

Notice of Intent (NOI) for coverage under Small MS4 General Permit Page 1 of 20

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

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):

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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.

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

[illegible]

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
Unnamed Brook to Western Embayment - NHRIV700061102-23	2	☒	☐	☐	☐	☐	☐	☐	☐	☐	Mercury
Unnamed Brook - NHRIV700061102-24	2	☐	☐	☐	☐	☐	☐	☐	☐	☐	Mercury
Dinsmore Brook - NHRIV700061204-01	1	☒	☐	☐	☐	☐	☐	☐	☐	☐	Mercury
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
*See Note 1 in Section IV.		☐	☐	☐	☐	☐	☐	☐	☐	☐	
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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 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 Stormwater Coalition outreach materials and guidance to implement outreach for relevant impairments. *See Note 2 in Section IV.	Residents	Community Development Department - Rex Norman with NH Region	To be determined with coordination with the Stormwater Coalition. Examples: 1) Increased awareness of proper fertilized 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 1
Various delivery methods	Varied. Use NH Stormwater Coalition outreach materials and guidance to implement outreach for relevant impairments. *See Note 2 in Section IV.	Businesses, Institutions and Commercial Facilities	Community Development Department - Rex Norman with NH Region	To be determined with coordination with the Stormwater Coalition.	Year 1

[illegible]

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Part III: Stormwater Management Program Summary (continued)

MCM 2: Public Involvement and Participation

[illegible]

[illegible]

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

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

MCM 3: Illicit Discharge Detection and Elimination (IDDE)

BMP Categorization (enter your own text to override the drop down menu)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)
*See Note 3 in Section IV			
Storm sewer system map	Update map to add required details.	General Services Department - Jack McCartney and Information Technolog	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.	General Services Department - Jack McCartney and Community Developm	Complete within 1 year of the effective date of permit and update as required.
Implement IDDE program	Implement catchment investigations according to program and permit conditions.	General Services Department - Jack McCartney and Community Developm	Complete 10 years after effective date of permit.
Implement employee training	Train employees on IDDE implementation.	Town Administrator - David Sullivan	Provide training annually.
Conduct dry weather screening	Conduct in accordance with outfall screening procedure and permit conditions in section 2.3.4.7.b.	General Services Department - Jack McCartney and Community Developm	Complete 3 years after effective date of permit, update annually and based on results of dry weather screening.
Conduct wet weather screening	Conduct in accordance with outfall screening procedures and permit conditions in section 2.3.4.7. b.	General Services Department - Jack McCartney and Community Developm	Complete 10 years after effective date of permit.
Ongoing screening	Conduct dry weather and wet weather screening (as necessary).	General Services Department - Jack McCartney and Community Developm	Complete ongoing outfall screening on completion of IDDE program.

[illegible]

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Part III: Stormwater Management Program Summary (continued)

MCM 4: Construction Site Stormwater Runoff Control

[illegible]

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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

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 control	Enact procedures in accordance with permit requirements in Section 2.3 to require submission of as-built plans and ensure long term operations and maintenance as part of the SWMP.	Community Development Department (CDD) - Dick Gregory	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.	CDD - Dick Gregory	Complete 4 years after effective date of permit and report annually on retrofitted properties.
Determine feasibility and allow for green infrastructure implementation	Develop a report assessing existing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist.	CDD - Dick Gregory	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.	CDD - Dick Gregory	Complete 4 years after effective date of permit and implement recommendations of report.

[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 2.3.7.1 for parks and open spaces, buildings and facilities, and vehicles and equipment.	General Services - Jack McCartney and Recreation Coordinator - Cheryl	Complete and implement 2 years after effective date of permit.	Year 2
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Create inventory.	General Services Department - Jack McCartney	Complete 2 years after effective date of permit and implement annually.	Year 2
Infrastructure O&M	Establish and record annually implementation of program activities for maintenance, repair and rehabilitation of MS4 infrastructure.	General Services Department - Jack McCartney	Complete 2 years after effective date of permit.	Year 2
Stormwater Pollution Prevention Plan (SWPPP)	Create SWPPPs for municipal properties or individual facilities per requirements of section 2.3.7.2.	General Services Department - Jack McCartney	Complete 2 years after effective date of permit.	Year 2
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.	General Services Department - Jack McCartney	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually.	Year 1

[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]

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

Part III: Stormwater Management Program Summary (continued)

Actions for Meeting Requirements Related to Water Quality Limited Waters

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

[illegible]

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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.

