

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? (Part II, III, IV or V, Subpart B.3.(a.) of 2003 permit) 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) Effective Date or Estimated Date of Adoption (MM/DD/YY):

Construction/Erosion and Sediment Control (ESC) Authority Adopted? (Part II, III, IV or V, Subpart B.4.(a.) of 2003 permit) Effective Date or Estimated Date of Adoption (MM/DD/YY):

Post- Construction Stormwater Management Adopted? (Part II, III, IV or V, Subpart B.5.(a.) of 2003 permit) Effective Date or Estimated Date of Adoption (MM/DD/YY):

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

Part II: Summary of Receiving Waters

Please list the 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>

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
Danvers River (MA93-09)	7	☐	☐	☐	☐	☐	☐	☐	☒	☐	
North River (MA93-42)	33	☐	☐	☒	☐	☐	☐	☐	☒	☐	Ammonia (Un-ionized)
South River	23	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Forest River (MA93-10)	14	☐	☐	☒	☐	☐	☐	☐	☐	☐	
Salem Harbor (MA93-54)	30	☐	☐	☐	☐	☐	☐	☐	☒	☐	Estuarine Bioassessments
Beverly Harbor (MA93-20)	11	☐	☐	☐	☐	☐	☐	☐	☒	☐	
Proctor Brook (MA93-40)	6	☐	☐	☐	☐	☐	☐	☐	☒	☒	
Proctor Brook (MA93-39)		☐	☐	☐	☒	☐	☒	☐	☒	☐	Outfalls excluded
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
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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
	See Part IV Attachment	Residents	Greenscapes North Shore Coalition		
	See Part IV Attachment	Businesses, Institutions and Commercial Facilities	Greenscapes North Shore Coalition		
	See Part IV Attachment	Developers (construction)	Greenscapes North Shore Coalition		
	See Part IV Attachment	Industrial Facilities	Greenscapes North Shore Coalition		
	See Part IV Attachment	Residents	Greenscapes North Shore Coalition		
	See Part IV Attachment	Businesses, Institutions and Commercial Facilities	Greenscapes North Shore Coalition		
	See Part IV Attachment	Developers (construction)	Greenscapes North Shore Coalition		
	See Part IV Attachment	Industrial Facilities	Greenscapes North Shore Coalition		

Salem

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MCM 2: Public Involvement and Participation

[illegible]

Salem

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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	Engineering	Update SSO inventory as needed after initial 5-year span has been documented.	2018
Storm sewer system map	Update map during IDDE program completion	Engineering	Continue to update as field investigations reveal new information such as CCTV findings, SSO information and potential illicit connections and investigation results.	2020
Update written IDDE program	Update written IDDE program	Engineering	Complete within 1 year of the effective date of permit and update as required.	2019
Implement IDDE program	Implement catchment investigations according to program and permit conditions	Engineering	Document number of illicit connections located and removed.	2020
Employee training	Train employees on illicit connection identification	DPS Operations	Train annually	2018
Dry weather screening conducted previously	Sample outfalls under TMDL regulations for Fecal Coliform	Engineering	Completed previously, See Part IV: Notes and Additional Information	2021
Continue wet weather screening	Continue wet weather screening. Conduct in accordance with outfall screening procedure	Engineering	Document number of Screenings completed	2019
Update GIS mapping as new developments occur	Update GIS map to Include drainage in new developments	Engineering	Maintain GIS mapping	2019

[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	Review current procedures of site inspections and enforcement procedures for compliance with permit regulations	Engineering and Conservation Commission	Complete within 1 year of the effective date of permit	2019
Site plan review	Review current procedures of site plan review and begin implementation of permit regulations	Engineering and Planning	Complete within 1 year of the effective date of permit	2019
Erosion and Sediment Control	Review current requirements for construction operators to implement a sediment and erosion control program to address permit regulations	Engineering and Conservation Commission	Complete within 1 year of the effective date of permit	2019
Waste Control	Review current requirements to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes to address permit regulations	Engineering and Conservation Commission	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	Review current procedures to require submission of as-built drawings and documentation that long term operation and maintenance are part of the SWMP	Engineering and Planning	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	Engineering and Department of Public Services	Complete 4 years after effective date of permit and report annually on retrofitted properties	2021
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	Engineering and Planning, and Conservation Committee	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.	Engineering and Planning	Implement recommendations of report	2020

