

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):
(Part II, III, IV or V, Subpart B.3.(a.) of 2003 permit)

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):	05/13/14
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):	08/13/14
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):	08/13/14

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)

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
Boston Brook (MA92-13)	26	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Creighton Pond (MA92011)	14	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Emerson Brook Reservoir (Forest Street Pond) (MA92021)	15	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Middleton Pond (MA92039)	9	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Nichols Brook (MA92-25)	7	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Upper Boston Brook Pond (MA92070)	3	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Lower Boston Brook Pond (MA92031)	5	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Unnamed Tributary (MA92-12)	160	☐	☐	☐	☐	☐	☐	☐	☐	☐	Fecal Coliform
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
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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	Informational brochures on stormwater programs	Residents	Conservation Agent, Town Planner	Continue to distribute the brochures in the Town library	2019
Web Page	Stormwater information and links on the Town's website	Businesses, Institutions and Commercial Facilities	Webmaster	Continue to provide links to EPA references and public outreach materials	2019
Local Public Service Announcements	Make contractors/developers aware of new by-laws	Developers (construction)	Conservation Agent, Town Planner, DPW, Public Health Director, Buil	Continue public outreach through community access TV, brochures, and boards and committees	2019
Brochures/Pamphlets	Informational brochures with annual recycling program mailing	Industrial Facilities	Conservation Agent, Town Planner	Continue to distribute EPA supplied stormwater brochure	2019
Local Public Service Announcements	Broadcast Stormwater related information on local public access TV	Residents	DPW, Public Health Director	Continue to broadcast stormwater related information on local public access	2020

Brochures/Pamphlets	Use Think Blue Massachusetts outreach materials and guidance -implementing outreach for relevant impairments town wide. Example: https://www.thinkbluemassachusetts.org/for-businesses	Businesses, Institutions and Commercial Facilities	Conservation Agent, DPW	Distribute brochures to businesses, institutions, and commercial facilities	2020
Web Page/Design Recommendations	A web page containing stormwater education materials posted on the Town webpage marked as "Important Stormwater Management Information for Developers" – with a collection of links to relevant educational material	Developers (construction)	Webmaster, Conservation Agent, DPW	Provide links to Stormwater BMPs and other water quality educational resources on the Town's website.	2020
Web Page	Post web links and guidance from various sources (Think Blue Massachusetts, MassDEP, Cape Cod Stormwater, etc.) specific to industrial facilities to the town website. Implementing outreach for relevant impairments town wide.	Industrial Facilities	Conservation Agent, Webmaster	Provide links to websites within town website that are catered towards industrial facilities	2020
School Curricula/Programs	Implement Greenscapes North Shore Coalition's "Keeping Water Clean" program for 5th grade classes.	Residents	Conservation Agent, Town Planner	Implement program to help member towns comply with MS4 permit requirements	2019

[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	N/A - No Sanitary Sewers)			
Storm sewer system map	Create map and update during IDDE program completion	Consultant, DPW	Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit	2020
Written IDDE program	Create written IDDE program	Consultant, DPW	Complete within 1 year of the effective date of permit and update as required	2019
Implement catchment investigations portion of IDDE program	Implement catchment investigations according to program and permit conditions	Consultant, DPW	Complete catchment investigations in accordance with outfall screening procedure and permit conditions	2020
Employee training	Train employees on IDDE implementation	Consultant, DPW	Train annually	2019
Conduct dry weather screening	Conduct in accordance with outfall screening procedure and permit conditions	Consultant, DPW	Complete 3 years after effective date of permit	2020
Conduct wet weather screening	Conduct in accordance with outfall screening procedure	Consultant, DPW	Complete in accordance with outfall screening procedure and permit conditions	2021
Ongoing screening	Conduct dry weather and wet weather screening (as necessary)	Consultant, DPW	Complete ongoing outfall screening upon completion of IDDE program	2022

[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	Conservation Agent, Building Inspectors	Complete within 1 year of the effective date of permit	2018
Site plan review	Complete written procedures of site plan review and begin implementation	Conservation Agent, Building Inspectors	Complete within 1 year of the effective date of permit	2019
Erosion and Sediment Control	Adoption of requirements for construction operators to implement a sediment and erosion control program	Conservation Agent, Building Inspectors	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	Conservation Agent, Building Inspectors	Complete within 1 year of the effective date of permit	2019

