

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

Construction/Erosion and Sediment Control (ESC) Authority Adopted? Effective Date or Estimated Date of Adoption (MM/DD/YY):

Post- Construction Stormwater Management Adopted? Effective Date or Estimated Date of Adoption (MM/DD/YY):

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

Part II: Summary of Receiving Waters

Please list the waterbody segments to which your MS4 discharges. For each waterbody segment, please report the number of outfalls discharging into it and, if applicable, 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)

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

Waterbody segment that receives flow from the MS4	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
Sippican River	26	☐	☐	☐	☐	☐	☐	☐	☐	☐	Fecal Coliform
Weweantic River	6	☐	☐	☐	☒	☐	☐	☐	☐	☐	Estuarine Bioassessments, Fecal Coliform
Aucoot Creek/Aucoot Cove	15	☐	☐	☒	☒	☐	☐	☐	☐	☐	Fecal Coliform, Nutrient/Eutrophication Biological Indicators
Hammett Cove	18	☐	☐	☐	☒	☐	☐	☐	☐	☐	Estuarine Bioassessments, Fecal Coliform
Sippican Harbor	4	☐	☐	☐	☐	☐	☐	☐	☐	☐	Fecal Coliform
"Inner" Sippican Harbor	37	☐	☐	☐	☒	☐	☐	☐	☐	☐	Fecal Coliform, Nutrient/Eutrophication Biological Indicators
Wings Cove	6	☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	

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	Educational message on pet waste	Residents	DPW	Distribute at least 2 messages over permit term	2018
Brochures/Pamphlets	Educational message on proper disposal of grass clippings and application of fertilizer	Businesses, Institutions and Commercial Facilities	DPW	Distribute at least 2 messages over permit term	2019
Brochures/Pamphlets	Educational message on construction BMPs	Developers (construction)	DPW	Distribute at least 2 messages over permit term	2019
Brochures/Pamphlets	Educational message on industrial BMPs	Industrial Facilities	DPW	Distribute at least 2 messages over permit term	2020
Brochures/Pamphlets	Educational message on proper disposal of leaf litter	Residents	DPW	Distribute at least 2 messages over permit term	2020
Brochures/Pamphlets	Educational message of business BMPs	Businesses, Institutions and Commercial Facilities	DPW	Distribute at least 2 messages over permit term	2021
Brochures/Pamphlets	Educational message of construction BMPs	Developers (construction)	DPW	Distribute at least 2 messages over permit term	2021
Brochures/Pamphlets	Educational message on industrial BMPs	Industrial Facilities	DPW	Distribute at least 2 messages over permit term	2022

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 and maintain SSO inventory for past five years. Report SSOs as they occur	DPW and Board of Health	Develop SSO inventory within 1 year of effective date of permit	2018
Storm sewer system map	Continue to refine drain and sewer GIS	DPW, Harbormaster and Marine Department	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 development	Develop written IDDE program	DPW	Complete within 1.5 years of the effective date of permit	2018
Implement IDDE program	Investigate and remove illicit connections	DPW and Board of Health	Implement catchment investigations according to program and permit conditions	2018
Employee Training	Train employees in IDDE and SSO procedures annually	DPW and Board of Health	Train annually	2018
Conduct dry weather screening	Screen outfalls	DPW	Conduct in accordance with outfall screening procedure and permit conditions	2018
Conduct wet weather screening	Screen outfalls	DPW	Conduct in accordance with outfall screening procedure and permit conditions	2018