[illegible]

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

Part III: Stormwater Management Program Summary (continued)

MCM 6: Municipal Good Housekeeping and Pollution Prevention

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP Implementation
O&M procedures	Create written O&M procedures including requirements contained in 2.3.7.a.ii for parks and open spaces, buildings and facilities, and vehicles and equipment	Engineering and DPS Operations	Complete and implement 2 years after effective date of permit	2019
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Create inventory	DPS Operations	Complete 2 years after effective date of permit and implement annually	2019
Infrastructure O&M	Establish and implement program for repair and rehabilitation of MS4 infrastructure	Engineering and DPS Operations	Complete 2 years after effective date of permit	2019
Stormwater Pollution Prevention Plan (SWPPP)	Create SWPPPs for maintenance garages, transfer stations, and other waste-handling facilities	Engineering and DPS Operations	Complete and implement 2 years after effective date of permit	2019
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 Operations	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually	2019
Street sweeping program	Sweep streets and permittee-owned parking lots in accordance with permit conditions	DPS Operations	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 Operations	Implement salt use optimization during deicing season	2019

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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]

[illegible]

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

Part IV: Notes and additional information

Use the space below to indicate the part(s) of 2.2.1 and 2.2.2 that you have identified as not applicable to your MS4 because you do not discharge to the impaired water body or a tributary to an impaired water body due to nitrogen or phosphorus. Provide all supporting documentation below or attach additional documents if necessary. Also, provide any additional information about your MS4 program below.

The City of Salem has submitted its Endangered Species Act form (August 6, 2018) to USFW. When a response is received any changes required for compliance to the Permit will be reflected in the NOI and SWMP.

The City of Salem is pleased to be working with the Greenscapes Northshore Coalition to complete MCM 1: Public Education and Outreach. The outline of their proposed outreach efforts is attached to this NOI.

The City of Salem has determined that outfalls discharging to Water Quality Limited Water segment Proctor Brook (MA93-39) are Excluded outfalls as defined in section 2.3.4.7 of the permit. Therefore, no additional requirements will be completed as part of this permit. However, additional measures due to the "Final Pathogen TMDL for the North Coastal Watershed" for fecal coliform are addressed in Section III.

The City of Salem has recently completed dry weather screening and sampling of outfalls (and nearly 10% of outfalls for wet weather screening) within the City as part of EPA Consent Decree Docket No. 11-021. The Consent Decree requires sampling for enterococci if the outfall discharges into salt water. Fecal coliform sampling is now required as part of the pathogen TMDL for the North Coastal watershed. The City proposes to complete wet weather screening including Fecal Coliform sampling of outfalls during wet weather and enterococci sampling of outfalls that discharge into salt water. We have attached a letter requesting that recently completed dry weather screening and bacteria sampling be accepted as meeting the new regulations.

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

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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.

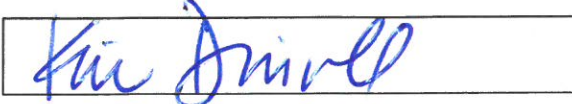
Name:

Kimberley Driscoll

Title:

Mayor

Signature:



Date:

10/01/18

[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

GREENSCAPES NORTH SHORE COALITION

MCM 1: Public Education and Outreach - NOI FORM

* All literature and media will be available online at www.greenscapes.org and can be shared with member communities at any time.

** Community can decide how to address Greenscapes' involvement. They may choose to list GS as an external contractor, or can list whomever in their town GS communicated with for each BMP, respectively.

