



SETTLED 1623
INCORPORATED 1693

Town of New Castle
New Castle, NH 03854-0367

November 15, 2022

MEMO TO FILE

Re: Documentation for delegation of "Authorized Representative" for NPDES **2017 New Hampshire** Small Municipal Separate Storm Sewer System (MS4) General Permit

This document serves to affirm that the individual holding the title of **Public Works Superintendent** has responsibility for the operation of the MS4 and is hereby designated as an authorized person for signing all reports including but not limited to the Stormwater Management Plan (SWMP), Stormwater Pollution Prevention Plans (SWPPPs), inspection reports, annual reports, monitoring reports, reports on training, and other information required by the General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) in **New Hampshire** for the town of **New Castle**. This authorization cannot be used for signing a NPDES permit application (e.g. Notice of Intent (NOI)) in accordance with 40 CFR 122.22).

By signing this authorization, I confirm that I meet the following requirements to make such a designation as set forth in Part B.11 of Appendix B of the Small MS4 General Permit:

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official.

"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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

[SIGNATORY per Part B.11 of Appendix B]

Dave McGuckin
Selectboard Chairman

Date

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

Page 1 of 21

Part I: General Conditions

General Information

Name of Municipality or Organization: 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):

The March 2003 SWMP is located on the town website at: www.newcastlenh.org/sites/g/files/vyhlf956/f/uploads/stormwater_0.pdf
The SWMP will be updated over the next several months.

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 ☐ D

☒ 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)

Illicit Discharge Detection and Elimination (IDDE) Authority Adopted?
(Part II, III, IV or V, Subpart B.3.(b.) of 2003 permit)

Effective Date or Estimated
Date of Adoption (MM/DD/YY):

Construction/Erosion and Sediment Control (ESC) Authority Adopted?
(Part II, III, IV or V, Subpart B.4.(a.) of 2003 permit)

Effective Date or Estimated
Date of Adoption (MM/DD/YY):

Post-Construction Stormwater Management Adopted?
(Part II, III, IV or V, Subpart B.5.(a.) of 2003 permit)

Effective Date or Estimated
Date of Adoption (MM/DD/YY):

Part II: Summary of Receiving Waters

New Hampshire list of impaired waters: <http://des.nh.gov/organization/divisions/water/wmb/swga/>

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 of the permit. List any other pollutants in the last column, if applicable.

[illegible]

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 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
Various delivery methods -	Varied. Use NH Seacoast Stormwater Coalition outreach materials and guidance to implement outreach for relevant impairments *See Note 2 in Section IV.	Residents	Public Works Department	To be determined with coordination with NH Seacoast Stormwater Coalition. Examples1) Increased awareness of proper fertilizer use. 2) Increased awareness of pet waste impacts to water quality. 3) Increased awareness of yard waste impacts to water quality. 4) Increased septic system testing.	Year 5
Various delivery methods	Varied. Use NH Seacoast Stormwater Coalition outreach materials and guidance to implement outreach for relevant impairments *See Note 2 in Section IV.	Businesses, Institutions and Commercial Facilities	Public Works Department	To be determined with coordination with NH Seacoast Stormwater Coalition .	Year 5

[illegible]

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

Part III: Stormwater Management Program Summary (continued)

MCM 2: Public Involvement and Participation

[illegible]

Notice of Intent (NOI) for coverage under Small MS4 General PermitPart 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)
Sanitary Sewer Overflow (SSO) inventory - N/A	N/A: New Castle does not have any SSOs	N/A	N/A
Storm sewer system map	Create map and update during IDDE program completion, update annually	Public Works Department	Update map during Year 5 and will update annually.
Written Illicit Discharge and Detection Elimination (IDDE) program development	Create written IDDE program	Public Works Department	Will complete during Year 5
Implement IDDE program	Implement catchment investigations according to program and permit conditions	Public Works Department	Will complete during Year 5 and wet weather testing by Year 7.
Implement employee training	Train employees in IDDE program implementation	Public Works Department	Provide training annually
Conduct dry weather screening	Conduct in accordance with outfall screening procedure and permit conditions in section 2.3.4.7.b	Public Works Department	Will complete during Year 5
Conduct wet weather screening	Conduct in accordance with outfall screening procedures in in section 2.3.4.7.b	Public Works Department	Complete 7 years after effective date of permit
Ongoing screening	Conduct dry weather and wet weather screening (as necessary)	Public Works Department	Complete ongoing outfall screening on completion of IDDE program

