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

Part I: General Conditions

General Information

Name of Municipality or Organization: Town of Scituate State: MA

EPA NPDES Permit Number (if applicable): MAR041060

Primary MS4 Program Manager Contact Information

Name: Kevin Cafferty Title: Director, DPW

Street Address Line 1: 600 Chief Justice Cushing Highway

Street Address Line 2:

City: Scituate State: MA Zip Code: 02066

Email: kcafferty@scituatema.gov Phone Number: (781) 545-8732

Fax Number: (781) 545-8704

Other Information

Stormwater Management Program (SWMP) Location (web address or physical location, if already completed): Scituate Town Hall - DPW Administration

Eligibility Determination

Endangered Species Act (ESA) Determination Complete? Yes

Eligibility Criteria (check all that apply): ☐ A ☒ B ☐ C

National Historic Preservation Act (NHPA) Determination Complete? Yes

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? *(Part II, III, IV or V, Subpart B.3.(a.) of 2003 permit)* 100%

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)

https://www.scituatema.gov/sites/scituatema/files/pages/180925_scituate-ms4outfalls_reduced.pdf

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): 08/01/12

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): 04/14/16

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): 04/14/16

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

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
MA94-02 Scituate Harbor	26	☐	☐	☐	☐	☐	☐	☐	☐	☐	Fecal Coliform
MA94-07 Herring River	5	☐	☐	☐	☐	☐	☐	☐	☐	☐	Fecal Coliform
MA94-09 South River	12	☐	☐	☐	☐	☐	☐	☐	☐	☐	Fecal Coliform
MA94-18 Bound Brook	7	☐	☐	☐	☐	☐	☐	☒	☐	☐	
MA94-19 The Gulf	3	☐	☐	☐	☐	☐	☐	☐	☐	☐	Fecal Coliform
MA94-25 First Herring Brook	8	☐	☐	☐	☐	☐	☐	☐	☐	☐	None
MA94-33 Musquashcut Pond	9	☐	☒	☒	☐	☐	☒	☐	☐	☐	Excessive algal growth, fecal coliform
MA94113 Old Oaken Bucket Pond	3	☐	☐	☐	☐	☐	☒	☐	☐	☐	
Atlantic Ocean	8	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Booth Hill Wetland	2	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Booth Hill Road Wetlands	7	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Booth Hill Tributary	4	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Bound Brook Wetlands	5	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Clapp Brook	4	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Clapp's Corner Wetland	11	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Cushing Road Wetland	4	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
First Cliff Wetland	5	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
First Herring Brook Wetland	16	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed

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
Fourth Cliff Wetlands	3	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Gannett Road Tributary to the Gulf	4	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Gilson Road Wetlands	10	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Grove Street Wetland	7	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Hatherly Wetlands	6	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Herring Brook	2	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Jericho Road Wetlands	5	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Musquashcut Brook Wetlands	8	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Musquashcut Pond Wetlands	1	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Neal Gate Street Wetlands	4	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
North River Marsh	3	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Old Forge Road Tributary	14	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Old Oaken Bucket Pond Wetlands	1	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Sand Hills Wetland	3	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Satsuit Meadow	8	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Satuit Brook	21	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Satuit Brook Wetland	25	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Scituate Harbor Marshes	7	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
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**
Seaside Road Stream	2	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Sherman Corner Wetland	2	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
South Swamp	12	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Tan Brook	3	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed

The Glades	7	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
The Gulf (unassessed upstream segment)	19	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Third Cliff Wetlands	3	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Tilden Wetland	6	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Tributary to First Herring Brook	2	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
Vernon Stream	1	☐	☐	☐	☐	☐	☐	☐	☐	☐	Not Assessed
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
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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 Imple-mentation**
School Curricula/Programs, press release, so	General stormwater messaging - Groundwater model, watershed model and cleaning dirty water taught to elementary school students and parent volunteers in school program	Residents	North and South Rivers Watershed Association as part of the WaterSn	The permittee shall document in each annual report the messages for each audience; the method of distribution; the measures/methods used to assess the effectiveness of the messages, and the method/measures used to assess the overall effectiveness of the education program	2018

Press release, social media post, web page, b	Proper management of Waste Materials and Dumpsters - provide education relevant to managing and reducing waste from dumpster waste from entering stormwater	Businesses, Institutions and Commercial Facilities	North and South Rivers Watershed Association as part of the WaterSn	The permittee shall document in each annual report the messages for each audience; the method of distribution; the measures/methods used to assess the effectiveness of the messages, and the method/measures used to assess the overall effectiveness of the education program	2019
Press release, social media post, web page, b	Proper Sediment and Erosion Control Management - Provided by Planning, Conservation, Building Department at permit request	Developers (construction)	North and South Rivers Watershed Association as part of the WaterSn	The permittee shall document in each annual report the messages for each audience; the method of distribution; the measures/methods used to assess the effectiveness of the messages, and the method/measures used to assess the overall effectiveness of the education program	2020