[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	Conservation Agent, DPW	Require submission of as-built plans for completed projects	2020
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	Conservation Agent, DPW	Complete 4 years after effective date of permit and report annually on retrofitted properties	2022
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	Conservation Agent, DPW	Complete 4 years after effective date of permit and implement recommendations of report	2022
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.	Conservation Agent, DPW	Complete 4 years after effective date of permit and implement recommendations of report	2022

[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	DPW, Parks and Recreation, Schools	Complete and implement 2 years after effective date of permit	2020
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Create inventory	DPW, Conservation Agent	Complete 2 years after effective date of permit and implement annually	2020
Infrastructure O&M	Establish and implement program for repair and rehabilitation of MS4 infrastructure	DPW	Complete 2 years after effective date of permit	2020
Stormwater Pollution Prevention Plan (SWPPP)	Create SWPPPs for maintenance garages, transfer stations, and other waste-handling facilities	External Contractors, Town Planner, DPW	Complete and implement 2 years after effective date of permit	2020
Catch basin cleaning	Establish schedule for catch basin cleaning such that each catch basin is no more than 50% full and clean catch basins on that schedule	DPW	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	DPW	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	DPW	Implement salt use optimization during deicing season	2023

[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.

Middleton's information was collected through a number of Town departments, local watershed organizations, associations, and volunteers. The Town will be collecting and analyzing basic water monitoring data from the town streams, ponds, and lakes throughout Middleton. Water sample training is provided for all participants by the Town.

An endangered species list is attached.

Middleton's MS4 is covered under the 2003 Permit eligibility with the National Historic Preservation Act, which was previously determined. There is no expansion planned to the MS4 as part of this permit, therefore Middleton is covered under Criterion A.

The outfall mapping was originally completed under the 2003 Permit. Extensive recent development has taken place in Middleton, so previously completed mapping requires updating, and this is the reason that the outfall mapping is now listed as only 70% complete. The Town is in the process of updating the map to reflect outfalls installed as part of recent development.

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:

Andrew Sheehan

Title:

Town Manager

Signature:

Andrew J. Sheehan

Digitally signed by Andrew J.
Sheehan
Date: 2018.09.27 17:23:53 -04'00'

Date:

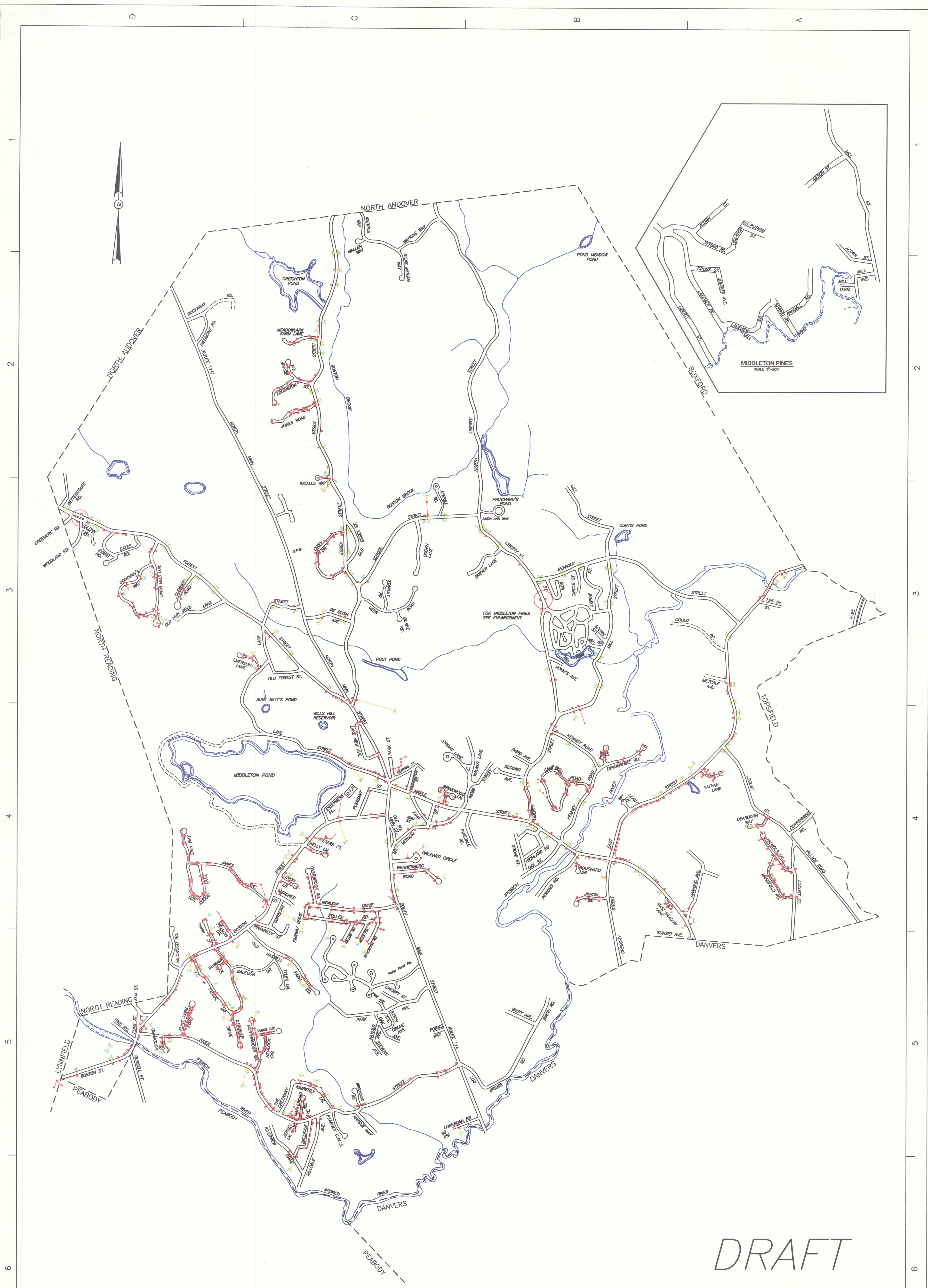
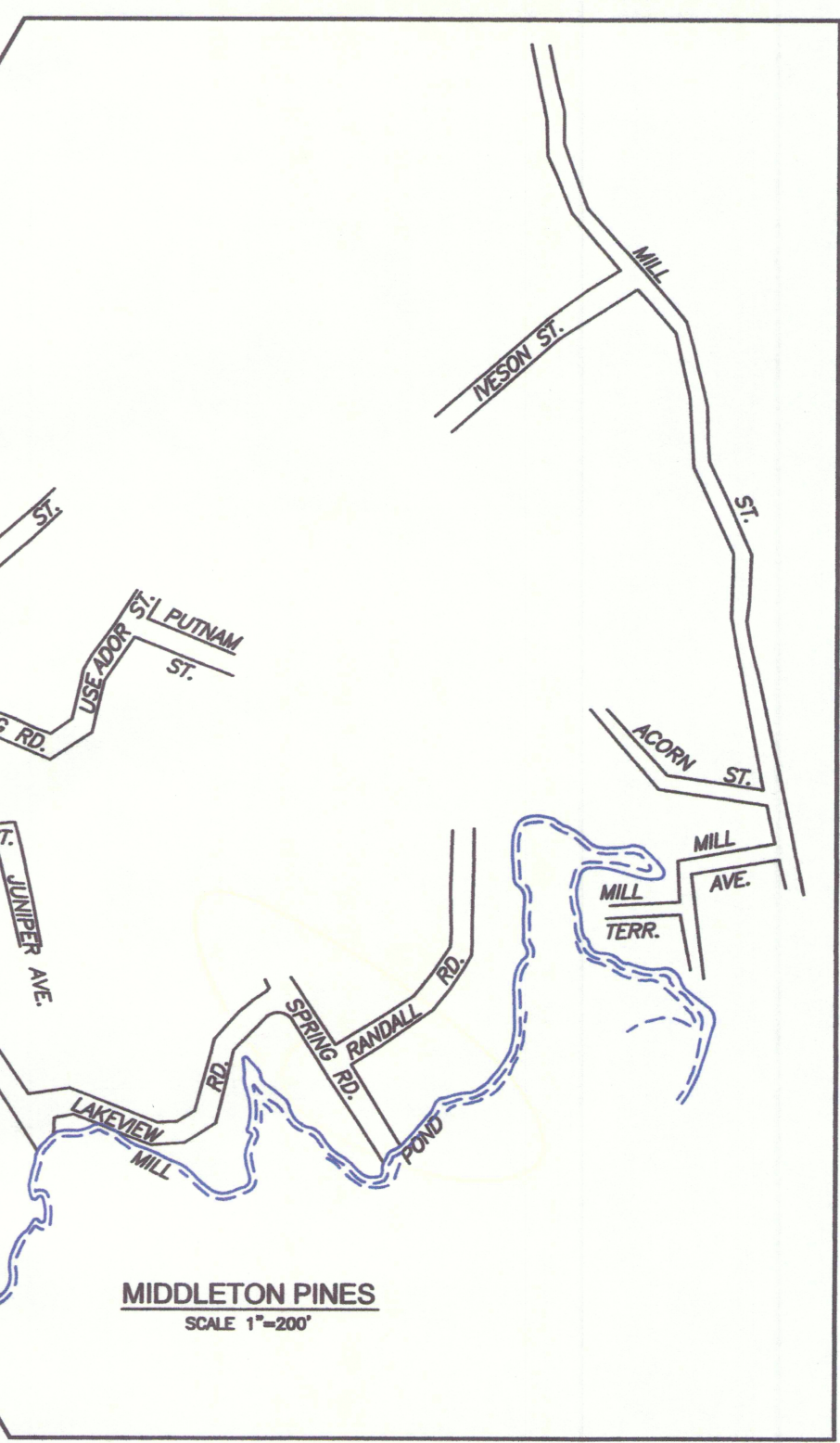
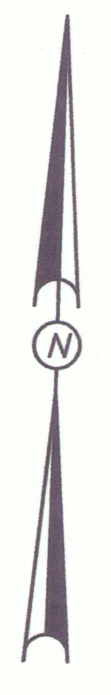
09/21/18