[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)
Implement site inspection and enforcement of erosion and sediment (ESC) control measures	Enact ESC Regulations	Planning Board/ Select Board/ City Council through a public hearing process	Will complete during Year 5
Prepare written procedures for Site Plan Review	Document procedures in regulations and begin implementation	Planning Board/ Select Board/ City Council through a public hearing process	Completed in 2014
Erosion and Sediment Control	Enact requirements for construction operators to implement a sediment and erosion control program	Planning Board/ Select Board/ City Council through a public hearing process	Completed in Year 2014
Construction and site waste controls	Enact requirements to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes	Planning Board/ Select Board/ City Council through a public hearing process	Will complete during Year 5

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)
As-built plans for on-site stormwater controls	Enact procedures to require submission of as-built plans and ensure long term operations and maintenance s part of the SWMP	Building Inspector	Require submission of as-built plans for completed projects. Will complete in Year 5.
Target properties for reduction in impervious cover	Complete an inventory and priority ranking of permittee-owned property and existing infrastructure that could be retrofitted with BMPs designed to reduce the frequency, volume and pollutant loads of stormwater discharges to its MS4 through the mitigation of impervious area	Town Engineer/ Public Works Director/ Road Agent	Will complete in Year 5
Determine feasibility and allow for green infrastructure implementation	Report assessing existing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist	Planning Board/ Select Board/ City Council through a public hearing process	Will complete in Year 5
Street design and parking lot guidelines	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 Board/ Select Board/ City Council through a public hearing process	Will complete in Year 5

[illegible]

Notice of Intent (NOI) for coverage under Small MS4 General Permit**Part III: Stormwater Management Program Summary (continued)****MCM 6: Municipal Good Housekeeping and Pollution Prevention**

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP Implementation
Operation and Maintenance (O&M) Procedures	Create written O&M procedures including all requirements contained in section 2.3.7.1 for parks and open spaces, buildings and facilities, and vehicles and equipment	Public Works Department or Select Board	Will complete in Year 5	Year 5
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Prepare inventory	Public Works Department or Select Board	Will complete in Year 5	Year 5
Infrastructure Operations and Maintenance	Establish and record annually implementation of program activities for maintenance, repair and rehabilitation of MS4 infrastructure	Public Works Department or Select Board	Will complete in Year 5	Year 5
Stormwater Pollution Prevention Plan (SWPPP)	Create SWPPPs for municipal properties or individual facilities per requirements of section 2.3.7.2	Public Works Department	Will complete in Year 5	Year 5
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, ensure proper storage of basin cleanings	Public Works Department or Select Board	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually	Year 5

[illegible]

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**. If submitting a NHDES approved alternative reduction plan, attach and submit it with the NOI.

[illegible]

Part III: Stormwater Management Program Summary (continued)

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

[illegible]

Part IV: Notes and additional information

Use the space below to indicate the part(s) of 2.2.2 that you have identified as not applicable to your MS4 and provide all supporting documentation below or attach additional documents if necessary.

Provide any additional information about your MS4 program below.

Note 1: The Town of New Castle was under the impression that they had a waiver and thus did not submit an NOI for coverage under the 2017 NH MS4 General Permit in 2017/2018. The Town of New Castle understands that we are a regulated community under the NH MS4 General Permit and through submission of this NOI will comply with the requirements starting in Year 5.

Note 2: During Year 5, there will be a minimum of two messages to the four audiences listed for a total of eight messages under MCM #1 and will follow the Seacoast Stormwater Coalitions recommendations or education and outreach messages. Additional messaging may be required under Appendix H for Water Quality Limited Waterbodies.

Note 3: No known SSOs exists.

Note 4: The following attachments are included as part of this NOI:

- 1.) Map of inventoried outfalls
- 2.) USFWS consultation letter

Note 5: Documentation of ongoing efforts to reduce stormwater, including water quality tests, being conducted by the Town are available at: <https://www.newcastlenh.org/home/storm-water>

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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than 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.