BMP Media/ Category	BMP Description*	Targeted Audience	Responsible Parties/ Depts**	Measurable Goal	Implementation Year
Brochure/ Pamphlets	Brochure will consist of a 'how-to-guide' for residents on how rain gardens work and how to install them at their home.	Residents	Greenscapes North Shore Coalition	- Number distributed - Resident testimonials	1
Brochure/ Pamphlets	An updated version of comprehensive literature, discussing the importance of "greenscaping", small-scale stormwater management practices, sewer/septic system maintenance and other ways to avoid illicit discharge.	Residents	Greenscapes North Shore Coalition	- Number distributed - Resident testimonials	1
Workshop/ Info Sheet	Workshop and associated literature will cover LID options for reducing runoff and promoting on-site infiltration. Pricing, maintenance and ordinances will also be discussed.	Developers (Construction)	Greenscapes North Shore Coalition and Department of Public Works	- Number of attendees - Increase in LID use	1
Displays/ Posters/ Kiosks	Informational poster will be placed in area with heavy dog/walker traffic. Poster will describe proper pet waste management and disposal.	Residents, Professional Dog Walkers, General Public	Greenscapes North Shore Coalition	- Pilot surveys may be conducted before and after message posting	1
Brochure/ Pamphlets	Pet Waste literature is available in two forms (one page info sheet or rack card) and can be redistributed as necessary.	Residents	Greenscapes North Shore Coalition	- Number distributed - Resident testimonials	1
Social Media Post	Greenscapes will provide content for a social media "blast" on town Facebooks etc. Ex. Autumnal facebook post describing proper disposal of leaf collection, and springtime post about proper lawn/fertilizer maintenance.	Residents	Greenscapes North Shore Coalition and Department of Public Works	- Number of views/ likes/ comments - Resident testimonials before and after posting	1
School Curriculae/ Programs	An elementary school will host Greenscapes "Keeping Water Clean" Program.	Residents	Greenscapes North Shore Coalition	- Number of students/ teachers/ volunteers in attendance - Subset of students evaluated before and after program	1
Brochure/ Pamphlets	Brochure will include general info on LIDs that can assist in stormwater management and pollution prevention. Content will be targeted to "environmental contacts" at industrial facilities, or property managers where applicable.	Industrial Facilities	Greenscapes North Shore Coalition	- Number distributed - Phone call followup	2
Workshop	Stormwater presentation will discuss specific BMPs for parking lots; how to reduce impervious surfaces, and maintain the space more sustainably.	Businesses/ Institutions and Commercial Facilities	Greenscapes North Shore Coalition and Department of Public Works	- Number of attendees - Number of presentations re-distributed to commercial representatives.	2
Displays/ Posters/ Kiosks	An updated version of informational display, discussing the importance of "greenscaping", small-scale stormwater management practices, sewer/septic system maintenance and other ways to avoid illicit discharge.	Residents	Greenscapes North Shore Coalition	- Number distributed - Resident testimonials	2
Brochure/ Pamphlets	Pet Waste literature is available in two forms (one page info sheet or rack card) and can be redistributed as necessary.	Residents	Greenscapes North Shore Coalition	- Number distributed - Resident testimonials	2
Social Media Post	Greenscapes will provide content for a social media "blast" on town Facebooks etc. Ex. Autumnal facebook post describing proper disposal of leaf collection, and springtime post about proper lawn/fertilizer maintenance.	Residents	Greenscapes North Shore Coalition and Department of Public Works	- Number of views/ likes/ comments - Resident testimonials before and after posting	2
School Curriculae/ Programs	An elementary school will host Greenscapes "Keeping Water Clean" Presentation.	Residents	Greenscapes North Shore Coalition	- Number of students/ teachers/ volunteers in attendance - Subset of students evaluated before and after program	2