[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	DPW and Planning Department	Complete by the end of Year 1	2018
Site plan review	Complete written procedures of site plan review and begin implementation	DPW and Planning Department	Complete by the end of Year 1	2018
Erosion and Sediment Control	Adoption of requirements for construction operators to implement a sediment and erosion control program	DPW and Planning Department		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	DPW and Planning Department		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	DPW and Planning Department	Require submission of as-built plans for completed projects	2018
Inventory and priority ranking of MS4-owned properties that may be retrofitted with BMPs	Conduct detailed inventory of MS4 owned properties and rank for retrofit potential	DPW	Complete 4 years after permit effective date	2020
Allow green infrastructure	Develop a report assessing existing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist	Planning Department and ConComm	Complete 4 years after permit effective date	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.	Planning Department	Complete 4 years after permit effective date	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
Create written O&M procedures for parks and open spaces, buildings and facilities, and vehicles and equipment	Create written O&M procedures for parks and open spaces, buildings and facilities, and vehicles and equipment	DPW	Complete 2 years after permit effective date	2018
Inventory all permittee-owned parks and open spaces, buildings and facilities (including their storm drains), and vehicles and equipment	Inventory all permittee-owned parks and open spaces, buildings and facilities (including their storm drains), and vehicles and equipment	DPW	Complete 2 years after permit effective date	2018
Establish and implement program for repair and rehabilitation of MS4 infrastructure	Establish and implement program for repair and rehabilitation of MS4 infrastructure	DPW	Complete 2 years after permit effective date	2018
Stormwater Pollution Prevention Plan (SWPPP) for maintenance garages, transfer stations and other waste-handling facilities	Develop SWPPPs for non-MSGP facilities and update SWPPPs for MSGP facilities	DPW	Complete 2 years after permit effective date	2018
Catch basin cleaning	Optimize catch basin cleaning program	DPW	Clean catch basins so no catch basin will be more than 50 percent full at anytime	2018
Street sweeping program	Sweep all municipal owned streets and parking lots	DPW	Sweep all streets and parking lots in spring and autumn	2018
Road salt use optimization program	Establish and implement procedures for winter road performance	DPW	Implement road salt use optimization procedures annually	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. 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.

The town is an existing facility that was authorized by the previous permit. There are no planned activities that will affect historic properties. Therefore, this facility is eligible for coverage under Criterion A for determination of coverage under the National Historic Preservation Act (NHPA).

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:

Paul F. Dawson

Title:

Town Administrator

Signature:

Date:

09/26/17

[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

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

Page 19 of 19

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:

Paul F. Dawson

Title:

Town Administrator

Signature:



Date:

09/26/18

[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



260 West Exchange Street, Suite 300
Providence, Rhode Island 02903
tel: 401 457-0321

August 27, 2018

Ms. Brona Simon
State Archaeologist
Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, Massachusetts 02125

Subject: Project Notification Form
2018 EPA NOI for Municipal Separate Storm Sewer Systems (MS4)
Town of Marion, MA

Dear Reviewer:

We have reviewed the referenced project using the Environmental Protection Agency's (EPA) project review process for our Municipal Separate Storm Sewer System (MS4) and have followed all guidance and instructions in completing the review. We completed our review in August 2018 and are submitting our project package in accordance with the instructions for further review.

Our proposed action consists of implementation of a series of non-structural BMPs (e.g. improved drainage system maintenance, implementation of local ordinances/by-laws to control erosion and sedimentation, illicit discharge detection and eliminations program, and implantation of public outreach programs) to protect and improve the quality of stormwater conveyed to receiving water via the existing municipal drainage system. These non-structural BMPs will not adversely affect the water quality of the local receiving waters, but rather will improve water quality over the long term. No disturbance to existing infrastructure is anticipated as a result of implementation of these non-structural BMPs. Therefore, it is our opinion that the Town is eligible for coverage pursuant to the Permit. We respectfully request written concurrence from the MHC that the continued discharge of municipal stormwater to the receiving waters via the existing municipal drainage system will have *no affect/no adverse affect* to protected historical or culturally significant resources. In the future, if the Town determines structural BMPs are required to improve water quality, a separate request will be made to the MHC as part of that specific project. In order to meet EPA-mandated submission requirements we would appreciate a response by September 20, 2018. The location action area is identified on the enclosed map.

Permit implementation will begin in the fall of 2018 and the permit has an expiration date of June 30, 2022.



Ms. Brona Simon
August 27, 2018
Page 2

This is a request for review by the MHC pursuant to Section 106 of the National Historic Preservation Act. We determined that the project is not likely to adversely affect any existing building facades or foundations or cause any structural impacts of any kind. Therefore, we do not anticipate adverse impacts to nearby cultural resources. For additional information, please contact me at the address listed above, by phone at 401-457-0321, or gallantdj@cdmsmith.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Danielle Gallant".