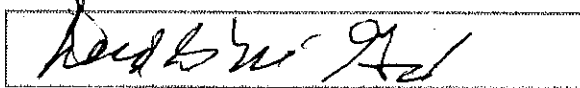
Name:

Dave McGuckin

Title:

Selectboard Chairman

Signature:



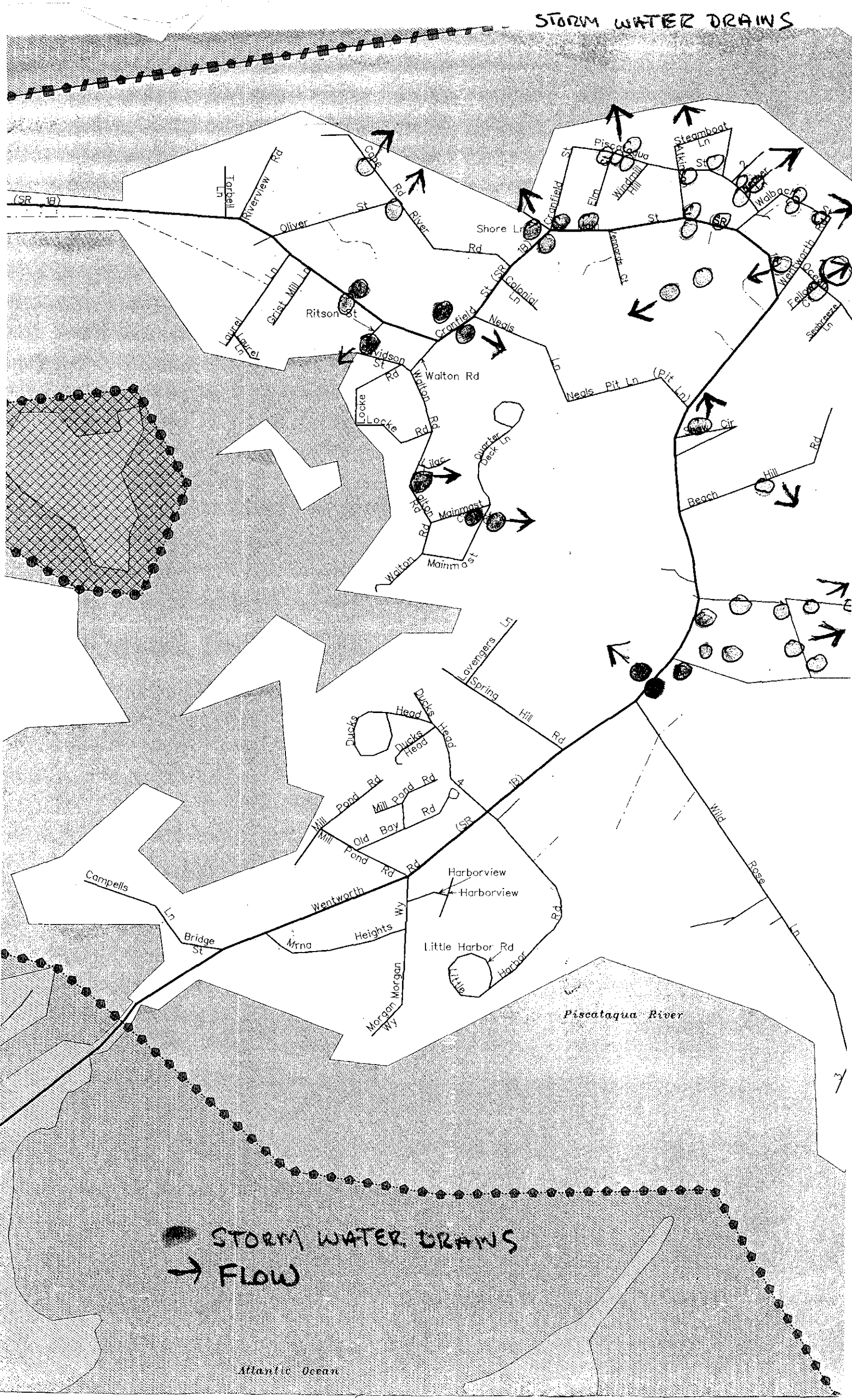
Date:

11/17/22

[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

STORM WATER DRAINS



● STORM WATER DRAINS
→ FLOW

Atlantic Ocean



SETTLED 1623
INCORPORATED 1693

Town of New Castle
NEW CASTLE, NH 03854-0367

US Fish and Wildlife Service
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Email: newengland@fws.gov

Subject: New Castle, New Hampshire – 2017 NH MS4 Permit (NHR041022)

To Whom It May Concern:

The Town of New Castle is in the process of preparing an Notice of Intent (NOI) for permit coverage under the federal 2017 NH Municipal Separate Storm Sewer System (NH MS4) General Permit. In order to fulfill the Endangered Species Act (ESA) requirements relating to this permit, the Town of New Castle has provided information through the IPaC system. A copy of the results are attached. The following species have been identified as potentially being affected by activities in this location: Northern Long-eared Bat, Red Knot, and Roseate Tern. There are no known critical habitats in the location identified.