Workshop	Workshop and literature will go into greater detail, following the workshop regarding low impact development held in year one. City ordinances and associated incentives will be outlined.	Developers (Construction)	Greenscapes North Shore Coalition and Department of Public Works	- Number of attendees	3
Web Page	Story Map will outline and describe different examples of existing low-impact-developments in the North Shore Community.	Residents	Greenscapes North Shore Coalition	- Number of map views - Resident testimonials on LID awareness	3
Brochure/ Pamphlets	Pet Waste literature is available in two forms (one page info sheet or rack card) and can be redistributed as necessary.	Residents	Greenscapes North Shore Coalition	- Number distributed - Resident testimonials	3
Social Media Post	Greenscapes will provide content for a social media "blast" on town Facebooks etc. Ex. Autumnal facebook post describing proper disposal of leaf collection, and springtime post about proper lawn/fertilizer maintenance.	Residents	Greenscapes North Shore Coalition and Department of Public Works	- Number of views/ likes/ comments - Resident testimonials before and after posting	3
School Curriculae/ Programs	An elementary school will host Greenscapes "Keeping Water Clean" Program.	Residents	Greenscapes North Shore Coalition	- Number of students/ teachers/ volunteers in attendance - Subset of students evaluated before and after program	3
Meeting/ Presentation	Presentation will discuss proper "greenscaping" practices on a business/commercial level. Content will be targeted to property managers and will include sand/salt storage and landscape management.	Businesses/ Institutions and Commercial Facilities	Greenscapes North Shore Coalition and Department of Public Works	- Number of attendees	4
Meeting/ Presentation	Presentation will discuss proper "greenscaping" practices on an industrial level. Content will be targeted to property managers and will include sand/salt storage and landscape management.	Industrial Facilities	Greenscapes North Shore Coalition and Department of Public Works	- Number of attendees	4
Brochure/ Pamphlets	"What not to Flush" rack card will raise resident awareness of the damages of flushing things like wipes and grease in their toilets/sinks.	Residents	Greenscapes North Shore Coalition	- Number distributed - Resident testimonials	4
Brochure/ Pamphlets	Pet Waste literature is available in two forms (one page info sheet or rack card) and can be redistributed as necessary.	Residents	Greenscapes North Shore Coalition	- Number distributed - Resident testimonials	4
Social Media Post	Greenscapes will provide content for a social media "blast" on town Facebooks etc. Ex. Autumnal facebook post describing proper disposal of leaf collection, and springtime post about proper lawn/fertilizer maintenance.	Residents	Greenscapes North Shore Coalition and Department of Public Works	- Number of views/ likes/ comments - Resident testimonials before and after posting	4
School Curriculae/ Programs	An elementary school will host Greenscapes "Keeping Water Clean" Program.	Residents	Greenscapes North Shore Coalition	- Number of students/ teachers/ volunteers in attendance - Subset of students evaluated before and after program	4
Meeting/ Presentation	Greenscapes NS will conduct a "Greenscapes 101" presentation for residents. Presentation will discuss the importance of clean and plentiful water.	Residents	Greenscapes North Shore Coalition	- Number of attendees - Resident testimonials	5
Special Events/ Festivals/ Fairs	Greenscapes representatives will attend a trade show expo, with the intent of sharing "Greenscaping" practices and the importance of LIDs with Landscapers and Developers.	Developers (Construction)	Greenscapes North Shore Coalition	- Number of materials distributed - Number of contacts made - Developer testimonials	5
Brochure/ Pamphlets	Pet Waste literature is available in two forms (one page info sheet or rack card) and can be redistributed as necessary.	Residents	Greenscapes North Shore Coalition	- Number distributed - Resident testimonials	5
Social Media Post	Greenscapes will provide content for a social media "blast" on town Facebooks etc. Ex. Autumnal facebook post describing proper disposal of leaf collection, and springtime post about proper lawn/fertilizer maintenance.	Residents	Greenscapes North Shore Coalition and Department of Public Works	- Number of views/ likes/ comments - Resident testimonials before and after posting	5
School Curriculae/ Programs	An elementary school will host Greenscapes "Keeping Water Clean" Program.	Residents	Greenscapes North Shore Coalition	- Number of students/ teachers/ volunteers in attendance - Subset of students evaluated before and after program	5

* All literature and media will be available online at www.greenscapes.org and can be shared with member communities at any time.

** Community can decide how to address Greenscapes' involvement. They may choose to list GS as an external contractor, or can list whomever in their town GS communicated with for each BMP, respectively.