The MS4 map prepared under the 2003 Permit was recently converted from rough map segments, notes and coordinates to a digital format. The waterbodies to which each outfall discharges will be reevaluated as part of the map refinement.

Attached please find documentation received from the United States Department of the Interior related to the Endangered Species Act inquiry. The Northern Long Eared Bat is within our MS4, but no planned activities under this permit are expected to affect the bat. We will consult with US Fish and Wildlife as needed during the permit term related to any future BMPs.

Note 1 - There are no known MS4 outfalls to the following impaired waters:
Cobbetts Pond - Duncan (Duncan) Beach - NHLAK700061204-01-04
Seavey Pond - NHLAK700061102-08
Unnamed Brook - NHRIV700061203-11 (Derry)

Note 2 - MCM 1 Requires a minimum of two messages to the four audiences listed for a total of eight messages over permit term. Additional messaging may be required under Appendix H for Water Quality Limited Waterbodies.

Note 3 - Windham does not have any municipally owned public sanitary sewer collection or treatment systems.

Note 4 - The MODEL STORMWATER STANDARDS FOR COASTAL WATERSHED COMMUNITIES is available at:
https://www.unh.edu/unhsc/sites/unh.edu.unhsc/files/Final_SWA_SWStandards_Dec_20121_0.pdf

Note 5 - Under Actions for Meeting Requirements Related to Water Quality Limited Waters, there are additional pollutants on Windham's 303(d) list, but, they have been omitted from the table as there are no applicable Action Descriptions in Appendix H.

There are no known direct connections to other regulated MS4 infrastructure. As the map is refined, this understanding will be confirmed.

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. (40 CFR 122.22)

Name:

Jennifer Simmons

Title:

Board of Selectmen Member

Signature:

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

Date:

9/27/18

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:

September 20, 2018

Consultation Code: 05E1NE00-2018-SLI-3155

Event Code: 05E1NE00-2018-E-07404

Project Name: Windham 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). 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-3155

Event Code: 05E1NE00-2018-E-07404

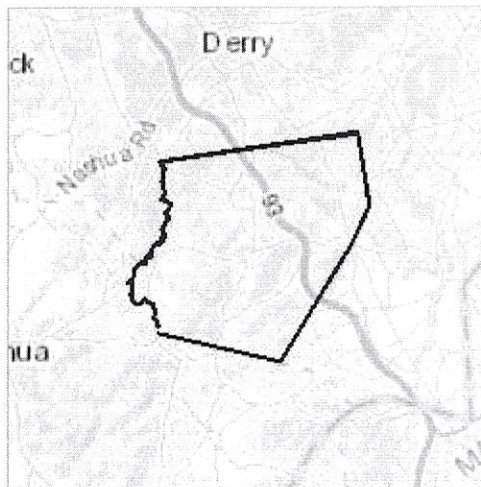
Project Name: Windham MS4

Project Type: ** OTHER **

Project Description: There is no construction planned related to the MS4 Permit process. If future construction projects are planned, Consultation will be revisited.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.805334237080125N71.24754542675176W>



Counties: Hillsborough, NH | Rockingham, NH

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 Fisheries¹, 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.

-
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> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

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



United States Department of the Interior

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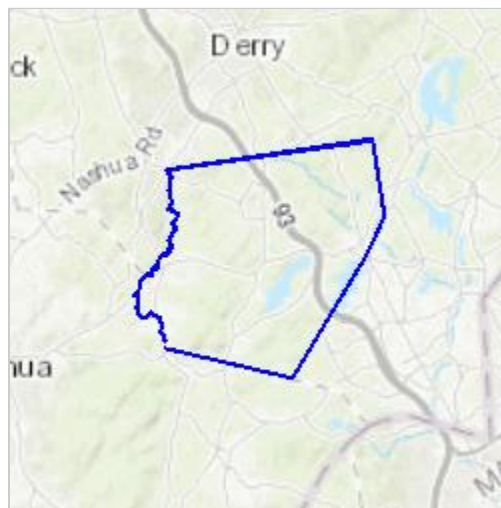
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Critical habitats

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