Press release, social media post, web page, l	Proper management of Waste Materials and Dumpsters - provide education relevant to managing and reducing waste from dumpster waste from entering stormwater	Industrial Facilities	North and South Rivers Watershed Association as part of the WaterSn	The permittee shall document in each annual report the messages for each audience; the method of distribution; the measures/methods used to assess the effectiveness of the messages, and the method/measures used to assess the overall effectiveness of the education program	2020
Press release, social media post, flyer, web p	Regional Rain Barrel Sale - Education about water conservation and the reduction of stormwater from impervious surfaces	Residents	North and South Rivers Watershed Association as part of the WaterSn	The permittee shall document in each annual report the messages for each audience; the method of distribution; the measures/methods used to assess the effectiveness of the messages, and the method/measures used to assess the overall effectiveness of the education program	2018

Press release, social media post, web page, b	Parking lot maintenance - salt storage, sweeping, catch basin cleaning, fleet maintenance	Businesses, Institutions and Commercial Facilities	North and South Rivers Watershed Association as part of the WaterSn	The permittee shall document in each annual report the messages for each audience; the method of distribution; the measures/methods used to assess the effectiveness of the messages, and the method/measures used to assess the overall effectiveness of the education program	2021
Press release, social media post, web page, b	Low Impact Development Information targeted to Developers - reduction of impervious surfaces, use of alternatives to paving, decentralized approach to stormwater, rain gardens, swales, bioretention	Developers (construction)	North and South Rivers Watershed Association as part of the WaterSn	The permittee shall document in each annual report the messages for each audience; the method of distribution; the measures/methods used to assess the effectiveness of the messages, and the method/measures used to assess the overall effectiveness of the education program	2022

Press release, social media post, web page, b	Parking lot maintenance - salt storage, sweeping, catch basin cleaning, fleet maintenance	Industrial Facilities	North and South Rivers Watershed Association as part of the WaterSm	The permittee shall document in each annual report the messages for each audience; the method of distribution; the measures/methods used to assess the effectiveness of the messages, and the method/measures used to assess the overall effectiveness of the education program	2022
Special Event, Festival, Fairs	Gardening Green Expo - Regional event for WaterSmart South Shore Communities that provides information on how residents can reduce stormwater pollution from better landscaping practices.	Residents	North and South Rivers Watershed Association as part of the WaterSm	The permittee shall document in each annual report the messages for each audience; the method of distribution; the measures/methods used to assess the effectiveness of the messages, and the method/measures used to assess the overall effectiveness of the education program	2018

Brochures and Pamphlets, social media post	Greenscapes Guide - Digital download of landscaping techniques that reduce stormwater pollutants (fertilizers, pesticides, herbicides)	Residents	North and South Rivers Watershed Association as part of the WaterSm	The permittee shall document in each annual report the messages for each audience; the method of distribution; the measures/methods used to assess the effectiveness of the messages, and the method/measures used to assess the overall effectiveness of the education program	2018
Press release, social media post, web page, b	Septic maintenance - Maintenance of septic systems, corresponding with SepticSmart week in September	Residents	North and South Rivers Watershed Association as part of the WaterSm	The permittee shall document in each annual report the messages for each audience; the method of distribution; the measures/methods used to assess the effectiveness of the messages, and the method/measures used to assess the overall effectiveness of the education program	2019

Press release, social media post, web page, b	Pet waste - Handout/ mailer to go with dog licensing & distributed at local veterinarian offices and local pet stores & WaterSmart website; potential to target offending area	Residents	North and South Rivers Watershed Association as part of the WaterSm	The permittee shall document in each annual report the messages for each audience; the method of distribution; the measures/methods used to assess the effectiveness of the messages, and the method/measures used to assess the overall effectiveness of the education program	2021

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

Part III: Stormwater Management Program Summary (continued)

