

FRANKLIN TOWN COUNCIL

Agenda & Meeting Packet

March 16, 2022

Meeting will be held at the **Municipal Building**
2nd floor, Council Chambers
355 East Central Street
7:00 PM

A NOTE TO RESIDENTS: All citizens are welcome to attend public board and committee meetings in person. Meetings are [live-streamed by Franklin TV](#) and shown on Comcast Channel 11 and Verizon Channel 29. In an effort to maximize citizen engagement opportunities, citizens will be able to continue to participate remotely via phone OR Zoom.

Link to access meeting via Zoom for March 16, 2022 Town Council Meeting:

- Zoom Link [HERE](#) -- Then click "Open Zoom".
- Or copy and paste this URL into your browser: <https://us02web.zoom.us/j/81028030996>
- Call-In Phone Number: Call 1-929-205-6099 and enter Meeting ID # 810 2803 0996 --Then press #

1. ANNOUNCEMENTS FROM THE CHAIR

- This meeting is being recorded by Franklin TV and shown on Comcast channel 11 and Verizon Channel 29. This meeting may be recorded by others.*
- Chair to identify members participating remotely.*

2. CITIZEN COMMENTS

- Citizens are welcome to express their views for up to three minutes on a matter that is not on the agenda. The Council will not engage in a dialogue or comment on a matter raised during Citizen Comments. The Town Council will give remarks appropriate consideration and may ask the Town Administrator to review the matter.*

3. APPROVAL OF MINUTES

- [February 2, 2022](#)
- [March 2, 2022](#)

4. PROCLAMATIONS / RECOGNITIONS

- Recognition / Promotion: Police Department - Sergeant Connor Crosman
- Recognition / Promotion: Police Department - Detective Laura Canavan

5. APPOINTMENTS

- New Hire: Police Department - Derek Mackey

6. HEARINGS - 7:00 pm - None Scheduled

7. LICENSE TRANSACTIONS - None Scheduled

8. PRESENTATIONS / DISCUSSIONS

- Stormwater Utility - Brutus Cantoreggi, Department of Public Works
 - [Stormwater Presentation](#) - Department of Public Works

- ii. Stormwater Management Plan:
 - [Year 2 Update, July 3, 2020 - 393-page Federal Stormwater Permit](#)
 - [July 2021 Update](#)
- iii. Department of Public Works:
 - [Stormwater Website](#) & [Parcel Level Impervious Surface Map](#)

9. LEGISLATION FOR ACTION

- a. [Bylaw Amendment 22-876: Chapter 153 Stormwater Management - Corrective Legislation, First Reading](#) (*Motion to Move Bylaw Amendment 22-876 to Second Reading- Majority Vote*)
- b. [Bylaw Amendment 22-877: Chapter 82, Municipal Service Fees, Amended at Section 82-6 Schedule of Service Fees, Subsection A. Administration: Stormwater Utility Fee - First Reading](#) (*Motion to Move Bylaw Amendment 22-877 to Second Reading- Majority Vote*)
- c. [Bylaw Amendment 22-878: Chapter 82, Municipal Service Fees, Amended at Section 82-6 Schedule of Service Fees, Subsection A. Administration: Passport Photo Fee - First Reading](#) (*Motion to Move Bylaw Amendment 22-878 to Second Reading- Majority Vote*)
- d. [Resolution 22-19: Gift Acceptance - Fire Department \(\\$1,050\)](#) (*Motion to Approve Resolution 22-19 - Majority Vote*)
- e. [Resolution 22-20: Gift Acceptance - Veterans' Services Department \(\\$2,250\)](#) (*Motion to Approve Resolution 22-20 - Majority Vote*)
- f. [Resolution 22-21: FY22 Capital Improvement Plan](#) (*Motion to Approve Resolution 22-21 - Majority Vote*)
- g. [Resolution 22-22: Free Cash to Stabilization Accounts Transfers](#) (*Motion to Approve Resolution 22-22 - Majority Vote*)
- h. [Resolution 22-23: Authorizing the Borrowing of Money to Pay Costs of Repairs for Horace Mann School](#) (*Motion to Approve Resolution 22-23 - Two Thirds Majority Vote*)

10. TOWN ADMINISTRATOR'S REPORT

- a. [Preliminary FY23 Budget Model](#)

11. SUBCOMMITTEE & AD HOC COMMITTEE REPORTS

- a. Capital Budget Subcommittee
- b. Budget Subcommittee
- c. Economic Development Subcommittee

12. FUTURE AGENDA ITEMS

13. COUNCIL COMMENTS

14. EXECUTIVE SESSION

15. ADJOURN

Note:

Two-Thirds Vote: requires 6 votes

Majority Vote: requires majority of members present and voting

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
February 2, 2022**

A meeting of the Town Council was held on Wednesday, February 2, 2022, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA. Councilors present: Brian Chandler, Theodore Cormier-Leger, Robert Dellorco, Cobi Frongillo, Melanie Hamblen, Glenn Jones, Thomas Mercer, Deborah Pellegrini, Patrick Sheridan. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney; Alecia Alleyne, Assistant to the Town Administrator.

CALL TO ORDER: ► Chair Mercer called the meeting to order at 7:00 PM. Chair Mercer called for a moment of silence. All recited the Pledge of Allegiance.

ANNOUNCEMENTS: ► Chair Mercer reviewed the following as posted on the agenda. A Note to Residents: All citizens are welcome to attend public board and committee meetings in person. Additionally, in an effort to maximize citizen engagement opportunities, citizens will be able to continue to participate remotely via phone or Zoom. The meetings will also be live-streamed by Franklin TV and shown on Comcast Channel 11 and Verizon Channel 29. He stated that this meeting is being recorded by Franklin TV and may also be recorded by others.

CITIZEN COMMENTS: ► Mr. James C. Johnston, Jr., 789 West Central Street, donator of numerous items to the Franklin Historic Museum, reviewed the two rooms he gave to the Town: The Clara J. Foss Johnston Memorial Federal Parlor at the Oliver Pond House which he donated in 2020 in honor of his mother Clara F. Johnston and is decorated in the Federal period from late 1700s early 1800s, and The James C. Johnston, Sr. Keeping Room with authentic furnishings from the period of 1690 to 1825. He stated that the Town accepted these gifts in 2021. He reviewed an email he received on January 22, 2022, from Chair of the Franklin Historical Commission Mary Olsson which stated that based on the small size of the museum, the Commission did not feel it would be right to give up another room for the James C. Johnston, Sr. Keeping Room. Mr. Johnston stated that the donated exhibits to the Franklin Historical Museum were to the 35,200 citizens of this community in perpetuity as a permanent exhibit which was to be an educational tool as well. The gift is an opportunity to view, educate, and appreciate. He stated that he would appreciate the Town Council taking the matter of the Keeping Room under advisement and inform him as to what will be done with his gift of the Keeping Room which he has given to the Town. He expressed hope that the Keeping Room and all its furnishings will be displayed in the space that has already been paid for and made ready; the room is approximately 85 sq. ft. to 90 sq. ft. ► Ms. Pamela Young, 59 West Street, asked the Town Council members if they would like to smell marijuana in their homes on a daily basis, have to park their vehicles away from their homes, be woken up by loud music nightly, and walk out their front door and find people sleeping in their cars. She stated if not, they can sympathize with the residents who live on East Street, West Street, Nason Street, Church Street, and Walnut Avenue. She stated that these residents live with such situations on a daily basis with Dean students parking in front of their homes. Their neighborhood is located next to Dean College; however, this problem never occurred until 2015. She stated that she was before the Town Council in 2017 regarding the vehicles. The Town Administrator added parking signage with allowed parking times to the parking spaces; however, that has not worked. Ms. Young stated that in 2021 she wrote to Senator Karen Spilka and someone from her office responded. That person told her that since Dean is a private college, Senator Spilka could not help in the matter. However, Ms. Young stated that she was told that the Town Council could work together with Dean to solve the issue. She explained that Framingham University had a similar problem which was solved with signs indicating no student parking and continuous monitoring of the situation. Ms. Young asked if this could be done in Franklin. She stated that the neighbors are desperately asking for help with this matter. She asked the Town Council to review the petition provided

by the residents living on the indicated streets. She stated that Dean College students should be parking in the Dean College parking lots. ► Ms. Nancy Danello, Town Clerk, reminded residents that it is renewal time for the annual dog licenses. She stated that the dog registration form will also be included with the Town census. She explained that the Town Census is late this year because of the addition of the ninth precinct; it is hoped the census will be available in late February. ► Ms. Jane Callaway-Tripp, 607 Maple Street, discussed the matter of Dean students parking on the neighborhood streets. She stated that Dean College has multiple parking lots in which Town residents cannot park; a resident's vehicle would be towed if it were parked in a Dean lot. She stated that the street parking is for residents, not for Dean students. She stated that Dean students parking overnight, parking for more than two hours, and leaving a car in a space for days is unacceptable. There is a simple solution; it would require the Town Council, police and Dean to work together. She stated that it is known which vehicles are owned by Dean students. Those vehicles could be ticketed and towed and on the third offense Dean could revoke the student's privilege to have a car at the school. The rule for students should be that they park in the Dean College parking lots. Residents should not have to deal with students sitting in cars smoking pot, listening to loud music, and blocking trash bin pickups. She stated that the residents of the Town should matter more than the Dean students as the residents pay all the salaries for police, elect the Town Council members, and fund the entire Town. ► Mr. James McLaughlin, 27 Church Avenue, stated that most of the time he cannot get to his house easily, have guests park close by, or have easy access to his front door. He asked what happened to the Dean College police force. He stated that now the Franklin Police Department has to take over for the policing of the area at the taxpayers' expense. He stated that he seldom sees a ticket or towing of the Dean students' vehicles. He stated that students think it is okay to park on the streets and smoke, drink, and throw trash on the streets. He stated that it was not like this before, and it should not be like this now; enough is enough. He explained that a tenant moved out due to the problem of students parking and throwing trash and bottles on the street, and he has difficulty getting deliveries and services due to the students' vehicles. He stated that the parking situation is a big problem.

APPROVAL OF MINUTES: ► *January 19, 2022.* ► **MOTION to Approve** the January 19, 2022 meeting minutes by **Dellorco.** **SECOND** by **Hamblen.** **No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: ► ***Proclamation: Priscilla Cornetta, Friends of Franklin.*** ► Chair Mercer read aloud a proclamation recognizing and honoring Ms. Priscilla Cornetta, who started the Friends of Franklin over 42 years ago, for her legacy of philanthropic achievement. He reviewed Ms. Cornetta's passion for volunteering, giving, and service to others. He thanked Ms. Cornetta for her service to the Town of Franklin. ► Representative Jeff Roy read aloud a resolution from the House of Representatives honoring Ms. Cornetta on her charitable contributions to the Town of Franklin.

► ***Recognition/Promotion: Police Department - Sergeant Michael Colecchi.*** ► Police Chief Thomas Lynch recognized Sergeant Michael Colecchi for his promotion to sergeant. He reviewed Sgt. Colecchi's education, background, and career. ► Sgt. Colecchi's wife and family pinned the badge. ► Town Clerk Nancy Danello performed the swearing in.

► ***Recognition/Promotion: Police Department - Lieutenant Eric Zimmerman.*** ► Police Chief Thomas Lynch recognized Lieutenant Eric Zimmerman for his promotion from sergeant to lieutenant. He reviewed Lt. Zimmerman's education, background, and career. ► Lt. Zimmerman's wife and family pinned the badge. ► Town Clerk Nancy Danello performed the swearing in.

► ***Recognition/Promotion: Police Department - Deputy Chief James West.*** ► Police Chief Thomas Lynch recognized Deputy Chief James West for his promotion to deputy chief. He reviewed Deputy Chief West's education, background, and career. ► Deputy Chief West's family pinned the badge. ► Town Clerk Nancy Danello performed the swearing in.

Chair Mercer declared a two-minute recess.

APPOINTMENTS: ► *Michael R. Rein - Conservation Commission.* ► Councilor Jones read the appointment. ► **MOTION** to **Ratify** the appointment by the Town Administrator of Michael Rein to serve as a Member of the Conservation Commission, with a term to expire on June 30, 2022, by **Jones. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated that this term finishes a current term; reappointment would follow the normal process in June. ► **VOTE: Yes-9, No-0, Absent-0.**

HEARINGS: None.

LICENSE TRANSACTIONS: ► *License Modification - Change of Manager: Let's Eat Franklin, LLC d/b/a 3 Restaurant, Located at 461 West Central Street, Franklin, MA 02038.* ► Councilor Jones read the license transaction. ► **MOTION** to **Approve** the request by Let's Eat Franklin, LLC d/b/a 3 Restaurant, for a Change of Manager to Corey J. Hickox, by **Jones. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated that this is a simple change of manager. ► Mr. Chandler thanked Mr. Hickox for the resume information provided in the Town Council members' meeting packet. ► **VOTE: Yes-9, No-0, Absent-0.**

► *License Modification - Change of Officers/Directors: Rare Hospitality International, Inc. d/b/a Longhorn Steakhouse; Located at 250 Franklin Village Drive, Franklin, MA 02038.* ► Councilor Jones read the license transaction. ► **MOTION** to **Approve** the request by Rare Hospitality International, Inc., d/b/a Longhorn Steakhouse, for a Change of Officers/Directors as described, by **Jones. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated that the Town is acting as a pass-through for the State. These are corporate changes for the entire chain. All departments have signed off. ► **VOTE: Yes-9, No-0, Absent-0.**

PRESENTATIONS/DISCUSSIONS: ► *Old South Church - Mike D'Angelo, Director of Public Facilities.* ► Mr. Hellen stated that one of the approved goals at the last meeting was a discussion of the Old South Church on Washington Street. He stated that there is no formal presentation tonight. He reviewed that in 2020, LLB Architects conducted an Existing Conditions Assessment and Peer Review of the property. The study was developed to inform interested parties of the viability of using this building. The report provided information to support the findings and recommendations. He summarized that the Town is looking at about \$1.5 million or more of renovation costs to rehabilitate the building. ► Director of Public Facilities Michael D'Angelo and Building Commissioner Gus Brown provided an overview of the property. Mr. D'Angelo stated that the church used to be the museum prior to the museum being in its current location. The building was given to the Town by the church in the early 1970s; the building is in very tough condition. It was built in 1856. It is about 1,850 sq. ft. He explained the structure and foundation of the building. He stated that the Town really does not have a use for the building. ► Mr. Brown stated that when walking into the building, one cannot be sure if the floor is going to let go because of the beetle damage. He stated that he is not sure of the structural soundness of the building. He questioned what the proposed use of the building is. He stated that they are looking to the Town Council for direction. ► Chair Mercer stated that the issues are both dollars and cents as well as what is the best use for the building. He noted that there is a water pump station easement in the back. He suggested it would cost possibly \$2.5 million to get it structurally sound and ADA compliant. ► Mr. Brown stated that possibly they could explore working with the Tri-County school regarding construction. However, before fixing it up, a use would have to be determined. ► Councilor Pellegri discussed someone purchasing the house for a home and leaving the outside as it is. She suggested advertising it for sale. She stated that she wants something done with the building. She stated that the beetle situation would have to be checked. ► Mr. Cerel stated that there is a preservation restriction that can be put on the exterior of the building. However, he explained reasons that it would be challenging. ► Mr. Hellen stated that the person buying it

would have to invest millions into the home; an RFP could be done. ► Councilor Frongillo stated that a use would have to be found. He stated that the big restriction is that there is no parking. He asked how difficult it would be to move the house. ► Mr. Hellen discussed that there is no parking. The Town would have to work out a parking deal. ► Mr. Brown reviewed getting a house or building moved. ► Mr. D'Angelo stated that for the building to be used by the public, ADA compliance is required; for the building to be used as a house, fewer conditions are required. ► Councilor Jones stated that in light of all the other investments needed by the Town, he does not see putting any funds into this building. There are so many other things in the community that taxpayers' money could be better spent on. ► Councilor Hamblen asked if there was any interest from the CPC for this for house. ► Mr. Hellen stated that this property will be referenced in the CPC plan; however, it would take the town 10 to 15 years to raise the money required to rehab the building. ► Councilor Dellorco stated agreement with Councilor Jones that there are many other items that need money from the Town. ► Councilor Cormier-Leger asked if there were any restrictions on this property. ► Chair Mercer stated no. ► Councilor Chandler asked if the outside could be fixed up, but no one would be allowed to go inside. ► Mr. Brown stated that is a viable option; however, if anyone ever went in the building, the floor could give way. He recommended selling the building. ► Mr. Hellen stated that it could be sold with a preservation restriction. If an RFP were done, restrictions could be included. ► Mr. Cerel explained an Invitation to Bid and RFP. ► Councilor Pellergi encouraged that they get the paperwork going to do this. ► Chair Mercer opined that they should try the RFP process first. ► Mr. Cerel explained that the driver is getting a successful responder that has the experience and ability to do this.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** ► None.
- b. **Budget Subcommittee.** ► None.
- c. **Economic Development Subcommittee.** ► Councilor Hamblen stated that the EDC met and discussed the Franklin for All project. She noted that the public forum will be held on March 7, 2022, at 7 PM at the high school and via Zoom. She encouraged the public to join the meeting.

LEGISLATION FOR ACTION:

Note: Two-Thirds Vote requires six votes; Majority Vote requires majority of members present and voting.

- a. ***Resolution 22-07: Creation of the Joint Budget Subcommittee (Motion to Approve Resolution 22-07 - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 22-07: Creation of the Joint Budget Subcommittee by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen stated that this is another goal of the Town Council. He reviewed that The Town Finance Committee recently gave support to developing a committee charge for the Joint Budget Subcommittee. He stated that in talking with the School Budget Subcommittee, they agree. ► Councilor Frongillo stated that this is an opportunity for the residents to have a say in the process and for the Town Council to look into the school budget further. ► Chair Mercer stated that they have had this committee for years; they are trying to formalize it to a greater extent. ► **VOTE: Yes-9, No-0, Absent-0.**
- b. ***Resolution 22-08: Adoption of Revisions to the Procedures Manual of the Franklin Town Council (Motion to Approve Resolution 22-08 - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 22-08: Adoption of Revisions to the Procedures Manual of the Franklin Town Council by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen reviewed that the Town Council Rules of Procedure Review Committee met twice this year to review and update the Procedures Manual of the Franklin Town Council which was last revised on May 9, 2018. He noted that the draft track-changes version of the document is included in the Town Council members' meeting packet. ► Chair Mercer read aloud and reviewed the changes that were made to

the manual. ► Town Council members asked questions and made comments. ► Councilor Hamblen, Councilor Frongillo, and Councilor Chandler noted their appreciation for the addition of item #4. ► Mr. Cerel discussed the meaning of sound discretion with regard to item #12. ► Councilor Jones reviewed item #31. ► Councilor Cormier-Leger requested that the words his or her be used consistently throughout the document. ► Mr. Hellen stated that would be done when the document is finalized. ► Ms. Jane Callaway-Tripp, 607 Maple Street, questioned that if the Town is trying to encourage townspeople to get involved, why is the Town Council chair allowed to not let people speak about specific agenda items. If townspeople are not allowed to be heard, they are being ignored or silenced. She stated that if it is an open meeting, residents should have an opportunity to voice their opinions on agenda items. Secondly, regarding citizens' comments, the citizens should continue to receive five minutes to make their comments as it is their only chance to explain their problem, concern, or congratulatory remarks. She stated that citizens' comments should not be reduced to three minutes. ► **VOTE: Yes-9, No-0, Absent-0.**

- c. Resolution 22-09: Gift Acceptance: Senior Center (\$1,000.00) (Motion to Approve Resolution 22-09 - Majority Vote).* ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 22-09: Gift Acceptance: Senior Center (\$1,000.00) by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen thanked the donators for their donation. ► **VOTE: Yes-9, No-0, Absent-0.**
- d. Resolution 22-10: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 (Motion to Approve Resolution 22-10 - Majority Vote).* ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 22-10: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 by Dellorco. SECOND by Hamblen. No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**
- e. Resolution 22-11: Acceptance of Private Road Covenant with Owner-Developer of Smits Estates, a Two-Lot Subdivision (Motion to Approve Resolution 22-11 - Majority Vote).* ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 22-11: Acceptance of Private Road Covenant with Owner-Developer of Smits Estates, a Two-Lot Subdivision by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Cerel referenced his memo to the Town Council dated January 28, 2022, which was provided in the Town Council members' meeting packet. He noted that this is a fairly common practice. As stated in his memo, he reviewed that from time to time, the Planning Board receives an application for a small subdivision (two or three lots) with a request from the applicant for waivers on construction of the access road and related infrastructure. In such a case, the Planning Board, as a condition of its approval, typically requires that the access roadway be and remain a private road with abutters responsible for maintenance and repair and no Town responsibility. To make this legally-binding on subsequent property owners, the Planning Board requires that the owner-developer execute the Town's form "private road covenant," which is the case with Smits Estates; Town Council acceptance of the executed covenant is required so that it can be recorded at Norfolk County Registry of Deeds. ► **VOTE: Yes-9, No-0, Absent-0.**
- f. Resolution 22-12: Order of Layout, Acceptance and Taking of Brandywine Road and a Portion of Charles Drive and Drainage and Utility Easements: Referral to the Planning Board (Motion to Refer Resolution 22-12 to the Planning Board - Majority Vote).* ► **MOTION to Waive the reading by Hamblen. SECOND by Dellorco. No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Refer Resolution 22-12: Order of Layout, Acceptance and Taking of Brandywine Road and a Portion of Charles Drive and Drainage and Utility Easements to the Planning Board by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen stated that this will begin a series of street acceptances which is one of the Town Council's goals for this year. He stated that this is a unique situation that this road will be referred to the Planning Board for acceptance. ► Mr. Cerel referenced his memo to the Town Council dated January 28, 2022, which was provided in the Town

Council members' meeting packet. As stated in his memo, he reviewed that when a developer constructs a roadway to provide access to a residential development, that road is private unless and until the Town accepts it as a public way. The Town is prohibited by statute from performing significant maintenance and repair work on a private road, but most residential property owners expect that the Town will perform this work. As a result, the Town has been committed to an aggressive public way acceptance program. This involves compliance with a statutory process, the first step of which is: referral of the proposed public way acceptance to the Planning Board to review and make a recommendation. (Although the Town was successful in obtaining legislative authorization to employ a simplified acceptance process which is applicable to roadways in Planning Board-approved subdivisions, the Planning Board previously declined to make the positive recommendation required by that legislation because Brandywine Village was developed pursuant to G.L. Chapter 40B, the affordable housing statute, without Planning Board approval.) The currently-proposed Planning Board referral is pursuant to the original statutory process applicable to laying-out and acceptance of all public ways, not just those located in Planning Board-approved subdivisions.

► Town Council members asked questions. ► Mr. Cerel confirmed this item is being referred to the Planning Board. He stated that all developer roads start off as private roads. He explained that when someone buys a home, the information is available at the Registry of Deeds. Therefore, the buyer would know if it is a private or public road. ► **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: None.

FUTURE AGENDA ITEMS: ► Councilor Sheridan requested to address the Dean College parking issue that was brought up during citizens' comments. ► Mr. Hellen stated that the Chief of Police would be at the next Town Council meeting. ► Councilor Hamblen stated her agreement with Councilor Sheridan. ► Councilor Cormier-Leger stated that he wanted to hear more about the parking situation. He noted that he had previously requested a future agenda item regarding the issues at the high school and having a discussion with the School Committee to see what resources they need to address the ongoing issues. ► Mr. Hellen stated that they would be at the next meeting. ► Councilor Jones asked if a representative from Dean College could be invited to the next meeting regarding the parking issue. ► Chair Mercer asked Mr. Hellen to let Dean know and put the offer out for them to attend. ► Councilor Dellorco agreed with Councilor Jones.

COUNCIL COMMENTS: ► Councilor Cormier Leger wished everyone a great Black History month. ► Councilor Chandler stated that as the Police Department is at full staff, why can't someone monitor the parking situation. He suggested that maybe the parking control officer can be brought back. He noted that Dean College had a police department and it was taken away. He reminded everyone to not forget their annual dog license renewal. ► Councilor Pellegri noted Ms. Priscilla Cornetta's contribution to the Town. She stated that she had thought the parking situation regarding Dean was already taken care of. She encouraged people to come forward and let the Town Council know of their concerns. ► Councilor Sheridan stated that he wished happy new year to Asian residents. ► Councilor Frongillo noted the DECA program at the high school. He stated that this year 119 students are being sent to state. He noted that high school students are fundraising for this. He stated that Panther TV has been putting out some great stories about students. He stated that there is a new bookstore coming to Franklin. ► Councilor Hamblen gave a shout-out to the DPW for the great work done during the blizzard. She reminded everyone about the Franklin for All public forum on March 7, 2022. ► Councilor Jones thanked the DPW for their hard work during the blizzard. He thanked the teachers who have made it through the past month regarding the Omicron surge. He stated that the numbers are going down. ► Councilor Dellorco thanked the DPW. He noted that the Franklin High School cheerleading squad is going to nationals; he wished them good luck. ► Chair Mercer stated the DPW did a fantastic job on the storm.

Chair Mercer recused himself from the Executive Session; he stated that Vice Chair Dellorco will conduct the rest of the meeting.

EXECUTIVE SESSION: ► *a. Considering the purchase, exchange, lease or value of real property, because an open meeting may have a detrimental effect on the negotiating position of the Board - Schmidt's Farm, Prospect Street.* ► Vice Chair Dellorco stated that the Town Council needs to meet in executive session for the purpose of considering the purchase, exchange, lease or value of real property, because an open meeting may have a detrimental effect on the negotiating position of the Board - Schmidt's Farm, Prospect Street.

► **MOTION to Enter** executive session for the purpose of considering the purchase, exchange, lease or value of real property, because an open meeting may have a detrimental effect on the negotiating position of the Board - Schmidt's Farm, Prospect Street, as the chair has so declared, and the open meeting will not reconvene at the conclusion of the executive session by **Jones. SECOND** by **Hamblen. No Discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Pellegrini-YES; Sheridan-YES.** ► **VOTE: Yes-8, No-0, Absent-0.**

Open Session ended at 9:55 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
March 2, 2022**

A meeting of the Town Council was held on Wednesday, March 2, 2022, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA. Councilors present: Brian Chandler, Theodore Cormier-Leger, Robert Dellorco (via Zoom), Cobi Frongillo, Melanie Hamblen, Glenn Jones, Thomas Mercer, Deborah Pellegrini, Patrick Sheridan. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney; Alecia Alleyne, Assistant to the Town Administrator.

CALL TO ORDER: ► Chair Mercer called the meeting to order at 7:00 PM. Chair Mercer called for a moment of silence. All recited the Pledge of Allegiance.

ANNOUNCEMENTS: ► Chair Mercer reviewed the following as posted on the agenda. A Note to Residents: All citizens are welcome to attend public board and committee meetings in person. Additionally, in an effort to maximize citizen engagement opportunities, citizens will be able to continue to participate remotely via phone or Zoom. The meetings will also be live-streamed by Franklin TV and shown on Comcast Channel 11 and Verizon Channel 29. He announced that Councilor Dellorco will attend the meeting via Zoom; therefore, all votes will be by roll call. This meeting is being recorded by Franklin TV and may also be recorded by others.

CITIZEN COMMENTS: None.

APPROVAL OF MINUTES: ► *February 16, 2022.* ► **MOTION to Approve** the February 16, 2022 meeting minutes by Hamblen. **SECOND** by Jones. **No discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: None.

APPOINTMENTS: None.

HEARINGS: None.

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: ► *Presentation: Other Post-Employment Benefits - Dan Sherman, Sherman Actuarial Services.* ► Mr. Hellen stated that this is an annual presentation. ► Mr. Sherman (via Zoom) reviewed his Post Retirement Benefits Actuarial Valuation of the Town of Franklin, June 30, 2021 Actuarial Valuation Report, GASB 74 & 75, which was provided in the Town Council members' meeting packet. He pointed out page 3 which shows the June 30, 2021 Net Position of \$9,805,609 which is an increase from June 30, 2020 Net Position of \$6,787,251. He stated that the Town had an excellent year. He discussed the June 30, 2020 Liability of \$79,806,924, and the June 30, 2021 Liability of \$79,448,221. He stated that the Plan Fiduciary Net Position as a percentage of the Total OPEB Liability is 12.3%. He reviewed net OPEB liability of water, sewer, and solid waste enterprise accounts. He discussed the net OPEB liability of the system calculated using the current trend rates, as well as what the system's net OPEB liability would be if it were calculated using trend rates 1 percentage point lower for all years or 1 percentage point higher than the current rates as shown on page 5 of the report. He reviewed the Schedules of Required Supplementary Information as shown on page 6 of the report. He stated that covered-employee payroll is 102.4% which is one of the lowest of the Town's

peers; typically, it is 350% to 375%. He stated that the Town should keep up the good work; this will help if the Town goes out for a bond. He reviewed the Schedule of Net Position Restricted for OPEB Plan Benefits Amortization Recognition shown on page 7 and discussed the schedule of amortization adjustments to the OPEB Expense for the coming years. He stated that a positive number indicates that the actual return was less than the expected return and will be added to the OPEB Expense. He stated that the Net OPEB Liability for End of Year 2021 is \$69,642,612. He noted that the approximately \$900,000 put into the OPEB Trust is still coming up short compared to a full funding schedule. ► Mr. Hellen stated that they are looking to put in \$1.19 million for the following fiscal year. He asked Mr. Sherman to explain what OPEB is. ► Mr. Sherman reviewed the meaning of Other Post-Employment Benefits which covers retiree medical, life insurance, and anything else promised to retirees in terms of a benefit. He noted that there is no rule as to when this is to be fully funded in Massachusetts General Law; however, doing this will save the Town money down the road by prefunding the obligation. He stated that it will also save money in terms of the Town's rating. He noted that most communities are funding under 10%. ► Town Council members asked questions. ► Mr. Sherman reviewed that the goal is to continue the process of funding which will create savings including in the Town's bond rating. ► Finance Director Chris Sandini noted that they are required by Chapter 32B to fund at least 50% for retirees for medical; it is not an option. ► Mr. Sherman noted that there is a wide range of different plans for retirees based on each city/town. He stated that he is not aware of any towns where the schools have to pick up out of their budget the OPEB expense in terms of prefunding. ► Chair Mercer stated that they are still only at 12% which is a long way from 100%. He stated that they are doing a great job to date, but they cannot lose sight of the fact that they are still just at 12%. He thanked Mr. Sherman for his presentation.

LEGISLATION FOR ACTION:

Note: Two-Thirds Vote requires six votes; Majority Vote requires majority of members present and voting.

- a. ***Resolution 22-15: Direction for Issuance of Request for Expressions of Interest for Town Property Containing "South Franklin Congregational Meeting House" Located at 762 Washington Street (Motion to Approve Resolution 22-15 - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 22-15: Direction for Issuance of Request for Expressions of Interest for Town Property Containing "South Franklin Congregational Meeting House" Located at 762 Washington Street by **Hamblen. SECOND by Frongillo. Discussion:** ► Mr. Hellen stated that this action is to allow the Town Administration to release a Request for Expressions of Interest on the South Franklin Meeting House. He stated that this is not an RFP; they are trying to get ideas from folks. He stated that an open house for potential parties to view the building is scheduled on March 14, 2022, from 10:00 AM to 12:00 PM; staff will be on site to ensure safety. ► Town Council members asked questions. ► Mr. Cerel reviewed that it would not be unusual for a prospective purchaser to have a due diligence period noted in advance in terms of getting an approval to proceed with the proposed use. ► Mr. Hellen stated that he did not know what could be done with the pews and other furniture items that are currently in the building. He stated that they would have to take a look at the value, and it would have to be put out to bid as surplus property. ► Councilor Pellegri suggested the furniture pieces go back to a church. ► Mr. Cerel stated that there is a formal legal process to dispose of the property, and it must be very specific as to whether it will be based on the highest bid or if there will be other considerations such as uses. This expression of interest will provide some guidance to the Town in advance as to whether there is or is not interest and in what areas so the Town can craft something that will bring in the most response. ► Councilor Frongillo suggested language be stricken from the resolution regarding the affordable housing restriction as it is a small space and will not make a dent in affordable housing but will limit the potential uses of the space. He stated that he would like to take that restriction out of this. He would like to put in a preference for arts or other community space. ► Chair Mercer stated that the only way to strike the language would be to offer an amendment to the motion. ► Mr. Hellen cautioned that unless someone

has parking somewhere else, the idea of this being a civic institution or a place of congregation at a large level is going to be very challenging. He gave a shout-out to Mr. Alan Earls regarding a PowerPoint he provided giving examples of old churches turned into housing; the examples were inspiring. ► Mr. Cerel stated that this is not a legally binding document; it is more in the nature of giving notice to people and keeping the Town's options open. ► Mr. Hellen stated that the date can be extended from April 1 to April 29 if a Town Council member wanted to put in an amendment to the resolution; he would also be happy to do a second open house. ► **MOTION to Amend the Motion for Resolution 22-15: Direction for Issuance of Request for Expressions of Interest for Town Property Containing "South Franklin Congregational Meeting House" Located at 762 Washington Street, to amend the date of responses due from April 1, 2022, to April 29, 2022, by Hamblen. SECOND by Pellegri. Discussion:** ► Councilor Frongillo confirmed that a full design is not needed in an expression of interest. ► Mr. Hellen stated that extending the date is probably the best thing, and he will put in a second date for an open house. ► **ROLL CALL VOTE (on the amendment to the motion): Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES. ► VOTE: Yes-9, No-0, Absent-0.** ► Councilor Chandler stated the importance of keeping the exterior as is. ► **ROLL CALL VOTE (on the motion as amended): Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES. ► VOTE: Yes-9, No-0, Absent-0.**

- b. Resolution 22-16: Authorization for Town Administrator to Negotiate and Execute New Agreement Between Town and Franklin Community Cable Access, Inc. for PEG Programming and Access Services (Motion to Approve Resolution 22-16 - Majority Vote).* ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 22-16: Authorization for Town Administrator to Negotiate and Execute New Agreement Between Town and Franklin Community Cable Access, Inc. for PEG Programming and Access Services by Hamblen. SECOND by Dellorco. Discussion:** Mr. Hellen stated that this action is to authorize the Town Administrator to negotiate and execute a new agreement between the Town and Franklin Community Access for PEG Programming and Access Services. The most recent contract was signed in 2012 and expired in 2016. In absence of any action, the contract continued. Franklin TV recently approached the Town to update a new agreement. The proposed new agreement which has been provided in the Town Council members' meeting packet has a 10-year term with a start date of April 1, 2022. ► Councilor Pellegri confirmed that this does not have anything to do with the cable company; this is just the access group. ► Mr. Hellen stated that this is not an agreement with Comcast or Verizon; this is an agreement with the Town of Franklin and the folks in the booth over there. In response to a question, he discussed who determines if it is an appropriate show to do or not; he stated that he believes it is the Board of Directors and the executive director who make the decision. He read aloud the regulations for appointments to the Board of Directors. ► Mr. Cerel stated that originally the Town operated the cable system. It was then determined to set up a non-profit corporation to operate it. He reviewed the membership requirements. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES. ► VOTE: Yes-9, No-0, Absent-0.**
- c. Resolution 22-17: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 (Motion to Approve Resolution 22-17 - Majority Vote).* ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 22-17: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 by Hamblen. SECOND by Dellorco. No discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES. ► VOTE: Yes-9, No-0, Absent-0.**

- d. Resolution 22-18: Gift Acceptance - Veterans' Services Department (\$350) (Motion to Approve Resolution 22-18 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 22-18: Gift Acceptance - Veterans' Services Department (\$350) by Hamblen. SECOND by Dellorco. Discussion:** Mr. Hellen thanked the donors. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**

SUBCOMMITTEE REPORTS:

- a. Capital Budget Subcommittee.** ► Councilor Pellegrini stated that they had one meeting and did partial talks on all of those committees and departments. She stated that we are going to have another meeting tomorrow night at 5:30 PM in the Training Room.
- b. Budget Subcommittee.** ► Chair Mercer stated that they are meeting next week, March 10, 2022, at 6:30 PM, in the Council Chambers.
- c. Economic Development Subcommittee.** ► Councilor Hamblen stated that they met with the Steering Committee of Franklin for All. They further discussed the public forum scheduled on March 7, 2022, at 7:00 PM in the Council Chambers and via Zoom. There will be a presentation and then questions will be taken. She stated that they also discussed the parking issues that came up at the last Town Council meeting; they came up with some ideas for Mr. Hellen to take to the Police Chief and Lt. Reilly to work on.

TOWN ADMINISTRATOR'S REPORT: None.

FUTURE AGENDA ITEMS: ► Councilor Sheridan requested an update on the historical district. ► Mr. Hellen stated that it is on the goals and will be a presentation in a few months. ► Councilor Jones requested the congressional delegation on a future agenda. ► Chair Mercer stated they are scheduled for May 4, 2022.

COUNCIL COMMENTS: ► Councilor Sheridan congratulated the Franklin High School boys' and girls' basketball teams and wrestling teams. He noted support for Ukraine. ► Councilor Frongillo noted a geography night he attended at the high school last night. He stated he is impressed by the level of student engagement in different clubs. ► Councilor Hamblen noted high school students academic and athletic accomplishments. She expressed solidarity for the Ukrainian people. ► Councilor Cormier-Leger noted two new restaurants in town; they are great. He stated that Electric Youth 22 put on a great performance at The Black Box. He gave thoughts and prayers to people in Ukraine. ► Councilor Chandler stated happy birthday to the Town of Franklin. He gave thoughts and prayers to people in Ukraine. ► Councilor Pellegrini stated deepest sympathy to DPW worker Steven Carlucci whose mother passed away. She asked people visit the Senior Center gift store. She noted the Fire Department is volunteering their time on Tuesdays and Thursdays to do cooking at the Senior Center. She stated Franklin is 244 years old. She stated her heart is broken about Ukraine. ► Councilor Jones expressed his support to the state's legislation to ban any Russian product that would benefit the Russian government. He expressed support to Ukraine. ► Councilor Dellorco stated that he echoed all other councilor members comments especially regarding Ukraine. His prayers are with the people of Ukraine. He gave condolences to the Carlucci family. ► Chair Mercer stated that his sympathies go out to the Carlucci family. He gave thoughts and prayers to the Ukrainian citizens. He congratulated the Franklin athletic groups.

EXECUTIVE SESSION: a. Exemption #3: Collective Bargaining (all Town unions) - To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares. ► Chair Mercer stated there is a need for an executive session on Collective Bargaining, all Town unions, to discuss strategy with respect to collective bargaining as an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares, and we will not come back to open session from executive session.

► **MOTION** to **Enter** executive session for the purpose of Exemption #3: Collective Bargaining for all Town unions to discuss strategy with respect to collective bargaining as an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares, and the open meeting will not reconvene at the conclusion of the executive session by **Jones**. **SECOND** by **Hamblen**. **No Discussion**. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES**. ► **VOTE: Yes-9, No-0, Absent-0**.

Open Session ended at 8:33 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Stormwater Utility



Town Council Presentation

March 16th, 2022

Brutus Cantoreggi - DPW Director

Derek Adams - Stormwater & Environmental Affairs Superintendent

Kate Sjoberg - GIS Coordinator

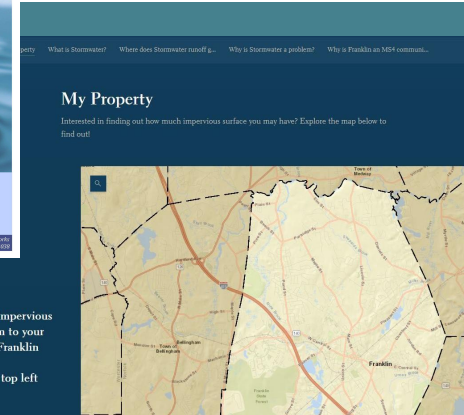
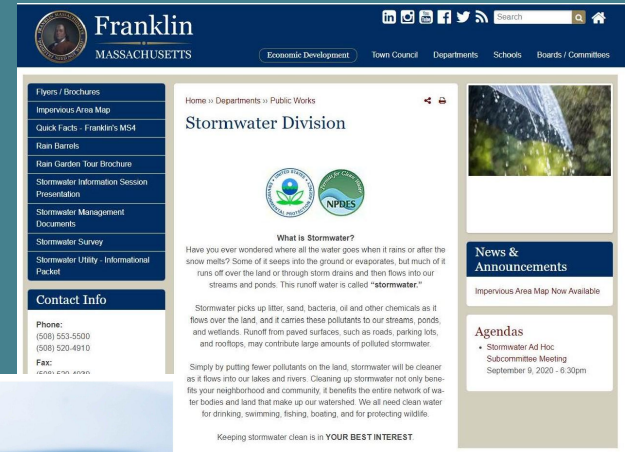
Stormwater Background

The Stormwater Division website is the most comprehensive place to find stormwater information, including previous Town Council presentations on Stormwater.

- Public Outreach Presentations
- Previous Town Council Presentations
- Utility Flyer
- Impervious Area Story Map
- Rain Barrel Program
- Flyers & Brochures
- Stormwater Management Plan
- General Stormwater Information

<https://www.franklinma.gov/stormwater-division>

Franklin Department of Public Works



To find out how much impervious area (IA) you have, zoom to your property or search any Franklin address by clicking the magnifying glass in the top left corner.



How Much Is The Utility Fee?

\$18.66 per billing unit (BU)

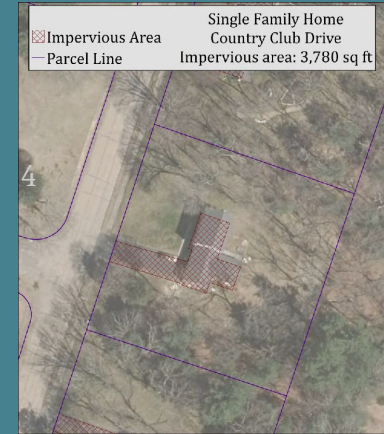
The current standard for a Stormwater Utility Fee is based on Impervious Area (IA).

A billing unit in Franklin is 1,000 sq ft of IA

- Equality: All properties with IA will be part of utility billing
- Equity: Those with more IA will incur a higher rate

The average single-family home in Franklin = 3 BU = \$56 per year.

1 acre lot
BUs x \$18.66
\$74.64 per year



1/2 acre lot
2 BUs x \$18.66
\$37.32 per year



Credit and Abatement System

- ❖ **Credits** will be offered to all property owners for a maximum reduction of 50% off their stormwater utility fee.

Residential Credits:

- Rain Barrel
- Porous Pavement/Pavers*
- Gravel Driveways*
- Rain Garden
- Dry Well
- French Drain
- Other Subsurface Recharge System

Commercial and Large Residential Credits:

- Rain Garden
- Bioretention Area
- Detention/Retention Basins
- Sediment Forebays
- Deep Sump or Leaching Catch Basins
- Tree Well
- Subsurface Structures

Credits must be reapplied for to maintain a lower stormwater utility fee; residential credits must be renewed on a yearly basis, commercial and large residential credits every five years.

- ❖ **Abatements** may be applied for if property owners feel their IA is reported incorrectly.

*Owners with gravel driveways, pervious or porous pavers/pavement pavement may apply for an abatement.

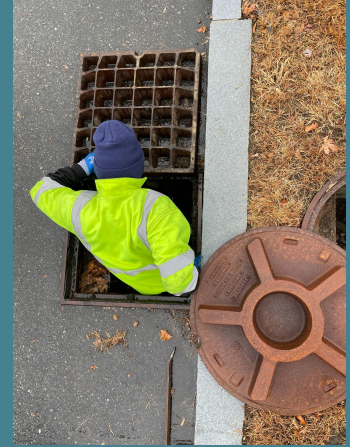
Community Assistance Program

All stormwater utility fees will be waived for those property owners that qualify for the Community Assistance Program (CAP).

- Households gross income level must be at or below 200% of the Federal Poverty Guidelines
- Complete a Community Financial Assistance Eligibility Application
- All information collected is strictly confidential and will only be used only to determine eligibility for the CAP.
- §82-4 The full bylaw can be found here <https://ecode360.com/32290412>

What Does This Money Get Us?

- Enhancement of existing services: catch basin cleaning, street sweeping, pipe inspections and repairs, drainage swale maintenance, etc.
- Identification and elimination of illicit pollution sources
- Inspection, construction, and maintenance of Stormwater treatment structures (BMP's): detention basins, stormceptors, tree wells, rain gardens, etc.)
- Leaf litter collection
- Compliance with the MS4 Permit
 - ◆ Phosphorus Control Plan (PCP) projects
- Increased drinking water protection



Federal ARPA Money

- Incorporating stormwater improvements within scheduled infrastructure projects
- Upcoming road work: Arlington St, Country Club Dr, Jordan Rd, Tam O'Shanter Rd, Burning Tree Rd, North Park St
- MS4 Permit Year 5 (July 2022 - June 2023): detention basin upgrades (5)
- In 2020, average cost for BMP Construction = \$70,000
- **ARPA funds will help offset these stormwater/drainage costs for the next several years, saving residents money!!**

Why We Can't Ignore This

Quincy Case Study:

March 2019 - US Attorney's Office files a civil complaint against the City of Quincy

- Sewage leaking into storm drain system and polluting Quincy Bay
- City agrees to consent decree; expected cost = ***excess of \$100 million***
- ***Civil penalties = \$115,000***
- Failing infrastructure must be repaired
- Work must be completed by December 2034

U.S. Attorneys » District of Massachusetts » News

Department of Justice

U.S. Attorney's Office

District of Massachusetts

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FOR IMMEDIATE RELEASE

Wednesday, June 9, 2021

City of Quincy Agrees to Remedy Discharges of Stormwater Containing Sewage

Cost of remedial measures is expected to be in excess of \$100 million

BOSTON – The U.S. Attorney's Office has entered into a consent decree with the City of Quincy to resolve violations of the Clean Water Act regarding the City's stormwater and sanitary sewer systems. Water sampling indicated untreated sanitary sewage discharging from numerous Quincy stormwater outfalls, including outfalls discharging at beach areas.



How Will This Improve Residential Quality of Life?

- Yard Waste Pick-Up
- Drainage Improvements
- Flood Mitigation
- Drinking Water Protection
- Asset Protection
- Healthy Waterways
- Roadway Safety
- Improved Infrastructure



Discussion



Stormwater Management Plan Year 2 Update

Town of Franklin, MA
EPA NPDES Permit #MAR041117

Town of Franklin
257 Fisher Street, Franklin, MA 02038

July 3, 2020



Stormwater Management Plan Year 2 Update

Town of Franklin, MA

Prepared for:

Town of Franklin
257 Fisher Street, Franklin, MA 02038

Prepared by:

Wood Massachusetts, Inc.
271 Mill Road
Chelmsford, MA, 01824
United States
T: 978-692-9090

July 3, 2020

Prepared and Reviewed by:

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List of acronyms

- BMP Best Management Practices
- DPW Department of Public Works
- EPA Environmental Protection Agency
- ESA Endangered Species Act
- ESC Erosion and Sediment Control
- GPS Global Positioning System
- IDDE Illicit Discharge Detection and Elimination
- MCM Minimum Control Measures
- MEP Maximum Extent Practicable
- MS4 Municipal Separate Storm Sewer Systems
- MSGP Multi-Sector General Permit for Stormwater Discharges with Industrial Activities
- NHPA National Historic Properties Preservation Act
- NOI Notice of Intent
- NPDES National Pollutant Discharge Elimination System
- NRHP National Register of Historic Places
- O&M Operation and Maintenance
- PY Permit Year
- SSO Sanitary Sewer Overflow
- SVF System Vulnerability Factors
- SWMP Stormwater Management Plan
- SWPPP Stormwater Pollution Prevention Plan
- T&E Threatened and Endangered
- TMDL Total Maximum Daily Load
- U.S. United States
- UA Urbanized Areas





1.0 Introduction

The Town of Franklin (Town or Franklin) has developed a Stormwater Management Plan (SWMP) as part of an on-going effort to minimize stormwater runoff impacts to local waterbodies. The SWMP is a requirement of the Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) in Massachusetts, issued on April 4, 2016 and effective on July 1, 2018 (2016 MS4 GP). A copy of the 2016 MS4 GP is provided in **Appendix A**. The SWMP will serve as the Town's framework which describes and details the activities and measures that will be implemented to meet the requirements of the 2016 MS4 GP. The SWMP will be updated and or modified during the permit term as the Town's activities are modified, changed, or updated to meet the requirements. An amendment log and summary of modifications template is provided in **Appendix B**.

Prior to the development and implementation of the SWMP, the Town filed a Notice of Intent (NOI) with EPA in September 2018 to obtain the authorization to discharge stormwater under the 2016 MS4 GP. The NOI and documentation supporting Endangered Species Act (ESA) and National Historic Properties eligibility criteria determinations are provided in **Appendix C**.

1.1 Regulatory Background and Requirements

The EPA nationally regulates the discharge of stormwater runoff that is conveyed to local waterbodies via MS4s through the NPDES program. In 1990, EPA enacted rules establishing Phase I of the NPDES stormwater program which requires operators of medium and large MS4s, those that generally serve populations of 100,000 or greater, to implement a stormwater management program to control polluted discharges from these MS4s. In 1999 EPA enacted the Phase II Rule to expand the existing Phase I Program and the initial Phase II permits were issued in 2003. On a nationwide basis, the Phase II Rule automatically covers "small" MS4s located in urbanized areas (UA) as defined by the Bureau of the Census. The rule also defines a small MS4 stormwater management program as a program comprising of six program elements called Minimum Control Measures (MCM) intended to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP). These MCMs are listed and described below:

- **Public Education and Outreach:** Distribute educational materials and perform outreach to inform citizens about stormwater management and the impacts polluted stormwater runoff can have on water quality.
- **Public Participation/Involvement:** Provide opportunities for local citizens and businesses to participate in program activities, including publicizing public hearings and encouraging input on the SWMP.
- **Illicit Discharge Detection and Elimination (IDDE):** Develop and implement a plan to detect and eliminate illicit discharges to the storm sewer system.
- **Construction Site Runoff Control:** Develop, implement, and enforce an erosion and sediment control program for construction activities that disturb one or more acres of land.
- **Post-Construction Runoff Control:** Develop, implement, and enforce a program to address discharges of post-construction stormwater runoff from new development and redevelopment areas.
- **Pollution Prevention/Good Housekeeping:** Develop and implement a program with the goal of preventing or reducing pollutant runoff from municipal operations. The program will include municipal staff training on pollution prevention measures and techniques.





On May 1, 2003, EPA Region 1 issued its General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (2003 MS4 GP) that covers traditional and non-traditional MS4 operators located in the states of Massachusetts and New Hampshire. The Town of Franklin was originally authorized to discharge stormwater under the 2003 MS4 GP. This permit expired on May 1, 2008 but remained in effect for authorized MS4 operators until the 2016 MS4 GP became effective on July 1, 2018.

1.2 Eligibility Determination

Section 1.2 of the 2016 MS4 GP requires that small MS4s in Massachusetts meet the eligibility requirements for authorization under this permit. Section 1.2.1 of the 2016 MS4 GP authorizes the discharge of stormwater from small MS4s if the MS4 is determined to meet the general eligibility criteria:

- A small MS4 within the Commonwealth of Massachusetts;
- Not a large or medium MS4 as defined in 40 CFR 122.26(b)(4) or (7);
- Located either fully or partially within an urbanized area as determined by the latest 2010 Census; or
- Located in a geographic area designated by EPA as requiring a permit.

The Town of Franklin has been determined to be a small MS4 and the majority of the town is located within an urbanized area.

1.3 Special Eligibility Determination

Section 1.9 of the 2016 MS4 GP requires special eligibility requirements for authorization to discharge under the 2016 MS4 GP, including eligibility regarding endangered species and historic properties. The MS4 must be assessed for the potential impacts of stormwater discharges and discharge-related activities on federally listed threatened and endangered (T&E) species and designated critical habitat under the Endangered Species Act (ESA), as well as the effect on historic properties that are either listed on, or are eligible for listing on, the National Register of Historic Places (NRHP) under the National Historic Properties Preservation Act (NHPA). The NOI and documentation supporting Endangered Species Act (ESA) and National Historic Properties eligibility criteria determinations are provided in **Appendix C**.

The U.S. Fish and Wildlife Service (USFWS) has provided a framework to streamline Section 7 ESA consultations when actions may affect the statewide listed Northern long-eared bat (NLEB) but not cause prohibited take. For projects that are deemed to have “no affect” on the NLEB or its habitat typically no further consultation is required. During the course of the permit term, installation of any structural BMPs in Town will be screened for impacts to federal T&E species and the USFWS will be consulted if activities “may affect” or are “not likely to adversely affect” T&E species (see **Appendix C** for more information).

Certain activities such as the construction and/or installation of stormwater control measures that involve subsurface disturbance of less than one acre of land may have the potential to effect historic properties. For these activities the Town will need to ensure that historic properties will not be impacted or that they are in compliance with a written agreement with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officers (THPOs), or other tribal representative that outlines all measures the Town will carry out to mitigate or prevent any adverse effects on historic properties. Note that ground disturbance greater than one acre requires coverage under the USEPA NPDES Construction General Permit (CGP), which contains the same permit eligibility requirements with respect to the NHPA.

Appendix C contains more information about potential future consultation with the SHPO and THPO.



1.4 Permit Year Definitions

Throughout this document, certain milestones and dates will be defined by permit year (PY) dates as follows:

- PY1: July 1, 2018 to June 30, 2019
- PY2: July 1, 2019 to June 30, 2020
- PY3: July 1, 2020 to June 30, 2021
- PY4: July 1, 2021 to June 30, 2022
- PY5: July 1, 2022 to June 30, 2023
- PY7: July 1, 2024 to June 30, 2025
- PY10: July 1, 2027 to June 30, 2028





2.0 Town of Franklin

The Town is in Norfolk County, approximately 40 miles southwest of Boston. It is surrounded by the Town of Medway to the north, the Town of Norfolk to the east, the Town of Wrentham to the southeast, and the Town of Bellingham to the west. There are approximately 0.3 square miles of water within 27.0 square miles of the Town’s total area. According to the 2010 United States (U.S.) Census, Franklin’s population was 31,635. The Town’s regulated area based on the 2000 and 2010 urbanized areas (UAs) are shown in **Figure 1**. The SWMP will be implemented within the Town’s 2010 UA.

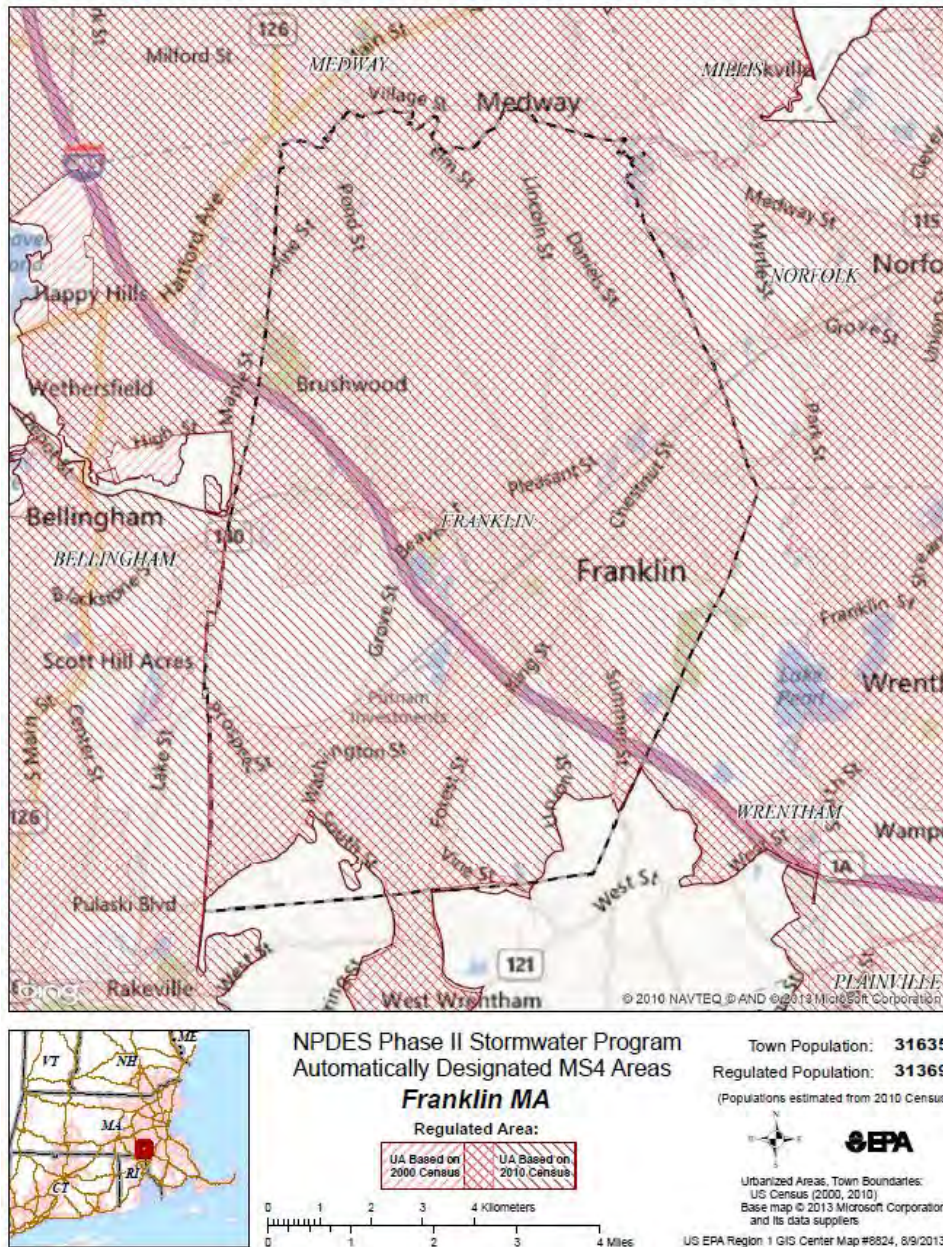


Figure 1: Regulated Areas of Franklin





2.1 Impaired Waterbodies

The following waterbodies listed in **Table 1** and shown in **Figure 2** are classified as impaired under the Final Massachusetts Year 2016 Integrated List of Impaired Waters. Category 4A includes waters with total maximum daily loads (TMDLs) that are completed and approved by the EPA. Category 5 includes waters that are impaired and requiring one or more TMDLs, these waters also constitute the 303(d) List. The Town is subject to compliance with requirements for discharges to impaired waters that have an approved total maximum daily load (TMDL) plan. The Town is listed in the 2016 MS4 GP as a municipality with an MS4 discharging into the Charles River and will be required to meet the requirements of Appendix F, part A.I with respect to reducing phosphorus discharges from the MS4 pursuant to the Charles River Watershed Phosphorus TMDL. The Town is also listed as a municipality that is subject to meeting the requirements of Appendix F, part A.III with respect to reducing pathogens discharges from the MS4 pursuant to the Charles River Pathogens TMDL. The SWMP includes strategies to target sources of pollutants cause by stormwater runoff, as required by the 2016 MS4 GP.

Table 1: Listed Waterbodies

Name	Segment ID	Category	Impairment	Sources ¹
Charles River	MA72-04	5	Other flow regime alterations ²	Dam or Impoundment and Municipal Point Source Discharges
			Fishes Bioassessments	
			Chlordane in Fish Tissue	Source Unknown
			DDT in Fish Tissue	
			Mercury in Fish Tissue	Atmospheric Deposition - Toxics
<i>E. coli</i>	Urban Runoff/Storm Sewers and On-site Treatment Systems (Septic Systems and Similar Decentralized Systems)			
Populatic Pond	MA72096	5	Chlordane in Fish Tissue	Source Unknown
			DDT in Fish Tissue	
			Dissolved Oxygen Saturation	Internal Nutrient Recycling and Municipal Point Source Discharges
			Excessive Algal Growth	
			Mercury in Fish Tissue	
			Nutrient/Eutrophication Biological Indicators	Petroleum/natural Gas Production Activities (Permitted)
Dissolved Oxygen				
Mine Brook	MA72-14	5	Habitat Assessment (Streams) ²	Habitat Modification - other than Hydromodification
			Water Temperature	Upstream/Downstream Source, Loss of Riparian Habitat, and Baseflow Depletion from Groundwater Withdrawals



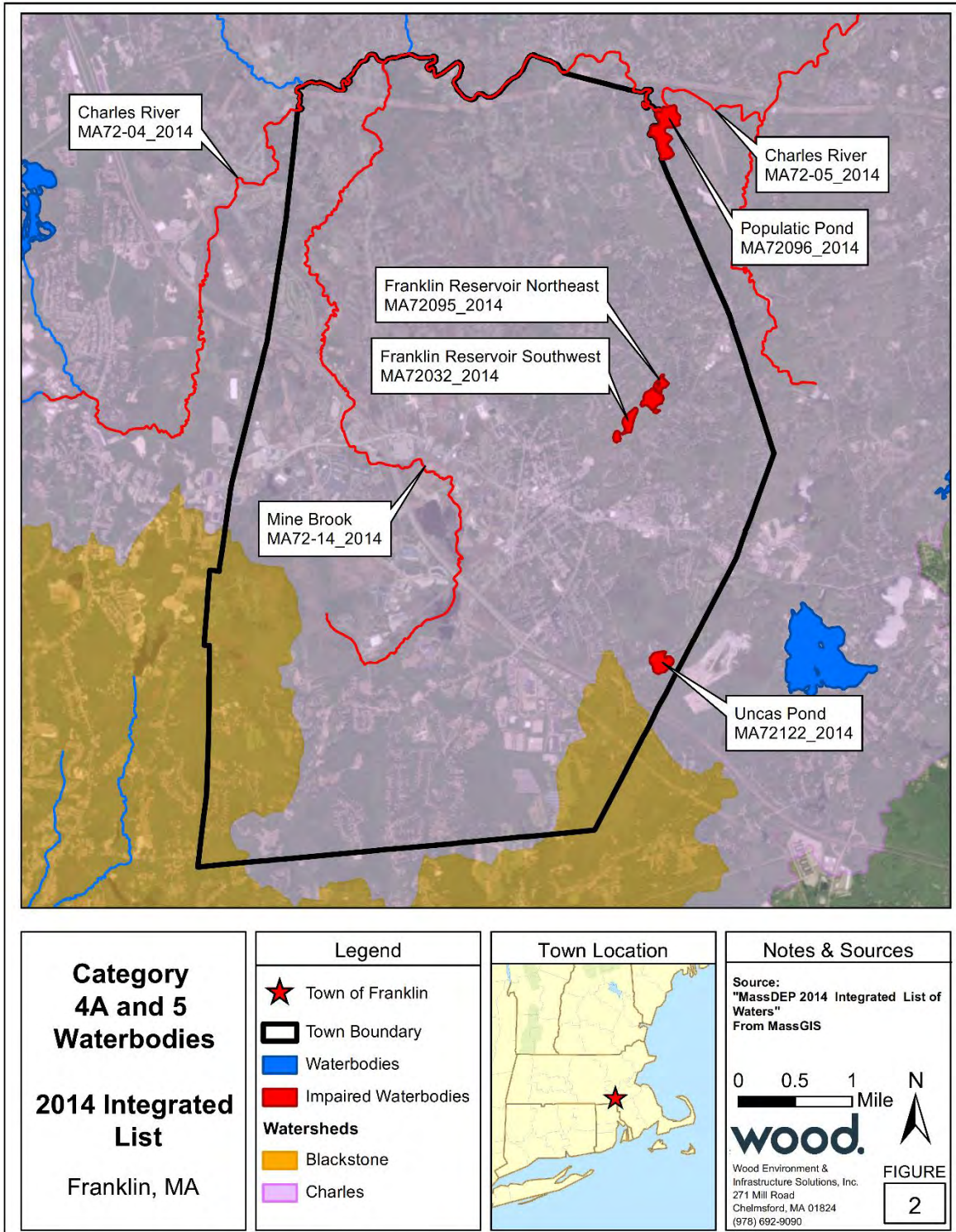


Name	Segment ID	Category	Impairment	Sources ¹
			<i>E. coli</i>	Not Available
Franklin Reservoir Northeast	MA72095	4A	Aquatic Plants (Macrophytes)	Source Unknown
			Turbidity	
Franklin Reservoir Southwest	MA72032	4A	Aquatic Plants (Macrophytes)	Source Unknown
			Turbidity	
Uncas Pond	MA72122	4A	Non-Native Aquatic Plants ²	Introduction of Non-native Organisms (Accidental or Intentional)
			Dissolved Oxygen	Source Unknown

Note(s)

1. Sources from 2014 Waterbody Report, most current data available. Sources from 2016 Waterbody Report not available.
2. TMDL not required (Non-pollutant)





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Figure 2: Impaired Waterbodies





3.0 Best Management Practices for Minimum Control Measures

The following sections provide the objectives from the 2016 MS4 GP, outline the selected best management practices (BMPs) provided in the NOI, describe the implementation plan for each BMP, identify the parties responsible for the implementation, and describe how the effectiveness of the program will be measured and evaluated. This section also provides a schedule below showing the timeline for development, implementation, and completion of each BMP. The BMPs must be developed, implemented, and completed by certain permit years as required by the 2016 MS4 GP, but some require on-going activities to maintain compliance with the MCM's program.

3.1 MCM 1: Public Education and Outreach

The public education and outreach MCM objective in Section 2.3.2 of the 2016 MS4 GP is: *'The permittee shall implement an education program that includes educational goals based on stormwater issues of significance within the MS4 area. The ultimate objective of a public education program is to increase knowledge and change behavior of the public so that pollutants in stormwater are reduced.'*

3.1.1 BMPs

The Town will develop and implement the public education program which will: define educational goals; express specific message; and target audiences for each message. To comply with this requirement the Town will develop and distribute specific messages in educational materials in many forms including: flyer, brochures, pamphlets, and website updates.

The goal of targeting the residents is to promote stormwater pollution prevention awareness, green landscaping techniques, pet waste management, and septic tank maintenance. The goal of targeting commercial, institutional and industrial facilities is to educate their operators on proper management of waste materials, dumpsters, and parking lots. The goal of targeting construction managers and developers is to educate them on proper sediment and erosion control management and promote low impact development.

Below are the BMPs outlining the targeted audience, educational message, means of distribution of materials, tracking and reporting requirements, and how the tracked information will be used to assess the public education program's effectiveness.

The measurable goals from this program are listed in **Table 2** below for each BMP, and the effectiveness of this program will be measured by the continued development and implementation of this program as well as the increase of knowledge about stormwater pollution prevention and behavior changes over time that will be tracked using public feedback and surveys.



Table 2: MCM1 BMPs and Implementation Actions

BMP ID	BMP Media/ Category	BMP Description	Targeted Audience	Responsible Personnel	Measurable Goal	PY1	PY2	PY3	PY4	PY5
1A	Brochure/ Pamphlets	Mailers on stormwater pollution control	Residents	GIS Manager	Prepare and distribute all resident appropriate stormwater management messages annually	First message	Second message	Redistribute first message	Redistribute second message	Redistribute first message
1B	Displays/ Posters/ Kiosks	Posters and displays to educate business/industry on proper stormwater management	Businesses, institutions, and commercial facilities	GIS Manager and DPW Engineering	Update posters and displays with appropriate non-residential stormwater pollution control messages annually	First message		Second message		Display both displays
1C	Brochure/ Pamphlets	Brochures to educate developers on the stormwater pollution and proper management of new and redevelopment	Developers (construction)	GIS Manager	Preparation and distribution to local developers of stormwater messages targeting development community every 2 years	First message		Second message		Redistribute messages
1D	Brochure/ Pamphlets	Brochures to educate industrial managers on required stormwater regulations and use of appropriate BMPs	Industrial facilities	GIS Manager	Preparation and distribution of stormwater messages targeting industrial operations every 2 years	First message		Second message		Redistribute messages
1E	Webpage	Website content updated with new topics and information on the Stormwater program, as needed	General public	GIS Manager and DPW Administration	Promote stormwater awareness by linking key stormwater information, regulations, and activity updates; Goal to continue to increase website hits	Update Town website with brochures, EPA website links, SWMP, and annual reports	Update website as needed	Update website as needed	Update website as needed	Update website as needed
1F	Special Events/ Festivals/ Fairs	DPW tours and demonstration on stormwater management topics	General public	GIS Manager	Provide annual hands-on stormwater education event and track attendance	Host events	Host events	DPW Tour	Rain Garden Demo	Host events
1G	Brochure/ Pamphlets	Pamphlet to be developed encouraging proper management of pet waste	Dog Owners/ Residents	GIS Manager and Town Clerk	Update and disseminate with dog license information annually and make available at select public locations	Develop and distribute Message	Message released to dog owners	Message released to dog owners	Message released to dog owners	Message released to dog owners
1H	Brochure/ Pamphlets	Pamphlet to be developed on proper maintenance of septic systems	Septic System Owners	GIS Manager and Health Department	Update and distribute biannually to septic system owners	Develop and distribute materials twice-yearly	Distribute materials twice-yearly	Distribute materials twice-yearly	Distribute materials twice-yearly	Distribute materials twice-yearly
Effectiveness Assessment	Survey	Conduct a survey to assess effectiveness of educational materials	All Audiences	GIS Manager	Survey results to be interpreted and assessed to determine the effectiveness of the educational materials		Conduct survey		Conduct survey	
Develop, implement, and complete BMP by the end of permit year to fulfill requirements										
Continue to implement BMP										
Continue to implement BMP annually										
Continue to implement BMP bi-annually										
Conduct task for effectiveness assessment										





3.1.1.1 BMP 1A Brochures for Residences

The Town will provide brochures to residents to educate them on proper waste disposal and proper lawn care. To comply with this requirement, the GIS Manager will develop and distribute a brochure educating residents on the effects of outdoor lawn care techniques to help reduce pesticide, herbicide, and fertilizer pollution and on water quality protection. Annually, the DPW Administration will distribute brochures and make them available at Town Hall, Franklin High School, the DPW Administrative Office. The DPW Administration will also make the brochure available on the Town's stormwater webpage (BMP 1E) or via social media. The DPW Administration will track the number of brochures distributed and taken from each public facility, and the number of digital downloads to determine how many brochures were disseminated in each permit year.

3.1.1.2 BMP 1B Displays for Businesses, Institutions, and Commercial Facilities

The Town will provide displays for businesses, institutions, and commercial facilities, to educate them on proper waste management and parking lot maintenance. To comply with this requirement the GIS Manager and DPW Administration have provided displays in Town Hall and/or the DPW Administrative Building with information on proper management of waste materials and dumpsters and will provide information on proper parking lot maintenance. The DPW Administration will also make the display available on the Town's stormwater webpage (BMP 1E) or via social media.

3.1.1.3 BMP 1C Brochures for Developers

The Town will provide brochures to construction developers to educate them on low impact development and sediment and erosion control management practices. To comply with this requirement The GIS Manager will develop and distribute a brochure educating developers on low impact development and proper sediment and erosion control management. The brochures are provided in the Town's Soil Erosion and Sediment Control Plan permit when applicants apply for permits online through Viewpoint. The DPW Administration will provide the brochures to the Planning Board and the Building Department to distribute to developers during a permit request and provide these on their counters. The number of brochures distributed by the Planning Board and the Building Department and taken from the counters will be tracked and reported to the GIS Manager at the end of each permit year. The DPW Administration will also make the brochure available on the Town's stormwater webpage (BMP 1E) or via social media.

3.1.1.4 BMP 1D Brochures for Industrial Facilities

The Town will provide brochures to industrial facilities to educate operators on proper management of waste materials and dumpster and parking lot maintenance. To comply with this requirement the GIS Manager will develop and distribute a brochure educating industrial facility managers on proper management of waste materials and dumpsters and proper parking lot maintenance. The DPW Administration will distribute the brochures to the facilities by mail. The DPW Administration will also make the brochure available on the Town's stormwater webpage (BMP 1E) or via social media.

3.1.1.5 BMP 1E Website Updates for General Public

The Town will update the stormwater webpage with new topics and information on the Stormwater program. To comply with this requirement the DPW Administration will update the Town's stormwater webpage annually as needed to include the educational messages targeting the residents, developers, and industrial, institutional, and commercial facilities. The webpage will also include links to the EPA website about the MS4 permit to promote information about the regulations. The website will be updated to include an electronic copy of the draft SWMP for comment (BMP 2A) as well as the revised SWMP. The MS4 annual reports will be made available online. The Town's website will also be updated to promote the





events hosted by the Town in BMP 2B and 2C. The DPW Administration will track the hits to the page, and number of digital downloads of the brochures, SWMP, and annual reports.

3.1.1.6 BMP 1F Special Events for General Public

The Town will lead or support special events for the public to educate them on stormwater pollution prevention. To comply with this requirement DPW will partner with Great American Rain Barrel Company to encourage local use of rain barrels. The DPW Administration in coordination with the Environmental Affairs Coordinator, and the Recreation Department will support events for shoreline and waterbody cleanups (BMP 2B), and Highway and Grounds Superintendent will support catch basin stenciling (BMP 2C), and the Recycling and Solid Waste Department will sponsor an annual event for household hazardous waste collection. The DPW Administration will advertise these events on the Town's website (BMP 1E) and social media pages. The DPW Administration will track the number of hits to their website and document the date of each event.

3.1.1.7 BMP 1G Brochures for Dog Owners and Residents

The Town will provide brochures to dog owners to educate them on proper pet waste handling. To comply with this requirement the GIS Manager in consultation with the Town Clerk will develop brochures with information about proper pet waste management and distribute them with the online dog license registration via Viewpoint to residents. The DPW Administration will also make the brochures available on the Town's stormwater webpage (BMP 1E) or via social media. The Town Clerk will provide veterinary offices and pet stores with these brochures to make available to pet owners. The Town Clerk or the DPW Administration will track the number of brochures distributed, taken, and digitally downloaded and report this to the GIS Manager.

3.1.1.8 BMP 1H Brochures for Septic Tank Owners

The Town will provide brochures to septic system owners to educate them on proper septic tank maintenance. To comply with this requirement the GIS Manager in consultation with the Health Department will develop brochures to educate septic tank owners on proper septic tank maintenance starting PY1. The Health Department will distribute the brochures twice a year with information on proper septic tank maintenance to the owners. Brochures will be made available at the Health Department counter and/or the Building Department counter for the public. The Health Department and the Building Department, with assistance from the DPW Administration, will post the brochures on the Town's stormwater webpage (BMP 1E) or social media and track the number of brochures distributed and report this information to the GIS Manager.

3.1.1.9 Effectiveness Assessment Surveys

Towards the end of PY2 and PY4, the GIS Manager will conduct surveys asking residents, business owners, institutions, commercial, and industrial facility managers, developers, and the general public the following questions to determine if the message was distributed and effectively communicated:

- If they received or saw the brochures, displays, or information on the Town's webpage
- If they were aware of these stormwater pollution prevention techniques prior to obtaining the materials; and
- If they had implemented any practices before or after the materials were distributed.

The information in the survey along with the number of distributed materials will be used to evaluate how effective these are as a means of promoting stormwater pollution prevention and how well the message came across to the various audiences. The GIS Manager will document the message, method of





distribution, measures/methods used to assess the effectiveness of the messages, and measures/methods used to assess the overall program effectiveness and include it in the annual report. If activities are found to be ineffective, alternative messages or distribution means will be proposed.

3.2 MCM 2: Public Involvement and Participation

The public involvement and participation MCM objective in Section 2.3.3 of the 2016 MS4 GP is: *'The permittee shall provide opportunities to engage the public to participate in the review and implementation of the permittee's SWMP.'*

3.2.1 BMPs

The measurable results from this program are listed in **Table 3** below for each BMP, and the effectiveness of this program will be measured by the continued development of this program as well as the increased participation of the public.





Table 3: MCM2 BMPs and Implementation Actions

BMP ID	BMP Media/ Category	BMP Description	Responsible Personnel	Measurable Goal	PY1	PY2	PY3	PY4	PY5
2A	Public review	Posting and public SWMP review	GIS Manager and DPW Administration	Post online and notify public of availability of SWMP for annual review. Address public comments in annual updates to SWMP	Post SWMP and include revisions	Post SWMP and include revisions	Post SWMP and include revisions	Post SWMP and include revisions	Post SWMP and include revisions
2B	Public Participation	Cleanups-Shoreline/Waterbody	Environmental Affairs Coordinator, DPW Administration, and Recreation Department	Continue to coordinate river clean-up and other stormwater education events with local partners such as Charles River Water Association (CRWA)	Sponsor clean up events	Sponsor clean up events	Sponsor clean up events	Sponsor clean up events	Sponsor clean up events
2C	Public Participation	Catch Basin Stencil/markers	Highway and Grounds Superintendent	Continue to maintain/replace storm drain markers	Support catch basin stenciling events	Support catch basin stenciling events	Support catch basin stenciling events	Support catch basin stenciling events	Support catch basin stenciling events
2D	Public Participation	Hotline/web line - reporting problems/violations	DPW Administration and Town Engineer	Record number of calls and track responses to Hotline issues. Follow up with educational information on stormwater	Track reported issues and follow-up	Track reported issues and follow-up	Track reported issues and follow-up	Track reported issues and follow-up	Track reported issues and follow-up
		Develop, implement, and complete BMP by the end of permit year to fulfill requirements							
		Continue to implement BMP							
		Continue to implement BMP annually							
		Continue to implement BMP bi-annually							





3.2.1.1 BMP 2A SWMP Public Review

The Town will make the SWMP available to the public for review and comment. To comply with this requirement, the DPW Administration will post the SWMP on the Town's stormwater webpage. After the public review and comment period the GIS Manager will revise the SWMP, if needed, and post it to the Town's stormwater webpage beginning in PY1. The DPW Administration will notify the public of its availability online via social media posts on the DPW Facebook page. Appropriate comments and revisions will be incorporated in the SWMP by the GIS manager annually during each permit year. Modifications, changes, or updates will be recorded in an amendment log and summary of modifications template as provided in **Appendix B**.

The SWMP will be posted and revised as needed based on comments from the public.

3.2.1.2 BMP 2B Waterbody Cleanup Events

The Town will provide opportunities for public involvement through cleanup events. To comply with this requirement the DPW Administration, the Environmental Affairs Coordinator, and the Recreation Department will coordinate with CRWA, or other local groups, to support cleanup activities. Notifications of cleanup events will be advertised via social media posts on the DPW Facebook page and advertised in Franklin High School to recruit more volunteers. The DPW Administration will record the dates of activities and number of attendees to report in the annual report.

3.2.1.3 BMP 2C Catch Basin Stenciling

The Town will provide opportunities for public involvement through the catch basin stenciling events. To comply with this requirement the Highway and Grounds Superintendent will evaluate opportunities to coordinate with local civic groups and local youth organizations to maintain or replace storm drain markers. The Highway and Grounds Superintendent will track which drains have been marked or remarked in a database and provide this information to the GIS Manager for the annual report.

3.2.1.4 BMP 2D Reporting Issues

The Town will provide the public a means of reporting stormwater problems and violations. To comply with this requirement the DPW Administration will continue to maintain a stormwater hotline, as posted on the Town's stormwater webpage. Calls to the hotline are handled by the DPW Administration and the Town Engineer through an online work order system that include stormwater reports. DPW will continue to track the number of phone calls and work orders, address reported issues, and provide this information in the annual report.

3.3 MCM 3: Illicit Discharge and Detection Elimination

The IDDE MCM objective provided in Section 2.3.4 of the 2016 MS4 GP is: *'The permittee shall implement an IDDE program to systematically find and eliminate sources of non-stormwater discharges to its municipal separate storm sewer system and implement procedures to prevent such discharges.'*

3.3.1 BMPs

The measurable results from this program are listed in **Table 4** below for each BMP, and the effectiveness of this program will be measured by the progress made in the implementation of this program and how effective it is at identifying and eliminating illicit discharges.