[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

Attachment 1

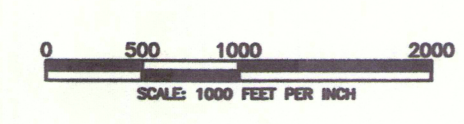
Town of Middleton Outfall Map



DRAFT

LEGEND

- Drain Pipes
- Town Boundary
- Water Body Boundary
- Street
- Outfall
- Catch Basin



TOWN OF MIDDLETON, MASSACHUSETTS
STORM DRAINAGE SYSTEM

NOVEMBER 2004

Attachment 2

Endangered Species Determination Letter

and

Official IPaC Species List



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104
<http://www.fws.gov/newengland>



In Reply Refer To:
Consultation Code: 05E1NE00-2018-SLI-3066
Event Code: 05E1NE00-2018-E-07225
Project Name: Middleton NOI

September 13, 2018

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). 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-3066

Event Code: 05E1NE00-2018-E-07225

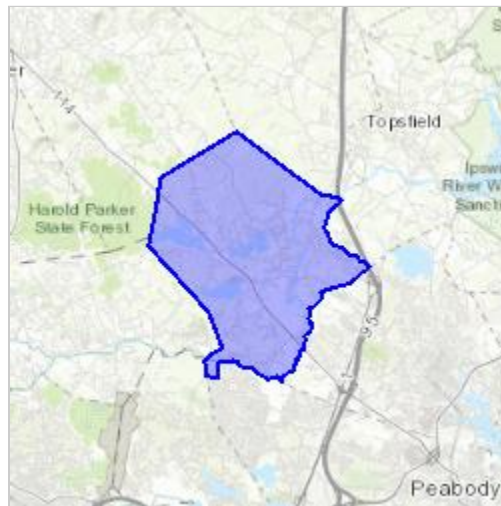
Project Name: Middleton NOI

Project Type: ** OTHER **

Project Description: Filling out the NOI MS4 permit form, which requires a review for endangered species.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.60252365702952N71.01231906975784W>



Counties: Essex, MA | 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.

From: [Doyle-Breen, Jennifer](#)
To: [Vuto, Michelle](#)
Cc: [Teetsel, Brandon](#); [Kristin Kent](#)
Subject: RE: Small MS4 NOI submission - additional or corrected information required
Date: Thursday, February 14, 2019 1:39:23 PM

Hello Michelle,

On behalf of the Town of Middleton (copied on this email), I am writing to confirm that the town will follow part III of Appendix H for fecal coliform for Water Body MA92-12.

The Town's SWMP, currently under preparation, will specifically identify these requirements.

Thank you – if you need any further information is needed in regard to the Town of Middleton's NOI, please let us know.

Jennifer Doyle-Breen
Associate Vice President
Direct +1 978-905-2968
Fax +1-978-905-2101
jennifer.doyle-breen@aecom.com

AECOM

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Chelmsford, Massachusetts 01824
Front Desk +1 978-905-2100
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From: Vuto, Michelle <Vuto.Michelle@epa.gov>
Sent: Friday, February 08, 2019 3:31 PM
To: Ken.Gibbons@middletonma.gov; Teetsel, Brandon <brandon.teetsel@aecom.com>
Subject: Small MS4 NOI submission - additional or corrected information required

Hello,

EPA is reviewing Middleton's Small MS4 NOI and need some additional information to continue with the review. Please respond with a statement that the town will follow part III of Appendix H for fecal coliform for MA92-12. 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