Danielle Gallant, QEP
Environmental Scientist
CDM Smith Inc.

cc: Eilish Corey, CDM Smith

Enclosures: Marion, MA Designated MS4 Areas



950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A
MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD
BOSTON, MASS. 02125
617-727-8470, FAX: 617-727-5128

PROJECT NOTIFICATION FORM

Project Name: 2018 EPA NOI for Municipal Separate Storm Sewer Systems (MS4)

Location / Address: Town of Marion

City / Town: Marion, MA 02738

Project Proponent

Name: Town of Marion

Address: 2 Spring Street

City/Town/Zip/Telephone: Marion, MA Phone: (508) 748-3500

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

Agency Name

Type of License or funding (specify)

None

Project Description (narrative):

The proposed work consists of implementation of a series of non-structural BMPs (e.g. improved drainage system maintenance, implementation of local ordinances/by-laws to control erosion and sedimentation, illicit discharge detection and eliminations program, and implantation of public outreach programs) to protect and improve the quality of stormwater conveyed to receiving water via the existing municipal drainage system.

Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.

No.

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.

No.

Does the project include new construction? If so, describe (attach plans and elevations if necessary).

No new construction.

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A (continued)

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify. No

What is the total acreage of the project area?

Woodland 0 acres
Wetland 0 acres
Floodplain 0 acres
Open space 0 acres
Developed 0 acres

Productive Resources:
Agriculture 0 acres
Forestry 0 acres
Mining/Extraction 0 acres
Total Project Acreage 0 acres

What is the acreage of the proposed new construction? 0 acres

What is the present land use of the project area?

Town of Marion.

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form: 

Date: 8/27/18

Name: Danielle Gallant

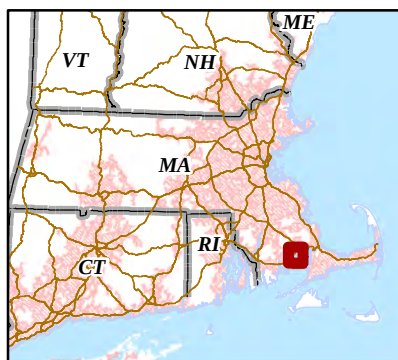
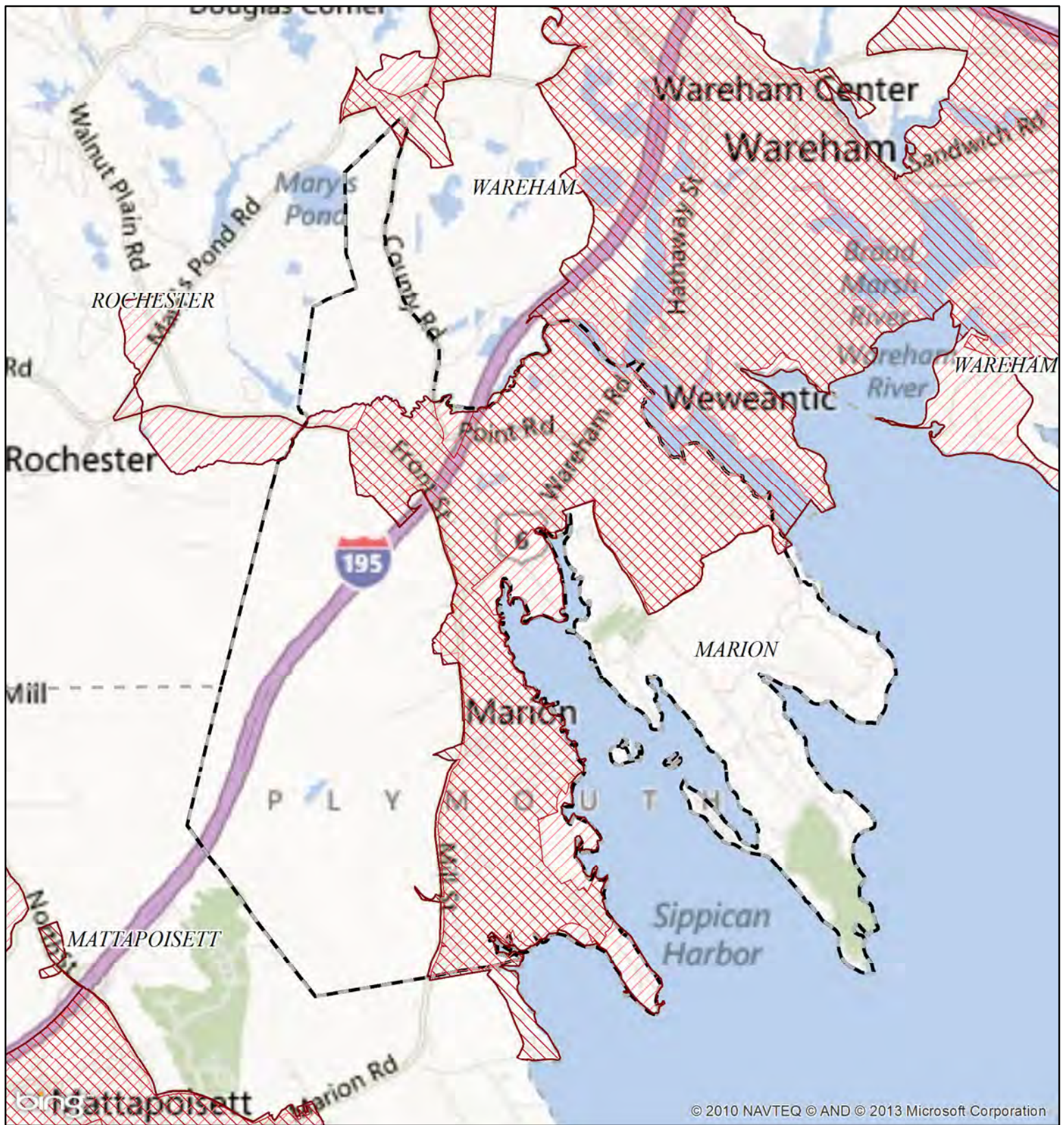
Address: 260 West Exchange Street, Suite 300

