

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? (Part II, III, IV or V, Subpart B.3.(b.) of 2003 permit)	Yes	Effective Date or Estimated Date of Adoption (MM/DD/YY):	06/13/13
Construction/Erosion and Sediment Control (ESC) Authority Adopted? (Part II, III, IV or V, Subpart B.4.(a.) of 2003 permit)	Yes	Effective Date or Estimated Date of Adoption (MM/DD/YY):	06/13/13
Post- Construction Stormwater Management Adopted? (Part II, III, IV or V, Subpart B.5.(a.) of 2003 permit)	Yes	Effective Date or Estimated Date of Adoption (MM/DD/YY):	06/13/13

Part II: Summary of Receiving Waters

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]

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
Fountain Pond	5	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Sidneys Pond	3	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Flume Pond	19	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Craigs Pond	15	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Little Elder Pond	1	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Meadow Pond	3	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Post Office Pond	3	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Hotel Pond	7	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Crowinshield Pond	5	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Dog Pond	5	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Non-Structural Ditches	9	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Non-Structural Basins	43	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Unnamed Streams	183	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Unnamed Ponds	61	☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	

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
Local Public Service Announcements	Stormwater education videos on public access station.	Residents	DPS	Continue to show videos on public access station, at least once a year	2018
Web Page	Use outreach materials and guidance from various sources (Think Blue Massachusetts, MassDEP, Cape Cod Stormwater) for posting online. This implements outreach for relevant impairments town wide. See: https://www.thinkbluemassachusetts.org/for-businesses	Businesses, Institutions and Commercial Facilities	Conservation Commission, DPS	Provide links to websites within town website. The links will be catered towards commercial facilities.	2020
Meeting	Provide education on recommended stormwater/erosion control practices by providing fact sheets and diagrams through meeting with applicants.	Developers (construction)	DPS	Continue to educate and help apply best management practices	2019

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 Commission	Provide links to websites within town website that are catered towards industrial facilities	2019
Brochures/Pamphlets	Flyers distributed at Town Hall and Town Meeting on residential storm water issues	Residents	Conservation Commission, DPS	Distribute handouts and posters	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 Commission, DPS	Distribute brochures to businesses, institutions, and commercial facilities	2019
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)	Information Technology Department, Conservation Commission, DPS	Provide links to Stormwater BMPs and other water quality educational resources on the Town's website.	2020

[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]

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	Consultant, DPS	Complete within 1 year of effective date of permit	2019
Storm sewer system map	Create map and update during IDDE program completion	Consultant, DPS	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, DPS	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, DPS	Complete catchment investigations in accordance with outfall screening procedure and permit conditions	2020
Employee training	Train employees on IDDE implementation	Consultant, DPS	Train annually	2019
Conduct dry weather screening	Conduct in accordance with outfall screening procedure and permit conditions	Consultant, DPS	Complete 3 years after effective date of permit	2020
Conduct wet weather screening	Conduct in accordance with outfall screening procedure	Consultant, DPS	Complete in accordance with outfall screening procedure and permit conditions	2021
Ongoing screening	Conduct dry weather and wet weather screening (as necessary)	Consultant, DPS	Complete ongoing outfall screening upon completion of IDDE program if needed	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 Commission, DPS	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 Commission, DPS	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	Conservation Commission, DPS	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 Commission, DPS	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 Commission, DPS	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 Commission, DPS	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 Commission, DPS	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 Commission, DPS	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	DPS, Parks and Recreation, Schools, Fire Department, Police Department	Continue to 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	DPS, Conservation Commission	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	DPS	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, Planning Board, DPS	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	DPS	Continue to clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually	2019
Street sweeping program	Sweep all streets and permittee-owned parking lots in accordance with permit conditions	DPS	Continue to sweep all streets and permittee-owned parking lots once per year in the spring	2019
Road salt use optimization program	Establish and implement a program to minimize the use of road salt	DPS	Implement salt use optimization during deicing season	2020