MCM 2: Public Involvement and Participation

BMP Categorization	Brief BMP Description (enter your own text to override the drop down menu)	Responsible Department/Parties (enter your own text to override the drop down menu)	Additional Description/ Measurable Goal	Beginning Year of BMP Imple-mentation
Public Review	SWMP Review	DPW Operations	Allow annual review of stormwater management plan and posting of stormwater management plan on website	2019
Public Participation	Household haz. waste/used oil collection	DPW Operations	Record volumes/quantities of materials collected	2019
Public Participation	Conduct Town-wide cleanups "Shipshape"	DPW Operations	Record quantities of material collected	2019
Public Participation	Stormwater Working Group to revise Stormwater Regulations	Conservation Committee	Record number of meetings	2019
Public Participation	Annual Public Meeting - Stormwater	DPW Operations, Conservation	Allow public to comment on stormwater management plan annually. Maintain and provide publicly the minutes from each meeting	2019
Public Participation	Install signage at parks and public beach access for pet waste reminder	DPW Operations	Number of signs installed/ maintained	2019

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 Imple-mentation**
SSO inventory	Develop SSO inventory in accordance of permit conditions	DPW Operations	Complete within 1 year of effective date of permit	2018
Storm sewer system map	Create map and update during IDDE program completion	DPW Operations	Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit	2018
Written IDDE program	Create written IDDE program	DPW Operations	Complete within 1 year of the effective date of permit and update as required	2018
Implement IDDE program	Implement catchment investigations according to program and permit conditions	DPW Operations	Complete 10 years after effective date of permit	2018
Employee training	Train employees on IDDE implementation	DPW Operations	Train annually	2018
Conduct dry weather screening	Conduct in accordance with outfall screening procedure and permit conditions	DPW Operations	Complete 3 years after effective date of permit	2018
Conduct wet weather screening	Conduct in accordance with outfall screening procedure	DPW Operations	Complete 10 years after effective date of permit	2019
Ongoing screening	Conduct dry weather and wet weather screening (as necessary)	DPW Operations	Complete ongoing outfall screening upon completion of IDDE program	2019
IDDE Plan - Septic System Inspection Program	Inspect coastal septic systems following storm events with large storm surge	Health Department	Track number of impacted systems and repairs	2019

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 Imple-mentation**
Site inspection and enforcement of Erosion and Sediment Control (ESC) measures	Complete written procedures of site inspections and enforcement procedures	Planning/zoning Department	Complete within 1 year of the effective date of permit	2018
Site plan review	Complete written procedures of site plan review and begin implementation	Planning/zoning Department	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	Planning/zoning Department	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	Planning/zoning Department	Complete within 1 year of the effective date of permit	2018

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 Imple-mentation**
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	Planning/zoning Department	Require submission of as-built plans for completed projects	2018
Target properties to reduce impervious areas	Identify at least 5 permittee-owned properties that could be modified or retrofitted with BMPs to reduce impervious areas and update annually	DPW Operations	Complete 4 years after effective date of permit and report annually on retrofitted properties	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/zoning Department	Complete 4 years after effective date of permit and implement recommendations of report	2020
Street design and parking lot guidelines	Develop a report assessing requirements that affect the creation of impervious cover. The assessment will help determine if changes to design standards for streets and parking lots can be modified to support low impact design options.	Planning/zoning Department	Complete 4 years after effective date of permit and implement recommendations of report	2020

Ensure any stormwater controls or management practices for new development and redevelopment meet the retention or treatment requirements of the permit and all applicable requirements of the Massachusetts Stormwater Handbook	Adoption, amendment, or modification of a regulatory mechanism to meet permit requirements	Planning/zoning Department	Complete 2 years after effective date of permit	2018

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 Imple-mentation**
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 Operations	Complete and implement 2 years after effective date of permit	2018
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Create inventory	DPW Operations	Complete 2 years after effective date of permit and implement annually	2018
Infrastructure O&M	Establish and implement program for repair and rehabilitation of MS4 infrastructure	DPW Operations	Complete 2 years after effective date of permit	2018
Stormwater Pollution Prevention Plan (SWPPP)	Create SWPPPs for maintenance garages, transfer stations, and other waste-handling facilities	DPW Operations	Complete and implement 2 years after effective date of permit	2018
Catch basin cleaning	Establish schedule for catch basin cleaning such that each catch basin is no more than 50% full and clean catch basins on that schedule	DPW Operations	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 permitee-owned parking lots in accordance with permit conditions	DPW Operations	Sweep all streets and permitee-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 Operations	Implement salt use optimization during deicing season	2018

Inspections and maintenance of stormwater treatment structures	Establish and implement inspection and maitenance procedures and frequencies	DPW Operations	Inspect and maintain treatment structures at least annually	2018

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.**

Applicable TMDL	Action Description	Responsible Department/Parties (enter your own text to override the drop down menu)
South Coastal Watershed (Bactria/Pathogen)	Adhere to requirements in part A.III of Appendix F	DPW Operations

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.**

Pollutant	Waterbody ID(s)	Action Description	Responsible Department/Parties (enter your own text to override the drop down menu)
Phosphorus	MA94113, MA94-33	Adhere to requirements in part II of Appendix H	DPW Operations
Turbidity	MA94-18	Adhere to requirements in part V of Appendix H	DPW Operations
		Adhere to requirements in part III of Appendix H	

Part IV: Notes and additional information

Use the space below to indicate the part(s) of 2.2.1and 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.

