IDDE program  | Implement catchment investigations according to program and permit conditions | Engineering Div., DPW, & Health Department  | Complete 10 years after effective date of permit   | 2023  |
| Employee training   | Train employees on IDDE implementation  | DPW, & Engineering Div.   | Train annually   | 2019  |
| Conduct dry weather screening   | Conduct in accordance with outfall screening procedure and permit conditions  | Engineering Div., & Conservation Agent  | Complete 3 years after effective date of permit  | 2020  |
| Conduct wet weather screening   | Conduct in accordance with outfall screening procedure                        | Engineering Div., & Conservation Agent  | Complete 10 years after effective date of permit   | 2023  |
| Ongoing screening   | Conduct dry weather and wet weather screening (as necessary)                  | Engineering Div., & Conservation Agent  | Complete ongoing outfall screening upon completion of IDDE program   | 2023  |
|   |   |   |  |   |
|   |   |   |  |   |
|   |   |   |  |   |



# 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<br>(enter your own text to override the drop down menu or entered text) | BMP Description   | Responsible Department/Parties<br>(enter your own text to override the drop down menu) | Measurable Goal<br>(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  | Planning and Conservation Department with support from Engineering Div.                | Complete within 1 year of the effective date of permit | 2019                                 |
| Site plan review   | Complete written procedures of site plan review and begin implementation  | Planning and Conservation Department   | Complete within 1 year of the effective date of permit | 2019                                 |
| Erosion and Sediment Control   | Adoption of requirements for construction operators to implement a sediment and erosion control program   | Planning and Conservation Department with support from Department of Public            | 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 | Health Department, and Department of Public Works Operations Div.                      | Complete within 1 year of the effective date of permit | 2019                                 |
|  |   |  |  |                                      |
|  |   |  |  |                                      |
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## 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><br>(enter your own text to override the drop down menu or entered text) | <b>BMP Description</b>   | <b>Responsible Department/Parties</b><br>(enter your own text to override the drop down menu) | <b>Measurable Goal</b><br>(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  | Planning and Conservation Department with support from Engineering Div.                       | Require submission of as-built plans for completed projects                                   | 2019  |
| 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  | Planning and Conservation Department with support from Engineering Div.                       | 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   | Planning and Conservation Department with support from Engineering Div.                       | 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. | Planning and Conservation Department with support from Engineering Div.                       | 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

| <b>BMP Categorization</b><br>(enter your own text to override the drop down menu or entered text)         | <b>BMP Description</b>   | <b>Responsible Department/Parties</b><br>(enter your own text to override the drop down menu) | <b>Measurable Goal</b><br>(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 Div., DPW, Recreation Director, Animal Control Officer, & P                       | 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 Div., and DPW, Recreation Director  | 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  | Engineering Div., & DPW.  | 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  | Engineering Div., & DPW   | 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                          | Department of Public Works (DPW)  | Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually | 2019  |
| Street sweeping program   | Sweep all streets and permittee-owned parking lots in accordance with permit conditions  | Department of Public Works (DPW)  | Sweep all streets and permittee-owned parking lots once per year in the spring   | 2019  |
| Road salt use optimization program  | Establish and implement a program to minimize the use of road salt   | Department of Public Works (DPW)  | Implement salt use optimization during delicing season   | 2019  |











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.

**Section 1. MS4 GIS Mapping Website and Outfall Categorization:**

All MS4 outfalls within the Town of Wilmington have been field survey located and mapped accordingly on the Town's GIS mapping platform. A GIS mapping site has been created for public viewing at [www.maponline.net/wilmingtonma/ms4](http://www.maponline.net/wilmingtonma/ms4). Also included on the map are the receiving waters and their corresponding sub-watershed boundary (subwatershed boundary ID numbers correlate to the MassGIS data layer numbering system). As is shown on the map and as listed in Part II: Summary of Receiving Waters, outfalls were categorized based on the corresponding sub-watershed basin. An outfall can be located on the map by using the "Find" tool located on the left side of the GIS mapping site. Simply input the outfall ID # (listed in part II) and the map will zoom-in to the outfall location. For example, to locate an outfall that discharges to the Aberjona River within the Boston Harbor watershed, input 19401. All four (4) outfalls will appear on the left side of the screen as links. If 19401-2 is selected, the map will zoom to the outfall located on Jewell Drive in the southerly section of Wilmington. For more detailed instructions on searching for an outfall, please contact the Town Engineer at 978-658-4499.

**Section 2. Endangered Species Verification**

The EPA MS4 permit requires compliance with the Federal Endangered Species Act (ESA) and the National Historic Preservation Act (NHPA) to ensure permitted activities and infrastructure do not adversely affect ESA-listed species or NHPA-listed properties. Because we are currently permitting existing infrastructure that was approved under the previous MS4 permit, Wilmington meets MS4 permit eligibility criteria for both. As part of the eligibility criteria, future work subject to the MS4 permit, including installation of structural BMPs and construction and/or installation of control measures that involve subsurface BMPs, will need to be screened in order to ensure ESA-listed species or NHPA-listed properties are not adversely impacted.

The only ESA-listed species currently in Wilmington is the threatened Northern Long-Eared Bat (NLEB), which is listed throughout Massachusetts; as such, the Town of Wilmington meets eligibility Criterion C. Future activities subject to the MS4, such as installation of structural BMPs, will be screened to determine if tree removal is required, and if they are proposed within specified distances of any "known" NLEB maternity roost trees or hibernacula as mapped by the Natural Heritage and Endangered Species Program (NHESP). Streamlined consultation under the 4(d) rule or formal consultation with the USFWS will be initiated as needed. Each screening will also confirm whether regulatory procedures and requirements have changed, and whether new species have been ESA-listed by the USFWS in the Town of Wilmington. If either of these occur, Wilmington will consult with the USFWS as required to ensure compliance.