Table 4: MCM3 BMPs and Implementation Actions

BMP ID	BMP Media/ Category	BMP Description	Responsible Personnel	Measurable Goal	PY1	PY2	PY3	PY4	PY5	PY7	PY10	
3A	Sanitary sewer overflow (SSO) Inventory	Develop SSO inventory in accordance of permit conditions	Water and Sewer Superintendent	Complete within 1 year of effective date of the permit	SSO inventory	Update inventory as SSOs are detected and reported						
3B	Stormwater sewer system map	Create map and update (include interconnections, open conveyance, initial catchment delineations) during IDDE program completion	GIS Manager	Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit		System map with updates for Phase I	Update as information is discovered, work on updates required for Phase II				Complete system map with updates for Phase II	
3C	Written IDDE program	Update written IDDE program to address nutrients and pathogens and program procedures	GIS Manager, Water and Sewer Superintendent, and Town Engineer	Complete within 1 year of the effective date of the permit and update as required	IDDE program plan	Update IDDE program plan						
3D	Implement IDDE program	Implement catchment investigations according to program and permit conditions	Town Engineer	Complete investigation of 30% of problem catchments by year 3 and complete all investigations 10 years after effective date of permit	See specific BMP implementation in BMP 3A, 3B, 3E, 3F, 3G, 3H							
3E	Employee training	Train employees on IDDE implementation	Town Engineer	Train annually	Train staff in IDDE program plan and implementation							
3F	Conduct dry weather screening	Develop screening & sampling procedures and conduct in accordance with outfall screening procedure and permit conditions	Town Engineer	Complete 3 years after effective date of the permit		Begin screening high and low priority outfalls after initial ranking and inventory is completed	Update inventory as screening and investigations continue					
						Begin catchment investigations for Problem outfalls (30% by end of PY3)	Continue catchment investigations			Complete catchment investigations of Problem and suspected sewage outfalls	Complete all catchment investigations	
3G	Conduct wet weather screening	Conduct in accordance with outfall screening procedure	Town Engineer	Begin sampling catchments with identified System Vulnerability Factors (SVF). Complete 10 years after effective date of the permit		Begin catchment investigations for Problem outfalls (30% by end of PY3)	Continue catchment investigations				Complete catchment investigations of Problem and suspected sewage outfalls	Complete all catchment investigations
3H	Ongoing screening	Conduct dry weather and wet weather screening (as necessary)	Town Engineer	Continue and report annually on ongoing outfall screening upon completion of IDDE program	Ongoing screening at a frequency of once every five years will begin once all catchment investigations are completed by PY10.							
		Develop, implement, and complete BMP by the end of permit year to fulfill requirements										
		Continue to implement BMP										
		Continue to implement BMP annually										
		Continue to implement BMP bi-annually										
		BMP implementation outside of five-year permit term										





3.3.1.1 BMP 3A SSO Inventory

The Town currently tracks and reports SSOs to MassDEP and will develop an inventory of these SSOs to provide information to the IDDE Program. To comply with this requirement, the Water and Sewer Superintendent will identify and compile locations and other required data on any SSOs that have discharged into the MS4 within the last five years and develop an inventory by the end of PY1. The Water and Sewer Superintendent will then update and maintain the inventory annually as any additional SSOs are identified. Water and Sewer Superintendent will develop a database of identified SSOs and include the information required in Section 2.3.4.4.b. of the 2016 MS4 GP.

3.3.1.2 BMP 3B Stormwater Sewer System Map

The Town will develop an updated and more detailed system map of their MS4. To comply with this requirement the GIS Manager will gather additional data on interconnections and open conveyances and update their current system map. The Town currently has a storm drain system map, including 494 outfall locations. The drainage map and geographic information system (GIS) data will continue to be added based on field inspections and verification conducted by the DPW Field Staff. The system map updates will be completed in two phases.

The first phase will require the system map to be updated by the GIS Manager, with the information listed in Section 2.3.4.5.a of the 2016 MS4 GP by the end of the PY2. The initial catchment delineations will be completed in PY1, so the Town can utilize the information for the preliminary outfall ranking to be completed by the end of PY1.

The second phase of the updates to the system map will need to be updated annually by the GIS Manager, as the information is identified. This information in Section 2.3.4.5b. of the 2016 MS4 GP (including data on refined catchment delineations and storm sewer material and sizes) will be included in the map for all outfalls by the end of PY10.

3.3.1.3 BMP 3C Written IDDE Program

The Town will develop a written IDDE program plan that will outline procedures to find, eliminate, and prevent non-stormwater discharges to the MS4, and identify the Town staff responsible for the implementation. The Town Engineer in coordination with the GIS Manager and the Water and Sewer Superintendent will modify their current IDDE program plan by the end of PY1 to include the following elements:

- Identify the legal authority and regulatory mechanism to prohibit illicit discharges and enforce this prohibition
 - The DPW will update regulations to include language that will prohibit illicit discharges, support investigation of alleged illicit discharges and elimination of identified illicit discharges and implement enforcement procedures and actions. Any necessary regulatory changes will be submitted to Town Council for approval by the end of PY1.
- Detection and inventory of SSOs as detailed in BMP 3A
- Storm system mapping including interconnections with other storm sewer systems and initial catchment delineations as detailed in BMP 3B
- Inventory, assessment, and ranking of outfall/interconnection will be based on information listed in Section 2.3.4.7.a.i. of the 2016 MS4 GP. The inventory and ranking will be managed by the GIS Manager and completed by PY1. An updated inventory and ranking will be provided in each annual report thereafter.





- The outfall/interconnections will be classified into four categories: Problem, High priority, Low priority, or Excluded outfalls. The classification will be based on the characteristics of the initial catchment area to the outfall and interconnection, as listed in Section 2.3.4.7a.iii of the 2016 MS4 GP.
- Outfalls/interconnections will be reprioritized based on information gathered in dry weather outfall screening and sampling (BMP 3F) and continuously updated and completed by the end of the PY3.
- Dry weather outfall/interconnection screening and sampling procedures for High and Low priority outfalls, as detailed in BMP 3F and Section 2.3.4.7.b.1 of the 2016 MS4 GP.
- Catchment investigations
 - The Town Engineer will develop the procedures to investigate catchment areas for all outfalls and interconnections within 18 months of the permit effective date (January 2020). The catchment investigation procedure will include the procedure listed in Section 2.3.4.8.b of the 2016 MS4 GP, including use of historic information, manhole inspection methodology, and procedures to confirm and isolate illicit discharges.
 - The Town Engineer will review each catchment area for SVFs. The presence or absence of an SVF will be documented in the outfall inventory, included in the IDDE program plan, and provided in the annual report.
 - The catchment areas will be investigated once the initial outfall catchment delineations are complete. Investigations will start with the problem outfalls and continue per the reprioritized outfall inventory and SVF designation. Investigations for catchment areas of problem outfalls will begin no later than PY3 and be completed by the end of PY7. All catchment investigations will be completed by PY10.
 - The Town Engineer will implement the procedures for the SVF designation and catchment investigation, track the investigations in a database, and provide documentation to be reported in the annual report.
- Indicators of IDDE program progress
 - The IDDE program plan will include indicators for tracking progress and evaluate and report on the overall effectiveness of the IDDE program in the annual report. The success of the IDDE program will be measured by the IDDE activities completed within the required timelines. The GIS Manager will document the following information to provide in the annual report:
 - ◆ Number of SSOs and illicit discharges identified and removed;
 - ◆ The volume of sewage removed;
 - ◆ Number of dry weather outfall inspections/screenings;
 - ◆ Number of wet weather outfall inspections/sampling events;
 - ◆ Dry and wet weather screening and sampling results;
 - ◆ Number and percent of total outfall catchments served by the MS4 evaluated using the catchment investigation procedure;
 - ◆ Number of enforcement notices issued; and
 - ◆ Number of employees trained annually.





- Ongoing outfall screening, as detailed in BMP 3H
- Employee training, as detailed in BMP 3E

3.3.1.4 BMP 3D Implement IDDE Program

Once the IDDE program plan is developed, those named as the responsible staff will implement each task. Staff responsible for the SSO inventory and the outfall inventory and initial ranking will complete them by PY1. The procedures for the catchment investigations will also need to be developed during PY1 and completed by January 2020. Catchment areas associated with Problem outfalls will be investigated first and the Town will complete at least 30% by the end of PY3. The outfall dry weather screening for High and Low priority outfalls will be conducted during dry weather months starting in PY2 and all planned investigations will be completed within 10 years of the permit effective date.

3.3.1.5 BMP 3E Employee Training

The Town Engineer will oversee the delivery of training to various Town department staff on how to recognize illicit discharges and SSOs and implement the IDDE program plan. The Town Engineer will coordinate implementation of this training annually, document the type of training and names of staff that were trained, and provide this information in the annual report.

3.3.1.6 BMP 3F Conduct Dry Weather Screening

After applicable outfalls/interconnections have been inventoried and ranked, the Town Engineer will manage the inspection of High and Low priority outfalls for dry weather flows. This inspection will be completed by the end of PY3. Problem, High, and Low priority outfalls will also be subject to catchment investigations for illicit discharges. To comply with these requirements the Town Engineer will develop and implement the following procedures: (1) a written procedure for outfall screening and sampling for inclusion in the IDDE program plan by the end of PY1, and (2) a procedure to investigate each catchment associated with an outfall/interconnection by January 2020.

Outfall screening and sampling will include documenting the field observations and outfall characteristics listed in Section 2.3.4.7.b.iii.1 of the 2016 MS4 GP.

If dry weather flows are observed discharging from an outfall, samples will be collected by Town staff and forwarded to a designated laboratory for analysis of the constituents listed in Section 2.3.4.7.b.iii.4 of the 2016 MS4 GP.

If outfall discharges indicate sewer input, they will be ranked at the top of the high priority outfall category for catchment investigation. Information from the dry weather screening will be utilized in the follow-up outfall rankings which will be completed by the Town Engineer by PY3.

Catchment investigations will be conducted for all catchment areas. Catchment investigations will be conducted beginning with Problem outfalls/interconnections which have previously been identified during the ranking to have known or suspected illicit discharges. At least 30% of the Problem outfalls will be investigated by the end of PY3 and investigations will be completed by the end of PY7. Once High and Low priority outfalls/interconnections have been screened and/or sampled, catchment investigations will be conducted for these catchment areas. Investigations associated with High and Low priority outfalls will be completed by the end of PY10.

The Town Engineer in coordination with the GIS Manager will first identify SVF for catchment areas. If an SVF is identified in an outfall catchment area, that outfall will be subjected to wet and dry weather investigations. Dry weather investigations, for Problem, Low, and High priority outfalls' catchment areas will include:





- Dry weather key junction manhole visual and odor inspections;
- Dry weather flow sampling for ammonia, chloride, and surfactants; and
- Further investigation upstream if there is a suspected illicit discharge or SSO to the nearest two manholes.

Findings and data collected during the screening will be recorded by the Town Engineer in a database and will be reported in each annual report as dry weather screenings occur.

Wet weather catchment investigation procedure and implementation is described in BMP 3G below.

3.3.1.7 BMP 3G Conduct Wet Weather Screening

For catchment areas with at least one identified SVF, wet weather sampling and screening will be conducted in addition to the dry weather screening and sampling. The Town Engineer will manage investigations during wet weather conditions to determine whether wet weather induced high flows of sanitary sewers or high groundwater in areas served by septic tanks result in sanitary flow discharges to the MS4. Wet weather screening and sampling will occur during or after a storm that produces sufficient stormwater discharge from an outfall. At least one wet weather screening and sampling for the same parameters as during dry weather sampling (BMP 3F) will be conducted per outfall with SVFs identified in a catchment area. Findings and data collected as a part of the catchment investigation will be recorded in a database by DPW Engineering and reported in the annual report.

3.3.1.8 BMP 3H Ongoing Screening

Once catchment area investigations are completed, outfalls will be reprioritized for ongoing screening. This ongoing screening will be managed by the Town Engineer and will occur once every five years. Dry weather screening and sampling for outfalls will follow the same procedures described in BMP 3F. Wet weather screening and sampling for outfalls with catchment areas identified to have an SVF will follow the sample procedures in BMP 3G. Findings from the screening and sampling and lab data will be reported in the annual report.

3.4 MCM 4: Construction Site Runoff Control

Section 2.3.5 of the 2016 MS4 GP describes: *'The objective of an effective construction stormwater runoff control program is to minimize or eliminate erosion and maintain sediment on site so that it is not transported in stormwater and allowed to discharge to a water of the U.S through the permittee's MS4.'*

3.4.1 BMPs

The measurable results from this program are listed in **Table 5** below for each BMP, and the effectiveness of this program will be measured by the continued implementation of this program and favorable construction site inspections that show the minimization or elimination of erosion.





Table 5: MCM4 BMPs and Implementation Actions

BMP ID	BMP Media/Category	BMP Description	Responsible Personnel	Measurable Goal	PY1	PY2	PY3	PY4	PY5
4A	Site Inspection and enforcement of Erosion and Sediment Control (ESC) measures	Complete written procedures of site inspections and enforcement procedures	Town Engineer and Town Planner	Complete within 1 year of the effective date of permit	Develop procedures Inspection and ESC	Implement procedures			
4B	Site plan review	Complete written procedures of site plan review and begin implementation	Town Engineer and Town Planner	Complete within 1 year of the effective date of permit	Site plan review regulations	Continue to enforce regulations			
4C	Erosion and Sediment Control	Adoption of requirements for construction operators to implement a sediment and erosion control program	Town Engineer and Town Planner	Complete within 1 year of the effective date of permit	ESC regulations	Continue to enforce regulations			
4D	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	Town Engineer and Town Planner	Review and modify existing regulations, as needed.	Waste control regulation			Continue to enforce regulations	
		Develop, implement, and complete BMP by the end of permit year to fulfill requirements							
		Continue to implement BMP							
		Continue to implement BMP annually							
		Continue to implement BMP bi-annually							





3.4.1.1 BMP 4A Site Inspection and Enforcement of ESC Measures

To comply with requirements for site inspections and enforce procedures for ESC measures the Town Engineer and Town Planner will review the current regulations and procedures (Town By-laws Chapter 153) and update them to include Town staff responsible for inspections, potential sanctions for non-compliance, as well as who has the authority to implement the enforcement procedures. Any necessary modifications of these procedures will be completed by the end of PY1.

Those responsible for the implementation of ESC measures plan will be responsible for regular inspections of control measures in accordance with the inspection schedule outlined in the approved of ESC measures plan. These inspections will be documented to track the number of inspections conducted and follow-up actions performed by the Town Engineer. These procedures can be found in **Appendix D**.

3.4.1.2 BMP 4B Site Plan Review

The Town will update their procedures for site plan review, inspection, and enforcement. To comply with this requirement in Section 2.3.5.c.v. of the 2016 MS4 GP, the Town Engineer and Town Planner will review their current site plan review procedures, modify them, if necessary, by the end of PY1. The Town Engineer will track the number of site reviews, inspections and enforcement actions in a database and provide inspection forms and documentation of enforcement actions for reporting in the annual report. These Procedures can be found in **Appendix D**.

3.4.1.3 BMP 4C Erosion and Sediment Control

The Town Engineer will review requirements for construction site operators that are performing land disturbing activities that result in stormwater discharges to the MS4 to implement an ESC program that includes BMPs for appropriate site conditions. The Town currently has ESC bylaws in place, see Article I Chapter 153-3 and Article II Chapter 153-12 of the Town's bylaws. Any updates needed to the existing bylaws will be coordinated by DPW Administration and the Town Council.

3.4.1.4 BMP 4D Waste Control

The Town will require construction site operators to control wastes, in addition to what is in the existing Town regulations, as specified in Section 2.3.5.c.i of the 2016 MS4 GP. The Town Planner and the Town Engineer will develop revised regulations, to be submitted to the Town Administration in PY2 for approval in PY3.

3.5 MCM 5: Post-Construction Stormwater Management

Section 2.3.6 of the 2016 MS4 GP describes: *'The objective of this control measure is to reduce the discharge of pollutants found in stormwater through the retention or treatment of stormwater after construction on new or redeveloped sites.'*

3.5.1 BMPs

The measurable results from this program are listed in **Table 6** below for each BMP, and the effectiveness of this program will be measured by the increase of: submittals of as-built plans; retrofitted or modified structural BMPs; use of green infrastructure; changes to parking lot and street design to favor more low impact development practices; and use of BMP design guidance's provided by the Massachusetts Stormwater Handbook. The effectiveness of the program will also be determined by favorable post BMP inspections that show how developers understand the importance of reducing the discharge of pollutants found in stormwater by implementing onsite retention or treatment.





Table 6: MCM5 BMPs and Implementation Actions

BMP ID	BMP Media/ Category	BMP Description	Responsible Personnel	Measurable Goal	PY1	PY2	PY3	PY4	PY5
5A	As-built plans for on-site stormwater control	Require submission of as-built drawings and ensure long term operation and maintenance will be a part of the SWMP	Town Engineer and Town Planner	Require submission of as-built plans and maintenance requirements for completed projects and track for annual report	As-built plan requirements			Continue to require as-builts by 2 years of end of construction	
5B	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	Town Engineer	Complete 4 years after effective date of permit and report annually on retrofitted properties	Identify 5 properties			Maintain inventory of 5	
5C	Allow green infrastructure	Develop a report assessing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist	Town Engineer and Town Planner	Complete 4 years after effective date of permit and implement recommendations of report	Develop report			Implement recommendations made in report	
5D	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.	Town Engineer and Town Planner	Complete 4 years after effective date of permit and implement recommendations of report	Develop report			Implement recommendations made in report	
5E	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	Adopt, amend, or modify regulatory mechanism to meet permit requirements	Town Engineer	Complete 2 years after effective date of permit	Design standards compliance			Enforce design standard requirements	
		Develop, implement, and complete BMP by the end of permit year to fulfill requirements							
		Continue to implement BMP							
		Continue to implement BMP annually							
		Continue to implement BMP bi-annually							





3.5.1.1 BMP 5A As-Built Plans for On-Site Stormwater Control

The Town will require submission of as-built plans no later than two years after completion of construction. The procedures will also ensure long term operation and maintenance (O&M) of stormwater site controls. To comply with this requirement the Town Engineer in coordination with the Town Planner will modify existing regulations (Article I. Chapter 153-7 and Article I. Chapter 153-18) to require as-built plans be submitted to the Town Engineer no later than two years after completion of construction. These regulations will be submitted to the Town Administration in PY2 for approval in PY3.

The DPW Director will make the final decision as to the most appropriate maintenance option. O&M plans will be filed with DPW. The Town Engineer will receive documentation to ensure the proper implementation of the O&M plans including the of completion of maintenance per schedule in O&M plan, and notification of changes in ownership or financial responsibilities. The DPW Director will also take enforcement actions if plans are not implemented properly.

3.5.1.2 BMP 5B Target Properties to Reduce Impervious Areas

The Town will identify at least five Town owned properties that could be modified or retrofitted with BMPs designed to reduce the frequency, volume, and pollutant loads of stormwater discharges to and from its MS4 through the reduction of impervious area. These properties could include parking lots, buildings, maintenance yards, existing street rights-of-way, outfalls and conventional stormwater conveyances and controls. To comply with this requirement, Town Engineer will inventory Town owned properties and determine each property's potential for modification or retrofit and priority rank these properties based on factors listed in Section 2.3.6.d of the 2016 MS4 GP. The Town currently has an inventory of Town owned facilities and will identify which five facilities can best be retrofitted or modified with BMPs to reduce impervious areas. The inventory will be completed by the end of PY4.

Beginning with PY5 annual report and in each subsequent annual report, the Town Engineer will identify additional Town owned sites and infrastructure that could be retrofitted to maintain an inventory with a minimum of five sites. The Town Engineer will report on properties that have been modified or retrofitted with BMPs to mitigate impervious area that were inventoried in the annual report.

3.5.1.3 BMP 5C Allow Green Infrastructure

The Town will develop a report assessing the Town's existing regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist. To comply with this requirement, the Town Planner in conjunction with the Town Engineer will review existing regulations to determine what practices are allowed and not allowed. If practices are not allowed, the Town Planner in conjunction with the Town Engineer will determine what hinders the use of these practices, what changes in the regulations will be made, and provide a schedule for implementation of recommendations. The assessment will be developed and included in the SWMP and completed by the end of PY4. Any findings and progress made towards making the practices allowable will be reported in the annual report.

The Town may choose to utilize the Green Infrastructure Strategy developed in March 2014 to meet this requirement. The report developed a comprehensive strategy for implementing green infrastructure through practices, programs, and policies. It summarizes the Town's existing efforts, provides recommendations for improving existing programs and policies, and proposes new approaches for incorporating green infrastructure.





3.5.1.4 BMP 5D Street Design and Parking Lot Guidelines

The Town will develop a report assessing current street design and parking lot guidelines and other Town requirements that affect the creation of impervious cover. This assessment will be used to provide information to allow the Town to determine if changes to design standards for streets and parking lots can be made to support low impact design options. To comply with this requirement, the Town Planner in conjunction with the Town Engineer will review current design guidelines and determine where changes can be made. If the assessment indicates that changes can be made, the assessment will include recommendations and proposed schedules to incorporate policies and standards into relevant documents and procedures to minimize impervious cover attributable to parking areas and street designs. Town Planner in conjunction with the Town Engineer will implement recommendations, in accordance with the schedules, contained in the assessment. The assessment will be completed by the end of PY4. A status of the assessment and any planned or completed changes to the Town regulation will be include in the annual report.

3.5.1.5 BMP 5E Massachusetts Stormwater Handbook Compliance

The Town Engineer will ensure that stormwater controls or management practices for new and redevelopment meet the retention or treatment requirements of the 2016 MS4 GP and applicable requirements in the Massachusetts Stormwater Handbook. Revisions to the Town's current regulations will be submitted to the Town Administration in PY2 for approval in PY3. Article III, Chapter 153-16 of the Town bylaws require the control of stormwater to meet all federal and state requirements including the Massachusetts Stormwater Management Standards the requirements of the Town of Franklin's Subdivision of Land Stormwater Management Regulations, Section 300-11 of the Town's bylaws, and the Town of Franklin's Best Development Practices Guidebook.

3.6 MCM 6: Pollution Prevention and Good Housekeeping

The pollution prevention and good housekeeping MCM objective in Section 2.3.7 of the 2016 MS4 GP is: *'The permittee shall implement an operations and maintenance program for permittee-owned operations that has a goal of preventing or reducing pollutant runoff and protecting water quality from all permittee-owned operations.'*

3.6.1 BMPs

The measurable results from this program are listed in **Table 7** below for each BMP, and the effectiveness of this program will be measured by the increase and continued use of O&M procedures developed in BMP 6A and 6C. The effectiveness of the development of the SWPPPs will be determined by an increase in favorable facility inspections. The effectiveness of catch basin cleaning optimization and street sweeping program will be measured by an increase in the amount of materials removed. The effectiveness of the road salt optimization will be determined by a decrease in the use of salts and an increase in the use of alternatives. Inspection results from the Town owned stormwater treatment structures will be used to improve maintenance and help minimize system failures and resulting runoff.





Table 7: MCM6 BMPs and Implementation Actions

BMP ID	BMP Media/ Category	BMP Description	Responsible Personnel	Measurable Goal	PY1	PY2	PY3	PY4	PY5
6A	Operation and Maintenance (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	Highway and Grounds Superintendent and DPW Administration	Complete and implement 2 years after effective date of permit	Develop O&M procedures		Implement O&M procedures		
6B	Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Create inventory	GIS Manager	Complete 2 years after effective date of permit and update annually	Develop Town owned facilities inventory		Update inventory as facilities are added and removed		
6C	Infrastructure O&M	Establish and/or document program for repair and rehabilitation of MS4 infrastructure	Highway and Grounds Superintendent	Complete 2 years after effective date of permit	Develop O&M for MS4 infrastructure		Implement O&M procedures		
6D	Stormwater Pollution Prevention Plan (SWPPP)	Create SWPPPs for maintenance garages, transfer stations, or other waste-handling facilities	DPW Administration	Complete and implement 2 years after effective date of permit	Develop SWPPPs		Implement SWPPPs		
6E	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	Highway and Grounds Superintendent	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually	Develop and implement catch basin cleaning procedures	Implement catch basin cleaning procedures annually	Implement catch basin cleaning procedures annually	Implement catch basin cleaning procedures annually	Implement catch basin cleaning procedures annually
6F	Street sweeping program	Establish street sweeping procedures and priorities and sweep all streets and permittee-owned parking lots in accordance with permit conditions	Highway and Grounds Superintendent	Sweep all streets and permittee-owned parking lots at least once per year in the spring	Develop street and parking lot cleaning procedures	Implement street sweeping procedures annually	Implement street sweeping procedures annually	Implement street sweeping procedures annually	Implement street sweeping procedures annually
6G	Road salt use optimization program	Establish and implement a program to minimize the use of road salt	Highway and Grounds Superintendent	Implement salt use optimization during deicing season	Develop winter road maintenance procedures	Implement road maintenance procedures annually	Implement road maintenance procedures annually	Implement road maintenance procedures annually	Implement road maintenance procedures annually
6H	Inspections and maintenance of stormwater treatment structures	Establish and implement inspection and maintenance procedures and frequencies	Town Engineer and DPW Administration	Inspect and maintain treatment structures at least annually	Develop treatment structure inspection procedure	Conduct treatment structure inspections annually	Conduct treatment structure inspections annually	Conduct treatment structure inspections annually	Conduct treatment structure inspections annually
		Develop, implement, and complete BMP by the end of permit year to fulfill requirements							
		Continue to implement BMP							
		Continue to implement BMP annually							
		Continue to implement BMP bi-annually							





3.6.1.1 BMP 6A O&M Procedures

The Town will review and update their stormwater O&M program for Town owned parks and open spaces, building and facilities, and vehicles and equipment. To comply with this requirement the Highway and Grounds Superintendent and DPW Administration will prepare updated written O&M procedures for the categories listed in Section 2.3.7.a.ii of the 2016 MS4 GP.

The Town currently implements many of these O&M practices at their facilities including: indoor vehicle storage and maintenance; immediate repair of leaking vehicles; proper handling/storage and disposal of hazardous materials and wastes; covered salt storage, and indoor vehicle washing. These and other procedures will be documented for each facility type and will be completed by the end of PY2.

3.6.1.2 BMP 6B Inventory Town Facilities

The Town will develop an inventory of the following Town owned facilities: parks and open space; building and facilities with pollutants that are exposed to stormwater runoff, including schools, town offices, police, fire stations, municipal pools and parking garages; and storage of vehicles and equipment. To comply with this requirement, the GIS Manager will create this inventory by utilizing mapping software or satellite mapping and conduct field investigations to confirm locations. This will be completed by the end of PY2 and the status of the development will be reported in the annual report.

3.6.1.3 BMP 6C Infrastructure O&M

The Town will develop a program detailing the activities and procedures for timely MS4 infrastructure maintenance to reduce the discharge of pollutants from the MS4. To comply with this requirement the Highway and Grounds Superintendent will develop the O&M maintenance procedures on MS4 infrastructure maintenance. This will be completed by the end of PY2.

3.6.1.4 BMP 6D SWPPP

The Town will develop and implement SWPPPs for each of the Town owned or operated facilities: maintenance garages, public works yards, transfer stations, and other waste handling facilities where pollutants are exposed to stormwater as determined by the Town. To comply with the requirements, the DPW Administration will identify the listed facilities above that are Town owned and operated and are not covered under the NPDES Multi-Sector General Permit for Stormwater Discharges with Industrial Activities (MSGP). SWPPPs for all Town owned and operated facilities will be completed by the end of PY2. SWPPPs will include, at a minimum, the elements listed in Section 2.3.7.b.ii of the 2016 MS4 GP.

3.6.1.5 BMP 6E Catch Basin Cleaning

The Town will continue to optimize routine inspections, cleaning, and maintenance of catch basins. To comply with this requirement, the Highway and Grounds Superintendent will prepare written procedures for the evaluation and cleaning of catch basins following the elements detailed in Section 2.3.7.a.iii.2 of the MS4 GP. These procedures can be found in **Appendix E**.

The Highway and Grounds Superintendent will document in the first annual report (PY1) the Town's plan for optimizing catch basin cleaning, inspection plans, or its schedule for gathering information to develop the optimization plan. Highway and Grounds Superintendent will maintain a database of catch basins cleaned or inspected and report the total number of catch basins, number inspected, number cleaned, and the total volume or mass of material removed from all catch basins in the annual report. On-going inspections will be used to reach the determination that the established plan for cleaning and maintenance is optimal for the MS4.





3.6.1.6 BMP 6F Street Sweeping Program

The Town will establish and implement procedures for sweeping and/or cleaning streets and Town owned parking lots. To comply with these requirements, Highway and Grounds Superintendent will evaluate the current street sweeping procedures and establish procedures for parking lots to include the elements detailed in Section 2.3.7.a.iii.3 of the MS4 GP.

The DPW-Highway Department currently begins street sweeping in April starting with downtown and followed by primary roadways. The downtown area is swept weekly from May 1st to October 1st. Secondary roadways and subdivisions are swept based on established street sweeping zones. Municipal parking lots are swept twice a year. Records of sweeping volumes are currently kept and reported in annual reports. These procedures can be found in **Appendix E**.

3.6.1.7 BMP 6G Road Salt Optimization Program

The Town will establish and implement procedures for winter road maintenance. To comply with this requirement, Highway and Grounds Superintendent will evaluate their current storage and usage of salts and sands and determine where DPW can:

- Minimize the use of sodium chloride and other salts;
- Evaluate opportunities for use of alternative materials; and
- Ensure that snow disposal activities do not result in disposal of snow into receiving waters.

These procedures can be found in **Appendix E**.

3.6.1.8 BMP 6H Stormwater Treatment Structures Inspections

The Town will establish and implement inspection and maintenance frequencies and procedures for Town owned stormwater treatment structures. To comply with this requirement, the Town Engineer will develop procedures and conduct inspections of these treatment structures at a minimum frequency of once per year by the end of PY1. Field inspections will be completed with the use of tablets, utilizing the Town's existing work order program, SEDARU, which will keep and record information from these inspections to be included in the annual report. Information from the inspections will be used to support on-going maintenance procedures and schedules. These procedures can be found in **Appendix E**.

3.7 Enhanced BMPs for Impaired Waterbodies

In addition to the requirements to reduce the discharge of pollutants as outlined above, the Town is required to ensure that discharges from the MS4 do not cause or contribute to exceedances of water quality standards, to the maximum extent practicable (MEP). Due to the MS4 discharging to impaired waters, the Town is subject to meet the requirements of Section 2.2.2 and Appendix H of the 2016 MS4 GP. BMP 1G and BMP 1H above include the enhanced BMPs from Appendix H of the 2016 MS4 GP that will be implemented to address the pathogens and nitrogen impairments.

For waterbodies subject to a TMDL, the Town is subject to meet the requirements of Section 2.2.1 and Appendix F of the 2016 MS4 GP. The Town's MS4 discharges into the Charles River which is subject to the requirements of the Charles River Watershed Pathogens TMDL and the Upper/Middle Charles River Phosphorus TMDL. To address the pathogens impairment, the Town will include information for proper pet waste management to enhance the residential targeted message in the public education program (BMP 1G). The Town will also designate catchments draining to pathogens impaired waterbodies, such as the Charles River, as high priority during the outfall inventory and ranking task of the IDDE plan.



3.7.1 Phosphorus Control Plan

To address discharges of phosphorus from the Town's MS4, DPW Operations will develop a phosphorus control plan (PCP) which is designed to reduce the amount of phosphorus in stormwater discharges from its MS4 to the Charles River and its tributaries. The PCP will be completed in three phases. The Town will include the PCP as an attachment to the SWMP and report in annual reports on its progress toward achieving its Phosphorus Reduction Requirement. The written Phase 1 plan of the PCP will be completed by the end of PY5 date and be fully implemented as soon as possible but no later than PY10. The full PCP will be developed and fully implemented as soon as possible but no later than PY20. Phase 1 of the PCP will be developed and implemented in accordance with schedule outlined below in **Table 8**.





Table 8: PCP Milestones and Development Plan

Task ID	Phase 1 of the PCP Component and Milestones	Complete By	PY1	PY2	PY3	PY4	PY5
1-1	Legal analysis	PY2	Review current regulations	Complete review and recommend revisions	Adopt regulation changes	Adopt regulation changes	Make all necessary regulation adoptions by end of PY5
1-2	Funding source assessment	PY3	Review known and anticipated funding	Describe steps to implement funding plan	Complete assessment by end of PY3		
1-3	Define scope of PCP (PCP Area) Baseline Phosphorus Load and Phosphorus Reduction Requirement and Allowable Phosphorus Load	PY4		Determine PCP Area	Optional: Find more accurate land use data from 2005 for the Town. Submit in PY4 annual report	Have defined scope by end of PY4	
1-4	Description of Phase 1 planned nonstructural controls	PY5			Inventory nonstructural control measures Town is currently implementing	Quantify phosphorus reduction	Complete description of nonstructural controls. Must be implemented by PY6.
1-5	Description of Phase 1 planned structural controls	PY5			Inventory structural controls (use information from BMP 5B and BMP 6H)	Quantify phosphorus reduction and priority rank controls	Complete description of structural controls
1-6	Description of Operation and Maintenance program for structural controls	PY5				Establish O&M for structural controls	Complete O&M program
1-7	Phase 1 implementation schedule	PY5					Complete implementation schedule
1-8	Estimated cost for implementing Phase 1 of the PCP	PY5				Estimate cost of implementing controls and O&M	Complete cost estimate
1-9	Complete Written Phase 1 PCP	PY5				Develop draft of PCP and post for public review	Revise draft with comments and complete final draft
1-10	Full implementation of nonstructural controls	PY6					Plan to implement nonstructural controls
1-11	Performance evaluation	PY6 and PY7					Plan to track and record phosphorus reduction of the controls and increases of loading due to development
1-12	Performance evaluation and full implementation of all structural controls used to demonstrate that: $P_{exp} \leq P_{allow} + (P_{RR} * 0.80)$	PY8					
1-13	Performance Evaluation	PY9					
1-14	Performance Evaluation and full implementation of all structural controls used to demonstrate that: $P_{exp} \leq P_{allow} + (P_{RR} * 0.75)$	PY10					
Total phosphorus export rate (P_{exp}), Allowable Phosphorus Load (P_{allow}), and Phosphorus Reduction Requirement (P_{RR})							
Have milestone completed by the end of indicated permit year							





3.7.1.1 Milestone 1-1 Legal Analysis

To achieve milestone 1-1, the Town Engineer will analyze existing regulations available to the MS4 such as bylaws and ordinances and describe changes to regulations that may be necessary to effectively implement the PCP. Changes to the regulations will require Town council approval and will adopt any necessary changes by the end of PY5.

3.7.1.2 Milestone 1-2 Funding Source Analysis

To achieve milestone 1-2, the Town Engineer will identify and describe known and anticipated funding mechanisms to fund PCP implementation. The Town will describe the implementation steps for its funding plan, including but not limited to conceptual development, outreach to affected parties, and development of legal authorities.

3.7.1.3 Milestone 1-3 Phosphorus Control Plan Area

To achieve milestone 1-3, the Town Engineer and GIS Manager will identify in which area it plans to implement the PCP, this will be known as the "PCP Area". The Town will choose between implementing its PCP in the entire area within its jurisdiction (municipal boundary) within the Charles River Watershed; or in the urbanized area portion of the Town's jurisdiction within the Charles River Watershed.

The Town will be subject to phosphorus reduction requirements along with the estimated Baseline Phosphorous Loads, calculated Allowable Stormwater Phosphorus Load, Stormwater Phosphorus Reduction Requirement in and respective percent reductions necessary based on their selected PCP Area as shown in **Table 9**. The Town will demonstrate compliance with the Phosphorus Reduction and Allowable Phosphorus Load requirements applicable to it through structural and non-structural controls on discharges.

Table 9: Annual Stormwater Phosphorus Load Reduction

PCP Area	Baseline Phosphorus Load (kg/yr)	Stormwater Phosphorus Load Reduction Requirement (kg/yr)	Allowable Phosphorus Load (kg/yr)	Stormwater Percent Reduction in Phosphorus Load (%)
Entire Jurisdiction within Charles River Watershed	2,344	818	1,526	35%
Urbanized Area of Town in Charles River Watershed	2,312	813	1,499	35%

The Town may choose to submit more accurate land use data from 2005 to the EPA to recalculate baseline phosphorus stormwater loads for use in future permit reissuances. The updated land use maps, land areas, characteristics, and MS4 area and catchment delineations will be submitted to EPA along with the PY4 annual report in electronic GIS data layer form for consideration for future permit requirements. The Town will still comply with the selected PCP Area and associated Baseline Phosphorus Load, Stormwater Phosphorus Reduction Requirement and Allowable Phosphorus Load until the permit requirements are revised to reflect the recalculated loads.





3.7.1.4 Milestone 1-4 Nonstructural Controls

To achieve milestone 1-4, the Town Engineer will describe the non-structural stormwater control measures including the planned measures, the areas where the measures will be implemented, and the annual phosphorus reductions¹ that are expected to result from their implementation in units of mass/year. These will be fully implemented by the end of PY6.

3.7.1.5 Milestone 1-5 Structural Controls

To achieve milestone 1-5, the Town Engineer will develop a priority ranking of areas and infrastructure within the Town for potential implementation of structural phosphorus controls during Phase 1. The ranking will be developed using available screening and monitoring results collected during the implementation of the IDDE Program Plan and the mapping required pursuant to BMPs 3B, 3F, 3G and 3H. The Town will also include a detailed assessment of site suitability for potential phosphorus control measures based on soil types and other factors. The Town will coordinate this activity with BMP 5B. A description and the results of this priority ranking will be included in Phase 1 of the PCP. The Town will describe the structural stormwater control measures and include the planned and existing measures, the areas where the measures will be implemented or are currently implemented, and the annual phosphorus reductions² in units of mass/year that are expected to result from their implementation. Structural measures to be implemented by a third party may be included in the Town's PCP. Structural controls will be fully implemented by PY8 to demonstrate the total phosphorus export rate calculated in milestone 1-12, and PY10 to demonstrate the total phosphorus export rate calculated in milestone 1-14.

3.7.1.6 Milestone 1-6 O&M Plan for Structural Controls

To achieve milestone 1-6, the Town Engineer will establish an O&M program for structural BMPs claimed for phosphorus reduction credit as part of Phase 1 of the PCP. This includes BMPs implemented to date as well as BMPs to be implemented during Phase 1 of the PCP. The O&M program will become part of the PCP and include inspection and maintenance schedule for each BMP according to BMP design or manufacturer specification and program or department responsible for BMP maintenance.

3.7.1.7 Milestone 1-7 Implementation Schedule

To achieve milestone 1-7, the Town Engineer and the DPW Director will develop a schedule for implementation of planned Phase 1 BMPs, including, as appropriate, funding, training, construction schedules, inspection, monitoring, O&M activities, and other evaluation components.

Implementation of planned BMPs will begin upon completion of the Phase 1 Plan and identified non-structural BMPs will be fully implemented by PY6. Structural BMPs will be designed and constructed to ensure the Town will comply milestones 1-11 and 1-14.

3.7.1.8 Milestone 1-8 Implementation Cost Estimate

To achieve milestone 1-8, the Town Engineer will estimate the cost of implementing the Phase 1 non-structural and structural controls and associated O&M program. This cost estimate may be used to assess the validity of the funding source assessment completed by the end of PY3 and to update funding sources as necessary to complete Phase 1.

¹ Calculate consistent with Attachment 2 from Appendix F of the 2016 MS4 GP.

² Calculate consistent with Attachment 3 to Appendix F of the 2016 MS4 GP.





3.7.1.9 Milestone 1-9 Written Phase 1 of PCP

To achieve milestone 1-9, the Town Engineer will complete the written Phase 1 Plan of the PCP no later than the end of PY5. The complete Phase 1 Plan shall include Phase 1 PCP milestones 1-1 through 1-7 in **Table 8**. The Town will make the Phase 1 Plan available online to the public for comment during Phase 1 Plan development.

3.7.1.10 Milestones 1-11 to 14 Performance Evaluation

To achieve milestones 1-11 to 1-14, the Town Engineer and GIS Manager will evaluate the effectiveness of the PCP by tracking the phosphorus reductions³ achieved through implementation of structural and non-structural BMPs implemented to date and tracking increases resulting from development⁴. Phosphorus loading increases and reductions in unit of mass/year will be added or subtracted from the applicable Baseline Phosphorus Load given applicable to the selected PCP Area. Performance evaluations will be included as part of each Town's annual report and include the following information:

- All non-structural control measures implemented during the reporting year along with the phosphorus reduction in mass/year (P_{NSred}) calculated consistent with Attachment 2 to Appendix F
- Structural controls implemented during the reporting year and all previous years including:
 - GPS location of structural BMPs
 - Phosphorus reduction from structural BMPs implemented to date in mass/year (P_{Sred}) calculated consistent with Attachment 3 to Appendix F
 - Date of last completed maintenance and inspection for each Structural control
- Phosphorus load increases due to development over the previous reporting period and incurred since 2005 (P_{DEVinc}) calculated consistent with Attachment 1 to Appendix F
- Estimated yearly phosphorus export rate (P_{exp}) from the PCP Area calculated using Equation 1, as detailed in Appendix F, Section A.2.d. of the 2016 MS4 GP. Equation 1 calculates the yearly phosphorus export rate by subtracting yearly phosphorus reductions through implemented nonstructural controls and structural controls to date from the Baseline Phosphorus Load and adding loading increases incurred through development to date. This equation shall be used to demonstrate compliance with the phosphorus reduction milestones required as part of each phase of the PCP.
- Certification that structural BMPs are being inspected and maintained according to the O&M program specified as part of the PCP. The certification statement will be in Appendix F, Section A.2.e. of the 2016 MS4 GP.

³ Phosphorus reductions will be calculated consistent with Attachment 2 to Appendix F (non-structural BMP) and Attachment 3 to Appendix F (structural BMP) of the 2016 MS4 GP.

⁴ Phosphorus export increases since 2005 due to development will be calculated consistent with Attachment 1 to Appendix F of the 2016 MS4 GP.





4.0 Program Evaluation, Record Keeping, and Reporting

4.1 Program Evaluation

The DPW Director will annually self-evaluate its compliance with the terms and conditions of the 2016 MS4 GP and document this in the SWMP. The evaluation includes the appropriateness of the selected BMPs in achieving the objectives of each control measure and the defined measurable goals. Where a BMP is found to be ineffective the Town will change BMPs. Changes to BMPs will be documented in the SWMP and reported in the Annual Report. Changes to the SWMP will be included in an amendment log and summary of modifications as provided in **Appendix B**.

4.2 Record Keeping

The Town must keep hardcopy or electronic copies of records required by the 2016 MS4 GP for at least five years. Records relating to the 2016 MS4 GP, including the SWMP, will be made available to the public to be viewed during normal business hours or via the Town website. These records may include the following documents, but is not limited to this list:

- Dry and wet weather monitoring results, copies of reports, records of screening, follow-up and elimination of illicit discharges;
- Maintenance records;
- Inspection records; and
- Data used in the development of the notice of intent, SWMP, SWPPP, and annual reports.

4.3 Annual Reports

The DPW Administration will submit an annual report at the end of each permit year to the EPA and MassDEP. The reporting term will be a period of one year starting on July 1, 2018 and following anniversaries, except for the first annual report which will be reporting activities from May 1, 2018 to June 30, 2019. The annual report is due on September 30th, 90 days from the last day of the reporting period, and the following anniversaries.

The annual report will include:

- A self-assessment review of compliance with the permit terms and conditions
- An assessment of the appropriateness of the selected BMPs
- The status of any plans or activities required by Section 2.1 and/ or Section 2.2 of the 2016 MS4 GP, including:
 - Identification of all discharges determined to be causing or contributing to an exceedance of water quality standards and description of response including all items required by Section 2.1.1;
 - For discharges subject to TMDL related requirements, identification of specific BMPs used to address the pollutant identified as the cause of impairment and assessment of the BMPs effectiveness at controlling the pollutant (Section 2.2.1. and Appendix F) and any deliverables required by Appendix F such as the PCP; and
 - For discharges to water quality limited waters a description of each BMP required by Appendix H and any deliverables required by Appendix H.





- An assessment of the progress towards achieving the measurable goals and objectives of each control measure in Section 2.3 of the 2016 MS4 GP including:
 - Evaluation of the public education program including a description of the targeted messages for each audience; method of distribution and dates of distribution; survey results and any changes to the program;
 - Description of the activities used to promote public participation including documentation of compliance with state public notice regulations
 - Description of the activities related to implementation of the IDDE program including:
 - ◆ Status of the system map;
 - ◆ Status and results of the illicit discharge potential ranking and assessment;
 - ◆ Identification of problem catchments;
 - ◆ Status of protocols described in IDDE program;
 - ◆ Number and identifier of catchments evaluated;
 - ◆ Number and identifier of outfalls screened;
 - ◆ Number of illicit discharges located, removed, and gallons of flow removed;
 - ◆ Identification of tracking indicators and measures of progress based on those indicators; and
 - ◆ Employee training.
 - Evaluation of the construction runoff management including number of project plans reviewed; number of inspections; and number of enforcement actions
 - Evaluation of stormwater management for new development and redevelopment including status of ordinance development (BMP 5E) review and status of the street design assessment (BMP 5D), assessments to barriers to green infrastructure (BMP 5C) and retrofit inventory status (BMP 5B)
 - Status of the O&M Programs developed in BMP 6A
 - Status of SWPPP development in BMP 6D including inspection results
 - Any additional reporting requirements in Section 3.0 (additional requirements for dischargers to surface drinking waters and their tributaries) if it is determined that the MS4 discharges to these waters
- All outfall screening and monitoring data collected by or on behalf of the Town during the reporting period and cumulative for the permit term, including but not limited to all data collected pursuant to the IDDE program plan implementation. The Town will also provide a description of any additional monitoring data received by the Town during the reporting period
- Description of activities for the next reporting cycle
- Description of any changes in identified BMPs or measurable goals
- Description of activities undertaken by any entity contracted for achieving any measurable goal or implementing any control measure





5.0 Certification

Any person signing the SWMP and other documents required under the terms of the 2016 MS4 GP must include the following 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 gathered and evaluated 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, 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."

Printed Name _____ Date _____
Signature _____





wood.

**Appendix A - 2016 General Permit with
Appendices**

Minor Permit Modification Summary

The following permit has been modified in accordance with 40 CFR §122.63:

Permit Name: GENERAL PERMITS FOR STORMWATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS IN MASSACHUSETTS

Issue date: April 4, 2016

Effective Date: July 1, 2018

The following minor modifications were made on November 7, 2018:

Page	Modification
2	Table of Contents was updated to reflect the changes below
3	Table of Contents was updated to reflect the changes below
5	Line was added before first bullet point for consistency
6	Line was removed between parts for consistency
8	Lines were added and removed between parts for consistency
8	Typos were fixed
11	Extra word was removed
11	Extra spaces were removed between words for consistency
12	Extra spaces were removed between words for consistency
12	Extra words were removed
12	Text was moved to a bullet point in the last paragraph of part 1.10.2 instead of as part of the 1.10.3 title for consistency
12	Duplicate words and symbols were deleted
13	Bullets were moved to the correct subsection, consistent with other relevant sections of the permit
14	Typos were fixed
15	Extra spaces were removed between words for consistency
16	Extra spaces were removed between words for consistency
27	Extra spaces were removed between words for consistency
27	Duplicate character was removed
29	Typo was fixed
30	Duplicate character was removed
32	Lines were added before bullet points for consistency
33	Lines were added and removed between paragraphs for consistency
34	Line was added before bullet points for consistency
34	Typo was fixed
34	Duplicate spaces were removed
35	Typo was fixed
35	Line was added before bullet points for consistency
36	Lines were added before bullet points and in between parts for consistency
37	Lines were added before bullet points and in between parts for consistency
38	Line was added in between parts for consistency
38	Typos were fixed

39	Line was added in between paragraphs for consistency
39	Typos were fixed
41	Lines were added before bullets for consistency
42	Typos were fixed
43	Typo was fixed
44	Line was added for consistency
46	Typo was fixed
50	Typo was fixed
51	Typo was fixed
54	Line was added for consistency
55	Line was added for consistency
56	Typo was fixed
56	Line was added for consistency
57	Lines were added and removed for consistency

**United States Environmental Protection Agency (EPA)
National Pollutant Discharge Elimination System (NPDES)**

**GENERAL PERMITS FOR STORMWATER DISCHARGES FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS
IN MASSACHUSETTS**

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act (CWA), as amended (33 U.S.C. §1251 *et seq.*), and the Massachusetts Clean Waters Act, as amended (M.G.L. Chap.21 §§ 26-53), any operator of a small municipal separate storm sewer system whose system:

- Is located in the areas described in part 1.1;
- Is eligible for coverage under part 1.2 and part 1.9; and
- Submits a complete and accurate Notice of Intent in accordance with part 1.7 of this permit and EPA issues a written authorization

is authorized to discharge in accordance with the conditions and the requirements set forth herein.


The following appendices are also included as part of these permits:

- Appendix A – Definitions, Abbreviations, and Acronyms;
- Appendix B – Standard permit conditions applicable to all authorized discharges;
- Appendix C – Endangered Species Act Eligibility Guidance;
- Appendix D – National Historic Preservation Act Eligibility Guidance;
- Appendix E – Information required for the Notice of Intent (NOI);
- Appendix F – Requirements for MA Small MS4s Subject to Approved TMDLs;
- Appendix G – Impaired Waters Monitoring Parameter Requirements;
- Appendix H – Requirements related to discharges to certain water quality limited waterbodies;

These permits become effective on **July 1, 2017**.

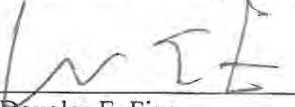
These permits and the authorization to discharge expire at midnight, **June 30, 2022**.

Signed this 4th day of April, 2016



Ken Moraff, Director
Office of Ecosystem Protection
United States Environmental Protection Agency
5 Post Office Square – Suite 100
Boston, Massachusetts 02109-3912

Signed this 4th day of April 2016



Douglas E. Fine
Assistant Commissioner for Water
Resources
Department of Environmental Protection
One Winter Street
Boston, Massachusetts 02108

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1.0. Introduction

This document consists of three (3) general permits listed in part 1.1. Each general permit is applicable to a particular type of municipal system within Massachusetts. Many of the permit terms and conditions are applicable across all regulated entities, and therefore are presented just once in parts 1-2, part 4, and Appendices A through E. Other conditions are applicable to a particular set of authorized entities; these terms and conditions are included in parts 3, and 5 and Appendices F through H. Throughout the permit, the terms “this permit” or “the permit” will refer to the three general permits.

1.1. Areas of Coverage

This permit covers small municipal separate storm sewer systems (MS4s) located in the Commonwealth of Massachusetts:

- Traditional Cities and Towns (NPDES Permit No. MAR041000)
- State, federal, county and other publicly owned properties (Non-traditional) (MAR042000)
- State transportation agencies (except for MassDOT- Highway Division) (MAR043000)

1.2. Eligibility

The MS4 shall meet the eligibility provisions described in part 1.2.1 and part 1.9 to be eligible for authorization under this permit.

1.2.1. Small MS4s Covered

This permit authorizes the discharge of stormwater from small MS4s as defined at 40 CFR § 122.26(b) (16). This includes MS4s described in 40 CFR §122.32(a) (1) and (a) (2). An MS4 is eligible for coverage under this permit if it is:

- A small MS4 within the Commonwealth of Massachusetts;
- Not a large or medium MS4 as defined in 40 CFR §§122.26(b)(4) or (7);
- Located either fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census as of the effective date of this permit (the 2010 Census); or
- Located in a geographic area designated by EPA as requiring a permit.

If the small MS4 is not located entirely within an urbanized area, only the portion of the MS4 that is located within the urbanized area is regulated under 40 CFR §122.32(a) (1).

A small municipal separate storm sewer system means all separate storm sewers that are:

- Owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States.
- Not defined as large or medium municipal separate storm sewer systems pursuant to 40 CFR § 122.26(b) (4) and (b) (7) or designated under 40 CFR § 122.26(a) (1) (v).
- This term includes systems similar to separate storm sewer systems in municipalities such as systems at military bases, large hospitals or prison complexes, and highways

and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

1.3. Limitations on Coverage

This permit does not authorize the following:

- a. Stormwater discharges mixed with sources of non-stormwater unless such non-stormwater discharges are:
 - Authorized under a separate NPDES permit; or
 - A non-stormwater discharge as listed in part 1.4.
- b. Stormwater discharges associated with industrial activity as defined in 40 CFR §122.26 (b) (14) (i)-(ix) and (xi).
- c. Stormwater discharges associated with construction activity as defined in 40 CFR §122.26(b) (14) (x) or (b) (15).
- d. Stormwater discharges currently authorized under another NPDES permit, including discharges covered under other regionally issued general permits.
- e. Stormwater discharges or discharge related activities that are likely to adversely affect any species that are listed as endangered or threatened under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is designated as critical under the ESA. The permittee shall follow the procedures detailed in Appendix C to make a determination regarding eligibility. The permittee shall certify compliance with this provision on the submitted NOI.
- f. Stormwater discharges whose direct or indirect impacts do not prevent or minimize adverse effects on any Essential Fish Habitat.
- g. Stormwater discharges, or implementation of a stormwater management program, which adversely affects properties listed or eligible to be listed on the National Register of Historic Places. The permittee shall follow the procedures detailed in Appendix D to make a determination regarding eligibility. The permittee shall certify compliance with this provision on the submitted NOI.
- h. Stormwater discharges prohibited under 40 CFR § 122.4.
- i. Stormwater discharges to the subsurface subject to state Underground Injection Control (UIC) regulations. Although the permit includes provisions related to infiltration and groundwater recharge, structural controls that dispose of stormwater into the ground may be subject to UIC regulation requirements. Authorization for such discharges shall be obtained from Massachusetts Department of Environmental Protection, Bureau of Resource Protection, Drinking Water Program, Underground Injection Control, One Winter Street, Boston, MA 02108 – phone 617-292-5859.
- j. Any non-traditional MS4 facility that is a “new discharger” as defined in part 5.1.4. and discharges to a waterbody listed in category 5 or 4b on the Massachusetts Integrated Report of waters listed pursuant to Clean Water Act section 303(d) and 305(b) due to nutrients (Total Nitrogen or (Total Phosphorus), metals (Cadmium, Copper, Iron, Lead or Zinc), solids (TSS or Turbidity), bacteria/pathogens (E. Coli, Enterococcus or Fecal Coliform), chloride (Chloride) or oil and grease

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(Petroleum Hydrocarbons or Oil and Grease), or discharges to a waterbody with an approved TMDL for any of those pollutants.

1.4. Non-Stormwater Discharges

The following categories of non-stormwater discharges are allowed under this permit *unless* the permittee, EPA, or the MassDEP identifies any category or individual discharge of non-stormwater discharge in part 1.4.a-r as a significant contributor of pollutants to the MS4, then that category or individual discharge is not allowed under part 1.4, but rather shall be deemed an “illicit discharge” under part 2.3.4.1, and the permittee shall address that category or individual discharge as part of the Illicit Discharge Detection and Elimination (IDDE) Program described in part 2.3.4 of this permit.

- a. Water line flushing
- b. Landscape irrigation
- c. Diverted stream flows
- d. Rising ground water
- e. Uncontaminated ground water infiltration (as defined at 40 CFR § 35.2005(20))
- f. Uncontaminated pumped ground water
- g. Discharge from potable water sources
- h. Foundation drains
- i. Air conditioning condensation
- j. Irrigation water, springs
- k. Water from crawl space pumps
- l. Footing drains
- m. Lawn watering
- n. Individual resident car washing
- o. Flows from riparian habitats and wetlands
- p. De-chlorinated swimming pool discharges
- q. Street wash waters
- r. Residential building wash waters without detergents

Discharges or flows from firefighting activities are allowed under this permit need only be addressed where they are identified as significant sources of pollutants to waters of the United States.

1.5. Permit Compliance

Non-compliance with any of the requirements of this permit constitutes a violation of the permit and the CWA and may be grounds for an enforcement action and may result in the imposition of injunctive relief and/or penalties.

1.6. Continuation of this Permit

If this permit is not reissued prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedure Act and remain in force and effect for discharges that were authorized prior to expiration. If a small MS4 was granted permit authorization prior to the expiration date of this permit, it will automatically remain authorized by this permit until the earliest of:

- Authorization under a reissued general permit following timely and appropriate submittal of a complete and accurate NOI requesting authorization to discharge under the reissued permit; or
- Issuance or denial of an individual permit for the MS4’s discharges; or

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- Authorization or denial under an alternative general permit.

If the MS4 operator does not submit a timely, appropriate, complete, and accurate NOI requesting authorization to discharge under the reissued permit or a timely request for authorization under an individual or alternative general permit, authorization under this permit will terminate on the due date for the NOI under the reissued permit unless otherwise specified in the reissued permit.

1.7. Obtaining Authorization to Discharge

1.7.1. How to Obtain Authorization to Discharge

To obtain authorization under this permit, a small MS4 shall:

- Be located in the areas listed in part 1.1 of this permit;
- Meet the eligibility requirements in part 1.2 and part 1.9;
- Submit a complete and accurate Notice of Intent (NOI) in accordance with the requirements of part 1.7.2; and
- EPA issues a written authorization.

1.7.2. Notice of Intent

- a. Operators of Small MS4s seeking authorization to discharge under the terms and conditions of this permit shall submit a Notice of Intent that contains the information identified in Appendix E. This includes operators of small MS4s that were previously authorized under the May 1, 2003 small MS4 general permit (MS4-2003 permit).
- b. The NOI shall be signed by an appropriate official (see Appendix B, Subparagraph B.11, Standard Conditions).
- c. The NOI shall contain the following 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 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.

Print the name and title of the official, followed by signature and date.

- d. The NOI shall be submitted within 90 days of the effective date of the permit. If EPA notifies an MS4 that it is designated under 40 CFR § 122.32(a) (2) or (b), the NOI shall be submitted within 180 days of receipt of notice unless granted a longer period of time by EPA.

1.7.3. Submission of Notice of Intent

- a. All small MS4s shall submit a complete and accurate Notice of Intent (suggested form in Appendix E) to EPA-Region 1 at the following address:

United States Environmental Protection Agency
Stormwater and Construction Permits Section (OEP06-1)
Five Post Office Square, Suite 100

Boston, MA 02109

Or submitted electronically to EPA at the following email address: stormwater.reports@epa.gov

b. All small MS4s shall also submit a copy of the NOI to the MassDEP at the following address:

Massachusetts Department of Environmental Protection
One Winter Street -5th Floor
Boston, Massachusetts 02108
ATTN: Frederick Civian, Stormwater Coordinator

c. Late notification: A small MS4 is not prohibited from submitting a NOI after the dates provided in part 1.7.2.d. However, if a late NOI is submitted, authorization is only for discharges that occur after permit authorization is granted. EPA and MassDEP reserve the right to take enforcement actions for any unpermitted discharges. All NOIs submitted after December 21, 2020 must be submitted electronically.

1.7.4. Public Notice of NOI and Effective Date of Coverage

a. EPA will provide a public notice and opportunity for comment on the contents of the submitted NOIs. The public comment period will be a minimum of 30 calendar days.

b. Based on a review of a small MS4's NOI or other information, EPA may grant authorization, extend the public comment period, or deny authorization under this permit and require submission of an application for an individual or alternative NPDES permit. (See part 1.8) A small MS4 will be authorized to discharge under the terms and conditions of this permit upon receipt of notice of authorization from EPA.

c. Permittees whose authorization to discharge under the MS4-2003 permit, which expired on May 1, 2008, has been administratively continued in accordance with the Administrative Procedure Act 5 U.S.C. § 558(c) and 40 CFR § 122.6, who wish to obtain coverage under this permit, must submit a new NOI requesting permit coverage in accordance with the requirements of part 1.7 of this permit to EPA within 90 days after the effective date of this permit. Permittees whose authorization to discharge under the expired MS4-2003 permit was administratively continued, who fail to submit a timely, complete and accurate NOI or an application for an individual NPDES permit within 90 days after the effective date of this permit will be considered to be discharging without a permit (see 40 CFR § 122.28(b)(3)(iii)).

1.8. Individual Permits and Alternative General Permits

a. EPA may require a small MS4 to apply for and obtain authorization under either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition EPA in accordance with the provisions of 40 CFR § 122.26(f) to require a small MS4 to apply for and/or obtain authorization under either an individual NPDES permit or an alternative NPDES general permit. If EPA requires a small MS4 to apply for an individual or alternative NPDES permit, EPA will notify the small MS4 in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and will provide application information and an application deadline. If a small MS4 is authorized under the MS4-2003 permit or this permit and fails to submit an individual NPDES or an alternative general permit NPDES permit application as required by EPA, then the authorization under the MS4-2003 permit or this permit to the small MS4 is automatically terminated at the end of the date specified by EPA as the deadline

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for application submittal. EPA reserves the right to take enforcement action for any unpermitted discharge.

- b. A small MS4 may request to be excluded from this general permit by applying for an individual permit or authorization under an alternative general permit. In such a case, a small MS4 shall submit an individual permit application in accordance with the requirements of 40 CFR § 122.33(b) (2) (i) or § 122.33(b) (2) (ii), with reasons supporting the request, to EPA at the address listed in part 1.7.3 of this permit. The request may be granted by issuance of an individual permit or authorization under an alternative general permit if EPA determines that the reasons stated by the small MS4 are adequate to support the request. (See 40 CFR § 122.28(b) (3)).
- c. When an individual NPDES permit is issued, or a small MS4 is authorized to discharge under an alternative NPDES general permit, authorization under this permit automatically terminates on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit.

1.9. Special Eligibility Determinations

1.9.1. Documentation Regarding Endangered Species

The small MS4 shall certify eligibility regarding endangered species in the NOI required by part 1.7.2. The Stormwater Management Program (SWMP) shall include documentation supporting the permittee's eligibility determination with regard to federal Endangered and Threatened Species and Critical Habitat Protection, including:

- Results of the Appendix C U.S. Fish and Wildlife Service endangered species screening determination; and
- If applicable, a description of the measures the small MS4 shall implement to protect federally listed endangered or threatened species, or critical habitat, including any conditions imposed by the U.S. Fish and Wildlife Service. If a permittee fails to document and implement such measures, the permittee's discharges are ineligible for coverage under this permit.

1.9.2. Documentation Regarding Historic Properties

The small MS4 shall certify eligibility regarding historic properties on the NOI required by part 1.7.2. The SWMP shall include documentation supporting the small MS4's eligibility determination with regard to Historic Properties Preservation, including:

- Information on whether the permittee's stormwater discharges, allowable non-stormwater discharges, or stormwater discharge-related activities would have an effect on a property that is listed or eligible for listing on the National Register of Historic Properties (NRHP);
- Where such effects may occur, any documents received by the permittee or any written agreements the permittee has made with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), or other Tribal representative to mitigate those effects;
- Results of the Appendix D historic property screening investigations; and
- If applicable, a description of the measures the permittee shall implement to avoid or minimize adverse impacts on places listed, or eligible for listing, on the NRHP, including any conditions imposed by the SHPO or THPO. If the permittee fails to

document and implement such measures, those discharges are ineligible for coverage under this permit.

1.10. Stormwater Management Program (SWMP)

- a. The permittee shall develop and implement a written (hardcopy or electronic) SWMP. The SWMP shall be signed in accordance with Appendix B, Subsection 11, including the date of signature. A signature and date is required for initial program preparation and for any significant revision to the program, which shall be in writing. The written SWMP shall be completed within one (1) year of the effective date of the permit.

The SWMP is the document used by the permittee to describe and detail the activities and measures that will be implemented to meet the terms and conditions of the permit. The SWMP shall accurately describe the permittees plans and activities. The document should be updated and/or modified during the permit term as the permittee's activities are modified, changed or updated to meet permit conditions during the permit term.

- b. Permittees authorized by the MS4-2003 permit shall modify or update their existing Best Management Practices (BMPs) and measurable goals to meet the terms and conditions of part 2.3 of this permit within one (1) year of the effective date of the permit. These modifications and updates shall be reflected in the written (hardcopy or electronic) SWMP. Permittees authorized by the MS4-2003 permit shall continue to implement their existing SWMP until the program has been updated.

1.10.1. Stormwater Management Program Availability

- a. The permittee shall retain a copy of the current SWMP required by this permit at the office or facility of the person listed as the program contact on the submitted Notice of Intent (NOI). The SWMP shall be immediately available to representatives from EPA, MassDEP, U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) at the time of an onsite inspection or upon request.
- b. The permittee shall make the SWMP available to the public during normal business hours. The permittee shall also post the SWMP online¹ if the permittee has a website on which to post the SWMP.

1.10.2. Contents and Timelines of the Stormwater Management Program for 2003 permittees

The following information must be included in the SWMP within one (1) year of the permit effective date and updated annually thereafter, as necessary:

- Identification of names and titles of people responsible for program implementation. If a position is currently unfilled, list the title of the position and modify the SWMP with the name once the position is filled;
- Documentation of compliance with part 1.9.1;
- Documentation of compliance with part 1.9.2;

¹ Should a permittee not wish to post mapping information included in the SWMP (see part 1.10.2) on their website for public safety reasons, they must state the reason either with or within the online SWMP and provide how the MS4 mapping information can be obtained. The permittee must retain the entire SWMP, including all completed mapping, at a location where it can be made available to the public during normal business hours.

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- Documentation of authorization of all new or increased discharges granted by MassDEP in compliance with part 2.1.2;
- Listing of all discharges identified pursuant to part 2.1.1 and description of response;
- Description of practices to achieve compliance with part 2.3 (MEP requirements) identified in the permittee's NOI and any updates to those BMPs within the first year;
 - For each permit condition in part 2.3 identify:
 - The person(s) or department responsible for the measure;
 - The BMPs for the control measure or permit requirement;
 - The measurable goal(s) for each BMP. Each measurable goal shall include milestones and timeframes for its implementation and have a quantity or quality associated with its endpoint. Each goal shall have a measure of assessment associated with it;
- Sanitary Sewer Overflow (SSO) inventory including all of the information required in part 2.3.4.4.b;
- Written IDDE Program pursuant to part 2.3.4.6;
- Written procedures for site inspections and enforcement of sediment and erosion control procedures in accordance with part 2.3.5;
- Description of measures to avoid or minimize impacts to surface public drinking water supply sources. The permittee is also encouraged to include provisions to notify public water supplies in the event of an emergency. Massachusetts Department of Environmental Protection, Bureau of Resource Protection, Drinking Water Program, One Winter Street, Boston, MA 02108 – phone 617.292.5770.
- Description of activities to achieve compliance with part 3.0;
- Annual program evaluation (part 4.1). Update annually and maintain copies.

The following information must be included in the SWMP within two (2) years of the permit effective date and updated annually thereafter, as necessary:

- Listing of all receiving waterbody segments, their classification under the applicable state water quality standards, any impairment(s) and associated pollutant(s) of concern, applicable TMDLs and WLAs, and number of outfalls from the MS4 that discharge to each waterbody. In addition to the receiving water, the permittee shall document in the SWMP all surface public drinking water sources that may be impacted by MS4 discharges;
- Listing of all interconnected MS4s and other separate storm sewer systems receiving a discharge from the permitted MS4, the receiving waterbody segment(s) ultimately receiving the discharge, their classification under the applicable state water quality standards, any impairment(s) and associated pollutant(s) of concern, applicable TMDLs and WLAs, and the number of interconnections;
- Written procedures to require submission of as-built drawings and ensure long term operation and maintenance in accordance with part 2.3.6.a.iii;
- The map of the separate storm sewer system required by part 2.3.4.5.

The following information must be included in the SWMP within four (4) years of the permit effective date and updated annually thereafter, as necessary:

- Report(s) assessing current street design and parking lot guidelines and other local requirements within the municipality that affect the creation of impervious cover.

The following information must be included in the SWMP concurrent with the applicable

deadlines in Appendix F and H and updated annually thereafter, as necessary:

- Description of practices to achieve compliance with part 2.2.1 (TMDL requirements) including:
 - The person(s) or department responsible for the measure;
 - The BMPs for the control measure or permit requirement;
 - The measurable goal(s) for each BMP. Each measurable goal shall include milestones and timeframes for its implementation and have a quantity or quality associated with its endpoint. Each goal must have an associated measure of assessment.
- Description of practices to achieve compliance with part 2.2.2 (discharges to certain water quality limited waters subject to additional requirements) including:
 - The person(s) or department responsible for the measure;
 - The BMPs for the control measure or permit requirement;
 - The measurable goal(s) for each BMP. Each measurable goal shall include milestones and timeframes for its implementation and have a quantity or quality associated with its endpoint. Each goal must have an associated measure of assessment;
- Description of any other practices to achieve compliance with part 2.1 (water quality based requirements)

1.10.3. Contents and Timelines of the Stormwater Management Program for New Permittees

a. Permittees seeking authorization for the first time shall meet all deadlines contained in this permit except the following:

- Timelines for public education requirements in part 2.3.2.c shall be extended by one (1) year and need to include one (1) message to each audience over the permit term;
- The ordinances, by-laws, or other regulatory mechanisms required by parts 2.3.4, 2.3.5 and 2.3.6 shall be completed as soon as possible, but no later than three (3) years from the permit effective date; and
- All other deadlines in part 2.3.4 shall be extended by three (3) years.
- All other deadlines in part 2.3.5, 2.3.6 and 2.3.7 shall be extended by two (2) years.
- All deadlines for discharges to water quality limited waters without a TMDL under part 2.2.2 shall be extended by two (2) years.

b. Contents of the Stormwater Management Program for New Permittees

The following information must be included in the SWMP within one (1) year of the permit effective date and updated annually thereafter, as necessary:

- Identification of names and titles of people responsible for program implementation. If a position is currently unfilled, list the title of the position and modify the SWMP with the name once the position is filled;
- Documentation of compliance with part 1.9.1;
- Documentation of compliance with part 1.9.2;
- Documentation of authorization of all new or increased discharges granted by MassDEP in compliance with part 2.1.2;
- Listing of all discharges identified pursuant to part 2.1.1 and description of response;
- Description of practices to achieve compliance with part 2.3 (MEP requirements) identified in the permittee's NOI and any updates to those BMPs within the first year;

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For each permit condition in part 2.3 identify:

- The person(s) or department responsible for the measure;
 - The BMPs for the control measure or permit requirement;
 - The measurable goal(s) for each BMP. Each measurable goal shall include milestones and timeframes for its implementation and have a quantity or quality associated with its endpoint. Each goal shall have a measure of assessment associated with it;
- Description of measures to avoid or minimize impacts to surface public drinking water supply sources. The permittee is also encouraged to include provisions to notify public water supplies in the event of an emergency. Massachusetts Department of Environmental Protection, Bureau of Resource Protection, Drinking Water Program, One Winter Street, Boston, MA 02108 – phone 617.292.5770. Description of activities to achieve compliance with part 3.0;
 - Annual program evaluation (part 4.1). Update annually and maintain copies.

The following information must be included in the SWMP within three (3) years of the permit effective date and updated annually thereafter, as necessary:

- Written procedures for site inspections and enforcement of sediment and erosion control procedures in accordance with part 2.3.5;

The following information must be included in the SWMP within four (4) years of the permit effective date and updated annually thereafter, as necessary:

- Outfall and interconnection inventory;
- Sanitary Sewer Overflow (SSO) inventory including all of the information required in part 2.3.4.4.b;
- Written IDDE Program pursuant to part 2.3.4.6.
- Written operation and maintenance procedures for municipal activities in part 2.3.7.a.ii;
- Written program detailing the activities and procedures the permittee will implement so that the MS4 infrastructure is maintained in a timely manner to reduce the discharge of pollutants from the MS4 in accordance with part 2.3.7.a.iii.1;
- Written procedures to require submission of as-built drawings and ensure long term operation and maintenance in accordance with part 2.3.6.a.iii;

The following information must be included in the SWMP within five (5) years of the permit effective date and updated annually thereafter, as necessary:

- Phase 1 of the map of the separate storm sewer system required by part 2.3.4.5;
- Listing of all receiving waterbody segments, their classification under the applicable state water quality standards, any impairment(s) and associated pollutant(s) of concern, applicable TMDLs and WLAs, and number of outfalls from the MS4 that discharge to each waterbody. In addition to the receiving water, the permittee shall document in the SWMP all surface public drinking water sources that may be impacted by MS4 discharges;
- Listing of all interconnected MS4s and other separate storm sewer systems receiving a discharge from the permitted MS4, the receiving waterbody segment(s) ultimately receiving the discharge, their classification under the applicable state water quality standards, any impairment(s) and associated pollutant(s) of concern, applicable TMDLs and WLAs, and the number of interconnections;

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The following information must be included in the SWMP within six (6) years of the permit effective date and updated annually thereafter, as necessary:

- Report(s) assessing current street design and parking lot guidelines and other local requirements within the municipality that affect the creation of impervious cover.

The following information must be included in the SWMP concurrent with the applicable deadlines in Appendix F and H (extended by two (2) years) and updated annually thereafter, as necessary:

- Description of practices to achieve compliance with part 2.2.1 (discharges subject to requirements related to approved TMDLs) including:
 - The person(s) or department responsible for the measure;
 - The BMPs for the control measure or permit requirement;
 - The measurable goal(s) for each BMP. Each measurable goal shall include milestones and timeframes for its implementation and have a quantity or quality associated with its endpoint. Each goal must have an associated measure of assessment.
- Description of practices to achieve compliance with part 2.2.2 (discharges to certain water quality limited waters subject to additional requirements) including:
 - The person(s) or department responsible for the measure;
 - The BMPs for the control measure or permit requirement;
 - The measurable goal(s) for each BMP. Each measurable goal shall include milestones and timeframes for its implementation and have a quantity or quality associated with its endpoint. Each goal must have an associated measure of assessment;
- Description of any other practices to achieve compliance with part 2.1 (water quality based requirements).

2.0. Non-Numeric Effluent Limitations

The permittee shall develop, implement, and enforce a program to reduce the discharge of pollutants from the MS4 to the maximum extent practicable; to protect water quality and to satisfy the appropriate water quality requirements of the Clean Water Act and the Massachusetts Water Quality Standards.

2.1. Water Quality Based Effluent Limitations

Pursuant to Clean Water Act 402(p)(3)(B)(iii), this permit includes provisions to ensure that discharges from the permittee's small MS4 do not cause or contribute to an exceedance of water quality standards, in addition to requirements to reduce the discharge of pollutants to the maximum extent practicable. The requirements found in this part and part 2.2 constitute appropriate water quality based effluent limits of this permit. Requirements to reduce the discharge of pollutants to the maximum extent practicable are set forth in part 2.3.

2.1.1. Requirement to Meet Water Quality Standards

- a. The permittee shall reduce the discharge of pollutants such that the discharges from the MS4 do not cause or contribute to an exceedance of water quality standards.

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- b. If there is a discharge from the MS4 to a waterbody (or its tributaries in some cases) that is subject to an approved TMDL identified in part 2.2.1, the permittee is subject to the requirements of part 2.2.1 and Appendix F of this permit and the permittee shall comply with all applicable schedules and requirements in Appendix F. A permittee's compliance with all applicable requirements and BMP implementation schedules in Appendix F applicable to it will constitute compliance with part 2.1.1.a. of the Permit.
- c. If there is a discharge from the MS4 to a waterbody (or its tributaries in some cases) that is water quality limited (see definition in Appendix A) due to nutrients (Total Nitrogen or Total Phosphorus), metals (Cadmium, Copper, Iron, Lead or Zinc), solids (TSS or Turbidity), bacteria/pathogens (E. Coli, Enterococcus or Fecal Coliform), chloride (Chloride) or oil and grease (Petroleum Hydrocarbons or Oil and Grease) and is not subject to an approved TMDL, or the MS4 is located within a municipality listed in part 2.2.2.a.-b., the permittee is subject to the requirements of part 2.2.2 and Appendix H of this permit and the permittee shall comply with all applicable schedules and requirements in Appendix H. A permittee's compliance with all applicable requirements and BMP implementation schedules in Appendix H applicable to it will constitute compliance with part 2.1.1.a. of the Permit.
- d. Except where a pollutant of concern in a discharge is subject to the requirements of part 2.2.1 and/or part 2.2.2 of this permit or is the result of an illicit discharge and subject to part 2.3.4 of this Permit, if a pollutant in a discharge from the MS4 is causing or contributing to a violation of applicable water quality criteria² for the receiving water, the permittee shall, as expeditiously as possible, but no later than 60 days of becoming aware of the situation, reduce or eliminate the pollutant in its discharge such that the discharge meets applicable water quality criteria.

2.1.2. Increased Discharges

- a. Any increased discharge, including increased pollutant loading(s) through the MS4 to waters of the United States is subject to Massachusetts antidegradation regulations at 314 CMR 4.04. The permittee shall comply with the provisions of 314 CMR 4.04 including information submittal requirements and obtaining authorization for increased discharges where appropriate³. Any authorization of an increased discharge by MassDEP shall be incorporated into the permittee's SWMP. If an applicable MassDEP approval specifies additional conditions or requirements, then those requirements are incorporated into this permit by reference. The permittee must comply with all such requirements.
- b. There shall be no increased discharges, including increased pollutant loading(s) from the MS4 to impaired waters listed in categories 5 or 4b on the most recent Massachusetts Integrated Report of waters listed pursuant to Clean Water Act section 303(d) and 305(b) unless the permittee demonstrates that there is no net increase in loading from the MS4 to the impaired water of the pollutant(s) for which the waterbody is impaired. The permittee may demonstrate compliance with this provision by *either*:
 - i. Documenting that the pollutant(s) for which the waterbody is impaired is not present in the MS4's discharge and retaining documentation of this finding with the SWMP; or

² Applicable water quality criteria are part of the state standards that have been federally approved as of the effective date of this permit and are compiled by EPA at <http://www.epa.gov/waterscience/standards/wqslibrary/>

³ Contact MassDEP for guidance on compliance with 314 CMR 4.04

- ii. Documenting that the total load of the pollutant(s) of concern from the MS4 to any impaired portion of the receiving water will not increase as a result of the activity and retaining documentation of this finding in the SWMP. Unless otherwise determined by the Permittee, USEPA or by MassDEP that additional demonstration is necessary, compliance with the requirements of part 2.2.2 and part 2.3.6 of this Permit, including all reporting and documentation requirements, shall be considered as demonstrating no net increase as required by this part.
- c. The requirements of this part are independent of permit conditions requiring reduction in discharges of pollutants as set forth in parts 2.1.1 and 2.2 (water quality based requirements) and 2.3 (requirements to reduce discharge of pollutants to the maximum extent practicable). Permittees remain subject to requirements to reduce the discharge of pollutants from the MS4 as set forth in those parts.

2.2. Discharges to Certain Impaired Waters

The permittee shall identify in the SWMP and Annual Reports all MS4 discharges, including both outfalls and interconnections to other MS4s or other separate storm sewer systems, that:

- Are subject to Total Maximum Daily Load (TMDL) related requirements as identified in part 2.2.1.
- Are subject to additional requirements to protect water quality as identified in part 2.2.2.

The discharge location from an interconnection shall be determined based on the receiving water of the outfall from the interconnected system.

2.2.1. Discharges Subject to Requirements Related to an Approved TMDL

- a. “Approved TMDLs” are those that have been approved by EPA as of the date of issuance of this permit.
- b. The MS4s specified below discharge to waters within Massachusetts that are subject to TMDLs, or in some cases, to tributaries of such waters, and shall comply with the requirements of Appendix F, part A. Appendix F identifies, by section, the provisions the permittee shall implement to be consistent with the terms of the approved TMDL. Alternatively, EPA may notify the permittee that an individual permit application is necessary in accordance with part 1.8.a.
 - i. The following is a list of municipalities in the Charles River Watershed:

1.

