

Part I: General Conditions

General Information

Name of Municipality or Organization: State:

EPA NPDES Permit Number (if applicable):

Primary MS4 Program Manager Contact Information

Name: Title:

Street Address Line 1:

Street Address Line 2:

City: State: Zip Code:

Email: Phone Number:

Fax Number:

Other Information

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

Eligibility Determination

Endangered Species Act (ESA) Determination Complete? Eligibility Criteria (check all that apply): ☐ A ☐ B ☒ C

National Historic Preservation Act (NHPA) Determination Complete? Eligibility Criteria (check all that apply): ☒ A ☐ B ☐ C

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

MS4 Infrastructure (if covered under the 2003 permit)

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

Web address where MS4 map is published:

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? <i>(Part II, III, IV or V, Subpart B.3.(b.) of 2003 permit)</i>	Yes	Effective Date or Estimated Date of Adoption (MM/DD/YY):	09/01/10
Construction/Erosion and Sediment Control (ESC) Authority Adopted? <i>(Part II,III,IV or V, Subpart B.4.(a.) of 2003 permit)</i>	Yes	Effective Date or Estimated Date of Adoption (MM/DD/YY):	11/01/15
Post- Construction Stormwater Management Adopted? <i>(Part II, III, IV or V, Subpart B.5.(a.) of 2003 permit)</i>	Yes	Effective Date or Estimated Date of Adoption (MM/DD/YY):	11/01/15

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

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)

[illegible]

Click to lengthen table

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

Part III: Stormwater Management Program Summary

Identify the Best Management Practices (BMPs) that will be employed to address each of the six Minimum Control Measures (MCMs). For municipalities/organizations whose MS4 discharges into a receiving water with an approved Total Maximum Daily Load (TMDL) and an applicable waste load allocation (WLA), identify any additional BMPs employed to specifically support the achievement of the WLA in the TMDL section at the end of part III.

For each MCM, list each existing or proposed BMP by category and provide a brief description, responsible parties/departments, measurable goals, and the year the BMP will be employed (public education and outreach BMPs also requires a target audience). **Use the drop-down menus in each table or enter your own text to override the drop down menu.**

MCM 1: Public Education and Outreach

BMP Media/Category (enter your own text to override the drop down menu)	BMP Description	Targeted Audience	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal	Beginning Year of BMP Implementation
Brochures/Pamphlets	Deliver insert in Tax Bill or Water District Bill.	Residents	Land Use	Deliver twice during permit term	2018
Brochures/Pamphlets	Deliver insert in Tax Bill or Water District Bill.	Businesses, Institutions and Commercial Facilities	Land Use	Deliver twice during permit term	2018
Brochures/Pamphlets	Deliver handout during building permit application	Developers (construction)	Land Use	Ongoing annual delivery	2018
Brochures/Pamphlets	Deliver insert in Tax Bill or Water District Bill.	Industrial Facilities	Land Use	Deliver twice during permit term	2018
Web Page	Seasonal posting for fertilizer, pet waste, septic maintenance and fall leaf litter	Residents	Land Use	Posted to webpage seasonally and annually	2018
Web Page	Seasonal posting for fertilizer, pet waste, septic maintenance and fall leaf litter	Businesses, Institutions and Commercial Facilities	Land Use	Posted to webpage seasonally and annually	2018
Brochures/Pamphlets	Deliver handout during building permit application	Developers (construction)	Land Use	Ongoing annual delivery	2018
Web Page	Seasonal posting for fertilizer, pet waste, septic maintenance and fall leaf litter	Industrial Facilities	Land Use	Posted to webpage seasonally and annually	2018

[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]

[illegible]

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

Part III: Stormwater Management Program Summary (continued)

MCM 3: Illicit Discharge Detection and Elimination (IDDE)

BMP Categorization (enter your own text to override the drop down menu)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP Implementation
SSO inventory	Develop SSO inventory in accordance of permit conditions	Health Division	Complete within 1 year of effective date of permit	2018
Storm sewer system map	Create map and update during IDDE program completion	Public Works	Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit	2018
Written IDDE program	Create written IDDE program	Public Works	Complete within 1 year of the effective date of permit and update as required	2018
Implement IDDE program	Implement catchment investigations according to program and permit conditions	Public Works	Complete 10 years after effective date of permit	2018
Employee training	Train employees on IDDE implementation	Public Works	Train annually	2018
Conduct dry weather screening	Conduct in accordance with outfall screening procedure and permit conditions	Public Works	Complete 3 years after effective date of permit	2018
Conduct wet weather screening	Conduct in accordance with outfall screening procedure	Public Works	Complete 10 years after effective date of permit	2019
Ongoing screening	Conduct dry weather and wet weather screening (as necessary)	Public Works	Complete ongoing outfall screening upon completion of IDDE program	2023

[illegible]