**Kimberley Driscoll
Mayor**

DAVID H. KNOWLTON, P.E.
DPS DIRECTOR/CITY ENGINEER

CITY OF SALEM

SALEM, MASSACHUSETTS
ENGINEERING DEPARTMENT
98 WASHINGTON STREET, 2ND FLOOR
SALEM, MA 01970
Phone: (978) 745-9595 x5673
Fax: (978) 745-0349

September 28, 2018

US EPA
Stormwater and Construction Permits Section (OEP06-1)
Five Post Office Square, Suite 100
Boston, MA 02109

Re: Permit Review Request, City of Salem, MA NPDES MS4 - MA041219

The City of Salem has completed all dry weather screening and sampling, as well as nearly 10% of wet weather screening for its MS4 covered outfalls under EPA Administrative Order Docket No. 11-021. The City completed an Outfall Reconnaissance Inventory Sheet for all outfalls and conducted sampling as needed based on the Illicit Discharge Detection and Elimination Manual from the Center for Watershed Protection. The City requests that the screening and sampling efforts completed to date be considered as meeting the requirements under the 2016 NPDES MS4 Permit for those outfalls investigated.

As part of the Order, sampling for enterococci was specifically required. The 2016 MS4 Permit does not allow enterococci bacteria sampling to fulfill sampling requirements under the "Final Pathogen TMDL for the North Coastal Watershed." However, as the City has recently completed screening and enterococci sampling as needed at all outfalls, the City requests that this work be considered compliant with the dry weather sampling requirements for the 2016 NPDES MS4 Permit. The City understands that fecal coliform sampling is preferred moving forward and plans to complete fecal coliform sampling on outfalls during wet weather as well as the additional enterococci sampling for outfalls discharging to salt water.

For additional information, please contact me by mail, phone or email at DKnowlton@salem.com.

Very truly yours,

David H. Knowlton, P.E.
DPS Director/City Engineer



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

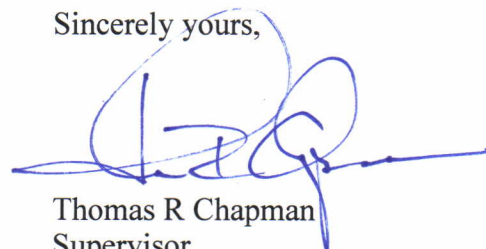
species listed under **Criterion C**,¹ you may still use this letter to certify under **Criterion B**. All existing guidance regarding requirements for certifying eligibility according to the USFWS Criterion A, B, or C for coverage by the 2016 MS4 Permit (see MA MS4 General Permit Appendix C – Endangered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