City/Town/Zip: Providence, RI 02903

Telephone: 401-457-0321

REGULATORY AUTHORITY

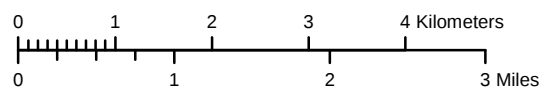
950 CMR 71.00: M.G.L. c. 9, §§ 26-27C as amended by St. 1988, c. 254.



NPDES Phase II Stormwater Program Automatically Designated MS4 Areas

Marion MA

Regulated Area:



Town Population: 4907
Regulated Population: 4111
(Populations estimated from 2010 Census)



Urbanized Areas, Town Boundaries:
US Census (2000, 2010)
Base map © 2013 Microsoft Corporation
and its data suppliers

US EPA Region 1 GIS Center Map #8824, 8/9/2013

RECEIVED

AUG 29 2018

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

MASS. HIST. COMM

RC-65014

APPENDIX A
MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD
BOSTON, MASS. 02125
617-727-8470, FAX: 617-727-5128

PROJECT NOTIFICATION FORM

Project Name: 2018 EPA NOI for Municipal Separate Storm Sewer System (MS4) of MHC files and the materials
Location / Address: Town of Marion you submitted, it has been determined that
City / Town: Marion, MA 02738 this project is unlikely to affect significant
Project Proponent historic or archaeological resources.
Name: Town of Marion Jonathan K. Patton 9/13/18
Address: 2 Spring Street Archaeologist / Preservation Planner
City/Town/Zip/Telephone: Marion, MA Phone: (508) 748-3500 Massachusetts Historical Commission
XC: T. L. Murphy, EPA

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

Agency Name

Type of License or funding (specify)

None

Project Description (narrative):

The proposed work consists of implementation of a series of non-structural BMPs (e.g. improved drainage system maintenance, implementation of local ordinances/by-laws to control erosion and sedimentation, illicit discharge detection and eliminations program, and implantation of public outreach programs) to protect and improve the quality of stormwater conveyed to receiving water via the existing municipal drainage system.

Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.

No.

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.

No.

Does the project include new construction? If so, describe (attach plans and elevations if necessary).

No new construction.

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A (continued)

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify. No

What is the total acreage of the project area?

Woodland 0 acres
Wetland 0 acres
Floodplain 0 acres
Open space 0 acres
Developed 0 acres

Productive Resources:
Agriculture 0 acres
Forestry 0 acres
Mining/Extraction 0 acres
Total Project Acreage 0 acres

What is the acreage of the proposed new construction? 0 acres

What is the present land use of the project area?