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

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

MCM 4: Construction Site Stormwater Runoff Control

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP Implementation
Site inspection and enforcement of Erosion and Sediment Control (ESC) measures	Complete written procedures of site inspections and enforcement procedures	Land Use	Complete within 1 year of the effective date of permit	2018
Site plan review	Complete written procedures of site plan review and begin implementation	Engineering	Complete within 1 year of the effective date of permit	2018
Erosion and Sediment Control	Adoption of requirements for construction operators to implement a sediment and erosion control program	Land Use	Complete within 1 year of the effective date of permit	2018
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	Land Use	Complete within 1 year of the effective date of permit	2018

[illegible]

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

Part III: Stormwater Management Program Summary (continued)

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

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP Implementation
As-built plans for on-site stormwater control	The procedures to require submission of as-built drawings and ensure long term operation and maintenance will be a part of the SWMP	Land Use	Require submission of as-built plans for completed projects	2018
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	Public Works	Complete 4 years after effective date of permit and report annually on retrofitted properties	2019
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	Land Use/Engineering	Complete 4 years after effective date of permit and implement recommendations of report	2020
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.	Land Use/Engineering	Complete 4 years after effective date of permit and implement recommendations of report	2020

[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
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	Public Works	Complete and implement 2 years after effective date of permit	2019
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Create inventory	Public Works	Complete 2 years after effective date of permit and implement annually	2019
Infrastructure O&M	Establish and implement program for repair and rehabilitation of MS4 infrastructure	Public Works	Complete 2 years after effective date of permit	2018
Stormwater Pollution Prevention Plan (SWPPP)	Create SWPPPs for maintenance garages, transfer stations, and other waste-handling facilities	Public Works	Complete and implement 2 years after effective date of permit	2018
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	Public Works	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually	2018
Street sweeping program	Sweep all streets and permittee-owned parking lots in accordance with permit conditions	Public Works	Sweep all streets and permittee-owned parking lots once per year in the spring	2018
Road salt use optimization program	Establish and implement a program to minimize the use of road salt	Public Works	Implement salt use optimization during deicing season	2018

[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.**

[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]

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.

Click to add text

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:

Title:

Signature:

John Mangiaratti Digitally signed by John Mangiaratti
Date: 2018.09.19 15:25:50 -04'00'

Date:

[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



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6630
Fax (978) 929-6340

September 4, 2018

Newton Tedder
US Environmental Protection Agency
Stormwater and Construction Permits Section (OEP06-1)
Five Post Office Square, Suite 100
Boston, MA 02109

Re: Endangered Species Determination for Acton, MA Associated with the MA MS4 General Permit

Dear Mr. Newton Tedder:

The Town of Acton, MA is a non-federal representative designated by the Environmental Protection Agency (EPA) for conducting formal or informal consultation with the U.S. Fish and Wildlife Service.

I have evaluated the United States Fish & Wildlife Service iPaC Biological and Conservation Data System files in response to new regulation promulgation under the 2016 Massachusetts Municipal Separate Sewer System (MS4) General Permit. The objective of this review is to determine the presence of endangered or threatened species within the program implementation area in Acton, MA.

Our review evaluated the area of impact of required program activities, analysis of these program activity areas within the iPaC database, examining maps, other sources of information, and the personal knowledge of staff or cooperating experts.

According to the information currently in the iPaC database, there is one threatened species within the proposed project area (Northern Long-Eared Bat) and no critical habitat. Please see Attachment 1 as the official species list.

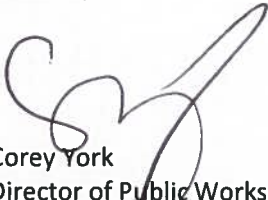
The proposed stormwater program activities are a continuation of previous permitted activities and include non-structural management of stormwater runoff as required by the MA MS4 General Permit. These activities will include education, investigation, and pollutant source control on existing municipal facilities and roadways and will not disturb terrestrial vegetation. The listed species are sensitive to land disturbance and as the program implementation will not disturb vegetation we have therefore determined that our programmatic activities will have "no affect" on the listed species.

If during the course of the permit term we plan to install structural stormwater treatment practices or engage in other land disturbing activities as a result of compliance within the MS4 General Permit, the Town of Acton will initiate further informal or formal consultation with the USFWS.

Based on this review and an evaluation of determination requirements outlined in Appendix C of the MA MS4 General Permit, we have determined that we meet Criterion C. We request EPA's concurrence of this determination for inclusion in our Stormwater Management Program Plan.

Please do not hesitate to contact me if you have further questions about Acton's stormwater management program.

Sincerely,

A handwritten signature in black ink, appearing to read 'Corey York', with a large, stylized flourish extending from the end.