Original Stormwater Bylaw was adopted on 03/29/08, but revised on the listed date of 04/14/16.

The following is the email received from U.S. Fish and Wildlife regarding the endangered species in Scituate. The letter submitted by the Town and the response letter from USFWS referred to below are attached with this NOI form.

From: Dykstra, Eliese [mailto:eliese_dykstra@fws.gov]
Sent: Tuesday, September 25, 2018 11:49 AM
To: Sean McCarthy
Subject: USFWS Section 7 Concurrence Letter: MA 2016 Small MS4 General Permit

Dear Sean McCarthy,

Thank you for contacting us regarding the Massachusetts 2016 Small MS4 General Permit for the town of Scituate. 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
Please remember when writing or responding that the Secretary of State's Office has determined that email is a public record and all e-mail communications sent or received by persons using the Town of Scituate network may be subject to disclosure under the Massachusetts Public Records Law (M.G.L. Chapter 66, Section 10) and the Federal Freedom of Information Act.

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:	James Boudreau	Title:	Town Administrator
Signature:		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

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

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:	James Boudreau	Title:	Town Administrator
Signature:		Date:	10/1/18

(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

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

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[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).

Town of Scituate

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Telephone (781) 545-8732
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smccarthy@scituatema.gov

Department of Public Works

Sean McCarthy
Engineering Supervisor

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

August 7, 2018

Re: Project Review Request, Scituate NOI MS4 Permit, Scituate, MA, 05E1NE00-2018-SLI-2604

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 August 2, 2018 and are submitting our project package in accordance with the instructions for further review. The U.S. Fish and Wildlife Service's (Service) Information for Planning and Consultation (IPaC) species list indicated these species may be present in the project area: the Northern Long-eared Bat, the Piping Plover, the Red Knot, and the Roseate Tern. 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 is to discharge stormwater to waters of the United States from the Town's small MS4 within the urbanized area. The Town will comply with all of the Minimum Control Measures stated in the 2016 Massachusetts Small MS4 General Permit to reduce the discharge of pollutants from the MS4 to the maximum extent practicable. 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.

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:

> Using the best scientific and commercial data available, the effect of the stormwater discharge and discharge related activities on listed species and critical habitat has been evaluated. Based on informal consultation with the USFWS, supplemental information from the MA Natural Heritage and Endangered Species Program, and an understanding of the habitat requirements for these species, the Town of Scituate anticipates that the proposed action is not likely to adversely affect any federally-listed endangered or

threatened species, their formally designated critical habitat, or species currently proposed for listing under the Endangered Species Act.

The primary reason for this conclusion is that there is no designated critical habitat for the Northern Long-eared bat, Piping Plover, Red Knot, or Roseate Tern in proximity to the stormwater discharges or discharge related activities. There are no known hibernacula or maternity roost trees for the Northern Long-eared Bat at the project location. Stormwater discharges from the MS4 may reach the sandy coastal beaches and dunes used by Piping Plovers for nesting; the sandy beaches and intertidal areas used by Red Knots during migration and wintering periods; and coastal nesting locations used by the Roseate Tern from late-April to mid-May. Although discharges from the project may reach the environment used by these species, the project implements BMPs to reduce pollutants to the extent the discharges are not known to have measureable impacts on these species, their habitat, or the food they eat.

The enclosed project package provides the information about the species 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 Sean McCarthy at the address listed above, by phone at 781-545-8732, or smccarthy@scituatema.gov.

Sincerely,

Sean McCarthy, Town Engineer

Enclosures:

1) ECOS – IPaC Official Species List
2) Federally Listed Endangered and Threatened Species in Massachusetts 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-2604
Event Code: 05E1NE00-2018-E-06086
Project Name: Scituate NOI MS4 Permit

August 02, 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-2604

Event Code: 05E1NE00-2018-E-06086

Project Name: Scituate NOI MS4 Permit

Project Type: ** OTHER **

Project Description: Regulated MS4 areas in the Town of Scituate, MA

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/42.2019105223984N70.77537403870859W

Counties: Norfolk, MA | Plymouth, MA

Endangered Species Act Species

There is a total of 4 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 Fisheries[1], 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.