Town of Marion.

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form: 

Date: 8/27/18

Name: Danielle Gallant

Address: 260 West Exchange Street, Suite 300

City/Town/Zip: Providence, RI 02903

Telephone: 401-457-0321

REGULATORY AUTHORITY

950 CMR 71.00: M.G.L. c. 9, §§ 26-27C as amended by St. 1988, c. 254.



260 West Exchange Street, Suite 300
Providence, Rhode Island 02903
tel: 401 457-0321

August 27, 2018

U.S. Fish and Wildlife Service
New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301

Subject: Project Review Request, Town of Marion MS4, Marion, Massachusetts, SLI Number:
05E1NE00-2018-SLI2426

Dear Reviewer:

We have reviewed the referenced project using the Environmental Protection Agency's (EPA) project review process for our Municipal Separate Storm Sewer System (MS4) and have followed all guidance and instructions in completing the review. We completed our review on July 18, 2018 and are submitting our project package in accordance with the instructions for further review. The U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) species list indicated these species may be present in the project area: Northern Long Eared Bat, Roseate Tern, and Plymouth Redbelly Turtle. We are submitting this letter as a non-Federal representative of the EPA pursuant to the requirements of the EPA's process for NPDES/MS4 permits.

Our proposed action consists of implementation of a series of non-structural BMPs (e.g. improved drainage system maintenance, implementation of local ordinances/by-laws to control erosion and sedimentation, illicit discharge detection and eliminations program, and implantation of public outreach programs) to protect and improve the quality of stormwater conveyed to receiving water via the existing municipal drainage system. These non-structural BMPs will not adversely affect the water quality of the local receiving waters, but rather will improve water quality over the long term. Therefore, it is our opinion that the Town is eligible for coverage pursuant to the Permit. We respectfully request written concurrence from the USFWS that the continued discharge of municipal stormwater to the receiving waters via the existing municipal drainage system will have *no affect/no adverse affect* to federally protected endangered or threatened species. In the future, if the Town determines structural BMPs are required to improve water quality, a separate request will be made to the USFWS as part of that specific project. In order to meet EPA-mandated submission requirements we would appreciate a response by September 20, 2018. The location action area is identified on the enclosed map.

Permit implementation will begin in the fall of 2018 and the permit has an expiration date of June 30, 2022.





USFWS

August 27, 2018

Page 2

This is a request for review by the Service pursuant to section 7 of the Endangered Species Act. We determined that the project may affect but is not likely to adversely affect the above listed species, because these non-structural BMPs will not adversely affect the water quality of the local receiving waters, but rather will improve water quality over the long term. Species are further identified below with specific information regarding the project impacts to each.

- Northern Long-eared Bat (*Myotis septentrionalis*) – The project proposes implementation of non-structural efforts to improve stormwater discharge quality and will not impact the environments utilized by the northern long-eared bat.
- Roseate Tern (*Sterna dougallii dougallii*) – Discharges from proposed projects may reach the environments utilized by the roseate tern. However, BMPs will be implemented throughout the Town to reduce pollutants to the extent practicable and the discharges are not known to have any measurable impacts on roseate terns, the fish they eat, or their habitat.
- Plymouth Redbelly Turtle (*Pseudemys rubriventris bangsi*) - Discharges from proposed projects may reach the environments utilized by the Plymouth Redbelly Turtle. However, BMPs will be implemented throughout the Town to reduce pollutants to the extent practicable and the discharges are not known to have any measurable impacts on roseate terns, the fish they eat, or their habitat.

The enclosed project package provides the information about the species and/or critical habitat considered in our review, and we identified our determinations for the resources that may be affected by the project. We request you concur with our determination that the project may affect but is not likely to adversely affect the species described above. For additional information, please contact me at the address listed above, by phone at 401-457-0321, or gallantdj@cdmsmith.com.