Arlington	Mendon
Ashland	Milford
Bellingham	Millis
Belmont	Natick
Brookline	Needham
Cambridge	Newton
Dedham	Norfolk

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Dover	Sherborn
Foxborough	Walpole
Franklin	Waltham
Holliston	Watertown
Hopedale	Wayland
Hopkinton	Wellesley
Lexington	Weston
Lincoln	Westwood
Medfield	Wrentham
Medway	

Permittees that operate regulated MS4s located in municipalities listed above that discharge to the Charles River or its Tributaries shall meet the requirements of Appendix F, part A.I with respect to the reduction of phosphorus discharges from their MS4.

- ii. The following is a list of municipalities that contain a lake or pond subject to an approved lake or pond phosphorus TMDL in the Northern Blackstone Basin, Chicopee Basin, Connecticut Basin, French Basin, Millers Basin or in the watershed of Bare Hill Pond, Flint Pond, Indian Lake, Lake Boon, Lake Quinsigamond, Leesville Pond, Salisbury Pond, Quaboag Pond or Quacumquasit Pond.

1.

Auburn	Millbury
Charlton	Oxford
Dudley	Shrewsbury
Gardner	Spencer
Grafton	Springfield
Granby	Stow
Hadley	Templeton
Harvard	Westminster
Hudson	Winchendon
Leicester	Wilbraham
Ludlow	

Permittees that operate regulated MS4s in the above municipalities that discharge to waterbodies listed on Table F-6 in Appendix F or their tributaries, and any other MS4 that discharges to waterbodies listed on Table F-6 in Appendix F or their tributaries, shall meet the requirements of Appendix F, part A.II with respect to reduction of phosphorus discharges from their MS4.

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iii. The following is a list of municipalities that contain waters subject to an approved TMDL for bacteria or pathogens.

1.

Abington	Marshfield
Acushnet	Mashpee
Andover	Mattapoisett
Avon	Medfield
Barnstable	Medway
Bedford	Melrose
Bellingham	Mendon
Belmont	Milford
Berkley	Millis
Beverly	Milton
Billerica	Nahant
Bourne	Natick
Brewster	Needham
Bridgewater	New Bedford
Brockton	Newton
Brookline	Norfolk
Burlington	North Andover
Cambridge	Norton
Canton	Norwell
Chatham	Norwood
Cohasset	Orleans
Concord	Peabody
Danvers	Pembroke
Dartmouth	Plymouth
Dedham	Raynham
Dennis	Rehoboth
Dighton	Revere
Dover	Rockland
Duxbury	Rockport
East Bridgewater	Salem
Eastham	Sandwich
Essex	Saugus
Everett	Scituate
Fairhaven	Seekonk
Fall River	Sharon
Falmouth	Sherborn
Foxborough	Somerset
Franklin	Stoughton

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Freetown	Swampscott
Gloucester	Swansea
Hanover	Taunton
Hanson	Tewksbury
Harwich	Wakefield
Holliston	Walpole
Hopedale	Waltham
Hopkinton	Wareham
Ipswich	Watertown
Kingston	Wellesley
Lawrence	Wellfleet
Lexington	West Bridgewater
Lincoln	Weston
Lynn	Westport
Lynnfield	Westwood
Malden	Whitman
Manchester	Wilmington
Mansfield	Winthrop
Marblehead	Yarmouth
Marion	

The operators of MS4s located in municipalities listed above that discharge to a waterbody segment listed on Table F-8 in Appendix F and any other MS4 that discharges directly to a waterbody segment listed on Table F-8 in Appendix F shall meet the requirements of Appendix F, part A.III with respect to reduction of bacteria/pathogens discharges from their MS4.

- iv. The following is a list of municipalities located on Cape Cod that contain waters subject to an approved TMDL for nitrogen (Total Nitrogen).

1.

Bourne
Barnstable
Chatham
Falmouth
Harwich
Mashpee
Orleans
Yarmouth

Permittees that operate regulated MS4s located in the municipalities above that discharge to waterbodies found on Table F-9 in Appendix F or their tributaries and any other MS4 that discharges to waterbodies found on Table F-9 in Appendix F or their

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tributaries shall meet the requirements of Appendix F, part A.IV with respect to reduction of nitrogen discharges from their MS4.

v. The following is a list of municipalities located in the Assabet River Watershed:

1.

Acton	Hudson
Berlin	Littleton
Bolton	Marlborough
Boxborough	Maynard
Boylston	Northborough
Carlisle	Shrewsbury
Clinton	Stow
Concord	Westborough
Grafton	Westford
Harvard	

Permittees that operate regulated MS4s located in the municipalities above that discharge to the Assabet River or its tributaries shall meet the requirements of Appendix F part A.V with respect to reduction of phosphorus discharges from their MS4.

c. The MS4s specified below discharge to waters, or tributaries of waters, that have been identified in an adjacent state’s approved TMDL as being impaired due, in part, to MS4 stormwater discharges in Massachusetts, and shall comply with the requirements of Appendix F, part B. Appendix F identifies, by section, the provisions the permittee shall implement to be consistent with the reasonable assumptions related to Massachusetts MS4 discharges. Alternatively, EPA may notify the permittee that an individual permit application is necessary in accordance with part 1.8.a.

i. The following is a list of municipalities in Massachusetts located in the watershed of Long Island Sound, which has an approved TMDL for nitrogen (Total Nitrogen).

1.

Adams	North Adams
Agawam	Northampton
Amherst	Oxford
Ashburnham	Palmer
Ashby	Paxton
Auburn	Pelham
Belchertown	Pittsfield
Charlton	Richmond
Cheshire	Russell
Chicopee	Rutland
Dalton	South Hadley
Douglas	Southampton

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Dudley	Southbridge
East Longmeadow	Southwick
Easthampton	Spencer
Gardner	Springfield
Granby	Sturbridge
Hadley	Sutton
Hampden	Templeton
Hatfield	Ware
Hinsdale	Webster
Holyoke	West Springfield
Lanesborough	Westfield
Leicester	Westhampton
Lenox	Westminster
Longmeadow	Wilbraham
Ludlow	Williamsburg
Millbury	Winchendon
Monson	

Permittees that operate regulated MS4s located in the municipalities above that discharge to a water within the Connecticut River Watershed, the Housatonic River Watershed, or the Thames River Watershed shall meet the requirements of Appendix F part B. I with respect to nitrogen discharges from their MS4.

- ii. The following is a list of municipalities in Massachusetts identified in a TMDL as containing MS4s contributing phosphorus to waterbody segments that have out of state approved TMDLs for phosphorus:

- 1.

Attleboro
North Attleborough
Plainville
Rehoboth
Seekonk
Swansea

Permittees that operate regulated MS4s located in the municipalities above that discharge to a waterbody found on Table F-12 in Appendix F or its tributaries shall meet the requirements of Appendix F part B. II with respect to phosphorus discharges from their MS4.

- iii. The following is a list of municipalities in Massachusetts identified in a TMDL as containing MS4s contributing bacteria/pathogens to waterbody segments that have out of state approved TMDLs for bacteria/pathogens:

- 1.

Attleboro

North Attleborough
Plainville
Rehoboth
Seekonk

Permittees that operate regulated MS4s located in the municipalities above that discharge to a waterbody found on Table F-13 in Appendix F or its tributaries shall meet the requirements of Appendix F part B. III with respect to bacteria/pathogens discharges from their MS4.

- iv. The following is a list of municipalities in Massachusetts identified in a TMDL as containing MS4s contributing metals (cadmium, lead, aluminum iron) to waterbody segments that have out of state approved TMDLs for metals (cadmium, lead, aluminum, iron):

1.

Attleboro
North Attleborough
Plainville
Seekonk

Permittees that operate regulated MS4s located in the municipalities above that discharge to a waterbody found on Table F-14 in Appendix F or its tributaries shall meet the requirements of Appendix F part B. IV with respect to metals discharges from their MS4.

2.2.2. Discharges to Certain Water Quality Limited Waters Subject to Additional Requirements

For purposes of this permit, a ‘water quality limited water body’ is any water body that does not meet applicable water quality standards, including but not limited to waters listed in categories 5 or 4b on the Massachusetts Integrated Report of waters listed pursuant to Clean Water Act section 303(d) and 305(b).

If there is a discharge from the MS4 to a water quality limited waterbody where pollutants typically found in stormwater (specifically nutrients (Total Nitrogen or Total Phosphorus), solids (TSS or Turbidity), bacteria/pathogens (E. Coli, Enterococcus or Fecal Coliform), chloride (Chloride), metals (Cadmium, Copper, Iron, Lead or Zinc) and oil and grease (Petroleum Hydrocarbons or Oil and Grease)) are the cause of the impairment and there is not an approved TMDL, or the MS4 is located in a town listed in part 2.2.2.a.-b, the permittee shall comply with the provisions in Appendix H applicable to it.

In the absence of a defined pollutant reduction target and where no approved TMDL has been established, this permit part and Appendix H define an iterative approach addressing pollutant reductions to waterbodies where the permittee’s discharge is causing or contributing to an excursion above water quality standards due to nutrients (Total Nitrogen Total Phosphorus), solids (TSS or Turbidity), bacteria/pathogens (E. Coli, Enterococcus or Fecal Coliform), chloride (Chloride), metals (Cadmium, Copper, Iron, Lead or Zinc) or oil and grease (Petroleum Hydrocarbons or Oil and Grease).

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a. Discharges to water quality limited waterbodies where nitrogen (Total Nitrogen) is the cause of the impairment, or their tributaries

i. The requirements of this part are applicable to:

1. Permittees (including traditional and non-traditional MS4s) that own or operate an MS4 in the following municipalities. Discharges from MS4s within these municipalities are to waterbodies that are impaired due to nitrogen (Total Nitrogen), or their tributaries.

Abington	Mattapoisett
Acushnet	Middleborough
Attleboro	New Bedford
Avon	Norton
Barnstable	Peabody
Berkley	Pembroke
Bourne	Plainville
Bridgewater	Plymouth
Brockton	Plympton
Carver	Raynham
Dartmouth	Rehoboth
Dighton	Rochester
East Bridgewater	Salem
Easton	Seekonk
Fairhaven	Sharon
Fall River	Somerset
Foxborough	Stoughton
Freetown	Swansea
Halifax	Taunton
Hanson	Wakefield
Holbrook	Wareham
Kingston	West Bridgewater
Lakeville	Westport
Lynnfield	Whitman
Mansfield	Wrentham
Marion	Yarmouth

2. Any other permittee that, during the permit term, becomes aware that its discharge is to a waterbody that is water quality limited due to nitrogen (Total Nitrogen), or a tributary of such water.

ii. Permittees subject to part 2.2.2.a.i above shall meet the requirements of Appendix H part I with respect to the control of nitrogen discharges from their MS4;

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- iii. During development of their Notice of Intent, the permittee may determine that all discharges from the regulated area through their MS4 are outside of a watershed that contains a nitrogen (Total Nitrogen) impairment in a downstream segment. The permittee shall retain all documentation used in this determination as part of their NOI and are relieved from the requirements of part 2.2.2.a.i and Appendix H part I.
- b. Discharges to water quality limited waterbodies where phosphorus (“Total Phosphorus”) is the cause of the impairment, or their tributaries
- i. The requirements of this part are applicable to:
 - 1. Permittees (including traditional and non-traditional MS4s) that own or operate an MS4 in the following municipalities. Discharges from MS4s within these municipalities are to waterbodies that are impaired due to phosphorus (Total Phosphorus), or their tributaries.

Abington	Lynn
Acushnet	Lynnfield
Andover	Malden
Arlington	Mansfield
Ashburnham	Marlborough
Ashland	Mashpee
Auburn	Medfield
Avon	Medford
Ayer	Melrose
Barnstable	Mendon
Bedford	Methuen
Belchertown	Millbury
Belmont	Millville
Billerica	Milton
Blackstone	North Andover
Bolton	Northbridge
Brewster	Norton
Bridgewater	Norwood
Brockton	Oxford
Burlington	Peabody
Cambridge	Pembroke
Canton	Pepperell
Carlisle	Pittsfield
Carver	Quincy
Chelmsford	Randolph
Chelsea	Reading

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Clinton	Revere
Concord	Rockland
Dalton	Salem
Dedham	Scituate
Douglas	Seekonk
Dover	Sharon
Dracut	Shirley
Dunstable	Shrewsbury
East Bridgewater	Somerville
Eastham	Southampton
Easthampton	Spencer
Everett	Springfield
Falmouth	Stoneham
Fitchburg	Stoughton
Foxborough	Sudbury
Framingham	Sutton
Gloucester	Taunton
Grafton	Tewksbury
Granby	Townsend
Groton	Tyngsborough
Halifax	Upton
Hanover	Uxbridge
Hanson	Wakefield
Harvard	Walpole
Haverhill	Wareham
Hinsdale	Watertown
Hopkinton	Wayland
Hudson	West Bridgewater
Lancaster	Westfield
Lawrence	Westminster
Leicester	Westwood
Lenox	Whitman
Leominster	Wilmington
Lexington	Winchendon
Littleton	Winchester
Lowell	Winthrop
Lunenburg	Woburn
Lynn	

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2. Any other permittee that, during the permit term, becomes aware that its discharge is to a waterbody that is water quality limited due to phosphorus (“Total Phosphorus”), or to a tributary of such water.
- ii. The permittees subject to part 2.2.2.b.i. above shall meet all requirements of Appendix H part II with respect to the control of phosphorus discharges from the MS4.
 - iii. During development of their Notice of Intent, the permittee may determine that all discharges from the regulated area through their MS4 are outside of a watershed that contains a phosphorus (“Total Phosphorus”) impairment in a downstream segment. The permittee shall retain all documentation used in this determination as part of their NOI and are relieved from the requirements of part 2.2.2.b.i and Appendix H part II.
- c. Discharges to water quality limited waterbodies where bacteria or pathogens is the cause of the impairment
- i. The requirements of this part are applicable to:
 1. Any MS4 discharge identified by the permittee on their Notice of Intent as discharging directly to an impaired waterbody on the most recent EPA approved Massachusetts 303(d) list where bacteria or pathogens (E. Coli, Enterococcus or Fecal Coliform) is the cause of the impairment.
 2. Any other MS4 that, during the permit term, becomes aware that its discharge is to a waterbody that is water quality limited due to bacteria or pathogens.
 - ii. The permittees subject to part 2.2.2.c.i. shall meet all requirements of Appendix H part III with respect to reduction of bacteria or pathogens discharges from the MS4.
- d. Discharges to water quality limited waterbodies where chloride (Chloride) is the cause of the impairment
- i. The requirements of this part are applicable to:
 1. Any MS4 discharge identified by the permittee on their Notice of Intent as discharging directly to an impaired waterbody on the most recent EPA approved Massachusetts 303(d) list where chloride (Chloride) is the cause of the impairment.
 2. Any other MS4 that, during the permit term, becomes aware that its discharge is to a waterbody that is water quality limited due to chloride (Chloride).
 - ii. The permittees subject to part 2.2.2.d.i. shall meet all requirements of Appendix H part IV with respect to reduction of chloride discharges from the MS4.
- e. Discharges to water quality limited waterbodies where oil and grease (Petroleum Hydrocarbons or Oil and Grease), solids (TSS or Turbidity) or metals (Cadmium, Copper, Iron, Lead or Zinc) is the cause of the impairment
- i. The requirements of this part are applicable to:
 1. Any MS4 discharge identified by the permittee on their Notice of Intent as discharging directly to an impaired waterbody on the most recent EPA

approved Massachusetts 303(d) list where oil and grease, solids or metals (Oil and Grease, Petroleum Hydrocarbons TSS, Turbidity, Cadmium, Copper, Iron, Lead or Zinc) is the cause of the impairment.

2. Any other MS4 that, during the permit term, becomes aware that its discharge is to a waterbody that is water quality limited due to oil and grease (Petroleum Hydrocarbons or Oil and Grease), solids (TSS or Turbidity) or metals (Cadmium, Copper, Iron, Lead or Zinc).

ii. The permittees subject to part 2.2.2.d.i. shall meet all requirements of Appendix H part V with respect to reduction of solids, oil and grease or metals discharges from the MS4.

2.3. Requirements to Reduce Pollutants to the Maximum Extent Practicable (MEP)

The permittee shall reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP) as detailed in parts 2.3.2 through 2.3.7.

2.3.1. Control Measures

- a. Permittees authorized under the MS4-2003 permit shall continue to implement their existing SWMPs while updating their SWMPs pursuant to this permit. This permit does not extend the compliance deadlines set forth in the MS4-2003 permit.
- b. Implementation of one or more of the minimum control measures described in parts 2.3.2- 2.3.7 or other permit requirements may be shared with another entity (including another interconnected MS4) or the other entity may fully implement the measure or requirement, if the following requirements are satisfied:
 - The other entity, in fact, implements the control measure.
 - The particular control measure or component thereof undertaken by the other entity is at least as stringent as the corresponding permit requirement.
 - The other entity agrees to implement the control measure on the permittee's behalf. The annual reports must specify that the permittee is relying on another entity to satisfy some of its permit obligations and specify what those obligations are.
 - If the permittee is relying on another governmental entity regulated under 40 CFR §122 to satisfy all of its permit obligations, including the obligation to file annual reports, the permittee shall note that fact in its NOI, but is not required to file annual reports.
 - The permittee remains responsible for compliance with all permit obligations if the other entity fails to implement the control measures (or component thereof). The permittee may enter into a legally binding agreement with the other entity regarding the other entity's performance of control measures, but the permittee remains ultimately responsible for permit compliance.

2.3.2. Public Education and Outreach

Objective: The permittee shall implement an education program that includes educational goals based on stormwater issues of significance within the MS4 area. The ultimate objective of a public education program is to increase knowledge and change behavior of the public so that pollutants in stormwater are reduced.

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- a. The permittee shall continue to implement the public education program required by the MS4-2003 permit by distributing educational material to the MS4 community. The educational program shall define educational goals, express specific messages, define the targeted audience for each message, and identify responsible parties for program implementation. If appropriate for the target audience, materials may be developed in a language other than English. At a minimum, the program shall provide information concerning the impact of stormwater discharges on water bodies within the community, especially those waters that are impaired or identified as priority waters. The program shall identify steps and/or activities that the public can take to reduce the pollutants in stormwater runoff and their impacts to the environment.
- b. The educational program shall include education and outreach efforts for the following four audiences: (1) residents, (2) businesses, institutions (churches, hospitals), and commercial facilities, (3) developers (construction), and (4) industrial facilities, unless one of these audiences is not present in the MS4 community. In such a situation, the MS4 must document in both the NOI and SWMP which audience is absent from the community and no educational messages are required to that audience.
- c. The permittee shall distribute a minimum of two (2) educational messages over the permit term to each audience identified in part 2.3.2.b. The distribution of materials to each audience shall be spaced at least a year apart. Educational messages may be printed materials such as brochures or newsletters; electronic materials such as websites; mass media such as newspaper articles or public service announcement (radio or cable); targeted workshops on stormwater management, or displays in a public area such as town/city hall. The permittee may use existing materials if they are appropriate for the message the permittee chooses to deliver or the permittee may develop its own educational materials. The permittee may partner with other MS4s, community groups or watershed associations to implement the education program to meet this permit requirement.

Some EPA educational materials are available at: <http://cfpub.epa.gov/npstbx/index.html>.

- d. The permittee shall, at a minimum, consider the topics listed in part 2.3.2.d.i. – iv when developing the outreach/education program. The topics are not exclusive and the permittee shall focus on those topics most relevant to the community.
 - i. Residential program: effects of outdoor activities such as lawn care (use of pesticides, herbicides, and fertilizers and information on Massachusetts Regulation 331 CMR 31 pertaining to proper use of phosphorus containing fertilizers on turf grasses) on water quality; benefits of appropriate on-site infiltration of stormwater; effects of automotive work and car washing on water quality; proper disposal of swimming pool water; proper management of pet waste; maintenance of septic systems. If the small MS4 area has areas serviced by septic systems, the permittee shall consider information pertaining to maintenance of septic systems as part of its education program.
 - ii. Business/Commercial/Institution program: proper lawn maintenance (use of pesticides, herbicides and fertilizer, and information on Massachusetts Regulation 331 CMR 31 pertaining to proper use of phosphorus containing fertilizers on turf grasses); benefits of appropriate on-site infiltration of stormwater; building maintenance (use of detergents); use of salt or other de-icing and anti-icing materials (minimize their use); proper storage of salt or other de-icing/anti-icing materials (cover/prevent runoff to storm system and contamination to ground water); proper storage of materials (emphasize pollution prevention); proper management of waste materials and dumpsters (cover and pollution

prevention); proper management of parking lot surfaces (sweeping); proper car care activities (washing of vehicles and maintenance); and proper disposal of swimming pool water by entities such as motels, hotels, and health and country clubs (discharges must be dechlorinated and otherwise free from pollutants).

- iii. Developers and Construction: proper sediment and erosion control management practices; information about Low Impact Development (LID) principles and technologies; and information about EPA's construction general permit (CGP). This education can also be a part of the Construction Site Stormwater Runoff Control measure detailed in part 2.3.5.
 - iv. Industrial program: equipment inspection and maintenance; proper storage of industrial materials (emphasize pollution prevention); proper management and disposal of wastes; proper management of dumpsters; minimization of use of salt or other de-icing/anti-icing materials; proper storage of salt or other de-icing/anti-icing materials (cover/prevent runoff to storm system and ground water contamination); benefits of appropriate on-site infiltration of stormwater runoff from areas with low exposure to industrial materials such as roofs or employee parking; proper maintenance of parking lot surfaces (sweeping); and requirements for coverage under EPA's Multi-Sector General Permit.
- e. The program shall show evidence of focused messages for specific audiences as well as evidence that progress toward the defined educational goals of the program has been achieved. The permittee shall identify methods that it will use to evaluate the effectiveness of the educational messages and the overall education program. Any methods used to evaluate the effectiveness of the program shall be tied to the defined goals of the program and the overall objective of changes in behavior and knowledge.
 - f. The permittee shall modify any ineffective messages or distribution techniques for an audience prior to the next scheduled message delivery.
 - g. 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.

2.3.3. Public Involvement and Participation

Objective: The permittee shall provide opportunities to engage the public to participate in the review and implementation of the permittee's SWMP.

- a. All public involvement activities shall comply with state public notice requirements (MGL Chapter 30A, Sections 18 – 25 – effective 7/10/2010). The SWMP and all annual reports shall be available to the public.
- b. The permittee shall annually provide the public an opportunity to participate in the review and implementation of the SWMP.
- c. The permittee shall report on the activities undertaken to provide public participation opportunities including compliance with part 2.3.3.a. Public participation opportunities pursuant

to part 2.3.3.b may include, but are not limited to, websites; hotlines; clean-up teams; monitoring teams; or an advisory committee.

2.3.4. Illicit Discharge Detection and Elimination (IDDE) Program

Objective: The permittee shall implement an IDDE program to systematically find and eliminate sources of non-stormwater discharges to its municipal separate storm sewer system and implement procedures to prevent such discharges.

- a. Legal Authority - The IDDE program shall include adequate legal authority to: prohibit illicit discharges; investigate suspected illicit discharges; eliminate illicit discharges, including discharges from properties not owned by or controlled by the MS4 that discharge into the MS4 system; and implement appropriate enforcement procedures and actions. Adequate legal authority consists of a currently effective ordinance, by-law, or other regulatory mechanism. For permittees authorized by the MS4-2003 permit, the ordinance, by-law, or other regulatory mechanism was a requirement of the MS4-2003 permit and was required to be effective by May 1, 2008. For new permittees the ordinance, by-law, or other regulatory mechanism shall be in place within 3 years of the permit effective date.
- b. During the development of the new components of the IDDE program required by this permit, permittees authorized by the MS4-2003 permit must continue to implement their existing IDDE program required by the MS4-2003 permit to detect and eliminate illicit discharges to their MS4.

2.3.4.1. Definitions and Prohibitions

The permittee shall prohibit illicit discharges and sanitary sewer overflows (SSOs) to its MS4 and require removal of such discharges consistent with parts 2.3.4.2 and 2.3.4.4 of this permit.

An SSO is a discharge of untreated sanitary wastewater from a municipal sanitary sewer.

An illicit discharge is any discharge to a municipal separate storm sewer that is not composed entirely of stormwater, except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

2.3.4.2. Elimination of Illicit Discharges

- a. Upon detection of an illicit discharge, the permittee shall locate, identify and eliminate the illicit discharge as expeditiously as possible. Upon identification of the illicit source the MS4 notify all responsible parties for any such discharge and require immediate cessation of improper disposal practices in accordance with its legal authorities. Where elimination of an illicit discharge within 60 days of its identification as an illicit discharge is not possible, the permittee shall establish an expeditious schedule for its elimination and report the dates of identification and schedules for removal in the permittee's annual reports. The permittee shall immediately commence actions necessary for elimination. The permittee shall diligently pursue elimination of all illicit discharges. In the interim, the permittee shall take all reasonable and prudent measures to minimize the discharge of pollutants to and from its MS4.
- b. The period between identification and elimination of an illicit discharge is not a grace period. Discharges from an MS4 that are mixed with an illicit discharge are not authorized by this Permit (part 1.3.a) and remain unlawful until eliminated.

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2.3.4.3. Non-Stormwater Discharges

The permittee may presume that the sources of non-stormwater listed in part 1.4 of this permit need not be addressed. However, if the permittee identifies any of these sources as significant contributors of pollutants to the MS4, then the permittee shall implement measures to control these sources so they are no longer significant contributors of pollutants, and/or eliminate them entirely, consistent with part 2.3.4.

2.3.4.4. Sanitary Sewer Overflows

- a. Upon detection of an SSO the permittee shall eliminate it as expeditiously as possible and take interim mitigation measures to minimize the discharge of pollutants to and from its MS4 until elimination is completed.
- b. The permittee shall identify all known locations where SSOs have discharged to the MS4 within the previous five (5) years. This shall include SSOs resulting, during dry or wet weather, from inadequate conveyance capacities, or where interconnectivity of the storm and sanitary sewer infrastructure allows for communication of flow between the systems. Within one (1) year of the effective date of the permit, the permittee shall develop an inventory of all identified SSOs indicating the following information, if available:
 1. Location (approximate street crossing/address and receiving water, if any);
 2. A clear statement of whether the discharge entered a surface water directly or entered the MS4;
 3. Date(s) and time(s) of each known SSO occurrence (i.e., beginning and end of any known discharge);
 4. Estimated volume(s) of the occurrence;
 5. Description of the occurrence indicating known or suspected cause(s);
 6. Mitigation and corrective measures completed with dates implemented; and
 7. Mitigation and corrective measures planned with implementation schedules.

The permittee shall maintain the inventory as a part of the SWMP and update the inventory annually, all updates shall include the information in part 2.3.4.4.b.1-7.

- c. In accordance with Paragraph B.12 of Appendix B of this permit, upon becoming aware of an SSO to the MS4, the permittee shall provide oral notice to EPA within 24 hours. Additionally, the permittee shall provide written notice to EPA and MassDEP within five (5) days of becoming aware of the SSO occurrence and shall include the information in the updated inventory. The notice shall contain all of the information listed in part 2.3.4.4.b. Where common notification requirements for SSOs are included in multiple NPDES permits issued to a permittee, a single notification may be made to EPA as directed in the permittee's wastewater or CSO NPDES permit and constitutes compliance with this part.
- d. The permittee shall include and update the SSO inventory in its annual report, including the status of mitigation and corrective measures implemented by the permittee to address each SSO identified pursuant to this part.
- e. The period between detection and elimination of a discharge from the SSO to the MS4 is not a grace period. Discharges from an MS4 that are mixed with an SSO are not authorized by this Permit (part 1.3.a) and remain unlawful until eliminated.

2.3.4.5. System mapping

The permittee shall develop a revised and more detailed map than was required by the MS4-2003 permit. This revised map of the MS4 shall be completed in two phases as outlined below. The mapping shall include a depiction of the permittee's separate storm sewer system in the permit area. The mapping is intended to facilitate the identification of key infrastructure and factors influencing proper system operation, and the potential for illicit sanitary sewer discharges.

- a. Phase I: The system map shall be updated within two (2) years of the permit effective date to include the following information:
 - Outfalls and receiving waters (required by MS4-2003 permit)
 - Open channel conveyances (swales, ditches, etc.)
 - Interconnections with other MS4s and other storm sewer systems
 - Municipally-owned stormwater treatment structures (e.g., detention and retention basins, infiltration systems, bioretention areas, water quality swales, gross particle separators, oil/water separators, or other proprietary systems)
 - Waterbodies identified by name and indication of all use impairments as identified on the most recent EPA approved Massachusetts Integrated List of waters report pursuant to Clean Water Act section 303(d) and 305(b)
 - Initial catchment delineations. Any available system data and topographic information may be used to produce initial catchment delineations. For the purpose of this permit, a catchment is the area that drains to an individual outfall or interconnection.

- b. Phase II: The system map shall be updated annually as the following information becomes available during implementation of catchment investigation procedures in part 2.3.4.8. This information must be included in the map for all outfalls within ten (10) years of the permit effective date:
 - Outfall spatial location (latitude and longitude with a minimum accuracy of +/-30 feet)
 - Pipes
 - Manholes
 - Catch basins
 - Refined catchment delineations. Catchment delineations shall be updated to reflect information collected during catchment investigations
 - Municipal sanitary sewer system (if available)
 - Municipal combined sewer system (if applicable).

- c. Recommended elements to be included in the system map as information becomes available:
 - Storm sewer material, size (pipe diameter) and age
 - Sanitary sewer system material, size (pipe diameter) and age
 - Privately-owned stormwater treatment structures
 - Where a municipal sanitary sewer system exists, properties known or suspected to be served by a septic system, especially in high-density urban areas
 - Area where the permittee's MS4 has received or could receive flow from septic system discharges (e.g., areas with poor soils, or high ground water elevations unsuitable for conventional subsurface disposal systems)
 - Seasonal high water table elevations impacting sanitary alignments
 - Topography
 - Orthophotography

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- Alignments, dates and representation of work completed (with legend) of past illicit discharge investigations (e.g., flow isolation, dye testing, CCTV)
 - Locations of suspected, confirmed and corrected illicit discharges (with dates and flow estimates).
- d. The mapping may be produced by hand or through computer-aided methods (e.g. GIS). The required scale and detail of the map shall be appropriate to facilitate a rapid understanding of the system by the permittee, EPA and the state. In addition, the mapping shall serve as a planning tool for the implementation and phasing of the IDDE program and demonstration of the extent of complete and planned investigations and corrections. The permittee shall update the mapping as necessary to reflect newly discovered information and required corrections or modifications.
- e. The permittee shall report on the progress towards the completion of the system map in each annual report.

2.3.4.6. Written Illicit Discharge Detection and Elimination Program

The IDDE program shall be recorded in a written (hardcopy or electronic) document. The IDDE program shall include each of the elements described in parts 2.3.4.7 and part 2.3.4.8, unless the permittee provides a written explanation within the IDDE program as to why a particular element is not applicable to the permittee.

Notwithstanding the permittee's explanation, EPA may at any time determine that a particular element is in fact applicable to the permittee and require the permittee to add it to the IDDE program. The written (hardcopy or electronic) IDDE program shall be completed within one (1) year of the effective date of the permit and updated in accordance with the milestones of this part. The permittee shall implement the IDDE program in accordance with the goals and milestones contained in this part.

- a. The written (hardcopy or electronic) IDDE program shall include a reference or citation of the authority the permittee will use to implement all aspects of the IDDE program.
- b. Statement of IDDE Program Responsibilities - The permittee shall establish a written (hardcopy or electronic) statement that clearly identifies responsibilities with regard to eliminating illicit discharges. The statement shall identify the lead municipal agency(ies) or department(s) responsible for implementing the IDDE Program as well as any other agencies or departments that may have responsibilities for aspects of the program (e.g., board of health responsibilities for overseeing septic system construction; sanitary sewer system staff; inspectional services for enforcing plumbing codes; town counsel responsibilities in enforcement actions, etc.). Where multiple departments and agencies have responsibilities with respect to the IDDE program specific areas of responsibility shall be defined and processes for coordination and data sharing shall be established and documented.
- c. Program Procedures – The permittee shall include in the written IDDE program all written procedures developed in accordance with the requirements and timelines in parts 2.3.4.7 and 2.3.4.8 below. At a minimum this shall include the written procedures for dry weather outfall screening and sampling and for catchment investigations.

2.3.4.7. Assessment and Priority Ranking of Outfalls/Interconnections

The permittee shall assess and priority rank the outfalls in terms of their potential to have illicit discharges and SSOs and the related public health significance. This ranking will determine the priority order for

screening of outfalls and interconnections pursuant to part 2.3.4.7.b, catchment investigations for evidence of illicit discharges and SSOs pursuant to part 2.3.4.8, and provides the basis for determining permit milestones of this part.

a. Outfall/Interconnection Inventory and Initial Ranking:

An initial outfall and interconnection inventory and priority ranking to assess illicit discharge potential based on existing information shall be completed within one (1) year from the effective date of the permit; an updated inventory and ranking will be provided in each annual report thereafter. The inventory shall be updated annually to include data collected in connection with the dry weather screening and other relevant inspections conducted by the permittee.

- i. The outfall and interconnection inventory will identify each outfall and interconnection discharging from the MS4, record its location and condition, and provide a framework for tracking inspections, screenings and other activities under the permittee's IDDE program.
 - An outfall means a point source as defined by 40 CFR § 122.2 as the point where the municipal separate storm sewer discharges to waters of the United States. An outfall does not include open conveyances connecting two municipal separate storm sewers or pipes, tunnels or other conveyances that connect segments of the same stream or other waters of the United States and that are used to convey waters of the United States. (40 CFR § 122.26(b)(9)). However, it is strongly recommended that a permittee inspect all accessible portions of the system as part of this process. Culverts longer than a simple road crossing shall be included in the inventory unless the permittee can confirm that they are free of any connections and simply convey waters of the United States.
 - An interconnection means the point (excluding sheet flow over impervious surfaces) where the permittee's MS4 discharges to another MS4 or other storm sewer system, through which the discharge is conveyed to waters of the United States or to another storm sewer system and eventually to a water of the United States.
- ii. The permittee shall classify each of the permittee's outfalls and interconnections into one of the following categories:
 - Problem Outfalls: Outfalls/interconnections with known or suspected contributions of illicit discharges based on existing information shall be designated as Problem Outfalls. This shall include any outfalls/interconnections where previous screening indicates likely sewer input.⁴ Problem Outfalls need not be screened pursuant to part 2.3.4.7.b.
 - High Priority Outfalls: Outfalls/interconnections that have not been classified as Problem Outfalls and that are:
 - discharging to an area of concern to public health due to proximity of public beaches, recreational areas, drinking water supplies or shellfish beds;
 - determined by the permittee as high priority based on the characteristics listed below or other available information;
 - Low Priority Outfalls: Outfalls/interconnections determined by the permittee as low priority based on the characteristics listed below or other available information.
 - Excluded outfalls: Outfalls/interconnections with no potential for illicit discharges may be

⁴ Likely sewer input indicators are any of the following:

- Olfactory or visual evidence of sewage,
- Ammonia ≥ 0.5 mg/L, surfactants ≥ 0.25 mg/L, and bacteria levels greater than the water quality criteria applicable to the receiving water, or
- Ammonia ≥ 0.5 mg/L, surfactants ≥ 0.25 mg/L, and detectable levels of chlorine.

excluded from the IDDE program. This category is limited to roadway drainage in undeveloped areas with no dwellings and no sanitary sewers; drainage for athletic fields, parks or undeveloped green space and associated parking without services; cross-country drainage alignments (that neither cross nor are in proximity to sanitary sewer alignments) through undeveloped land.

- iii. The permittee shall priority rank outfalls into the categories above (except for excluded outfalls), based on the following characteristics of the defined initial catchment area where information is available:
- Past discharge complaints and reports.
 - Poor receiving water quality- the following guidelines are recommended to identify waters as having a high illicit discharge potential: exceeding water quality standards for bacteria; ammonia levels above 0.5 mg/l; surfactants levels greater than or equal to 0.25 mg/l.
 - Density of generating sites- Generating sites are those places, including institutional, municipal, commercial, or industrial sites, with a potential to generate pollutants that could contribute to illicit discharges. Examples of these sites include, but are not limited to, car dealers; car washes; gas stations; garden centers; and industrial manufacturing areas.
 - Age of development and infrastructure – Industrial areas greater than 40 years old and areas where the sanitary sewer system is more than 40 years old will probably have a high illicit discharge potential. Developments 20 years or younger will probably have a low illicit discharge potential.
 - Sewer conversion – contributing catchment areas that were once serviced by septic systems, but have been converted to sewer connections may have a high illicit discharge potential.
 - Historic combined sewer systems – contributing areas that were once serviced by a combined sewer system, but have been separated may have a high illicit discharge potential.
 - Surrounding density of aging septic systems – Septic systems thirty years or older in residential land use areas are prone to have failures and may have a high illicit discharge potential.
 - Culverted streams – any river or stream that is culverted for distances greater than a simple roadway crossing may have a high illicit discharge potential.
 - Water quality limited waterbodies that receive a discharge from the MS4 or waters with approved TMDLs applicable to the permittee, where illicit discharges have the potential to contain the pollutant identified as the cause of the water quality impairment.
 - The permittee may also consider additional relevant characteristics, including location-specific characteristics; if so, the permittee shall include the additional characteristics in its written (hardcopy or electronic) IDDE program.
- b. Dry Weather Outfall and Interconnection Screening and Sampling
All outfalls/interconnections (excluding Problem and excluded Outfalls) shall be inspected for the presence of dry weather flow within three (3) years of the permit effective date. The permittee shall screen all High and Low Priority Outfalls in accordance with their initial ranking developed at part 2.3.4.7.a.
- i. Written procedure: The permittee shall develop an outfall and interconnection screening and sampling procedure to be included in the IDDE program within one (1) year of the permit effective date. This procedure shall include the following procedures for:
- sample collection,
 - use of field kits,

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- storage and conveyance of samples (including relevant hold times), and
- field data collection and storage.

An example screening and sampling protocol (*EPA New England Bacterial Source Tracking Protocol*) can be found on EPA's website.

- ii. Weather conditions: Dry weather screening and sampling shall proceed only when no more than 0.1 inches of rainfall has occurred in the previous 24-hour period and no significant snow melt is occurring.
- iii. Screening requirements: For each outfall/interconnection:
 1. The permittee shall record all of the following information and include it in the outfall/interconnection inventory and priority ranking:
 - unique identifier,
 - receiving water,
 - date of most recent inspection,
 - dimensions,
 - shape,
 - material (concrete, PVC),
 - spatial location (latitude and longitude with a minimum accuracy of +/-30 feet,
 - physical condition,
 - indicators of potential non-stormwater discharges (including presence or evidence of suspect flow and sensory observations such as odor, color, turbidity, floatables, or oil sheen).
 2. If an outfall/interconnection is inaccessible or submerged, the permittee shall proceed to the first accessible upstream manhole or structure for the observation and sampling and report the location with the screening results.
 3. If no flow is observed, but evidence of illicit flow exists, the permittee shall revisit the outfall during dry weather within one week of the initial observation, if practicable, to perform a second dry weather screening and sample any observed flow (proceed as in iv. below).
 4. Where dry weather flow is found at an outfall/interconnection, at least one (1) sample shall be collected, and:
 - a) Samples shall be analyzed at a minimum for:
 - ammonia,
 - chlorine,
 - conductivity,
 - salinity,
 - *E. coli* (freshwater receiving water) or enterococcus (saline or brackish receiving water),
 - surfactants (such as MBAS),
 - temperature, and

- pollutants of concern⁵
 - b) All analyses with the exception of indicator bacteria and pollutants of concern can be performed with field test kits or field instrumentation and are not subject to 40 CFR part 136 requirements. Sampling for bacteria and pollutants of concern shall be conducted using the analytical methods found in 40 CFR §136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136. Sampling for ammonia and surfactants must use sufficiently sensitive methods to detect those parameters at or below the threshold indicator concentrations of 0.5 mg/L for ammonia and 0.25 mg/L for surfactants. Sampling for residual chlorine must use a method with a detection limit of 0.02 mg/L or 20 ug/L.
 - iv. The permittee may rely on screening conducted under the MS4-2003 permit, pursuant to an EPA enforcement action, or by the state or EPA to the extent that it meets the requirements of part 2.3.4.7.b.iii.4. All data shall be reported in each annual report. Permittees that have conducted substantially equivalent monitoring to that required by part 2.3.4.7.b as part of an EPA enforcement action can request an exemption from the requirements of part 2.3.4.7.b by submitting a written request to EPA and retaining exemption approval from EPA as part of the SWMP. Until the permittee receives formal written approval of the exemption from part 2.3.4.7.b from EPA the permittee remains subject to all requirements of part 2.3.4.7.b.
 - v. The permittee shall submit all screening data used in compliance with this part in its Annual Report.
- c. Follow-up ranking of outfalls and interconnections:
 - i. The permittee's outfall and interconnection ranking (2.3.4.7.a) shall be updated to reprioritize outfalls and interconnections based on information gathered during dry weather screening (part 2.3.4.7.b).
 - ii. Outfalls/interconnections where relevant information was found indicating sewer input to the MS4 or sampling results indicating sewer input⁶ shall be considered highly likely to contain illicit discharges from sanitary sources, and such outfalls/interconnections shall be ranked at the top of the High Priority Outfalls category for investigation. At this time, permittees may choose to rank other outfalls and interconnections based on any new information from the dry weather screening.
 - iii. The ranking can be updated continuously as dry weather screening information becomes available, but shall be completed within three (3) years of the effective date of the permit.

2.3.4.8. Catchment Investigations

The permittee shall develop a systematic procedure to investigate each catchment associated with an

⁵ Where the discharge is directly into a water quality limited water or a water subject to an approved TMDL as indicated in Appendix F; the sample shall be analyzed for the pollutant(s) of concern identified as the cause of the impairment as specified in Appendix G

⁶ Likely sewer input indicators are any of the following:

- Olfactory or visual evidence of sewage,
- Ammonia \geq 0.5 mg/L, surfactants \geq 0.25 mg/L, and bacteria levels greater than the water quality criteria applicable to the receiving water, or
- Ammonia \geq 0.5 mg/L, surfactants \geq 0.25 mg/L, and detectable levels of chlorine.

outfall or interconnection within their MS4 system.

a. Timelines:

- A written catchment investigation procedure shall be developed within 18 months of the permit effective date in accordance with the requirements of part 2.3.4.8.b below.
- Investigations of catchments associated with Problem Outfalls shall begin no later than two (2) years from the permit effective date.
- Investigations of catchments associated with High and Low Priority Outfalls shall follow the ranking of outfalls updated in part 2.3.4.7.c.
- Investigations of catchments associated with Problem Outfalls shall be completed within seven (7) years of the permit effective date
- Investigations of catchments where any information gathered on the outfall/interconnection identifies sewer input⁷ shall be completed within seven (7) years of the permit effective date.
- Investigations of catchments associated with all High- and Low-Priority Outfalls shall be completed within ten (10) years of the permit effective date.

*For the purposes of these milestones, an individual catchment investigation will be considered complete if all relevant procedures in part 2.3.4.8.c. and 2.3.4.8.d. below have been completed.

b. A written catchment investigation procedure shall be developed that:

- i. **Identifies maps, historic plans and records, and other sources of data**, including but not limited to plans related to the construction of the storm drain and of sanitary sewers, prior work performed on the storm drains or sanitary sewers, board of health or other municipal data on septic system failures or required upgrades, and complaint records related to SSOs, sanitary sewer surcharges, and septic system breakouts. These data sources will be used in identifying system vulnerability factors within each catchment.
- ii. **Includes a manhole inspection methodology** that shall describe a storm drain network investigation that involves systematically and progressively observing, sampling (as required below) and evaluating key junction manholes (see definition in Appendix A) in the MS4 to determine the approximate location of suspected illicit discharges or SSOs. The manhole inspection methodology may either start from the outfall and work up the system or start from the upper parts of the catchment and work down the system or be a combination of both practices. Either method must, at a minimum, include an investigation of each key junction manhole within the MS4, even where no evidence of an illicit discharge is observed at the outfall. The manhole inspection methodology must describe the method the permittee will use. The manhole inspection methodology shall include procedures for dry and wet weather investigations.
- iii. **Establishes procedures to isolate and confirm sources of illicit discharges** where manhole investigations or other physical evidence or screening has identified that MS4 alignments are influenced by illicit discharges or SSOs. These shall include isolation of the drainage area for implementation of more detailed investigations, inspection of additional manholes along the alignment to refine the location of potential contaminant sources, and methods such as sandbagging key junction manhole inlets, targeted internal plumbing inspections, dye testing,

⁷ Likely sewer input indicators are any of the following:

- Olfactory or visual evidence of sewage,
- Ammonia ≥ 0.5 mg/L, surfactants ≥ 0.25 mg/L, and bacteria levels greater than the water quality criteria applicable to the receiving water, or
- Ammonia ≥ 0.5 mg/L, surfactants ≥ 0.25 mg/L, and detectable levels of chlorine.

video inspections, or smoke testing to isolate and confirm the sources.

c. Requirements for each catchment investigation associated with an outfall/interconnection:

- i. For each catchment being investigated, the permittee shall review relevant mapping and historic plans and records gathered in accordance with Part 2.3.4.8.b.i. This review shall be used to identify areas within the catchment with higher potential for illicit connections. The permittee shall identify and record the presence of any of the following specific **System Vulnerability Factors (SVFs)**:
- History of SSOs, including, but not limited to, those resulting from wet weather, high water table, or fat/oil/grease blockages;
 - Common or twin-invert manholes serving storm and sanitary sewer alignments;
 - Common trench construction serving both storm and sanitary sewer alignments;
 - Crossings of storm and sanitary sewer alignments where the sanitary system is shallower than the storm drain system;
 - Sanitary sewer alignments known or suspected to have been constructed with an underdrain system;
 - Inadequate sanitary sewer level of service (LOS) resulting in regular surcharging, customer back-ups, or frequent customer complaints;
 - Areas formerly served by combined sewer systems;
 - Sanitary sewer infrastructure defects such as leaking service laterals, cracked, broken, or offset sanitary infrastructure, directly piped connections between storm drain and sanitary sewer infrastructure, or other vulnerability factors identified through Inflow/Infiltration Analyses, Sanitary Sewer Evaluation Surveys, or other infrastructure investigations.

EPA recommends the permittee include the following in their consideration of System Vulnerability Factors:

- Sewer pump/lift stations, siphons, or known sanitary sewer restrictions where power/equipment failures or blockages could readily result in SSOs;
- Any sanitary sewer and storm drain infrastructure greater than 40 years old;
- Widespread code-required septic system upgrades required at property transfers (indicative of inadequate soils, water table separation, or other physical constraints of the area rather than poor owner maintenance);
- History of multiple Board of Health actions addressing widespread septic system failures (indicative of inadequate soils, water table separation, or other physical constraints of the area rather than poor owner maintenance);

The permittee shall document the presence or absence of System Vulnerability Factors for each catchment, retain this documentation as part of its IDDE program, and report this information in Annual Reports. Catchments with a minimum of one (1) System Vulnerability Factor are subject to wet weather sampling requirements of part 2.3.4.8.c.ii.2.

- ii. For each catchment, the permittee must inspect key junction manholes and gather catchment information on the locations of MS4 pipes, manholes, and the extent of the contributing catchment.

1. For all catchments

- a) Infrastructure information shall be incorporated into the permittee's mapping required at part 2.3.4.5; the permittee will refine their catchment delineation based on the field investigation where appropriate.

- b) The SVF inventory for the catchment will be updated based on information obtained during the inspection, including common (twin invert) manholes, directly piped connections between storm drains and sanitary sewer infrastructure, common weir walls, sanitary sewer underdrain connections and other structural vulnerabilities where sanitary discharges could enter the storm drain system during wet weather.
 - 1) **Where a minimum of one (1) SVF is identified based on previous information or the investigation, a wet weather investigation must be conducted at the associated outfall (see below).**
 - c) During dry weather, key junction manholes⁸ shall be opened and inspected systematically for visual and olfactory evidence of illicit connections (e.g., excrement, toilet paper, gray filamentous bacterial growth, or sanitary products present).
 - 1) If flow is observed, the permittee shall sample the flow at a minimum for ammonia, chlorine and surfactants and can use field kits for these analyses.
 - 2) Where sampling results or visual or olfactory evidence indicate potential illicit discharges or SSOs, the area draining to the junction manhole shall be flagged for further upstream investigation.
 - d) Key junction and subsequent manhole investigations will proceed until the location of suspected illicit discharges or SSOs can be isolated to a pipe segment between two manholes. If no evidence of an illicit discharge is found, catchment investigations will be considered complete upon completion of key junction manhole sampling.
2. For all catchments with a minimum of one (1) SVF identified
- a) The permittee shall meet the requirements above for dry weather screening
 - b) The permittee shall inspect and sample under wet weather conditions to the extent necessary to determine whether wet weather-induced high flows in sanitary sewers or high groundwater in areas served by septic systems result in discharges of sanitary flow to the MS4.
 - 1) The permittee shall conduct at least one wet weather screening and sampling at the outfall that includes the same parameters required during dry weather screening, part 2.3.4.7.b.iii.4.
 - 2) Wet weather sampling and screening shall proceed during or after a storm event of sufficient depth or intensity to produce a stormwater discharge. EPA strongly recommends sampling during the spring (March through June) when groundwater levels are relatively high.
 - 3) The permit does not require a minimum rainfall event prior to wet weather screening. However, permittees may incorporate provisions that assist in targeting such discharges, including avoiding sampling during the initial period of discharge (“first flush”) and/or identifying minimum storm event intensities likely to trigger sanitary sewer interconnections.
 - c) This sampling can be done upon completion of any dry weather investigation but must be completed before the catchment investigation is marked as complete.
- iii. All data collected as part of the dry and wet weather catchment investigations shall be recorded and reported in each annual report.

⁸ Where catchments do not contain junction manholes, the dry weather screening and sampling shall be considered as meeting the manhole inspection requirement. In these catchments, dry weather screenings that indicate potential presence of illicit discharges shall be further investigated pursuant to part 2.3.4.8.d. Investigations in these catchments may be considered complete where dry weather screening reveals no flow; no evidence of illicit discharges or SSOs is indicated through sampling results or visual or olfactory means; and no wet weather System Vulnerability Factors are identified.

d. Identification/Confirmation of illicit source

Where the source of an illicit discharge has been approximated between two manholes in the permittee's MS4, the permittee shall isolate and identify/confirm the source of the illicit discharge using more detailed methods identified in their written procedure (2.3.4.8.b.iii). For outfalls that contained evidence of an illicit discharge, catchment investigations will be considered complete upon confirmation of all illicit sources.

e. Illicit discharge removal

When the specific source of an illicit discharge is identified, the permittee shall exercise its authority as necessary to require its removal pursuant to part 2.3.4.2 or 2.3.4.3.

i. For each confirmed source the permittee shall include in the annual report the following information:

- the location of the discharge and its source(s);
- a description of the discharge;
- the method of discovery;
- date of discovery;
- date of elimination, mitigation or enforcement action OR planned corrective measures and a schedule for completing the illicit discharge removal; and
- estimate of the volume of flow removed.

ii. Within one year of removal of all identified illicit discharges within a catchment area, confirmatory outfall or interconnection screening shall be conducted. The confirmatory screening shall be conducted in dry weather unless System Vulnerability Factors have been identified, in which case both dry weather and wet weather confirmatory screening shall be conducted. If confirmatory screening indicates evidence of additional illicit discharges, the catchment shall be scheduled for additional investigation.

2.3.4.9. Indicators of IDDE Program Progress

The permittee shall define or describe indicators for tracking program success and evaluate and report on the overall effectiveness of the IDDE program in each annual report. At a minimum the permittee shall document in each annual report:

- the number of SSOs and illicit discharges identified and removed,
- the number and percent of total outfall catchments served by the MS4 evaluated using the catchment investigation procedure,
- all dry weather and wet weather screening and sampling results and
- the volume of sewage removed

2.3.4.10 Ongoing Screening

Upon completion of all catchment investigations pursuant to part 2.3.4.8.c and illicit discharge removal and confirmation (if necessary) pursuant to paragraph 2.3.4.8.e, each outfall or interconnection shall be reprioritized for screening in accordance with part 2.3.4.7.a and scheduled for ongoing screening once every five years. Ongoing screening shall consist of dry weather screening and sampling consistent with part 2.3.4.7.b; wet weather screening and sampling shall also be required at outfalls where wet weather screening was required due to SVFs and shall be conducted in accordance with part 2.3.4.8.c.ii. All sampling results shall be reported in the permittee's annual report.

2.3.4.11 Training

The permittee shall, at a minimum, annually provide training to employees involved in IDDE program about the program, including how to recognize illicit discharges and SSOs. The permittee shall report on the frequency and type of employee training in the annual report.

2.3.5. Construction Site Stormwater Runoff Control

Objective: The objective of an effective construction stormwater runoff control program is to minimize or eliminate erosion and maintain sediment on site so that it is not transported in stormwater and allowed to discharge to a water of the U.S through the permittee's MS4. The construction site stormwater runoff control program required by this permit is a separate and distinct program from EPA's stormwater construction permit program.

(<http://cfpub1.epa.gov/npdes/stormwater/cgp.cfm>)

- a. Permittees shall implement and enforce a program to reduce pollutants in any stormwater runoff discharged to the MS4 from all construction activities that result in a land disturbance of greater than or equal to one acre within the regulated area. The permittee's program shall include disturbances less than one acre if that disturbance is part of a larger common plan of development or sale that would disturb one or more acres. Permittees authorized under the MS4-2003 permit shall continue to implement and enforce their existing program and modify as necessary to meet the requirements of this part.
- b. The permittee does not need to apply its construction program requirements to projects that receive a waiver from EPA under the provisions of 40 CFR § 122.26(b) (15) (i).
- c. The permittee shall develop and implement a construction site runoff control program that includes the elements in Paragraphs i. through v. of this part:
 - i. An ordinance or regulatory mechanism that requires the use of sediment and erosion control practices at construction sites. In addition to addressing sediment and erosion control, the ordinance must include controls for other wastes on construction sites such as demolition debris, litter and sanitary wastes. Development of an ordinance or other regulatory mechanism was a requirement of the MS4-2003 permit (See part II.B.4 and part IV.B.4).The ordinance or other regulatory mechanism required by the MS4-2003 permit shall have been effective by May 1, 2008.
 - ii. Written (hardcopy or electronic) procedures for site inspections and enforcement of sediment and erosion control measures. If not already existing, these procedures shall be completed within one (1) year from the effective date of the permit. The procedures shall clearly define who is responsible for site inspections as well as who has authority to implement enforcement procedures. The program shall provide that the permittee may, to the extent authorized by law, impose sanctions to ensure compliance with the local program. These procedures and regulatory authorities shall be documented in the SWMP.
 - iii. Requirements for construction site operators performing land disturbance activities within the MS4 jurisdiction that result in stormwater discharges to the MS4 to implement a sediment and erosion control program that includes BMPs appropriate for the conditions at the construction site. The program may include references to BMP

design standards in state manuals, such as the Massachusetts Stormwater Handbook⁹, or design standards developed by the MS4. EPA supports and encourages the use of design standards in local programs. Examples of appropriate sediment and erosion control measures for construction sites include local requirements to:

1. Minimize the amount of disturbed area and protect natural resources;
 2. Stabilize sites when projects are complete or operations have temporarily ceased;
 3. Protect slopes on the construction site;
 4. Protect all storm drain inlets and armor all newly constructed outlets;
 5. Use perimeter controls at the site;
 6. Stabilize construction site entrances and exits to prevent off-site tracking;
 7. Inspect stormwater controls at consistent intervals.
- iv. Requirements for construction site operators within the MS4 jurisdiction to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes. These wastes may not be discharged to the MS4.
- v. Written procedures for site plan review and inspection and enforcement. If not already existing, the procedures for site plan review and inspection and enforcement shall be completed within one (1) year from the effective date of the permit. The site plan review procedure shall include a pre-construction review by the permittee of the site design, the planned operations at the construction site, planned BMPs during the construction phase, and the planned BMPs to be used to manage runoff created after development. The review procedure shall incorporate procedures for the consideration of potential water quality impacts, and procedures for the receipt and consideration of information submitted by the public. The site plan review procedure shall also include evaluation of opportunities for use of low impact design and green infrastructure. When the opportunity exists, the permittee shall encourage project proponents to incorporate these practices into the site design. The procedures for site inspections conducted by the permittee shall include the requirement that inspections occur during construction of BMPs as well as after construction of BMPs to ensure they are working as described in the approved plans, clearly defined procedures for inspections including qualifications necessary to perform the inspections, the use of mandated inspection forms if appropriate, and procedure for tracking the number of site reviews, inspections, and enforcement actions. This tracking information shall be included as part of each annual report required by part 4.4.

2.3.6. Stormwater Management in New Development and Redevelopment (Post Construction Stormwater Management)

Objective: The objective of this control measure is to reduce the discharge of pollutants found in stormwater through the retention or treatment of stormwater after construction on new or redeveloped sites. For the purposes of this part (2.3.6.), the following definitions apply:

site is defined as the area extent of construction activities, including but not limited to the creation of new impervious cover and improvement of existing impervious cover (e.g. repaving not covered by 2.3.6.a.ii.4.d.)

⁹ The handbook is available at: <http://www.mass.gov/dep/water/laws/policies.htm#storm>

new development is defined as any construction activities or land alteration resulting in total earth disturbances equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) on an area that has not previously been developed to include impervious cover.

redevelopment is defined as any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of new development (see above).

- a. Permittees shall develop, implement, and enforce a program to address post-construction stormwater runoff from all new development and redevelopment sites that disturb one or more acres and discharge into the permittees MS4 at a minimum. Permittees authorized under the MS4-2003 permit shall continue to implement and enforce their program and modify as necessary to meet the requirements of this part.
 - i. The permittee's new development/ redevelopment program shall include sites less than one acre if the site is part of a larger common plan of development or redevelopment which disturbs one or more acre.
 - ii. The permittee shall develop or modify, as appropriate, an ordinance or other regulatory mechanism within two (2) years of the effective date of the permit to contain provisions that are at least as stringent as the following:
 1. Low Impact Development (LID) site planning and design strategies must be used to the maximum extent feasible.
 2. The design of treatment and infiltration practices should follow the guidance in Volume 2 of the Massachusetts Stormwater Handbook, as amended, or other federally or State approved¹⁰ BMP design guidance.
 3. Stormwater management systems on new development sites shall be designed to:
 - a) Not allow new stormwater conveyances to discharge untreated stormwater in accordance with Massachusetts Stormwater Handbook Standard 1;
 - b) Control peak runoff rates in accordance with Massachusetts Stormwater Handbook Standard 2¹¹;
 - c) Recharge groundwater in accordance with Massachusetts Stormwater Handbook Standard 3¹²;
 - d) Eliminate or reduce the discharge of pollutants from land uses with higher pollutant loads as defined in the Massachusetts Stormwater Handbook in accordance with Massachusetts Stormwater Handbook Standard 5;
 - e) Protect Zone II or Interim Wellhead Protection Areas of public water supplies in accordance with Massachusetts Stormwater Handbook Standard 6¹³;

¹⁰ State approved includes any state in the United States, including, but not limited to, approved guidance by the Commonwealth of Massachusetts

¹¹ Requirement necessary for Section 401 water quality certification by Massachusetts

¹² Requirement necessary for Section 401 water quality certification by Massachusetts

¹³ Requirement necessary for Section 401 water quality certification by Massachusetts

- f) Implement long term maintenance practices in accordance with Massachusetts Stormwater Handbook Standard 9; and
- g) Require that all stormwater management systems be designed to:
 - 1) Retain the volume of runoff equivalent to, or greater than, one (1.0) inch multiplied by the total post-construction impervious surface area on the site AND/OR
 - 2) Remove 90% of the average annual load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site¹⁴ AND 60% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site¹⁴. Pollutant removal shall be calculated consistent with EPA Region 1's BMP Performance Extrapolation Tool or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance any federally or State approved¹⁵ BMP design guidance or performance standards (e.g. State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance.

4. Redevelopment Requirements

- a) Stormwater management systems on Redevelopment sites shall meet the following sections of part 2.3.6.a.ii.3 to the maximum extent feasible:
 - 1) Part 2.3.6.a.ii.3(a) (Massachusetts Stormwater Standard 1);
 - 2) Part 2.3.6.a.ii.3(b) (Massachusetts Stormwater Standard 2);
 - 3) Part 2.3.6.a.ii.3(c) (Massachusetts Stormwater Standard 3); and
 - 4) The pretreatment and structural best management practices requirements of 2.3.6.a.ii.3(d) and 2.3.6.a.ii.3(e) (Massachusetts Stormwater Standards 5 and 6).
- b) Stormwater management systems on Redevelopment sites shall also improve existing conditions by requiring that stormwater management systems be designed to:
 - 1) Retain the volume of runoff equivalent to, or greater than, 0.80 inch multiplied by the total post-construction impervious surface area on the site AND/OR
 - 2) Remove 80% of the average annual post-construction load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site AND 50% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site. Pollutant removal shall be calculated consistent with EPA Region 1's BMP Performance Extrapolation Tool or other BMP performance evaluation tool provided by EPA Region 1 where available. If EPA Region 1 tools do not address the planned or installed BMP performance any federally or State approved BMP design guidance or performance standards (e.g. State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance.
- c) Stormwater management systems on redevelopment sites may utilize offsite mitigation within the same USGS HUC10 as the redevelopment site

¹⁴ The required removal percentage is not required for each storm, it is the average removal over a year that is required

¹⁵ See footnote 14

- to meet the equivalent retention or pollutant removal requirements in part 2.3.6.a.ii.4(b).
- d) Redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways, (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) shall improve existing conditions where feasible and are exempt from part 2.3.6.a.ii.4(a), part 2.3.6.a.ii.4(b) and part 2.3.6.a.ii.4(c). Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the requirements of part 2.3.6.a.ii.4(a) – (c) fully.
- iii. The permittee shall require, at a minimum, the submission of as-built drawings no later than two (2) years after completion of construction projects. The as-built drawings must depict all on site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site (post construction stormwater management). The new development/redevelopment program shall have procedures to ensure adequate long-term operation and maintenance of stormwater management practices that are put in place after the completion of a construction project. These procedures may include the use of dedicated funds or escrow accounts for development projects or the acceptance of ownership by the permittee of all privately owned BMPs. These procedures may also include the development of maintenance contracts between the owner of the BMP and the permittee. Alternatively, these procedures may include the submission of an annual certification documenting the work that has been done over the last 12 months to properly operate and maintain the stormwater control measures. The procedures to require submission of as-built drawings and ensure long term operation and maintenance shall be a part of the SWMP. The permittee shall report in the annual report on the measures that the permittee has utilized to meet this requirement.
- b. Within four (4) years of the effective date of this permit, the permittee shall develop a report assessing current street design and parking lot guidelines and other local requirements that affect the creation of impervious cover. This assessment shall be used to provide information to allow the permittee to determine if changes to design standards for streets and parking lots can be made to support low impact design options. If the assessment indicates that changes can be made, the assessment shall include recommendations and proposed schedules to incorporate policies and standards into relevant documents and procedures to minimize impervious cover attributable to parking areas and street designs. The permittee shall implement all recommendations, in accordance with the schedules, contained in the assessment. The local planning board and local transportation board should be involved in this assessment. This assessment shall be part of the SWMP. The permittee shall report in each annual report on the status of this assessment including any planned or completed changes to local regulations and guidelines.
- c. Within four (4) years from the effective date of the permit, the permittee shall develop a report assessing existing local regulations to determine the feasibility of making, at a minimum, the following practices allowable when appropriate site conditions exist:
- i. Green roofs;
 - ii. Infiltration practices such as rain gardens, curb extensions, planter gardens, porous and pervious pavements, and other designs to manage stormwater using landscaping and structured or augmented soils; and

- iii. Water harvesting devices such as rain barrels and cisterns, and the use of stormwater for non-potable uses.

The assessment should indicate if the practices are allowed in the MS4 jurisdiction and under what circumstances are they allowed. If the practices are not allowed, the permittee shall determine what hinders the use of these practices, what changes in local regulations may be made to make them allowable, and provide a schedule for implementation of recommendations. The permittee shall implement all recommendations, in accordance with the schedules, contained in the assessment. The permittee shall report in each annual report on its findings and progress towards making the practices allowable. (Information available at:

<http://www.epa.gov/region1/npdes/stormwater/assets/pdf/AddressingBarrier2LID.pdf> and <http://www.mapc.org/resources/low-impact-dev-toolkit/local-codes-lid>)

- d. Four (4) years from the effective date of this permit, the permittee shall identify a minimum of 5 permittee-owned properties that could potentially be modified or retrofitted with BMPs designed to reduce the frequency, volume, and pollutant loads of stormwater discharges to and from its MS4 through the reduction of impervious area. Properties and infrastructure for consideration shall include those with the potential for reduction of on-site impervious area (IA) as well as those that could provide reduction of off-site IA. At a minimum, the permittee shall consider municipal properties with significant impervious cover (including parking lots, buildings, and maintenance yards) that could be modified or retrofitted. MS4 infrastructure to be considered includes existing street right-of-ways, outfalls and conventional stormwater conveyances and controls (including swales and detention practices) that could be readily modified or retrofitted to provide reduction in frequency, volume or pollutant loads of such discharges through reduction of impervious cover.

In determining the potential for modifying or retrofitting particular properties, the permittee shall consider factors such as access for maintenance purposes; subsurface geology; depth to water table; proximity to aquifers and subsurface infrastructure including sanitary sewers and septic systems; and opportunities for public use and education. In determining its priority ranking, the permittee shall consider factors such as schedules for planned capital improvements to storm and sanitary sewer infrastructure and paving projects; current storm sewer level of service; and control of discharges to water quality limited waters, first or second order streams, public swimming beaches, drinking water supply sources and shellfish growing areas.

Beginning with the fifth year annual report and in each subsequent annual report, the permittee shall identify additional permittee owned sites and infrastructure that could be retrofitted such that the permittee maintains a minimum of 5 sites in their inventory, until such a time as when the permittee has less than 5 sites remaining. In addition, the permittee shall report on all properties that have been modified or retrofitted with BMPs to mitigate IA that were inventoried in accordance with this part. The permittee may also include in its annual report non-MS4 owned property that has been modified or retrofitted with BMPs to mitigate IA.

2.3.7. Good House Keeping and Pollution Prevention for Permittee Owned Operations

Objective: The permittee shall implement an operations and maintenance program for permittee-owned operations that has a goal of preventing or reducing pollutant runoff and protecting water quality from all permittee-owned operations.

a. Operations and Maintenance Programs

- i. Within two (2) years from the effective date of the permit, the permittee shall develop, if not already developed, written (hardcopy or electronic) operations and maintenance

procedures for the municipal activities listed below in part 2.3.7.a.ii. These written procedures shall be included as part of the SWMP.

- ii. Within two (2) year of the effective date of this permit, the permittee shall develop an inventory of all permittee owned facilities within the categories listed below. The permittee shall review this inventory annually and update as necessary.
 1. Parks and open space: Establish procedures to address the proper use, storage, and disposal of pesticides, herbicides, and fertilizers including minimizing the use of these products and using only in accordance manufacturer's instruction. Evaluate lawn maintenance and landscaping activities to ensure practices are protective of water quality. Protective practices include reduced mowing frequencies, proper disposal of lawn clippings, and use of alternative landscaping materials (e.g., drought resistant planting). Establish pet waste handling collection and disposal locations at all parks and open space where pets are permitted, including the placing of proper signage concerning the proper collection and disposal of pet waste. Establish procedures to address waterfowl congregation areas where appropriate to reduce waterfowl droppings from entering the MS4. Establish procedures for management of trash containers at parks and open space (scheduled cleanings; sufficient number). Establish procedures to address erosion or poor vegetative cover when the permittee becomes aware of it; especially if the erosion is within 50 feet of a surface water.
 2. Buildings and facilities where pollutants are exposed to stormwater runoff: This includes schools (to the extent they are permittee-owned or operated), town offices, police, and fire stations, municipal pools and parking garages and other permittee-owned or operated buildings or facilities. Evaluate the use, storage, and disposal of petroleum products and other potential stormwater pollutants. Provide employee training as necessary so that those responsible for handling these products know proper procedures. Ensure that Spill Prevention Plans are in place, if applicable, and coordinate with the fire department as necessary. Develop management procedures for dumpsters and other waste management equipment. Sweep parking lots and keep areas surrounding the facilities clean to reduce runoff of pollutants.
 3. Vehicles and Equipment: Establish procedures for the storage of permittee vehicles. Vehicles with fluid leaks shall be stored indoors or containment shall be provided until repaired. Evaluate fueling areas owned or operated by the permittee. If possible, place fueling areas under cover in order to minimize exposure. Establish procedures to ensure that vehicle wash waters are not discharged to the municipal storm sewer system or to surface waters. This permit does not authorize such discharges.
- iii. Infrastructure Operations and Maintenance
 1. The permittee shall establish within two (2) year of the effective date of the permit a written (hardcopy or electronic) program detailing the activities and procedures the permittee will implement so that the MS4 infrastructure is maintained in a timely manner to reduce the discharge of pollutants from the MS4. If the permittee has an existing program to maintain its MS4 infrastructure

in a timely manner to reduce or eliminate the discharge of pollutants from the MS4, the permittee shall document the program in the SWMP.

2. The permittee shall optimize routine inspections, cleaning and maintenance of catch basins such that the following conditions are met:
 - Prioritize inspection and maintenance for catch basins located near construction activities (roadway construction, residential, commercial, or industrial development or redevelopment). Clean catch basins in such areas more frequently if inspection and maintenance activities indicate excessive sediment or debris loadings.
 - Establish a schedule with a goal that the frequency of routine cleaning will ensure that no catch basin at anytime will be more than 50 percent full.
 - If a catch basin sump is more than 50 percent full during two consecutive routine inspections/cleaning events, the permittee shall document that finding, investigate the contributing drainage area for sources of excessive sediment loading, and to the extent practicable, abate contributing sources. The permittee shall describe any actions taken in its annual report.
 - For the purposes of this part, an excessive sediment or debris loading is a catch basin sump more than 50 percent full. A catch basin sump is more than 50 percent full if the contents within the sump exceed one half the distance between the bottom interior of the catch basin to the invert of the deepest outlet of the catch basin.
 - The permittee shall document in the SWMP and in the first annual report its plan for optimizing catch basin cleaning, inspection plans, or its schedule for gathering information to develop the optimization plan. Documentation shall include metrics and other information used to reach the determination that the established plan for cleaning and maintenance is optimal for the MS4. The permittee shall keep a log of catch basins cleaned or inspected.
 - The permittee shall report in each annual report the total number of catch basins, number inspected, number cleaned, and the total volume or mass of material removed from all catch basins.
3. The permittee shall establish and implement procedures for sweeping and/or cleaning streets, and permittee-owned parking lots. All streets with the exception of rural uncurbed roads with no catch basins or high speed limited access highways shall be swept and/or cleaned a minimum of once per year in the spring (following winter activities such as sanding). The procedures shall also include more frequent sweeping of targeted areas determined by the permittee on the basis of pollutant load reduction potential, based on inspections, pollutant loads, catch basin cleaning or inspection results, land use, water quality limited or TMDL waters or other relevant factors as determined by the permittee. The permittee shall report in each annual report the number of miles cleaned or the volume or mass of material removed.

For rural uncurbed roadways with no catch basins and limited access highways, the permittee shall either meet the minimum frequencies above, or develop and implement an inspection, documentation and targeted sweeping plan within two (2) years of the effective date of the permit, and submit such plan with its year one annual report.

4. The permittee shall ensure proper storage of catch basin cleanings and street sweepings prior to disposal or reuse such that they do not discharge to receiving waters. These materials should be managed in compliance with current MassDEP policies:
 - For catch basins cleanings:
<http://www.mass.gov/eea/agencies/massdep/recycle/regulations/management-of-catch-basin-cleanings.html>
 - For street sweepings:
<http://www.mass.gov/eea/docs/dep/recycle/laws/stsweep.pdf>.
 5. The permittee shall establish and implement procedures for winter road maintenance including the use and storage of salt and sand; minimize the use of sodium chloride and other salts, and evaluate opportunities for use of alternative materials; and ensure that snow disposal activities do not result in disposal of snow into waters of the United States. For purposes of this MS4 Permit, salt shall mean any chloride-containing material used to treat paved surfaces for deicing, including sodium chloride, calcium chloride, magnesium chloride, and brine solutions.
 6. The permittee shall establish and implement inspection and maintenance frequencies and procedures for all stormwater treatment structures such as water quality swales, retention/detention basins, infiltration structures, proprietary treatment devices or other similar structures. All permittee-owned stormwater treatment structures (excluding catch basins) shall be inspected annually at a minimum.
- iv. The permittee shall report in the annual report on the status of the inventory required by this part and any subsequent updates; the status of the O&M programs for the permittee-owned facilities and activities in part 2.3.7.a.ii; and the maintenance activities associated with each.
 - v. The permittee shall keep a written (hardcopy or electronic) record of all required activities including but not limited to maintenance activities, inspections and training required by part 2.3.7.a. The permittee shall maintain, consistent with part 4.2.a, all records associated with maintenance and inspection activities required by part 2.3.7.a.

b. Stormwater Pollution Prevention Plan (SWPPP)

The permittee shall develop and fully implement a SWPPP for each of the following permittee-owned or operated facilities: maintenance garages, public works yards, transfer stations, and other waste handling facilities where pollutants are exposed to stormwater as determined by the permittee. If facilities are located at the same property, the permittee may develop one SWPPP for the entire property. The SWPPP is a separate and different document from the SWMP required in part 1.10. A SWPPP does not need to be developed for a facility if the permittee has either developed a SWPPP or received a no exposure certification for the discharge under the Multi-Sector General Permit or the discharge is authorized under another NPDES permit.

- i. No later than two (2) years from the effective date of the permit, the permittee shall develop and implement a written (hardcopy or electronic) SWPPP for the facilities

described above. The SWPPP shall be signed in accordance with the signatory requirements of Appendix B – Subparagraph 11.

ii. The SWPPP shall contain the following elements:

1. Pollution Prevention Team

Identify the staff on the team, by name and title. If the position is unstaffed, the title of the position should be included and the SWPPP updated when the position is filled. The role of the team is to develop, implement, maintain, and revise, as necessary, the SWPPP for the facility.

2. Description of the facility and identification of potential pollutant sources

The SWPPP shall include a map of the facility and a description of the activities that occur at the facility. The map shall show the location of the stormwater outfalls, receiving waters, and any structural controls. Identify all activities that occur at the facility and the potential pollutants associated with each activity including the location of any floor drains. These may be included as part of the inventory required by part 2.3.7.a.

3. Identification of stormwater controls

The permittee shall select, design, install, and implement the control measures detailed in paragraph 4 below to prevent or reduce the discharge of pollutants from the permittee owned facility.

The selection, design, installation, and implementation of the control measures shall be in accordance with good engineering practices and manufacturer's specifications. The permittee shall also take all reasonable steps to control or address the quality of discharges from the site that may not originate at the facility.

If the discharge from the facility is to a water quality limited water and the facility has the potential to discharge the pollutant identified as causing the water quality limitation, the permittee shall identify the control measures that will be used to address this pollutant at the facility so that the discharge does not cause or contribute to a violation of a water quality standard.

4. The SWPPP shall include the following management practices:

- a) Minimize or Prevent Exposure: The permittee shall to the extent practicable either locate materials and activities inside, or protect them with storm-resistant coverings in order to prevent exposure to rain, snow, snowmelt and runoff (although significant enlargement of impervious surface area is not recommended). Materials do not need to be enclosed or covered if stormwater runoff from affected areas will not be discharged directly or indirectly to surface waters or to the MS4 or if discharges are authorized under another NPDES permit.
- b) Good Housekeeping: The permittee shall keep clean all exposed areas that are potential sources of pollutants, using such measures as sweeping at regular intervals. Ensure that trash containers are closed when not in use, keep storage areas well swept and free from leaking or damaged containers; and store leaking vehicles needing repair indoors.

- c) Preventative Maintenance: The permittee shall regularly inspect, test, maintain, and repair all equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater to receiving waters. Inspections shall occur at a minimum once per quarter.
- d) Spill Prevention and Response: The permittee shall minimize the potential for leaks, spills, and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur. At a minimum, the permittee shall have procedures that include:
- Preventive measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling.
 - Response procedures that include notification of appropriate facility personnel, emergency agencies, and regulatory agencies, and procedures for stopping, containing, and cleaning up leaks, spills and other releases. Measures for cleaning up hazardous material spills or leaks shall be consistent with applicable Resource Conservation and Recovery Act (RCRA) regulations at 40 CFR section 264 and 40 CFR section 265. Employees who may cause, detect, or respond to a spill or leak shall be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of the Pollution Prevention Team; and
 - Contact information for individuals and agencies that shall be notified in the event of a leak, spill, or other release. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under 40 CFR section 110, 40 CFR section 117, or 40 CFR section 302, occurs during a 24-hour period, the permittee shall notify the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 CFR section 110, 40 CFR section 117, and 40 CFR section 302 as soon as the permittee has knowledge of the discharge. State or local requirements may necessitate reporting spills or discharges to local emergency, public health or drinking water supply agencies, and owners of public drinking water supplies. Contact information shall be in locations that are readily accessible and available.
- e) Erosion and Sediment Control: The permittee shall use structural and non-structural control measures at the facility to stabilize and contain runoff from exposed areas and to minimize or eliminate onsite erosion and sedimentation. Efforts to achieve this may include the use of flow velocity dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion.

- f) Management of Runoff: The permittee shall manage stormwater runoff from the facility to prevent or reduce the discharge of pollutants. This may include management practices which divert runoff from areas that are potential sources of pollutants, contain runoff in such areas, or reuse, infiltrate or treat stormwater to reduce the discharge of pollutants.
- g) Salt Storage Piles or Piles Containing Salt: For storage piles of salt or piles containing salt used for deicing or other purposes (including maintenance of paved surfaces) for which the discharge during precipitation events discharges to the permittee's MS4, any other storm sewer system, or to a Water of the US, the permittee shall prevent exposure of the storage pile to precipitation by enclosing or covering the storage piles. Such piles shall be enclosed or covered within two (2) years of the permit effective date. The permittee shall implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. The permittee is encouraged to store piles in such a manner as not to impact surface water resources, ground water resources, recharge areas, and wells.
- h) Employee Training: The permittee shall regularly train employees who work in areas where materials or activities are exposed to stormwater, or who are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance personnel), including all members of the Pollution Prevention Team. Training shall cover both the specific components and scope of the SWPPP and the control measures required under this part, including spill response, good housekeeping, material management practices, any best management practice operation and maintenance, etc. EPA recommends annual training.

The permittee shall document the following information for each training:

- The training date, title and training duration;
 - List of municipal attendees;
 - Subjects covered during training
- i) Maintenance of Control Measures: The permittee shall maintain all control measures, required by this permit in effective operating condition. The permittee shall keep documentation onsite that describes procedures and a regular schedule for preventative maintenance of all control measures and discussions of back-up practices in place should a runoff event occur while a control measure is off-line. Nonstructural control measures shall also be diligently maintained (e.g., spill response supplies available, personnel trained).

iii. The permittee shall conduct the following inspections:

- 1. Site Inspections: Inspect all areas that are exposed to stormwater and all stormwater control measures. Inspections shall be conducted at least once each calendar quarter. More frequent inspections may be required if significant activities are exposed to stormwater. Inspections shall be performed when the

facility is in operation. At least one of the quarterly inspections shall occur during a period when a stormwater discharge is occurring.

The permittee shall document the following information for each facility inspection:

- The inspection date and time;
- The name of the inspector;
- Weather information and a description of any discharge occurring at the time of the inspection;
- Identification of any previously unidentified discharges from the site;
- Any control measures needing maintenance or repair;
- Any failed control measures that need replacement.
- Any SWPPP changes required as a result of the inspection.

If during the inspections, or any other time, the permittee identifies control measures that need repair or are not operating effectively, the permittee shall repair or replace them before the next anticipated storm event if possible, or as soon as practicable following that storm event. In the interim, the permittee shall have back-up measures in place.