[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.**

Pollutant	Waterbody ID(s)	Action Description	Responsible Department/Parties (enter your own text to override the drop down menu)
Oil and Grease	Goldthwaite Brook (MA93-05)	Adhere to requirements in part I of Appendix H	DPS
Phosphorus	Goldthwaite Brook (MA93-05)	Adhere to requirements in part I of Appendix H	DPS
Nitrogen	Proctor Brook (MA93-39)	Adhere to requirements in part I of Appendix H	DPS
Oil and Grease	Proctor Brook (MA93-39)	Adhere to requirements in part I of Appendix H	DPS
Phosphorus	Proctor Brook (MA93-39)	Adhere to requirements in part I of Appendix H	DPS
TSS	Proctor Brook (MA93-39)	Adhere to requirements in part I of Appendix H	DPS
Turbidity	Proctor Brook (MA93-39)	Adhere to requirements in part I of Appendix H	DPS
TSS	Norris Brook (MA92-11)	Adhere to requirements in part I of Appendix H	DPS
Turbidity	Norris Brook (MA92-11)	Adhere to requirements in part I of Appendix H	DPS
Phosphorus	Devils Dishfull Pond (MA92015)	Adhere to requirements in part I of Appendix H	DPS
TSS	Devils Dishfull Pond (MA92015)	Adhere to requirements in part I of Appendix H	DPS
Turbidity	Devils Dishfull Pond (MA92015)	Adhere to requirements in part I of Appendix H	DPS
Phosphorus	Crystal Lake (MA92013)	Adhere to requirements in part I of Appendix H	DPS
		Adhere to requirements in part I of Appendix H	
		Adhere to requirements in part I of Appendix H	
		Adhere to requirements in part I of Appendix H	

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.

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

An endangered species list is attached.

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

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:

Edward A. Bettencourt, Jr.

Title:

Mayor

Signature:

Edward A. Bettencourt, Jr.

Digitally signed by Edward A. Bettencourt, Jr.
Date: 2018.09.20 18:27:15 -04'00'

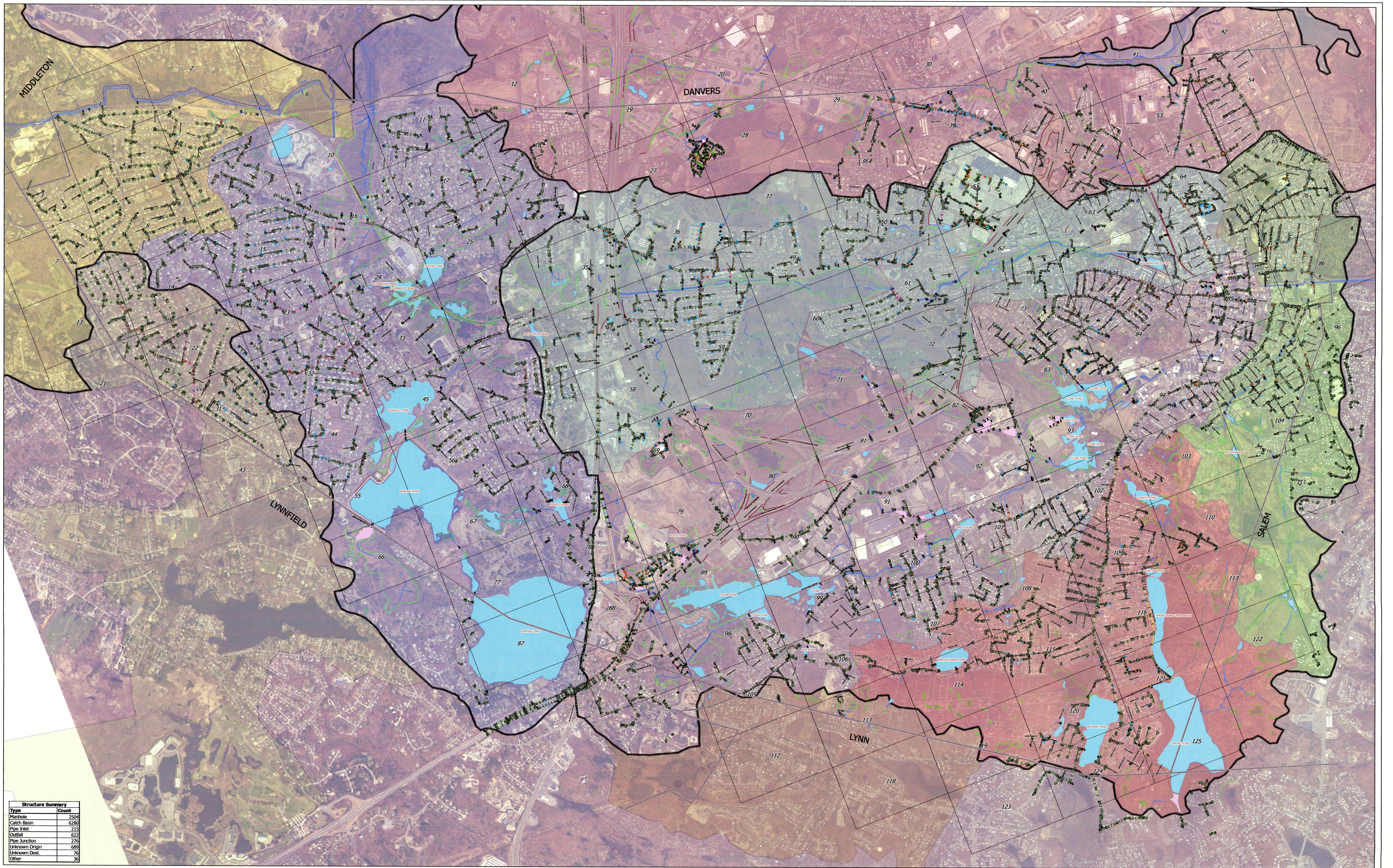
Date:

[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

Attachment 1

City of Peabody Outfall Map



Structure Summary	
Type	Count
Mainhole	2594
Catch Basin	6280
Pipe Inlet	215
Outfall	622
Pipe Junction	276
Unknown Origin	689
Unknown Dest.	76
Other	36

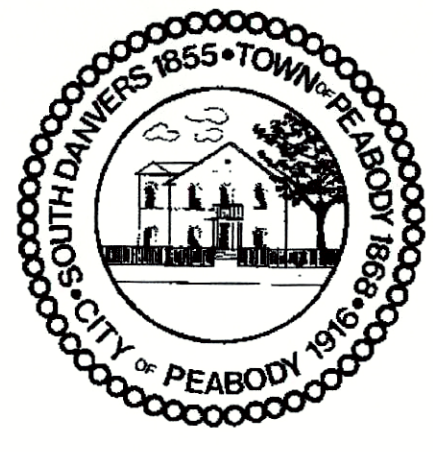
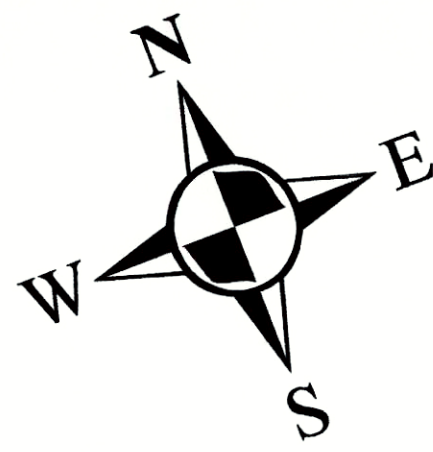
NECE Drain Pipe		NECE Drain Points		Watersheds	
Unknown	14-18"	Drain Manhole	•	Lawrence Brook	•
< 6"	20-26"	Catch Basin	•	Goldthwaite Brook	•
8-12"	27-36"	Pipe Inlet	•	Proctor Brook	•
	42-66"	Outfall	•	Tapley Brook	•
				Strongwater Brook	•
				Ipswich River	•
				Norris Brook	•
				Waters River	•
				Pillings Pond	•
				Cedar Brook	•
				Non-Structural - Basins	•
				Non-Structural - Ditches	•
				Unknown Origin	•
				Unknown Destination	•
				Other	•

CITY OF PEABODY, MASSACHUSETTS
Drainage Catchments and Infrastructure
Revised August, 2009

0 0.1 0.2 0.4 0.6 0.8 1
Miles

Prepared By: James
Printing Date: August 18, 2009
File: H:\Clients\Peabody\GIS\Drain GIS\Peabody_Drains-Deliverable[01-09].
Peabody_Map_Joined_Drain_Database.mxd

Map is for illustration purposes only and is
not complete or accurate enough for utility
markout or construction related reference.