Sincerely,

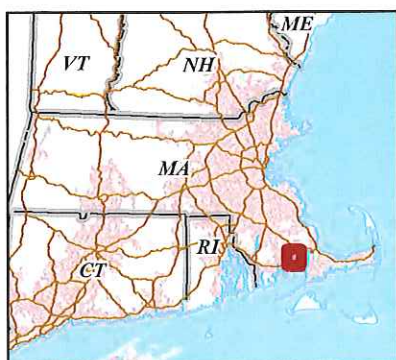
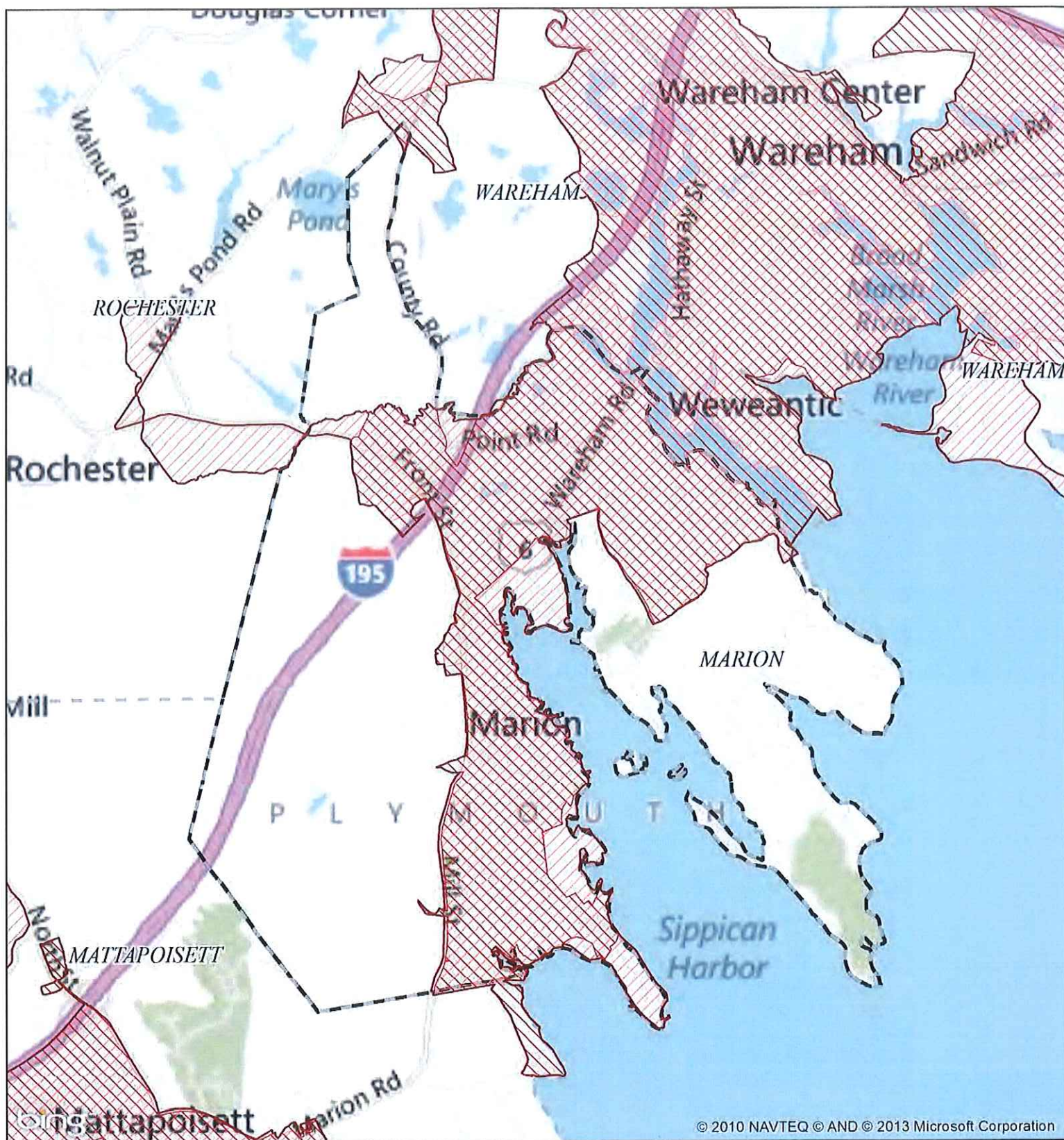
A handwritten signature in blue ink, appearing to read "Danielle Gallant".