The permittee shall report the findings from the Site Inspections in the annual report.

- iv. The permittee must keep a written (hardcopy or electronic) record of all required activities including but not limited to maintenance, inspections, and training required by part 2.3.7.b. The permittee shall maintain all records associated with the development and implementation of the SWPPP required by this part consistent with the requirements of part 4.2.

3.0. Additional Requirements for Discharges to Surface Drinking Water Supplies and Their Tributaries

- a. Permittees which discharge to public surface drinking water supply sources (Class A and Class B surface waters used for drinking water) or their tributaries should consider these waters a priority in the implementation of the SWMP.
- b. Permittees should provide pretreatment and spill control measures to stormwater discharges to public drinking water supply sources or their tributaries to the extent feasible.
- c. Direct discharges to Class A waters should be avoided to the extent feasible.

4.0. Program Evaluation, Record Keeping, and Reporting

4.1. Program Evaluation

- a. The permittee shall annually self-evaluate its compliance with the terms and conditions of this permit and submit each self-evaluation in the Annual Report. The permittee shall also maintain the annual evaluation documentation as part of the SWMP.

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b. The permittee shall evaluate the appropriateness of the selected BMPs in achieving the objectives of each control measure and the defined measurable goals. Where a BMP is found to be ineffective the permittee shall change BMPs in accordance with the provisions below. In addition, permittees may augment or change BMPs at any time following the provisions below:

- Changes adding (but not subtracting or replacing) components or controls may be made at any time.
- Changes replacing an ineffective or infeasible BMP specifically identified in the SWMP with an alternative BMP may be made as long as the basis for the changes is documented in the SWMP by, at a minimum:
 - An analysis of why the BMP is ineffective or infeasible;
 - Expectations on the effectiveness of the replacement BMP; and
 - An analysis of why the replacement BMP is expected to achieve the defined goals of the BMP to be replaced.

The permittee shall indicate BMP modifications along with a brief explanation of the modification in each Annual Report.

c. EPA or MassDEP may require the permittee to add, modify, repair, replace or change BMPs or other measures described in the annual reports as needed:

- To address impacts to receiving water quality caused or contributed to by discharges from the MS4; or
- To satisfy conditions of this permit

Any changes requested by EPA or MassDEP will be in writing and will set forth the schedule for the permittee to develop the changes and will offer the permittee the opportunity to propose alternative program changes to meet the objective of the requested modification.

4.2. Record Keeping

- a. The permittee shall keep all records required by this permit for a period of at least five years. EPA may extend this period at any time. Records include information used in the development of any written (hardcopy or electronic) program required by this permit, any monitoring results, copies of reports, records of screening, follow-up and elimination of illicit discharges; maintenance records; inspection records; and data used in the development of the notice of intent, SWMP, SWPPP, and annual reports. This list provides examples of records that should be maintained, but is not all inclusive.
- b. Records other than those required to be included in the annual report, part 4.4, shall be submitted only when requested by the EPA or the MassDEP.
- c. The permittee shall make the records relating to this permit, including the written (hardcopy or electronic) stormwater management program, available to the public. The public may view the records during normal business hours. The permittee may charge a reasonable fee for copying requests. The permittee is encouraged to satisfy this requirement by posting records online.

4.3. Outfall Monitoring Reporting

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- a. The permittee shall monitor and sample its outfalls at a minimum through sampling and testing at the frequency and locations required in connection with IDDE screening under part 2.3.4.7.b. and 2.3.4.8.c.ii.2. The monitoring program may also include additional outfall and interconnection monitoring as determined by the permittee in connection with assessment of SWMP effectiveness pursuant to part 4.1; evaluation of discharges to water quality limited waters pursuant to part 2.2; assessment of BMP effectiveness pursuant to part 2.2 or 2.3; or otherwise.
- b. The permittee shall document all monitoring results each year in the annual report. The report shall include the date, outfall or interconnection identifier, location, weather conditions at time of sampling, precipitation in previous 48 hours, field screening parameter results, and results of all analyses. The annual report shall include all of this information and data for the current reporting period and for the entire permit period.
- c. The permittee shall also include in the annual report results from any other stormwater or receiving water quality monitoring or studies conducted during the reporting period where that data is being used by the permittee to inform permit compliance or program effectiveness. If such monitoring or studies were conducted on behalf of the permittee, or if monitoring or studies conducted by other entities were reported to the permittee, a brief description of the type of information gathered or received shall be included in the annual report(s) covering the time period(s) the information was received.

4.4. Annual Reports

- a. The permittee shall submit annual reports each year of the permit term. The reporting period will be a one year period commencing on the permit effective date, and subsequent anniversaries thereof, except that the first annual report under this permit shall also cover the period from May 1, [year of final permit effective date] to the permit effective date. The annual report is due ninety days from the close of each reporting period.
- b. The annual reports shall contain the following information:
 - i. A self-assessment review of compliance with the permit terms and conditions.
 - ii. An assessment of the appropriateness of the selected BMPs.
 - iii. The status of any plans or activities required by part 2.1 and/ or part 2.2, including:
 - Identification of all discharges determined to be causing or contributing to an exceedance of water quality standards and description of response including all items required by part 2.1.1;
 - For discharges subject to TMDL related requirements, identification of specific BMPs used to address the pollutant identified as the cause of impairment and assessment of the BMPs effectiveness at controlling the pollutant (part 2.2.1. and Appendix F) and any deliverables required by Appendix F;
 - For discharges to water quality limited waters a description of each BMP required by Appendix H and any deliverables required by Appendix H.
 - iv. An assessment of the progress towards achieving the measurable goals and objectives of each control measure in part 2.3 including:

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- Evaluation of the public education program including a description of the targeted messages for each audience; method of distribution and dates of distribution; methods used to evaluate the program; and any changes to the program.
 - Description of the activities used to promote public participation including documentation of compliance with state public notice regulations.
 - Description of the activities related to implementation of the IDDE program including: status of the map; status and results of the illicit discharge potential ranking and assessment; identification of problem catchments; status of all protocols described in part 2.3.4.(program responsibilities and systematic procedure); number and identifier of catchments evaluated; number and identifier of outfalls screened; number of illicit discharges located; number of illicit discharges removed; gallons of flow removed; identification of tracking indicators and measures of progress based on those indicators; and employee training.
 - Evaluation of the construction runoff management including number of project plans reviewed; number of inspections; and number of enforcement actions.
 - Evaluation of stormwater management for new development and redevelopment including status of ordinance development (2.3.6.a.ii.), review and status of the street design assessment(2.3.6.b.), assessments to barriers to green infrastructure (2.3.6.c), and retrofit inventory status (2.3.6.d.)
 - Status of the O&M Programs required by part 2.3.7.a.
 - Status of SWPPP required by part 2.3.7.b. including inspection results.
 - Any additional reporting requirements in part 3.0.
- v. All outfall screening and monitoring data collected by or on behalf of the permittee during the reporting period and cumulative for the permit term, including but not limited to all data collected pursuant to part 2.3.4. The permittee shall also provide a description of any additional monitoring data received by the permittee during the reporting period.
- vi. Description of activities for the next reporting cycle.
- vii. Description of any changes in identified BMPs or measurable goals.
- viii. Description of activities undertaken by any entity contracted for achieving any measurable goal or implementing any control measure.
- c. Reports shall be submitted to EPA at the following address:

United State Environmental Protection Agency
Stormwater and Construction Permits Section (OEP06-1)
Five Post Office Square, Suite 100
Boston, MA 02109

Massachusetts Department of Environmental Protection
One Winter Street – 5th Floor
Boston, MA 02108
ATTN: Frederick Civian

Or submitted electronically to EPA at the following email address: stormwater.reports@epa.gov. After December 21, 2020 all Annual Reports must be submitted electronically.

5.0. Non-Traditional MS4s

Non-traditional MS4s are MS4s owned and operated by the Commonwealth of Massachusetts, counties or other public agencies within the Commonwealth of Massachusetts, and properties owned and operated by the United States (Federal Facilities) within the Commonwealth of Massachusetts. This part addresses all non-traditional MS4s except MS4s that are owned or operated by transportation agencies, which are addressed in part 6.0 below.

5.1. Requirements for Non-Traditional MS4s

All requirements and conditions of parts 1 – 4 above apply to all Non-traditional MS4s, except as specifically provided below:

5.1.1. Public education

For the purpose of this permit, the audiences for a Non-traditional MS4 include the employees, clients and customers (including students at education MS4s), visitors to the property, tenants, long term contractors and any other contractors working at the facility where the MS4 is located. The permittee may use some of the educational topics included in part 2.3.2.d. as appropriate, or may focus on topics specific to the MS4. The permittee shall document the educational topics for each target audience in the SWMP and annual reports.

5.1.2. Ordinances and regulatory mechanisms

Some Non-traditional MS4s may not have authority to enact an ordinance, by-law, or other regulatory mechanisms. MS4s without the authority to enact an ordinance shall ensure that written policies or procedures are in place to address the requirements of part 2.3.4.5., part 2.3.4.6 and part 2.3.6.a.

5.1.3. Assessment of Regulations

Non-traditional MS4s do not need to meet the requirements of part 2.3.6.c.

5.1.4. New Dischargers

New MS4 facilities are subject to additional water quality-based requirements if they fall within the definition of “new discharger” under 40 CFR § 122.2: “A new discharger is any building, structure, facility or installation (a) from which there is or may be a ‘discharge of pollutants’ (b) that did not commence the ‘discharge of pollutants’ at a particular ‘site’ prior to August 13, 1979; (c) which is not a ‘new source’; and (d) which never received a finally effective NPDES permit for discharges at that ‘site.’ The term “site” is defined in § 122.2 to mean “the land or water area where any ‘facility or activity’ is physically located or conducted including adjacent land used in connection with the facility or activity.”

Consistent with these definitions, a Non-traditional MS4 is a “new discharger” if it discharges stormwater from a new facility with an entirely new separate storm sewer system that is not

physically located on the same or adjacent land as an existing facility and associated system operated by the same MS4.

Any Non-traditional MS4 facility that is a “new discharger” and discharges to a waterbody listed in category 5 or 4b on the Massachusetts Integrated Report of waters listed pursuant to Clean Water Act section 303(d) and 305(b) due to nutrients (Total Nitrogen or Total Phosphorus), metals (Cadmium, Copper, Iron, Lead or Zinc), solids (TSS or Turbidity), bacteria/pathogens (E. Coli, Enterococcus or Fecal Coliform), chloride (Chloride) or oil and grease (Petroleum Hydrocarbons or Oil and Grease), or discharges to a waterbody with an approved TMDL for any of those pollutants, is not eligible for coverage under this permit and shall apply for an individual permit.

Any Non-traditional MS4 facility that is a “new discharger” and discharges to a waterbody that is in attainment is subject to Massachusetts antidegradation regulations at 314 CMR 4.04. The permittee shall comply with the provisions of 314 CMR 4.04 including information submittal requirements and obtaining authorization for new discharges where appropriate¹⁶. Any authorization of new discharges by MassDEP shall be incorporated into the permittee's SWMP. If an applicable MassDEP approval specifies additional conditions or requirements, then those requirements are incorporated into this permit by reference. The permittee must comply with all such requirements.

6.0 Requirements for MS4s Owned or Operated by Transportation Agencies

This part applies to all MS4s owned or operated by any state or federal transportation agency (except Massachusetts Department of Transportation –MassDOT- Highway Division, which is subject to a separate individual permit). All requirements and conditions of this permit apply with the following exceptions:

6.1 Public education

For the purpose of this permit, the audiences for a transportation agency education program include the general public (users of the roadways), employees, and any contractors working at the location. The permittee may use some of the educational topics included in part 2.3.2.d. as appropriate, or may focus on topics specific to the agency. The permittee shall document the educational topics for each target audience.

6.2 Ordinances and regulatory mechanisms

The transportation agency may not have authority to enact an ordinance, by-law or other regulatory mechanisms. The agency shall ensure that written agency policies or procedures are in place to address the requirements of part 2.3.4.5., part 2.3.4.6 and part 2.3.6.a.

6.3 Assessment of regulations

Non-traditional MS4s do not need to meet the requirements of part 2.3.6.c.

6.4 New Dischargers

New MS4 facilities are subject to additional water quality-based requirements if they fall within the definition of “new dischargers” under 40 CFR § 122.2: “A new discharger is any building, structure, facility or installation (a) from which there is or may be a ‘discharge of pollutants’ (b) that did not commence the ‘discharge of pollutants’ at a particular ‘site’ prior to August 13, 1979; (c) which is not a ‘new source’; and (d) which never received a finally effective NPDES permit for discharges at that ‘site.’ The term “site” is defined

¹⁶ Contact MassDEP for guidance on compliance with 314 CMR 4.04

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in § 122.2 to mean "the land or water area where any 'facility or activity' is physically located or conducted including adjacent land used in connection with the facility or activity."

Consistent with these definitions, a new transportation MS4 is a "new discharger" if it discharges stormwater from a new facility with an entirely new separate storm sewer system that is not physically located on the same or adjacent land as an existing facility and associated system operated by the same MS4.

Any transportation MS4 facility that is a "new discharger" and discharges to a waterbody listed as impaired in category 5 or 4b on the Massachusetts Integrated Report of waters listed pursuant to Clean Water Act section 303(d) and 305(b) due to nutrients (Total Nitrogen or Total Phosphorus), metals (Cadmium, Copper, Iron, Lead or Zinc), solids (TSS or Turbidity), bacteria/pathogens (E. Coli, Enterococcus or Fecal Coliform), chloride (Chloride) or oil and grease (Petroleum Hydrocarbons or Oil and Grease), or discharges to a waterbody with an approved TMDL for any of those pollutants, is not eligible for coverage under this permit and shall apply for an individual permit.

Any transportation MS4 facility that is a "new discharger" and discharges to a waterbody that is in attainment is subject to Massachusetts antidegradation regulations at 314 CMR 4.04. The permittee shall comply with the provisions of 314 CMR 4.04 including information submittal requirements and obtaining authorization for new discharges where appropriate¹⁷. Any authorization of new discharges by MassDEP shall be incorporated into the permittee's SWMP. If an applicable MassDEP approval specifies additional conditions or requirements, then those requirements are incorporated into this permit by reference. The permittee must comply with all such requirements.

¹⁷ Contact MassDEP for guidance on compliance with 314 CMR 4.04

Appendix A

Definitions, Abbreviations and Acronyms

Definitions

Best Management Practices (BMPs) - schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Common Plan of Development - A "larger common plan of development or sale" is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan. For example, if a developer buys a 20-acre lot and builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures sometime in the future, this would be considered a larger common plan of development or sale. If the land is parceled off or sold, and construction occurs on plots that are less than one acre by separate, independent builders, this activity still would be subject to stormwater permitting requirements if the smaller plots were included on the original site plan.

Control Measure - refers to any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

Director - a Regional Administrator of the Environmental Protection Agency or an authorized representative.

Discharge - when used without qualification, means the "discharge of a pollutant."

Discharge of a pollutant - any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from surface runoff which is collected or channeled by man; or discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

Discharge-related activities - activities which cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction and operation of BMPs to control, reduce, or prevent pollution in the discharges.

Disturbance - action to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

Existing Discharger – an operator applying for coverage under this permit for discharges covered previously under an NPDES general or individual permit.

Facility or Activity - any NPDES “point source” or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

Federal Facility – Any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by, or constructed or manufactured for the purpose of leasing to, the federal government.

Illicit Discharge - any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

Impaired Water – A water is impaired if it does not meet one or more of its designated use(s). For purposes of this permit, “impaired” refers to categories 4 and 5 of the five-part categorization approach used for classifying the water quality standards attainment status for water segments under the TMDL program. Impaired waters compilations are also sometimes referred to as “303(d) lists.” Category 5 waters are impaired because at least one designated use is not being supported or is threatened and a TMDL is needed. Category 4 waters indicate that at least one designated use is not being supported but a TMDL is not needed (4a indicates that a TMDL has been approved or established by EPA; 4b indicates other required control measures are expected in result in the attainment of water quality standards in a reasonable period of time; and 4c indicates that the non-attainment of the water quality standard is the result of pollution (e.g. habitat) and is not caused by a pollutant). See *USEPA’s 2006 Integrated Report Guidance, July 29, 2005* for more detail on the five part categorization of waters [under EPA National TMDL Guidance <http://www.epa.gov/owow/tmdl/policy.html>]).

Impervious Surface- Any surface that prevents or significantly impedes the infiltration of water into the underlying soil. This can include but is not limited to: roads, driveways, parking areas and other areas created using non porous material; buildings, rooftops, structures, artificial turf and compacted gravel or soil.

Industrial Activity - the ten categories of industrial activities included in the definition of “stormwater discharges associated with industrial activity,” as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi).

Industrial Stormwater - stormwater runoff associated with the definition of “stormwater discharges associated with industrial activity.”

Interconnection – the point (excluding sheet flow over impervious surfaces) where the permittee’s MS4 discharges to another MS4 or other storm sewer system, through which the discharge is eventually conveyed to a water of the United States. Interconnections shall be treated similarly to outfalls throughout the permit.

Junction Manhole - For the purposes of this permit, a junction manhole is a manhole or structure with two or more inlets accepting flow from two or more MS4 alignments. Manholes with inlets solely from private storm drains, individual catch basins, or both are not considered junction manholes for these purposes.

Key Junction Manhole - For the purposes of this permit, key junction manholes are those junction manholes that can represent one or more junction manholes without compromising adequate implementation of the illicit discharge program. Adequate implementation of the illicit discharge program would not be compromised if the exclusion of a particular junction manhole as a key junction manhole would not affect the permittee's ability to determine the possible presence of an upstream illicit discharge. A permittee may exclude a junction manhole located upstream from another located in the immediate vicinity or that is serving a drainage alignment with no potential for illicit connections.

Municipal Separate Storm Sewer - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

Municipal Separate Storm Sewer System (MS4) - means all separate storm sewers that are defined as "large" or "medium" or "small" municipal storm sewer systems pursuant to paragraphs 40 CFR 122.26 (b)(4) and (b)(7), or designated under paragraph 40 126.26(a) (1)(v). For the purposes of this permit "MS4" may also refer to the permittee with jurisdiction over the sewer system.

New Development – any construction activities or land alteration resulting in total earth disturbances greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) on an area that has not previously been developed to include impervious cover. (see part 2.3.6. of the permit)

New Discharger – For the purposes of this permit, a new discharger is an entity that discharges stormwater from a new facility with an entirely new separate storm sewer system that is not physically located on the same or adjacent land as an existing facility and associated system operated by the same MS4.

New Source - any building, structure, facility, or installation from which there is or may be a “discharge of pollutants,” the construction of which commenced:

- S after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or
- S after proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

New Source Performance Standards (NSPS) – Technology-based standards for facilities that qualify as new sources under 40 CFR 122.2 and 40 CFR 122.29.

No exposure - all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff.

One Lane Width – The width of the travel lane for a roadway. Lane width does not include shoulders, curbs, and on-street parking areas.

Outfall Catchment – The land area draining to a single outfall or interconnection. The extent of an outfall’s catchment is determined not only by localized topography and impervious cover but also by the location of drainage structures and the connectivity of MS4 pipes.

Owner or operator - the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

Person - an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

Point source - any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant - dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

Pollutant of concern – A pollutant which causes or contributes to a violation of a water quality standard, including a pollutant which is identified as causing an impairment in a State's 303(d) list.

Redevelopment – for the purposes of part 2.3.6., any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances greater than 1

acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of new development (see above).

Reportable Quantity Release – a release of a hazardous substance at or above the established legal threshold that requires emergency notification. Refer to 40 CFR Parts 110, 177, and 302 for complete definitions and reportable quantities for which notification is required.

Runoff coefficient - the fraction of total rainfall that will appear at the conveyance as runoff.

Significant materials - includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

Site – for the purposes of part 2.3.6., the area extent of construction activities, including but not limited to the creation of new impervious cover and improvement of existing impervious cover (e.g. repaving not covered by 2.3.6.a.ii.4.d.)

Small Municipal Separate Storm Sewer System – all separate storm sewer systems that are (i) owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district, or drainage district, or similar entity or an Indian tribe or an authorized Indian tribal organization or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, and (ii) not defined as “large” or “medium” municipal separate storm sewer system pursuant to paragraphs 40 CFR 122.26 (b)(4) and (b)(7), or designated under paragraph 40 126.26(a) (1)(v). This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. This term does not include separate storm sewers in very discrete areas, such as individual buildings.

Small MS4 – means a small municipal separate storm sewer system.

Stormwater - stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater Discharges Associated with Construction Activity - a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial

stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. (See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

Stormwater Discharges Associated with Industrial Activity - the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at part 401 of this chapter); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities include those that are federally, State, or municipally owned or operated that meet the description of the facilities listed in Appendix D of this permit. The term also includes those facilities designated under the provisions of 40 CFR 122.26(a)(1)(v).

Total Maximum Daily Loads (TMDLs) - A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges, load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. (See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).

Urbanized Area – US Census designated area comprised of a densely settled core of census tracts and/or census blocks that meet minimum population density requirements, along with adjacent territory containing non-residential urban land uses as well as territory with low population density included to link outlying densely settled territory with the densely settled core. For the purposes of this permit, Urbanized Areas as defined by any Census since 2000 remain subject to stormwater regulation even if there is a change in the reach of the Urbanized Area because of a change in more recent Census data.

Water Quality Limited Water – for the purposes of this permit, a water quality limited water is any waterbody that does not meet applicable water quality standards, including but not limited to waters listed in categories 5 or 4b on the Massachusetts Integrated Report of waters listed pursuant to Clean Water Act section 303(d) and 305(b).

Water Quality Standards - A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. States and EPA adopt WQS to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act (See CWA sections 101(a)2 and 303(c)).

ABBREVIATIONS AND ACRONYMS

BMP – Best Management Practice

BPJ – Best Professional Judgment

CGP – Construction General Permit

CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq*)

DCIA – Directly Connected Impervious Area

EPA – U. S. Environmental Protection Agency

ESA – Endangered Species Act

USFWS – U. S. Fish and Wildlife Service

IA – Impervious Area

IDDE – Illicit Discharge Detection and Elimination

LA – Load Allocations

MOS – Margin of Safety

MS4 – Municipal Separate Storm Sewer System

MSGP – Multi-Sector General Permit

NHPA – National Historic Preservation Act

NMFS – U. S. National Marine Fisheries Service

NOI – Notice of Intent

NPDES – National Pollutant Discharge Elimination System

NRHP – National Register of Historic Places

NSPS – New Source Performance Standard

NTU – Nephelometric Turbidity Unit

PCP – Phosphorus Control Plan (pertaining to Charles River Watershed phosphorus TMDL requirements only – Appendix F Part A.I)

LPCP – Lake Phosphorus Control Plan (pertaining to Lake or pond phosphorus TMDL requirements only – Appendix F Part A.II)

POTW – Publicly Owned Treatment Works

RCRA – Resource Conservation and Recovery Act

SHPO – State Historic Preservation Officer

SIC – Standard Industrial Classification

SPCC – Spill Prevention, Control, and Countermeasure

SWMP – Stormwater Management Program

SWPPP – Stormwater Pollution Prevention Plan

TMDL – Total Maximum Daily Load

TSS – Total Suspended Solids

USGS – United States Geological Survey

WLA – Wasteload Allocation

WQS – Water Quality Standard

Appendix B

Standard Permit Conditions

Standard Permit Conditions

Standard permit conditions in Appendix B are consistent with the general permit provisions required under 40 CFR 122.41.

B.1. Duty To Comply

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

- A. You must comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
- B. Penalties for Violations of Permit Conditions: The Director will adjust the civil and administrative penalties listed below in accordance with the Civil Monetary Penalty Inflation Adjustment Rule (61 FR 252, December 31, 1996, pp. 69359-69366, as corrected in 62 FR 54, March 20, 1997, pp.13514-13517) as mandated by the Debt Collection Improvement Act of 1996 for inflation on a periodic basis. This rule allows EPA's penalties to keep pace with inflation. The Agency is required to review its penalties at least once every 4 years thereafter and to adjust them as necessary for inflation according to a specified formula. The civil and administrative penalties following were adjusted for inflation starting in 1996.
 1. *Criminal Penalties.*
 - a. *Negligent Violations.* The CWA provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation or by imprisonment of not more than two years, or both.
 - b. *Knowing Violations.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both. In the case of a

second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

- c. *Knowing Endangerment.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he or she is placing another person in imminent danger of death or serious bodily injury shall upon conviction be subject to a fine of not more than \$250,000 or by imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision be subject to a fine of not more than \$1,000,000 and can fined up to \$2,000,000 for second or subsequent convictions.
 - d. *False Statement.* The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
2. *Civil Penalties.* The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$32,500 per day for each violation).
 3. *Administrative Penalties.* The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

- 3.1. *Class I Penalty.* Not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$32,500).
- 3.2. *Class II Penalty.* Not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$157,500).

B.2. Duty to Reapply

If you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply for and obtain a new permit.

B.3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

B.4. Duty to Mitigate

You must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

B.5. Proper Operation and Maintenance

You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit, including the requirements of your SWPPP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by you only when the operation is necessary to achieve compliance with the conditions of this permit.

B.6. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

B.7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privileges.

B.8. Duty to Provide Information

You must furnish to EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), within a reasonable time, any information which EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. You must also furnish to EPA upon request, copies of records required to be kept by this permit.

B.9. Inspection and Entry

You must allow EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), upon presentation of credentials and other documents as may be required by law, to:

- A. Enter upon your premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

B.10. Monitoring and Records

- A. Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.
- B. You must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of EPA at any time.
- C. Records of monitoring information must include:
 1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) analyses were performed

4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and
 6. The results of such analyses.
- D. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in the permit.
- E. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

B.11. Signatory Requirements

- A. All applications, including NOIs, must be signed as follows:
1. For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 2. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
 3. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

- B. All reports, including SWPPPs, inspection reports, annual reports, monitoring reports, reports on training and other information required by this permit must be signed by a person described in Appendix B, Subsection 11.A above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
1. The authorization is made in writing by a person described in Appendix B, Subsection 11.A;
 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 3. The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.
- C. Changes to Authorization. If an authorization under Appendix B, Subsection 11.B is no longer accurate because a different operator has responsibility for the overall operation of the industrial facility, a new NOI satisfying the requirements of Subsection 11.B must be submitted to EPA prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Any person signing documents required under the terms of this permit must include the following 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 gathered and evaluated 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, 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.”
- E. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

B.12. Reporting Requirements

- A. Planned changes. You must give notice to EPA as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b); or
 2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR §122.42(a)(1).
- B. Anticipated noncompliance. You must give advance notice to EPA of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Transfers. This permit is not transferable to any person except after notice to EPA. EPA may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (See 40 CFR §122.61; in some cases, modification or revocation and reissuance is mandatory.)
- D. Monitoring reports. Monitoring results must be reported at the intervals specified elsewhere in this permit.
1. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms (paper or electronic) provided or specified by EPA for reporting results of monitoring of sludge use or disposal practices.
 2. If you monitor any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by EPA.
 3. Calculations for all limitations which require averaging of measurements must use an arithmetic mean and non-detected results must be incorporated in calculations as the limit of quantitation for the analysis.
- E. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.
- F. Twenty-four hour reporting.
1. You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours

from the time you become aware of the circumstances. A written submission must also be provided within five days of the time you become aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

2. The following shall be included as information which must be reported within 24 hours under this paragraph.
 - a. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR §122.41(g).)
 - b. Any upset which exceeds any effluent limitation in the permit
 - c. Violation of a maximum daily discharge limitation for any of the pollutants listed by EPA in the permit to be reported within 24 hours. (See 40 CFR §122.44(g).)
 3. EPA may waive the written report on a case-by-case basis for reports under Appendix B, Subsection 12.F.2 if the oral report has been received within 24 hours.
- G. Other noncompliance. You must report all instances of noncompliance not reported under Appendix B, Subsections 12.D, 12.E, and 12.F, at the time monitoring reports are submitted. The reports must contain the information listed in Appendix B, Subsection 12.F.
- H. Other information. Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Permitting Authority, you must promptly submit such facts or information.

B.13. Bypass

- A. Definitions.
1. Bypass means the intentional diversion of waste streams from any portion of a treatment facility
 2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. Bypass not exceeding limitations. You may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential

maintenance to assure efficient operation. These bypasses are not subject to the provisions of Appendix B, Subsections 13.C and 13.D.

C. Notice.

1. Anticipated bypass. If you know in advance of the need for a bypass, you must submit prior notice, if possible at least ten days before the date of the bypass.
2. Unanticipated bypass. You must submit notice of an unanticipated bypass as required in Appendix B, Subsection 12.F (24-hour notice).

D. Prohibition of bypass.

1. Bypass is prohibited, and EPA may take enforcement action against you for bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. You submitted notices as required under Appendix B, Subsection 13.C.
2. EPA may approve an anticipated bypass, after considering its adverse effects, if EPA determines that it will meet the three conditions listed above in Appendix B, Subsection 13.D.1.

B.14. Upset

- A. Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Appendix B, Subsection 14.C are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

- C. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
1. An upset occurred and that you can identify the cause(s) of the upset;
 2. The permitted facility was at the time being properly operated; and
 3. You submitted notice of the upset as required in Appendix B, Subsection 12.F.2.b (24 hour notice).
 4. You complied with any remedial measures required under Appendix B, Subsection 4.
- D. Burden of proof. In any enforcement proceeding, you, as the one seeking to establish the occurrence of an upset, has the burden of proof.

APPENDIX C ENDANGERED SPECIES GUIDANCE

A. Background

In order to meet its obligations under the Clean Water Act and the Endangered Species Act (ESA), and to promote the goals of those Acts, the Environmental Protection Agency (EPA) is seeking to ensure the activities regulated by this general permit do not adversely affect endangered and threatened species or critical habitat. Applicants applying for permit coverage must assess the impacts of their stormwater discharges and discharge-related activities on federally listed endangered and threatened species (“listed species”) and designated critical habitat (“critical habitat”) to ensure that those goals are met. Prior to obtaining general permit coverage, applicants must meet the ESA eligibility provisions of this permit by following the steps in this Appendix¹.

Applicants also have an independent ESA obligation to ensure that their activities do not result in any prohibited “take” of listed species². The term “Take” is used in the ESA to include harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct. “Harm” is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns including breeding, feeding, or sheltering. “Harass” is defined as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. Many of the measures required in this general permit and in these instructions to protect species may also assist in ensuring that the applicant’s activities do not result in a prohibited take of species in violation of section 9 of the ESA. If the applicant has plans or activities in an area where endangered and threatened species are located, they may wish to ensure that they are protected from potential take liability under ESA section 9 by obtaining an ESA section 10 permit or by requesting formal consultation under ESA section 7. Applicants that are unsure whether to pursue a section 10 permit or a section 7 consultation for takings protection should confer with the appropriate United States Fish and Wildlife Service (USFWS) office or the National Marine Fisheries Service (NMFS), (jointly the Services).

Currently, there are 20 species of concern for applicants applying for permit coverage, namely the Dwarf wedgemussel (*Alasmidonta heterodon*), Northeastern bulrush (*Scirpus ancistrochaetus*), Sandplain gerardia (*Agalinis acuta*), Piping Plover (*Charadrius melodus*), Roseate Tern (*Sterna dougallii*), Northern Red-bellied cooter (*Pseudemys rubriventis*), Bog Turtle (*Glyptemys muhlenbergii*), Small whorled Pogonia (*Isotria medeoloides*), Puritan tiger beetle (*Cicindela puritana*), American burying beetle (*Nicrophorus americanus*), Northeastern beach tiger beetle (*Cicindela dorsalis*), Northern Long-eared Bat (*Myotis septentrionalis*), Atlantic Sturgeon (*Acipenser oxyrinchus*), Shortnose Sturgeon (*Acipenser brevirostrum*), North Atlantic Right Whale (*Eubalaena glacialis*), Humpback Whale (*Megaptera novaengliae*), Fin Whale (*Balaenoptera physalus*), Kemp’s Ridley Sea Turtle (*Lepidochelys kempii*), Loggerhead Sea Turtle (*Caretta caretta*), Leatherback Sea Turtle (*Dermochelys coriacea*), and the Green Turtle (*Chelonia*

¹ EPA strongly encourages applicants to begin this process at the earliest possible stage to ensure the notification requirements for general permit coverage are complete upon Notice of Intent (NOI) submission.

² Section 9 of the ESA prohibits any person from “taking” a listed species (e.g. harassing or harming it) unless: (1) the taking is authorized through an “incidental take statement” as part of completion of formal consultation according to ESA section 7; (2) where an incidental take permit is obtained under ESA section 10 (which requires the development of a habitat conversion plan; or (3) where otherwise authorized or exempted under the ESA. This prohibition applies to all entities including private individuals, businesses, and governments.

mydas). The Atlantic Sturgeon, Shortnose Sturgeon, North Atlantic Right Whale, Humpback Whale, Fin Whale, Loggerhead Sea Turtle, Kemp's Ridley Sea Turtle, Leatherback Sea Turtle and Green Turtle are listed under the jurisdiction of NMFS. The Dwarf wedgemussel, Northeastern bulrush, Sandplain gerardia, Piping Plover, Northern Red-bellied cooter, Bog Turtle, Small whorled Pogonia, Roseate Tern, Puritan tiger beetle, Northeastern beach tiger beetle, Northern Long-eared Bat and American burying beetle are listed under the jurisdiction of the U.S. Fish and Wildlife Service.

Any applicant seeking coverage under this general permit, must consult with the Services where appropriate. When listed species are present, permit coverage is only available if EPA determines, or the applicant determines and EPA concurs, that the discharge or discharge related activities will have "no affect" on the listed species or critical habitat, or the applicant or EPA determines that the discharge or discharge related activities are "not likely to adversely affect" listed species or critical habitat and formal or informal consultation with the Services has been concluded and results in written concurrence by the Services that the discharge is "not likely to adversely affect" an endangered or threatened species or critical habitat.

EPA may designate the applicants as non-Federal representatives for the general permit for the purpose of carrying out formal or informal consultation with the Services (See 50 CFR §402.08 and §402.13). By terms of this permit, EPA has automatically designated operators as non-Federal representatives for the purpose of conducting formal or informal consultation with the U.S. Fish and Wildlife Service. EPA has not designated operators as non-Federal representatives for the purpose of conducting formal or informal consultation with the National Marine Fisheries Service. EPA has determined that discharges from MS4s are not likely to adversely affect listed species or critical habitat under the jurisdiction of the National Marine Fisheries Service. EPA has initiated informal consultation with the National Marine Fisheries Service on behalf of all permittees and no further action is required by permittees in order to fulfill ESA requirements of this permit related to species under the jurisdiction of NMFS

B. The U.S. Fish and Wildlife Service ESA Eligibility Process

Before submitting a notice of intent (NOI) for coverage by this permit, applicants must determine whether they meet the ESA eligibility criteria by following the steps in Section B of this Appendix. Applicants that cannot meet the eligibility criteria in Section B must apply for an individual permit.

The USFWS ESA eligibility requirements of this permit relating to the Dwarf wedgemussel, Northeastern bulrush, Sandplain gerardia, Piping Plover, Northern Red-bellied cooter, Bog Turtle, Small whorled Pogonia, Roseate Tern, Puritan tiger beetle, Northeastern beach tiger beetle, Northern Long-eared Bat and American burying beetle may be satisfied by documenting that one of the following criteria has been met:

USFWS Criterion A: No endangered or threatened species or critical habitat are in proximity to the stormwater discharges or discharge related activities.

USFWS Criterion B: In the course of formal or informal consultation with the Fish and Wildlife Service, under section 7 of the ESA, the consultation resulted in either a no jeopardy opinion (formal consultation) or a written concurrence by USFWS on a finding that the stormwater discharges and

discharge related activities are “not likely to adversely affect” listed species or critical habitat (informal consultation).

USFWS Criterion C: Using the best scientific and commercial data available, the effect of the stormwater discharge and discharge related activities on listed species and critical habitat have been evaluated. Based on those evaluations, a determination is made by EPA, or by the applicant and affirmed by EPA, that the stormwater discharges and discharge related activities will have “no affect” on any federally threatened or endangered listed species or designated critical habitat under the jurisdiction of the USFWS.

1. The Steps to Determine if the USFWS ESA Eligibility Criteria Can Be Met

To determine eligibility, you must assess the potential effects of your known stormwater discharges and discharge related activities on listed species or critical habitat, PRIOR to completing and submitting a Notice of Intent (NOI). You must follow the steps outlined below and document the results of your eligibility determination.

Step 1 – Determine if you can meet USFWS Criterion A

USFWS Criterion A: You can certify eligibility, according to USFWS Criterion A, for coverage by this permit if, upon completing the Information, Planning, and Conservation (IPaC) online system process, you printed and saved the preliminary determination which indicated that federally listed species or designated critical habitats are not present in the action area. See Attachment 1 to Appendix C for instructions on how to use IPaC.

If you have met USFWS Criterion A skip to Step # 4.

If you have not met USFWS Criterion A, go to Step # 2.

Step 2 – Determine if You Can Meet Eligibility USFWS Criteria B

USFWS Criterion B: You can certify eligibility according to USFWS Criteria B for coverage by this permit if you answer “Yes” to **all** of the following questions:

- 1) Does your action area contain one or more of the following species: Sandplain gerardia, Small whorled Pogonia, American burying beetle, Dwarf wedgemussel, Northeastern bulrush, Piping Plover, Northern Red-bellied cooter, Bog Turtle, Roseate Tern, Puritan tiger beetle, and Northeastern beach tiger beetle?
AND
- 2) Did your assessment of the discharge and discharge related activities indicate that the discharge or discharge related activities “may affect” or are “not likely to adversely affect” listed species or critical habitat?
AND
- 3) Did you contact the USFWS and did the formal or informal consultation result in either a “no jeopardy” opinion by the USFWS (for formal consultation) or concurrence by the

USFWS that your activities would be “not likely to adversely affect” listed species or critical habitat (for informal consultation)?

AND

- 4) Do you agree to implement all measures upon which the consultation was conditioned?
- 5) Do you agree that if, during the course of the permit term, you plan to install a structural BMP not identified in the NOI that you will re-initiate informal or formal consultation with USFWS as necessary?

Use the guidance below Step 3 to understand effects determination and to answer these questions.

If you answered “Yes” to all four questions above, you have met eligibility USFWS Criteria B. Skip to Step 4.

If you answered “No” to any of the four questions above, go to Step 3.

Step 3 – Determine if You Can Meet Eligibility USFWS Criterion C

USFWS Criterion C: You can certify eligibility according to USFWS Criterion C for coverage by this permit if you answer “Yes” to both of the following question:

- 1) Does your action area contain one or more of the following species: Northern Long-eared Bat, Sandplain gerardia, Small whorled Pogonia and/or American burying beetle and **does not** contain one any following species: Dwarf wedgemussel, Northeastern bulrush, Piping Plover, Northern Red-bellied cooter, Bog Turtle, Roseate Tern, Puritan tiger beetle, and Northeastern beach tiger beetle?³
- OR
- 2) Did the assessment of your discharge and discharge related activities and indicate that there would be “no affect” on listed species or critical habitat and EPA provided concurrence with your determination?
- 3) Do you agree that if, during the course of the permit term, you plan to install a structural BMP not identified in the NOI that you will to conduct an endangered species screening for the proposed site and contact the USFWS if you determine that the new activity “may affect” or is “not likely to adversely affect” listed species or critical habitat under the jurisdiction of the USFWS.

Use the guidance below to understand effects determination and to answer these questions.

If you answered “Yes” to both the question above, you have met eligibility USFWS Criterion C. Go to Step 4.

If you answered “No” to either of the questions above, you are not eligible for coverage by this permit. You must submit an application for an individual permit for your stormwater discharges. (See 40 CFR 122.21).

USFWS Effects Determination Guidance:

If you are unable to certify eligibility under USFWS Criterion A, you must assess whether your stormwater discharges and discharge-related activities “may affect”, will have “no affect” or are “not likely to adversely affect” listed species or critical habitat. “Discharge-related activities” include: activities which cause, contribute to, or result in point source stormwater pollutant discharges; and measures to provide treatment for stormwater discharges including the siting, construction and operational procedures to control, reduce or prevent water pollution. Please be aware that no protection from incidental take liability is provided under this criterion.

The scope of effects to consider will vary with each system. If you are having difficulty in determining whether your system is likely to cause adverse effects to a listed species or critical habitat, you should contact the USFWS for assistance. In order to complete the determination of effects it may be necessary to follow the formal or informal consultation procedures in section 7 of the ESA.

Upon completion of your assessment, document the results of your effects determination. If your results indicate that stormwater discharges or discharge related activities will have “no affect” on threatened or endangered species or critical habitat and EPA concurs with your determination, you are eligible under USFWS Criterion C of this Appendix. Your determination may be based on measures that you implement to avoid, eliminate, or minimized adverse effects.

If the determination is “May affect” or “not likely to adversely affect” you must contact the USFWS to discuss your findings and measures you could implement to avoid, eliminate, or minimize adverse effects. If you and the USFWS reach agreement on measures to avoid adverse effects, you are eligible under USFWS Criterion B. Any terms and/or conditions to protect listed species and critical habitat that you relied on in order to complete an adverse effects determination, must be incorporated into your Storm Water Management Program (required by this permit) and implemented in order to maintain permit eligibility.

If endangered species issues cannot be resolved: If you cannot reach agreement with the USFWS on measures to avoid or eliminate adverse effects then you are not eligible for coverage under this permit. You must seek coverage under an individual permit.

Effects from stormwater discharges and discharge-related activities which could pose an adverse effect include:

- *Hydrological:* Stormwater discharges may cause siltation, sedimentation, or induce other changes in receiving waters such as temperature, salinity or pH. These effects will vary with the amount of stormwater discharged and the volume and condition of the receiving water. Where a discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely.
- *Habitat:* Excavation, site development, grading and other surface disturbance activities, including the installation or placement of treatment equipment may adversely affect listed species or their habitat. Stormwater from the small MS4 may inundate a listed species habitat.

- *Toxicity*: In some cases, pollutants in the stormwater may have toxic effects on listed species.

Step 4 - Document Results of the Eligibility Determination

Once the USFWS ESA eligibility requirements have been met, you shall include documentation of USFWS ESA eligibility in the Storm Water Management Program required by the permit. Documentation for the various eligibility criteria are as follows:

- USFWS Criterion A: A copy of the IPaC generated preliminary determination letter indicating that no listed species or critical habitat is present within your action area. You shall also include a statement on how you determined that no listed species or critical habitat are in proximity to your stormwater system or discharges.
- USFWS Criterion B: A dated copy of the USFWS letter of concurrence on a finding of “no jeopardy” (for formal consultation) or “not likely to adversely affect” (for informal consultation) regarding the ESA section 7 consultation.
- USFWS Criterion C: A dated copy of the EPA concurrence with the operator’s determination that the stormwater discharges and discharge-related activities will have “no affect” on listed species or critical habitat.

C. Submittal of Notice of Intent

Once the ESA eligibility requirements of Part C of this Appendix have been met you may submit the Notice of Intent indicating which Criterion you have met to be eligible for permit coverage. Signature and submittal of the NOI constitutes your certification, under penalty of law, of eligibility for permit coverage under 40 CFR 122.21.

D. Duty to Implement Terms and Conditions upon which Eligibility was Determined

You must comply with any terms and conditions imposed under the ESA eligibility requirements to ensure that your stormwater discharges and discharge related activities do not pose adverse effects or jeopardy to listed species and/or critical habitat. You must incorporate such terms and conditions into your Storm Water Management Program as required by this permit. If the ESA eligibility requirements of this permit cannot be met, then you may not receive coverage under this permit and must apply for an individual permit.

E. Services Information

United States Fish and Wildlife Service Office

National websites for Endangered Species Information:

Endangered Species home page: <http://endangered.fws.gov>

ESA Section 7 Consultations: <http://endangered.fws.gov/consultation/index.html>

Information, Planning, and Conservation System (IPAC): <http://ecos.fws.gov/ipac/>

U.S. FWS – Region 5

Supervisor

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

Natural Heritage Network

The Natural Heritage Network comprises 75 independent heritage program organizations located in all 50 states, 10 Canadian provinces, and 12 countries and territories located throughout Latin America and the Caribbean. These programs gather, manage, and distribute detailed information about the biological diversity found within their jurisdictions. Developers, businesses, and public agencies use natural heritage information to comply with environmental laws and to improve the environmental sensitivity of economic development projects. Local governments use the information to aid in land use planning.

The Natural Heritage Network is overseen by NatureServe, the Network's parent organization, and is accessible on-line at: http://www.natureserve.org/nhp/us_programs.htm, which provides websites and other access to a large number of specific biodiversity centers.

U.S. Fish and Wildlife IPaC system instructions

Use the following protocol to determine if any federally listed species or designated critical habitats under USFWS jurisdiction exist in your action area:

Enter your project specific information into the “Initial Project Scoping” feature of the Information, Planning, and Conservation (IPaC) system mapping tool, which can be found at the following location:

<http://ecos.fws.gov/ipac/>

- a. Indicate the action area¹ for the MS4 by either:
 - a. Drawing the boundary on the map or by uploading a shapefile.
Select “Continue”

- c. Click on the “SEE RESOURCE LIST” button and on the next screen you can export a trust resources list. This will provide a list of natural resources of concern, which will include an Endangered Species Act Species list. You may also request an official species list under “REGULATORY DOCUMENTS” Save copies and retain for your records

¹ The action area is defined by regulation as all areas to be affected directly or indirectly by the action and not merely the immediate area involved in the action (50 CFR §402.02). This analysis is not limited to the "footprint" of the action nor is it limited by the Federal agency's authority. Rather, it is a biological determination of the reach of the proposed action on listed species. Subsequent analyses of the environmental baseline, effects of the action, and levels of incidental take are based upon the action area.

The documentation used by a Federal action agency to initiate consultation should contain a description of the action area as defined in the Services' regulations and explained in the Services' consultation handbook. If the Services determine that the action area as defined by the action agency is incorrect, the Services should discuss their rationale with the agency or applicant, as appropriate. Reaching agreement on the description of the action area is desirable but ultimately the Services can only consult when an action area is defined properly under the regulations.

For storm water discharges or discharge related activities, the action area should encompass the following:

- The immediate vicinity of, or nearby, the point of discharge into receiving waters.
- The path or immediate area through which or over which storm water flows from the municipality to the point of discharge into the receiving water. This includes areas in the receiving water downstream from the point of discharge.
- Areas that may be impacted by construction or repair activities. This extends as far as effects related to noise (from construction equipment, power tools, etc.) and light (if work is performed at night) may reach.

The action area will vary with the size and location of the outfall pipe, the nature and quantity of the storm water discharges, and the type of receiving waters, among other factors.

Appendix D National Historic Preservation Act Guidance

Background

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effects of Federal “undertakings” on historic properties that are either listed on, or eligible for listing on, the National Register of Historic Places. The term federal “undertaking” is defined in the NHPA regulations to include a project, activity, or program of a federal agency including those carried out by or on behalf of a federal agency, those carried out with federal financial assistance, and those requiring a federal permit, license or approval. See 36 CFR 800.16(y). Historic properties are defined in the NHPA regulations to include prehistoric or historic districts, sites, buildings, structures, or objects that are included in, or are eligible for inclusion in, the National Register of Historic Places. This term includes artifacts, records, and remains that are related to and located within such properties. See 36 CFR 800.16(1).

EPA’s issuance of a National Pollutant Discharge Elimination System (NPDES) General Permit is a federal undertaking within the meaning of the NHPA regulations and EPA has determined that the activities to be carried out under the general permit require review and consideration, in order to be in compliance with the federal historic preservation laws and regulations. Although individual submissions for authorization under the general permit do not constitute separate federal undertakings, the screening processes provides an appropriate site-specific means of addressing historic property issues in connection with EPA’s issuance of the permit. To address any issues relating to historic properties in connection with the issuance of this permit, EPA has included a screening process for applicants to identify whether properties listed or eligible for listing on the National Register of Historic Places are within the path of their discharges or discharge-related activities (including treatment systems or any BMPs relating to the discharge or treatment process) covered by this permit.

Applicants seeking authorization under this general permit must comply with applicable, State, Tribal, and local laws concerning the protection of historic properties and places and may be required to coordinate with the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO) and others regarding effects of their discharges on historic properties.

Activities with No Potential to Have an Effect on Historic Properties

A determination that a federal undertaking has no potential to have an effect on historic properties fulfills an agency’s obligations under NHPA. EPA has reason to believe that the vast majority of activities authorized under this general permit will have no potential effects on historic properties. This permit typically authorizes discharges from existing facilities and requires control of the pollutants discharged from the facility. EPA does not anticipate effects on historic properties from the pollutants in the authorized discharges. Thus, to the extent EPA’s issuance of this general permit authorizes discharges of such constituents, confined to existing channels, outfalls or natural drainage areas, the permitting action does not have the potential to cause effects on historical properties.

In addition, the overwhelming majority of sources covered under this permit will be facilities that are seeking renewal of previous permit authorization. These existing dischargers should have already addressed NHPA issues in the previous general permit as they were required to certify that they were either not affecting historic properties or they had obtained written agreement from

the applicable SHPO or THPO regarding methods of mitigating potential impacts. To the extent this permit authorizes renewal of prior coverage without relevant changes in operations the discharge has no potential to have an effect on historic properties.

Activities with Potential to Have an Effect on Historic Properties

EPA believes this permit may have some potential to have an effect on historic properties the applicant undertakes the construction and/or installation of control measures that involve subsurface disturbance that involves less than 1 acre of land. (Ground disturbances of 1 acre or more require coverage under the Construction General Permit.) Where there is disturbance of land through the construction and/or installation of control measures, there is a possibility that artifacts, records, or remains associated with historic properties could be impacted. Therefore, if the applicant is establishing new or altering existing control measures to manage their discharge that will involve subsurface ground disturbance of less than 1 acre, they will need to ensure (1) that historic properties will not be impacted by their activities or (2) that they are in compliance with a written agreement with the SHPO, THPO, or other tribal representative that outlines all measures the applicant will carry out to mitigate or prevent any adverse effects on historic properties.

Examples of Control Measures Which Involve Subsurface Disturbance

The type of control measures that are presumptively expected to cause subsurface ground disturbance include:

- Dikes
- Berms
- Catch basins, drainage inlets
- Ponds, bioretention areas
- Ditches, trenches, channels, swales
- Culverts, pipes
- Land manipulation; contouring, sloping, and grading
- Perimeter Drains
- Installation of manufactured treatment devices

EPA cautions applicants that this list is non-inclusive. Other control measures that involve earth disturbing activities that are not on this list must also be examined for the potential to affect historic properties.

Certification

Upon completion of this screening process the applicant shall certify eligibility for this permit using one of the following criteria on their Notice of Intent for permit coverage:

Criterion A: The discharges do not have the potential to cause effects on historic properties.

Criterion B: A historic survey was conducted. The survey concluded that no historic properties are present. Discharges do not have the potential to cause effects on historic properties.

Criterion C: The discharges and discharge related activities have the potential to have an effect on historic properties, and the applicant has obtained and is in compliance with a written agreement with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (TPHO), or other tribal representative that outlines measures the applicant will carry out to mitigate or prevent any adverse effects on historic properties.

Authorization under the general permit is available only if the applicant certifies and documents permit eligibility using one of the eligibility criteria listed above. Small MS4s that cannot meet any of the eligibility criteria in above must apply for an individual permit.

Screening Process

Applicants or their consultant need to answer the questions and follow the appropriate procedures below to assist EPA in compliance with 36 CFR 800.

Question 1: Is the facility an existing facility authorized by the previous permit or a new facility and the applicant is not undertaking any activity involving subsurface land disturbance less than an acre?

YES - The applicant should certify that fact in writing and file the statement with the EPA. This certification must be maintained as part of the records associated with the permit.

The applicant should certify eligibility for this permit using Criterion A on their Notice of Intent for permit coverage. The applicant does not need to contact the state Historic Commission. Based on that statement, EPA will document that the project has “no potential to cause effects” (36 CFR 800.3(a)(1)). There are no further obligations under the Section 106 regulations.

NO- Go to Question 2.

Question 2: Is the property listed in the National Register of Historic Places or have prior surveys or disturbances revealed the existence of a historic property or artifacts?

NO - The applicant should certify that fact in writing and file the statement with the EPA. This certification must be maintained as part of the records associated with the permit.

The applicant should certify eligibility for this permit using Criterion B on their Notice of Intent for permit coverage. The applicant does not need to contact the state Historic Commission. Based on that statement, EPA will document that the project has “no potential to cause effects” (36 CFR 800.3(a)(1)). There are no further obligations under the Section 106 regulations.

YES - The applicant or their consultant should prepare a complete information submittal to the SHPO. The submittal consists of:

- Completed Project Notification Form- forms available at <http://www.sec.state.ma.us/mhc/mhcform/formidx.htm>;

- USGS map section with the actual project boundaries clearly indicated; and
- Scaled project plans showing existing and proposed conditions.

(1) Please note that the SHPO does not accept email for review. Please mail a paper copy of your submittal (Certified Mail, Return Receipt Requested) or deliver a paper copy of your submittal (and obtain a receipt) to:

State Historic Preservation Officer
Massachusetts Historical Commission
220 Morrissey Blvd.
Boston MA 02125.

(2) Provide a copy of your submittal and the proof of MHC delivery showing the date MHC received your submittal to:

NPDES Permit Branch Chief
US EPA Region 1 (OEP06-1)
5 Post Office Square, Suite 100
Boston MA 02109-3912.

The SHPO will comment within thirty (30) days of receipt of complete submittals, and may ask for additional information. Consultation, as appropriate, will include EPA, the SHPO and other consulting parties (which includes the applicant). The steps in the federal regulations (36 CFR 800.2 to 800.6, etc.) will proceed as necessary to conclude the Section 106 review for the undertaking. **The applicant should certify eligibility for this permit using Criterion C on their Notice of Intent for permit coverage.**

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

Part I: General Conditions

General Information

Name of Municipality or Organization: State

EPA NPDES Permit Number:

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

Check the box if your municipality or organization was covered under the 2003 MS4 General Permit

Stormwater Management Program (SWMP) Location (web address or physical location):

Eligibility Determination

Endangered Species Act (ESA) Determination Complete? Eligibility Criteria (check all that apply): A B C D E F

National Historic Preservation Act (NHPA) Determination Complete? Eligibility Criteria (check all that apply): A B C D

MS4 Infrastructure (if covered under the 2003 permit)

Estimated Percent of Outfall Map Complete? If 100% of 2003 requirements not met, enter an estimated date of completion (MM/DD/YY):

Web address where MS4 map is published:

If outfall map is unavailable on the internet an electronic or paper copy of the outfall map must be included with NOI submission (see section V for submission options)

Regulatory Authorities (if covered under the 2003 permit)

Illicit Discharge Detection and Elimination (IDDE) Authority Adopted?: Effective Date or Estimated Date of Adoption (MM/DD/YY):

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

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

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

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.

For Massachusetts list of impaired waters click here: [Massachusetts 2010 List of Impaired: Waters http://www.mass.gov/dep/water/resources/10list6.pdf](http://www.mass.gov/dep/water/resources/10list6.pdf)

For New Hampshire list of impaired waters click here: [New Hampshire Final 303\(d\) Materials: http://des.nh.gov/organization/divisions/water/wmb/swqa/2010/index.htm](http://des.nh.gov/organization/divisions/water/wmb/swqa/2010/index.htm)

Source of pollutants column should be completed with a preliminary source evaluation of pollutants for discharges to impaired waterbodies (see above 303(d) lists) without an approved TMDL in accordance with Section 2.2.2a of the permit

Waterbody segment that receives flow from the MS4	Number of outfalls into receiving water segment	Pollutant list (select one at a time to add)	Click impairment at left to add, or at right to remove	Pollutant(s) causing impairment, if applicable (select one at a time to remove)
		Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved	Add/Remove	
		Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved	Add/Remove	
		Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved	Add/Remove	
		Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved	Add/Remove	

		<p>Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved</p>	Add/Remove	
		<p>Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved</p>	Add/Remove	
		<p>Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved</p>	Add/Remove	
		<p>Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved</p>	Add/Remove	
		<p>Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved</p>	Add/Remove	
		<p>Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total)</p>	Add/Remove	

		Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved	Add/Remove	
		Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved	Add/Remove	
		Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved	Add/Remove	
		Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved	Add/Remove	
		Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved	Add/Remove	

Click to lengthen table

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

Part III: Stormwater Management Program Summary

MCM 2: Public Involvement and Participation

BMP Categorization	Brief BMP Description (enter your own text to override the drop down menu)	Responsible Department/ Parties	Additional Description/ Measurable Goal	Beginning Year of BMP implement ation
Public Review	SWMP Review			
Public Participation				

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

Part III: Stormwater Management Program Summary

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)
SSO inventory			Develop SSO inventory within 1 year of effective date of permit
Storm sewer system map			Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit
Written IDDE program development			Complete within 1.5 years of the effective date of permit
Implement IDDE Program			Implement catchment investigations according to program and permit conditions
Employee Training			Train annually
Conduct dry weather screening			Conduct in accordance with outfall screening procedure and permit conditions
Conduct wet weather screening			Conduct in accordance with outfall screening procedure and permit conditions
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Notice of Intent (NOI) for coverage under Small MS4 General Permit (continued)

Part III: Stormwater Management Program Summary

MCM 5: Post-Construction Stormwater Management in New Development and Redevelopment

BMP Categorization <small>(enter your own text to override the drop down menu or entered text)</small>	BMP Description	Responsible Department/ Parties <small>(enter your own text to override the drop down menu)</small>	Measurable Goal <small>(all text can be overwritten)</small>	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.		Require submission of as-built plans for completed projects	
Inventory and priority ranking of MS4-owned properties that may be retrofitted with BMPs	Conduct detailed inventory of MS4 owned properties and rank for retrofit potential		Complete 4 years after permit effective date	
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		Complete 4 years after permit effective date	
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.		Complete 4 years after permit effective date	
Ensure any stormwater controls or management practices for new development and redevelopment will prevent or minimize impacts to water quality.	Adoption, amendment or modification of a regulatory mechanism to meet permit requirements		Complete 2 years after permit effective date	

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

Part III: Stormwater Management Program Summary

MCM 6: Municipal Good Housekeeping and Pollution Prevention

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/ Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP implementation
Create written O&M procedures for parks and open spaces, buildings and facilities, and vehicles and equipment			Complete 2 years after permit effective date	
Inventory all permittee-owned parks and open spaces, buildings and facilities (including their storm drains), and vehicles and equipment			Complete 2 years after permit effective date	
Establish and implement program for repair and rehabilitation of MS4 infrastructure			Complete 2 years after permit effective date	
Stormwater Pollution Prevention Plan (SWPPP) for maintenance garages, transfer stations and other waste-handling facilities			Complete 2 years after permit effective date	
Catch Basin Cleaning				
Street Sweeping Program				
Road Salt use optimization program				
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Notice of Intent (NOI) for coverage under Small MS4 General Permit (continued)

Part IV: Notes and additional information

Use the space below to provide any additional information about your MS4 program

Click to add text

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

Title:

Signature Field

Date:

NOI Submission

Please submit the form electronically via email using the "submit by Email" button below or send in a CD with your completed NOI. You may also print and submit via mail at the address below if you choose not to submit electronically. Outfall map required in Part I of the NOI (if applicable) can be submitted electronically as an email attachment OR as a paper copy.

Permittees that choose to submit their NOI electronically by email or by mailing a CD with the completed NOI form to EPA, will be able to download a partially filled Year 1 Annual Report at a later date from EPA.

Submit by Email

Submit by email using this button. Or, send an email with attachments to: stormwater.reports@epa.gov

Save

Save NOI for your records

EPA Submittal Address:

United States Environmental Protection Agency
5 Post Office Square - Suite 100
Mail Code - OEP06-1
Boston, Massachusetts 02109-3912
ATTN: Newton Tedder

State Submittal Address

Massachusetts Department of Environmental Protection
One Winter Street - 5th Floor
Boston, MA 02108
ATTN: Fred Civian

APPENDIX F
Requirements for Discharges to Impaired Waters with an Approved TMDL

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Attachment 1 – Method To Calculate Baseline Watershed Phosphorus Load For Lake And Pond Phosphorus TMDLs (Applicable To part II Of Appendix F Only) And Method To Calculate Increases in Phosphorus Load due to Development

Attachment 2 – Phosphorus Reduction Credits For Selected Enhanced Non-Structural BMPs

Attachment 3 - Phosphorus Reduction Credits For Selected Structural BMPs

A. Requirements for Discharges to Impaired Waters with an Approved MassDEP In State TMDL

I. Charles River Watershed Phosphorus TMDL Requirements

On October 17, 2007, EPA approved the *Final TMDL for Nutrients in the Lower Charles River Basin* (Lower Charles TMDL)¹ and on June 10, 2011 EPA approved the *Total Maximum Daily Load for Nutrients in the Upper/Middle Charles River* (Upper/Middle Charles TMDL)². The following phosphorus reduction requirements address phosphorus in MS4 discharges.

1. To address the discharge of phosphorus from its MS4, the permittee shall develop a Phosphorus Control Plan (PCP) designed to reduce the amount of phosphorus in stormwater (SW) discharges from its MS4 to the Charles River and its tributaries. The PCP shall be completed in phases and the permittee shall add it as an attachment to its written SWMP upon completion and report in annual reports pursuant to part 4.4 of the Permit on its progress toward achieving its Phosphorus Reduction Requirement. The PCP shall be developed and fully implemented as soon as possible but no later than 20 years after the permit effective date in accordance with the phases and schedule outlined below. Each Phase shall contain the elements required of each phase as described in parts a. through c below. The timing of each phase over 20 years from the permit effective date is:

1-5 years after permit effective date	5-10 years after permit effective date	10-15 years after permit effective date	15-20 years after permit effective date
Create Phase 1 Plan	Implement Phase 1 Plan		
	Create Phase 2 Plan	Implement Phase 2 Plan	
		Create Phase 3 Plan	Implement Phase 3 Plan

a. Phase 1

- 1) The permittee shall complete a written Phase 1 plan of the PCP five years after the permit effective date and fully implement the Phase 1 plan of the PCP as soon as possible but no longer than 10 years after the permit effective date.
- 2) The Phase 1 plan of the PCP shall contain the following elements and has the following required milestones:

Item Number	Phase 1 of the PCP Component and Milestones	Completion Date
1-1	Legal analysis	2 years after permit effective date

¹ Massachusetts Department of Environmental Protection. 2007. *Final TMDL for Nutrients in the Lower Charles River Basin*. CN 301.1

² Massachusetts Department of Environmental Protection. 2011. *Total Maximum Daily Load for Nutrients in the Upper/Middle Charles River Basin, Massachusetts*. CN 272.0

1-2	Funding source assessment.	3 years after permit effective date
1-3	Define scope of PCP (PCP Area) Baseline Phosphorus Load and Phosphorus Reduction Requirement and Allowable Phosphorus Load	4 years after permit effective date
1-4	Description of Phase 1 planned nonstructural controls	5 years after permit effective date
1-5	Description of Phase 1 planned structural controls	5 years after permit effective date
1-6	Description of Operation and Maintenance program for structural controls	5 years after permit effective date
1-7	Phase 1 implementation schedule	5 years after permit effective date
1-8	Estimated cost for implementing Phase 1 of the PCP	5 years after permit effective date
1-9	Complete Written Phase 1 PCP	5 years after permit effective date
1-10	Full implementation of nonstructural controls	6 years after permit effective date
1-11	Performance Evaluation	6, and 7 years after permit effective date
1-12	<p>1. Performance Evaluation.</p> <p>2. Full implementation of all structural controls used to demonstrate that the total phosphorus export rate (P_{exp}) from the PCP Area in mass/yr is equal to or less than the applicable Allowable Phosphorus Load (P_{allow}) plus the applicable Phosphorus Reduction Requirement (P_{RR}) multiplied by 0.80</p> $P_{exp} \leq P_{allow} + (P_{RR} \times 0.80)$	8 years after permit effective date
1-13	Performance Evaluation	9 years after permit effective date
1-14	<p>1. Performance Evaluation.</p> <p>2. Full implementation of all structural controls used to demonstrate that the total phosphorus export rate (P_{exp}) from the PCP Area in mass/yr is equal to or less than the applicable Allowable Phosphorus Load (P_{allow}) plus the applicable Phosphorus Reduction Requirement (P_{RR}) multiplied by 0.75</p>	10 years after permit effective date

	$P_{exp} \leq P_{allow} + (P_{RR} \times 0.75)$	
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Table F-1: Phase 1 of the PCP components and Milestones

3) Description of Phase 1 PCP Components

Legal Analysis- The permittee shall develop and implement an analysis that identifies existing regulatory mechanisms available to the MS4 such as by-laws and ordinances, and describes any changes to regulatory mechanisms that may be necessary to effectively implement the entire PCP. This may include the creation or amendment of financial and regulatory authorities. The permittee shall adopt necessary regulatory changes by the end of the permit term.

Funding source assessment – The permittee shall describe known and anticipated funding mechanisms (e.g. general funding, enterprise funding, stormwater utilities) that will be used to fund PCP implementation. The permittee shall describe the steps it will take to implement its funding plan. This may include but is not limited to conceptual development, outreach to affected parties, and development of legal authorities.

Scope of the PCP, Baseline Phosphorus Load (P_{base}), Phosphorus Reduction Requirement (P_{RR}) and Allowable Phosphorus Load (P_{allow}) - The permittee shall indicate the area in which it plans to implement the PCP. The permittee must choose one of the following: (1) to implement its PCP in the entire area within its jurisdiction (for municipalities this would be the municipal boundary) within the Charles River Watershed; or (2) to implement its PCP only in the urbanized area portion of the permittee’s jurisdiction within the Charles River Watershed. The implementation area selected by the permittee is known as the “PCP Area” for that permittee. Table F-2³ and Table F-3⁴ list the permittees subject to phosphorus reduction requirements along with the estimated Baseline Phosphorus Loads in mass/yr, the calculated Allowable Stormwater Phosphorus Load in mass/yr, the Stormwater Phosphorus Reduction Requirement in mass/yr and the respective percent reductions necessary. The two tables contain different reduction requirements for each permittee based on the PCP Area they choose (see above). If the permittee chooses to implement the PCP in its entire jurisdiction, the permittee may demonstrate compliance with the Phosphorus Reduction Requirement and Allowable Phosphorus Load requirements applicable to it through structural and non-structural controls on discharges that occur outside the regulated area. If the permittee chooses to implement the PCP in its regulated area only, the permittee must demonstrate compliance with the Phosphorus Reduction Requirement and Allowable Phosphorus Load requirements applicable to it through structural

³ The estimated Baseline Phosphorus Load, Allowable Phosphorus Load, Phosphorus Reduction Requirement and percent reductions presented in Table F-2 apply to the entire watershed land area that drains to the Charles River and its tributaries within the permittee’s jurisdiction.

⁴ The estimated Baseline Phosphorus Load, Allowable Phosphorus Load, Phosphorus Reduction Requirement and percent reductions presented in Table F-3 apply only to the urbanized area portion of the permittee’s jurisdiction that drains to the Charles River or its tributaries.

and non-structural controls on discharges that occur within the regulated area only.

The permittee shall select the Baseline Phosphorus Load, Stormwater Phosphorus Reduction Requirement and Allowable Phosphorus Load that corresponds to the PCP Area selected. The selected Stormwater Phosphorus Reduction Requirement and Allowable Phosphorus Load will be used to determine compliance with PCP milestones of this Phase and Phase 2 and Phase 3. If the permittee chooses to implement its PCP in all areas within its jurisdiction within the Charles River Watershed, then the permittee shall use Table F-2 to determine the Baseline Phosphorus Load, Stormwater Phosphorus Reduction Requirement and Allowable Phosphorus Load for its PCP Area. If the permittee chooses to implement its PCP only within the regulated area within the Charles River Watershed, then the permittee shall use Table F-3 to determine the Baseline Phosphorus Load, Stormwater Phosphorus Reduction Requirement and Allowable Phosphorus Load for its PCP Area.

The Permittee may submit more accurate land use data from 2005, which is the year chosen as the baseline land use for the purposes of permit compliance, for EPA to recalculate baseline phosphorus stormwater loads for use in future permit reissuances. Updated land use maps, land areas, characteristics, and MS4 area and catchment delineations shall be submitted to EPA along with the year 4 annual report in electronic GIS data layer form for consideration for future permit requirements⁵. Until such a time as future permit requirements reflect information submitted in the year 4 annual report, the permittee shall use the Baseline Phosphorus Load, Stormwater Phosphorus Reduction Requirement and Allowable Phosphorus Load Table F-2 (if its PCP Area is the permittee's entire jurisdiction) or Table F-3 (if its PCP Area is the regulated area only) to calculate compliance with milestones for Phase 1, 2, and 3 of the PCP.

Description of Phase 1 planned non-structural controls – The permittee shall describe the non-structural stormwater control measures necessary to support achievement of the phosphorus export milestones in Table F-1. The description of non-structural controls shall include the planned measures, the areas where the measures will be implemented, and the annual phosphorus reductions that are expected to result from their implementation in units of mass/yr. Annual phosphorus reduction from non-structural BMPs shall be calculated consistent with Attachment 2 to Appendix F.

Description of Phase 1 planned structural controls – The permittee shall develop a priority ranking of areas and infrastructure within the municipality for potential implementation of structural phosphorus controls during Phase 1. The ranking shall be developed through the use of available

⁵ This submission is optional and needs only be done if the permittee has more accurate land use information from 2005 than information provided by MassGIS (<http://www.mass.gov/anf/research-and-tech/it-serv-and-support/application-serv/office-of-geographic-information-massgis/datalayers/lus2005.html>, retrieved 10/1/2013) or the permittee has updated MS4 drainage area characteristics and the permittee would like to update the Baseline Phosphorus Load.

screening and monitoring results collected during the permit term either by the permittee or another entity and the mapping required pursuant to part 2.3.4.6 of the Permit. The permittee shall also include in this priority ranking a detailed assessment of site suitability for potential phosphorus control measures based on soil types and other factors. The permittee shall coordinate this activity with the requirements of part 2.3.6.8.b of the Permit. A description and the results of this priority ranking shall be included in Phase 1 of the PCP. The permittee shall describe the structural stormwater control measures necessary to support achievement of the phosphorus export milestones in Table F-1. The description of structural controls shall include the planned and existing measures, the areas where the measures will be implemented or are currently implemented, and the annual phosphorus reductions in units of mass/yr that are expected to result from their implementation. Structural measures to be implemented by a third party may be included in a municipal PCP. Annual phosphorus reductions from structural BMPs shall be calculated consistent with Attachment 3 to Appendix F.

Description of Operation and Maintenance (O&M) Program for all planned and existing structural BMPs – The permittee shall establish an Operation and Maintenance Program for all structural BMPs being claimed for phosphorus reduction credit as part of Phase 1 of the PCP. This includes BMPs implemented to date as well as BMPs to be implemented during Phase 1 of the PCP. The Operation and Maintenance Program shall become part of the PCP and include: (1) inspection and maintenance schedule for each BMP according to BMP design or manufacturer specification and (2) program or department responsible for BMP maintenance.

Phase 1 Implementation Schedule – A schedule for implementation of all planned Phase 1 BMPs, including, as appropriate: obtaining funding, training, purchasing, construction, inspections, monitoring, operation and maintenance activities, and other assessment and evaluation components of implementation. Implementation of planned BMPs must begin upon completion of the Phase 1 Plan, and all non-structural BMPs shall be fully implemented within six years of the permit effective date. Structural BMPs shall be designed and constructed to ensure the permittee will comply with the 8 and 10 year phosphorus load milestones established in Table F-1. The Phase 1 plan shall be fully implemented as soon as possible, but no later than 10 years after the effective date of permit.

Estimated cost for implementing Phase 1 of the PCP – The permittee shall estimate the cost of implementing the Phase 1 non-structural and structural controls and associated Operation and Maintenance Program. This cost estimate can be used to assess the validity of the funding source assessment completed by year 3 after the permit effective date and to update funding sources as necessary to complete Phase 1.

Complete written Phase 1 Plan – The permittee must complete the written Phase 1 Plan of the PCP no later than 5 years after the permit effective date. The complete Phase 1 Plan shall include Phase 1 PCP item numbers 1-1 through 1-7 in Table F-1. The permittee shall make the Phase 1 Plan

available to the public for public comment during Phase 1 Plan development. EPA encourages the permittee to post the Phase I Plan online to facilitate public involvement.

Performance Evaluation –The permittee shall evaluate the effectiveness of the PCP by tracking the phosphorus reductions achieved through implementation of structural and non-structural BMPs⁶ and tracking increases resulting from development. Phosphorus reductions shall be calculated consistent with Attachment 2 to Appendix F (non-structural BMP performance) and Attachment 3 to Appendix F (structural BMP performance) for all BMPs implemented to date. Phosphorus export increases since 2005 due to development shall be calculated consistent with Attachment 1 to Appendix F. Phosphorus loading increases and reductions in unit of mass/yr shall be added or subtracted from the applicable Baseline Phosphorus Load given in Table F-2 or Table F-3 depending on the Scope of PCP chosen to estimate the yearly phosphorous export rate from the PCP Area. The permittee shall also include all information required in part I.2 of this Appendix in each performance evaluation. Performance evaluations will be included as part of each permittee’s annual report as required by part 4.4 of the Permit.

Community Annual Stormwater Phosphorus Load Reduction by Permittee, Charles River Watershed				
Community	Baseline Phosphorus Load, kg/yr	Stormwater Phosphorus Load Reduction Requirement kg/yr	Allowable Phosphorus Load, kg/yr	Stormwater Percent Reduction in Phosphorus Load (%)
Arlington	106	57	49	53%
Ashland	67	23	44	34%
Bellingham	947	331	616	35%
Belmont	202	86	116	42%
Brookline	1,635	789	846	48%
Cambridge	512	263	249	51%
Dedham	805	325	480	40%
Dover	831	137	694	17%
Foxborough	2	0	2	0%
Franklin	2,344	818	1,526	35%

⁶ In meeting its phosphorus reduction requirements a permittee may quantify phosphorus reductions by actions undertaken by another entity, except where those actions are credited to MassDOT or another permittee identified in Appendix F Table F-2 or F-3.

Community Annual Stormwater Phosphorus Load Reduction by Permittee, Charles River Watershed				
Community	Baseline Phosphorus Load, kg/yr	Stormwater Phosphorus Load Reduction Requirement kg/yr	Allowable Phosphorus Load, kg/yr	Stormwater Percent Reduction in Phosphorus Load (%)
Holliston	1,543	395	1,148	26%
Hopedale	107	37	70	35%
Hopkinton	292	66	226	22%
Lexington	530	194	336	37%
Lincoln	593	101	492	17%
Medfield	955	277	678	29%
Medway	1,063	314	749	30%
Mendon	29	9	20	31%
Milford	1,611	663	948	41%
Millis	969	248	721	26%
Natick	1,108	385	723	35%
Needham	1,772	796	976	45%
Newton	3,884	1,941	1,943	50%
Norfolk	1,004	232	772	23%
Somerville	646	331	315	51%
Sherborn	846	131	715	16%
Walpole	159	28	131	18%
Waltham	2,901	1,461	1,400	50%
Watertown	1,127	582	545	52%
Wayland	46	15	31	33%
Wellesley	1,431	661	770	46%
Weston	1,174	281	893	24%
Westwood	376	114	262	30%
Wrentham	618	171	447	28%
Mass-DCR	421	91	330	22%

Table F-2: Baseline Phosphorus Load, Phosphorus Reduction Requirement, Allowable Phosphorus Load and Percent Reduction in Phosphorus Load from Charles River Watershed. For use when PCP Area is chosen to be the entire community within the Charles River Watershed.

Urbanized Area Annual Stormwater Phosphorus Load Reduction by Permittee, Charles River Watershed				
Community	Baseline Watershed Phosphorus Load, kg/yr	Stormwater Phosphorus Load Reduction Requirement, kg/yr	Allowable Phosphorus Load, kg/yr	Stormwater Percent Reduction in Phosphorus Load (%)
Arlington	106	57	49	53%
Ashland	67	23	44	34%
Bellingham	801	291	510	36%
Belmont	202	86	116	42%
Brookline	1,635	789	846	48%
Cambridge	512	263	249	51%
Dedham	805	325	480	40%
Dover	282	54	228	19%
Foxborough	2	0	2	0%
Franklin	2,312	813	1,499	35%
Holliston	1,359	369	990	27%
Hopedale	107	37	70	35%
Hopkinton	280	65	215	23%
Lexington	525	193	332	37%
Lincoln	366	63	303	17%
Medfield	827	267	560	33%
Medway	1,037	305	732	29%
Mendon	10	5	5	50%
Milford	1,486	653	833	44%
Millis	501	159	342	32%
Natick	994	359	635	36%
Needham	1,771	795	976	45%
Newton	3,884	1,941	1,943	50%
Norfolk	1,001	231	770	23%
Somerville	646	331	315	51%
Sherborn	203	38	165	19%
Walpole	159	28	131	18%
Waltham	2,901	1,461	1,440	50%
Watertown	1,127	582	545	52%
Wayland	46	15	31	33%
Wellesley	1,431	661	770	46%

Urbanized Area Annual Stormwater Phosphorus Load Reduction by Permittee, Charles River Watershed				
Community	Baseline Watershed Phosphorus Load, kg/yr	Stormwater Phosphorus Load Reduction Requirement, kg/yr	Allowable Phosphorus Load, kg/yr	Stormwater Percent Reduction in Phosphorus Load (%)
Weston	1,174	281	893	24%
Westwood	346	108	238	31%
Wrentham	556	159	397	29%
Mass DCR	396	89	307	22%

Table F-3: Baseline Phosphorus Load, Phosphorus Reduction Requirement, Allowable Phosphorus Load and Percent Reduction in Phosphorus Load from Charles River Watershed. For use when PCP Area is chosen to be only the urbanized area portion of a permittee’s jurisdiction within the Charles River Watershed.

b. Phase 2

- 1) The permittee shall complete the Phase 2 Plan of the PCP 10 years after the permit effective date and fully implement the Phase 2 plan of the PCP as soon as possible but no longer than 15 years after the permit effective date.
- 2) The Phase 2 plan of the PCP shall be added to the Phase 1 Plan and contain the following elements and has the following required milestones:

Item Number	Phase 2 of the PCP Component and Milestones	Completion Date
2-1	Update Legal analysis	As necessary
2-2	Description of Phase 2 planned nonstructural controls	10 years after permit effective date
2-3	Description of Phase 2 planned structural controls	10 years after permit effective date
2-4	Updated description of Operation and Maintenance Program	10 years after permit effective date
2-5	Phase 2 implementation schedule	10 years after permit effective date
2-6	Estimated cost for implementing Phase 2 of the PCP	10 years after permit effective date

2-7	Complete written Phase 2 Plan	10 years after permit effective date
2-8	Performance Evaluation.	11, and 12 years after permit effective date
2-9	1. Performance Evaluation. 2. Full implementation of all structural controls used to demonstrate that the total phosphorus export rate (P_{exp}) from the PCP Area in mass/yr is equal to or less than the applicable Allowable Phosphorus Load(P_{allow}) plus the applicable Phosphorus Reduction Requirement (P_{RR}) multiplied by 0.65 $P_{exp} \leq P_{allow} + (P_{RR} \times 0.65)$	13 years after permit effective date
2-10	Performance Evaluation	14 years after permit effective date
2-11	1. Performance Evaluation. 2. Full implementation of all structural controls used to demonstrate that the total phosphorus export rate (P_{exp}) from the PCP Area in mass/yr is equal to or less than the applicable Allowable Phosphorus Load(P_{allow}) plus the applicable Phosphorus Reduction Requirement (P_{RR}) multiplied by 0.50 $P_{exp} \leq P_{allow} + (P_{RR} \times 0.50)$	15 years after permit effective date

Table F-4: Phase 2 of the PCP components and Milestones

3) Description of Phase 2 PCP Components

Updated Legal Analysis- The permittee shall update the legal analysis completed during Phase 1 of the PCP as necessary to include any new or augmented bylaws, ordinances or funding mechanisms the permittee has deemed necessary to implement the PCP. The permittee shall use experience gained during Phase 1 to inform the updated legal analysis. The permittee shall adopt necessary regulatory changes as soon as possible to implement the Phase 2 Plan.