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:

July 03, 2018

Consultation Code: 05E1NE00-2018-SLI-2272

Event Code: 05E1NE00-2018-E-05313

Project Name: Peabody NOI

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-2272

Event Code: 05E1NE00-2018-E-05313

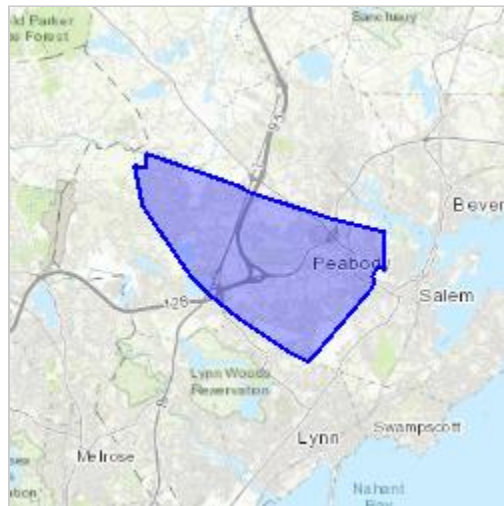
Project Name: Peabody NOI

Project Type: ** OTHER **

Project Description: General NOI for the 2018 MS4 Permit Application

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.532263800876095N70.96332905639153W>



Counties: Essex, MA

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA 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

Critical habitats

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



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

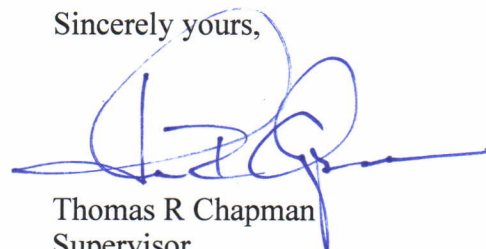
species listed under **Criterion C**,¹ you may still use this letter to certify under **Criterion B**. All existing guidance regarding requirements for certifying eligibility according to the USFWS Criterion A, B, or C for coverage by the 2016 MS4 Permit (see MA MS4 General Permit Appendix C – Endangered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

From: [Teetsel, Brandon](#)
To: [Kozminski, Michelle](#)
Cc: [Reports Stormwater](#); [Doyle-Breen, Jennifer](#); william.stansfield@peabody-ma.gov
Subject: RE: Small MS4 NOI submission - additional or corrected information required
Date: Thursday, October 11, 2018 1:04:36 PM
Attachments: [USFWS MS4 Letter.pdf](#)

Michelle,

On behalf of the City of Peabody, we are providing the requested additional information regarding stormwater MS4 discharge impacts to roseate tern and long-eared bat, which are the endangered species identified as occurring within Peabody's municipal boundaries.

Attached is a letter from the US Fish and Wildlife Service which states that proposed stormwater discharge activities covered under the 2016 MS4 Permit may affect, but are not likely to adversely affect, the roseate tern (as well as other species listed), 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)).

All of the above stipulations are true for the City of Peabody, deeming the proposed stormwater discharge activities under the 2016 MS4 Permit not likely to adversely affect to roseate tern.

Therefore, Peabody's stormwater discharges meet ESA eligibility criteria for roseate tern under Criterion B of the MS4 Permit.

There are no known northern long-eared bat hibernaculum or roost trees within City boundaries as of the latest map published by NHESP (<https://mass-eoeaa.maps.arcgis.com/apps/Viewer/index.html?appid=de59364ebbb348a9b0de55f6febfdf52>).

The City does not have any plans to remove any trees for stormwater related projects. The effect of the stormwater discharges and discharge related activities on the northern long-eared bat have been evaluated using the best scientific and commercial data available by EPA. Based on those evaluations, EPA has determined that the stormwater discharges and discharge related activities will have no effect on northern long-eared bat. Therefore, Peabody's stormwater discharges meet ESA eligibility criteria for long-eared bat under Criterion C of the MS4 Permit .

We also had two other comments regarding your previous email –

- You stated that Peabody's MS4 permit number is MAR041216, but in 2009 it appears to have been changed to MAR05D194, according to the historical MS4 reports (located online [here](#)). Shouldn't this newer permit number be used instead of the older one?
- Please note that Bill Stansfield of the Peabody DPS' email is william.stansfield@peabody-ma.gov (versus .org), and we would appreciate it if you would include him on your response; we are also copying him on this email response to you.

Thank you for bringing the oversight on the NOI form to our attention, and please let me know if you need any additional information regarding Peabody's NOI submission.

Brandon Teetsel, EIT*

Water Resources Specialist, Water
D +1-978-905-2483

brandon.teetsel@aecom.com

**Registered in NY*

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

From: Kozminski, Michelle <kozminski.michelle@epa.gov>

Sent: Friday, October 05, 2018 8:15 AM

To: Teetsel, Brandon <brandon.teetsel@aecom.com>; william.stansfield@peabody-ma.org

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

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.

Also just a note for future reference, Peabody's MS4 permit number is MAR041216.

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