

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  D

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



### 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 <small>(enter your own text to override the drop down menu)</small>	BMP Description	Targeted Audience	Responsible Department/Parties <small>(enter your own text to override the drop down menu)</small>	Measurable Goal	Beginning Year of BMP Implementation
Brochures/Pamphlets and other promotion:	BMP: Pet Waste-information on pet waste included with dog license registration; information available at Town Hall and online; coordinate with local veterinarians to have information available.	Residents	Tax Collector , materials developed by Town staff, CNHRPC, or NH State	Increased awareness of pet waste impacts to water quality	2020
Brochures/Pamphlets and other promotion:	BMP: Storage/use of salt or deicing materials-information on storage/use of salt or deicing materials available in site plan review application; information available at Town Hall and online.	Businesses, Institutions and Commercial Facilities	Town Planner, materials developed by Town staff, CNHRPC, or NH State	1) Increased awareness of effects salt/de-icing materials have on surrounding environment and water quality 2) Increase awareness to minimize use of harmful de-icing materials 3) Increased education of proper salt/de-icing material storage to prevent runoff or contamination of ground water	2020

<p>Brochures/Pamphlets and other promotions</p>	<p>BMP: LID - Each permit application contains information related to Low Impact Development (LID); information available at Town Hall and online.</p>	<p>Developers (construction)</p>	<p>Town Planner, materials developed by Town staff, CNHRPC, or NH State</p>	<p>2) Increased awareness of Low Impact Development (LID) principles and technologies</p>	<p>2021</p>
<p>Brochures/Pamphlets and other promotions</p>	<p>BMP: Storage/use of salt or deicing materials - information on storage/use of salt or deicing materials available at Town Hall and online and include direct mailing to significant industrial facilities.</p>	<p>Industrial Facilities</p>	<p>Town Administrator, materials developed by Town staff, CNHRPC, or</p>	<p>1) Increased awareness of effects salt/de-icing materials have on surrounding environment and water quality 2) Increase awareness to minimize use of harmful de-icing materials 3) Increased education of proper salt/de-icing material storage to prevent runoff or contamination of ground water</p>	<p>2022</p>
<p>Newspaper Articles/Press Releases and other</p>	<p>BMP: Landscaping techniques to protect water quality- Fall/ Spring press release in Concord Monitor with techniques, notification of upcoming trainings (UNH CE/Soak Up the Rain/etc.); information available in site plan review application, information available at the Town Hall and online.</p>	<p>Businesses, Institutions and Commerce</p>	<p>Town Administrator or designee, materials developed by Town staff,</p>	<p>1) Increased awareness of landscaping techniques among landscapers and promoting more water quality friendly landscaping practices</p>	<p>2022</p>

Brochures/Pamphlets and other promotion:	BMP: Proper sediment and erosion control management practices - information in available in site plan review application; available at the Town Hall and online.	Developers (construction)	Town Planner or designee, materials developed by Town staff, CNHRI	1) Increased awareness of proper sediment and erosion control management practices.	2023
Brochures/Pamphlets and other promotion:	BMP: Proper management of dumpsters - information on proper management of dumpsters available at Town Hall and online and include direct mailing to significant industrial facilities.	Industrial Facilities	Town Administrator or designee, materials developed by Town staff,	1) Increased awareness of proper management of waste materials and dumpsters, including proper covering and pollution prevention	2024
training	Participate in trainings, as provided by NH DES, Stormwater Coalition, or other agency/ group.	Town employees and departments	Town Administrator and Department Heads, materials developed by	1) Increased awareness and education on permit	Annually
Web Page	Web Page maintained by Town. Will include electronic copies of promotional materials. Will also include outreach materials from the NH Stormwater Coalition and a list of resources.	All Target Audiences	Town Administrator or designee, materials developed by Town staff,	Website (or link to an MS4 site) established and maintained	Annually







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

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

**MCM 3: Illicit Discharge Detection and Elimination (IDDE)**

<b>BMP Categorization</b> (enter your own text to override the drop down menu)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)
SSO inventory	Develop SSO inventory in accordance of permit conditions	Town's Engineer	Complete within 1 year of effective date of permit
Storm sewer system map	System Map 90% created, need to add roadside swales, missing pipes and watersheds	Town's Engineer & Central New Hampshire Regional Planning Commission	Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit
Written IDDE program development	Create written IDDE program	Central New Hampshire Regional Planning Commission	Complete within 1 year of the effective date of permit and update as required
Implement IDDE program	Implement program including priority ranking, sampling, catchment investigations and training	DPW Director or designee	Complete 10 years after effective date of permit
Employee training	Train employees on IDDE implementation	Town Administrator and Department Heads and CNHRPC	Train annually
Initial outfall priority ranking	Develop written procedures and develop initial rankings	Town's Engineer and DPW	2019
Conduct dry and/or wet weather screening	Conduct in accordance with outfall screening procedure and permit conditions	Town's Engineer and DPW	Complete 3 years after effective date of permit for priority outfalls
Priority ranking refinement and Catchment Investigations	Refine outfall rankings and develop written procedures and conduct investigations of all catchment areas	Town's Engineer and DPW	Complete 7 years after effective date of permit for Problem Catchments and 10 years for all catchments
IDDE Ordinance/Bylaw	Develop IDDE Ordinance	Central New Hampshire Regional Planning Commission/Board of Selectme	2019
IDDE Plan - Illegal Dumping Program	Inspect suspected illegal dumping sites as reported	DPW Director of designee	Annually