Danielle Gallant, QEP
Environmental Scientist
CDM Smith Inc.

cc: Eilish Corey, CDM Smith

Enclosures: List of Threatened or Endangered Species from USFWS
Marion, MA Designated MS4 Areas

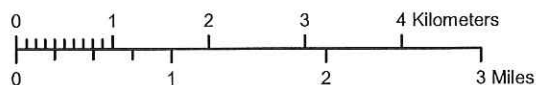




NPDES Phase II Stormwater Program Automatically Designated MS4 Areas

Marion MA

Regulated Area:



Town Population: **4907**
Regulated Population: **4111**
(Populations estimated from 2010 Census)



Urbanized Areas, Town Boundaries:
US Census (2000, 2010)
Base map © 2013 Microsoft Corporation
and its data suppliers

US EPA Region 1 GIS Center Map #8824, 8/9/2013



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:

July 18, 2018

Consultation Code: 05E1NE00-2018-SLI-2426

Event Code: 05E1NE00-2018-E-05635

Project Name: Marion NOI 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-2426

Event Code: 05E1NE00-2018-E-05635

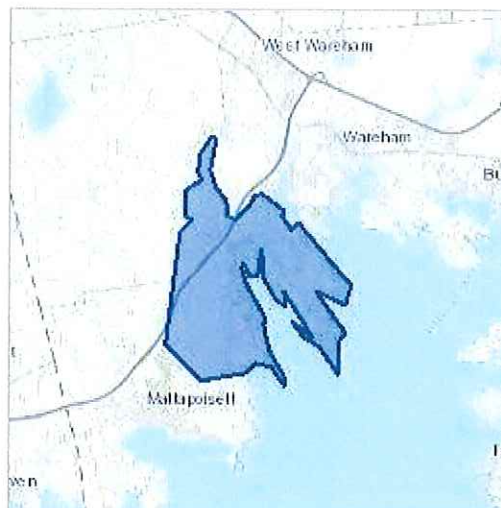
Project Name: Marion NOI MS4

Project Type: ** OTHER **

Project Description: Project involves updating the existing MS4 NOI permit. No specific construction projects proposed, but requesting concurrence that no municipal activities have impacted endangered species. Since all municipal projects undergo environmental review, it is believed that no impacts to endangered or threatened species has or will occur.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.717117334387666N70.77774276441978W>



Counties: Plymouth, MA

Endangered Species Act Species

There is a total of 3 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

Birds

NAME	STATUS
Roseate Tern <i>Sterna dougallii dougallii</i> Population: northeast U.S. nesting pop. No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2083	Endangered

Reptiles

NAME	STATUS
Plymouth Redbelly Turtle <i>Pseudemys rubriventris bangsi</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/451	Endangered

Critical habitats

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

Corey, Eilish

To: Gallant, Danielle (Lemoi)
Subject: RE: USFWS Section 7 Concurrence Letter: MA 2016 Small MS4 General Permit

From: Dykstra, Eliese <eliese_dykstra@fws.gov>
Sent: Wednesday, September 26, 2018 8:47 AM
To: Gallant, Danielle (Lemoi) <GallantDJ@cdmsmith.com>
Subject: USFWS Section 7 Concurrence Letter: MA 2016 Small MS4 General Permit

Dear Danielle Gallant,

Thank you for contacting us regarding the Massachusetts 2016 Small MS4 General Permit for the towns of Brockton, Marion, and New Bedford. Due to the large volume of consultation requests we have received in the past few months for the MA MS4 General Permit, we have created a letter in accordance with section 7 of the Endangered Species Act that may be used in place of an individual concurrence letter for projects that meet certain criteria. We have reviewed your consultation request for listed species that may be in your project action area and have attached our signed response below for you to include in your EPA application.

If you have questions or concerns, please let me know. I can be reached by email at eliese_dykstra@fws.gov, or phone at (603) 227-6427.