Description of Phase 2 planned non-structural controls – The permittee shall describe the non-structural stormwater control measures necessary to support achievement of the phosphorus export milestones in Table F-4. The description of non-structural controls shall include the planned measures, the areas where the measures will be implemented, and the annual phosphorus reductions that are expected to result from their implementation in units of mass/yr. Annual phosphorus reduction from non-structural BMPs shall be calculated consistent with Attachment 2 to Appendix F.

Description of planned Phase 2 structural controls – The permittee shall develop a priority ranking of areas and infrastructure within the municipality for potential implementation of phosphorus control practices during Phase 2. The ranking shall build upon the ranking developed for Phase 1. The permittee shall describe the structural stormwater control measures necessary to support achievement of the phosphorus export milestones in Table F-4. The description of structural controls shall include the planned measures, the areas where the measures will be implemented, and the annual phosphorus reductions in units of mass/yr that are expected to result from their implementation. Structural measures to be implemented by a third party⁷ may be included in a municipal PCP. Annual phosphorus reductions from structural BMPs shall be calculated consistent with Attachment 3 to Appendix F.

Updated description of Operation and Maintenance (O&M) Program for all planned and existing structural BMPs – The permittee shall establish an Operation and Maintenance Program for all structural BMPs being claimed for phosphorus reduction credit as part of Phase 1 and 2 of the PCP. This includes BMPs implemented to date as well as BMPs to be implemented during Phase 2 of the PCP. The Operation and Maintenance Program shall become part of the PCP and include: (1) inspection and maintenance schedule for each BMP according to BMP design or manufacturer specification and (2) program or department responsible for BMP maintenance.

Phase 2 Implementation Schedule – A schedule for implementation of all planned Phase 2 BMPs, including, as appropriate: funding, training, purchasing, construction, inspections, monitoring, O&M activities and other assessment and evaluation components of implementation. Implementation of planned BMPs must begin upon completion of the Phase 2 Plan. Structural BMPs shall be designed and constructed to ensure the permittee will comply with the 13 and 15 year milestones established in Table F-4. The Phase 2 plan shall be fully implemented as soon as possible, but no later than 15 years after the effective date of permit.

Estimated cost for implementing Phase 2 of the PCP – The permittee shall estimate the cost of implementing the Phase 2 non-structural and structural controls and associated Operation and Maintenance Program. This cost estimate can be used to plan for the full implementation of Phase 2.

Complete written Phase 2 Plan – The permittee must complete a written Phase 2 Plan of the PCP no later than 10 years after the permit effective date. The complete Phase 2 Plan shall include Phase 2 PCP item numbers 2-1 through 2-6 in Table F-4. The permittee shall make the Phase 2 Plan available to the public for public comment during Phase 2 plan development. EPA encourages the permittee to post the Phase 2 Plan online to facilitate public involvement.

⁷ See footnote 6

Performance Evaluation – The permittee shall evaluate the effectiveness of the PCP by tracking the phosphorus reductions achieved through implementation of structural and non-structural BMPs⁸ and tracking increases resulting from development. Phosphorus reductions shall be calculated consistent with Attachment 2 to Appendix F (non-structural BMP performance) and Attachment 3 to Appendix F (structural BMP performance) for all BMPs implemented to date. Phosphorus export increases due to development shall be calculated consistent with Attachment 1 to Appendix F. Phosphorus loading increases and reductions in unit of mass/yr shall be added or subtracted from the applicable Baseline Phosphorus Load given in Table F-2 or Table F-3 depending on the Scope of PCP chosen to estimate the yearly phosphorous export rate from the PCP Area. The permittee shall also include all information required in part I.2 of this Appendix in each performance evaluation. Performance evaluations will be included as part of each permittee’s annual report as required by part 4.4 of the Permit.

c. Phase 3

- 1) The permittee shall complete the Phase 3 Plan of the PCP 15 years after the permit effective date and fully implement the Phase 3 plan of the PCP as soon as possible but no longer than 20 years after the permit effective date.
- 2) The Phase 3 plan of the PCP shall be added to the Phase 1 Plan and the Phase 2 Plan to create the comprehensive PCP and contain the following elements and has the following required milestones:

Item Number	Phase 3 of the PCP Component and Milestones	Completion Date
3-1	Update Legal analysis	As necessary
3-2	Description of Phase 3 planned nonstructural controls	15 years after permit effective date
3-3	Description of Phase 3 planned structural controls	15 years after permit effective date
3-4	Updated description of Operation and Maintenance (O&M) Program	15 years after permit effective date
3-5	Phase 3 implementation schedule	15 years after permit effective date
3-6	Estimated cost for implementing Phase 3 of the PCP	15 years after permit effective date
3-7	Complete written Phase 3 Plan	15 years after permit effective date

⁸ See footnote 9

3-8	Performance Evaluation.	16, and 17 years after permit effective date
3-9	<ol style="list-style-type: none"> Performance Evaluation. Full implementation of all structural controls used to demonstrate that the total phosphorus export rate (P_{exp}) from the PCP Area in mass/yr is equal to or less than the applicable Allowable Phosphorus Load (P_{allow}) plus the applicable Phosphorus Reduction Requirement (P_{RR}) multiplied by 0.30 $P_{exp} \leq P_{allow} + (P_{RR} \times 0.30)$ 	18 years after permit effective date
3-10	Performance Evaluation	19 years after permit effective date
3-11	<ol style="list-style-type: none"> Performance Evaluation. Full implementation of all structural controls used to demonstrate that the total phosphorus export rate (P_{exp}) from the PCP Area in mass/yr is equal to or less than the applicable Allowable Phosphorus Load (P_{allow}) $P_{exp} \leq P_{allow}$ 	20 years after permit effective date

Table F-5:Phase 3 of the PCP components and Milestones

3) Description of Phase 3 PCP Components

Updated Legal Analysis- The permittee shall update the legal analysis completed during Phase 1 and Phase 2 of the PCP as necessary to include any new or augmented bylaws, ordinances or funding mechanisms the permittee has deemed necessary to implement the PCP. The permittee shall use experience gained during Phase 1 and Phase 2 to inform the updated legal analysis. The permittee shall adopt necessary regulatory changes as soon as possible to implement the Phase 3 Plan.

Description of Phase 3 planned non-structural controls – The permittee shall describe the non-structural stormwater control measures necessary to support achievement of the phosphorus export milestones in Table F-5. The description of non-structural controls shall include the planned measures, the areas where the measures will be implemented, and the annual phosphorus reductions that are expected to result from their implementation in units of mass/yr. Annual phosphorus reduction from non-structural BMPs shall be calculated consistent with Attachment 2 to Appendix F.

Description of planned Phase 3 structural controls – The permittee shall develop a priority ranking of areas and infrastructure within the municipality for potential implementation of phosphorus control practices during Phase 3. The ranking shall build upon the ranking developed for

Phase 1 and 2. The permittee shall describe the structural stormwater control measures necessary to support achievement of the phosphorus export milestones in Table F-5. The description of structural controls shall include the planned measures, the areas where the measures will be implemented, and the annual phosphorus reductions in units of mass/yr that are expected to result from their implementation. Structural measures to be implemented by a third party may be included in a municipal PCP. Annual phosphorus reduction from structural BMPs shall be calculated consistent with Attachment 3 to Appendix F.

Updated description of Operation and Maintenance (O&M) Program for all planned and existing structural BMPs – The permittee shall establish an Operation and Maintenance Program for all structural BMPs being claimed for phosphorus reduction credit as part of Phase 1, 2 and 3 of the PCP. This includes BMPs implemented to date as well as BMPs to be implemented during Phase 3 of the PCP. The Operation and Maintenance Program shall become part of the PCP and include: (1) inspection and maintenance schedule for each BMP according to BMP design or manufacturer specification and (2) program or department responsible for BMP maintenance.

Phase 3 Implementation Schedule – A schedule for implementation of all planned Phase 3 BMPs, including, as appropriate: funding, training, purchasing, construction, inspections, monitoring, O&M activities and other assessment and evaluation components of implementation. Implementation of planned BMPs must begin upon completion of the Phase 3 Plan. Structural BMPs shall be designed and constructed to ensure the permittee will comply with the 18 and 20 year milestones established in Table F-5. The Phase 3 plan shall be fully implemented as soon as possible, but no later than 20 years after the effective date of permit.

Estimated cost for implementing Phase 3 of the PCP – The permittee shall estimate the cost of implementing the Phase 3 non-structural and structural controls and associated Operation and Maintenance Program. This cost estimate can be used to plan for the full implementation of Phase 3.

Complete written Phase 3 Plan – The permittee must complete the written Phase 3 Plan of the PCP no later than 15 years after the permit effective date. The complete Phase 3 Plan shall include Phase 3 PCP item numbers 3-1 through 3-6 in Table F-5. The permittee shall make the Phase 3 Plan available to the public for public comment during Phase 3 Plan development. EPA encourages the permittee to post the Phase 3 Plan online to facilitate public involvement.

Performance Evaluation – The permittee shall evaluate the effectiveness of the PCP by tracking the phosphorus reductions achieved through implementation of structural and non-structural BMPs⁹ and tracking increases resulting from development. Phosphorus reductions shall be calculated consistent with Attachment 2 to Appendix F (non-structural BMP

⁹ See footnote 9

performance) and Attachment 3 to Appendix F (structural BMP performance) for all BMPs implemented to date. Phosphorus export increases due to development shall be calculated consistent with Attachment 1 to Appendix F. Phosphorus loading increases and reductions in unit of mass/yr shall be added or subtracted from the applicable Baseline Phosphorus Load given in Table F-2 or Table F-3 depending on the Scope of PCP chosen to estimate the yearly phosphorous export rate from the PCP Area. The permittee shall also include all information required in part I.2 of this Appendix in each performance evaluation. Performance evaluations will be included as part of each permittee’s annual report as required by part 4.4 of the Permit.

2. Reporting

Beginning 1 year after the permit effective date, the permittee shall include a progress report in each annual report on the planning and implementation of the PCP.

Beginning five (5) years after the permit effective date, the permittee shall include the following in each annual report submitted pursuant to part 4.4 of the Permit:

- a. All non-structural control measures implemented during the reporting year along with the phosphorus reduction in mass/yr (P_{NSred}) calculated consistent with Attachment 2 to Appendix F
- b. Structural controls implemented during the reporting year and all previous years including:
 - a. Location information of structural BMPs (GPS coordinates or street address)
 - b. Phosphorus reduction from all structural BMPs implemented to date in mass/yr (P_{Sred}) calculated consistent with Attachment 3 to Appendix F
 - c. Date of last completed maintenance and inspection for each Structural control
- c. Phosphorus load increases due to development over the previous reporting period and incurred since 2005 (P_{DEVinc}) calculated consistent with Attachment 1 to Appendix F.
- d. Estimated yearly phosphorus export rate (P_{exp}) from the PCP Area calculated using Equation 2. Equation 2 calculates the yearly phosphorus export rate by subtracting yearly phosphorus reductions through implemented nonstructural controls and structural controls to date from the Baseline Phosphorus Load and adding loading increases incurred through development to date. This equation shall be used to demonstrate compliance with the phosphorus reduction milestones required as part of each phase of the PCP.

$$P_{exp} \left(\frac{mass}{yr} \right) = P_{base} \left(\frac{mass}{yr} \right) - \left(P_{Sred} \left(\frac{mass}{yr} \right) + P_{NSred} \left(\frac{mass}{yr} \right) \right) + P_{DEVinc} \left(\frac{mass}{yr} \right)$$

Equation 1. Equation used to calculate yearly phosphorus export rate from the chosen PCP Area. P_{exp} =Current phosphorus export rate from the PCP Area in mass/year. P_{base} =baseline phosphorus export rate from LPCP Area in mass/year. P_{Sred} = yearly phosphorus reduction from implemented structural controls in the PCP Area in mass/year. P_{NSred} = yearly phosphorus reduction from implemented non-structural controls in the PCP Area in mass/year. P_{DEVinc} = yearly phosphorus increase resulting from development since 2005 in the PCP Area in mass/year.

- e. Certification that all structural BMPs are being inspected and maintained according to the O&M program specified as part of the PCP. The certification statement shall be:

I certify under penalty of law that all source control and treatment Best Management Practices being claimed for phosphorus reduction credit have been inspected, maintained and repaired in accordance with manufacturer or design specification. I certify that, to the best of my knowledge, all Best Management Practices being claimed for a phosphorus reduction credit are performing as originally designed.

- f. Certification that all municipally owned and maintained turf grass areas are being managed in accordance with Massachusetts Regulation 331 CMR 31 pertaining to proper use of fertilizers on turf grasses (see <http://www.mass.gov/courts/docs/lawlib/300-399cmr/330cmr31.pdf>).

3. At any time during the permit term the permittee may be relieved of additional requirements in Appendix F part A.I.1. as follows.

- a. The permittee is relieved of its additional requirements as of the date when the following conditions are met:
 - i. The applicable TMDL has been modified, revised or withdrawn and EPA has approved a new TMDL applicable for the receiving water that indicates that no additional stormwater controls for the control of phosphorus are necessary for the permittee's discharge based on wasteload allocations in the newly approved TMDL
- b. When the criteria in Appendix F part A.I.3.a. are met, the permittee shall document the date of the approved TMDL in its SWMP and is relieved of any remaining requirements of Appendix F part A.I.1 as of that date and the permittee shall comply with the following:
 - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix F part A.I.1 to date to reduce phosphorus in their discharges including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
 - ii. The permittee shall continue to implement all requirements of Appendix F part A.I.1 required to be implemented prior to the date of the newly approved TMDL, including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications, and the reporting requirements of Appendix F part I.2. remain in place.

II. Lake and Pond Phosphorus TMDL Requirements

Between 1999 and 2010 EPA has approved 13 Lake TMDLs¹⁰ completed by MassDEP covering 78 lakes and ponds within the Commonwealth of Massachusetts. Any permittee (traditional or non-traditional) that discharges to a waterbody segment in Table F-6 is subject to the requirements of this part.

1. Permittees that operate regulated MS4s (traditional and non-traditional) that discharge to the identified impaired waters or their tributaries must reduce phosphorus discharges to support achievement of phosphorus load reductions identified in the TMDLs. To address phosphorus, all permittees with a phosphorus reduction requirement greater than 0% shall develop a Lake Phosphorus Control Plan (LPCP) designed to reduce the amount of phosphorus in stormwater discharges from its MS4 to the impaired waterbody or its tributaries in accordance with the phosphorus load reduction requirements set forth in Table F-6 below. Permittees discharging to waterbodies in Table F-6 with an associated 0% Phosphorus Required Percent Reduction are subject to Appendix F part II.2.f and are relieved of the requirements of Appendix F part II.1.i through Appendix F part II.2.e Table F-6 identifies the primary municipalities¹¹ located within the watershed of the respective lake or pond and the percent phosphorus reductions necessary from urban stormwater sources. Any permittee (traditional or non-traditional) that discharges to a lake or pond listed in Table F-6 or its tributaries is subject to the same phosphorus percent reduction requirements associated with that lake or pond.

Primary Municipality	Waterbody Name	Required Percent Reduction
Auburn	Leesville Pond	31%
	Auburn Pond	24%
	Eddy Pond	0%
	Pondville Pond	8%
	Stoneville Pond	3%
Charlton	Buffumville Lake	28%
	Dresser Hill Pond	17%
	Gore Pond	14%
	Granite Reservoir	11%
	Jones Pond	13%
	Pierpoint Meadow Pond	27%
Dudley	Pikes Pond	38%
	Gore Pond	14%

¹⁰ Final TMDLs for lakes and ponds in the Northern Blackstone River Watershed, Chicopee Basin, Connecticut Basin, French Basin, Millers Basin and Bare Hill Pond, Flint Pond, Indian Lake, Lake Boon, Leesville Pond, Salisbury Pond, White Island Pond, Quaboag Pond and Quacumquasit Pond can be found here: <http://www.mass.gov/eea/agencies/massdep/water/watersheds/total-maximum-daily-loads-tmdls.html>

¹¹ Primary municipalities indicate the municipality in which the majority of the lake or pond is located but does not necessarily indicate each municipality that has urbanized area that discharges to the lake or pond or its tributaries.

Primary Municipality	Waterbody Name	Required Percent Reduction
	Larner Pond	55%
	New Pond	56%
	Pierpoint Meadow Pond	27%
	Shepherd Pond	25%
	Tobins Pond	62%
	Wallis Pond	54%
	Gardner	Hilchey Pond
Parker Pond		47%
Bents Pond		52%
Ramsdall Pond		49%
Grafton	Flint Pond/Lake Quinsigamond	59%
Granby	Aldrich Lake East	0%
Hadley	Lake Warner	24%
Harvard	Bare Hill Pond	2%
Hudson	Lake Boon	28%
Leicester	Smiths Pond	30%
	Southwick Pond	64%
	Cedar Meadow Pond	17%
	Dutton Pond	23%
	Greenville Pond	14%
	Rochdale Pond	8%
Ludlow	Minechoag Pond	48%
Millbury	Brierly Pond	14%
	Dorothy Pond	1%
	Howe Reservoir	48%
Oxford	Buffumville Lake	28%
	Hudson Pond	37%
	Lowes Pond	51%
	McKinstry Pond	79%
	Robinson Pond	8%
	Texas Pond	21%
Shrewsbury	Flint Pond/Lake Quinsigamond	49%
	Jordan Pond	60%
	Mill Pond	43%
	Newton Pond	19%
	Shirley Street Pond	30%
Spencer	Quaboag Pond	29%

Primary Municipality	Waterbody Name	Required Percent Reduction
	Quacumquasit Pond	2%
	Jones Pond	13%
	Sugden Reservoir	31%
Springfield	Loon Pond	10%
	Long Pond	56%
	Mona Lake	57%
Stow	Lake Boon	28%
Templeton	Brazell Pond	62%
	Depot Pond	50%
	Bourn-Hadley Pond	49%
	Greenwood Pond 2	56%
Wilbraham	Spectacle Pond	45%
Winchendon	Lake Denison	22%
	Stoddard Pond	24%
	Whitney Pond	16%
	Whites Mill Pond	21%

Table F-6: Phosphorus impaired Lakes or Ponds subject to a TMDL along with primary municipality and required percent reduction of phosphorus from urban stormwater sources

- i. The LPCP shall be implemented in accordance with the following schedule and contain the following elements:
 - a. LPCP Implementation Schedule – The permittee shall complete its LPCP and fully implement all of the control measures in its LPCP as soon as possible but no later than 15 years after the effective date of the permit.
 - b. The LPCP shall be implemented in accordance with the following schedule and contain the following elements:

Number	LPCP Component and Milestones	Completion Date
1	Legal Analysis	2 years after permit effective date
2	Funding source assessment	3 years after permit effective date
3	Define LPCP scope (LPCP Area)	4 years after permit effective date
4	Calculate Baseline Phosphorus, Allowable Phosphorus Load and Phosphorus Reduction Requirement	4 years after permit effective date

5	Description of planned nonstructural and structural controls	5 years after permit effective date
6	Description of Operation and Maintenance (O&M) Program	5 years after permit effective date
7	Implementation schedule	5 years after permit effective date
8	Cost and Funding Source Assessment	5 years after permit effective date
9	Complete written LPCP	5 years after permit effective date
10	Full implementation of nonstructural controls.	6 years after permit effective date
11	Performance Evaluation.	6 and 7 years after permit effective date
12	<ol style="list-style-type: none"> 1. Performance Evaluation. 2. Full implementation of all structural controls used to demonstrate that the total phosphorus export rate (P_{exp}) from the LPCP Area in mass/yr is equal to or less than the applicable Allowable Phosphorus Load(P_{allow}) plus the applicable Phosphorus Reduction Requirement (P_{RR}) multiplied by 0.80 $P_{exp} \leq P_{allow} + (P_{RR} \times 0.80)$ 	8 years after permit effective date
13	Performance Evaluation	9 years after permit effective date
14	<ol style="list-style-type: none"> 1. Performance Evaluation. 2. Update LPCP 3. Full implementation of all structural controls used to demonstrate that the total phosphorus export rate (P_{exp}) from the LPCP Area in mass/yr is equal to or less than the applicable Allowable Phosphorus Load(P_{allow}) plus the applicable Phosphorus Reduction Requirement (P_{RR}) multiplied by 0.60 $P_{exp} \leq P_{allow} + (P_{RR} \times 0.60)$ OR that the permittee has reduced their phosphorus export rate by 30kg/year (whichever is greater, unless full Phosphorus Reduction Requirement has been met) 	10years after permit effective date
15	Performance Evaluation	11 and 12 years after permit effective date
16	<ol style="list-style-type: none"> 1. Performance Evaluation. 2. Full implementation of all structural controls used to demonstrate that the total phosphorus export rate (P_{exp}) from the LPCP Area in mass/yr is equal to or less than the applicable Allowable 	13years after permit effective date

	Phosphorus Load(P_{allow}) plus the applicable Phosphorus Reduction Requirement (P_{RR}) multiplied by 0.30 $P_{exp} \leq P_{allow} + (P_{RR} \times 0.30)$	
17	Performance Evaluation	14 years after permit effective date
18	1. Performance Evaluation. 2. Full implementation of all structural controls used to demonstrate that the total phosphorus export rate (P_{exp}) from the LPCP Area in mass/yr is equal to or less than the applicable Allowable Phosphorus Load(P_{allow}) $P_{exp} \leq P_{allow}$	15 years after permit effective date

Table F-7: LPCP components and milestones

c. Description of LPCP Components:

Legal Analysis- The permittee shall develop and implement an analysis that identifies existing regulatory mechanisms available to the MS4 such as by-laws and ordinances and describes any changes to these regulatory mechanisms that may be necessary to effectively implement the LPCP. This may include the creation or amendment of financial and regulatory authorities. The permittee shall adopt necessary regulatory changes by the end of the permit term.

Scope of the LPCP (LPCP Area) - The permittee shall indicate the area in which the permittee plans to implement the LPCP, this area is known as the “LPCP Area”. The permittee must choose one of the following: 1) to implement its LPCP in the entire area within its jurisdiction discharging to the impaired waterbody (for a municipality this would be the municipal boundary) or 2) to implement its LPCP in only the urbanized area portion of its jurisdiction discharging to the impaired waterbody. If the permittee chooses to implement the LPCP in its entire jurisdiction discharging to the impaired waterbody, the permittee may demonstrate compliance with the Phosphorus Reduction Requirement and Allowable Phosphorus Load requirements applicable to it through structural and non-structural controls on discharges that occur both inside and outside the urbanized area. If the permittee chooses to implement the LPCP in its urbanized area only discharging to the impaired waterbody, the permittee must demonstrate compliance with the Phosphorus Reduction Requirement and Allowable Phosphorus Load requirements applicable to it through structural and non-structural controls on discharges that occur within the urbanized area only.

Calculate Baseline Phosphorus Load (P_{base}), Phosphorus Reduction Requirement (P_{RR}) and Allowable Phosphorus Load (P_{allow}) –Permittees shall calculate their numerical Allowable Phosphorus Load and Phosphorus Reduction Requirement in mass/yr by first estimating their Baseline Phosphorus Load in mass/yr from its LPCP Area consistent with the methodology in Attachment 1 to Appendix F, the baseline shall only be estimated using land use phosphorus export coefficients in Attachment 1 to Appendix F and not account for phosphorus reductions resulting from implemented structural BMPs completed to date. Table F-6 contains the

percent phosphorus reduction required from urban stormwater consistent with the TMDL of each impaired waterbody. The permittee shall apply the applicable required percent reduction in Table F-6 to the calculated Baseline Phosphorus Load to obtain the permittee specific Allowable Phosphorus Load. The Allowable Phosphorus Load shall then be subtracted from the Baseline Phosphorus Load to obtain the permittee specific Phosphorus Reduction Requirement in mass/yr.

Description of planned non-structural controls – The permittee shall describe the non-structural stormwater control measures to be implemented to support the achievement of the milestones in Table F-7. The description of non-structural controls shall include the planned measures, the areas where the measures will be implemented, and the annual phosphorus reductions that are expected to result from their implementation. Annual phosphorus reduction from non-structural BMPs shall be calculated consistent with Attachment 2 to Appendix F. The permittee shall update the description of planned non-structural controls as needed to support the achievement of the milestones in Table F-7, including an update in the updated written LPCP 10 years after the permit effective date.

Description of planned structural controls – The permittee shall develop a priority ranking of areas and infrastructure within the municipality for potential implementation of phosphorus control practices. The ranking shall be developed through the use of available screening and monitoring results collected during the permit term either by the permittee or another entity and the mapping required pursuant to part 2.3.4.6 of the Permit. The permittee shall also include in this prioritization a detailed assessment of site suitability for potential phosphorus control measures based on soil types and other factors. The permittee shall coordinate this activity with the requirements of part 2.3.6.8.b of the Permit. A description and the result of this priority ranking shall be included in the LPCP. The permittee shall describe the structural stormwater control measures necessary to support achievement of the milestones in Table F-7. The description of structural controls shall include the planned measures, the areas where the measures will be implemented, and the annual phosphorus reductions in units of mass/yr that are expected to result from their implementation. Structural measures to be implemented by a third party may be included in the LPCP. Annual phosphorus reduction from structural BMPs shall be calculated consistent with Attachment 3 to Appendix F. The permittee shall update the description of planned structural controls as needed to support the achievement of the milestones in Table F-7, including an update in the updated written LPCP 10 years after the permit effective date.

Description of Operation and Maintenance (O&M) Program for all planned and existing structural BMPs – The permittee shall establish an Operation and Maintenance Program for all structural BMPs being claimed for phosphorus reduction credit as part of Phase 1 and 2 of the PCP. This includes BMPs implemented to date as well as BMPs to be implemented during Phase 2 of the PCP. The Operation and Maintenance Program shall become part of the PCP and include: (1) inspection and maintenance schedule for each BMP according to BMP design or manufacturer specification and (2) program or department responsible for BMP maintenance.

Implementation Schedule – An initial schedule for implementing the BMPs, including, as appropriate: funding, training, purchasing, construction, inspections, monitoring, O&M and other assessment and evaluation components of implementation. Implementation of planned BMPs must begin upon completion of the LPCP, and all non-structural BMPs shall be fully implemented within six years of the permit effective date. Where planned structural BMP retrofits or major drainage infrastructure projects are expected to take additional time to construct, the permittee shall within four years of the effective date of the permit have a schedule for completion of construction consistent with the reduction requirements in Table F-7. The permittee shall complete the implementation of its LPCP as soon as possible or at a minimum in accordance with the milestones set forth in Table F-7. The implementation schedule shall be updated as needed to support the achievement of the milestones in Table F-7, including an update in the updated written LPCP 10 years after the permit effective date.

Cost and funding source assessment – The permittee shall estimate the cost for implementing its LPCP and describe known and anticipated funding mechanisms. The permittee shall describe the steps it will take to implement its funding plan. This may include but is not limited to conceptual development, outreach to affected parties, and development of legal authorities.

Complete written LPCP – The permittee must complete the written LPCP 5 years after permit effective date. The complete LPCP shall include item numbers 1-8 in Table F-7. The permittee shall make the LPCP available to the public for public comment during the LPCP development. EPA encourages the permittee to post the LPCP online to facilitate public involvement. The LPCP shall be updated as needed with an update 10 years after the permit effective date at a minimum to reflect changes in BMP implementation to support achievement of the phosphorus export milestones in Table F-7. The updated LPCP shall build upon the original LPCP and include additional or new BMPs the permittee will use to support the achievement of the milestones in Table F-7.

Performance Evaluation – The permittee shall evaluate the effectiveness of the LPCP by tracking the phosphorus reductions achieved through implementation of structural and non-structural BMPs¹² and tracking increases in phosphorus loading from the LPCP Area beginning six years after the effective date of the permit. Phosphorus reductions shall be calculated consistent with Attachment 2 (non-structural BMP performance), Attachment 3 (structural BMP performance) and Attachment 1 (reductions through land use change), to Appendix F for all BMPs implemented to date¹³. Phosphorus load increases resulting from development shall be calculated consistent with Attachment 1 to Appendix F. Phosphorus

¹² In meeting its phosphorus reduction requirements a permittee may quantify phosphorus reductions by actions undertaken by another entity, except where those actions are credited to MassDOT or another permittee identified in Appendix F Table F-7

¹³ Annual phosphorus reductions from structural BMPs installed in the LPCP Area prior to the effective date of this permit shall be calculated consistent with Attachment 3 to Appendix F. Phosphorus Reduction Credit for previously installed BMPs will only be given if the Permittee demonstrates that the BMP is performing up to design specifications and certifies that the BMP is properly maintained and inspected according to manufacturer design or specifications. This certification shall be part of the annual performance evaluation during the year credit is claimed for the previously installed BMP.

loading increases and reductions in units of mass/yr shall be added or subtracted from the calculated Baseline Phosphorus Load to estimate the yearly phosphorous export rate from the LPCP Area in mass/yr. The permittee shall also include all information required in part II.2 of this Appendix in each performance evaluation.

2. Reporting

Beginning 1 year after the permit effective date, the permittee shall include a progress report in each annual report on the planning and implementation of the LPCP.

Beginning five (5) years after the permit effective date, the permittee shall include the following in each annual report submitted pursuant to part 4.4 of the Permit:

- a. All non-structural control measures implemented during the reporting year along with the phosphorus reduction in mass/yr (P_{NSred}) calculated consistent with Attachment 2 to Appendix F
- b. Structural controls implemented during the reporting year and all previous years including:
 - a. Location information of structural BMPs (GPS coordinates or street address)
 - b. Phosphorus reduction from all structural BMPs implemented to date in mass/yr (P_{Sred}) calculated consistent with Attachment 3 to Appendix F
 - c. Date of last completed maintenance for each Structural control
- c. Phosphorus load increases due to development over the previous reporting period and incurred to date (P_{DEVinc}) calculated consistent with Attachment 1 to Appendix F.
- d. Estimated yearly phosphorus export rate (P_{exp}) from the LPCP Area calculated using Equation 2. Equation 2 calculates the yearly phosphorus export rate by subtracting yearly phosphorus reductions through implemented nonstructural controls and structural controls to date from the Baseline Phosphorus Load and adding loading increases incurred through development to date. This equation shall be used to demonstrate compliance with the phosphorus reduction milestones required as part of each phase of the LPCP.

$$P_{exp} \left(\frac{\text{mass}}{\text{yr}} \right) = P_{base} \left(\frac{\text{mass}}{\text{yr}} \right) - \left(P_{Sred} \left(\frac{\text{mass}}{\text{yr}} \right) + P_{NSred} \left(\frac{\text{mass}}{\text{yr}} \right) \right) + P_{DEVinc} \left(\frac{\text{mass}}{\text{yr}} \right)$$

Equation 2. Equation used to calculate yearly phosphorus export rate from the chosen LPCP Area. P_{exp} =Current phosphorus export rate from the LPCP Area in mass/year. P_{base} =baseline phosphorus export rate from LPCP Area in mass/year. P_{Sred} = yearly phosphorus reduction from implemented structural controls in the LPCP Area in mass/year. P_{NSred} = yearly phosphorus reduction from implemented non-structural controls in the LPCP Area in mass/year. Area in mass/year. P_{DEVinc} = yearly phosphorus increase resulting from development since the year baseline loading was calculated in the LPCP Area in mass/year.

- e. Certification that all structural BMPs are being inspected and maintained according to the O&M program specified as part of the PCP. The certification statement shall be:

I certify under penalty of law that all source control and treatment Best Management Practices being claimed for phosphorus reduction credit have been inspected, maintained and repaired in accordance with manufacturer or design specification. I certify that, to the best of my knowledge, all Best Management

Practices being claimed for a phosphorus reduction credit are performing as originally designed.

- f. Certification that all municipally owned and maintained turf grass areas are being managed in accordance with Massachusetts Regulation 331 CMR 31 pertaining to proper use of fertilizers on turf grasses (see <http://www.mass.gov/courts/docs/lawlib/300-399cmr/330cmr31.pdf>).
3. At any time during the permit term the permittee may be relieved of additional requirements in Appendix F part A.II.1. as follows:
 - a. The permittee is relieved of its additional requirements as of the date when the following conditions are met:
 - i. The applicable TMDL has been modified, revised or withdrawn and EPA has approved a new TMDL applicable for the receiving water that indicates that no additional stormwater controls for the control of phosphorus are necessary for the permittee's discharge based on wasteload allocations in the newly approved TMDL
 - b. In such a case, the permittee shall document the date of the approved TMDL in its SWMP and is relieved of any additional remaining requirements of Appendix F part A.II.1 as of that date and the permittee shall comply with the following:
 - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix F part A.II.1 to date to reduce phosphorus in their discharges including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
 - ii. The permittee shall continue to implement all requirements of Appendix F part A.I.1 required to be implemented prior to the date of the newly approved TMDL, including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications, and the reporting requirements of Appendix F part A.II.2. remain in place.

III. Bacteria and Pathogen TMDL Requirements

There are currently approved 16 approved bacteria (fecal coliform bacteria) or mixed pathogen (fecal coliform, E. coli, and/or enterococcus bacteria) TMDLs for certain waterbodies in Massachusetts.¹⁴ Any permittee (traditional or non-traditional) that discharges to a waterbody segment in Table F-8 is subject to the requirements of this part.

1. Traditional and non-traditional MS4s operating in the municipalities listed in Table F-8 and/or that discharge to a waterbody listed on Table F-8 shall comply with the following BMPs in addition to the requirements of part 2.3 of the Permit, as described below:

- a. Enhanced BMPs

- i. Enhancement of BMPs required by part 2.3 of the permit that shall be implemented during this permit term:

1. part 2.3.3. Public Education: The permittee shall supplement its Residential program with an annual message encouraging the proper management of pet waste, including noting any existing ordinances where appropriate. The permittee or its agents shall disseminate educational materials to dog owners at the time of issuance or renewal of a dog license, or other appropriate time. Education materials shall describe the detrimental impacts of improper management of pet waste, requirements for waste collection and disposal, and penalties for non-compliance. The permittee shall also provide information to owners of septic systems about proper maintenance in any catchment that discharges to a water body impaired for bacteria or pathogens. All public education messages can be combined with requirements of Appendix H part I, II and III as well as Appendix F part A.IV, A.V, B.I, B.II and B.III where appropriate.
2. part 2.3.4 Illicit Discharge: Catchments draining to any waterbody impaired for bacteria or pathogens shall be designated either Problem Catchments or HIGH priority in implementation of the IDDE program.

Primary Municipality	Segment ID	Waterbody Name	Indicator Organism
Abington	MA62-09	Beaver Brook	Escherichia Coli (E. Coli)
Abington	MA62-33	Shumatuscant River	Escherichia Coli (E. Coli)
Acushnet	MA95-31	Acushnet River	Escherichia Coli (E. Coli)
Acushnet	MA95-32	Acushnet River	Escherichia Coli (E. Coli)
Acushnet	MA95-33	Acushnet River	Fecal Coliform

¹⁴ Final bacteria or pathogen TMDLs can be found here: <http://www.mass.gov/eea/agencies/massdep/water/watersheds/total-maximum-daily-loads-tmdls.html>

Andover	MA83-04	Rogers Brook	Fecal Coliform
Andover	MA83-15	Unnamed Tributary	Fecal Coliform
Andover	MA83-18	Shawsheen River	Fecal Coliform
Andover	MA83-19	Shawsheen River	Fecal Coliform
Avon	MA62-07	Trout Brook	Escherichia Coli (E. Coli)
Barnstable	MA96-01	Barnstable Harbor	Fecal Coliform
Barnstable	MA96-02	Bumps River	Fecal Coliform
Barnstable	MA96-04	Centerville River	Fecal Coliform
Barnstable	MA96-05	Hyannis Harbor	Fecal Coliform
Barnstable	MA96-06	Maraspin Creek	Fecal Coliform
Barnstable	MA96-07	Prince Cove	Fecal Coliform
Barnstable	MA96-08	Shoestring Bay	Fecal Coliform
Barnstable	MA96-36	Lewis Bay	Fecal Coliform
Barnstable	MA96-37	Mill Creek	Fecal Coliform
Barnstable	MA96-63	Cotuit Bay	Fecal Coliform
Barnstable	MA96-64	Seapuit River	Fecal Coliform
Barnstable	MA96-66	North Bay	Fecal Coliform
Barnstable	MA96-81	Snows Creek	Fecal Coliform
Barnstable	MA96-82	Hyannis Inner Harbor	Fecal Coliform
Barnstable	MA96-92	Santuit River	Fecal Coliform
Barnstable	MA96-93	Halls Creek	Fecal Coliform
Barnstable	MA96-94	Stewarts Creek	Fecal Coliform
Bedford	MA83-01	Shawsheen River	Fecal Coliform
Bedford	MA83-05	Elm Brook	Fecal Coliform
Bedford	MA83-06	Vine Brook	Fecal Coliform
Bedford	MA83-08	Shawsheen River	Fecal Coliform
Bedford	MA83-10	Kiln Brook	Fecal Coliform
Bedford	MA83-14	Spring Brook	Fecal Coliform
Bedford	MA83-17	Shawsheen River	Fecal Coliform
Bellingham	MA72-03	Charles River	Pathogens
Bellingham	MA72-04	Charles River	Pathogens
Belmont	MA72-28	Beaver Brook	Pathogens
Berkley	MA62-02	Taunton River	Fecal Coliform
Berkley	MA62-03	Taunton River	Fecal Coliform
Berkley	MA62-20	Assonet River	Fecal Coliform
Beverly	MA93-08	Bass River	Fecal Coliform
Beverly	MA93-09	Danvers River	Fecal Coliform
Beverly	MA93-20	Beverly Harbor	Fecal Coliform
Beverly	MA93-25	Salem Sound	Fecal Coliform
Billerica	MA83-14	Spring Brook	Fecal Coliform
Billerica	MA83-17	Shawsheen River	Fecal Coliform

Billerica	MA83-18	Shawsheen River	Fecal Coliform
Bourne	MA95-01	Buttermilk Bay	Fecal Coliform
Bourne	MA95-14	Cape Cod Canal	Fecal Coliform
Bourne	MA95-15	Phinneys Harbor	Fecal Coliform
Bourne	MA95-16	Pocasset River	Fecal Coliform
Bourne	MA95-17	Pocasset Harbor	Fecal Coliform
Bourne	MA95-18	Red Brook Harbor	Fecal Coliform
Bourne	MA95-47	Back River	Fecal Coliform
Bourne	MA95-48	Eel Pond	Fecal Coliform
Brewster	MA96-09	Quivett Creek	Fecal Coliform
Brewster	MA96-27	Namskaket Creek	Fecal Coliform
Bridgewater	MA62-32	Matfield River	Escherichia Coli (E. Coli)
Brockton	MA62-05	Salisbury Plain River	Escherichia Coli (E. Coli)
Brockton	MA62-06	Salisbury Plain River	Escherichia Coli (E. Coli)
Brockton	MA62-07	Trout Brook	Escherichia Coli (E. Coli)
Brockton	MA62-08	Salisbury Brook	Escherichia Coli (E. Coli)
Brockton	MA62-09	Beaver Brook	Escherichia Coli (E. Coli)
Brookline	MA72-11	Muddy River	Pathogens
Burlington	MA83-06	Vine Brook	Fecal Coliform
Burlington	MA83-11	Long Meadow Brook	Fecal Coliform
Burlington	MA83-13	Sandy Brook	Fecal Coliform
Cambridge	MA72-36	Charles River	Pathogens
Cambridge	MA72-38	Charles River	Pathogens
Canton	MA73-01	Neponset River	Fecal Coliform
Canton	MA73-01	Neponset River	Escherichia Coli (E. Coli)
Canton	MA73-02	Neponset River	Fecal Coliform
Canton	MA73-05	East Branch	Fecal Coliform
Canton	MA73-20	Beaver Meadow Brook	Fecal Coliform
Canton	MA73-22	Pequid Brook	Fecal Coliform
Canton	MA73-25	Pecunit Brook	Escherichia Coli (E. Coli)
Canton	MA73-27	Ponkapog Brook	Fecal Coliform
Chatham	MA96-11	Stage Harbor	Fecal Coliform
Chatham	MA96-41	Mill Creek	Fecal Coliform
Chatham	MA96-42	Taylors Pond	Fecal Coliform
Chatham	MA96-43	Harding Beach Pond	Fecal Coliform
Chatham	MA96-44	Bucks Creek	Fecal Coliform
Chatham	MA96-45	Oyster Pond	Fecal Coliform
Chatham	MA96-46	Oyster Pond River	Fecal Coliform
Chatham	MA96-49	Frost Fish Creek	Pathogens
Chatham	MA96-50	Ryder Cove	Fecal Coliform
Chatham	MA96-51	Muddy Creek	Pathogens

Chatham	MA96-79	Cockle Cove Creek	Fecal Coliform
Chatham	MA96-79	Cockle Cove Creek	Enterococcus Bacteria
Cohasset	MA94-01	Cohasset Harbor	Fecal Coliform
Cohasset	MA94-19	The Gulf	Fecal Coliform
Cohasset	MA94-20	Little Harbor	Fecal Coliform
Cohasset	MA94-32	Cohasset Cove	Fecal Coliform
Concord	MA83-05	Elm Brook	Fecal Coliform
Danvers	MA93-01	Waters River	Fecal Coliform
Danvers	MA93-02	Crane Brook	Escherichia Coli (E. Coli)
Danvers	MA93-04	Porter River	Fecal Coliform
Danvers	MA93-09	Danvers River	Fecal Coliform
Danvers	MA93-36	Frost Fish Brook	Escherichia Coli (E. Coli)
Danvers	MA93-41	Crane River	Fecal Coliform
Dartmouth	MA95-13	Buttonwood Brook	Escherichia Coli (E. Coli)
Dartmouth	MA95-34	Slocums River	Fecal Coliform
Dartmouth	MA95-38	Clarks Cove	Fecal Coliform
Dartmouth	MA95-39	Apponagansett Bay	Fecal Coliform
Dartmouth	MA95-40	East Branch Westport River	Escherichia Coli (E. Coli)
Dartmouth	MA95-62	Buzzards Bay	Fecal Coliform
Dedham	MA72-07	Charles River	Pathogens
Dedham	MA72-21	Rock Meadow Brook	Pathogens
Dedham	MA73-02	Neponset River	Fecal Coliform
Dennis	MA96-09	Quivett Creek	Fecal Coliform
Dennis	MA96-12	Bass River	Fecal Coliform
Dennis	MA96-13	Sesuit Creek	Fecal Coliform
Dennis	MA96-14	Swan Pond River	Fecal Coliform
Dennis	MA96-35	Chase Garden Creek	Fecal Coliform
Dighton	MA62-02	Taunton River	Fecal Coliform
Dighton	MA62-03	Taunton River	Fecal Coliform
Dighton	MA62-50	Broad Cove	Fecal Coliform
Dighton	MA62-51	Muddy Cove Brook	Fecal Coliform
Dighton	MA62-55	Segreganset River	Fecal Coliform
Dighton	MA62-56	Three Mile River	Escherichia Coli (E. Coli)
Dighton	MA62-57	Three Mile River	Fecal Coliform
Dover	MA72-05	Charles River	Pathogens
Dover	MA72-06	Charles River	Pathogens
Duxbury	MA94-15	Duxbury Bay	Fecal Coliform
Duxbury	MA94-30	Bluefish River	Fecal Coliform
East Bridgewater	MA62-06	Salisbury Plain River	Escherichia Coli (E. Coli)
East Bridgewater	MA62-09	Beaver Brook	Escherichia Coli (E. Coli)
East Bridgewater	MA62-32	Matfield River	Escherichia Coli (E. Coli)

East Bridgewater	MA62-33	Shumatuscacant River	Escherichia Coli (E. Coli)
East Bridgewater	MA62-38	Meadow Brook	Escherichia Coli (E. Coli)
Eastham	MA96-15	Boat Meadow River	Fecal Coliform
Eastham	MA96-16	Rock Harbor Creek	Fecal Coliform
Eastham	MA96-34	Wellfleet Harbor	Fecal Coliform
Eastham	MA96-68	Town Cove	Fecal Coliform
Essex	MA93-11	Essex River	Fecal Coliform
Essex	MA93-16	Essex Bay	Fecal Coliform
Essex	MA93-45	Alewife Brook	Escherichia Coli (E. Coli)
Essex	MA93-46	Alewife Brook	Fecal Coliform
Everett	MA93-51	Unnamed Tributary	Enterococcus Bacteria
Fairhaven	MA95-33	Acushnet River	Fecal Coliform
Fairhaven	MA95-42	New Bedford Inner Harbor	Fecal Coliform
Fairhaven	MA95-62	Buzzards Bay	Fecal Coliform
Fairhaven	MA95-63	Outer New Bedford Harbor	Fecal Coliform
Fairhaven	MA95-64	Little Bay	Fecal Coliform
Fairhaven	MA95-65	Nasketucket Bay	Fecal Coliform
Fall River	MA61-06	Mount Hope Bay	Fecal Coliform
Fall River	MA62-04	Taunton River	Fecal Coliform
Falmouth	MA95-20	Wild Harbor	Fecal Coliform
Falmouth	MA95-21	Herring Brook	Fecal Coliform
Falmouth	MA95-22	West Falmouth Harbor	Fecal Coliform
Falmouth	MA95-23	Great Sippewisset Creek	Fecal Coliform
Falmouth	MA95-24	Little Sippewisset Marsh	Fecal Coliform
Falmouth	MA95-25	Quissett Harbor	Fecal Coliform
Falmouth	MA95-46	Harbor Head	Fecal Coliform
Falmouth	MA96-17	Falmouth Inner Harbor	Fecal Coliform
Falmouth	MA96-18	Great Harbor	Fecal Coliform
Falmouth	MA96-19	Little Harbor	Fecal Coliform
Falmouth	MA96-20	Quashnet River	Fecal Coliform
Falmouth	MA96-21	Waquoit Bay	Fecal Coliform
Falmouth	MA96-53	Perch Pond	Fecal Coliform
Falmouth	MA96-54	Great Pond	Fecal Coliform
Falmouth	MA96-55	Green Pond	Fecal Coliform
Falmouth	MA96-56	Little Pond	Fecal Coliform
Falmouth	MA96-57	Bournes Pond	Fecal Coliform
Falmouth	MA96-58	Hamblin Pond	Fecal Coliform
Falmouth	MA96-62	Oyster Pond	Fecal Coliform
Foxborough	MA62-39	Rumford River	Escherichia Coli (E. Coli)
Foxborough	MA62-47	Wading River	Escherichia Coli (E. Coli)
Foxborough	MA73-01	Neponset River	Fecal Coliform

Foxborough	MA73-01	Neponset River	Escherichia Coli (E. Coli)
Franklin	MA72-04	Charles River	Pathogens
Freetown	MA62-04	Taunton River	Fecal Coliform
Freetown	MA62-20	Assonet River	Fecal Coliform
Gloucester	MA93-12	Annisquam River	Fecal Coliform
Gloucester	MA93-16	Essex Bay	Fecal Coliform
Gloucester	MA93-18	Gloucester Harbor	Fecal Coliform
Gloucester	MA93-28	Mill River	Fecal Coliform
Hanover	MA94-05	North River	Fecal Coliform
Hanover	MA94-21	Drinkwater River	Escherichia Coli (E. Coli)
Hanover	MA94-24	Iron Mine Brook	Escherichia Coli (E. Coli)
Hanover	MA94-27	Third Herring Brook	Escherichia Coli (E. Coli)
Hanson	MA62-33	Shumatuscant River	Escherichia Coli (E. Coli)
Harwich	MA96-22	Herring River	Fecal Coliform
Harwich	MA96-23	Saquatucket Harbor	Fecal Coliform
Harwich	MA96-51	Muddy Creek	Pathogens
Holliston	MA72-16	Bogastow Brook	Pathogens
Hopedale	MA72-03	Charles River	Pathogens
Hopkinton	MA72-01	Charles River	Pathogens
Ipswich	MA93-16	Essex Bay	Fecal Coliform
Kingston	MA94-14	Jones River	Fecal Coliform
Kingston	MA94-15	Duxbury Bay	Fecal Coliform
Lawrence	MA83-19	Shawsheen River	Fecal Coliform
Lexington	MA72-28	Beaver Brook	Pathogens
Lexington	MA83-06	Vine Brook	Fecal Coliform
Lexington	MA83-10	Kiln Brook	Fecal Coliform
Lincoln	MA83-05	Elm Brook	Fecal Coliform
Lincoln	MA83-08	Shawsheen River	Fecal Coliform
Lynn	MA93-24	Nahant Bay	Fecal Coliform
Lynn	MA93-44	Saugus River	Fecal Coliform
Lynn	MA93-52	Lynn Harbor	Fecal Coliform
Lynnfield	MA93-30	Beaverdam Brook	Escherichia Coli (E. Coli)
Lynnfield	MA93-32	Hawkes Brook	Escherichia Coli (E. Coli)
Lynnfield	MA93-34	Saugus River	Escherichia Coli (E. Coli)
Lynnfield	MA93-35	Saugus River	Escherichia Coli (E. Coli)
Malden	MA93-51	Unnamed Tributary	Enterococcus Bacteria
Manchester	MA93-19	Manchester Harbor	Fecal Coliform
Manchester	MA93-25	Salem Sound	Fecal Coliform
Manchester	MA93-29	Cat Brook	Escherichia Coli (E. Coli)
Manchester	MA93-47	Causeway Brook	Escherichia Coli (E. Coli)
Mansfield	MA62-39	Rumford River	Escherichia Coli (E. Coli)

Mansfield	MA62-47	Wading River	Escherichia Coli (E. Coli)
Mansfield	MA62-49	Wading River	Escherichia Coli (E. Coli)
Marblehead	MA93-21	Salem Harbor	Fecal Coliform
Marblehead	MA93-22	Marblehead Harbor	Fecal Coliform
Marblehead	MA93-25	Salem Sound	Fecal Coliform
Marion	MA95-05	Weweantic River	Fecal Coliform
Marion	MA95-07	Sippican River	Fecal Coliform
Marion	MA95-08	Sippican Harbor	Fecal Coliform
Marion	MA95-09	Aucoot Cove	Fecal Coliform
Marion	MA95-56	Hammett Cove	Fecal Coliform
Marshfield	MA94-05	North River	Fecal Coliform
Marshfield	MA94-06	North River	Fecal Coliform
Marshfield	MA94-09	South River	Fecal Coliform
Marshfield	MA94-11	Green Harbor	Fecal Coliform
Mashpee	MA96-08	Shoestring Bay	Fecal Coliform
Mashpee	MA96-21	Waquoit Bay	Fecal Coliform
Mashpee	MA96-24	Mashpee River	Fecal Coliform
Mashpee	MA96-39	Popponeset Creek	Fecal Coliform
Mashpee	MA96-58	Hamblin Pond	Fecal Coliform
Mashpee	MA96-61	Little River	Fecal Coliform
Mashpee	MA96-92	Santuit River	Fecal Coliform
Mattapoisett	MA95-09	Aucoot Cove	Fecal Coliform
Mattapoisett	MA95-10	Hiller Cove	Fecal Coliform
Mattapoisett	MA95-35	Mattapoisett Harbor	Fecal Coliform
Mattapoisett	MA95-60	Mattapoisett River	Fecal Coliform
Mattapoisett	MA95-61	Eel Pond	Fecal Coliform
Mattapoisett	MA95-65	Nasketucket Bay	Fecal Coliform
Medfield	MA72-05	Charles River	Pathogens
Medfield	MA72-10	Stop River	Pathogens
Medfield	MA73-09	Mine Brook	Fecal Coliform
Medway	MA72-04	Charles River	Pathogens
Medway	MA72-05	Charles River	Pathogens
Melrose	MA93-48	Bennetts Pond Brook	Escherichia Coli (E. Coli)
Mendon	MA72-03	Charles River	Pathogens
Milford	MA72-01	Charles River	Pathogens
Millis	MA72-05	Charles River	Pathogens
Millis	MA72-16	Bogastow Brook	Pathogens
Milton	MA73-02	Neponset River	Fecal Coliform
Milton	MA73-03	Neponset River	Fecal Coliform
Milton	MA73-04	Neponset River	Fecal Coliform
Milton	MA73-26	Unquity Brook	Fecal Coliform

Milton	MA73-29	Pine Tree Brook	Fecal Coliform
Milton	MA73-30	Gulliver Creek	Fecal Coliform
Nahant	MA93-24	Nahant Bay	Fecal Coliform
Nahant	MA93-52	Lynn Harbor	Fecal Coliform
Nahant	MA93-53	Lynn Harbor	Fecal Coliform
Natick	MA72-05	Charles River	Pathogens
Natick	MA72-06	Charles River	Pathogens
Needham	MA72-06	Charles River	Pathogens
Needham	MA72-07	Charles River	Pathogens
Needham	MA72-18	Fuller Brook	Pathogens
Needham	MA72-21	Rock Meadow Brook	Pathogens
Needham	MA72-25	Rosemary Brook	Pathogens
New Bedford	MA95-13	Buttonwood Brook	Escherichia Coli (E. Coli)
New Bedford	MA95-33	Acushnet River	Fecal Coliform
New Bedford	MA95-38	Clarks Cove	Fecal Coliform
New Bedford	MA95-42	New Bedford Inner Harbor	Fecal Coliform
New Bedford	MA95-63	Outer New Bedford Harbor	Fecal Coliform
Newton	MA72-07	Charles River	Pathogens
Newton	MA72-23	Sawmill Brook	Pathogens
Newton	MA72-24	South Meadow Brook	Pathogens
Newton	MA72-29	Cheese Cake Brook	Pathogens
Newton	MA72-36	Charles River	Pathogens
Norfolk	MA72-05	Charles River	Pathogens
Norfolk	MA72-10	Stop River	Pathogens
North Andover	MA83-19	Shawsheen River	Fecal Coliform
Norton	MA62-49	Wading River	Escherichia Coli (E. Coli)
Norton	MA62-56	Three Mile River	Escherichia Coli (E. Coli)
Norwell	MA94-05	North River	Fecal Coliform
Norwell	MA94-27	Third Herring Brook	Escherichia Coli (E. Coli)
Norwell	MA94-31	Second Herring Brook	Fecal Coliform
Norwood	MA73-01	Neponset River	Fecal Coliform
Norwood	MA73-01	Neponset River	Escherichia Coli (E. Coli)
Norwood	MA73-02	Neponset River	Fecal Coliform
Norwood	MA73-15	Germany Brook	Fecal Coliform
Norwood	MA73-16	Hawes Brook	Fecal Coliform
Norwood	MA73-17	Traphole Brook	Fecal Coliform
Norwood	MA73-24	Purgatory Brook	Fecal Coliform
Norwood	MA73-33	Unnamed Tributary	Escherichia Coli (E. Coli)
Orleans	MA96-16	Rock Harbor Creek	Fecal Coliform
Orleans	MA96-26	Little Namskaket Creek	Fecal Coliform
Orleans	MA96-27	Namskaket Creek	Fecal Coliform

Orleans	MA96-68	Town Cove	Fecal Coliform
Orleans	MA96-72	Paw Wah Pond	Fecal Coliform
Orleans	MA96-73	Pochet Neck	Fecal Coliform
Orleans	MA96-76	The River	Fecal Coliform
Orleans	MA96-78	Little Pleasant Bay	Fecal Coliform
Peabody	MA93-01	Waters River	Fecal Coliform
Peabody	MA93-05	Goldthwait Brook	Escherichia Coli (E. Coli)
Peabody	MA93-39	Proctor Brook	Escherichia Coli (E. Coli)
Pembroke	MA94-05	North River	Fecal Coliform
Plymouth	MA94-15	Duxbury Bay	Fecal Coliform
Plymouth	MA94-16	Plymouth Harbor	Fecal Coliform
Plymouth	MA94-34	Ellisville Harbor	Fecal Coliform
Raynham	MA62-02	Taunton River	Fecal Coliform
Rehoboth	MA53-03	Palmer River	Pathogens
Rehoboth	MA53-04	Palmer River	Pathogens
Rehoboth	MA53-05	Palmer River	Pathogens
Rehoboth	MA53-07	Palmer River - West Branch	Pathogens
Rehoboth	MA53-08	Palmer River - East Branch	Pathogens
Rehoboth	MA53-09	Rumney Marsh Brook	Pathogens
Rehoboth	MA53-10	Beaver Dam Brook	Pathogens
Rehoboth	MA53-11	Bad Luck Brook	Pathogens
Rehoboth	MA53-12	Fullers Brook	Pathogens
Rehoboth	MA53-13	Clear Run Brook	Pathogens
Rehoboth	MA53-14	Torrey Creek	Pathogens
Rehoboth	MA53-15	Old Swamp Brook	Pathogens
Rehoboth	MA53-16	Rocky Run	Pathogens
Revere	MA93-15	Pines River	Fecal Coliform
Revere	MA93-44	Saugus River	Fecal Coliform
Revere	MA93-51	Unnamed Tributary	Enterococcus Bacteria
Revere	MA93-52	Lynn Harbor	Fecal Coliform
Revere	MA93-53	Lynn Harbor	Fecal Coliform
Rockland	MA94-03	French Stream	Escherichia Coli (E. Coli)
Rockport	MA93-17	Rockport Harbor	Fecal Coliform
Salem	MA93-09	Danvers River	Fecal Coliform
Salem	MA93-20	Beverly Harbor	Fecal Coliform
Salem	MA93-21	Salem Harbor	Fecal Coliform
Salem	MA93-25	Salem Sound	Fecal Coliform
Salem	MA93-39	Proctor Brook	Escherichia Coli (E. Coli)
Salem	MA93-40	Proctor Brook	Enterococcus Bacteria
Salem	MA93-42	North River	Fecal Coliform
Sandwich	MA95-14	Cape Cod Canal	Fecal Coliform

Sandwich	MA96-30	Scorton Creek	Fecal Coliform
Sandwich	MA96-84	Old Harbor Creek	Fecal Coliform
Sandwich	MA96-85	Mill Creek	Fecal Coliform
Sandwich	MA96-86	Dock Creek	Fecal Coliform
Sandwich	MA96-87	Springhill Creek	Fecal Coliform
Saugus	MA93-15	Pines River	Fecal Coliform
Saugus	MA93-33	Hawkes Brook	Escherichia Coli (E. Coli)
Saugus	MA93-35	Saugus River	Escherichia Coli (E. Coli)
Saugus	MA93-43	Saugus River	Fecal Coliform
Saugus	MA93-44	Saugus River	Fecal Coliform
Saugus	MA93-48	Bennetts Pond Brook	Escherichia Coli (E. Coli)
Saugus	MA93-49	Shute Brook	Fecal Coliform
Saugus	MA93-50	Shute Brook	Escherichia Coli (E. Coli)
Scituate	MA94-01	Cohasset Harbor	Fecal Coliform
Scituate	MA94-02	Scituate Harbor	Fecal Coliform
Scituate	MA94-05	North River	Fecal Coliform
Scituate	MA94-06	North River	Fecal Coliform
Scituate	MA94-07	Herring River	Fecal Coliform
Scituate	MA94-09	South River	Fecal Coliform
Scituate	MA94-19	The Gulf	Fecal Coliform
Scituate	MA94-32	Cohasset Cove	Fecal Coliform
Scituate	MA94-33	Musquashcut Pond	Fecal Coliform
Seekonk	MA53-01	Runnins River	Fecal Coliform
Seekonk	MA53-12	Fullers Brook	Pathogens
Seekonk	MA53-13	Clear Run Brook	Pathogens
Seekonk	MA53-14	Torrey Creek	Pathogens
Sharon	MA62-39	Rumford River	Escherichia Coli (E. Coli)
Sharon	MA73-17	Traphole Brook	Fecal Coliform
Sharon	MA73-31	Unnamed Tributary	Fecal Coliform
Sherborn	MA72-05	Charles River	Pathogens
Somerset	MA61-01	Lee River	Fecal Coliform
Somerset	MA61-02	Lee River	Fecal Coliform
Somerset	MA61-06	Mount Hope Bay	Fecal Coliform
Somerset	MA62-03	Taunton River	Fecal Coliform
Somerset	MA62-04	Taunton River	Fecal Coliform
Somerset	MA62-50	Broad Cove	Fecal Coliform
Stoughton	MA73-20	Beaver Meadow Brook	Fecal Coliform
Stoughton	MA73-32	Unnamed Tributary	Escherichia Coli (E. Coli)
Swampscott	MA93-24	Nahant Bay	Fecal Coliform
Swansea	MA53-03	Palmer River	Pathogens
Swansea	MA53-06	Warren River Pond	Fecal Coliform

Swansea	MA53-16	Rocky Run	Pathogens
Swansea	MA61-01	Lee River	Fecal Coliform
Swansea	MA61-02	Lee River	Fecal Coliform
Swansea	MA61-04	Cole River	Fecal Coliform
Swansea	MA61-07	Mount Hope Bay	Fecal Coliform
Swansea	MA61-08	Kickemuit River	Pathogens
Taunton	MA62-02	Taunton River	Fecal Coliform
Taunton	MA62-56	Three Mile River	Escherichia Coli (E. Coli)
Taunton	MA62-57	Three Mile River	Fecal Coliform
Tewksbury	MA83-07	Strong Water Brook	Fecal Coliform
Tewksbury	MA83-15	Unnamed Tributary	Fecal Coliform
Tewksbury	MA83-18	Shawsheen River	Fecal Coliform
Wakefield	MA93-31	Mill River	Escherichia Coli (E. Coli)
Wakefield	MA93-34	Saugus River	Escherichia Coli (E. Coli)
Wakefield	MA93-35	Saugus River	Escherichia Coli (E. Coli)
Walpole	MA72-10	Stop River	Pathogens
Walpole	MA73-01	Neponset River	Fecal Coliform
Walpole	MA73-01	Neponset River	Escherichia Coli (E. Coli)
Walpole	MA73-06	School Meadow Brook	Fecal Coliform
Walpole	MA73-09	Mine Brook	Fecal Coliform
Walpole	MA73-17	Traphole Brook	Fecal Coliform
Waltham	MA72-07	Charles River	Pathogens
Waltham	MA72-28	Beaver Brook	Pathogens
Wareham	MA95-01	Buttermilk Bay	Fecal Coliform
Wareham	MA95-02	Onset Bay	Fecal Coliform
Wareham	MA95-03	Wareham River	Fecal Coliform
Wareham	MA95-05	Weweantic River	Fecal Coliform
Wareham	MA95-07	Sippican River	Fecal Coliform
Wareham	MA95-29	Agawam River	Fecal Coliform
Wareham	MA95-49	Broad Marsh River	Fecal Coliform
Wareham	MA95-50	Wankinco River	Fecal Coliform
Wareham	MA95-51	Crooked River	Fecal Coliform
Wareham	MA95-52	Cedar Island Creek	Fecal Coliform
Wareham	MA95-53	Beaverdam Creek	Fecal Coliform
Watertown	MA72-07	Charles River	Pathogens
Watertown	MA72-30	Unnamed Tributary	Pathogens
Watertown	MA72-32	Unnamed Tributary	Pathogens
Watertown	MA72-36	Charles River	Pathogens
Wellesley	MA72-06	Charles River	Pathogens
Wellesley	MA72-07	Charles River	Pathogens
Wellesley	MA72-18	Fuller Brook	Pathogens

Wellesley	MA72-25	Rosemary Brook	Pathogens
Wellfleet	MA96-32	Duck Creek	Fecal Coliform
Wellfleet	MA96-33	Herring River	Fecal Coliform
Wellfleet	MA96-34	Wellfleet Harbor	Fecal Coliform
West Bridgewater	MA62-06	Salisbury Plain River	Escherichia Coli (E. Coli)
Weston	MA72-07	Charles River	Pathogens
Westport	MA95-37	West Branch Westport River	Fecal Coliform
Westport	MA95-40	East Branch Westport River	Escherichia Coli (E. Coli)
Westport	MA95-41	East Branch Westport River	Fecal Coliform
Westport	MA95-44	Snell Creek	Escherichia Coli (E. Coli)
Westport	MA95-45	Snell Creek	Escherichia Coli (E. Coli)
Westport	MA95-54	Westport River	Fecal Coliform
Westport	MA95-58	Bread And Cheese Brook	Escherichia Coli (E. Coli)
Westport	MA95-59	Snell Creek	Fecal Coliform
Westwood	MA72-21	Rock Meadow Brook	Pathogens
Westwood	MA73-02	Neponset River	Fecal Coliform
Westwood	MA73-15	Germany Brook	Fecal Coliform
Westwood	MA73-24	Purgatory Brook	Fecal Coliform
Westwood	MA73-25	Pecunit Brook	Escherichia Coli (E. Coli)
Westwood	MA73-27	Ponkapog Brook	Fecal Coliform
Whitman	MA62-09	Beaver Brook	Escherichia Coli (E. Coli)
Whitman	MA62-33	Shumatuscasant River	Escherichia Coli (E. Coli)
Whitman	MA62-38	Meadow Brook	Escherichia Coli (E. Coli)
Wilmington	MA83-18	Shawsheen River	Fecal Coliform
Winthrop	MA93-53	Lynn Harbor	Fecal Coliform
Yarmouth	MA96-12	Bass River	Fecal Coliform
Yarmouth	MA96-35	Chase Garden Creek	Fecal Coliform
Yarmouth	MA96-36	Lewis Bay	Fecal Coliform
Yarmouth	MA96-37	Mill Creek	Fecal Coliform
Yarmouth	MA96-38	Parkers River	Fecal Coliform
Yarmouth	MA96-80	Mill Creek	Fecal Coliform
Yarmouth	MA96-82	Hyannis Inner Harbor	Fecal Coliform

Table F-8: Bacteria or pathogens impaired waterbody names and segment IDs along with primary municipality and indicator organism identified by the applicable TMDL. The term primary municipality indicates the municipality in which the majority of the segment is located, but does not necessarily indicate each municipality that has regulated discharges to the waterbody segment.

2. At any time during the permit term the permittee may be relieved of additional requirements in Appendix F part A.III.1. as follows:
 - a. The permittee is relieved of additional requirements as of the date when the following conditions are met:
 - i. The applicable TMDL has been modified, revised or withdrawn and EPA has approved a new TMDL applicable to the receiving water

- that indicates that no additional stormwater controls for bacteria/pathogens are necessary for the permittee's discharge based on wasteload allocations in the newly approved TMDL
- b. In such a case, the permittee shall document the date of the approved TMDL in its SWMP and is relieved of any additional remaining requirements of Appendix F part A.III.1 as of that date and the permittee shall comply with the following:
 - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix F part A.III.1 to date to reduce bacteria/pathogens in their discharges including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
 - ii. The permittee shall continue to implement all requirements of Appendix F part A.III.1 required to be implemented prior to the date of the newly approved TMDL, including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications.

IV. Cape Cod Nitrogen TMDL Requirements

There are 19 approved TMDLs for nitrogen for various watersheds, ponds and bays on Cape Cod.¹⁵ The following measures are needed to ensure that current nitrogen loads from MS4 stormwater discharged into the impaired waterbodies do not increase.

1. The operators of traditional and non-traditional MS4s located in municipalities listed in Table F-9 or any other MS4 (traditional and non-traditional) that discharges to any waterbody listed in Table F-9 or their tributaries shall comply with the following BMPs in addition to the requirements of part 2.3 of the Permit, as described below:
 - a. Enhanced BMPs
 - i. Enhancement of BMPs required by part 2.3 of the permit that shall be implemented during this permit term:
 1. part 2.3.2, Public education and outreach: The permittee shall supplement its Residential and Business/Commercial/Institution program with annual timed messages on specific topics. The permittee shall distribute an annual message in the spring (April/May) timeframe that encourages the proper use and disposal of grass clippings and encourages the proper use of slow-release fertilizers. The permittee shall distribute an annual message in the summer (June/July) timeframe encouraging the proper management of pet waste, including noting any existing ordinances where appropriate. The permittee shall distribute an annual message in the Fall (August/September/October) timeframe encouraging the proper disposal of leaf litter. The permittee shall deliver an annual message on each of these topics, unless the permittee determines that one or more of these issues is not a significant contributor of nitrogen to discharges from the MS4 and the permittee retains documentation of this finding in the SWMP. All public education messages can be combined with requirements of Appendix H part I, II and III as well as Appendix F part A.III, A.V, B.I, B.II and B.III where appropriate.
 2. part 2.3.6, Stormwater Management in New Development and Redevelopment: the requirement for adoption/amendment of the permittee's ordinance or other regulatory mechanism shall include a requirement that new development and redevelopment stormwater management BMPs be optimized for nitrogen removal; retrofit inventory and priority ranking under 2.3.6.1.b shall include consideration of BMPs to reduce nitrogen discharges.

¹⁵ Final nitrogen TMDLs for Cape Cod can be found here:

<http://www.mass.gov/eea/agencies/massdep/water/watersheds/total-maximum-daily-loads-tmdls.html>

3. part 2.3.7, Good House Keeping and Pollution Prevention for Permittee Owned Operations: establish requirements for use of slow release fertilizers on permittee owned property currently using fertilizer, in addition to reducing and managing fertilizer use as provided in in part 2.3.7.1; establish procedures to properly manage grass cuttings and leaf litter on permittee property, including prohibiting blowing organic waste materials onto adjacent impervious surfaces; increased street sweeping frequency of all municipal owned streets and parking lots subject to Permit part 2.3.7.a.iii.(c) to a minimum of two (2) times per year, once in the spring (following winter activities such as sanding) and at least once in the fall (Sept 1 – Dec 1; following leaf fall).

Municipality	Waterbody Name
Barnstable	Centerville River
Barnstable	Popponesset Bay
Barnstable	Shoestring Bay
Barnstable	Cotuit Bay
Barnstable	North Bay
Barnstable	Prince Cove
Barnstable	West Bay
Barnstable	Hyannis Inner Harbor
Barnstable	Lewis Bay
Bourne	Phinneys Harbor
Chatham	Crows Pond
Chatham	Bucks Creek
Chatham	Harding Beach Pond
Chatham	Mill Creek
Chatham	Mill Pond
Chatham	Oyster Pond
Chatham	Oyster Pond River
Chatham	Stage Harbor
Chatham	Taylor's Pond
Chatham	Frost Fish Creek
Chatham	Ryder Cove
Falmouth	Bournes Pond
Falmouth	Great Pond
Falmouth	Green Pond
Falmouth	Perch Pond
Falmouth	Little Pond
Falmouth	Oyster Pond
Falmouth	Quashnet River
Falmouth	Inner West Falmouth Harbor

Municipality	Waterbody Name
Falmouth	West Falmouth Harbor
Falmouth	Snug Harbor
Falmouth	Harbor Head
Harwich	Muddy Creek - Lower
Harwich	Muddy Creek - Upper
Harwich	Round Cove
Mashpee	Mashpee River
Mashpee	Great River
Mashpee	Hamblin Pond
Mashpee	Jehu Pond
Mashpee	Little River
Orleans	Areys Pond
Orleans	Little Pleasant Bay
Orleans	Namequoit River
Orleans	Paw Wah Pond
Orleans	Pleasant Bay
Orleans	Pochet Neck
Orleans	Quanset Pond
Yarmouth	Mill Creek
Yarmouth	Hyannis Inner Harbor
Yarmouth	Lewis Bay

Table F-9: Waterbodies subject to a Cape Cod nitrogen TMDL and the primary municipalities

2. At any time during the permit term the permittee may be relieved of additional requirements in Appendix F part A.IV.1. applicable to it when in compliance with this part.
 - a. The permittee is relieved of its additional requirements as of the date when one of the following criteria are met:
 - i. The applicable TMDL has been modified, revised or withdrawn and EPA has approved a new TMDL applicable for the receiving water that indicates that no additional stormwater controls for the control of nitrogen are necessary for the permittee’s discharge based on wasteload allocations in the newly approved TMDL
 - b. In such a case, the permittee shall document the date of the approved TMDL in its SWMP and is relieved of any remaining requirements of Appendix F part A.IV.1 as of that date and the permittee shall comply with the following:
 - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix F part A.IV.1 to date to reduce nitrogen in their discharges including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
 - ii. The permittee shall continue to implement all requirements of Appendix F part A.IV.1 required to be implemented prior to the date of the newly approved TMDL, including ongoing

implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications.

V. Assabet River Phosphorus TMDL Requirements

On September 23, 2004 EPA approved the *Assabet River Total Maximum Daily Load for Total Phosphorus*¹⁶. The following measures are needed to ensure that current phosphorus loads from MS4 stormwater discharged directly or indirectly via tributaries into the Assabet River do not increase.

1. The operators of traditional and non-traditional MS4s located in municipalities listed in Table F-10 within the Assabet River Watershed shall comply with the following BMPs in addition to the requirements of part 2.3 of the Permit, as described below:
 - a. Enhanced BMPs
 - i. Enhancement of BMPs required by part 2.3 of the permit that shall be implemented during this permit term:
 1. part 2.3.2, Public education and outreach: The permittee shall supplement its Residential and Business/Commercial/Institution program with annual timed messages on specific topics. The permittee shall distribute an annual message in the spring (March/April) timeframe that encourages the proper use and disposal of grass clippings and encourages the proper use of slow-release and phosphorous-free fertilizers. The permittee shall distribute an annual message in the summer (June/July) timeframe encouraging the proper management of pet waste, including noting any existing ordinances where appropriate. The permittee shall distribute an annual message in the fall (August/September/October) timeframe encouraging the proper disposal of leaf litter. The permittee shall deliver an annual message on each of these topics, unless the permittee determines that one or more of these issues is not a significant contributor of phosphorous to discharges from the MS4 and the permittee retains documentation of this finding in the SWMP. All public education messages can be combined with requirements of Appendix H part I, II and III as well as Appendix F part A.III, A.IV, B.I, B.II and B.III where appropriate.
 2. part 2.3.6, Stormwater Management in New Development and Redevelopment: the requirement for adoption/amendment of the permittee's ordinance or other regulatory mechanism shall include a requirement that new development and redevelopment stormwater management BMPs be optimized for phosphorus removal; retrofit inventory and priority ranking under 2.3.6.1.b shall include consideration of BMPs that infiltrate stormwater where feasible.
 3. part 2.3.7, Good House Keeping and Pollution Prevention for Permittee Owned Operations: Establish program to properly

¹⁶ Massachusetts Department of Environmental Protection, 2004. *Assabet River Total Maximum Daily Load for Total Phosphorus*. CN 201.0

manage grass cuttings and leaf litter on permittee property, including prohibiting blowing organic waste materials onto adjacent impervious surfaces; increased street sweeping frequency of all municipal owned streets and parking lots subject to Permit part 2.3.7.a.iii.(c) to a minimum of two times per year, once in the spring (following winter activities such as sanding) and at least once in the fall (Sept 1 – Dec 1; following leaf fall).

Municipality
Acton
Berlin
Bolton
Boxborough
Boylston
Carlisle
Clinton
Concord
Grafton
Harvard
Hudson
Littleton
Marlborough
Maynard
Northborough
Shrewsbury
Stow
Westborough
Westford

Table F-10: Municipalities located in the Assabet River Watershed

2. At any time during the permit term the permittee may be relieved of additional requirements in Appendix F part A.V.1. as follows.
 - a. The permittee is relieved of its additional requirements as of the date when following conditions are met:
 - i. The applicable TMDL has been modified, revised or withdrawn and EPA has approved a new TMDL applicable for the receiving water that indicates that no additional stormwater controls for the control of phosphorus are necessary for the permittee’s discharge based on wasteload allocations in the newly approved TMDL
 - b. In such a case, the permittee shall document the date of the approved TMDL in its SWMP and is relieved of any remaining requirements of Appendix F part A.V.1 as of that date and the permittee shall comply with the following:
 - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix F part A.V.1 to

date to reduce phosphorus in their discharges including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs

- ii. The permittee shall continue to implement all requirements of Appendix F part A.V.1 required to be implemented prior to the date of the newly approved TMDL including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications.

B. Requirements for Discharges to Impaired Waters with an Approved Out of State TMDL

I. Nitrogen TMDL Requirements

Discharges from MS4s in Massachusetts to waters that are tributaries to the Long Island Sound, which has an approved TMDL for nitrogen¹⁷, are subject to the requirements of this part.

1. The operators of traditional and non-traditional MS4s located in municipalities listed in Table F-11 shall comply with the following BMPs in addition to the requirements of part 2.3 of the Permit, as described below:
 - a. Enhanced BMPs
 - i. Enhancement of BMPs required by part 2.3 of the permit that shall be implemented during this permit term:
 1. part 2.3.2, Public education and outreach: The permittee shall supplement its Residential and Business/Commercial/Institution program with annual timed messages on specific topics. The permittee shall distribute an annual message in the spring (April/May) timeframe that encourages the proper use and disposal of grass clippings and encourages the proper use of slow-release fertilizers. The permittee shall distribute an annual message in the summer (June/July) timeframe encouraging the proper management of pet waste, including noting any existing ordinances where appropriate. The permittee shall distribute an annual message in the Fall (August/September/October) timeframe encouraging the proper disposal of leaf litter. The permittee shall deliver an annual message on each of these topics, unless the permittee determines that one or more of these issues is not a significant contributor of nitrogen to discharges from the MS4 and the permittee retains documentation of this finding in the SWMP. All public education messages can be combined with requirements of Appendix H part I, II and III as well as Appendix F part A.III, A.IV, A.V, B.II and B.III where appropriate.
 2. part 2.3.6, Stormwater Management in New Development and Redevelopment: the requirement for adoption/amendment of the permittee's ordinance or other regulatory mechanism shall include a requirement that new development and redevelopment stormwater management BMPs be optimized for nitrogen removal; retrofit inventory and priority ranking under 2.3.6.1.b shall include consideration of BMPs to reduce nitrogen discharges.
 3. part 2.3.7, Good House Keeping and Pollution Prevention for Permittee Owned Operations: establish requirements for use of

¹⁷ Connecticut Department of Environmental Protection. 2000. *A Total Maximum Daily Load Analysis to Achieve Water Quality Standards for Dissolved Oxygen in Long Island Sound*

slow release fertilizers on permittee owned property currently using fertilizer, in addition to reducing and managing fertilizer use as provided in in part 2.3.7.1; establish procedures to properly manage grass cuttings and leaf litter on permittee property, including prohibiting blowing organic waste materials onto adjacent impervious surfaces; increased street sweeping frequency of all municipal owned streets and parking lots subject to Permit part 2.3.7.a.iii.(c) to a minimum of two (2) times per year, once in the spring (following winter activities such as sanding) and at least once in the fall (Sept 1 – Dec 1; following leaf fall).

b. Nitrogen Source Identification Report

- i. Within four years of the permit effective date the permittee shall complete a Nitrogen Source Identification Report. The report shall include the following elements:
 1. Calculation of total urbanized area within the permittee's jurisdiction that is within the Connecticut River Watershed, the Housatonic River Watershed, or the Thames River Watershed, incorporating updated mapping of the MS4 and catchment delineations produced pursuant to part 2.3.4.6,
 2. All screening and monitoring results pursuant to part 2.3.4.7.d., targeting the receiving water segment(s)
 3. Impervious area and DCIA for the target catchment
 4. Identification, delineation and prioritization of potential catchments with high nitrogen loading
 5. Identification of potential retrofit opportunities or opportunities for the installation of structural BMPs during re-development
- ii. The final Nitrogen Source Identification Report shall be submitted to EPA as part of the year 4 annual report.

c. Structural BMPs

- i. Within five years of the permit effective date, the permittee shall evaluate all properties identified as presenting retrofit opportunities or areas for structural BMP installation under permit part 2.3.6.d.ii. or identified in the Nitrogen Source Identification Report. The evaluation shall include:
 1. The next planned infrastructure, resurfacing or redevelopment activity planned for the property (if applicable) OR planned retrofit date;
 2. The estimated cost of redevelopment or retrofit BMPs; and
 3. The engineering and regulatory feasibility of redevelopment or retrofit BMPs.
- ii. The permittee shall provide a listing of planned structural BMPs and a plan and schedule for implementation in the year 5 annual

report. The permittee shall plan and install a minimum of one structural BMP as a demonstration project within six years of the permit effective date. The demonstration project shall be installed targeting a catchment with high nitrogen load potential. The permittee shall install the remainder of the structural BMPs in accordance with the plan and schedule provided in the year 5 annual report.