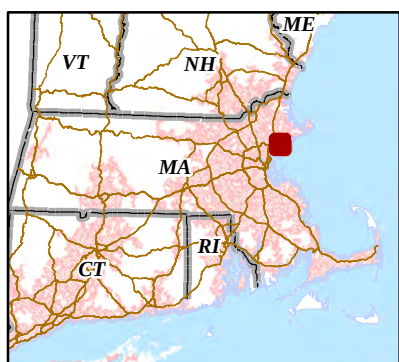
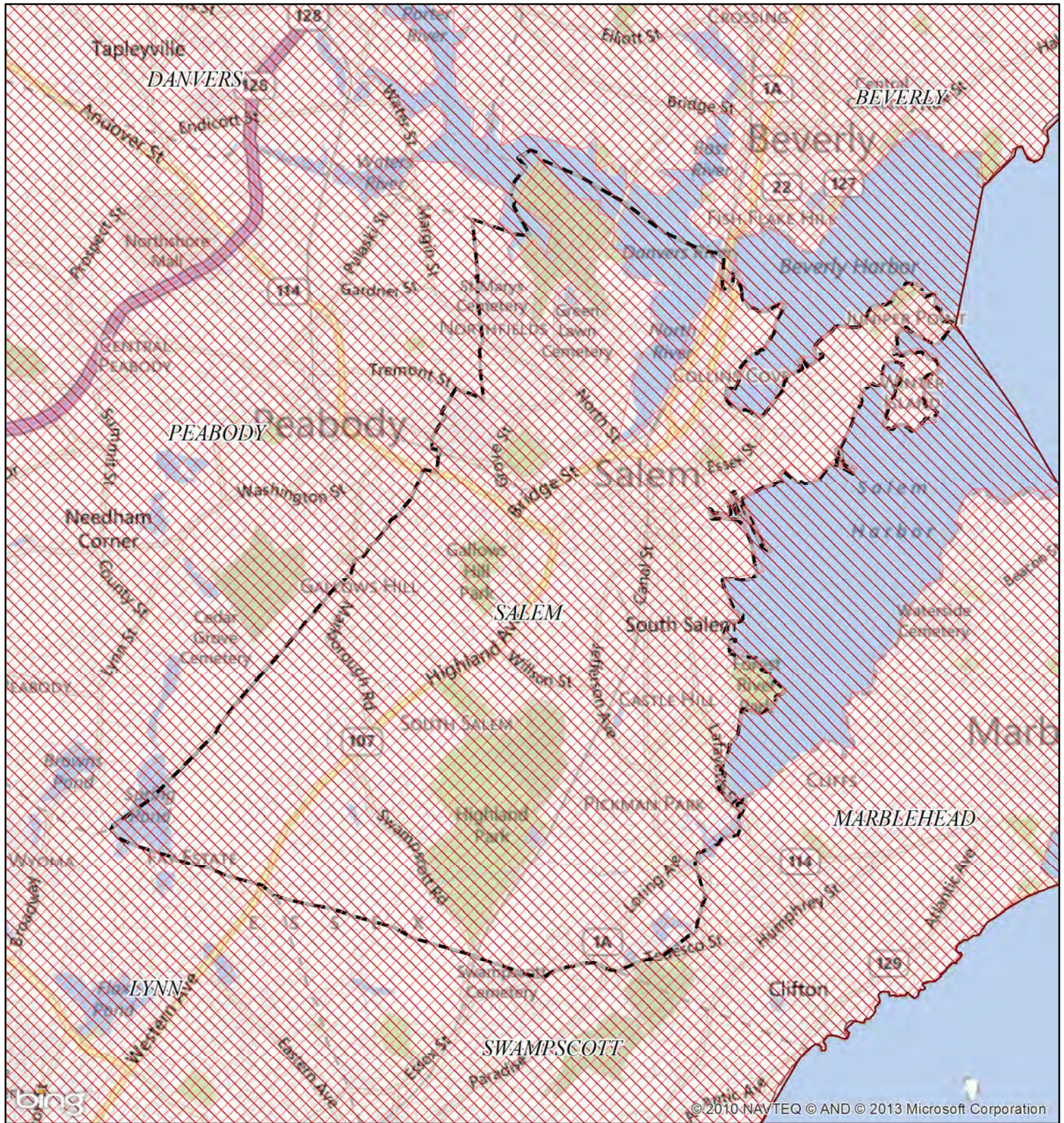
If the above criteria are met, further consultation with the USFWS under section 7 of the ESA is not required at this time; however, if the proposed action changes in any way such that it may affect a listed species in a manner not previously analyzed or if new information reveals the presence of additional 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).

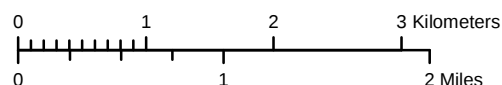


NPDES Phase II Stormwater Program Automatically Designated MS4 Areas

Salem MA

Regulated Area:

UA Based on 2000 Census	UA Based on 2010 Census
----------------------------	----------------------------