Corey York
Director of Public Works
Town of Acton
(978) 929-6630
cyork@acton-ma.gov



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:

August 28, 2018

Consultation Code: 05E1NE00-2018-SLI-1625

Event Code: 05E1NE00-2018-E-06810

Project Name: Acton MS4 General Permit Program Implementation

Subject: Updated 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-1625

Event Code: 05E1NE00-2018-E-06810

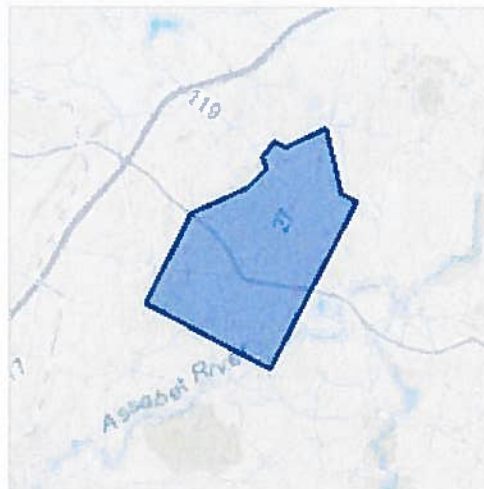
Project Name: Acton MS4 General Permit Program Implementation

Project Type: Regulation Promulgation

Project Description: The proposed stormwater program activities are a continuation of previous NPDES permitted activities and include non-structural management of stormwater runoff as required by the MA MS4 General Permit. These activities will include education, investigation and pollutant source control on existing municipal facilities and roadways and will not disturb terrestrial vegetation. The program will be initiated on July 1, 2018 and continue until July 1, 2023.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.48518191132919N71.44043027919871W>



Counties: 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 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.



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6630
Fax (978) 929-6340

September 24, 2018

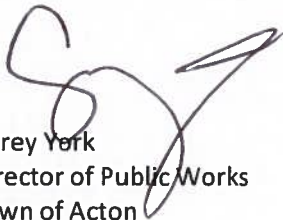
Newton Tedder
US Environmental Protection Agency
Stormwater and Construction Permits Section (OEP06-1)
Five Post Office Square, Suite 100
Boston, MA 02109

The Town of Acton (MS4 permittee) has determined that the discharges regulated under this permit do not have the potential to cause effects on National Register of Historic Properties.

The implementation of this Stormwater Management Plan (SWMP) will require development of standards of practice, compliance documentation, investigation and operations of existing drainage facilities, local regulatory policies and other studies. The SWMP does not obligate the Town of Acton to undertake any activity involving subsurface land disturbance and program implementation will only take place on existing municipal separate storm sewer systems that have been previously authorized for coverage under the MS4 General Permit.

If during the course of MS4 General Permit program implementation, the Town of Acton anticipates subsurface land disturbance as a result of this General Permit, the Town will prepare a complete information submittal to the State Historic Preservation Office.

Sincerely,



Corey York
Director of Public Works
Town of Acton
(978) 929-6630
cyork@acton-ma.gov

From: [Corey York](#)
To: [Kozminski, Michelle](#); zhenderson@woodardcurran.com
Cc: [Reports Stormwater](#)
Subject: RE: Small MS4 NOI submission - additional or corrected information required
Date: Wednesday, October 10, 2018 11:18:44 AM
Attachments: [NOI information requested.pdf](#)
[MA Acton NOI 9 24.pdf](#)

Ms. Kozminski,

The Town of Acton is in receipt and has reviewed the Small MS4 NOI Information Requested attachment in your email from Friday, October 5. The following are our responses, as requested, with the original EPA request below.

EPA Request

Please estimate the number of outfalls into Nagog Pond.

Response: Through further evaluation and a review of record drawings, the Town of Acton may have one (1) MS4 outfall into Nagog Pond. Other outfalls within the vicinity that discharge from Route 2A are the state's responsibility and there are also several additional private outfalls from upstream private subdivision. We will continue to refine outfall ownership and connectivity to state or private ownership during IDDE outfall screening and future investigations.

Thank you and let us know if you need additional information or details,

Thank you,
Corey York

Department of Public Works
14 Forest Road
Acton, MA 01720
(978) 929-7740 Office
(978) 929-7342 Fax

-----Original Message-----

From: Kozminski, Michelle [<mailto:kozminski.michelle@epa.gov>]
Sent: Friday, October 05, 2018 8:41 AM
To: zhenderson@woodardcurran.com; Corey York
Cc: Reports Stormwater
Subject: Small MS4 NOI submission - additional or corrected information required

Hello,

EPA requires additional or corrected information to receive a complete NOI submission for your MS4 and continue the review process.

Please respond to this email with the requested details in the attached report. You do not need to resubmit your entire NOI form. Please respond with the requested information as soon as you can. If the additional information is not received within 30 days of the date on this email EPA may initiate the process to deny your NOI, unless additional time is granted by EPA for such submission.

Please let me know if you have any questions.

Thanks,
Michelle

Michelle Kozminski
U.S. EPA Region 1
5 Post Office Square-OEP06-4
Boston, MA 02109-3912
617-918-1222