- iii. Any structural BMPs listed in Table 4-3 of Attachment 1 to Appendix H installed in the urbanized area by the permittee or its agents shall be tracked and the permittee shall estimate the nitrogen removal by the BMP consistent with Attachment 1 to Appendix H. The permittee shall document the BMP type, total area treated by the BMP, the design storage volume of the BMP and the estimated nitrogen removed in mass per year by the BMP in each annual report.

Adams	North Adams
Agawam	Northampton
Amherst	Oxford
Ashburnham	Palmer
Ashby	Paxton
Auburn	Pelham
Belchertown	Pittsfield
Charlton	Richmond
Cheshire	Russell
Chicopee	Rutland
Dalton	South Hadley
Douglas	Southampton
Dudley	Southbridge
East Longmeadow	Southwick
Easthampton	Spencer
Gardner	Springfield
Granby	Sturbridge
Hadley	Sutton
Hampden	Templeton
Hatfield	Ware
Hinsdale	Webster
Holyoke	West Springfield
Lanesborough	Westfield
Leicester	Westhampton
Lenox	Westminster
Longmeadow	Wilbraham
Ludlow	Williamsburg
Millbury	Winchendon

Monson	
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Table F-11: Massachusetts municipalities in which MS4 discharges are within the Connecticut River Watershed, the Housatonic River Watershed, or the Thames River Watershed.

2. At any time during the permit term the permittee may be relieved of additional requirements in Appendix F part B.I.1. as follows:
 - a. The permittee is relieved of its additional requirements as of the date when the following conditions are met:
 - i. The applicable TMDL has been modified, revised or withdrawn and EPA has approved a new TMDL applicable for the receiving water that indicates that no additional stormwater controls for the control of nitrogen are necessary for the permittee’s discharge based on wasteload allocations in the newly approved TMDL
 - b. In such a case, the permittee shall document the date of the approved TMDL in its SWMP and is relieved of any remaining requirements of Appendix F part B.I.1 as of that date and the permittee shall comply with the following:
 - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix F part B.I.1 to date to reduce nitrogen in their discharges including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
 - ii. The permittee shall continue to implement all requirements of Appendix F part B.I.1 required to be implemented prior to the date of the newly approved TMDL, including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications.

II. Phosphorus TMDL Requirements

There are currently eight approved phosphorus TMDLs for certain waterbody segments in Rhode Island that identify urban stormwater discharges in Massachusetts as sources that are contributing phosphorus to the impaired segments. The TMDLs include the Kickemuit Reservoir, Upper Kickemuit River, Kickemuit River, Ten Mile River, Central Pond, Turner Reservoir, Lower Ten Mile River, and Omega Pond TMDLs¹⁸. Table F-12 lists municipalities in Massachusetts identified in the TMDLs as containing MS4s contributing phosphorus to the impaired waterbody segments in Rhode Island, the impaired receiving water, and the approved TMDL name. Any permittee (traditional or non-traditional) that operates an MS4 in a municipality listed in Table F-12 and that discharges to a waterbody or tributary of a waterbody listed on Table F-12 is subject to the requirements of this part.

1. The operators of traditional and non-traditional MS4s located in municipalities listed in Table F-12 and that discharge to a waterbody or a tributary of a waterbody identified on Table F-12 shall comply with the following BMPs in addition to the requirements of part 2.3 of the Permit, as described below:
 - a. Enhanced BMPs
 - i. Enhancement of BMPs required by part 2.3 of the permit that shall be implemented during this permit term:
 1. part 2.3.2, Public education and outreach: The permittee shall supplement its Residential and Business/Commercial/Institution program with annual timed messages on specific topics. The permittee shall distribute an annual message in the spring (March/April) timeframe that encourages the proper use and disposal of grass clippings and encourages the proper use of slow-release and phosphorous-free fertilizers. The permittee shall distribute an annual message in the summer (June/July) timeframe encouraging the proper management of pet waste, including noting any existing ordinances where appropriate. The permittee shall distribute an annual message in the fall (August/September/October) timeframe encouraging the proper disposal of leaf litter. The permittee shall deliver an annual message on each of these topics, unless the permittee determines that one or more of these issues is not a significant contributor of phosphorous to discharges from the MS4 and the permittee retains documentation of this finding in the SWMP. All public education messages can be combined with requirements of Appendix H part I, II and III as well as Appendix F part A.III, A.IV, A.V, B.I, and B.III where appropriate.
 2. part 2.3.6, Stormwater Management in New Development and Redevelopment: the requirement for

¹⁸ See <http://www.dem.ri.gov/programs/benviron/water/quality/rest/reports.htm> for all RI TMDL documents. (retrieved 6/30/2014)

adoption/amendment of the permittee's ordinance or other regulatory mechanism shall include a requirement that new development and redevelopment stormwater management BMPs be optimized for phosphorus removal; retrofit inventory and priority ranking under 2.3.6.1.b shall include consideration of BMPs that infiltrate stormwater where feasible.

3. part 2.3.7, Good House Keeping and Pollution Prevention for Permittee Owned Operations: Establish program to properly manage grass cuttings and leaf litter on permittee property, including prohibiting blowing organic waste materials onto adjacent impervious surfaces; increased street sweeping frequency of all municipal owned streets and parking lots subject to Permit part 2.3.7.a.iii.(c) to a minimum of two times per year, once in the spring (following winter activities such as sanding) and at least once in the fall (Sept 1 – Dec 1; following leaf fall).

b. Phosphorus Source Identification Report

- i. Within four years of the permit effective date the permittee shall complete a Phosphorus Source Identification Report. The report shall include the following elements:
 1. Calculation of total urbanized area draining to the water quality limited receiving water segments or their tributaries, incorporating updated mapping of the MS4 and catchment delineations produced pursuant to part 2.3.4.6,
 2. All screening and monitoring results pursuant to part 2.3.4.7.d., targeting the receiving water segment(s)
 3. Impervious area and DCIA for the target catchment
 4. Identification, delineation and prioritization of potential catchments with high phosphorus loading
 5. Identification of potential retrofit opportunities or opportunities for the installation of structural BMPs during re development, including the removal of impervious area of permittee owned properties
- ii. The phosphorus source identification report shall be submitted to EPA as part of the year 4 annual report.

c. Structural BMPs

- i. Within five years of the permit effective date, the permittee shall evaluate all permittee owned properties identified as presenting retrofit opportunities or areas for structural BMP installation under permit part 2.3.6.d.ii or identified in the Phosphorus Source Identification Report that are within the drainage area of the water quality limited water or its tributaries. The evaluation shall include:

1. The next planned infrastructure, resurfacing or redevelopment activity planned for the property (if applicable) OR planned retrofit date;
 2. The estimated cost of redevelopment or retrofit BMPs; and
 3. The engineering and regulatory feasibility of redevelopment or retrofit BMPs.
- ii. The permittee shall provide a listing of planned structural BMPs and a plan and schedule for implementation in the year 5 annual report. The permittee shall plan and install a minimum of one structural BMP as a demonstration project within the drainage area of the water quality limited water or its tributaries within six years of the permit effective date. The demonstration project shall be installed targeting a catchment with high phosphorus load potential. The permittee shall install the remainder of the structural BMPs in accordance with the plan and schedule provided in the year 5 annual report.
- iii. Any structural BMPs installed in the urbanized area by the permittee or its agents shall be tracked and the permittee shall estimate the phosphorus removal by the BMP consistent with Attachment 3 to Appendix F. The permittee shall document the BMP type, total area treated by the BMP, the design storage volume of the BMP and the estimated phosphorus removed in mass per year by the BMP in each annual report.

Municipality	Receiving Water	TMDL Name
Attleboro	Upper Ten Mile River, Lower Ten Mile River, Central Pond, Omega Pond and Turner Reservoir	Total Maximum Daily Load Analysis For The Ten Mile River Watershed
North Attleborough	Upper Ten Mile River, Lower Ten Mile River, Central Pond, Omega Pond and Turner Reservoir	Total Maximum Daily Load Analysis For The Ten Mile River Watershed
Plainville	Upper Ten Mile River, Lower Ten Mile River, Central Pond, Omega Pond and Turner Reservoir	Total Maximum Daily Load Analysis For The Ten Mile River Watershed
Rehoboth	Upper Kikemuit River, Kickemuit River, Kickemuit Reservoir	Fecal Coliform and Total Phosphorus TMDLs:

Municipality	Receiving Water	TMDL Name
		Kickemuit Reservoir, Rhode Island (RI0007034L-01) Upper Kickemuit River (RI 0007034R-01) Kickemuit River (MA 61-08 2004)
Seekonk	Upper Ten Mile River, Lower Ten Mile River, Central Pond, Omega Pond and Turner Reservoir	Total Maximum Daily Load Analysis For The Ten Mile River Watershed
Swansea	Upper Kikemuit River, Kickemuit River, Kickemuit Reservoir	Fecal Coliform and Total Phosphorus TMDLs: Kickemuit Reservoir, Rhode Island (RI0007034L-01) Upper Kickemuit River (RI 0007034R-01) Kickemuit River (MA 61-08 2004)

Table F-12: Municipalities in Massachusetts identified in the TMDLs as containing MS4s contributing phosphorus to the impaired waterbody segments in Rhode Island, the impaired receiving water, and the approved TMDL name.

2. At any time during the permit term the permittee may be relieved of additional requirements in Appendix F part B.II.1. as follows:
 - a. The permittee is relieved of its additional requirements as of the date when one of the following criteria are met:
 - i. The applicable TMDL has been modified, revised or withdrawn and EPA has approved a new TMDL applicable for the receiving water that indicates that no additional stormwater controls for the control of phosphorus are necessary for the permittee’s discharge based on wasteload allocations in the newly approved TMDL
 - b. In such a case, the permittee shall document the date of the approved TMDL in its SWMP and is relieved of any remaining requirements of Appendix F part B.II.1 as of that date and the permittee shall comply with the following:
 - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix F part B.II.1 to date to reduce phosphorus in their discharges including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
 - ii. The permittee shall continue to implement all requirements of Appendix F part B.II.1 required to be implemented prior to the date of the newly approved TMDL, including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications.

III. Bacteria and Pathogen TMDL Requirements

There are currently six approved bacteria (fecal coliform bacteria) or pathogen (fecal coliform and/or enterococcus bacteria) TMDLs for certain waterbody segments in Rhode Island that identify urban stormwater discharges in Massachusetts as sources that are contributing bacteria or pathogens to the impaired segments. The TMDLs include the Kickemuit Reservoir, Upper Kickemuit River, Ten Mile River, Lower Ten Mile River and Omega Pond TMDLs¹⁹ Table F-13 lists municipalities in Massachusetts identified in the TMDLs as containing MS4s contributing bacteria or pathogens to the impaired waterbody segments in Rhode Island, the impaired receiving water, and the approved TMDL name. Any permittee (traditional or non-traditional) that operates an MS4 in a municipality listed in Table F-13 and that discharges to a waterbody or a tributary of a waterbody listed on Table F-13 is subject to the requirements of this part.

- 1) Traditional and non-traditional MS4s operating in the municipalities identified in Table F-13 and that discharge to a waterbody or a tributary of a waterbody identified on Table F-13 shall comply with the following BMPs in addition to the requirements of part 2.3 of the Permit, as described below:
 - a. Enhanced BMPs
 - i. Enhancement of BMPs required by part 2.3 of the permit that shall be implemented during this permit term:
 1. part 2.3.3. Public Education: The permittee shall supplement its Residential program with an annual message encouraging the proper management of pet waste, including noting any existing ordinances where appropriate. The permittee or its agents shall disseminate educational materials to dog owners at the time of issuance or renewal of a dog license, or other appropriate time. Education materials shall describe the detrimental impacts of improper management of pet waste, requirements for waste collection and disposal, and penalties for non-compliance. The permittee shall also provide information to owners of septic systems about proper maintenance in any catchment that discharges to a water body impaired for bacteria or pathogens. All public education messages can be combined with requirements of Appendix H part I, II and III as well as Appendix F part A.III, A.IV, A.V, B.I, and B.II where appropriate.
 2. part 2.3.4 Illicit Discharge: Catchments draining to any waterbody impaired for bacteria or pathogens shall be designated either Problem Catchments or HIGH priority in implementation of the IDDE program.

¹⁹ See <http://www.dem.ri.gov/programs/benviron/water/quality/rest/reports.htm> for all RI TMDL documents. (retrieved 6/30/2014)

Municipality	Receiving Water	TMDL Name
Attleboro	Upper Ten Mile River, Lower Ten Mile River, Omega Pond	Total Maximum Daily Load Analysis For The Ten Mile River Watershed
North Attleborough	Upper Ten Mile River, Lower Ten Mile River, Omega Pond	Total Maximum Daily Load Analysis For The Ten Mile River Watershed
Plainville	Upper Ten Mile River, Lower Ten Mile River, Omega Pond	Total Maximum Daily Load Analysis For The Ten Mile River Watershed
Rehoboth	Upper Kikemuit River, Kickemuit Reservoir	Fecal Coliform and Total Phosphorus TMDLs: Kickemuit Reservoir, Rhode Island (RI0007034L-01) Upper Kickemuit River (RI 0007034R-01) Kickemuit River (MA 61-08 2004)
Seekonk	Upper Ten Mile River, Lower Ten Mile River, Omega Pond	Total Maximum Daily Load Analysis For The Ten Mile River Watershed

Table F-13: Municipalities in Massachusetts identified in the TMDLs as containing MS4s contributing bacteria or pathogens to the impaired waterbody segments in Rhode Island,, the impaired receiving water, and the approved TMDL name

2. At any time during the permit term the permittee may be relieved of additional requirements in Appendix F part B.III.1. applicable to it when in compliance with this part.
 - a. The permittee is relieved of its additional requirements as of the date when one of the following criteria are met:
 - i. The applicable TMDL has been modified, revised or withdrawn and EPA has approved a new TMDL applicable for the receiving water that indicates that no additional stormwater controls for the control of bacteria/pathogens are necessary for the permittee’s discharge based on wasteload allocations in the newly approved TMDL
 - b. In such a case, the permittee shall document the date of the approved TMDL in its SWMP and is relieved of any remaining requirements of Appendix F part B.III.1 as of that date and the permittee shall comply with the following:
 - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix F part B.III.1 to date to reduce bacteria/pathogens in their discharges including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
 - ii. The permittee shall continue to implement all requirements of Appendix F part B.III.1 required to be implemented prior to the date of the newly approved TMDL, including ongoing implementation

of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications.

IV. Metals TMDL Requirements

There are currently five approved metals TMDL for a waterbody segment in Rhode Island that identifies urban stormwater discharges in Massachusetts as sources that are contributing metals (Cadmium, Lead, Aluminum, Iron) to the impaired segment. The TMDLs include the Upper Ten Mile River, Lower Ten Mile River, Central Pond, Turner Reservoir and Omega Pond TMDLs.²⁰ Table F-14 lists municipalities in Massachusetts identified in the TMDLs as containing MS4s contributing metals to the impaired waterbody segments in Rhode Island, the impaired receiving water, the approved TMDL name, and the pollutant of concern. Any permittee (traditional or non-traditional) that operates an MS4 in a municipality listed in Table F-14 and the discharge is to a waterbody or tributary of a waterbody listed on Table F-14 is subject to the requirements of this part.

- 1) Traditional and non-traditional MS4s operating in the municipalities identified in Table F-14 and that discharge to a waterbody or a tributary of a waterbody identified on Table F-14 shall identify and implement BMPs designed to reduce metals discharges from its MS4. To address metals discharges, each permittee shall comply with the following BMPs in addition to the requirements of part 2.3 of the Permit, as described below:
 - a. Enhanced BMPs
 - i. The permittee remains subject to the requirements of part 2.3. of the permit and shall include the following enhancements to the BMPs required by part 2.3 of the permit:
 1. part 2.3.6, Stormwater Management in New Development and Redevelopment: stormwater management systems designed on commercial and industrial land use area draining to the water quality limited waterbody shall incorporate designs that allow for shutdown and containment where appropriate to isolate the system in the event of an emergency spill or other unexpected event. EPA also encourages the permittee to require any stormwater management system designed to infiltrate stormwater on commercial or industrial sites to provide the level of pollutant removal equal to or greater than the level of pollutant removal provided through the use of biofiltration of the same volume of runoff to be infiltrated, prior to infiltration.
 2. part 2.3.7, Good House Keeping and Pollution Prevention for Permittee Owned Operations: increased street sweeping frequency of all municipal owned streets and parking lots to a schedule determined by the permittee to target areas with potential for high pollutant loads. This may include, but is not limited to, increased street sweeping frequency in commercial areas and high density residential areas, or

²⁰ See <http://www.dem.ri.gov/programs/benviron/water/quality/rest/reports.htm> for all RI TMDL documents. (retrieved 6/30/2014)

drainage areas with a large amount of impervious area. Prioritize inspection and maintenance for catch basins to ensure that no sump shall be more than 50 percent full. Clean catch basins more frequently if inspection and maintenance activities indicate excessive sediment or debris loadings. Each annual report shall include the street sweeping schedule determined by the permittee to target high pollutant loads.

Municipality	Receiving Water	TMDL Name
Attleboro	Upper Ten Mile River, Lower Ten Mile River, Central Pond, Turner Reservoir, Omega Pond	Total Maximum Daily Load Analysis For The Ten Mile River Watershed
North Attleborough	Upper Ten Mile River, Lower Ten Mile River, Central Pond, Turner Reservoir, Omega Pond	Total Maximum Daily Load Analysis For The Ten Mile River Watershed
Plainville	Upper Ten Mile River, Lower Ten Mile River, Central Pond, Turner Reservoir, Omega Pond	Total Maximum Daily Load Analysis For The Ten Mile River Watershed
Seekonk	Upper Ten Mile River, Lower Ten Mile River, Central Pond, Turner Reservoir, Omega Pond	Total Maximum Daily Load Analysis For The Ten Mile River Watershed

Table F-14: Municipalities in Massachusetts identified in the TMDLs as containing MS4s contributing metals to the impaired waterbody segments in Rhode Island, the impaired receiving water, the approved TMDL name, and the pollutant of concern.

2. At any time during the permit term the permittee may be relieved of additional requirements in Appendix F part B.IV.1. applicable to it when in compliance with this part.
 - a. The permittee is relieved of its additional requirements as of the date when one of the following criteria are met:
 - i. The applicable TMDL has been modified, revised or withdrawn and EPA has approved a new TMDL applicable for the receiving water that indicates that no additional stormwater controls for the control of metals (Cadmium, Lead, Aluminum, Iron) are necessary for the permittee’s discharge based on wasteload allocations in the newly approved TMDL

- b. In such a case, the permittee shall document the date of the approved TMDL in its SWMP and is relieved of any remaining requirements of Appendix F part B.IV.1 as of that date and the permittee shall comply with the following:
 - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix F part B.IV.1 to date to reduce metals (Cadmium, Lead, Aluminum, Iron) in their discharges including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
 - ii. The permittee shall continue to implement all requirements of Appendix F part B.IV.1 required to be implemented prior to the date of the newly approved TMDL, including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications.

C. Requirements for Discharges to Impaired Waters with a Regional TMDL**I. The “Northeast Regional Mercury TMDL (2007)”**

The Northeast Regional Mercury TMDL does not specify a wasteload allocation or other requirements either individually or categorically for the MS4 discharges and specifies that load reductions are to be achieved through reduction in atmospheric deposition sources. No requirements related to this TMDL are imposed on MS4 discharges under this part. However, if the permittee becomes aware, or EPA or MassDEP determines, that an MS4 discharge is causing or contributing to such impairment to an extent that cannot be explained by atmospheric deposition (e.g. chemical spill, acid landfill leachate or other sources), the permittee shall comply with the requirements of part 2.1.1.d and 2.3.4 of the permit.

ATTACHMENT 1 TO APPENDIX F

Method to Calculate Baseline Phosphorus Load (Baseline), Phosphorus Reduction Requirements and Phosphorus load increases due to development (P_{DEVinc})

The methods and annual phosphorus load export rates presented in Attachments 1, 2 and 3 are for the purpose of measuring load reductions for various stormwater BMPs treating runoff from different site conditions (i.e. impervious or pervious) and land uses (e.g. commercial, industrial, residential). The estimates of annual phosphorus load and load reductions due to BMPs are intended for use by the permittee to measure compliance with its Phosphorus Reduction Requirement under the permit.

This attachment provides the method to calculate a baseline phosphorus load discharging in stormwater for the impaired municipalities subject to Lakes and Ponds TMDL. A complete list of municipalities subject to these TMDLs is presented in Appendix F, Table F-6. This method shall be used to calculate the following annual phosphorus loads:

- 1) Baseline Phosphorus Load for Permittees
- 2) Phosphorus Reduction Requirement

This attachment also provides the method to calculate stormwater phosphorus load increases due to development for the municipalities subject to the Charles River TMDL requirements and the Lakes & Ponds TMDL requirements:

- 3) Phosphorus Load Increases due to Development

The **Baseline Phosphorus Load** is a measure of the annual phosphorus load discharging in stormwater from the impervious and pervious areas of the impaired Lake Phosphorus Control Plan (LPCP) Area.

The **Baseline Phosphorus Pounds Reduction** referred to as the permittee's **Phosphorus Reduction Requirement** represents the required reduction in annual phosphorus load in stormwater to meet the WLA for the impaired watershed. The percent phosphorus reduction for each watershed (identified in Appendix F, Table F-6) is applied to the Baseline Phosphorus Load to calculate the Phosphorus Pounds Reduction.

The **Phosphorus load increases due to development (P_{DEVinc})** is the stormwater phosphorus load increases due to development over the previous reporting period and incurred to date. Increases in stormwater phosphorus load from development will increase the permittee's baseline phosphorus load and therefore, the phosphorus reduction requirement.

Examples are provided to illustrate use of the methods. Table 1-1 below provides annual composite phosphorus load export rates (PLERs) by land use category for the Baseline Load and Phosphorus Reduction Requirement calculations. The permittee shall select the land use category that most closely represents the actual use of the watershed. For watersheds with institutional type uses, such as government properties, hospitals, and schools, the permittee shall use the commercial land use category for the purpose of calculating phosphorus loads. Table 1-2 provides annual PLERs by land use category for impervious and pervious areas. The permittee shall select the land use category that most closely represents the actual use of the watershed. For pervious areas, if the hydrologic soil group (HSG) is known, use the appropriate value. If the HSG is not known, assume HSG C conditions for the phosphorus load export rate. For watersheds with

institutional type uses, such as government properties, hospitals, and schools, the permittee shall use the commercial/industrial land use category for the purpose of calculating phosphorus loads. Table 1-3 provides a crosswalk table of land use codes between Tables 1-1 and 1-2 and the codes used by MassGIS.

The composite PLERs in Table 1-1 to be used for calculating Baseline Phosphorus Load are based on the specified directly connected impervious area (DCIA). If the permittee determines through mapping and site investigations that the overall DCIA for the collective area for each land use category is different than the corresponding values in Table 1-1, then the permittee is encouraged to submit this information in its annual report and request EPA to recalculate the composite PLERs for the permittees to use in refining the Baseline Phosphorus Load calculation for the LPCP.

(1) Baseline Phosphorus Load: The permittee shall calculate the **Baseline Phosphorus Load** by the following procedure:

- 1) Determine the total area (acre) associated with the impaired watershed;
- 2) Sort the total area associated with the watershed into land use categories;
- 3) Calculate the annual phosphorus load associated with each land use category by multiplying the total area of land use by the appropriate land use-based composite phosphorus load export rate provided in Table 1-1; and
- 4) Determine the Baseline Phosphorus Load by summing the land use loads.

Example 1-1 to determine Baseline Phosphorus Load:

Watershed A is 18.0 acres, with 11.0 acres of industrial area (e.g. access drives, buildings, and parking lots), 3.0 acres of medium-density residential and 4.0 acres of unmanaged wooded area.

The **Baseline Phosphorus Load** = (Baseline P Load_{IND}) + (Baseline P Load_{MDR}) + (Baseline P Load_{FOR})

Where:

$$\begin{aligned} \text{Baseline P Load}_{\text{IND}} &= (\text{TA}_{\text{IND}}) \times (\text{PLER for industrial use (Table 1-1)}) \\ &= 11.0 \text{ acre} \times 1.27 \text{ lbs/acre/year} \\ &= 14.0 \text{ lbs P/year} \end{aligned}$$

$$\begin{aligned} \text{Baseline P Load}_{\text{MDR}} &= (\text{TA}_{\text{MDR}}) \times (\text{PLER for medium density residential (Table 1-1)}) \\ &= 3.0 \text{ acre} \times 0.49 \text{ lbs/acre/year} \\ &= 1.5 \text{ lbs P/year} \end{aligned}$$

$$\begin{aligned} \text{Baseline P Load}_{\text{FOR}} &= (\text{TA}_{\text{FOR}}) \times (\text{PLER for forest (Table 1-1)}) \\ &= 4.0 \text{ acre} \times 0.12 \text{ lbs/acre/year} \\ &= 0.5 \text{ lbs P/year} \end{aligned}$$

$$\begin{aligned} \text{Baseline Phosphorus Load} &= 14.0 \text{ lbs P/year} + 1.5 \text{ lbs P/year} + 0.5 \text{ lbs P/year} \\ &= \mathbf{16.0 \text{ lbs P/year}} \end{aligned}$$

(2) Baseline Phosphorus Pounds Reduction (Phosphorus Reduction Requirement): The Baselines Phosphorus Reduction requirement is the amount of reduction in annual phosphorus load (in pounds) that the permittee is required to achieve in the Watershed. The permittee shall calculate the **Phosphorus Reduction Requirement** by multiplying the **Baseline Phosphorus Load** by the applicable percent phosphorus reduction for that watershed specified in Table F-6 (Appendix F).

Example 1-2 to determine Watershed Phosphorus Reduction Requirement:
 Table F-6 identifies Watershed A’s percent phosphorus reduction as 45%; therefore the Watershed Phosphorus Reduction Requirement is:

Phosphorus Reduction Requirement = (Baseline Phosphorus Load) x (0.45)
 = (16.0 lbs P/year) x (0.45)
 = **7.2 lbs P/year**

(3) Phosphorus load increases due to development (P_{DEVinc}): To estimate the increases in stormwater phosphorus load due to development in the Watershed (either PCP or LPCP Area), the permittee will use the following procedure:

- 1) Determine the total area of development by land use category and calculate the baseline load from that area using the composite PLERs in Table 1-1;
- 2) Distribute the total development area into impervious and pervious subareas by land use category;
- 3) Calculate the phosphorus load due to development (P_{DEV}) for each land use-based impervious and pervious subarea by multiplying the subarea by the appropriate phosphorus load export rate provided in Table 1-2; and
- 4) Determine the phosphorus load increase (P_{DEVinc}) by subtracting the baseline phosphorus load from the increased phosphorus load due to development.

Note: If structural BMPs are installed as part of new development, the P_{DEVinc} will be reduced by the amount of BMP load treated by that BMP as calculated in Attachment 3.

Example 1-3 to determine Phosphorus Load Increases: For the same 15.11 acre Watershed A as specified in Example 1-1, a permittee has tracked development in the LPCP Area in the last year that resulted in 1.5 acres of medium density residential area and 0.5 acres of forest land being converted to high density residential impervious area as detailed below. The undeveloped MDR area is pervious area, HSG C soil and the undeveloped forest area is pervious, HSG B soil.

Land Use Category	Baseline Area (acres)	P export rate (lbs P/acre/yr)*	Baseline area unchanged (acres)	P export rate (lbs P/acre/yr)**	Developed Area converted to HDR IA (acres)	P export rate (lbs P/acre/yr)**
Industrial	11.0	1.27	No change	--	No change	--
MDR	3.0	0.49	1.5	0.21	1.5	2.32

Forest	4.0	0.12	3.5	0.12	0.5	2.32
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*From Table 1-1; ** From Table 1-2

The phosphorus load increase is calculated as:

$$\begin{aligned} \text{Baseline Load} &= (\text{Baseline P Load}_{\text{IND}}) + \\ &\quad (\text{Baseline P Load}_{\text{MDR}}) + \\ &\quad (\text{Baseline P Load}_{\text{FOR}}) \\ &= \mathbf{16.0 \text{ lb/year}} \text{ (determined in Example 1-1)} \end{aligned}$$

$$\begin{aligned} P_{\text{DEV}} &= (T_{\text{AIND}} \times \text{PLER}_{\text{IND}}) + (I_{\text{AHDR}} \times \text{PLER}_{\text{HDR}}) + (P_{\text{AMDR}} \times \text{PLER}_{\text{MDR}}) + (P_{\text{AFOR}} \times \\ &\quad \text{PLER}_{\text{FOR}}) \\ &= (11.0 \text{ acres} \times 1.27) + (2.0 \text{ acres} \times 2.32) + (1.5 \text{ acres} \times 0.21) + (3.5 \times \\ &\quad 0.12) \\ &= \mathbf{19.0 \text{ lbs P/year}} \end{aligned}$$

$$\begin{aligned} P_{\text{DEVinc}} &= P_{\text{DEV}} - \text{Baseline Load} \\ &= 19.0 - 16.0 \\ &= \mathbf{3.0 \text{ lbs/year}} \end{aligned}$$

Table 1-1. Annual composite phosphorus load export rates

Land Cover	Representative DCIA, %	Composite PLERs, lb/ac/yr	Composite PLERs, kg/ha/yr
Commercial	57	1.13	1.27
Industrial	67	1.27	1.42
High Density Residential	36	1.04	1.16
Medium Density Residential	16	0.49	0.55
Low Density Residential	11	0.30	0.34
Freeway	44	0.73	0.82
Open Space	8	0.26	0.29
Agriculture	0.4	0.45	0.50
Forest	0.1	0.12	0.13

Table 1-2: Proposed average annual distinct P Load export rates for use in estimating P Load reduction credits the MA MS4 Permit

Phosphorus Source Category by Land Use	Land Surface Cover	P Load Export Rate, lbs/acre/year	P Load Export Rate, kg/ha/yr
Commercial (Com) and Industrial (Ind)	Directly connected impervious	1.78	2.0
	Pervious	See* DevPERV	See* DevPERV
Multi-Family (MFR) and High-Density Residential (HDR)	Directly connected impervious	2.32	2.6
	Pervious	See* DevPERV	See* DevPERV
Medium -Density Residential (MDR)	Directly connected impervious	1.96	2.2
	Pervious	See* DevPERV	See* DevPERV
Low Density Residential (LDR) - "Rural"	Directly connected impervious	1.52	1.7
	Pervious	See* DevPERV	See* DevPERV
Highway (HWY)	Directly connected impervious	1.34	1.5
	Pervious	See* DevPERV	See* DevPERV
Forest (For)	Directly connected impervious	1.52	1.7
	Pervious	0.13	0.13
Open Land (Open)	Directly connected impervious	1.52	1.7
	Pervious	See* DevPERV	See* DevPERV
Agriculture (Ag)	Directly connected impervious	1.52	1.7
	Pervious	0.45	0.5
*Developed Land Pervious (DevPERV)- Hydrologic Soil Group A	Pervious	0.03	0.03
*Developed Land Pervious (DevPERV)- Hydrologic Soil Group B	Pervious	0.12	0.13
*Developed Land Pervious (DevPERV) - Hydrologic Soil Group C	Pervious	0.21	0.24
*Developed Land Pervious (DevPERV) - Hydrologic Soil Group C/D	Pervious	0.29	0.33
*Developed Land Pervious (DevPERV) - Hydrologic Soil Group D	Pervious	0.37	0.41

Table 1-3: Crosswalk of MassGIS land-use categories to land-use groups for P Load Calculations

Mass GIS Land Use LU_CODE	Description	Land Use group for calculating P Load - 2013/14 MA MS4
1	Crop Land	Agriculture
2	Pasture (active)	Agriculture
3	Forest	Forest
4	Wetland	Forest
5	Mining	Industrial
6	Open Land includes inactive pasture	open land
7	Participation Recreation	open land
8	spectator recreation	open land
9	Water Based Recreation	open land
10	Multi-Family Residential	High Density Residential
11	High Density Residential	High Density Residential
12	Medium Density Residential	Medium Density Residential
13	Low Density Residential	Low Density Residential
14	Saltwater Wetland	Water
15	Commercial	Commercial
16	Industrial	Industrial
17	Urban Open	open land
18	Transportation	Highway
19	Waste Disposal	Industrial
20	Water	Water
23	cranberry bog	Agriculture
24	Powerline	open land
25	Saltwater Sandy Beach	open land
26	Golf Course	Agriculture
29	Marina	Commercial
31	Urban Public	Commercial
34	Cemetery	open land
35	Orchard	Forest
36	Nursery	Agriculture
37	Forested Wetland	Forest
38	Very Low Density residential	Low Density Residential
39	Junkyards	Industrial
40	Brush land/Successional	Forest

ATTACHMENT 2 TO APPENDIX F

Phosphorus Reduction Credits for Selected Enhanced Non-Structural BMPs

The permittee shall use the following methods to calculate phosphorus load reduction credits for the following enhanced non-structural control practices implemented in the Watershed:

- 1) Enhanced Sweeping Program;
- 2) Catch Basin Cleaning;
and
- 3) Organic Waste and Leaf Litter Collection program

The methods include the use of default phosphorus reduction factors that EPA has determined are acceptable for calculating phosphorus load reduction credits for these practices.

The methods and annual phosphorus load export rates presented in this attachment are for the purpose of counting load reductions for various BMPs treating storm water runoff from varying site conditions (i.e., impervious or pervious surfaces) and different land uses (e.g. industrial and commercial) within the impaired watershed. Table 2-1 below provides annual phosphorus load export rates by land use category for impervious and pervious areas. The estimates of annual phosphorus load and load reductions resulting from BMP implementation are intended for use by the permittee to measure compliance with its Phosphorus Reduction Requirement under the permit.

Examples are provided to illustrate use of the methods. In calculating phosphorus export rates, the permittee shall select the land use category that most closely represents the actual use for the area in question. For watersheds with institutional type uses, such as government properties, hospitals, and schools, the permittee shall use the commercial land use category for the purpose of calculating phosphorus loads. Table 2-2 provides a crosswalk table of land use codes between land use groups in Table 2-1 and the codes used by Mass GIS. For pervious areas, permittees should use the appropriate value for the hydrologic soil group (HSG) if known, otherwise, assume HSG C conditions.

Alternative Methods and/or Phosphorus Reduction Factors: A permittee may propose alternative methods and/or phosphorus reduction factors for calculating phosphorus load reduction credits for these non-structural practices. EPA will consider alternative methods and/or phosphorus reduction factors, provided that the permittee submits adequate supporting documentation to EPA. At a minimum, supporting documentation shall consist of a description of the proposed method, the technical basis of the method, identification of alternative phosphorus reduction factors, supporting calculations, and identification of references and sources of information that support the use of the alternative method and/or factors in the Watershed. If EPA determines that the alternative methods and/or factors are not adequately supported, EPA will notify the permittee and the permittee may receive no phosphorus reduction credit other than a reduction credit calculated by the permittee following the methods in this attachment for the identified practices.

Table 2-1: Proposed average annual distinct P Load export rates for use in estimating P Load reduction credits in the MA MS4 Permit

Phosphorus Source Category by Land Use	Land Surface Cover	P Load Export Rate, lbs/acre/year	P Load Export Rate, kg/ha/yr
Commercial (Com) and Industrial (Ind)	Directly connected impervious	1.78	2.0
	Pervious	See* DevPERV	See* DevPERV
Multi-Family (MFR) and High-Density Residential (HDR)	Directly connected impervious	2.32	2.6
	Pervious	See* DevPERV	See* DevPERV
Medium -Density Residential (MDR)	Directly connected impervious	1.96	2.2
	Pervious	See* DevPERV	See* DevPERV
Low Density Residential (LDR) - "Rural"	Directly connected impervious	1.52	1.7
	Pervious	See* DevPERV	See* DevPERV
Highway (HWY)	Directly connected impervious	1.34	1.5
	Pervious	See* DevPERV	See* DevPERV
Forest (For)	Directly connected impervious	1.52	1.7
	Pervious	0.13	0.13
Open Land (Open)	Directly connected impervious	1.52	1.7
	Pervious	See* DevPERV	See* DevPERV
Agriculture (Ag)	Directly connected impervious	1.52	1.7
	Pervious	0.45	0.5
*Developed Land Pervious (DevPERV) – HSG A	Pervious	0.03	0.03
*Developed Land Pervious (DevPERV) – HSG B	Pervious	0.12	0.13
*Developed Land Pervious (DevPERV) – HSG C	Pervious	0.21	0.24
*Developed Land Pervious (DevPERV) – HSG C/D	Pervious	0.29	0.33
*Developed Land Pervious (DevPERV) – HSG D	Pervious	0.37	0.41
Notes:			
<ul style="list-style-type: none"> For pervious areas, if the hydrologic soil group (HSG) is known, use the appropriate value from this table. If the HSG is not known, assume HSG C conditions for the phosphorus load export rate. Agriculture includes row crops. Actively managed hay fields and pasture lands. Institutional land uses such as government properties, hospitals and schools are to be included in the commercial and industrial land use grouping for the purpose of calculating phosphorus loading. Impervious surfaces within the forest land use category are typically roadways adjacent to forested pervious areas. 			

**Table 2-2: Crosswalk of Mass GIS land use categories
to land use groups for P load calculations**

Mass GIS Land Use LU_CODE	Description	Land Use group for calculating P Load - 2013/14 MA MS4
1	Crop Land	Agriculture
2	Pasture (active)	Agriculture
3	Forest	Forest
4	Wetland	Forest
5	Mining	Industrial
6	Open Land includes inactive pasture	open land
7	Participation Recreation	open land
8	spectator recreation	open land
9	Water Based Recreation	open land
10	Multi-Family Residential	High Density Residential
11	High Density Residential	High Density Residential
12	Medium Density Residential	Medium Density Residential
13	Low Density Residential	Low Density Residential
14	Saltwater Wetland	Water
15	Commercial	Commercial
16	Industrial	Industrial
17	Urban Open	open land
18	Transportation	Highway
19	Waste Disposal	Industrial
20	Water	Water
23	cranberry bog	Agriculture
24	Powerline	open land
25	Saltwater Sandy Beach	open land
26	Golf Course	Agriculture
29	Marina	Commercial
31	Urban Public	Commercial
34	Cemetery	open land
35	Orchard	Forest
36	Nursery	Agriculture
37	Forested Wetland	Forest
38	Very Low Density residential	Low Density Residential
39	Junkyards	Industrial
40	Brush land/Successional	Forest

(1) Enhanced Sweeping Program: The permittee may earn a phosphorus reduction credit for conducting an enhanced sweeping program of impervious surfaces. Table 2-2 below outlines the default phosphorus removal factors for enhanced sweeping programs. The credit shall be calculated by using the following equation:

$$\text{Credit}_{\text{sweeping}} = \text{IA}_{\text{swept}} \times \text{PLE}_{\text{IC-land use}} \times \text{PRF}_{\text{sweeping}} \times \text{AF} \quad \text{(Equation 2-1)}$$

Where:

- $\text{Credit}_{\text{sweeping}}$ = Amount of phosphorus load removed by enhanced sweeping program (lb/year)
- IA_{swept} = Area of impervious surface that is swept under the enhanced sweeping program (acres)
- $\text{PLE}_{\text{IC-land use}}$ = Phosphorus Load Export Rate for impervious cover and specified land use (lb/acre/yr) (see Table 2-1)
- $\text{PRF}_{\text{sweeping}}$ = Phosphorus Reduction Factor for sweeping based on sweeper type and frequency (see Table 2-3).
- AF = Annual Frequency of sweeping. For example, if sweeping does not occur in Dec/Jan/Feb, the AF would be 9 mo./12 mo. = 0.75. For year-round sweeping, AF=1.0¹

As an alternative, the permittee may apply a credible sweeping model of the Watershed and perform continuous simulations reflecting build-up and wash-off of phosphorus using long-term local rainfall data.

Table 2-3: Phosphorus reduction efficiency factors (PRF_{sweeping}) for sweeping impervious areas

Frequency ¹	Sweeper Technology	PRF _{sweeping}
2/year (spring and fall) ²	Mechanical Broom	0.01
2/year (spring and fall) ²	Vacuum Assisted	0.02
2/year (spring and fall) ²	High-Efficiency Regenerative Air-Vacuum	0.02
Monthly	Mechanical Broom	0.03
Monthly	Vacuum Assisted	0.04
Monthly	High Efficiency Regenerative Air-Vacuum	0.08
Weekly	Mechanical Broom	0.05
Weekly	Vacuum Assisted	0.08
Weekly	High Efficiency Regenerative Air-Vacuum	0.10

¹For full credit for monthly and weekly frequency, sweeping must be conducted year round. Otherwise, the credit should be adjusted proportionally based on the duration of the sweeping season (using AF factor).

² In order to earn credit for semi-annual sweeping the sweeping must occur in the spring following snow-melt and road sand applications to impervious surfaces and in the fall after leaf-fall and prior to the onset to the snow season.

Example 2-1: Calculation of enhanced sweeping program credit (Credit_{sweeping}): A permittee proposes to implement an enhanced sweeping program and perform weekly sweeping from March 1 – December 1 (9 months) in their Watershed, using a vacuum assisted sweeper on 20.3 acres of parking lots and roadways in a high-density residential area of the Watershed. For this site the needed information is:

- IA_{swept} = 20.3 acres
- PLE_{IC-HDR} = 2.32 lb/acre/yr (from Table 2-1)
- PRF_{sweeping} = 0.08 (from Table 2-3)
- AF = (9 months / 12 months) = 0.75

Substitution into equation 2-1 yields a Credit_{sweeping} of 3.2 pounds of phosphorus removed per year.

$$\begin{aligned} \text{Credit}_{\text{sweeping}} &= \text{IA}_{\text{swept}} \times \text{PLE}_{\text{land use}} \times \text{PRF}_{\text{sweeping}} \times \text{AF} \\ &= 20.3 \text{ acres} \times 2.32 \text{ lbs/acre/yr} \times 0.08 \times 0.75 \\ &= \mathbf{2.8 \text{ lbs/yr}} \end{aligned}$$

(2) Catch Basin Cleaning: The permittee may earn a phosphorus reduction credit, Credit_{CB}, by removing accumulated materials from catch basins (i.e., catch basin cleaning) in the Watershed such that a minimum sump storage capacity of 50% is maintained throughout the year. The credit shall be calculated by using the following equation:

$$\text{Credit}_{\text{CB}} = \text{IA}_{\text{CB}} \times \text{PLE}_{\text{IC-land use}} \times \text{PRF}_{\text{CB}} \quad \text{(Equation 2-2)}$$

Where:

- Credit_{CB} = Amount of phosphorus load removed by catch basin cleaning (lb/year)
- IA_{CB} = Impervious drainage area to catch basins (acres)
- PLE_{IC-and use} = Phosphorus Load Export Rate for impervious cover and specified land use (lb/acre/yr) (see Table 2-1)
- PRF_{CB} = Phosphorus Reduction Factor for catch basin cleaning (see Table 2-4)

Table 2-4: Phosphorus reduction efficiency factor (PRF_{CB}) for semi-annual catch basin cleaning

Frequency	Practice	PRF _{CB}
Semi-annual	Catch Basin Cleaning	0.02

Example 2-2: Calculation for catch basin cleaning credit (Credit_{CB}):

A permittee proposes to clean catch basins in their Watershed (i.e., remove accumulated sediments and contaminants captured in the catch basins) that drain runoff from 15.3 acres of medium-density residential impervious area. For this site the needed information is:

IA _{CB}	= 15.3 acre
PLE _{IC-MDR}	= 1.96 lbs/acre/yr (from Table 2-1)
PRF _{CB}	= 0.02 (from Table 2-4)

Substitution into equation 2-2 yields a Credit_{CB} of 0.6 pounds of phosphorus removed per year:

$$\begin{aligned} \text{Credit}_{CB} &= \text{IA}_{CB} \times \text{PLE}_{IC-MDR} \times \text{PRF}_{CB} \\ &= 15.3 \text{ acre} \times 1.96 \text{ lbs/acre/yr} \times 0.02 \\ &= \mathbf{0.6 \text{ lbs/yr}} \end{aligned}$$

(3) Enhanced Organic Waste and Leaf Litter Collection program: The permittee may earn a phosphorus reduction credit by performing regular gathering, removal and disposal of landscaping wastes, organic debris, and leaf litter from impervious surfaces from which runoff discharges to the TMDL waterbody or its tributaries. In order to earn this credit (Credit_{leaf litter}), the permittee must gather and remove all landscaping wastes, organic debris, and leaf litter from impervious roadways and parking lots at least once per week during the period of September 1 to December 1 of each year. Credit can only be earned for those impervious surfaces that are cleared of organic materials in accordance with the description above. The gathering and removal shall occur immediately following any landscaping activities in the Watershed and at additional times when necessary to achieve a weekly cleaning frequency. The permittee must ensure that the disposal of these materials will not contribute pollutants to any surface water discharges. The permittee may use an enhanced sweeping program (e.g., weekly frequency) as part of earning this credit provided that the sweeping is effective at removing leaf litter and organic materials. The Credit_{leaf litter} shall be determined by the following equation:

$$\text{Credit}_{\text{leaf litter}} = (\text{Watershed Area}) \times (\text{PLE}_{IC\text{-land use}}) \times (0.05) \quad \text{(Equation 2-3)}$$

Where:

Credit _{leaf litter}	= Amount of phosphorus load reduction credit for organic waste and leaf litter collection program (lb/year)
Watershed Area	= All impervious area (acre) from which runoff discharges to the TMDL waterbody or its tributaries in the Watershed
PLE _{IC-land use}	= Phosphorus Load Export Rate for impervious cover and specified land use (lbs/acre/yr) (see Table 2-1)
0.05	= 5% phosphorus reduction factor for organic waste and leaf litter collection program in the Watershed

Example 2-3: Calculation for organic waste and leaf litter collection program credit

(Credit_{leaf litter}): A permittee proposes to implement an organic waste and leaf litter collection program by sweeping the parking lots and access drives at a minimum of once per week using a mechanical broom sweeper for the period of September 1 to December 1 over 12.5 acres of impervious roadways and parking lots in an industrial/commercial area of the Watershed. Also, the permittee will ensure that organic materials are removed from impervious areas immediately following all landscaping activities at the site. For this site the needed information to calculate the Credit_{leaf litter} is:

$$\begin{aligned} \text{Watershed Area} &= 12.5 \text{ acres; and} \\ \text{PLE}_{\text{IC-commercial}} &= 1.78 \text{ lbs/acre/yr (from Table 2-1)} \end{aligned}$$

Substitution into equation 2-4 yields a Credit_{leaf litter} of 1.1 pounds of phosphorus removed per year:

$$\begin{aligned} \text{Credit}_{\text{leaf litter}} &= (12.5 \text{ acre}) \times (1.78 \text{ lbs/acre/yr}) \times (0.05) \\ &= 1.1 \text{ lbs/yr} \end{aligned}$$

The permittee also may earn a phosphorus reduction credit for enhanced sweeping of roads and parking lot areas (i.e., Credit_{sweeping}) for the three months of use. Using equation 2-1, Credit_{sweeping} is:

$$\begin{aligned} \text{Credit}_{\text{sweeping}} &= \text{IA}_{\text{swept}} \times \text{PLE}_{\text{IC-land use}} \times \text{PRF}_{\text{sweeping}} \times \text{AF} && \text{(Equation 2-1)} \\ \text{IA}_{\text{swept}} &= 12.5 \text{ acre} \\ \text{PLE}_{\text{IC-commercial}} &= 1.78 \text{ lbs/acre/yr (from Table 2-1)} \\ \text{PRF}_{\text{sweeping}} &= 0.05 \text{ (from Table 2-3)} \\ \text{AF} &= 3 \text{ mo./12 mo.} = 0.25 \end{aligned}$$

Substitution into equation 2-1 yields a Credit_{sweeping} of 0.28 pounds of phosphorus removed per year.

$$\begin{aligned} \text{Credit}_{\text{sweeping}} &= \text{IA}_{\text{swept}} \times \text{PLE}_{\text{IC-commercial}} \times \text{PRF}_{\text{sweeping}} \times \text{AF} \\ &= 12.5 \text{ acre} \times 1.78 \text{ lbs/acre/yr} \times 0.05 \times 0.25 \\ &= \mathbf{0.3 \text{ lbs/yr}} \end{aligned}$$

ATTACHMENT 3 TO APPENDIX F

Methods to Calculate Phosphorus Load Reductions for Structural Stormwater Best Management Practices

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Methods to Calculate Phosphorus Load Reductions for Structural Stormwater Best Management Practices in the Watershed

This attachment provides methods to determine design storage volume capacities and to calculate phosphorus load reductions for the following structural Best Management Practices (structural BMPs) for a Watershed:

- 1) Infiltration Trench;
- 2) Infiltration Basin or other surface infiltration practice;
- 3) Bio-filtration Practice;
- 4) Gravel Wetland System;
- 5) Porous Pavement;
- 6) Wet Pond or wet detention basin;
- 7) Dry Pond or detention basin; and
- 8) Dry Water Quality Swale/ Grass Swale.

Additionally, this attachment provides methods to design and quantify associated phosphorus load reduction credits for the following four types of semi-structural/non-structural BMPs

- 9) Impervious Area Disconnection through Storage (e.g., rain barrels, cisterns, etc);
- 10) Impervious Area Disconnection;
- 11) Conversions of Impervious Area to Permeable Pervious Area; and
- 12) Soil Amendments to Enhance Permeability of Pervious Areas.

Methods and examples are provided in this Attachment to calculate phosphorus load reductions for structural BMPs for the four following purposes:

- 1) To determine the design volume of a structural BMP to achieve a known phosphorus load reduction target when the contributing drainage area is 100% impervious;
- 2) To determine the phosphorus load reduction for a structural BMP with a known design volume when the contributing drainage area is 100% impervious;
- 3) To determine the design volume of a structural BMP to achieve a known phosphorus load reduction target when the contributing drainage area has impervious and pervious surfaces; and
- 4) To determine the phosphorus load reduction for a structural BMP with a known design volume when the contributing drainage area has impervious and pervious surfaces.

Examples are also provided for estimating phosphorus load reductions associated with the four semi-structural/non-structural BMPs.

Also, this attachment provides the methodology for calculating the annual stormwater phosphorus load that will be delivered to BMPs for treatment (BMP Load) and to be used for quantifying phosphorus load reduction credits. The methods and annual phosphorus export load rates presented in this attachment are for the purpose of counting load reductions for various BMPs treating storm water runoff from varying site conditions (i.e., impervious or pervious surfaces) and different land uses (e.g. commercial and industrial). The estimates of annual phosphorus load and load reductions by BMPs are to demonstrate compliance with the permittee's Phosphorus Reduction Requirement under the permit.

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Structural BMP performance credits: For each structural BMP type identified above (BMPs 1-8), long-term cumulative performance information is provided to calculate phosphorus load reductions or to determine needed design storage volumes to achieve a specified reduction target (e.g., 65% phosphorus load reduction). The performance information is expressed as cumulative phosphorus load removed (% removed) depending on the physical storage capacity of the structural BMP (expressed as inches of runoff from impervious area) and is provided at the end of this Attachment (see Tables 3-1 through 3-18 and performance curves Figures 3-1 through 3-17). Multiple tables and performance curves are provided for the infiltration practices to represent cumulative phosphorus load reduction performance for six infiltration rates (IR), 0.17, 0.27, 0.53, 1.02, 2.41, and 8.27 inches/hour. These infiltration rates represent the saturated hydraulic conductivity of the soils. The permittee may use the performance curves provided in this attachment to interpolate phosphorus load removal reductions for field measured infiltration rates that are different than the infiltration rates used to develop the performance curves. Otherwise, the permittee shall use the performance curve for the IR that is nearest, but less than, the field measured rate. Physical storage capacity equals the total physical storage volume of the control structure to contain water at any instant in time. Typically, this storage capacity is comprised of the surface ponding storage volume prior to overflow and subsurface storage volumes in storage units and pore spaces of coarse filter media. Table 3-30 provides the formulae to calculate physical storage capacities for the structural control types for using the performance curves.

Semi-Structural/Non-structural BMP performance credits: For each semi-structural/non-structural BMP type identified above (BMPs 9-12), long-term cumulative performance information is provided to calculate phosphorus load reductions or to determine needed design specifications to achieve a desired reduction target (e.g., 50% phosphorus load reduction). The performance information is expressed as cumulative runoff volume reduction (% removed) depending on the design specifics and actual field conditions. Cumulative percent runoff volume reduction is being used to estimate the cumulative phosphorus load reduction credit for these BMPs. To represent a wide range of potential conditions for implementing these types of BMPs, numerous performance tables and curves have been developed to reflect a wide range of potential conditions and designs such as varying storage volumes (expressed in terms of varying ratios of storage volume to impervious area (0.1 to 2.0 inches)); varying ratios of impervious source area to receiving pervious area based on hydrologic soil groups (HSGs) A, B, C and D (8:1, 6:1, 4:1, 2: 1 and 1:1); and varying discharge time periods for temporary storage (1, 2 or 3 days) . The default credits are provided at the end of this Attachment (see Tables 3-19 through 3-26 and performance curves Figures 3-18 through 3-38).

EPA will consider phosphorus load reductions calculated using the methods provided below to be valid for the purpose of complying with the terms of this permit for BMPs that have not been explicitly modeled if the desired BMP has functionality that is similar to one of the simulated BMP types. Please note that only the surface infiltration and the infiltration trench BMP types were simulated to direct storm water runoff into the ground (i.e., infiltration). All of the other simulated BMPs represent practices that have either under-drains or impermeable liners and therefore, are not hydraulically connected to the sub-surface soils (i.e., no infiltration). Following are some simple guidelines for selecting the BMP type and/or determining whether the results of any of the BMP types provided are appropriate for another BMP of interest.

Infiltration Trench is a practice that provides temporary storage of runoff using the void spaces within the soil/sand/gravel mixture that is used to backfill the trench for subsequent infiltration into the surrounding sub-soils. Performance results for the infiltration trench can be used for all subsurface infiltration practices including systems that include pipes and/or chambers that provide temporary storage. Also, the results for this BMP type can be used for bio-retention systems that rely on infiltration when the majority of the temporary storage capacity is provided in the void spaces of the soil filter media and porous pavements that allow infiltration to occur.

Surface Infiltration represents a practice that provides temporary surface storage of runoff (e.g., ponding) for subsequent infiltration into the ground. Appropriate practices for use of the surface infiltration performance estimates include infiltration basins, infiltration swales, rain gardens and bio-retention systems that rely on infiltration and provide the majority of storage capacity through surface-ponding. If an infiltration system includes both surface storage through ponding and a lesser storage volume within the void spaces of a coarse filter media, then the physical storage volume capacity used to determine the long-term cumulative phosphorus removal efficiency from the infiltration basin performance curves would be equal to the sum of the surface storage volume and the void space storage volume. General design specifications for various surface infiltration systems are provided in the most recent version of *the Massachusetts Stormwater Handbook, Volume 2/Chapter2* (<http://www.mass.gov/eea/docs/dep/water/laws/i-thru-z/v2c2.pdf>).

Bio-filtration is a practice that provides temporary storage of runoff for filtering through an engineered soil media. The storage capacity is typically made of void spaces in the filter media and temporary ponding at the surface of the practice. Once the runoff has passed through the filter media it is collected by an under-drain pipe for discharge. The performance curve for this control practice assumes zero infiltration. If a filtration system has subsurface soils that are suitable for infiltration, then user should use the either performance curves for the infiltration trench or the infiltration basin depending on the predominance of storage volume made up by free standing storage or void space storage. Depending on the design of the filter media manufactured or packaged bio-filter systems such as tree box filters may be suitable for using the bio-filtration performance results. Design specifications for bio-filtration systems are provided in the most recent version of *the Massachusetts Stormwater Handbook, Volume 2/Chapter2* (<http://www.mass.gov/eea/docs/dep/water/laws/i-thru-z/v2c2.pdf>).

Gravel Wetland performance results should be used for practices that have been designed in accordance or share similar features with the design specifications for gravel wetland systems provided in the most recent version of *the Massachusetts Stormwater Handbook, Volume 2/Chapter2* (<http://www.mass.gov/eea/docs/dep/water/laws/i-thru-z/v2c2.pdf>).

Porous Pavement performance results represent systems with an impermeable under-liner and an under-drain. *If porous pavement systems do not have an impermeable under-liner so that filtered runoff can infiltrate into sub-soils then the performance results for an infiltration trench may be used for these systems.* Design specifications for porous pavement systems are provided in the most recent version of *the Massachusetts Stormwater Handbook, Volume 2/Chapter2* (<http://www.mass.gov/eea/docs/dep/water/laws/i-thru-z/v2c2.pdf>).

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Extended Dry Detention Pond performance results should only be used for practices that have been designed in accordance with the design specifications for extended dry detention ponds provided in the most recent version of *the Massachusetts Stormwater Handbook, Volume 2/Chapter2* (<http://www.mass.gov/eea/docs/dep/water/laws/i-thru-z/v2c2.pdf>)

Dry Water Quality Swale/ Grass Swale performance results should only be used for practices that have been designed in accordance with the design specifications for a water quality dry swale provided in the most recent version of *the Massachusetts Stormwater Handbook, Volume 2/Chapter2* (<http://www.mass.gov/eea/docs/dep/water/laws/i-thru-z/v2c2.pdf>)

Impervious Area Disconnection using Storage (e.g., rain barrels, cistern, etc) performance results are for collecting runoff volumes from impervious areas such as roof tops, providing temporary storage of runoff volume using rain barrels, cisterns or other storage containers, and discharging stored volume to adjacent permeable pervious surfaces over an extended period of time.

Impervious Area Disconnection performance results are for diverting runoff volumes from impervious areas such as roadways, parking lots and roof tops, and discharging it to adjacent vegetated permeable surfaces that are of sufficient size with adequate soils to receive the runoff without causing negative impacts to adjacent down-gradient properties. Careful consideration must be given to the ratio of impervious area to the pervious area that will receive the discharge. Also, devices such as level spreaders to disperse the discharge and provide sheet flow should be employed whenever needed to increase recharge and avoid flow concentration and short circuiting through the pervious area. Soil testing is needed to classify the permeability of the receiving pervious area in terms of HSG.

Conversion of Impervious Area to Permeable Pervious Area phosphorus load reduction credits are for replacing existing impervious surfaces (such as traditional pavements and buildings with roof tops) with permeable surfaces. To be eligible for credit, it is essential that the area previously covered with impervious surface be restored to provide natural or enhanced hydrologic functioning so that the surface is permeable. Sub-soils beneath pavements are typically highly compacted and will require reworking to loosen the soil and the possible addition of soil amendments to restore permeability. Soil testing is needed to classify the permeability (in terms of HSG) of the restored pervious area.

Soil Amendments to Increase Permeability of Pervious Areas performance results are for the practice of improving the permeability of pervious areas through incorporation of soil amendments, tilling and establishing dense vegetation. This practice may be used to complement other practices such as impervious area disconnection to improve overall performance and increase reduction credits earned. Soil testing is needed to classify the permeability (in terms of HSG) of the restored pervious area.

Alternative Methods:

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A permittee may propose alternative long-term cumulative performance information or alternative methods to calculate phosphorus load reductions for the structural BMPs identified above or for other structural BMPs not identified in this Attachment.

EPA will consider alternative long-term cumulative performance information and alternative methods to calculate phosphorus load reductions for structural BMPs provided that the permittee provides EPA with adequate supporting documentation. At a minimum, the supporting documentation shall include:

- 1) Results of continuous BMP model simulations representing the structural BMP, using a verified BMP model and representative long-term (i.e., 10 years) climatic data including hourly rainfall data;
- 2) Supporting calculations and model documentation that justify use of the model, model input parameters, and the resulting cumulative phosphorus load reduction estimate;
- 3) If pollutant removal performance data are available for the specific BMP, model calibration results should be provided; and
- 4) Identification of references and sources of information that support the use of the alternative information and method.

If EPA determines that the long-term cumulative phosphorus load reductions developed based on alternative information are not adequately supported, EPA will notify the permittee in writing, and the permittee may receive no phosphorus reduction credit other than a reduction credit calculated by the permittee using the default phosphorus reduction factors provided in this attachment for the identified practices. The permittee is required to submit to EPA valid phosphorus load reductions for structural BMPs in the watershed in accordance with the submission schedule requirements specified in the permit and Appendix F.

Method to Calculate Annual Phosphorus Load Delivered to BMPs (BMP Load)

The **BMP Load** is the annual phosphorus load from the drainage area to each proposed or existing BMP used by permittee to claim credit against its stormwater phosphorus load reduction requirement (i.e., Phosphorus Reduction Requirement). The BMP Load is the starting point from which the permittee calculates the reduction in phosphorus load achieved by each existing and proposed BMP.

Examples are provided to illustrate use of the methods. Table 3-1 below provides annual phosphorus load export rates (PLERs) by land use category for impervious and pervious areas. The permittee shall select the land use category that most closely represents the actual use of the watershed. For pervious areas, if the hydrologic soil group (HSG) is known, use the appropriate value. If the HSG is not known, assume HSG C conditions for the phosphorus load export rate. For watersheds with institutional type uses, such as government properties, hospitals, and schools, the permittee shall use the commercial/industrial land use category for the purpose of calculating phosphorus loads. Table 3-2 provides a crosswalk table of land use codes between land use groups in Table 3-1 and the codes used by MassGIS.

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BMP Load: To estimate the annual phosphorus load reduction that a storm water BMP can achieve, it is first necessary to estimate the amount of annual phosphorus load that the BMP will receive or treat (BMP Load).

For a given BMP:

- 1) Determine the total drainage area to the BMP;
- 2) Distribute the total drainage area into impervious and pervious subareas by land use category as defined by Tables 3-1 and 3-2;
- 3) Calculate the phosphorus load for each land use-based impervious and pervious subarea by multiplying the subarea by the appropriate phosphorus load export rate provided in Table 3-1; and
- 4) Determine the total annual phosphorus load to the BMP by summing the calculated impervious and pervious subarea phosphorus loads.

Example 3-1 to determine phosphorus load to a proposed BMP: A permittee is proposing a surface stormwater infiltration system that will treat runoff from an industrial site with an area of 12.87 acres (5.21 hectares) and is made up of 10.13 acres of impervious cover (e.g., roadways, parking areas and rooftops), 1.85 acres of landscaped pervious area and 0.89 acres of wooded area both with HSG C soils. The drainage area information for the proposed BMP is:

BMP Subarea ID	Land Use Category	Cover Type	Area (acres)	P export rate (lb/acre/yr)*
1	Industrial	impervious	10.13	1.78
2	Landscaped (HSG C)	pervious	1.85	0.21
3	Forest (HSG C)	pervious	0.89	0.12

*From Table 3-1

The phosphorus load to the proposed BMP (BMP Load) is calculated as:

$$\begin{aligned}
 \text{BMP Load} &= (IA_{\text{Ind}} \times \text{PLER}_{\text{Ind}}) + (PA_{\text{Ind}} \times \text{PLER}_{\text{Ind}}) + (PA_{\text{FOREST}} \times \text{PLER}_{\text{For}}) \\
 &= (10.13 \times 1.78) + (1.85 \times 0.21) + (0.89 \times 0.12) \\
 &= \mathbf{18.53 \text{ lbs P/year}}
 \end{aligned}$$

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Table 3-1: Average annual distinct phosphorus load (P Load) export rates for use in estimating phosphorus load reduction credits the MA MS4 Permit

Phosphorus Source Category by Land Use	Land Surface Cover	P Load Export Rate, lbs/acre/year	P Load Export Rate, kg/ha/yr
Commercial (Com) and Industrial (Ind)	Directly connected impervious	1.78	2.0
	Pervious	See* DevPERV	See* DevPERV
Multi-Family (MFR) and High-Density Residential (HDR)	Directly connected impervious	2.32	2.6
	Pervious	See* DevPERV	See* DevPERV
Medium -Density Residential (MDR)	Directly connected impervious	1.96	2.2
	Pervious	See* DevPERV	See* DevPERV
Low Density Residential (LDR) - "Rural"	Directly connected impervious	1.52	1.7
	Pervious	See* DevPERV	See* DevPERV
Highway (HWY)	Directly connected impervious	1.34	1.5
	Pervious	See* DevPERV	See* DevPERV
Forest (For)	Directly connected impervious	1.52	1.7
	Pervious	0.13	0.13
Open Land (Open)	Directly connected impervious	1.52	1.7
	Pervious	See* DevPERV	See* DevPERV
Agriculture (Ag)	Directly connected impervious	1.52	1.7
	Pervious	0.45	0.5
*Developed Land Pervious (DevPERV)- Hydrologic Soil Group A	Pervious	0.03	0.03
*Developed Land Pervious (DevPERV)- Hydrologic Soil Group B	Pervious	0.12	0.13
*Developed Land Pervious (DevPERV) - Hydrologic Soil Group C	Pervious	0.21	0.24
*Developed Land Pervious (DevPERV) - Hydrologic Soil Group C/D	Pervious	0.29	0.33
*Developed Land Pervious (DevPERV) - Hydrologic Soil Group D	Pervious	0.37	0.41

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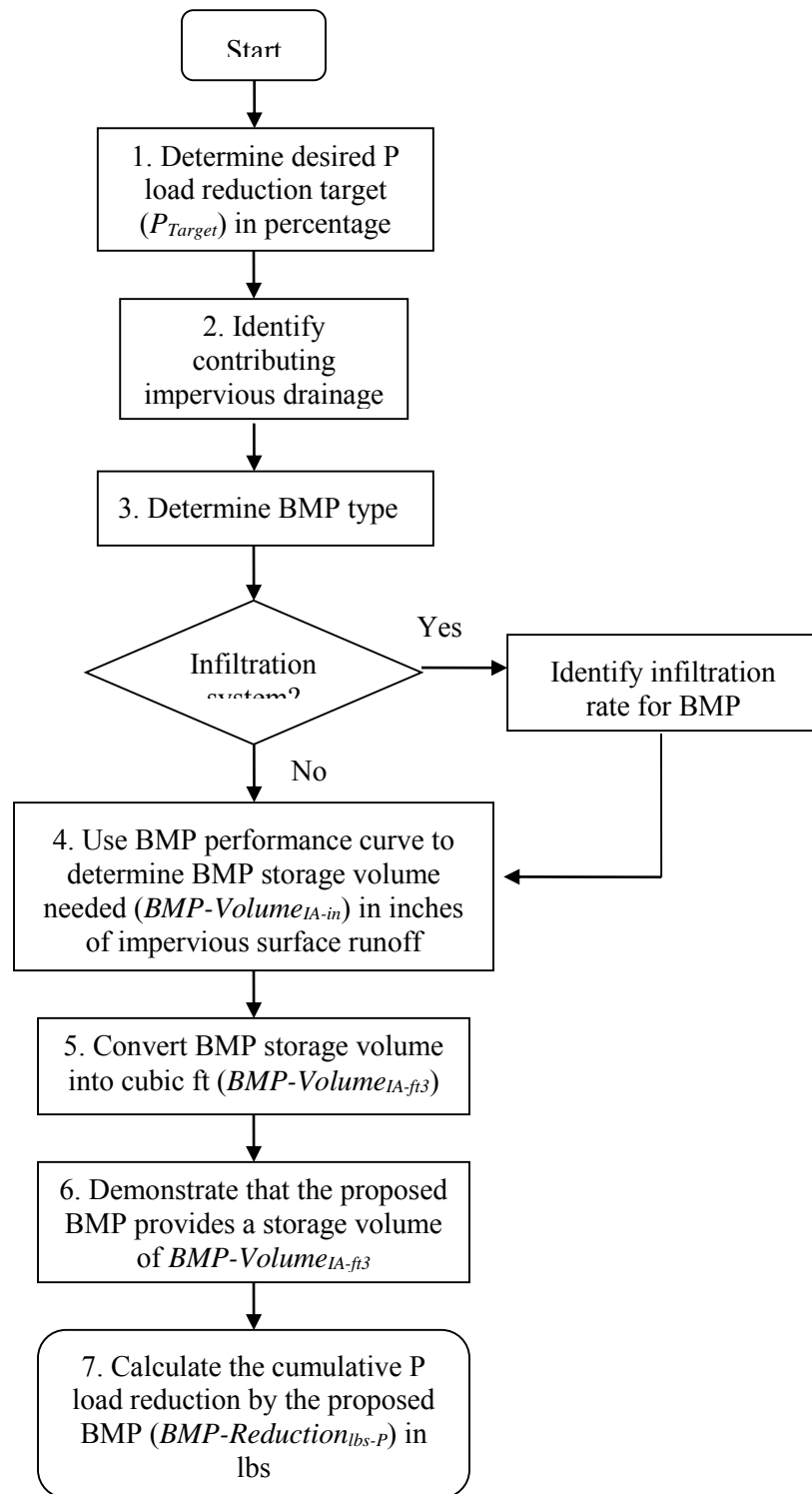
Table 3- 2: MassGIS land-use categories with associated land-use groups for phosphorus load calculations

Mass GIS Land Use LU_CODE	Description	Land Use group for calculating P Load - 2013/14 MA MS4
1	Crop Land	Agriculture
2	Pasture (active)	Agriculture
3	Forest	Forest
4	Wetland	Forest
5	Mining	Industrial
6	Open Land includes inactive pasture	open land
7	Participation Recreation	open land
8	spectator recreation	open land
9	Water Based Recreation	open land
10	Multi-Family Residential	High Density Residential
11	High Density Residential	High Density Residential
12	Medium Density Residential	Medium Density Residential
13	Low Density Residential	Low Density Residential
14	Saltwater Wetland	Water
15	Commercial	Commercial
16	Industrial	Industrial
17	Urban Open	open land
18	Transportation	Highway
19	Waste Disposal	Industrial
20	Water	Water
23	cranberry bog	Agriculture
24	Powerline	open land
25	Saltwater Sandy Beach	open land
26	Golf Course	Agriculture
29	Marina	Commercial
31	Urban Public	Commercial
34	Cemetery	open land
35	Orchard	Forest
36	Nursery	Agriculture
37	Forested Wetland	Forest
38	Very Low Density residential	Low Density Residential
39	Junkyards	Industrial
40	Brush land/Successional	Forest

(1) Method to determine the design volume of a structural BMP to achieve a known phosphorus load reduction target when the contributing drainage area is 100% impervious:

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Flow Chart 1 illustrates the steps to determine the design volume of a structural BMP to achieve a known phosphorus load reduction target when the contributing drainage area is 100% impervious.



Flow Chart 1: Method to determine BMP design volume to achieve a known phosphorous load reduction when contributing drainage area is 100% impervious.

- 1) Determine the desired cumulative phosphorus load reduction target (P_{target}) in percentage for the structural BMP;
- 2) Determine the contributing impervious drainage area (IA) in acres to the structural BMP;
- 3) Determine the structural BMP type (e.g., infiltration trench, gravel wetland). For infiltration systems, determine the appropriate infiltration rate for the location of the BMP in the Watershed;
- 4) Using the cumulative phosphorus removal performance curve for the selected structural BMP (Figures 3-1 through 3-18), determine the storage volume for the BMP (BMP-Volume $_{\text{IA-in}}$), in inches of runoff, needed to treat runoff from the contributing IA to achieve the reduction target;
- 5) Calculate the corresponding BMP storage volume in cubic feet (BMP-Volume $_{\text{IA-ft}^3}$) using BMP-Volume $_{\text{IA-in}}$ determined from step 4 and equation 3-1:

$$\text{BMP-Volume}_{\text{IA-ft}^3} = \text{IA (acre)} \times \text{BMP-Volume}_{\text{IA-in}} \times 3630 \text{ ft}^3/\text{ac-in} \quad \text{(Equation 3-1)}$$

- 6) Provide supporting calculations using the dimensions and specifications of the proposed structural BMP showing that the necessary storage volume, BMP-Volume $_{\text{IA-ft}^3}$, determined from step 5 will be provided to achieve the P_{Target} ; and
- 7) Calculate the cumulative phosphorus load reduction in pounds of phosphorus (BMP-Reduction $_{\text{lbs-P}}$) for the structural BMP using the BMP Load (as calculated from the procedure in Attachment 1 to Appendix F) and P_{target} by using equation 3-2:

$$\text{BMP-Reduction}_{\text{lbs-P}} = \text{BMP Load} \times (P_{\text{target}} / 100) \quad \text{(Equation 3-2)}$$

Example 3-2 to determine design volume of a structural BMP with a 100% impervious drainage area to achieve a known phosphorus load reduction target:

A permittee is considering a surface infiltration practice to capture and treat runoff from 2.57 acres (1.04 ha) of commercial impervious area that will achieve a 70% reduction in annual phosphorus load. The infiltration practice would be located adjacent to the impervious area. The permittee has measured an infiltration rate (IR) of 0.39 inches per hour (in/hr) in the vicinity of the proposed infiltration practice. Determine the:

- A) Design storage volume needed for an surface infiltration practice to achieve a 70% reduction in annual phosphorus load from the contributing drainage area (BMP-Volume $_{\text{IA-ft}^3}$); and
- B) Cumulative phosphorus reduction in pounds that would be accomplished by the BMP (BMP-Reduction $_{\text{lbs-P}}$)

Solution:

- 1) Contributing impervious drainages area (IA) = 2.57 acres

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BMP type is a surface infiltration practice (i.e., basin) with an infiltration rate (IR) of 0.39 in/hr

Solution continued:

3) Phosphorus load reduction target (P_{target}) = 70%

4) The performance curve for the infiltration basin (i.e., surface infiltration practice), Figure 3-8, IR = 0.27 in/hr is used to determine the design storage volume of the BMP (BMP-Volume_{IA-in}) needed to treat runoff from the contributing IA and achieve a P_{target} = 70%. The curve for an infiltration rate of 0.27 in/hr is chosen because 0.27 in/hr is the nearest simulated IR that is less than the field measured IR of 0.39 in/hr. From Figure 3-8, the BMP-Volume_{IA-in} for a P_{target} = 70% is 0.36 in.

5) The BMP-Volume_{IA-in} is converted to cubic feet (BMP-Volume_{IA-ft³}) using Equation 3-1:

$$\begin{aligned} \text{BMP-Volume}_{IA-ft^3} &= \text{IA (acre)} \times \text{BMP-Volume}_{IA-in} \times 3,630 \text{ ft}^3/\text{acre-in} \\ \text{BMP-Volume}_{IA-ft^3} &= 2.57 \text{ acre} \times 0.36 \text{ in} \times 3,630 \text{ ft}^3/\text{acre-in} \\ &= \mathbf{3,359 \text{ ft}^3} \end{aligned}$$

6) A narrow trapezoidal infiltration basin with the following characteristics is proposed to achieve the P_{Target} of 70%:

Length (ft)	Design Depth (ft)	Side Slopes	Bottom area (ft ²)	Pond surface area (ft ²)	Design Storage Volume (ft ³)
355	1.25	3:1	1,387	4,059	3,404

The volume of the proposed infiltration practice, 3,404 ft³, exceeds the BMP-Volume_{IA-ft³} needed, 3,359 ft³ and is sufficient to achieve the P_{Target} of 70%.

7) The cumulative phosphorus load reduction in pounds of phosphorus for the infiltration practice (BMP-Reduction_{lbs-P}) is calculated using Equation 3-2. The BMP Load is first determined using the method described above.

$$\begin{aligned} \text{BMP Load} &= \text{IA} \times \text{impervious cover phosphorus export loading rate for commercial use (see Table 3-1)} \\ &= 2.57 \text{ acres} \times 1.78 \text{ lbs/acre/yr} \\ &= 4.58 \text{ lbs/yr} \end{aligned}$$

$$\begin{aligned} \text{BMP-Reduction}_{lbs-P} &= \text{BMP Load} \times (P_{target} / 100) \\ \text{BMP-Reduction}_{lbs-P} &= 4.58 \text{ lbs/yr} \times (70/100) \\ &= \mathbf{3.21 \text{ lbs/yr}} \end{aligned}$$

Alternate Solution: Alternatively, the permittee could determine the design storage volume needed for an IR = 0.39 in/hr by performing interpolation of the results from the surface

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infiltration performance curves for IR = 0.27 in/hr and IR = 0.52 in/hr as follows (replacing steps 3 and 4 on the previous page):

Alternate solution continued:

Using the performance curves for the infiltration basin (i.e., surface infiltration practice), Figures 3-8, IR = 0.27 in/hr and 3-9, IR = 0.52 in/hr, interpolate between the curves to determine the design storage volume of the BMP (BMP-Volume_{IA-in}) needed to treat runoff from the contributing IA and achieve a P_{target} = 70%.

First calculate the interpolation adjustment factor (IAF) to interpolate between the infiltration basin performance curves for infiltration rates of 0.27 and 0.52 in/hr:

$$IAF = (0.39 - 0.27) / (0.52 - 0.27) = 0.48$$

From the two performance curves, develop the following table to estimate the general magnitude of the needed storage volume for an infiltration swale with an IR = 0.39 in/hr and a P_{target} of 70%.

Table Example 3-1-1: Interpolation Table for determining design storage volume of infiltration basin with IR = 0.39 in/hr and a phosphorus load reduction target of 70%

BMP Storage Volume	% Phosphorus Load Reduction IR = 0.27 in/hr (PR _{IR=0.27})	% Phosphorus Load Reduction IR = 0.52 in/hr (PR _{IR=0.52})	Interpolated % Phosphorus Load Reduction IR = 0.39 in/hr (PR _{IR=0.39}) PR _{IR=0.39} = IAF(PR _{IR=0.52} - PR _{IR=0.27}) + PR _{IR=0.27}
0.3	64%	67%	65%
0.4	74%	77%	75%
0.5	79%	82%	80%

As indicated from Table Example 3-1, the BMP-Volume_{IA-in} for PR_{IR=0.39} of 70% is between 0.3 and 0.4 inches and can be determined by interpolation:

$$\begin{aligned} \text{BMP-Volume}_{IA-in} &= (70\% - 65\%) / (75\% - 65\%) \times (0.4 \text{ in} - 0.3 \text{ in}) + 0.3 \text{ in} \\ &= 0.35 \text{ inches} \end{aligned}$$

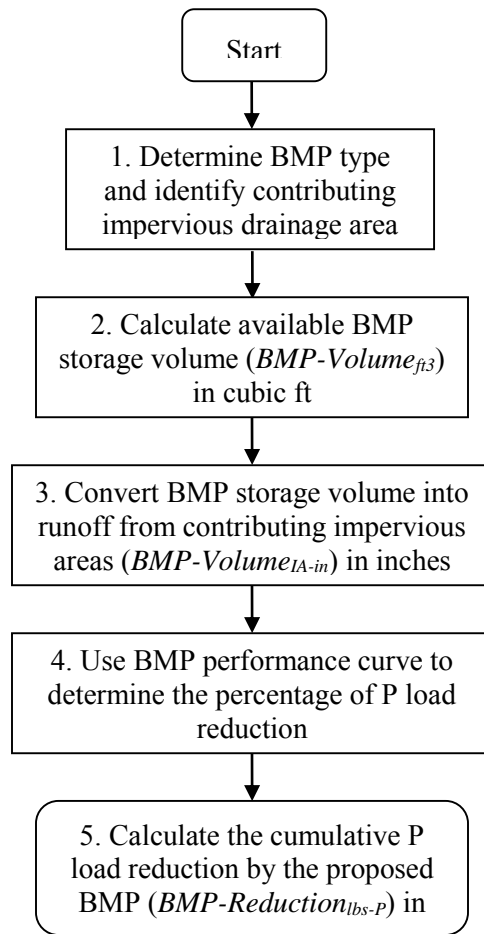
5 alternative) Convert the resulting BMP-Volume_{IA-in} to cubic feet (BMP-Volume_{IA-ft³}) using equation 3-1:

$$\begin{aligned} \text{BMP-Volume}_{IA-ft^3} &= 2.57 \text{ acre} \times 0.35 \text{ in} \times 3,630 \text{ ft}^3/\text{acre-in} \\ &= \mathbf{3,265 \text{ ft}^3} \end{aligned}$$

(2) Method to determine the phosphorus load reduction for a structural BMP with a known design volume when the contributing drainage area is 100% impervious:

Flow Chart 2 illustrates the steps to determine the phosphorus load reduction for a structural BMP with a known design volume when the contributing drainage area is 100% impervious.