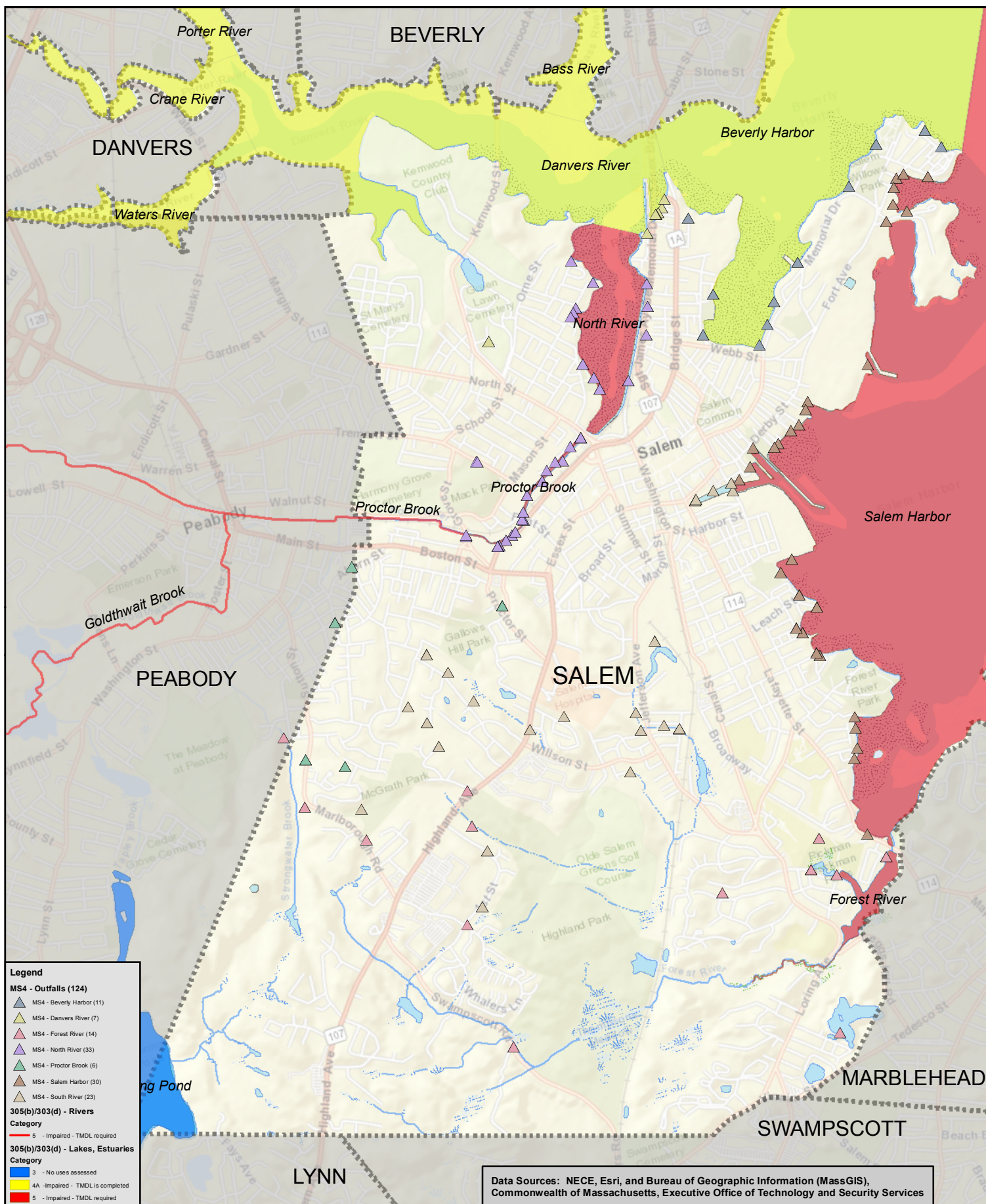


Town Population: 41343
Regulated Population: 41343
(Populations estimated from 2010 Census)



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

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



MS4 Outfalls **Salem, MA** **September - 2018**

0 0.25 0.5
 Miles
 1 in = 0.5 miles

From: [Rebecca Dupont-Coutu](#)
To: [A William Ross](#); [David Knowlton](#); [Vuto, Michelle](#)
Subject: Re: Small MS4 NOI submission - additional or corrected information required
Date: Wednesday, April 10, 2019 2:35:27 PM
Attachments: [MS4 Outfalls Map.pdf](#)

Hello Ms. Vuto,

We have reviewed the NOI information request and will complete the following actions in regard to our MS4 permit. Thank you for your assistance answering my additional questions. The map requested is attached.

<!--[if !supportLists]-->• <!--[endif]-->Map submittal depicting outfalls along segment MA93-39. (attached)

Receiving Waters: Four (4) outfalls are located along the Proctor Brook segment MA93-39. They are depicted on the updated map.

IDDE MCM: The City of Salem will follow the dry weather screening permit requirements until/unless the city is granted relief of the sampling requirements by EPA in accordance with the permit part 2.3.4.7b.iv. The City will also conduct ongoing dry and wet weather screening (as necessary) upon completion of the IDDE program.