Information that will be reviewed as part of the screening process includes, but is not limited to:

NHESP NLEB Website (mapped "known" roost trees and hibernacula):

<https://www.mass.gov/service-details/the-northern-long-eared-bat>

USFWS NLEB Website (4(d) rule and flow chart for federal projects): <https://www.fws.gov/midwest/endangered/mammals/nleb/>

USFWS New England Field Office (current ESA-listed species): <https://www.fws.gov/newengland/EndangeredSpec-NEListedSpecies.htm>

USFWS IPaC (map to identify ESA-listed species in an area): <https://ecos.fws.gov/ipac/>

The MS4 has determined that all planned BMPs will have no effect on the northern long eared bat and small Whorled Pogonia. The MS4 agrees that if during the term of the permit, if the MS4 plans any structural BMPs not identified in this NOI, the MS4 will consult with US Fish and Wildlife as appropriate.

**Section 3. Historic Preservation**

All existing facilities in Wilmington were authorized by the previous MS4 permit; as such, consultation with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), or other tribal representatives is not currently required for MS4 coverage. The EPA has determined that discharges of constituents confined to existing channels, outfalls, or natural drainage areas do not have the potential to cause impact to historical properties. Therefore, Wilmington meets eligibility Criterion A. Any construction and/or installation of control measures that involve subsurface disturbance of less than one acre of land will be screened to ensure historic properties are not impacted and/or they are in compliance with written agreements with the SHPO, THPO, or other tribal representatives. Consultation with the SHPO, THPO, and other tribal representatives for these types of future activities will be initiated as required to ensure compliance. Information that will be reviewed as part of the screening process includes, but is not limited to:

Section 4. Reporting requirements in accordance with Section 2.2.2. Additional Requirements to Certain Water Quality Limited Waters.

The Town of Wilmington is listed in section 2.2.2.b.i.1. table of municipalities whose discharges are to waters that are impaired due to phosphorus, or their tributaries. The Engineering Division has reviewed the document entitled, "Massachusetts Year 2016 Integrated List of Waters Proposed Listing of the Condition of Massachusetts' Waters Pursuant to Sections 305(b), 314 and 303(d) of the Clean Water Act" available at [www.mass.gov/eea/docs/dep/water/resources/07v5/16ilwplist.pdf](http://www.mass.gov/eea/docs/dep/water/resources/07v5/16ilwplist.pdf). According to the 303(d) list within the aforementioned document, the only downstream water body with a phosphorus impairment that may be affected by discharges from the MS4 is the Aberjona River (MA71-01), which is part of the Boston Harbor Mystic Watershed. As shown on the Town's GIS site: [www.mapsonline.net/wilmingtonma/ms4.html](http://www.mapsonline.net/wilmingtonma/ms4.html), a very small section of the MS4 is located within the Boston Harbor watershed (ID #19401). This section is located along the southerly Town Boundary with Woburn, along Industrial Way. Also as shown on the map, the Town has four (4) outfalls that discharge to this watershed. As such, the Town will demonstrate compliance with Appendix H part II. Since the catchment areas for these four (4) outfalls are within the Town's Industrial Zone District, our plan is to focus educational materials to Industrial Facilities regarding sources of phosphorus pollutants, good housekeeping practices, and implementation of BMPs that reportedly have a high removal rate of phosphorus prior to discharge to the impaired water.

According to the aforementioned document, the only downstream water-bodies listed within the Ipswich River watershed with a Phosphorus impairment are in Peabody, MA. They are MA92013 and MA92015, Crystal Pond and Devils Dishfull Pond. After a review of USGS topographic mapping, these two water-bodies are tributaries to the Ipswich River located in Peabody MA. The Engineering Division has confirmed that discharges from the MS4 to the Ipswich River watershed in Wilmington MA will have no impact on either of the waters listed within the Ipswich River watershed (MA92013 and MA92015).



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

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### Part V: Certification

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

Name:

Jeffrey M. Hull

Title:

Town Manager

Signature:

*Jeffrey M. Hull*

Date:

*9/20/18*

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

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



## 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:

October 26, 2018

Consultation Code: 05E1NE00-2019-SLI-0201

Event Code: 05E1NE00-2019-E-00440

Project Name: Wilmington, MA MS4

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](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: 05E1NE00-2019-SL1-0201

Event Code: 05E1NE00-2019-E-00440

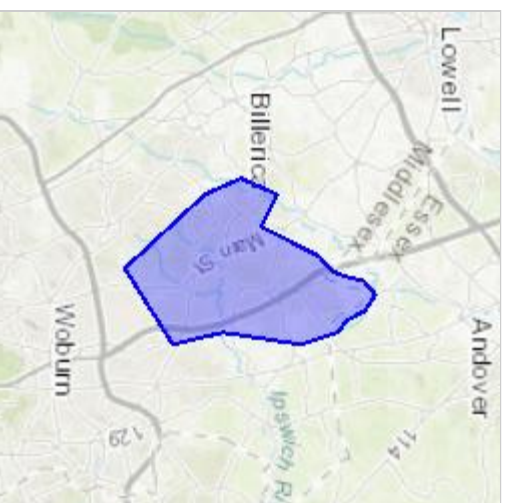
Project Name: Wilmington, MA MS4

Project Type: WATER QUALITY MODIFICATION

Project Description: This list is being requested to include with a local MS4 permit application to identify federally threatened and endangered listed species in town.

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.56513233511254N71.17556599798462W>



Counties: Essex, MA | Middlesex, MA

## Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

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

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

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

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

### Mammals

| NAME   | STATUS     |
|--|------------|
| Northern Long-eared Bat <i>Myotis septentrionalis</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a> | Threatened |

### Critical habitats

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