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Flow Chart 2: Method to determine the phosphorus load reduction for a BMP with a known design volume when contributing drainage area is 100% impervious.

- 1) Identify the structural BMP type and contributing impervious drainage area (IA);
- 2) Document the available storage volume (ft³) of the structural BMP (BMP-Volume_{ft³}) using the BMP dimensions and design specifications (e.g., maximum storage depth, filter media porosity);
- 3) Convert BMP-Volume_{ft³} into inches of runoff from the contributing impervious area (BMP-Volume_{IA-in}) using equation 3-3:

$$\text{BMP-Volume}_{\text{IA-in}} = \text{BMP-Volume}_{\text{ft}^3} / \text{IA (acre)} \times 12 \text{ in/ft} \times 1 \text{ acre}/43560 \text{ ft}^2 \text{ (Equation 3-3)}$$

- 4) Determine the % phosphorus load reduction for the structural BMP (BMP Reduction_{%-P}) using the appropriate BMP performance curve (Figures 3-1 through 3-18) and the BMP-Volume_{IA-in} calculated in step 3; and

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- 5) Calculate the cumulative phosphorus load reduction in pounds of phosphorus for the structural BMP (BMP Reduction_{lbs-P}) using the BMP Load as calculated from the procedure described above and the percent phosphorus load reduction determined in step 4 by using equation 3-4:

$$\text{BMP Reduction}_{\text{lbs-P}} = \text{BMP Load} \times (\text{BMP Reduction}_{\%-\text{P}}/100) \quad \text{(Equation 3-4)}$$

Example 3-2: Determine the phosphorus load reduction for a structural BMP with a known storage volume capacity when the contributing drainage area is 100% impervious:

A permittee is considering a bio-filtration system to treat runoff from 1.49 acres of high density residential (HDR) impervious area. Site constraints would limit the bio-filtration system to have a surface area of 1200 ft² and the system would have to be located next to the impervious drainage area to be treated. The design parameters for the bio-filtration system are presented in Table Example 3-2-1.

Table Example 3-2-1: Design parameters for bio-filtration system for Example 3-2

Components of representation	Parameters	Value
Ponding	Maximum depth	0.5 ft
	Surface area	1200 ft ²
	Vegetative parameter ^a	85-95%
Soil mix	Depth	2.5 ft
	Porosity	0.40
	Hydraulic conductivity	4 inches/hour
Gravel layer	Depth	0.67 ft
	Porosity	0.40
	Hydraulic conductivity	14 inches/hour
Orifice #1	Diameter	0.5 ft

^a Refers to the percentage of surface covered with vegetation

Determine the:

- A) Percent phosphorus load reduction (BMP Reduction_{%-P}) for the specified bio-filtration system and contributing impervious drainage area; and
- B) Cumulative phosphorus reduction in pounds that would be accomplished by the bio-filtration system (BMP-Reduction_{lbs-P})

Solution:

- 1) The BMP is a bio-filtration system that will treat runoff from 1.49 acres of impervious area (IA = 1.49 acre);
- 2) The available storage volume capacity (ft³) of the bio-filtration system (BMP-Volume_{BMP-ft³}) is determined using the surface area of the system, depth of ponding, and the porosity of the filter media:

$$\begin{aligned} \text{BMP-Volume}_{\text{BMP-ft}^3} &= (\text{surface area} \times \text{pond maximum depth}) + ((\text{soil mix depth} + \\ &\quad \text{gravel layer depth})/12 \text{ in/ft}) \times \text{surface area} \times \text{gravel layer porosity}) \\ &= (1,200 \text{ ft}^2 \times 0.5 \text{ ft}) + ((38/12) \times 1,200 \text{ ft}^2 \times 0.4) \\ &= 2,120 \text{ ft}^3 \end{aligned}$$

Solution continued:

- 3) The available storage volume capacity of the bio-filtration system in inches of runoff from the contributing impervious area (BMP-Volume_{IA-in}) is calculated using equation 3-3:

$$\begin{aligned} \text{BMP-Volume}_{\text{IA-in}} &= (\text{BMP-Volume}_{\text{ft}^3} / \text{IA (acre)} \times 12 \text{ in/ft} \times 1 \text{ acre} / 43560 \text{ ft}^2) \\ \text{BMP-Volume}_{\text{IA-in}} &= (2120 \text{ ft}^3 / 1.49 \text{ acre}) \times 12 \text{ in/ft} \times 1 \text{ acre} / 43560 \text{ ft}^2 \\ &= 0.39 \text{ in} \end{aligned}$$

- 4) Using the bio-filtration performance curve shown in Figure 3-13, a **51%** phosphorus load reduction (BMP Reduction %-P) is determined for a bio-filtration system sized for 0.39 in of runoff from 1.49 acres of impervious area; and
- 5) Calculate the cumulative phosphorus load reduction in pounds of phosphorus for the bio-filtration system (BMP Reduction_{lbs-P}) using the BMP Load as calculated from the procedure described above and the BMP Reduction %-P determined in step 4 by using equation 3-4. First, the BMP Load is determined as specified above:

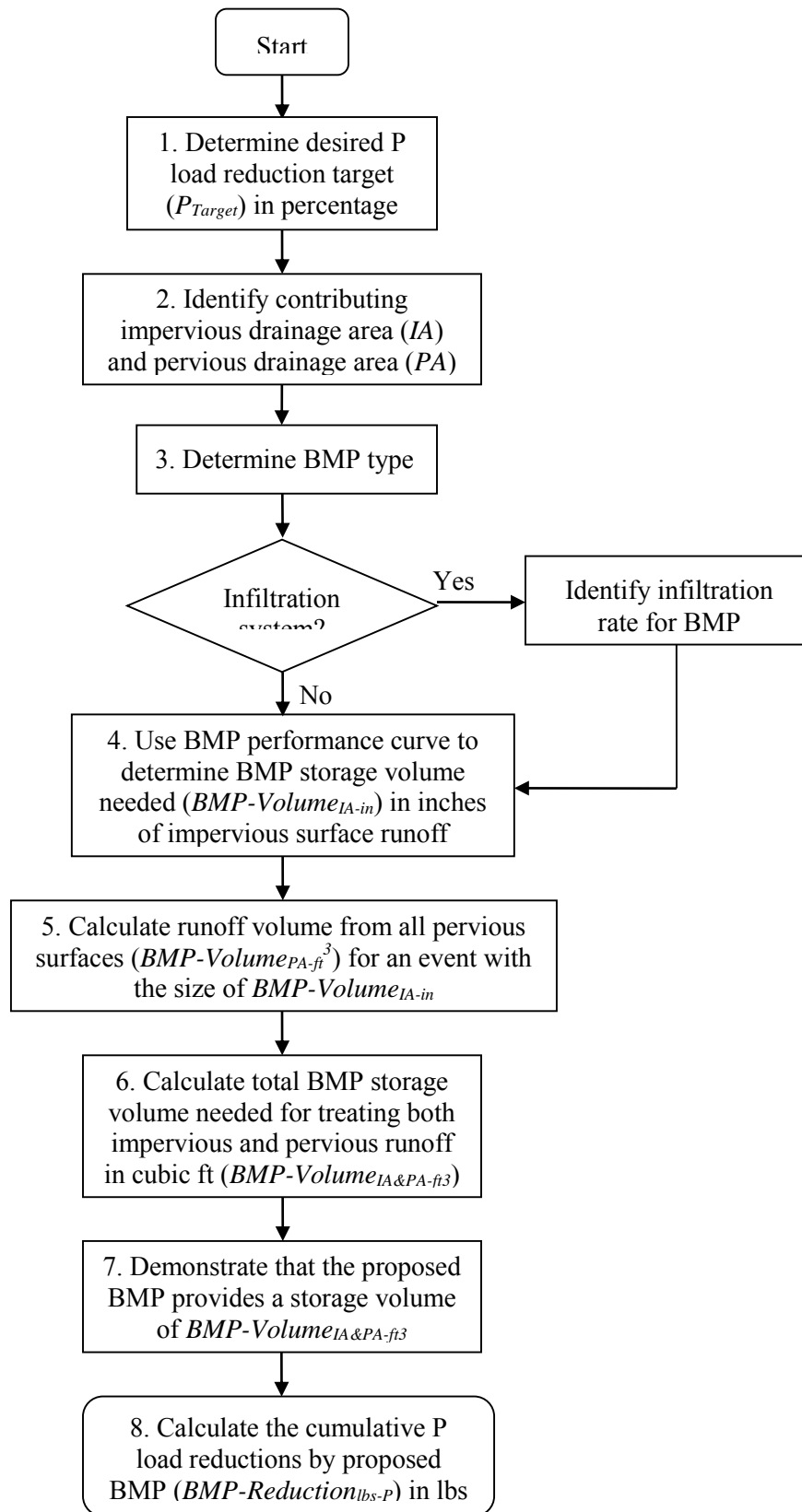
$$\begin{aligned} \text{BMP Load} &= \text{IA} \times \text{impervious cover phosphorus export loading rate for HDR (see Table 3-1)} \\ &= 1.49 \text{ acres} \times 2.32 \text{ lbs/acre/yr} \\ &= 3.46 \text{ lbs/yr} \end{aligned}$$

$$\begin{aligned} \text{BMP Reduction}_{\text{lbs-P}} &= \text{BMP Load} \times (\text{BMP Reduction \% - P} / 100) \\ \text{BMP Reduction}_{\text{lbs-P}} &= 3.46 \text{ lbs/yr} \times (51 / 100) \\ &= \mathbf{1.76 \text{ lbs/yr}} \end{aligned}$$

(3) Method to determine the design storage volume of a structural BMP to achieve a known phosphorus load reduction target when the contributing drainage area has impervious and pervious surfaces:

Flow Chart 3 illustrates the steps to determine the design storage volume of a structural BMP to achieve a known phosphorus load reduction target when the contributing drainage area has impervious and pervious surfaces.

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Flow Chart 3: Method to determine the design storage volume of a BMP to reach a known P load reduction when both impervious and pervious drainage areas are present.

- 1) Determine the desired cumulative phosphorus load reduction target (P_{target}) in percentage for the structural BMP;
- 2) Characterize the contributing drainage area to the structural BMP by identifying the following information for the impervious and pervious surfaces:

Impervious area (IA) - Area (acre) and land use (e.g., commercial)

Pervious area (PA) – Area (acre) and runoff depths based on hydrologic soil group (HSG) and rainfall depth. Table 3-3 provides values of runoff depth from pervious areas for various rainfall depths and HSGs. Soils are assigned to an HSG on the basis of their permeability. HSG A is the most permeable, and HSG D is the least permeable. HSG categories for pervious areas in the drainage area shall be estimated by consulting local soil surveys prepared by the National Resource Conservation Service (NRCS) or by a storm water professional evaluating soil testing results from the drainage area. If the HSG condition is not known, a HSG D soil condition should be assumed.

Table 3- 3: Developed Land Pervious Area Runoff Depths based on Precipitation depth and Hydrological Soil Groups (HSGs)

Developed Land Pervious Area Runoff Depths based on Precipitation depth and Hydrological Soil Groups					
Rainfall Depth, Inches	Runoff Depth, inches				
	Pervious HSG A	Pervious HSG B	Pervious HSG C	Pervious HSG C/D	Pervious HSG D
0.10	0.00	0.00	0.00	0.00	0.00
0.20	0.00	0.00	0.01	0.02	0.02
0.40	0.00	0.00	0.03	0.05	0.06
0.50	0.00	0.01	0.05	0.07	0.09
0.60	0.01	0.02	0.06	0.09	0.11
0.80	0.02	0.03	0.09	0.13	0.16
1.00	0.03	0.04	0.12	0.17	0.21
1.20	0.04	0.05	0.14	0.27	0.39
1.50	0.08	0.11	0.39	0.55	0.72
2.00	0.14	0.22	0.69	0.89	1.08

Notes: Runoff depths derived from combination of volumetric runoff coefficients from Table 5 of *Small Storm Hydrology and Why it is Important for the Design of Stormwater Control Practices*, (Pitt, 1999), and using the Stormwater Management Model (SWMM) in continuous model mode for hourly precipitation data for Boston, MA, 1998-2002.

- 3) Determine the structural BMP type (e.g., infiltration trench, gravel wetland). For infiltration systems, determine the appropriate infiltration rate for the location of the BMP in the Watershed;
- 4) Using the cumulative phosphorus removal performance curve for the selected structural BMP, determine the storage volume capacity of the BMP in inches needed to treat runoff from the contributing impervious area ($BMP\text{-Volume}_{IA-in}$);

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- 5) Using Equation 3-5 below and the pervious area runoff depth information from Table 3-3-1, determine the total volume of runoff from the contributing pervious drainage area in cubic feet (BMP Volume_{PA-ft³}) for a rainfall size equal to the sum of BMP Volume_{IA-in}, determined in step 4. The runoff volume for each distinct pervious area must be determined;

$$\text{BMP-Volume}_{\text{PA-ft}^3} = \sum (\text{PA} \times (\text{runoff depth}) \times 3,630 \text{ ft}^3/\text{acre-in})_{(\text{PA1}, \dots, \text{PAN})}$$

(Equation 3-5)

- 6) Using equation 3-6 below, calculate the BMP storage volume in cubic feet (BMP-Volume_{IA&PA-ft³}) needed to treat the runoff depth from the contributing impervious (IA) and pervious areas (PA);

$$\text{BMP-Volume}_{\text{IA\&PA-ft}^3} = \text{BMP Volume}_{\text{PA-ft}^3} + (\text{BMP Volume}_{\text{IA-in}} \times \text{IA (acre)}) \times 3,630 \text{ ft}^3/\text{acre-in}$$

(Equation 3-6)

- 7) Provide supporting calculations using the dimensions and specifications of the proposed structural BMP showing that the necessary storage volume determined in step 6, BMP-Volume_{IA&PA-ft³}, will be provided to achieve the P_{Target}; and
- 8) Calculate the cumulative phosphorus load reduction in pounds of phosphorus (BMP-Reduction_{lbs-P}) for the structural BMP using the BMP Load (as calculated from the procedure in Attachment 1 to Appendix F) and the P_{target} by using equation 3-2:

$$\text{BMP-Reduction}_{\text{lbs-P}} = \text{BMP Load} \times (\text{P}_{\text{target}} / 100) \quad \text{(Equation 3-2)}$$

Example 3-3: Determine the design storage volume of a structural BMP to achieve a known phosphorus load reduction target when the contributing drainage area has impervious and pervious surfaces

A permittee is considering a gravel wetland system to treat runoff from a high-density residential (HDR) site. The site is 7.50 acres of which 4.00 acres are impervious surfaces and 3.50 acres are pervious surfaces. The pervious area is made up of 2.5 acres of lawns in good condition surrounding cluster housing units and 1.00 acre of stable unmanaged woodland. Soils information indicates that all of the woodland and 0.50 acres of the lawn is hydrologic soil group (HSG) B and the other 2.00 acres of lawn are HSG C. The permittee wants to size the gravel wetland system to achieve a cumulative phosphorus load reduction (P_{Target}) of 55% from the entire 7.50 acres.

Determine the:

- A)** Design storage volume needed for a gravel wetland system to achieve a 55% reduction in annual phosphorus load from the contributing drainage area (BMP-Volume_{IA&PA-ft³}); and
- B)** Cumulative phosphorus reduction in pounds that would be accomplished by the BMP (BMP-Reduction_{lbs-P})

Example 3-3 continued:

Solution:

- 1) The BMP type is gravel wetland system.
- 2) The phosphorus load reduction target ($P_{\text{Target}} = 55\%$).
- 3) Using the cumulative phosphorus removal performance curve for the gravel wetland system shown in Figure 3-14, the storage volume capacity in inches needed to treat runoff from the contributing impervious area (BMP Volume $_{\text{IA-in}}$) is 0.71 in;

Using equation 3-5 and the pervious runoff depth information from Table 3-3, the volume of runoff from the contributing pervious drainage area in cubic feet (BMP Volume $_{\text{PA-ft}^3}$) for a rainfall size equal to 0.71 in is summarized in Table Example 3-3-A. As indicated from Table 3-3, the runoff depth for a rainfall size equal to 0.71 inches is between 0.6 and 0.8 inches and can be determined by interpolation (example shown for runoff depth of HSG C):

$$\begin{aligned} \text{Runoff depth (HSG C)} &= (0.71 - 0.6)/(0.8 - 0.6) \times (0.09 \text{ in} - 0.06 \text{ in}) + 0.06 \text{ in} \\ &= 0.07 \text{ inches} \end{aligned}$$

Table Example 3-3-A: Runoff contributions from pervious areas for HDR site

ID	Type	Pervious Area (acre)	HSG	Runoff (in)	Runoff = (runoff) x PA (acre-in)	Runoff = Runoff (acre-in) x 3630 $\text{ft}^3/\text{acre-in}$ (ft^3)
PA1	Grass	2.00	C	0.07	0.14	508
PA2	Grass	0.50	B	0.01	0.0	0.0
PA3	Woods	1.00	B	0.01	0.0	0.0
Total	-----	3.50	-----	-----	0.14	508

- 4) Using equation 3-6, determine the BMP storage volume in cubic feet (BMP-Volume $_{\text{IA\&PA-ft}^3}$) needed to treat 0.71 inches of runoff from the contributing impervious area (IA) and the runoff of 0.14 acre-in from the contributing pervious areas, determined in step 5 is:

$$\text{BMP Volume}_{\text{IA\&PA-ft}^3} = \text{BMP Volume}_{\text{PA ac-in}} + (\text{BMP Volume}_{\text{IA-in}} \times \text{IA (acre)}) \times 3,630 \text{ ft}^3/\text{acre-in}$$

$$\begin{aligned} \text{BMP Volume}_{\text{IA\&PA-ft}^3} &= (508 \text{ ft}^3 + (0.71 \text{ in} \times 4.00 \text{ acre})) \times 3,630 \text{ ft}^3/\text{acre-in} \\ &= 10,817 \text{ ft}^3 \end{aligned}$$

- 5) Table Example 3-3-B provides design details for of a potential gravel wetland system

Solution continued:

Table Example 3-3-B: Design details for gravel wetland system

Gravel Wetland System Components	Design Detail	Depth (ft)	Surface Area (ft ²)	Volume (ft ³)
Sediment Forebay	10% of Treatment Volume			
Pond area	---	1.33	896	1,192
Wetland Cell #1	45% of Treatment Volume	-----	-----	-----
Pond area	---	2.00	1,914	3,828
Gravel layer	porosity = 0.4	2.00	1,914	1,531
Wetland Cell #2	45% of Treatment Volume	-----	-----	-----
Pond area	---	2.00	1,914	3,828
Gravel layer	porosity = 0.4	2.00	1,914	1,531

The total design storage volume for the proposed gravel wetland system identified in Table Example 3-3-C is 11,910 ft³. This volume is greater than 11,834 ft³ ((BMP-Volume_{IA&PA-ft³}), calculated in step 6) and is therefore sufficient to achieve a P_{Target} of 55%.

- 6) The cumulative phosphorus load reduction in pounds of phosphorus (BMP-Reduction_{lbs-P}) for the proposed gravel wetland system is calculated by using equation 3-2 with the BMP Load and the P_{target} = 55%.

$$\text{BMP-Reduction}_{\text{lbs-P}} = \text{BMP Load} \times (\text{P}_{\text{target}} / 100) \quad \text{(Equation 3-2)}$$

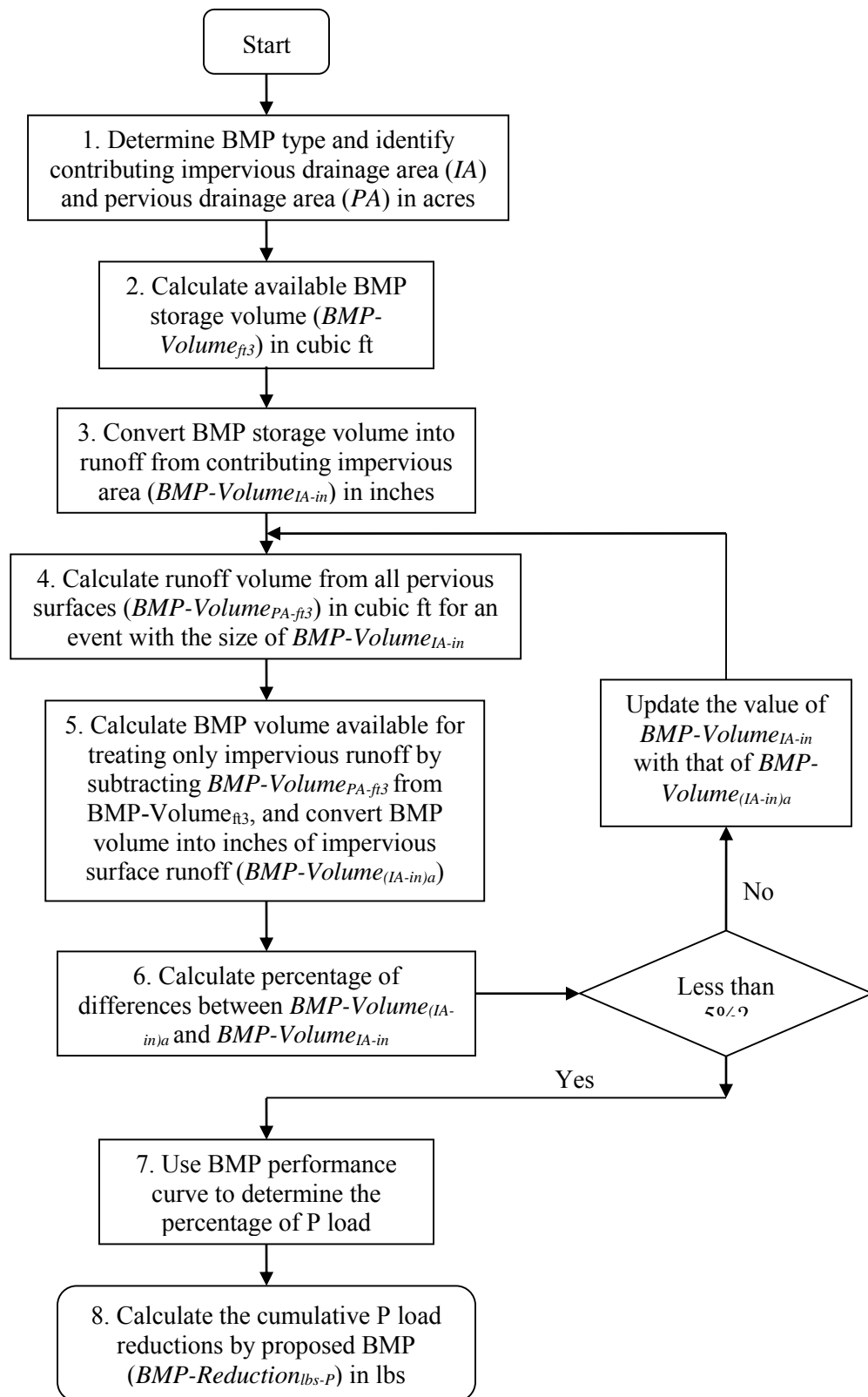
Using Table 3-1, the BMP Load is calculated:

$$\begin{aligned} \text{BMP Load} &= (\text{IA} \times \text{PLER}_{\text{HDR}}) + (\text{PA}_{\text{lawn HSG B}} \times \text{PLER}_{\text{HSG B}}) + (\text{PA}_{\text{lawn HSG C}} \times \text{PLER}_{\text{HSG C}}) + (\text{PA}_{\text{forest}} \times \text{PA}_{\text{PLER}_{\text{For}}}) \\ &= (4.00 \text{ acre} \times 2.32 \text{ lbs/acre/yr}) + (0.50 \text{ acres} \times 0.12 \text{ lbs/acre/yr}) + (1.00 \text{ acre} \times 0.21 \text{ lbs/acre/yr}) + (1.00 \text{ acres} \times 0.13) \\ &= 9.68 \text{ lbs/yr} \\ \text{BMP-Reduction}_{\text{lbs-P}} &= \text{BMP Load} \times (\text{P}_{\text{target}} / 100) \\ \text{BMP-Reduction}_{\text{lbs-P}} &= 9.68 \text{ lbs/yr} \times 55/100 \\ &= \mathbf{5.32 \text{ lbs/yr}} \end{aligned}$$

(4) Method to determine the phosphorus load reduction for a structural BMP with a known storage volume when the contributing drainage area has impervious and pervious surfaces:

Flow Chart 4 illustrates the steps to determine the phosphorus load reduction for a structural BMP with a known storage volume when the contributing drainage area has impervious and pervious surfaces.

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Flow Chart 4: Method to determine the phosphorus load reduction for a BMP with known storage volume when both pervious and impervious drainage areas are present.

- 1) Identify the type of structural BMP and characterize the contributing drainage area to the structural BMP by identifying the following information for the impervious and pervious surfaces:

Impervious area (IA) – Area (acre) and land use (e.g., commercial)

Pervious area (PA) – Area (acre) and runoff depth based on hydrologic soil group (HSG) and size of rainfall event. Table 3-3 provides values of runoff depth for various rainfall depths and HSGs. Soils are assigned to an HSG based on their permeability. HSG categories for pervious areas in the Watershed shall be estimated by consulting local soil surveys prepared by the National Resource Conservation Service (NRCS) or by a storm water professional evaluating soil testing results from the Watershed. If the HSG condition is not known, a HSG C/D soil condition should be assumed.

- 2) Determine the available storage volume (ft³) of the structural BMP (BMP-Volume ft³) using the BMP dimensions and design specifications (e.g., maximum storage depth, filter media porosity);
- 3) To estimate the phosphorus load reduction of a BMP with a known storage volume capacity, it is first necessary to determine the portion of available BMP storage capacity (BMP-Volume ft³) that would treat the runoff volume generated from the contributing impervious area (IA) for a rainfall event with a depth of *i* inches (in). This will require knowing the corresponding amount of runoff volume that would be generated from the contributing pervious area (PA) for the same rainfall event (depth of *i* inches). Using equation 3-6a below, solve for the BMP capacity that would be available to treat runoff from the contributing impervious area for the unknown rainfall depth of *i* inches (see equation 3-6b):

$$\text{BMP-Volume}_{\text{ft}^3} = \text{BMP-Volume}_{(\text{IA-ft}^3)_i} + \text{BMP-Volume}_{(\text{PA-ft}^3)_i} \quad \text{(Equation 3-6a)}$$

Where:

BMP-Volume ft³ = the available storage volume of the BMP;

BMP-Volume (IA-ft³)_{*i*} = the available storage volume of the BMP that would fully treat runoff generated from the contributing impervious area for a rainfall event of size *i* inches; and

BMP-Volume (PA-ft³)_{*i*} = the available storage volume of the BMP that would fully treat runoff generated from the contributing pervious area for a rainfall event of size *i* inches

Solving for BMP-Volume (IA-ft³)_{*i*}:

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$$\text{BMP-Volume}_{(IA-ft^3)_i} = \text{BMP-Volume}_{ft^3} - \text{BMP-Volume}_{(PA-ft^3)_i} \quad \text{(Equation 3-6b)}$$

To determine BMP-Volume_{(IA-ft³)_i}, requires performing an iterative process of refining estimates of the rainfall depth used to calculate runoff volumes until the rainfall depth used results in the sum of runoff volumes from the contributing IA and PA equaling the available BMP storage capacity (BMP-Volume_{ft³}). For the purpose of estimating BMP performance, it will be considered adequate when the IA runoff depth (in) is within 5% IA runoff depth used in the previous iteration.

For the first iteration (1), convert the BMP-Volume_{ft³} determined in step 2 into inches of runoff from the contributing impervious area (BMP Volume_{(IA-in)₁}) using equation 3-7a.

$$\text{BMP-Volume}_{(IA-in)_1} = (\text{BMP-Volume}_{ft^3} / \text{IA (acre)}) \times (12 \text{ in/ft} / 43,560 \text{ ft}^2/\text{acre}) \quad \text{(Equation 3-7a)}$$

For iterations 2 through n (2...n), convert the BMP Volume_{(IA-ft³)_{2...n}}, determined in step 5a below, into inches of runoff from the contributing impervious area (BMP Volume_{(IA-in)_{2...n}}) using equation 3-7b.

$$\text{BMP-Volume}_{(IA-in)_{2...n}} = (\text{BMP-Volume}_{(IA-ft^3)_{2...n}} / \text{IA (acre)}) \times (12 \text{ in/ft} / 43,560 \text{ ft}^2/\text{acre}) \quad \text{(Equation 3-7b)}$$

- 4) For 1 to n iterations, use the pervious runoff depth information from Table 3-3 and equation 3-8 to determine the total volume of runoff (ft³) from the contributing PA (BMP Volume_{PA-ft³}) for a rainfall size equal to the sum of BMP-Volume_{(IA-in)₁}, determined in step 3. The runoff volume for each distinct pervious area must be determined.

$$\text{BMP Volume}_{(PA-ft^3)_{1...n}} = \sum ((\text{PA} \times (\text{runoff depth})_{(PA1, PA2...PAN)}) \times (3,630 \text{ ft}^3/\text{acre-in})) \quad \text{(Equation 3-8)}$$

- 5) For iteration 1, estimate the portion of BMP Volume that is available to treat runoff from only the IA by subtracting BMP-Volume_{PA-ft³}, determined in step 4, from BMP-Volume_{ft³}, determined in step 2, and convert to inches of runoff from IA (see equations 3-9a and 3-9b):

$$\text{BMP-Volume}_{(IA-ft^3)_2} = ((\text{BMP-Volume}_{ft^3} - \text{BMP Volume}_{(PA-ft^3)_1}) \quad \text{(Equation 3-9a)}$$

$$\text{BMP-Volume}_{(IA-in)_2} = (\text{BMP-Volume}_{(IA-ft^3)_2} / \text{IA (acre)}) \times (12 \text{ in/ft} \times 1 \text{ acre} / 43,560 \text{ ft}^2) \quad \text{(Equation 3-9b)}$$

If additional iterations (i.e., 2 through n) are needed, estimate the portion of BMP volume that is available to treat runoff from only the IA (BMP-Volume_{(IA-in)_{3...n+1}}) by subtracting BMP Volume_{(PA-ft³)_{2...n}}, determined in step 4, from BMP Volume_{(IA-ft³)_{3...n+1}}, determined in step 5, and by converting to inches of runoff from IA using equation 3-9b):

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- 6) For iteration a (an iteration between 1 and n+1), compare BMP Volume $(IA-in)_a$ to BMP Volume $(IA-in)_{a-1}$ determined from the previous iteration (a-1). If the difference in these values is greater than 5% of BMP Volume $(IA-in)_a$ then repeat steps 4 and 5, using BMP Volume $(IA-in)_a$ as the new starting value for the next iteration (a+1). If the difference is less than or equal to 5 % of BMP Volume $(IA-in)_a$ then the permittee may proceed to step 7;
- 7) Determine the % phosphorus load reduction for the structural BMP (BMP Reduction %_{-P}) using the appropriate BMP performance curve and the BMP-Volume $(IA-in)_n$ calculated in the final iteration of step 5; and
- 8) Calculate the cumulative phosphorus load reduction in pounds of phosphorus for the structural BMP (BMP Reduction _{lbs-P}) using the BMP Load as calculated from the procedure in Attachment 1 to Appendix F and the percent phosphorus load reduction (BMP Reduction %_{-P}) determined in step 7 by using equation 3-4:

$$\text{BMP Reduction}_{\text{lbs-P}} = \text{BMP Load} \times (\text{BMP Reduction}_{\%-\text{P}}/100) \quad \text{(Equation 3-4)}$$

Example 3-4: Determine the phosphorus load reduction for a structural BMP with a known design volume when the contributing drainage area has impervious and pervious surfaces

A permittee is considering an infiltration basin to capture and treat runoff from a portion of the medium density residential area (MDR). The contributing drainage area is 16.55 acres and has 11.75 acres of impervious area and 4.8 acres of pervious area (PA) made up mostly of lawns and landscaped areas that is 80% HSG D and 20% HSG C. An infiltration basin with the following specifications can be placed at the down-gradient end of the contributing drainage area where soil testing results indicates an infiltration rate (IR) of 0.28 in/hr:

Table Example 3-4-A: Infiltration basin characteristics

Structure	Bottom area (acre)	Top surface area (acre)	Maximum pond depth (ft)	Design storage volume (ft ³)	Infiltration Rate (in/hr)
Infiltration basin	0.65	0.69	1.65	48,155	0.28

Determine the:

- A) Percent phosphorus load reduction (BMP Reduction %_{-P}) for the specified infiltration basin and the contributing impervious and pervious drainage area; and
- B) Cumulative phosphorus reduction in pounds that would be accomplished by the BMP (BMP-Reduction _{lbs-P})

Example continued:**Solution:**

- 1) A surface infiltration basin is being considered. Information for the contributing impervious (IA) and pervious (PA) areas are summarized in Tables Example 3-4-A and Example 3-4-B, respectively.

Table Example 3-4-B: Impervious area characteristics

ID	Land use	Area (acre)
IA1	MDR	11.75

Table Example 3-4-C: Pervious area characteristics

ID	Area (acre)	Hydrologic Soil Group (HSG)
PA1	3.84	D
PA2	0.96	C

- 2) The available storage volume (ft^3) of the infiltration basin (BMP-Volume ft^3) is determined from the design details and basin dimensions; BMP-Volume $\text{ft}^3 = 48,155 \text{ ft}^3$.
- 3) To determine what the BMP design storage volume is in terms of runoff depth (in) from IA, an iterative process is undertaken:

Solution Iteration 1

For the first iteration (1), the BMP-Volume ft^3 is converted into inches of runoff from the contributing impervious area (BMP Volume $(\text{IA-in})_1$) using equation 3-5a.

$$\begin{aligned} \text{BMP Volume } (\text{IA-in})_1 &= (48,155 \text{ ft}^3 / 11.75 \text{ acre}) \times (12 \text{ in/ft} / 43,560 \text{ ft}^2/\text{acre}) \\ &= 1.13 \text{ in} \end{aligned}$$

- 4-1) The total volume of runoff (ft^3) from the contributing PA (BMP Volume PA-ft^3) for a rainfall size equal to the sum of BMP Volume $(\text{IA-in})_1$ determined in step 3 is determined for each distinct pervious area identified in Table Example 3-4-B using the information from Table 3-3 and equation 3-5. Interpolation was used to determine runoff depths.

$$\begin{aligned} \text{BMP Volume } (\text{PA-ft}^3)_1 &= ((3.84 \text{ acre} \times (0.33 \text{ in}) + (0.96 \text{ acre} \times (0.13 \text{ in})) \times 3,630 \text{ ft}^3/\text{acre-in}) \\ &= 5052 \text{ ft}^3 \end{aligned}$$

- 5-1) For iteration 1, the portion of BMP Volume that is available to treat runoff from only the IA is estimated by subtracting the BMP Volume $(\text{PA-ft}^3)_1$, determined in step 4-1, from BMP Volume ft^3 , determined in step 2, and converted to inches of runoff from IA:

$$\begin{aligned} \text{BMP Volume } (\text{IA-ft}^3)_2 &= 48,155 \text{ ft}^3 - 5052 \text{ ft}^3 \\ &= 43,103 \text{ ft}^3 \end{aligned}$$

$$\begin{aligned} \text{BMP Volume } (\text{IA-in})_2 &= (43,103 \text{ ft}^3 / 11.75 \text{ acre}) \times (12 \text{ in/ft} \times 1 \text{ acre} / 43,560 \text{ ft}^2) \\ &= 1.01 \text{ in} \end{aligned}$$

Solution continued:

- 6-1)** The % difference between BMP Volume $(IA-in)_2$, 1.01 in, and BMP Volume $(IA-in)_1$, 1.13 in is determined and found to be significantly greater than 5%:

$$\begin{aligned} \text{\% Difference} &= ((1.13 \text{ in} - 1.01 \text{ in})/1.01 \text{ in}) \times 100 \\ &= 12\% \end{aligned}$$

Therefore, steps 4 through 6 are repeated starting with BMP Volume $(IA-in)_2 = 1.01$ in.

Solution Iteration 2

- 4-2)** $BMP\text{-Volume}_{(PA-ft^3)_2} = ((3.84 \text{ acre} \times 0.21 \text{ in}) + (0.96 \text{ acre} \times 0.12 \text{ in})) \times 3,630 \text{ ft}^3/\text{acre-in}$
 $= 3,358 \text{ ft}^3$

- 5-2)** $BMP\text{-Volume}_{(IA-ft^3)_3} = 48,155 \text{ ft}^3 - 3,358 \text{ ft}^3$
 $= 44,797 \text{ ft}^3$

$$\begin{aligned} BMP\text{-Volume}_{(IA-in)_3} &= (44,797 \text{ ft}^3/11.75 \text{ acre}) \times (12 \text{ in/ft} \times 1 \text{ acre}/43,560 \text{ ft}^2) \\ &= 1.05 \text{ in} \end{aligned}$$

- 6-2)** $\text{\% Difference} = ((1.05 \text{ in} - 1.01 \text{ in})/1.05 \text{ in}) \times 100$
 $= 4\%$

The difference of 4% is acceptable.

- 7)** The % phosphorus load reduction for the infiltration basin (BMP Reduction $\%_P$) is determined by using the infiltration basin performance curve for an infiltration rate of 0.27 in/hr and the treatment volume ($BMP\text{-Volume}_{Net\ IA-in} = 1.05$ in) calculated in step 5-2 and is **BMP Reduction $\%_P = 93\%$** .

The performance curve for IR = 0.27 is used rather than interpolating between the performance curves for IR = 0.27 in/hr and 0.52 in/hr to estimate performance for IR = 0.28 in/hr. An evaluation of the performance curves for IR = 0.27 in/hr and IR = 0.52 in/hr for a design storage volume of 1.05 in indicate a small difference in estimated performance (BMP Reduction $\%_P = 93\%$ for IR = 0.27 in/hr and BMP Reduction $\%_P = 95\%$ for IR = 0.52 in/hr).

- 8)** The cumulative phosphorus load reduction in pounds of phosphorus (BMP-Reduction $lbs-P$) for the proposed infiltration basin is calculated by using equation 3-2 with the BMP Load and the P_{target} of 93%.

$$BMP\text{-Reduction}_{lbs-P} = BMP \text{ Load} \times (P_{target}/100) \quad \text{(Equation 3-2)}$$

Using Table 3-1, the BMP load is calculated:

$$\begin{aligned} BMP \text{ Load} &= (IA \times \text{impervious cover phosphorus export loading rate for industrial}) \\ &\quad + (PA_{HSG D} \times \text{pervious cover phosphorus export loading rate for HSG D}) \\ &\quad + (PA_{HSG C} \times \text{pervious cover phosphorus export loading rate for HSG C}) \end{aligned}$$

Solution continued:

$$= (11.75 \text{ acre} \times 1.96 \text{ lbs/acre/yr}) + (3.84 \text{ acre} \times 0.37 \text{ lbs/acre/yr}) \\ + (0.96 \text{ acre} \times 0.21 \text{ lbs/acre/yr}) \\ = 24.65 \text{ lbs/yr}$$

$$\text{BMP-Reduction}_{\text{lbs-P}} = 24.22 \text{ lbs/yr} \times 93/100 = \mathbf{22.93 \text{ lbs/yr}}$$

Example 3-5: Determine the phosphorus load reduction for disconnecting impervious area using storage with delayed release.

A commercial operation has an opportunity to divert runoff from 0.75 acres of impervious roof top to a 5000 gallon (668.4 ft³) storage tank for temporary storage and subsequent release to 0.09 acres of pervious area (PA) with HSG C soils.

Determine the:

- A) Percent phosphorus load reduction rates (BMP Reduction %_{-P}) for the specified impervious area (IA) disconnection and storage system assuming release times of 1, 2 and 3 days for the stored volumes to discharge to the pervious area; and
- B) Cumulative phosphorus reductions in pounds that would be accomplished by the system (BMP-Reduction_{lbs-P}) for the three storage release times, 1, 2 and 3 days.

Solution:

1. Determine the storage volume in units of inches of runoff depth from contributing impervious area:

$$\text{Storage Volume}_{\text{IA-in}} = (668.4 \text{ ft}^3 / (0.75 \text{ acre} \times 43.560 \text{ ft}^2/\text{acre})) \times 12 \text{ inch/ft} \\ = 0.25 \text{ inches}$$
2. Determine the ratio of the contributing impervious area to the receiving pervious area:

$$\text{IA:PA} = 0.75 \text{ acres} / 0.09 \text{ acres} \\ = 8.3$$
3. Using Table 3-21 for a IA:PA ratio of 8:1, determine the phosphorus load reduction rates for a storage volume of 0.25 inches that discharges to HSG C with release rates of 1, 2 and 3 days: Using interpolation the reduction rates are shown in Table 3-5-A:

Table Example 3-5-A: Reduction Rates

Percent Phosphorus load reduction for IA disconnection with storage HSG C			
Storage Volume _{IA-in}	Storage release rate, days		
	1	2	3
0.25	39%	42%	43%

4. The cumulative phosphorus load reduction in pounds of phosphorus for the IA disconnection with storage (BMP-Reduction_{lbs-P}) is calculated using Equation 3-2. The BMP Load is first determined using the method described above.

Solution continued:

$$\begin{aligned} \text{BMP Load} &= \text{IA} \times \text{phosphorus export loading rate for commercial IA (see Table 3-1)} \\ &= 0.75 \text{ acres} \times 1.78 \text{ lbs/acre/yr} \\ &= 1.34 \text{ lbs/yr} \end{aligned}$$

$$\text{BMP Reduction}_{\text{lbs-P}} = \text{BMP Load} \times (\text{BMP Reduction}_{\%-\text{P}}/100)$$

$$\begin{aligned} \text{BMP Reduction}_{\text{lbs-P}} &= 1.34 \text{ lbs/yr} \times (39/100) \\ &= \mathbf{0.53 \text{ lbs/yr}} \end{aligned}$$

Table Example 3-5-B presents the BMP Reduction_{lbs-P} for each of the release rates:

Table Example 3-5-B: Reduction Load

Phosphorus load reduction for IA disconnection with storage HSG C, lbs			
Storage Volume _{IA-in}	Storage release rate, days		
	1	2	3
0.25	0.53	0.56	0.58

Example 3-6: Determine the phosphorus load reduction for disconnecting impervious area with and without soil augmentation in the receiving pervious area.

The same commercial property as in example 3-5 wants to evaluate disconnecting drainage from the 0.75 acre impervious roof top and discharging it directly to 0.09 acres of pervious area (PA) with HSG C. Also, the property has the opportunity to purchase a small adjoining area (0.06 acres), also HSG C, to increase the size of the receiving PA from 0.09 to 0.15 acres and to allow the property owner to avoid having to install a drainage structure to capture overflow runoff from the PA. The property owner has been informed that the existing PA soil can be tilled and augmented with soil amendments to support denser vegetative growth and improve hydrologic function to approximate HSG B.

Determine the:

- A) Percent phosphorus load reduction rates (BMP Reduction_{%-P}) for the specified impervious area (IA) disconnection to both the 0.09 and 0.15 acre receiving PAs with and without soil augmentation; and
- B) Cumulative phosphorus reductions in pounds that would be accomplished by the IA disconnection for the various scenarios (BMP-Reduction_{lbs-P}).

Solution:

1. Determine the ratio of the contributing impervious area to the receiving pervious area:
 - IA:PA = 0.75 acres/0.09 acres
= 8.3
 - IA:PA = 0.75 acres/0.15 acres
= 5.0

Solution Continued:

- Using Table 3-26 and Figure 3-40 for a IA:PA ratios of 8:1 and 5:1, respectively, determine the phosphorus load reduction rates for IA disconnections to HSG C and HSG B:

Table Example 3-6-A: Reduction Rates

Percent Phosphorus load reduction rates for IA disconnection		
Receiving PA	IA:PA	
	8:1	5:1
HSG C	7%	14%
HSG B (soil augmentation)	14%	22%

- The cumulative phosphorus load reduction in pounds of phosphorus for the IA disconnection with storage (BMP-Reduction_{lbs-P}) is calculated using Equation 3-2. The BMP Load was calculated in example 3-5 and is 1.34 lbs/yr.

$$\text{BMP Reduction}_{\text{lbs-P}} = \text{BMP Load} \times (\text{BMP Reduction}_{\%-\text{P}}/100)$$

For PA of 0.09 acres HSG C the BMP Reduction_{lbs-P} is calculated as follows:

$$\begin{aligned} \text{BMP Reduction}_{\text{lbs-P}(0.09\text{ac-HSG C})} &= 1.34 \text{ lbs/yr} \times (7/100) \\ &= \mathbf{0.09 \text{ lbs/yr}} \end{aligned}$$

Table Example 3-6-B presents the BMP Reduction_{lbs-P} for each of the scenarios:

Table Example 3-6-B: Reduction

Pounds Phosphorus load reduction for IA disconnection, lbs/yr		
Receiving PA	Area of Receiving PA, acres	
	0.09	0.15
HSG C	0.09	0.19
HSG B (soil augmentation)	0.19	0.29

Example 3-7: Determine the phosphorus load reduction for converting impervious area to permeable/pervious area.

A municipality is planning upcoming road reconstruction work in medium density residential (MDR) neighborhoods and has identified an opportunity to convert impervious surfaces to permeable/pervious surfaces by narrowing the road width of 3.7 miles (mi) of roadway from 32 feet (ft) to 28 ft and eliminating 3.2 miles of 4 ft wide paved sidewalk (currently there are sidewalks on both sides of the roadways targeted for restoration). The newly created permeable/pervious area will be tilled and treated with soil amendments to support vegetated growth in order to restore hydrologic function to at least HSG B.

Determine the:

- A) Percent phosphorus load reduction rate (BMP Reduction %_{-P}) for the conversion of impervious area (IA) to permeable/pervious area (PA); and
- B) Cumulative phosphorus reduction in pounds that would be accomplished by the project (BMP-Reduction lbs_{-P}).

Solution:

1. Determine the area of IA to be converted to PA:

$$\text{New PA} = (((3.7 \text{ mi} \times 4 \text{ ft}) + (3.2 \text{ mi} \times 4 \text{ ft})) \times 5280 \text{ ft/mi}) / 43,560 \text{ ft}^2/\text{acre}$$

$$= 3.35 \text{ acres}$$
2. Using Table 3-27, the phosphorus load reduction rate for converting IA to HSG B is 94.1%
3. The BMP Load is first determined using the method described above.

$$\text{BMP Load} = \text{IA} \times \text{phosphorus export loading rate for MDR IA (see Table 3-1)}$$

$$= 3.35 \text{ acres} \times 1.96 \text{ lbs/acre/yr}$$

$$= 6.57 \text{ lbs/yr}$$
4. The cumulative phosphorus load reduction in pounds of phosphorus for the IA conversion (BMP-Reduction lbs_{-P}) is calculated using Equation 3-2.

$$\text{BMP Reduction lbs}_{-P} = \text{BMP Load} \times (\text{BMP Reduction \%}_{-P} / 100)$$

$$\text{BMP Reduction lbs}_{-P} = 6.57 \text{ lbs/yr} \times (94.1 / 100)$$

$$= 6.18 \text{ lbs/yr}$$

Table 3- 4: Infiltration Trench (IR = 0.17 in/hr) BMP Performance Table

Infiltration Trench (IR = 0.17 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	14.7%	27.6%	48.6%	64.1%	74.9%	82.0%	91.6%	95.4%
Cumulative Phosphorus Load Reduction	18%	33%	57%	73%	83%	90%	97%	99%

Figure 3- 1: BMP Performance Curve: Infiltration Trench (infiltration rate = 0.17 in/hr)

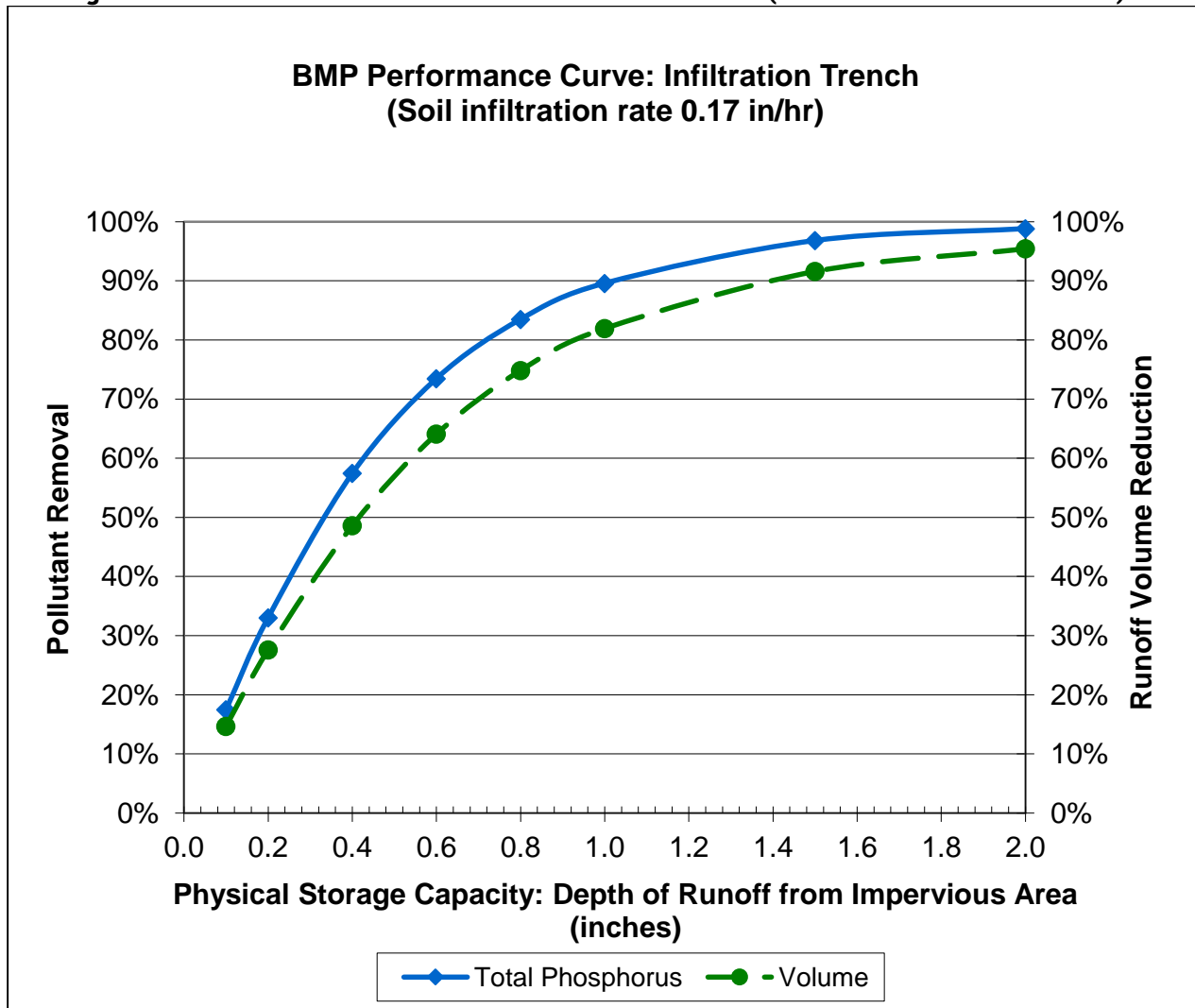


Table 3- 5: Infiltration Trench (IR = 0.27 in/hr) BMP Performance Table

Infiltration Trench (IR = 0.27 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	17.8%	32.5%	55.0%	70.0%	79.3%	85.2%	93.3%	96.3%
Cumulative Phosphorus Load Reduction	20%	37%	63%	78%	86%	92%	97%	99%

Figure 3- 2: BMP Performance Curve: Infiltration Trench (infiltration rate = 0.27 in/hr)

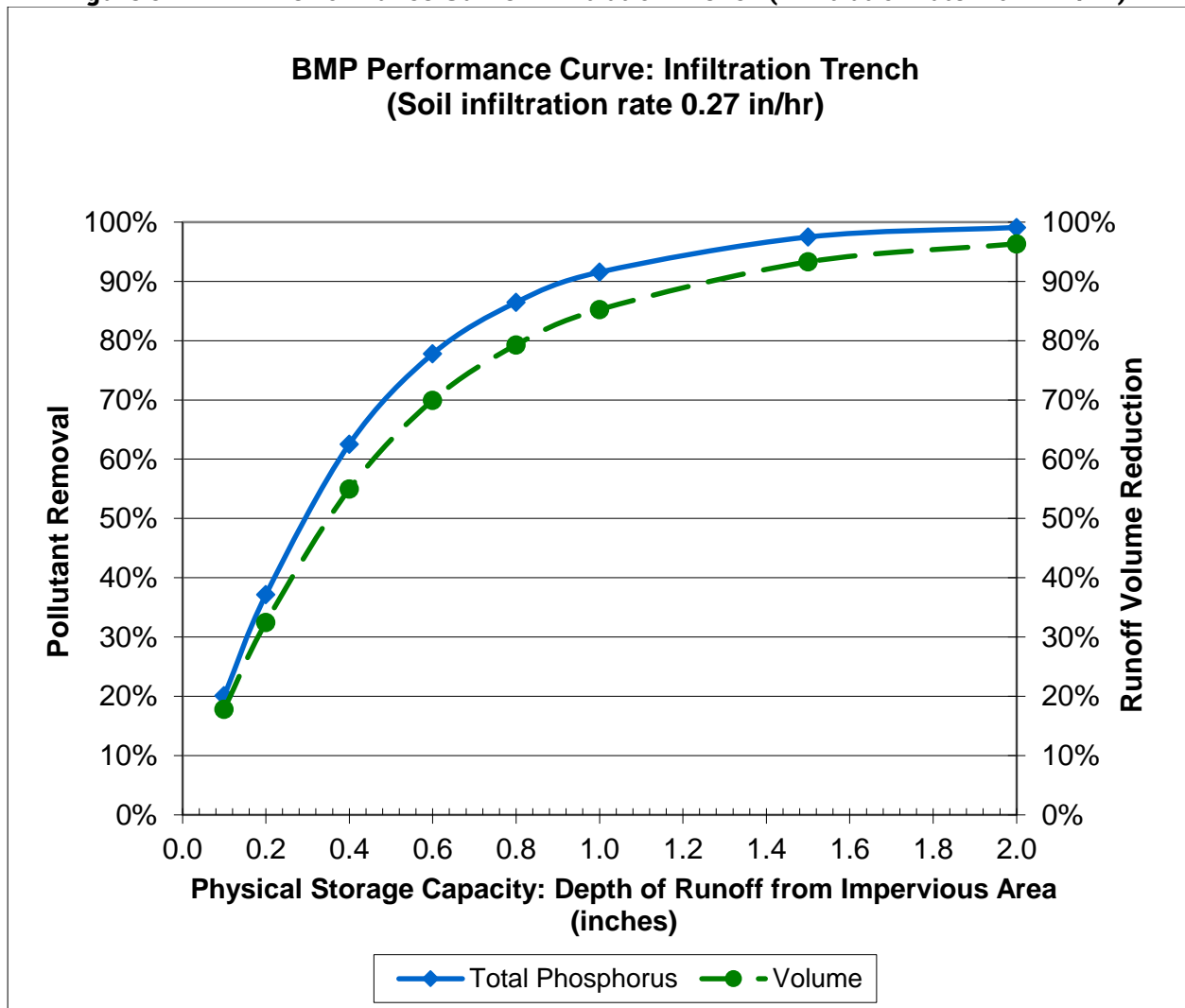


Table 3- 6: Infiltration Trench (IR = 0.52 in/hr) BMP Performance Table

Infiltration Trench (IR = 0.52 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	22.0%	38.5%	61.8%	75.7%	83.7%	88.8%	95.0%	97.2%
Cumulative Phosphorus Load Reduction	23%	42%	68%	82%	89%	94%	98%	99%

Figure 3- 3: BMP Performance Curve: Infiltration Trench (infiltration rate = 0.52 in/hr)

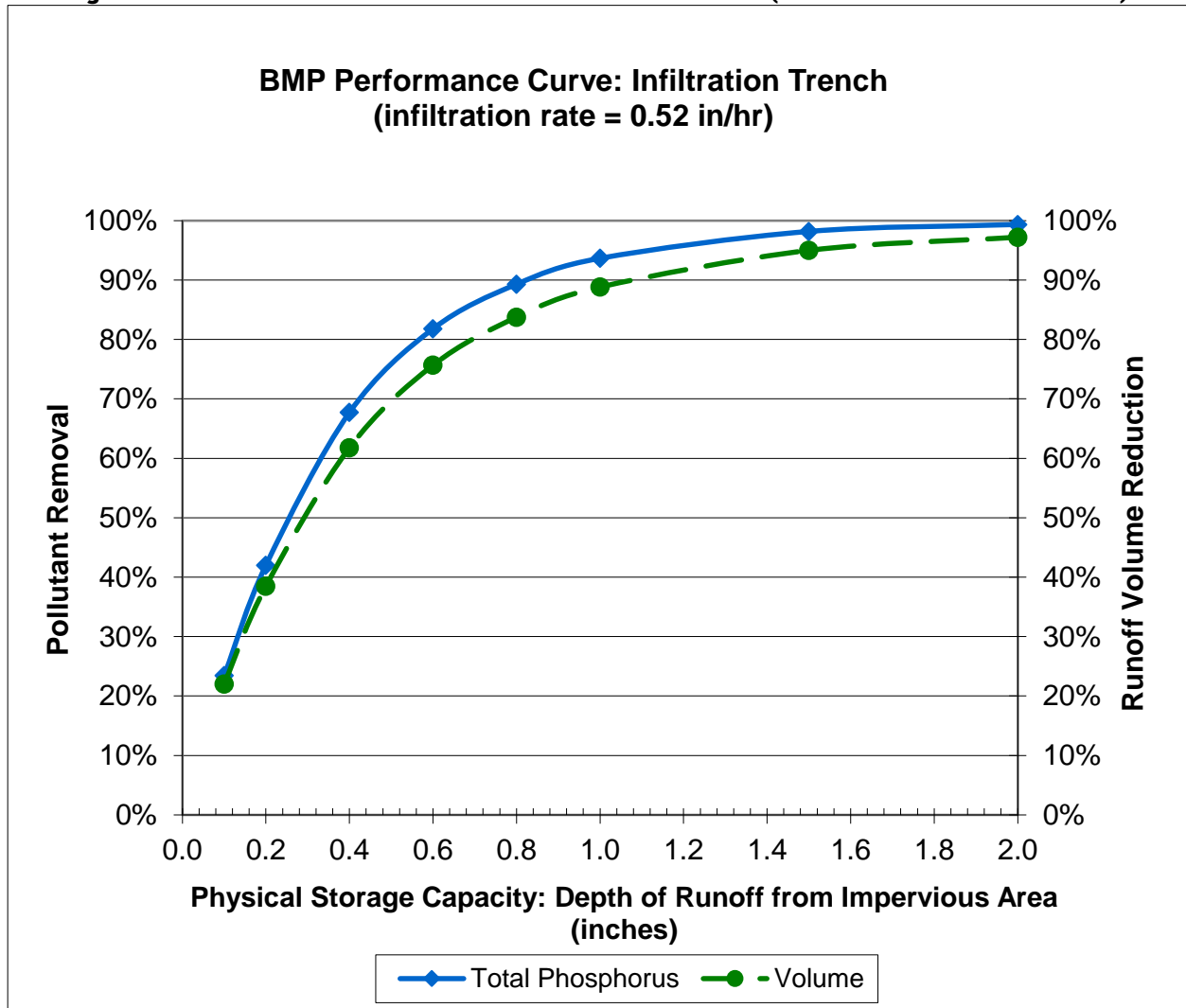


Table 3- 7: Infiltration Trench (IR = 1.02 in/hr) BMP Performance Table

Infiltration Trench (IR = 1.02 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	26.3%	44.6%	68.2%	81.0%	88.0%	92.1%	96.5%	98.3%
Cumulative Phosphorus Load Reduction	27%	47%	73%	86%	92%	96%	99%	100%

Figure 3- 4: BMP Performance Curve: Infiltration Trench (infiltration rate = 1.02 in/hr)

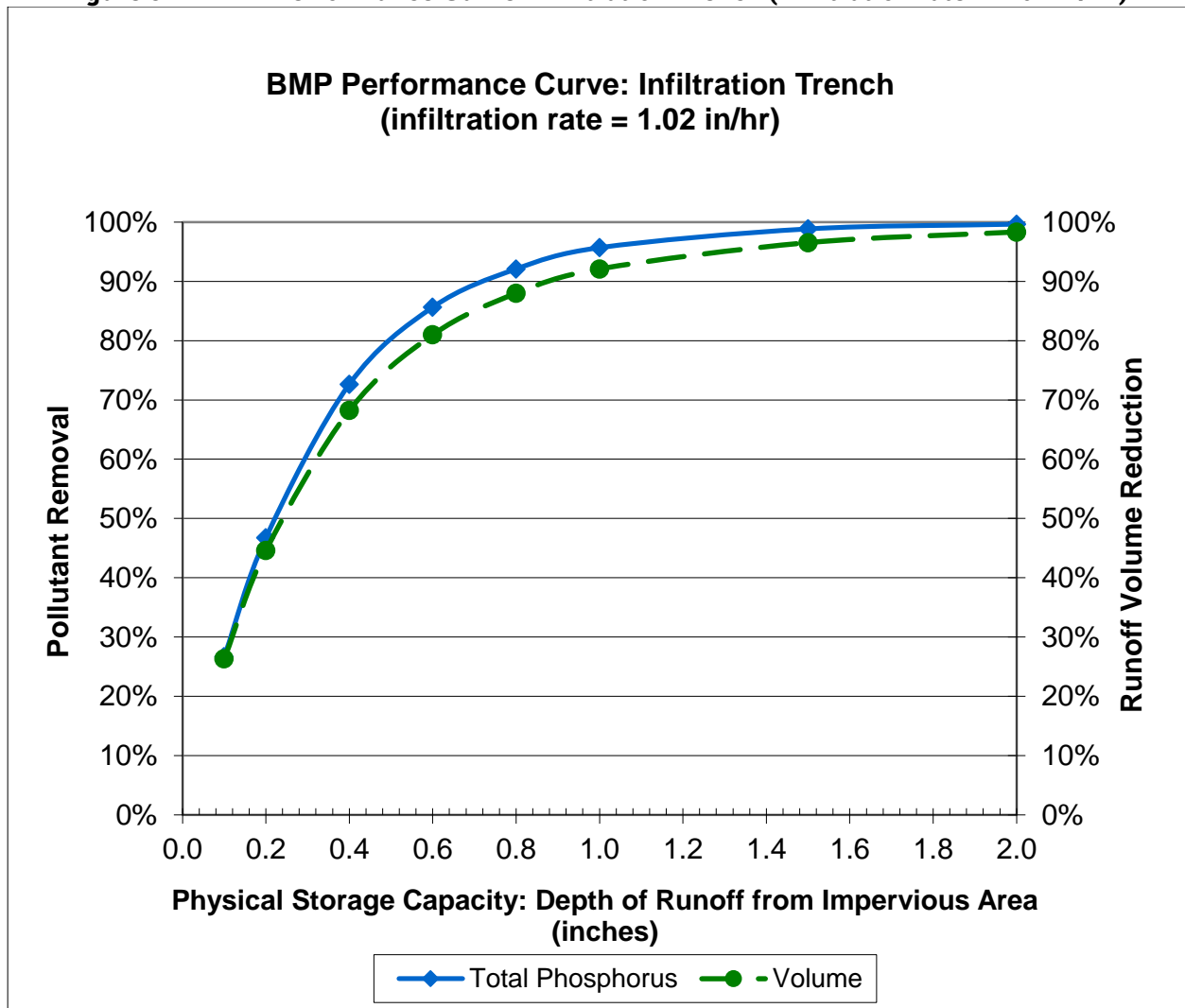


Table 3- 8: Infiltration Trench (IR = 2.41 in/hr) BMP Performance Table

Infiltration Trench (IR = 2.41 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	34.0%	54.7%	78.3%	88.4%	93.4%	96.0%	98.8%	99.8%
Cumulative Phosphorus Load Reduction	33%	55%	81%	91%	96%	98%	100%	100%

Figure 3- 5: BMP Performance Curve: Infiltration Trench (infiltration rate = 2.41 in/hr)

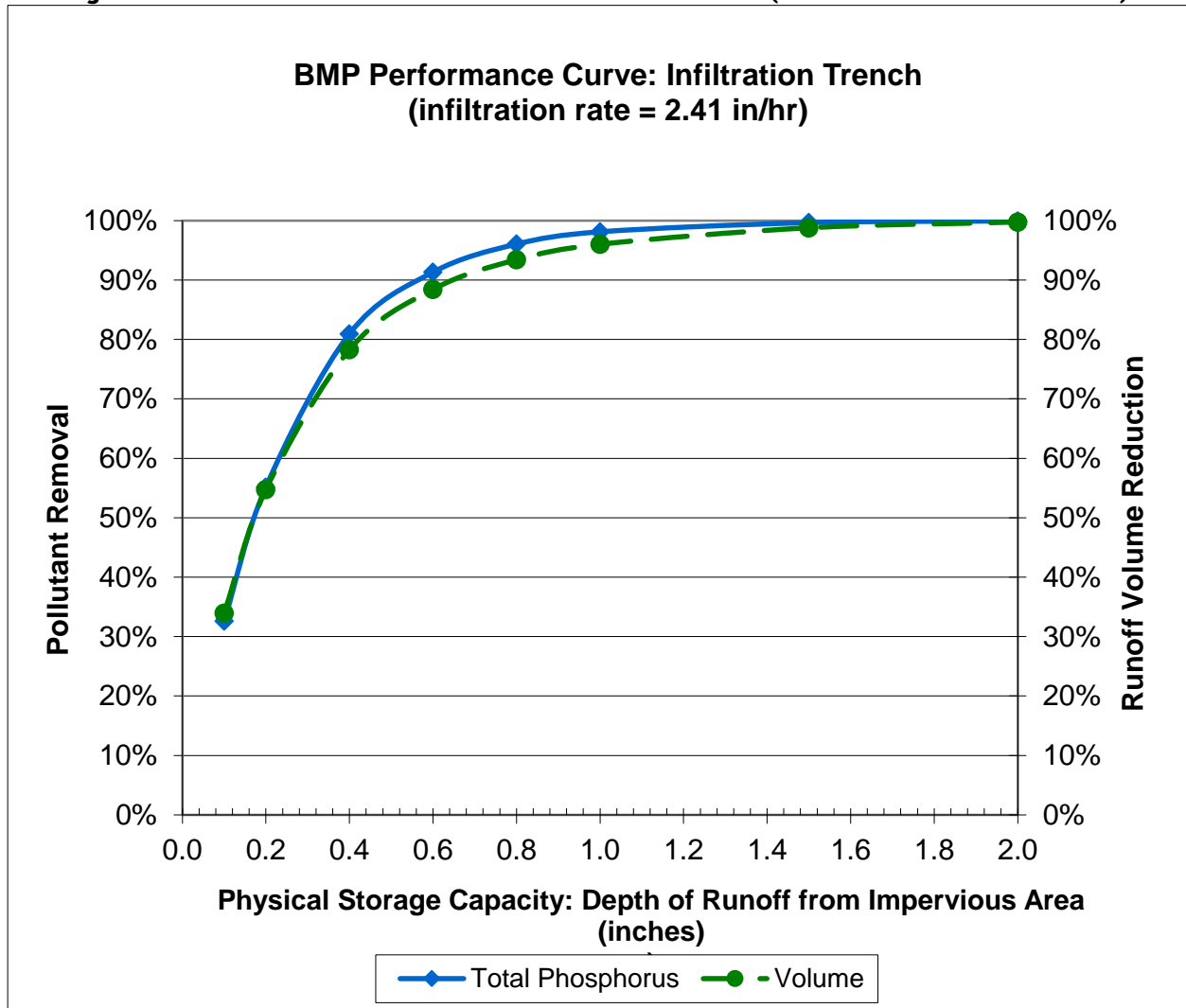


Table 3- 9: Infiltration Trench (8.27 in/hr) BMP Performance Table

Infiltration Trench (8.27 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	53.6%	76.1%	92.6%	97.2%	98.9%	99.5%	100.0%	100.0%
Cumulative Phosphorus Load Reduction	50%	75%	94%	98%	99%	100%	100%	100%

Figure 3- 6: BMP Performance Curve: Infiltration Trench (infiltration rate = 8.27 in/hr)

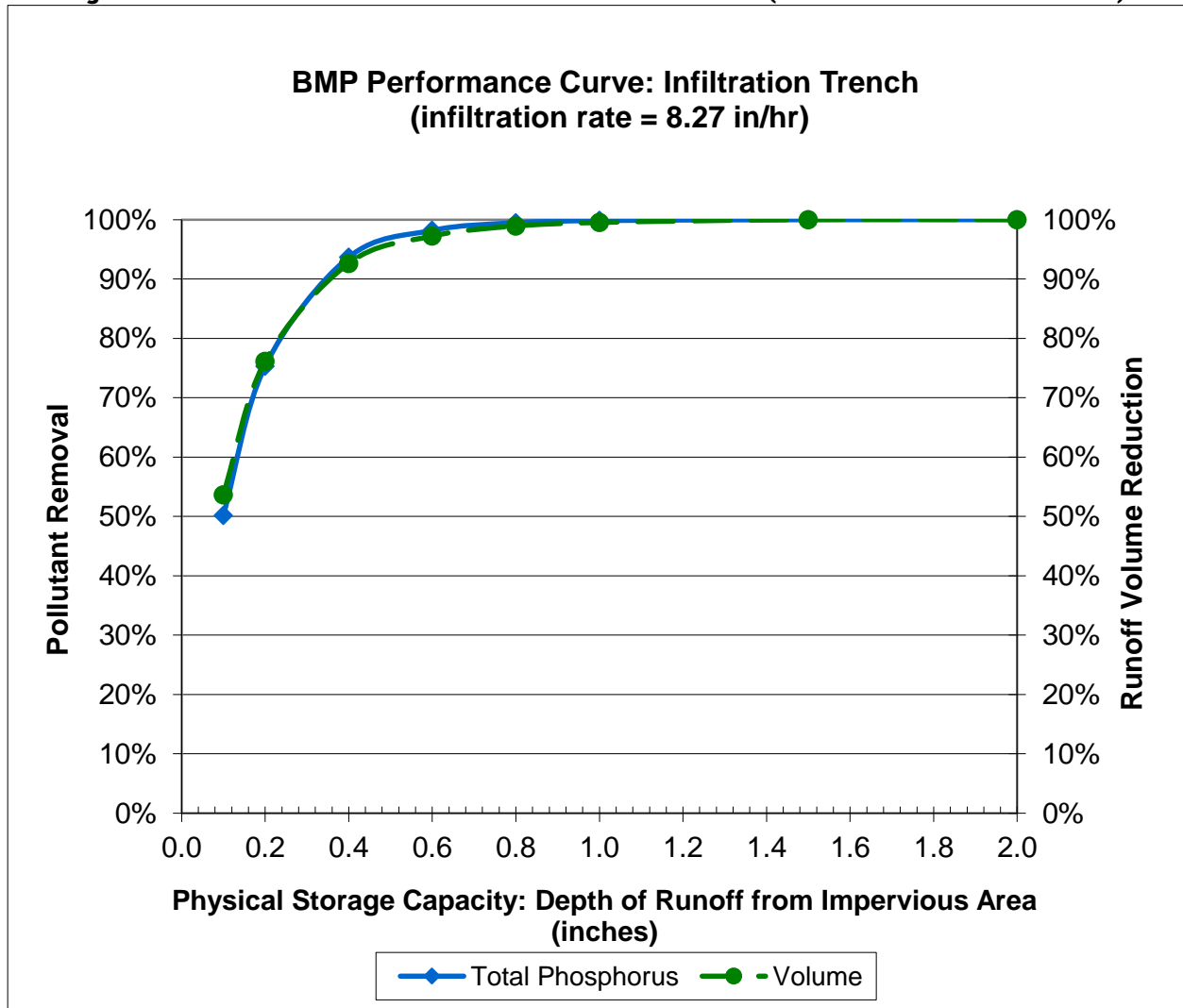


Table 3- 10: Infiltration Basin (0.17 in/hr) BMP Performance Table

Infiltration Basin (0.17 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	13.0%	24.6%	44.2%	59.5%	70.6%	78.1%	89.2%	93.9%
Cumulative Phosphorus Load Reduction	35%	52%	72%	82%	88%	92%	97%	99%

Figure 3- 7: BMP Performance Curve: Infiltration Basin (infiltration rate = 0.17 in/hr)

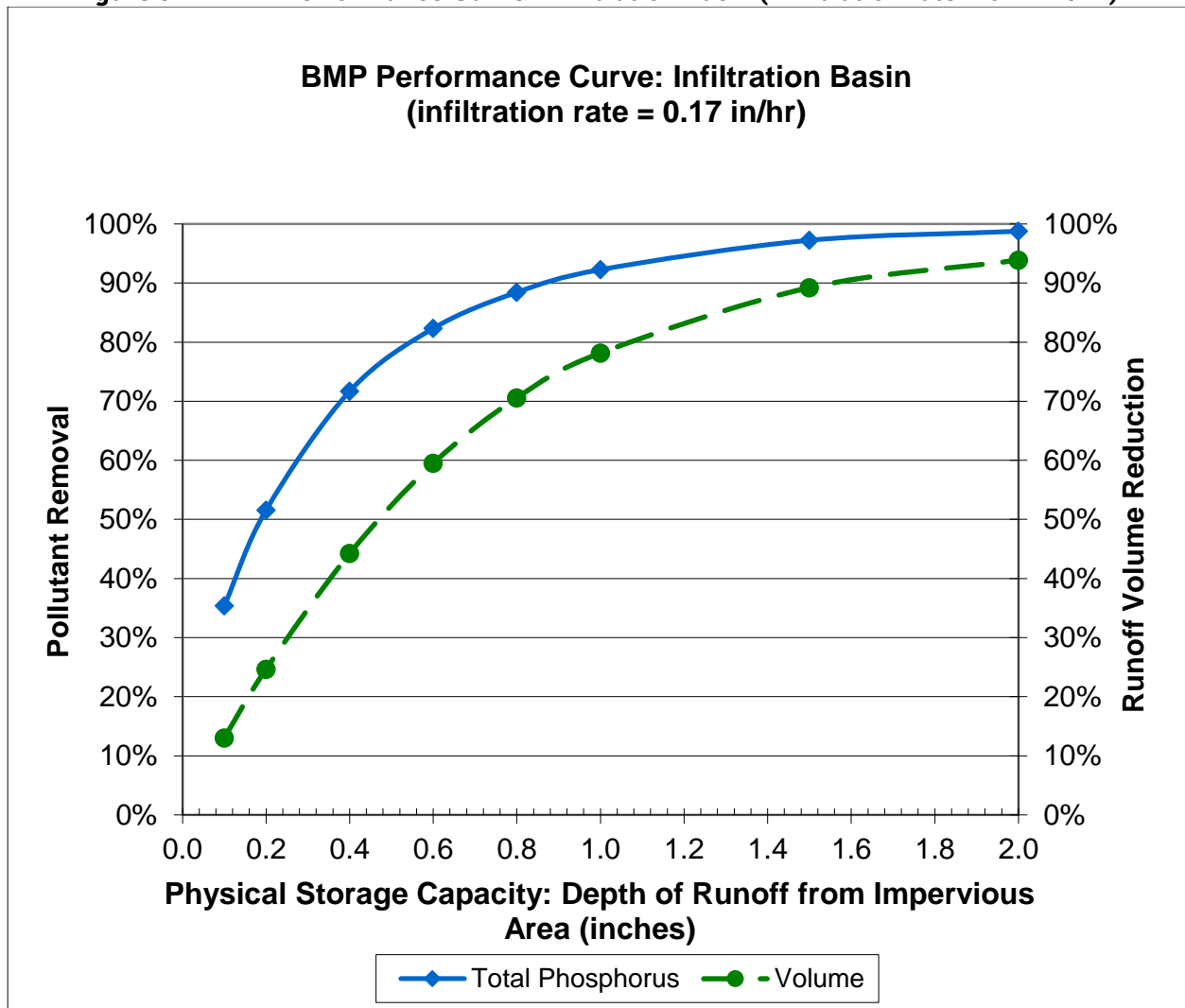


Table 3- 11: Infiltration Basin (0.27 in/hr) BMP Performance Table

Infiltration Basin (0.27 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	16.3%	29.8%	51.0%	66.0%	76.0%	82.4%	91.5%	95.2%
Cumulative Phosphorus Load Reduction	37%	54%	74 %	85%	90%	93%	98%	99%

Figure 3- 8: BMP Performance Curve: Infiltration Basin (infiltration rate = 0.27 in/hr)

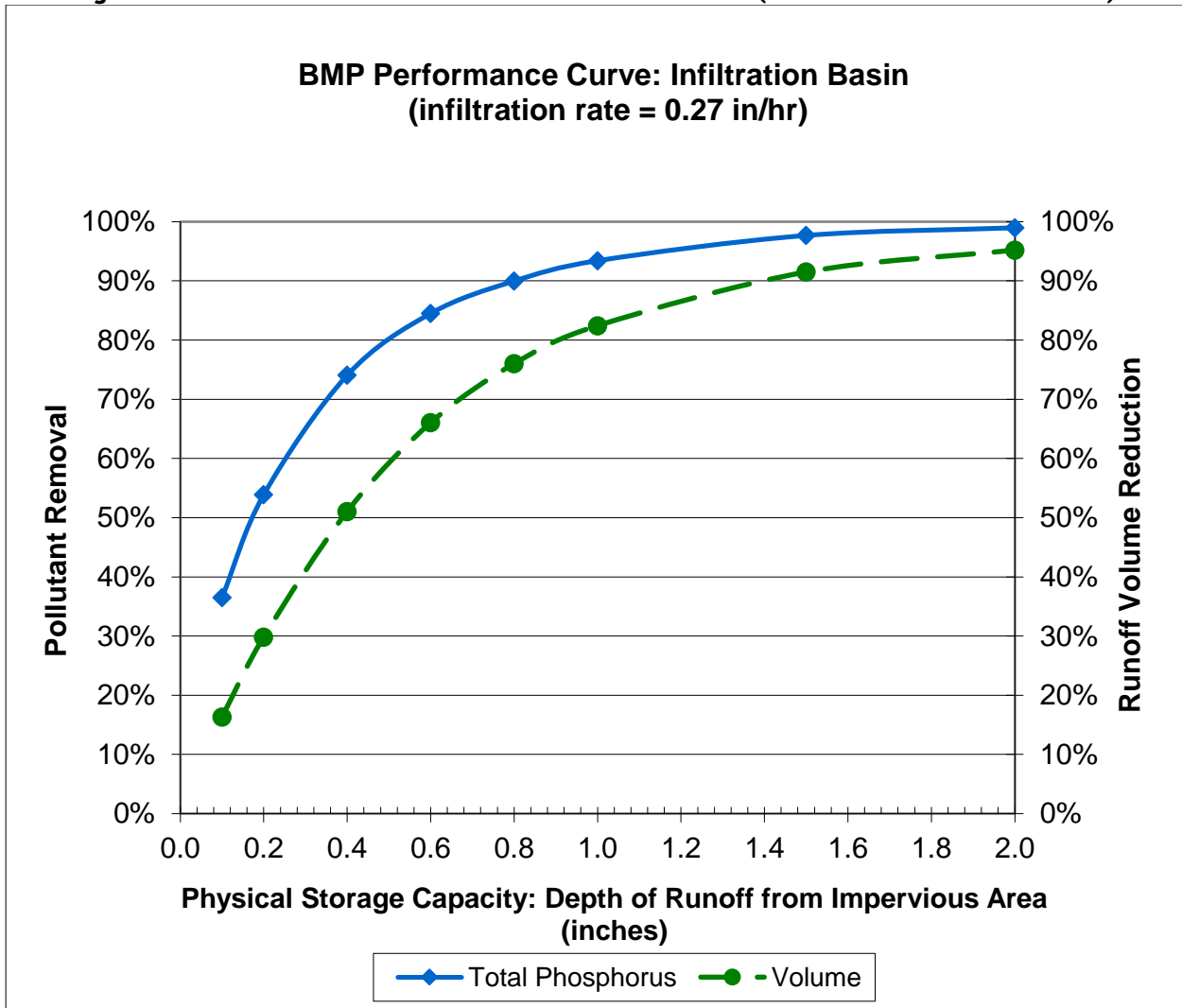


Table 3- 12: Infiltration Basin (0.52 in/hr) BMP Performance Table

Infiltration Basin (0.52 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	20.2%	35.6%	58.0%	72.6%	81.3%	86.9%	94.2%	96.7%
Cumulative Phosphorus Load Reduction	38%	56%	77%	87%	92%	95%	98%	99%