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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

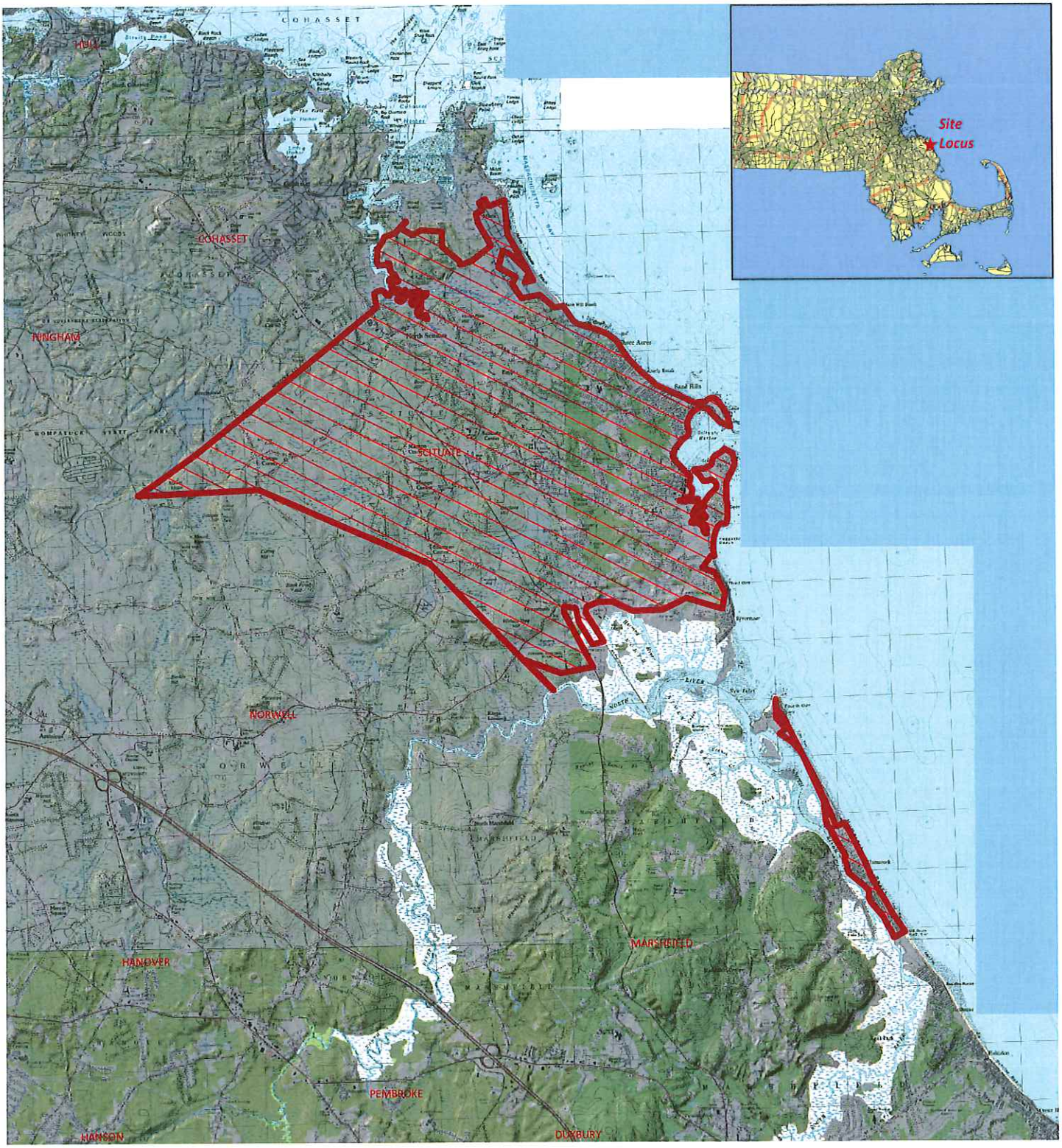
NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Birds

NAME	STATUS
Piping Plover *Charadrius melodus* Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is **final** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Red Knot *Calidris canutus rufa* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened
Roseate Tern *Sterna dougallii dougallii* 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.



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*Cohasset Topographic Quadrangle

Legend

Scituate Urbanized Area

N

0 1.5

1 inch = 1.5 miles

Horsley Witten Group
Sustainable Environmental Solutions
90 Route 6A • Unit 1 • Sandwich, MA 02563
508-833-6600 • horsleywitten.com

USGS Locus
Scituate NOI MS4 Permit
Project Review Request
Scituate, MA 02066

Date: 8/3/2018

Figure 1