Impairments: Nitrogen and Phosphorus-

<!--[if !supportLists]-->• <!--[endif]-->Supplemental public education and outreach messages within the catchment area tributary to the four (4) outfalls;

<!--[if !supportLists]-->• <!--[endif]-->Adoption of requirements for new development and redevelopment for stormwater management BMP's be optimized for nitrogen and phosphorus removal within the catchment area tributary to the four (4) outfalls;

<!--[if !supportLists]-->• <!--[endif]-->Establish requirements for use of slow release fertilizers on permittee owned property currently using fertilizer within the catchment area tributary to the four (4) outfalls;

<!--[if !supportLists]-->• <!--[endif]-->Establish procedures to properly manage grass cuttings and leaf litter on permittee property including prohibiting blowing organic waste materials onto adjacent impervious surfaces within the catchment area tributary to the four (4) outfalls;

<!--[if !supportLists]-->• <!--[endif]-->Increase street sweeping on all streets within the catchment area tributary to the four (4) outfalls subject to permit part 2.3.7.a.iii (c) to twice per year;

<!--[if !supportLists]-->• <!--[endif]-->Complete Nitrogen Source Identification Report within four years of permit effective date within the catchment area

tributary to the four (4) outfalls;

<!--[if !supportLists]-->• <!--[endif]-->Complete Phosphorus Source Identification Report within four years of permit effective date within the catchment area tributary to the four (4) outfalls;

<!--[if !supportLists]-->• <!--[endif]-->Evaluate City-owned properties as part of 2.3.6.6.ii or as identified in the Nitrogen Source Identification Report and Phosphorus Source Identification Report that is within the catchment drainage areas or the impaired water or its tributaries within five years;

<!--[if !supportLists]-->• <!--[endif]-->The City of Salem shall provide a listing of planned structural BMPs and a plan and schedule for implementation within the catchment area tributary to the four (4) outfalls in the year 5 annual report;

<!--[if !supportLists]-->• <!--[endif]-->The City shall plan and install a minimum of one structural BMP as a demonstration project within the drainage area of the MA 93-39 within 6 years;

<!--[if !supportLists]-->• <!--[endif]-->Track all structural BMP's installed, calculate nitrogen removed using Attachment 1 to Appendix F, and report annually;

<!--[if !supportLists]-->• <!--[endif]-->Track all structural BMP's installed, calculate phosphorus removed using Attachment 3 to Appendix G, and report annually.

Best, Rebecca

Rebecca Dupont-Coutu, CSM
New England Civil Engineering Corp.
265 Essex Street Suite 102
Salem, MA 01970
rijd@engineeringcorporation.com
Office (978) 741-7401 • Cell (978) 973-6532

On Friday, March 15, 2019, 11:44:35 AM EDT, David Knowlton <DKnowlton@Salem.com> wrote:

Fyi, please review and let me k no worries what you think
Thanks

Sent from my Verizon 4G LTE smartphone

----- Original message -----

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

Date: 3/14/19 3:10 PM (GMT-05:00)
To: David Knowlton <DKnowlton@Salem.com>
Cc: Reports Stormwater <Stormwater.Reports@epa.gov>
Subject: Small MS4 NOI submission - additional or corrected information required

Dear Mr. Knowlton,

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.

In addition, based on the information provided with your NOI, EPA does not have enough information to make a determination regarding your request for relief from sampling requirements pursuant to Part 2.3.4.7.b.iv of the 2016 Small MS4 General Permit. EPA requests the City submit, as a separate submittal in accordance with Part 2.3.4.7.b.iv, a comprehensive listing of outfalls, specifying those that have been sampled, the sample results, the date of sampling and any other supporting information relevant to obtaining full or partial relief from sample requirements according to Part 2.3.4.7.b.iv. Concurrently (in the same table or spreadsheet if possible) the City should identify the assigned priority ranking of each drainage catchment according to Section 2.3.4.7.a of the 2016 Small MS4 General Permit, when complete. This information can be submitted to EPA at any time during the permit term.

If you have any questions regarding sampling determination or the NOI process please let me know.

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