It is our opinion that coverage under the 2017 NH MS4 General Permit will not negatively impact the noted ESA species or their habitats. However, we respectfully request a formal determination from the USFWS.

Feel free to contact me if you have any questions or require additional information. I can be reached at tel: (603) 766-3613 or email: publicworks@newcastlenh.org.

Sincerely,

Chris Robillard
Public Works Superintendent

Encls

cc: Deborah Loiselle, Stormwater Coordinator, NHDES
Lori Ruest, New Castle Town Administrator

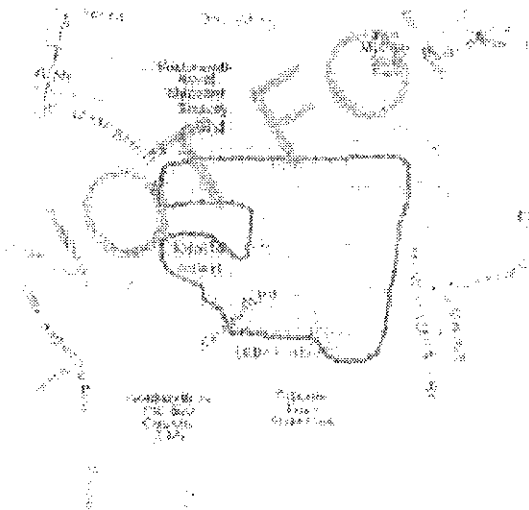
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Rockingham County, New Hampshire



Local office

New England Ecological Services Field Office

☎ (603) 223-2541

📠 (603) 223-0104

70 Commercial Street, Suite 300
Concord, NH 03301-5094

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Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act requires Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are not shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information. IPaC only shows species that are regulated by USFWS (see FAQ).

2. 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.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i>	Threatened
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9045	

Birds

NAME	STATUS
Red Knot <i>Calidris canutus rufa</i>	Threatened
Wherever found	
There is <u>proposed</u> critical habitat for this species. https://ecos.fws.gov/ecp/species/1864	
Roseate Tern <i>Sterna dougallii dougallii</i>	Endangered
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2083	

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.



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 2017 National Pollutant Discharge and Elimination System (NPDES) New Hampshire (NH) Small Municipal Separate Storm Sewer System (MS4) general permit (2017 NH Small 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 2017 NH Small 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 2017 NH Small MS4 General Permit project action area may contain one or more of the following federally listed endangered species: roseate tern (*Sterna dougallii*), dwarf wedgemussel (*Alasmidonta heterodon*), Karner blue butterfly (*Lycaeides melissa samuelis*), northeastern bulrush (*Scirpus ancistrochaetus*), or Jesup's milk-vetch (*Astragalus robbinsii* var. *jesupi*); threatened species: Canada lynx (*Lynx Canadensis*), piping plover (*Charadrius melodus*), 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 **2017 NH Small 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 **2017 NH Small 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

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*) and small whorled pogonia (*Isotria medeoloides*) (2017 NH Small MS4 General Permit Appendix C: Step 3 – Determine if You Can Meet Eligibility USFWS Criterion C).

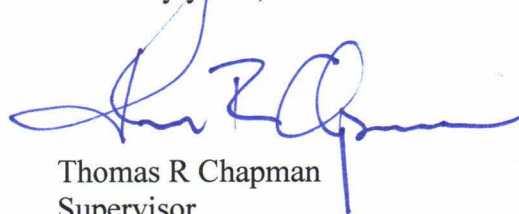
Criterion B. All existing guidance regarding requirements for certifying eligibility according to the USFWS Criterion A, B, or C for coverage by the 2017 NH Small MS4 General Permit (see 2017 NH Small MS4 General Permit Appendix C – Endangered Species Guidance) remains unchanged.

We have determined that proposed stormwater discharge activities covered under the 2017 NH Small MS4 General 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 New Hampshire 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 **2017 NH Small 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