Sincerely,
Eliese Dykstra

--

Eliese Dykstra
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301
Phone: 603-227-6427
Email: eliese_dykstra@fws.gov



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 2016 National Pollutant Discharge and Elimination System (NPDES) Massachusetts (MA) Small Municipal Separate Storm Sewer System (MS4) general permit (MA 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 2016 MA 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 MA MS4 General Permit project action area may contain one or more of the following federally listed endangered species: roseate tern (*Sterna dougallii*), northern red-bellied cooter (*Pseudemys rubriventris*), dwarf wedgemussel (*Alasmidonta heterodon*), rusty patched bumble bee (*Bombus affinis*), northeastern bulrush (*Scirpus ancistrochaetus*), or American chaffseed (*Schwalbea americana*); threatened species: piping plover (*Charadrius melodus*), bog turtle (*Glyptemys muhlenbergii*), Puritan tiger beetle (*Cicindela puritana*), northeastern beach tiger beetle (*Cicindela dorsalis*), 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 **MA 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 **MA 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

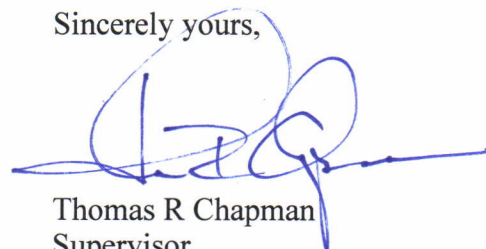
species listed under **Criterion C**,¹ you may still use this letter to certify under **Criterion B**. All existing guidance regarding requirements for certifying eligibility according to the USFWS Criterion A, B, or C for coverage by the 2016 MS4 Permit (see MA MS4 General Permit Appendix C – Endangered Species Guidance) remains unchanged.

We have determined that proposed stormwater discharge activities covered under the 2016 MS4 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 Massachusetts 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 **MA 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

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*), sandplain gerardia (*Agalinis acuta*), small whorled pogonia (*Isotria medeoloides*), and/or American burying beetle (*Nicrophorus americanus*) (MA MS4 General Permit Appendix C: Step 3 – Determine if You Can Meet Eligibility USFWS Criterion C).

Vuto, Michelle

From: Corey, Eilish <CoreyE@cdmsmith.com>
Sent: Wednesday, May 08, 2019 3:30 PM
To: Vuto, Michelle; David Willett
Cc: Reports Stormwater
Subject: RE: Small MS4 NOI submission - additional or corrected information required

Hi Michelle,

On behalf of the Town of Marion, please find responses to your report dated April 3, 2019 below:

- Comment: Please update the measurable goal for Written IDDE Program Development BMP to follow permit requirements (within 1 year).
 - Response: The measurable goal for Written IDDE Program Development BMP will be updated to show a completion date within 1 Year of the permit's effective start date.
- Comment: Please confirm that the town will conduct ongoing dry and wet weather screening (as necessary) upon completion of the IDDE program)
 - Response: A BMP will be added under MCM 3 for Ongoing Screening and include the language "Upon completion of the IDDE program, dry and wet weather screening will be ongoing (as necessary)."
- Comment: Please include measurable goals for the Erosion and Sediment Control BMP and the Waste Control BMP.
 - Response: The measurable goal for both Erosion and Sediment Control BMP shall be "Complete by the end of Year 1".

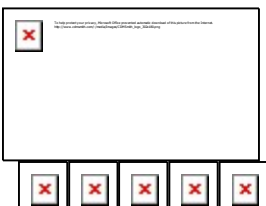
Also please note that the primary MS4 Program Manager has changed from Jon Henry to David Willett. David's contact information is as follows:

David Willett, DPW Director
Email: dwillett@marionma.gov
Phone: (508) 748-3540 ext. 107

If you have any questions please do not hesitate to reach out to me or David.

Thanks,
Eilish

Eilish Corey, PE, ENV SP
CDM Smith
260 West Exchange St, St 300, Providence, RI 02903
401.457.0320
Connect with me on LinkedIn
cdmsmith.com



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

From: Vuto, Michelle <Vuto.Michelle@epa.gov>

Sent: Wednesday, April 3, 2019 2:10 PM

To: jhenry@marionma.gov; Corey, Eilish <CoreyE@cdmsmith.com>

Cc: Reports Stormwater <Stormwater.Reports@epa.gov>

Subject: Small MS4 NOI submission - additional or corrected information required

Hi Jonathan

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.

Let me know if you have any questions.

Best,
Michelle

Michelle Vuto
Stormwater & Construction Permits
U.S. EPA Region 1
5 Post Office Square-OEP06-4
Boston, MA 02109-3912
617-918-1222