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

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

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

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)
Site inspection and enforcement of Erosion and Sediment Control (ESC) measures	Complete written procedures of site inspections and enforcement procedures	Central New Hampshire Regional Planning Commission, Planning Board and Town	Complete within 1 year of the effective date of permit
Site plan review	Complete written procedures of site plan review and begin implementation	Central New Hampshire Regional Planning Commission, Planning Board and Town	Complete within 1 year of the effective date of permit
Erosion and sediment control	Adoption of requirements for construction operators to implement a sediment and erosion control program	Central New Hampshire Regional Planning Commission, Planning Board and Town	Complete within 1 year of the effective date of permit
Waste control	Adoption of requirements to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes	Central New Hampshire Regional Planning Commission	Complete within 1 year of the effective date of permit
Construction Ordinance/Bylaw	Include provisions for construction runoff control in Town's stormwater ordinance	Central New Hampshire Regional Planning Commission, Planning Board and Town	
Construction Regulations	Incorporate erosion and sediment control provisions in Site Plan and Subdivision Regulations	Central New Hampshire Regional Planning Commission, Planning Board and Town	Complete within 1 year of the effective date of permit
Pre-Construction/Coordination Meetings	Establish pre-construction meeting provisions in Site Plan and Subdivision Regulations, as well as in Building Permit Application materials	Central New Hampshire Regional Planning Commission & Planning Board & Build	Complete within 1 year of the effective date of permit



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

Part III: Stormwater Management Program Summary (continued)

**MCM 5: Post-Construction Stormwater Management in New Development and Redevelopment**

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)
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	Developer's engineer under supervision of the Planning Board	Require submission of as-built plans for completed projects
Target properties to reduce impervious areas	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	Central New Hampshire Regional Planning Commission and Town's Engineer	Complete 4 years after effective date of permit and report annually on retrofitted properties
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	Central New Hampshire Regional Planning Commission	Complete 4 years after effective date of permit and implement recommendations of report
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.	Central New Hampshire Regional Planning Commission	Complete 4 years after effective date of permit and implement recommendations of report



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

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

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

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)	<b>Beginning Year of BMP Implementation</b>
O&M procedures	Create written O&M procedures including all requirements contained in 2.3.7.1 for parks and open spaces, buildings and facilities, and vehicles and equipment	Central New Hampshire Regional Planning Commission & Department	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	Central New Hampshire Regional Planning Commission & Department	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	Town Engineer & DPW Director	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	Central New Hampshire Regional Planning Commission & Department	Complete 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	Town Engineer & DPW Director	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 curbed streets and permittee-owned parking lots in accordance with permit conditions	Town Engineer & DPW Director	Sweep all curbed 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	Central New Hampshire Regional Planning Commission, Town Engineer	Implement salt use optimization during deicing season	2020







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.

- \*Correspondence regarding Endangered Species is attached.
- \*Outfall Map is attached
- \*Detailed drainage system mapping can be found at <https://www.axisgis.com/PembrokeNH/>

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

## Part V: Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly 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:

David Jodoin

Title:

Town Administrator

Signature:

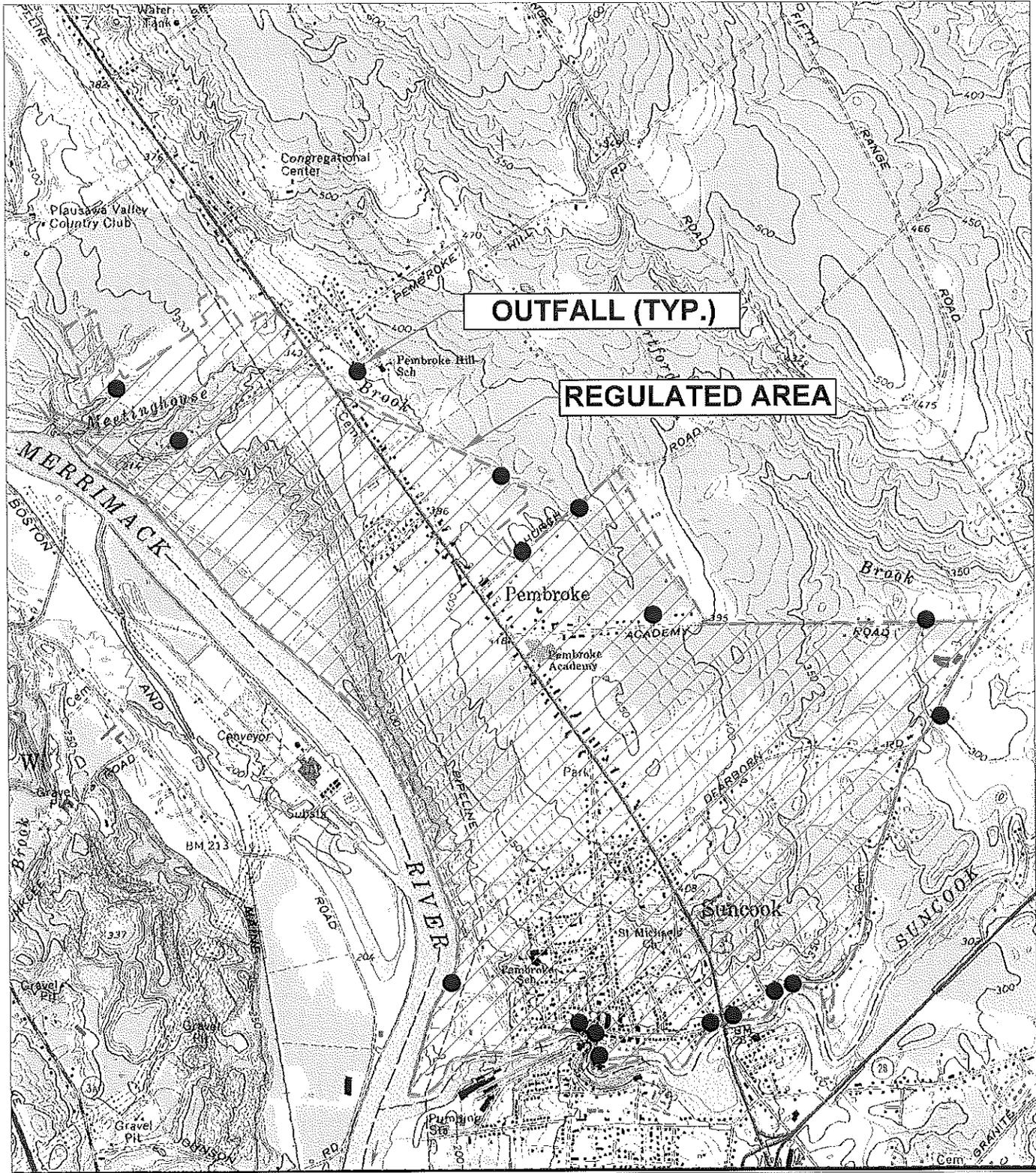


Date:

9/27/18

*[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



**MS4 STORMWATER PROGRAM AREA**  
**PEMBROKE, NH**  
**MERRIMACK COUNTY**



SCALE 1" = 2,000'



# 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**,<sup>1</sup> you may still use this letter to certify under

<sup>1</sup> 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



## 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:  
Consultation Code: 05E1NE00-2018-SLI-3224  
Event Code: 05E1NE00-2018-E-07543  
Project Name: Pembroke Stormwater

September 26, 2018

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: 05E1NE00-2018-SLI-3224

Event Code: 05E1NE00-2018-E-07543

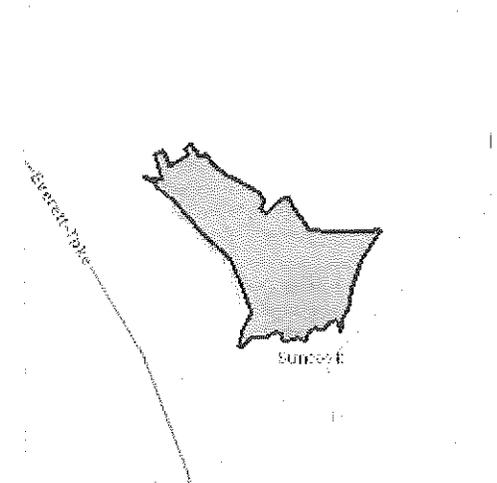
Project Name: Pembroke Stormwater

Project Type: \*\* OTHER \*\*

Project Description: MS4 Stormwater Compliance

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/43.14498993535278N71.45064458970981W>



Counties: Merrimack, NH

## Endangered Species Act Species

There is a total of 2 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.

- 
- I. 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> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

### Flowering Plants

NAME	STATUS
Small Whorled Pogonia <i>Isotria medeoloides</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1890">https://ecos.fws.gov/ecp/species/1890</a>	Threatened

### Critical habitats

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