Figure 3- 9: BMP Performance Curve: Infiltration Basin (infiltration rate = 0.52 in/hr)

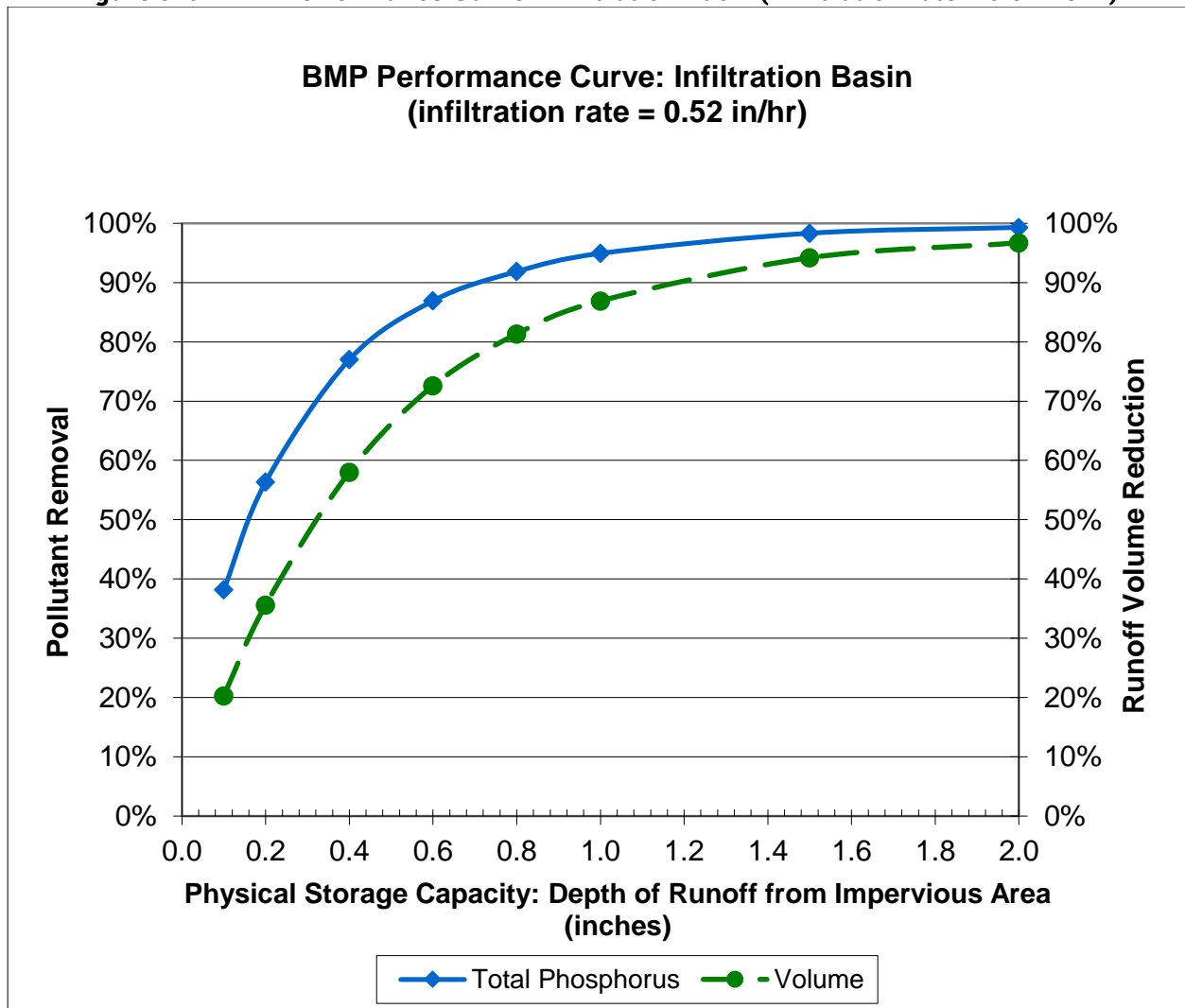


Table 3- 13: Infiltration Basin (1.02 in/hr) BMP Performance Table

Infiltration Basin (1.02 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	24.5%	42.0%	65.6%	79.4%	86.8%	91.3%	96.2%	98.1%
Cumulative Phosphorus Load Reduction	41%	60%	81%	90%	94%	97%	99%	100%

Figure 3- 10: BMP Performance Curve: Infiltration Basin (Soil infiltration rate = 1.02 in/hr)

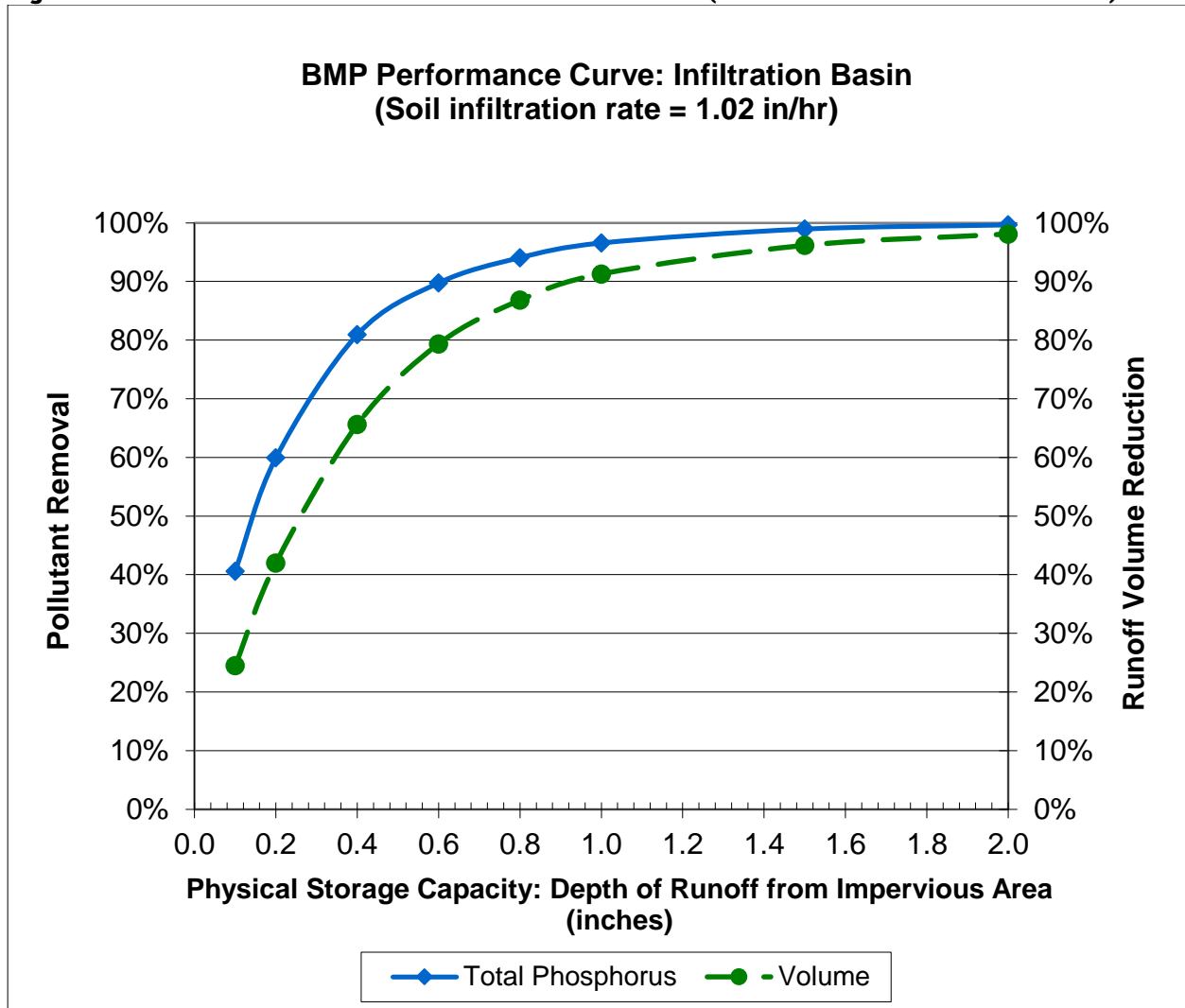


Table 3- 14: Infiltration Basin (2.41 in/hr) BMP Performance Table

Infiltration Basin (2.41 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	32.8%	53.8%	77.8%	88.4%	93.4%	96.0%	98.8%	99.8%
Cumulative Phosphorus Load Reduction	46%	67%	87%	94%	97%	98%	100%	100%

Figure 3- 11: BMP Performance Curve: Infiltration Basin (infiltration rate = 2.41 in/hr)

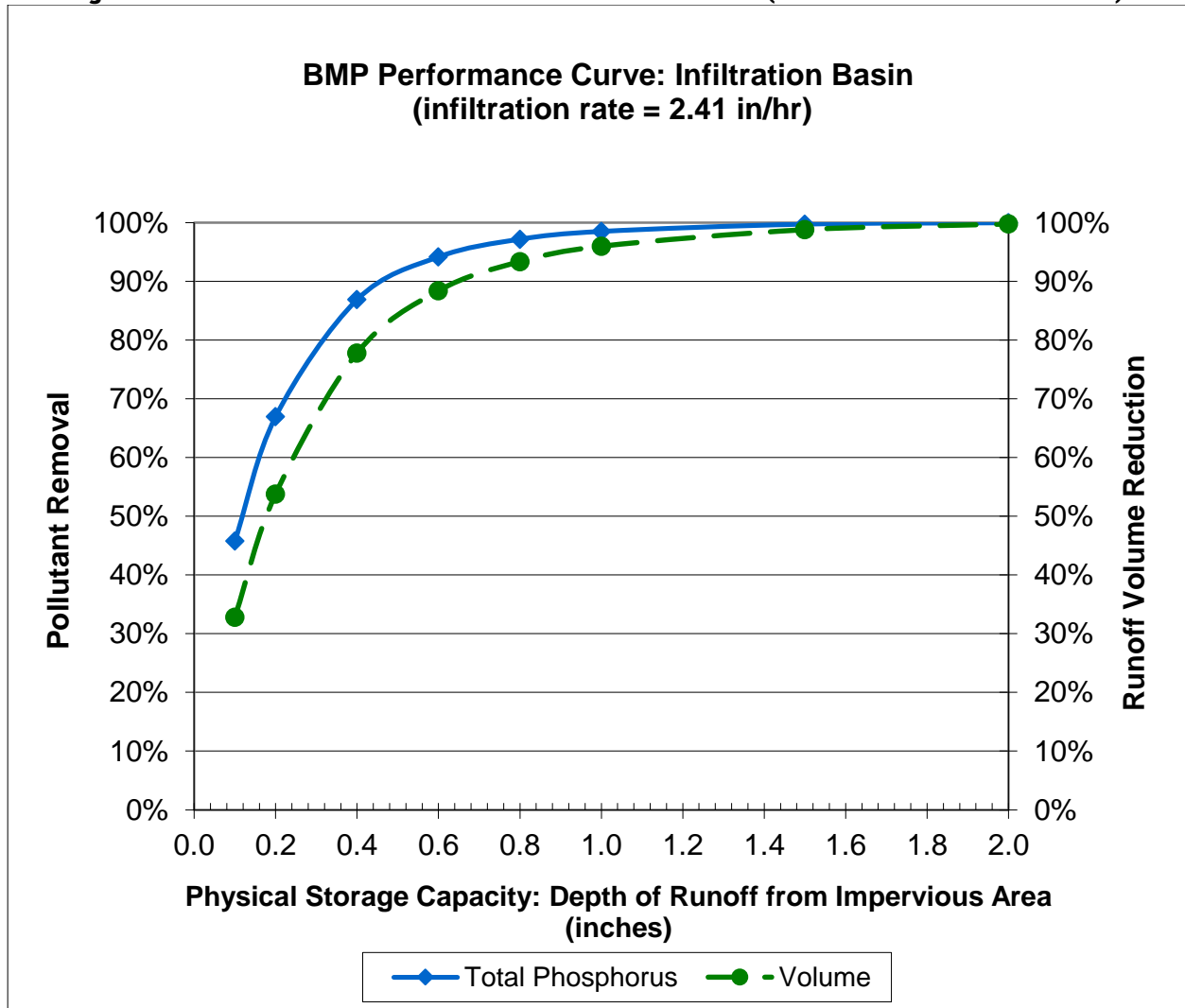


Table 3- 15: Infiltration Basin (8.27 in/hr) BMP Performance Table

Infiltration Basin (8.27 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	54.6%	77.2%	93.4%	97.5%	99.0%	99.6%	100.0%	100.0%
Cumulative Phosphorus Load Reduction	59%	81%	96%	99%	100%	100%	100%	100%

Figure 3- 12: BMP Performance Curve: Infiltration Basin (infiltration rate = 8.27 in/hr)

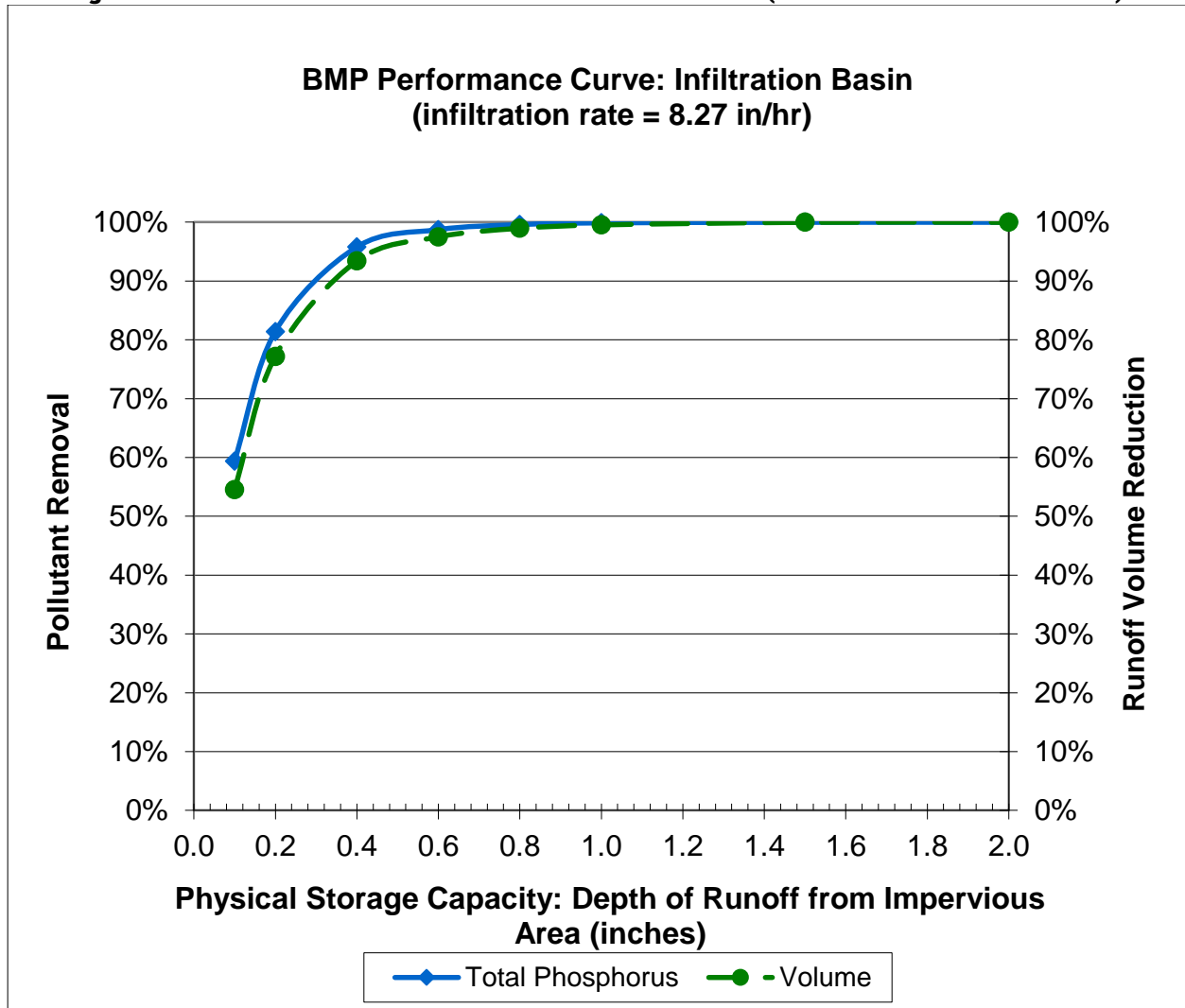


Table 3- 16: Biofiltration BMP Performance Table

Biofiltration BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Cumulative Phosphorus Load Reduction	19%	34%	53%	64%	71%	76%	84%	89%

Figure 3- 13: BMP Performance Curve: Biofiltration

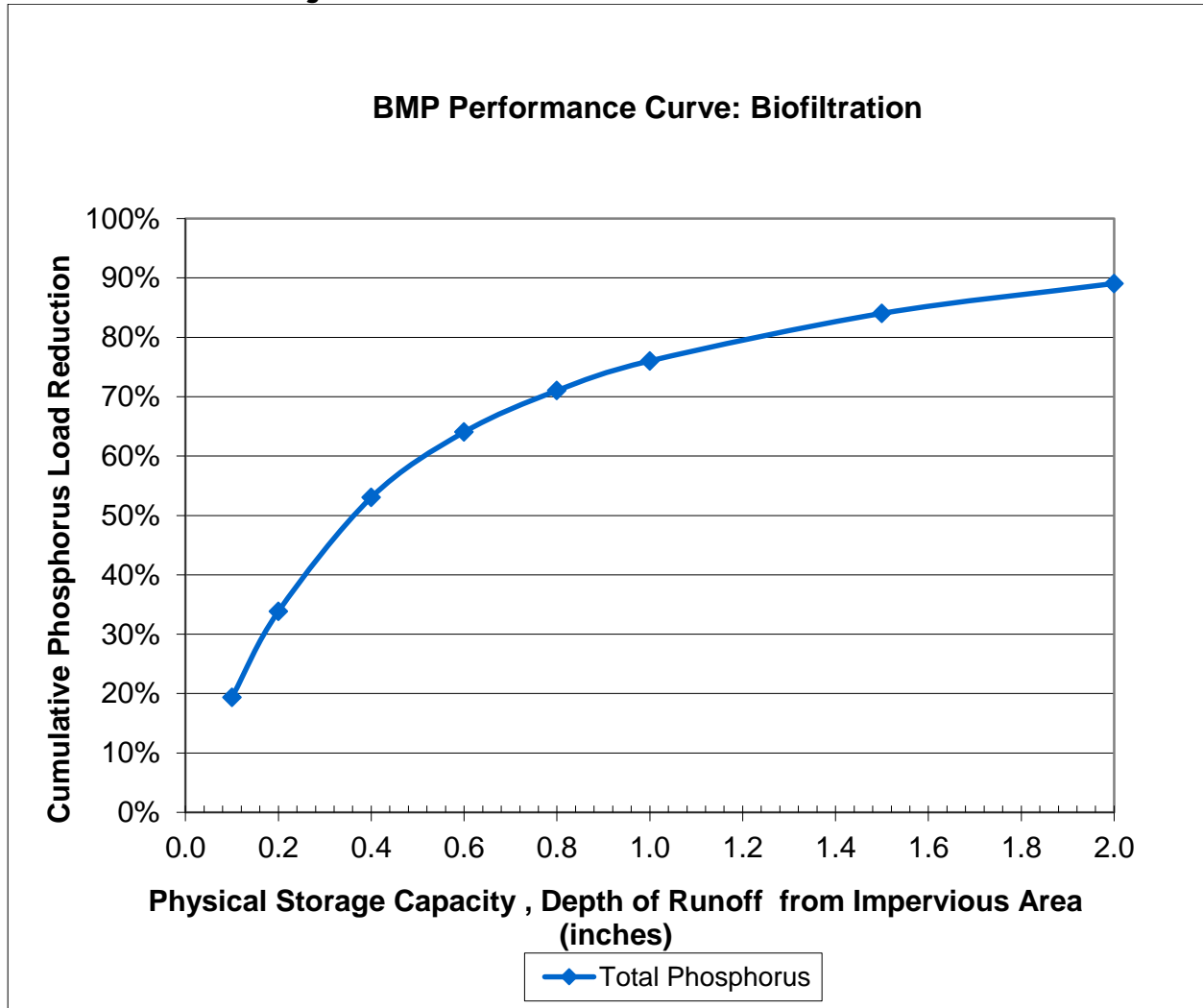


Table 3- 17: Gravel Wetland BMP Performance Table

Gravel Wetland BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Cumulative Phosphorus Load Reduction	19%	26%	41%	51%	57%	61%	65%	66%

Figure 3- 14: BMP Performance Curve: Gravel Wetland

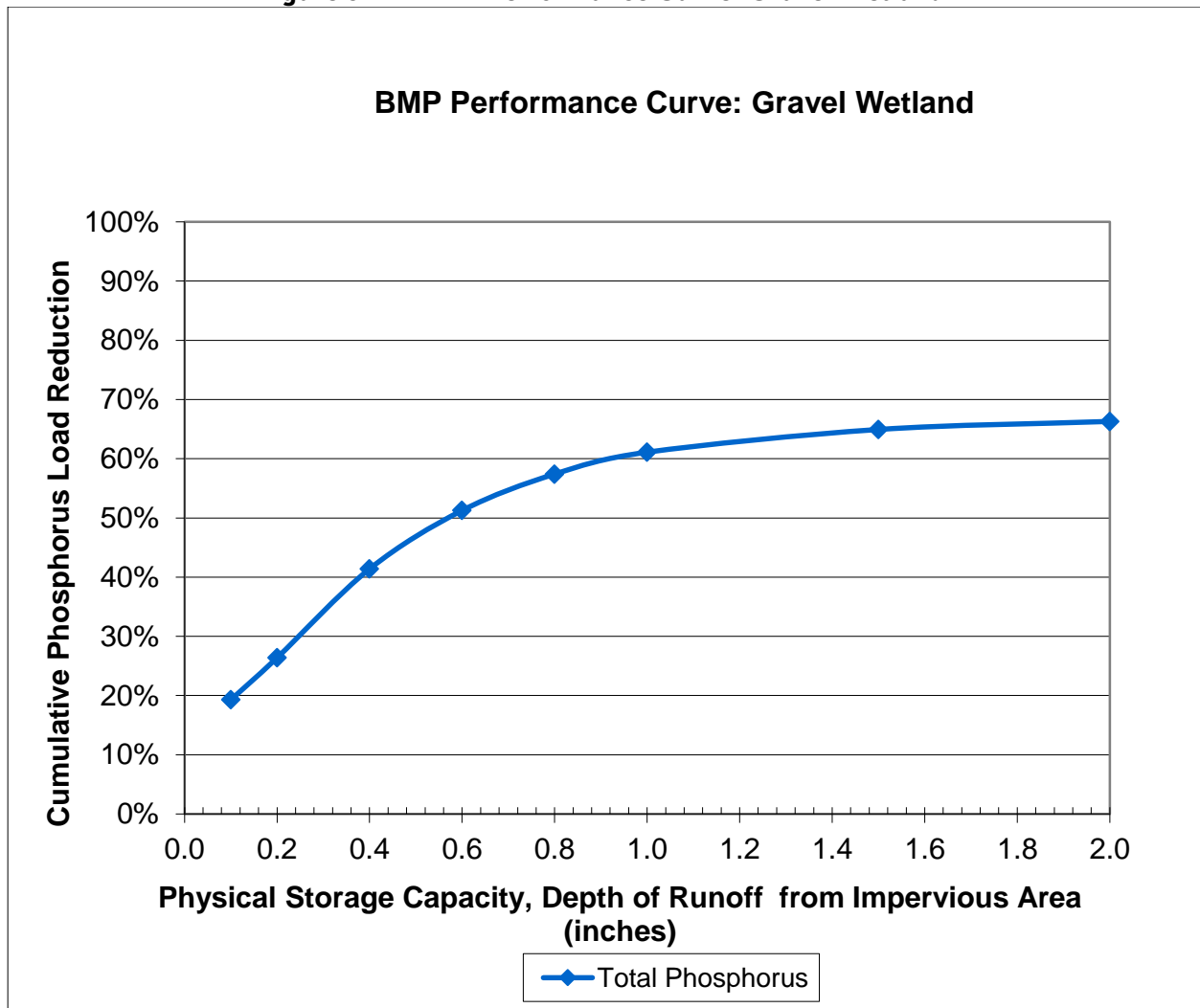


Table 3- 18: Porous Pavement BMP Performance Table

Porous Pavement BMP Performance Table: Long-Term Phosphorus Load Reduction				
BMP Capacity: Depth of Filter Course Area (inches)	12.0	18.0	24.0	32.0
Cumulative Phosphorus Load Reduction	62%	70%	75%	78%

Figure 3- 15: BMP Performance Curve: Porous Pavement

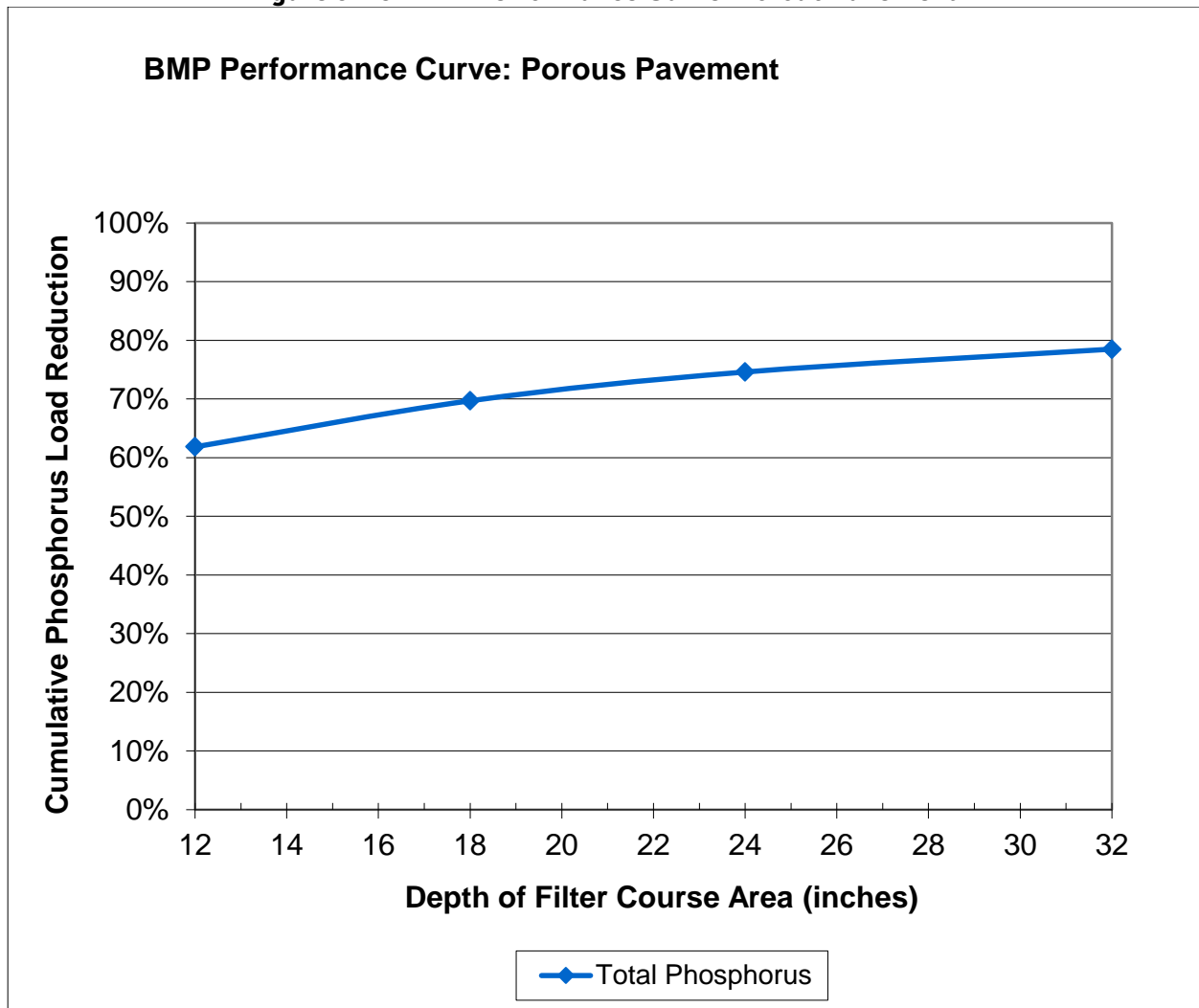


Table 3- 19: Wet Pond BMP Performance Table

Wet Pond BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Cumulative Phosphorus Load Reduction	14%	25%	37%	44%	48%	53%	58%	63%

Table 3- 20: Dry Pond BMP Performance Table

Dry Pond BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Cumulative Phosphorus Load Reduction	3%	6%	8%	9%	11%	12%	13%	14%

Figure 3- 16: BMP Performance Curve: Dry Pond

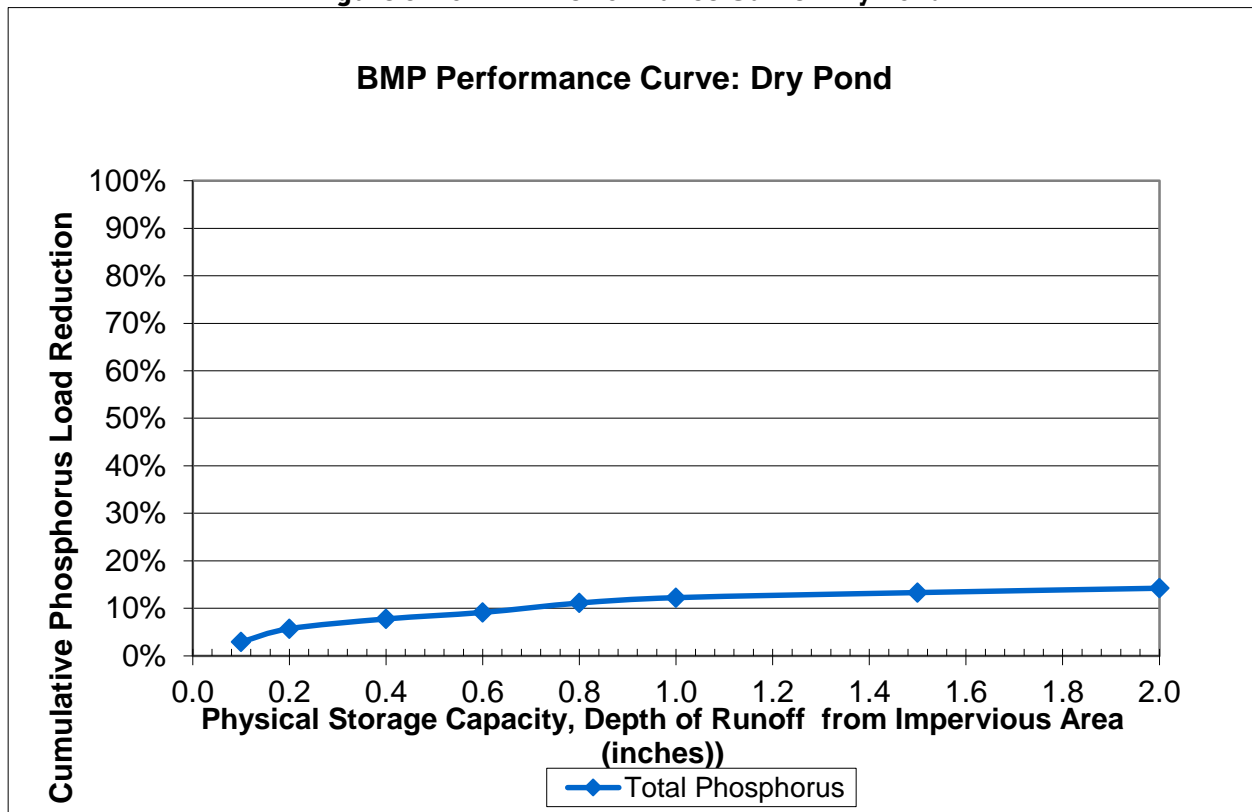


Table 3- 21: Grass Swale BMP Performance Table

Grass Swale BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Cumulative Phosphorus Load Reduction	2%	5%	9%	13%	17%	21%	29%	36%

Figure 3- 17: BMP Performance Curve: Grass Swale

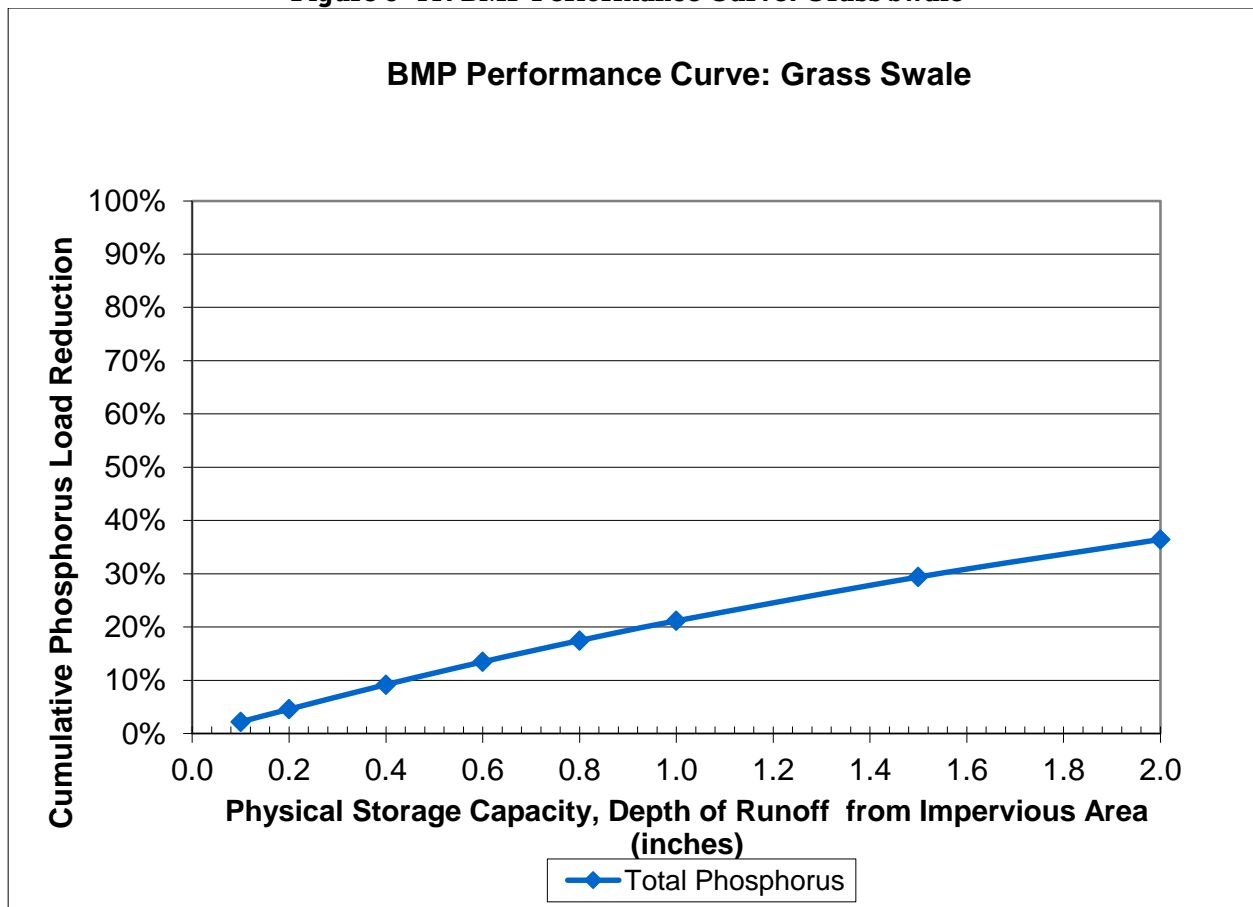


Table 3- 22: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 8:1

Impervious Area Disconnection through Storage : Impervious Area to Pervious Area Ratio = 8:1												
Storage volume to impervious area ratio	Total Runoff Volume (TP) Reduction Percentages											
	HSG A			HSG B			HSG C			HSG D		
	1-day	2-day	3-day	1-day	2-day	3-day	1-day	2-day	3-day	1-day	2-day	3-day
0.1 in	24%	23%	22%	24%	23%	22%	24%	23%	22%	22%	22%	21%
0.2 in	40%	38%	37%	40%	38%	37%	37%	38%	37%	24%	26%	27%
0.3 in	52%	50%	49%	52%	50%	49%	40%	46%	49%	24%	26%	27%
0.4 in	61%	59%	58%	59%	59%	58%	40%	48%	54%	24%	26%	27%
0.5 in	67%	66%	64%	62%	66%	64%	40%	48%	56%	24%	26%	27%
0.6 in	70%	71%	70%	62%	70%	70%	40%	48%	56%	24%	26%	27%
0.8 in	71%	78%	77%	62%	73%	77%	40%	48%	56%	24%	26%	27%
1.0 in	71%	80%	80%	62%	73%	79%	40%	48%	56%	24%	26%	27%
1.5 in	71%	81%	87%	62%	73%	81%	40%	48%	56%	24%	26%	27%
2.0 in	71%	81%	88%	62%	73%	81%	40%	48%	56%	24%	26%	27%

Figure 3- 18: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 8:1 for HSG A Soils

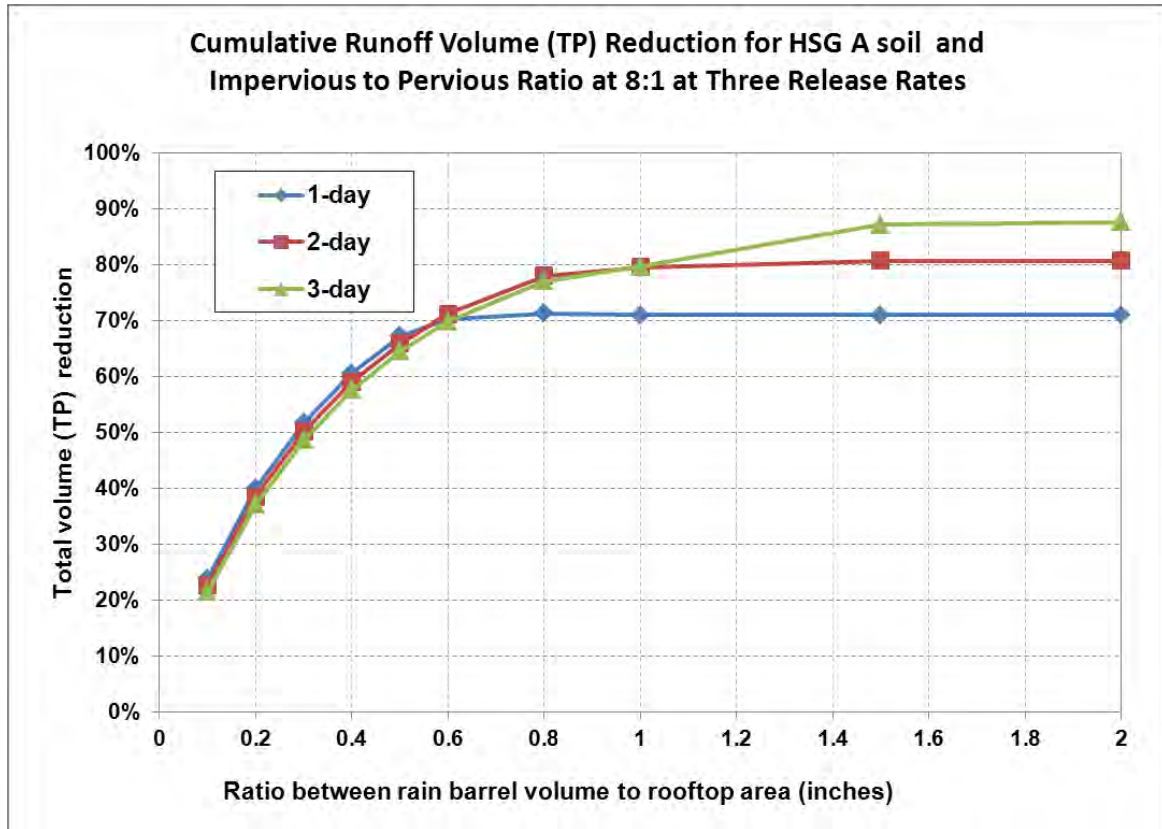


Figure 3- 19: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 8:1 for HSG B Soils

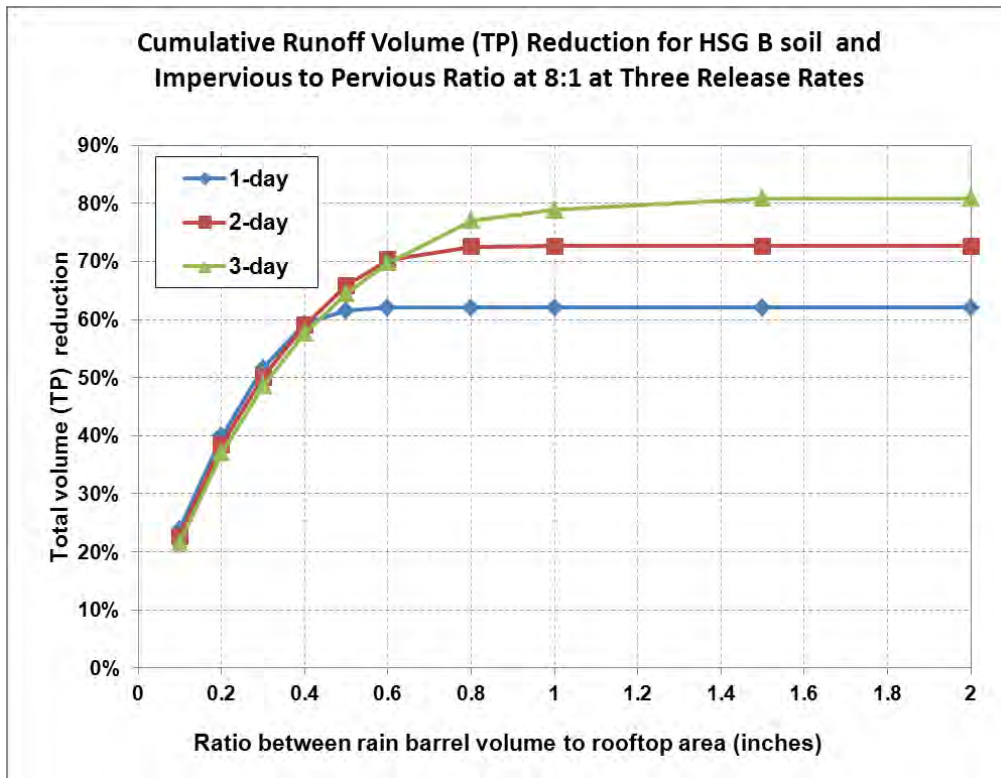


Figure 3- 20: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 8:1 for HSG C Soils

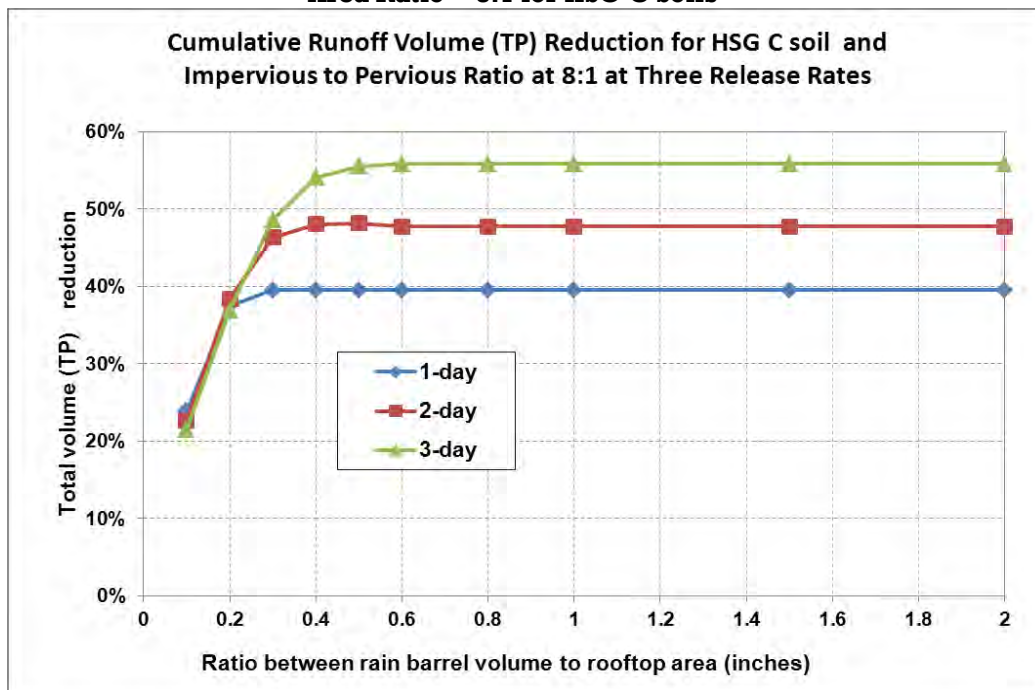


Figure 3- 21: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 8:1 for HSG D Soils

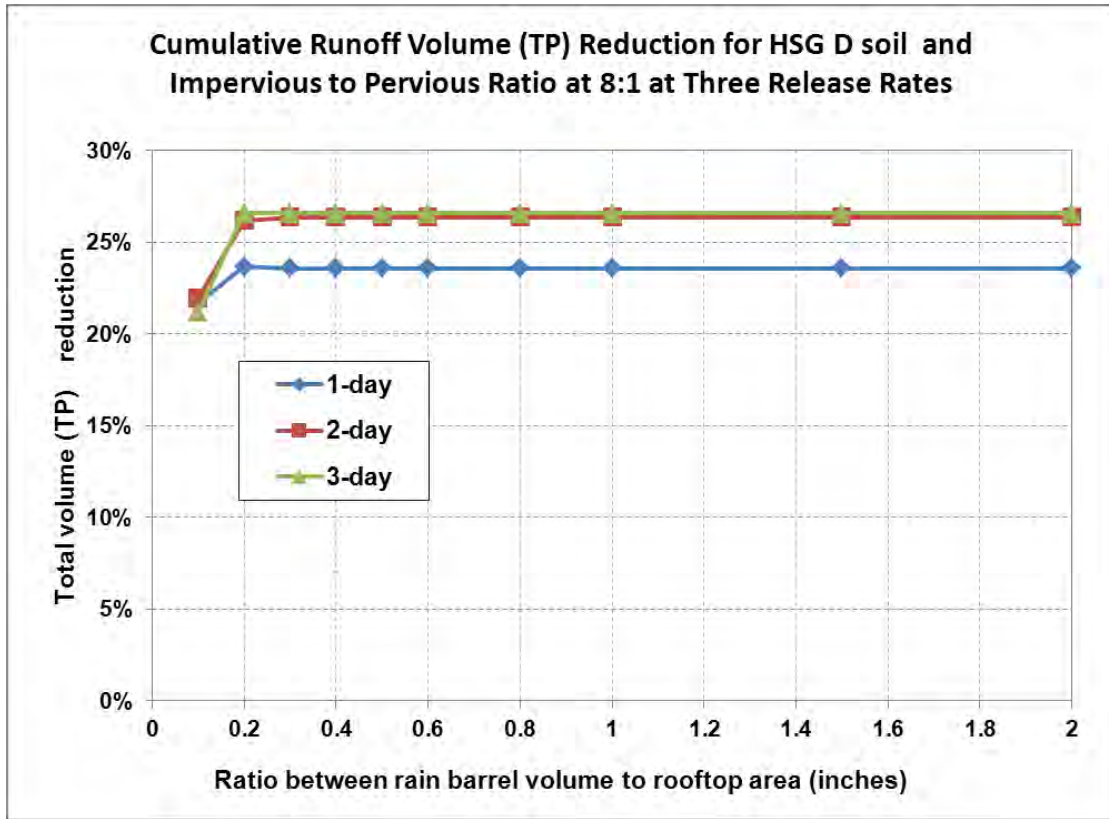


Table 3- 23: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 6:1

Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 6:1												
Rain barrel volume to impervious area ratio	Total Runoff Volume and Phosphorus Load (TP) Reduction Percentages											
	HSG A			HSG B			HSG C			HSG D		
	1-day	2-day	3-day	1-day	2-day	3-day	1-day	2-day	3-day	1-day	2-day	3-day
0.1 in	24%	23%	22%	24%	23%	22%	24%	23%	22%	23%	23%	22%
0.2 in	40%	38%	37%	40%	38%	37%	40%	38%	37%	28%	30%	33%
0.3 in	52%	50%	49%	52%	50%	49%	47%	50%	49%	29%	31%	34%
0.4 in	61%	59%	58%	61%	59%	58%	48%	55%	58%	29%	31%	34%
0.5 in	67%	66%	64%	67%	66%	64%	48%	57%	63%	29%	31%	34%
0.6 in	73%	71%	70%	70%	71%	70%	48%	57%	65%	29%	31%	34%
0.8 in	78%	78%	77%	71%	78%	77%	48%	57%	66%	29%	31%	34%
1.0 in	79%	81%	80%	71%	79%	80%	48%	57%	66%	29%	31%	34%
1.5 in	79%	87%	88%	71%	80%	87%	48%	57%	66%	29%	31%	34%
2.0 in	79%	87%	91%	71%	80%	87%	48%	57%	66%	29%	31%	34%

Figure 3- 22: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 6:1 for HSG A Soils

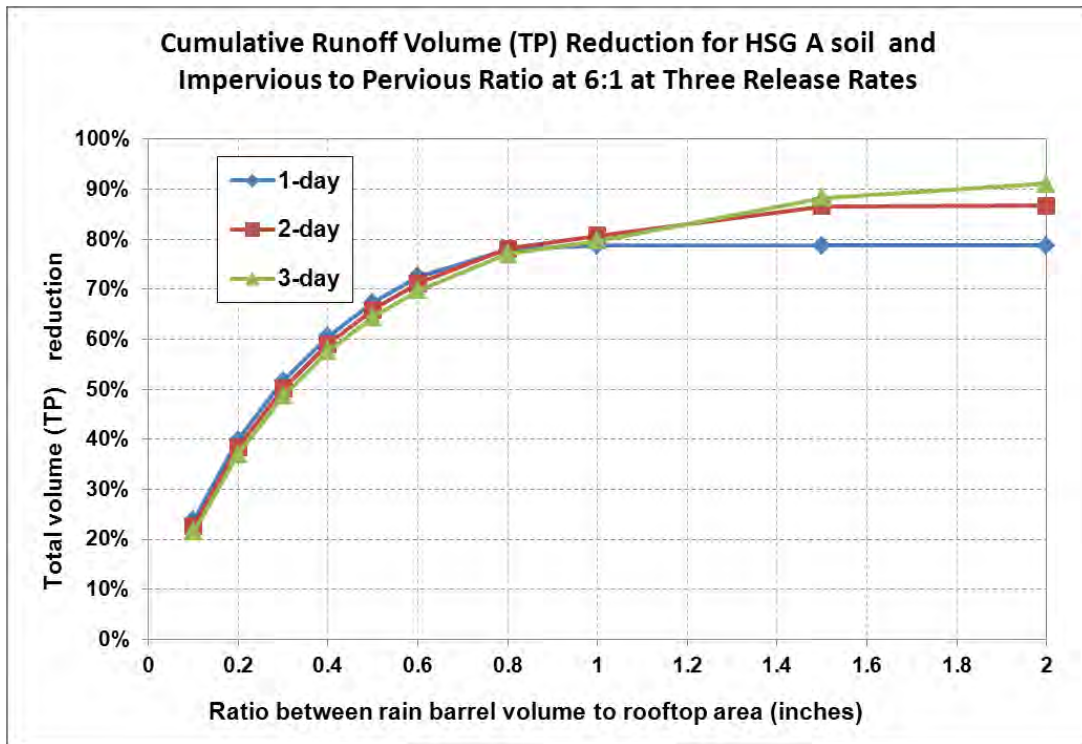


Figure 3- 23: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 6:1 for HSG B Soils

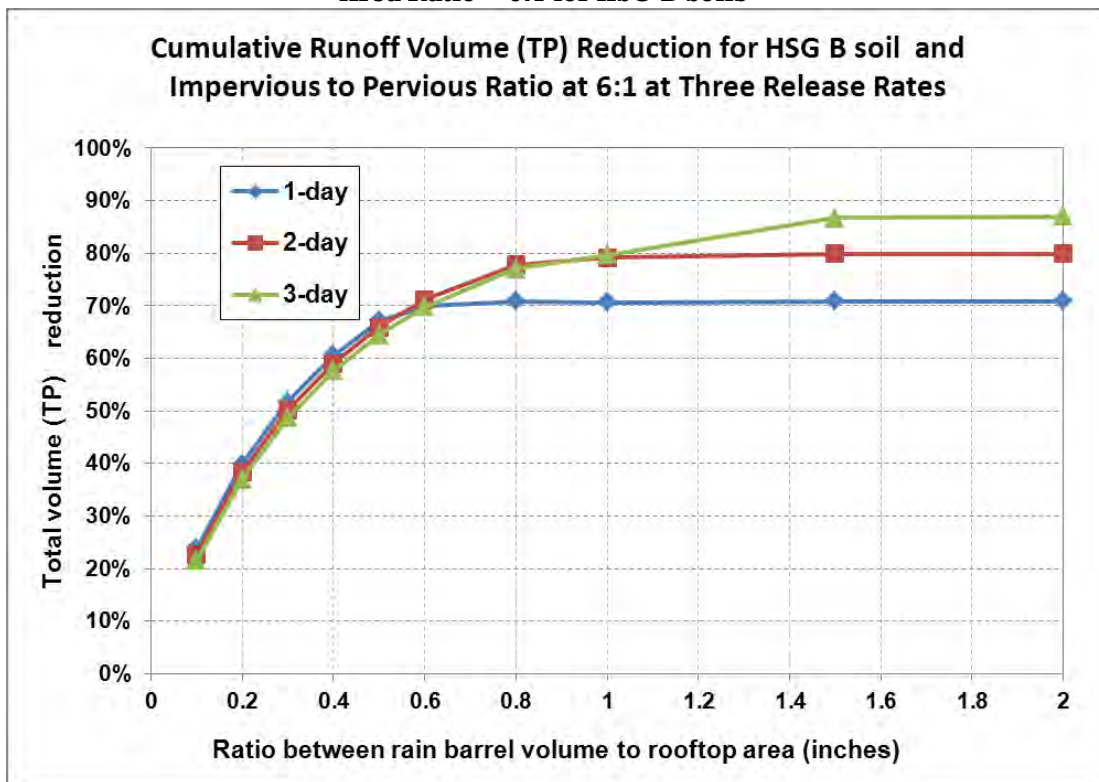


Figure 3- 24: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 6:1 for HSG C Soils

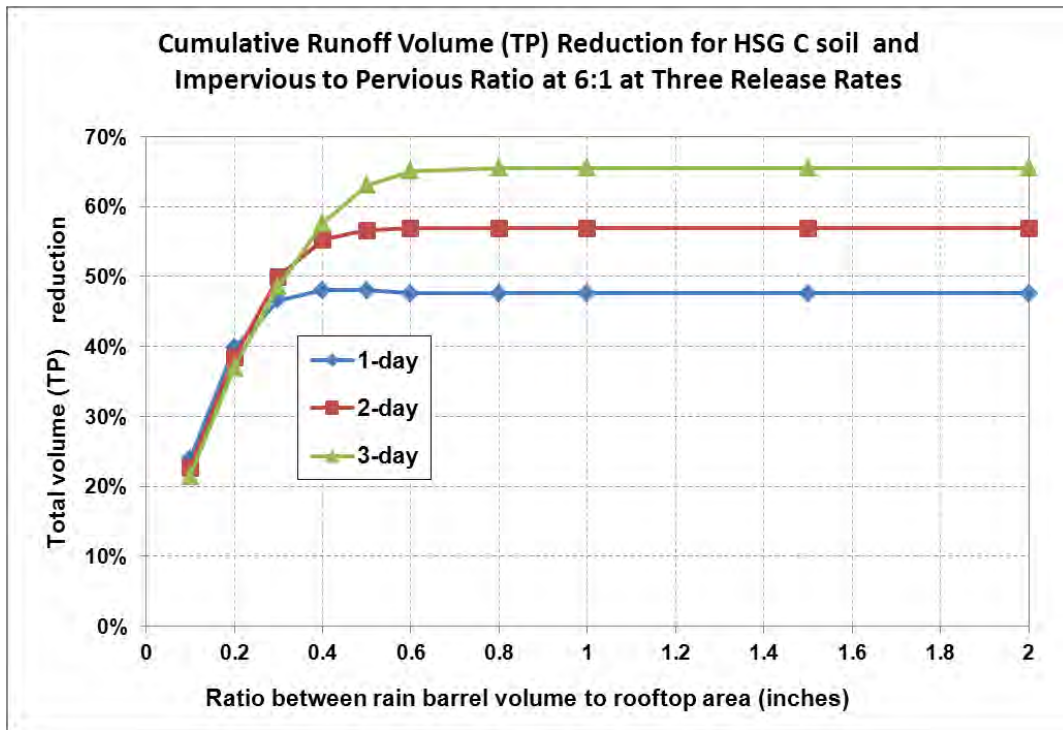


Figure 3- 25: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 6:1 for HSG D Soils

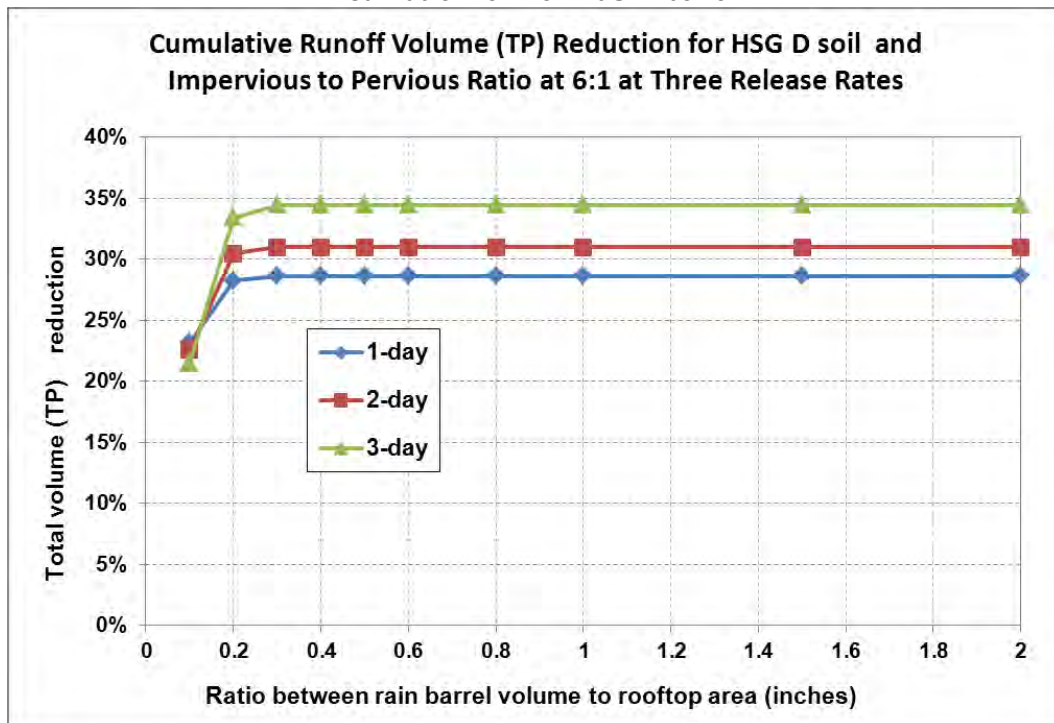


Table 3- 24: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 4:1

Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 4:1												
Storage volume to impervious area ratio	Total Runoff Volume and Phosphorus Load (TP) Reduction Percentages											
	HSG A			HSG B			HSG C			HSG D		
	1-day	2-day	3-day	1-day	2-day	3-day	1-day	2-day	3-day	1-day	2-day	3-day
0.1 in	24%	23%	22%	24%	23%	22%	24%	23%	22%	24%	23%	22%
0.2 in	40%	38%	37%	40%	38%	37%	40%	38%	37%	37%	37%	37%
0.3 in	52%	50%	49%	52%	50%	49%	52%	50%	49%	39%	42%	45%
0.4 in	61%	59%	58%	61%	59%	58%	58%	59%	58%	39%	42%	47%
0.5 in	67%	66%	64%	67%	66%	64%	60%	65%	64%	40%	42%	47%
0.6 in	73%	71%	70%	73%	71%	70%	61%	68%	70%	40%	42%	47%
0.8 in	79%	78%	77%	79%	78%	77%	61%	69%	75%	40%	42%	47%
1.0 in	82%	81%	80%	80%	81%	80%	61%	69%	76%	40%	42%	47%
1.5 in	87%	89%	88%	80%	87%	88%	61%	69%	76%	40%	42%	47%
2.0 in	87%	91%	91%	80%	88%	91%	61%	69%	76%	40%	42%	47%

Figure 3- 26: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 4:1 for HSG A Soils

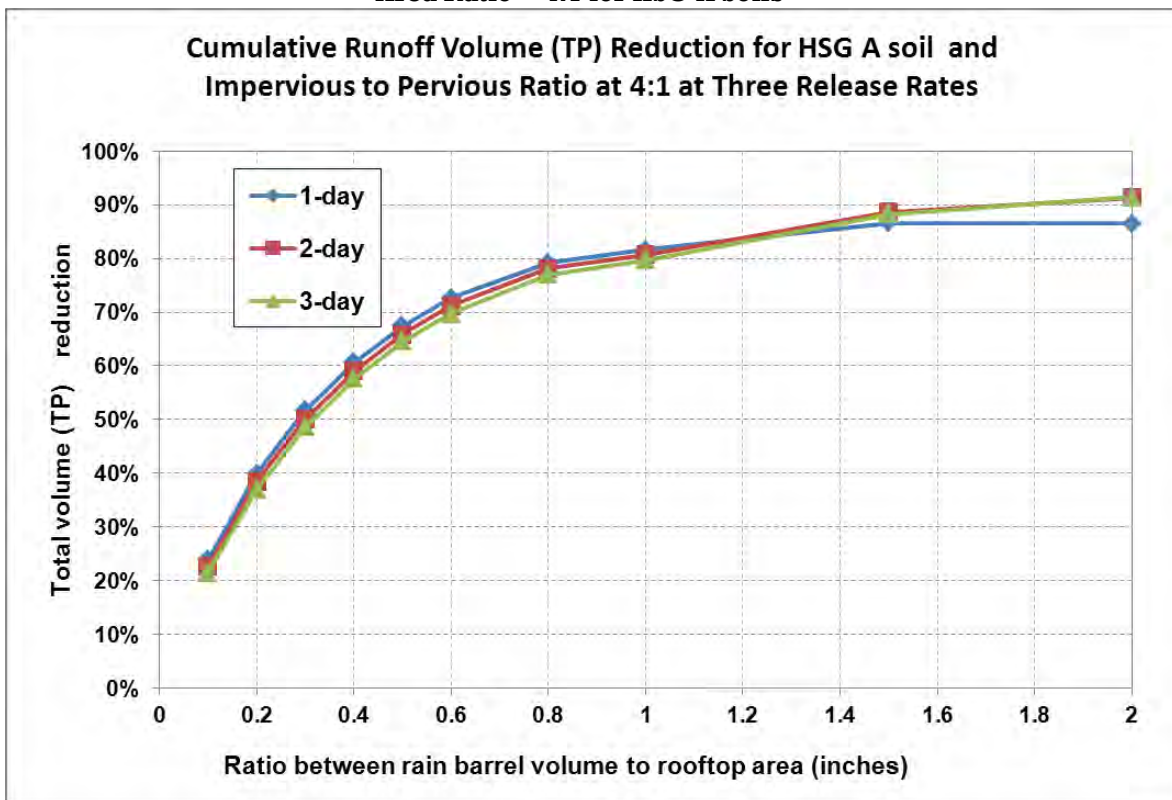


Figure 3- 27: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 4:1 for HSG B Soils

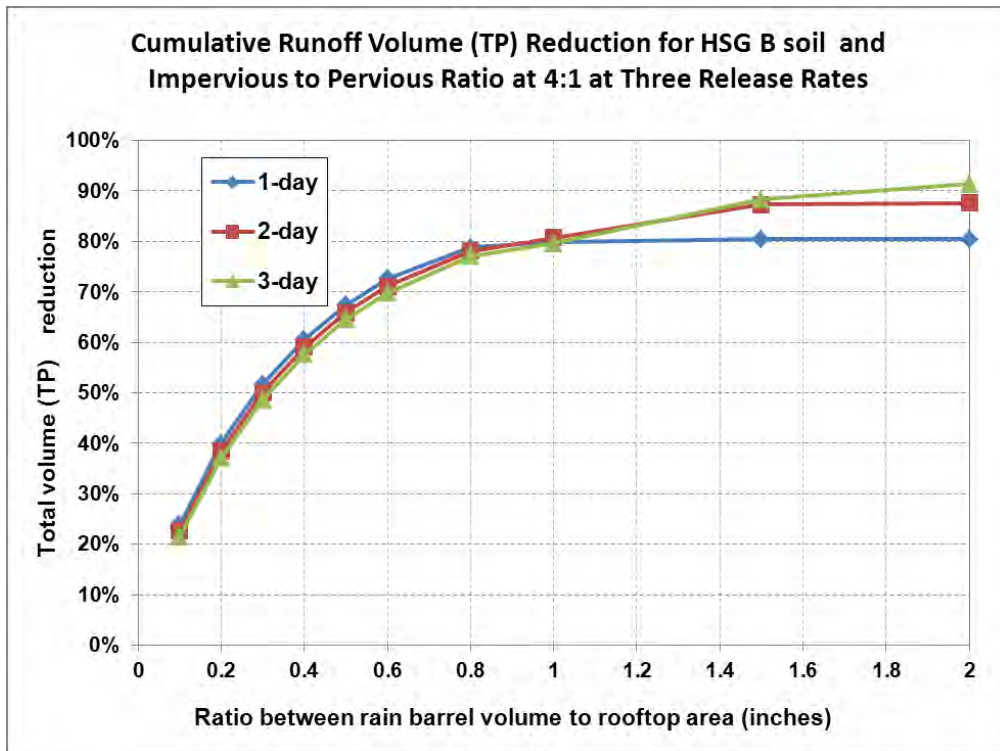


Figure 3- 28: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 4:1 for HSG C Soils

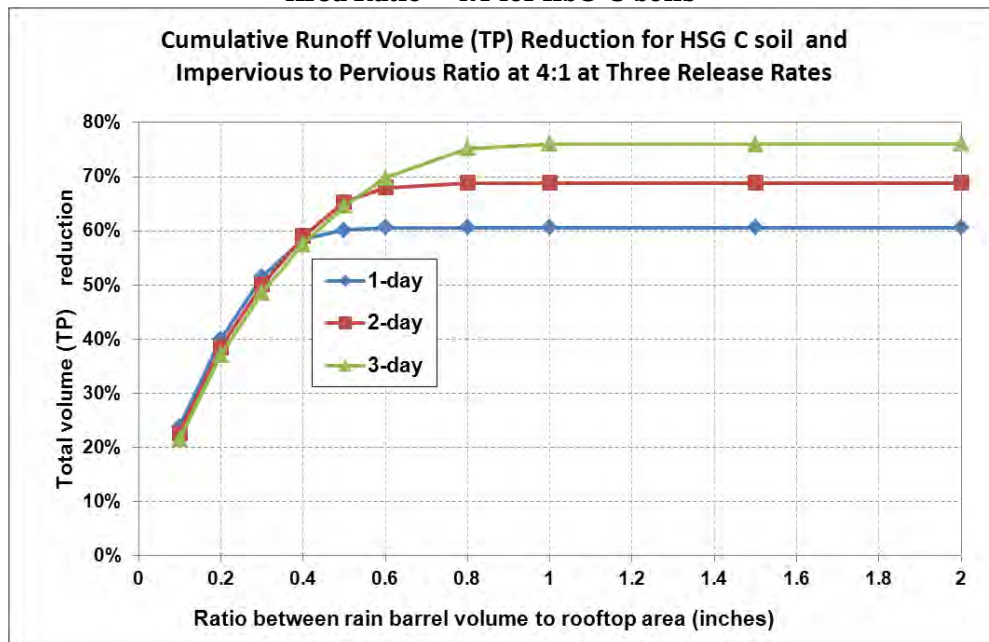


Figure 3- 29: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 4:1 for HSG D Soils

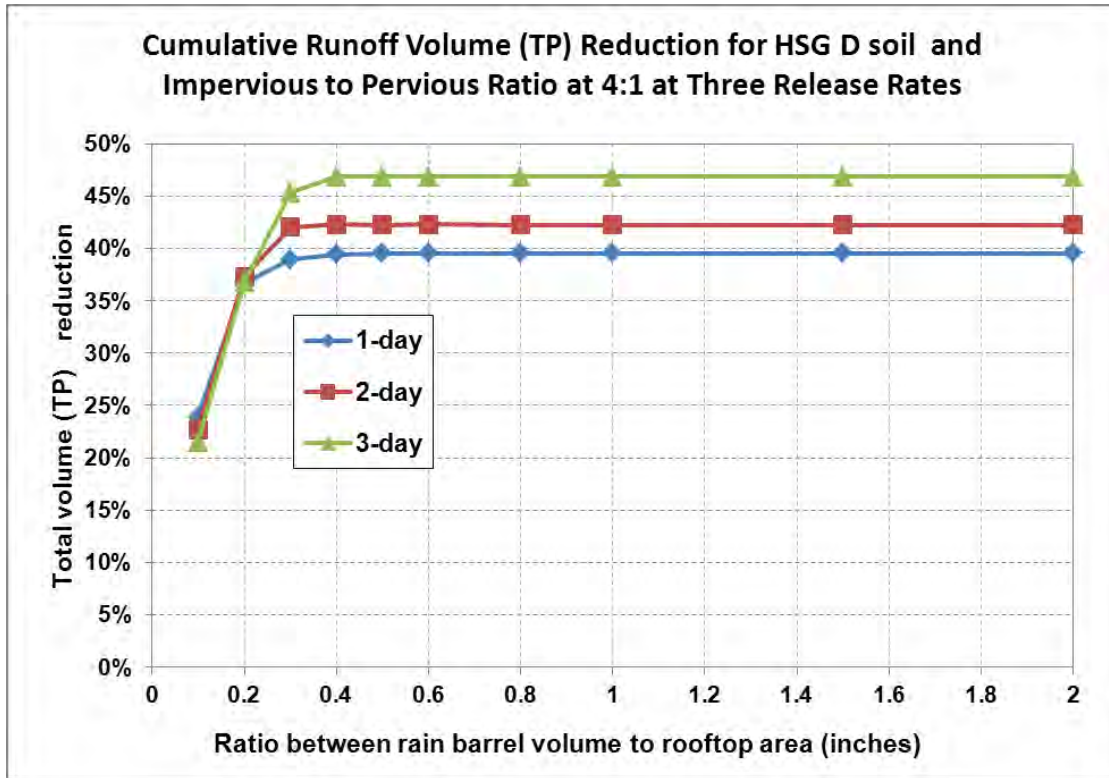


Table 3- 25: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 2:1

Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 2:1												
Storage volume to impervious area ratio	Total Runoff Volume and Phosphorus Load (TP) Reduction Percentages											
	HSG A			HSG B			HSG C			HSG D		
	1-day	2-day	3-day	1-day	2-day	3-day	1-day	2-day	3-day	1-day	2-day	3-day
0.1 in	24%	23%	22%	24%	23%	22%	24%	23%	22%	24%	23%	22%
0.2 in	40%	38%	37%	40%	38%	37%	40%	38%	37%	40%	38%	37%
0.3 in	52%	50%	49%	52%	50%	49%	52%	50%	49%	51%	50%	49%
0.4 in	61%	59%	58%	61%	59%	58%	61%	59%	58%	57%	58%	57%
0.5 in	67%	66%	64%	67%	66%	64%	67%	66%	64%	59%	62%	63%
0.6 in	73%	71%	70%	73%	71%	70%	72%	71%	70%	59%	62%	67%
0.8 in	79%	78%	77%	79%	78%	77%	77%	78%	77%	59%	62%	67%
1.0 in	82%	81%	80%	82%	81%	80%	78%	81%	80%	59%	62%	67%
1.5 in	89%	89%	88%	89%	89%	88%	78%	84%	88%	59%	62%	67%
2.0 in	92%	92%	91%	91%	92%	91%	78%	84%	89%	59%	62%	67%

Figure 3- 30: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio= 2:1 for HSG A Soils

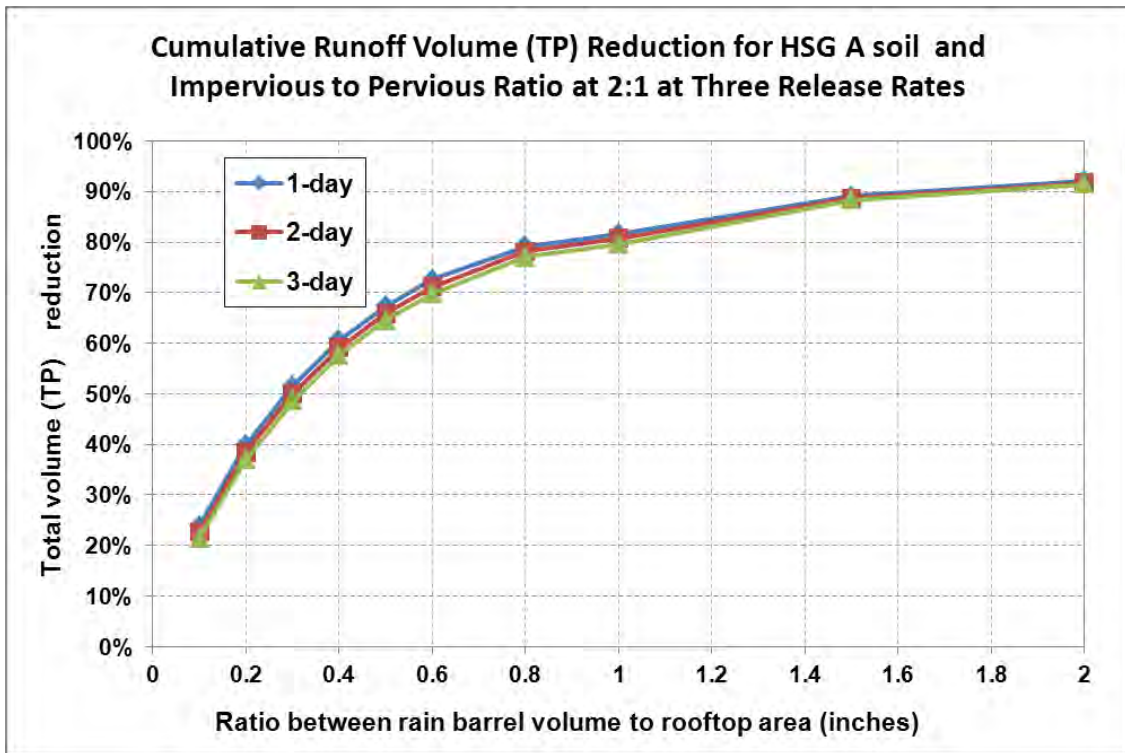


Figure 3- 31: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio= 2:1 for HSG B Soils

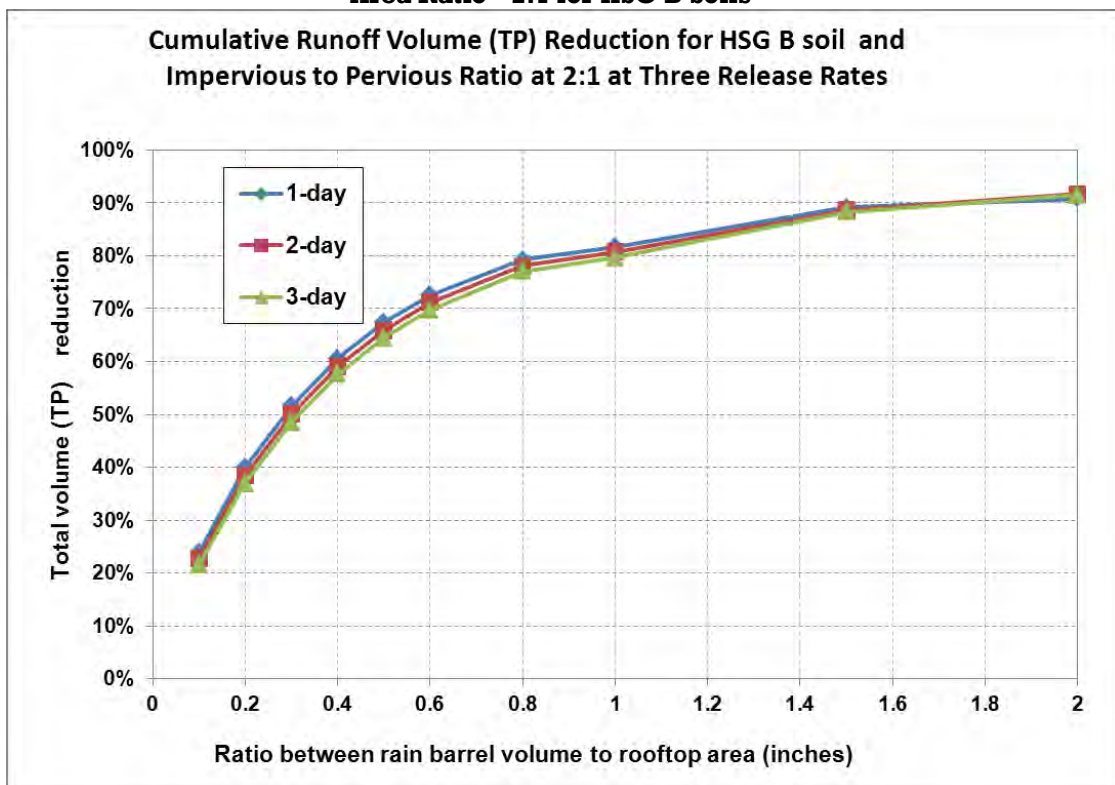


Figure 3- 32: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio= 2:1 for HSG C Soils

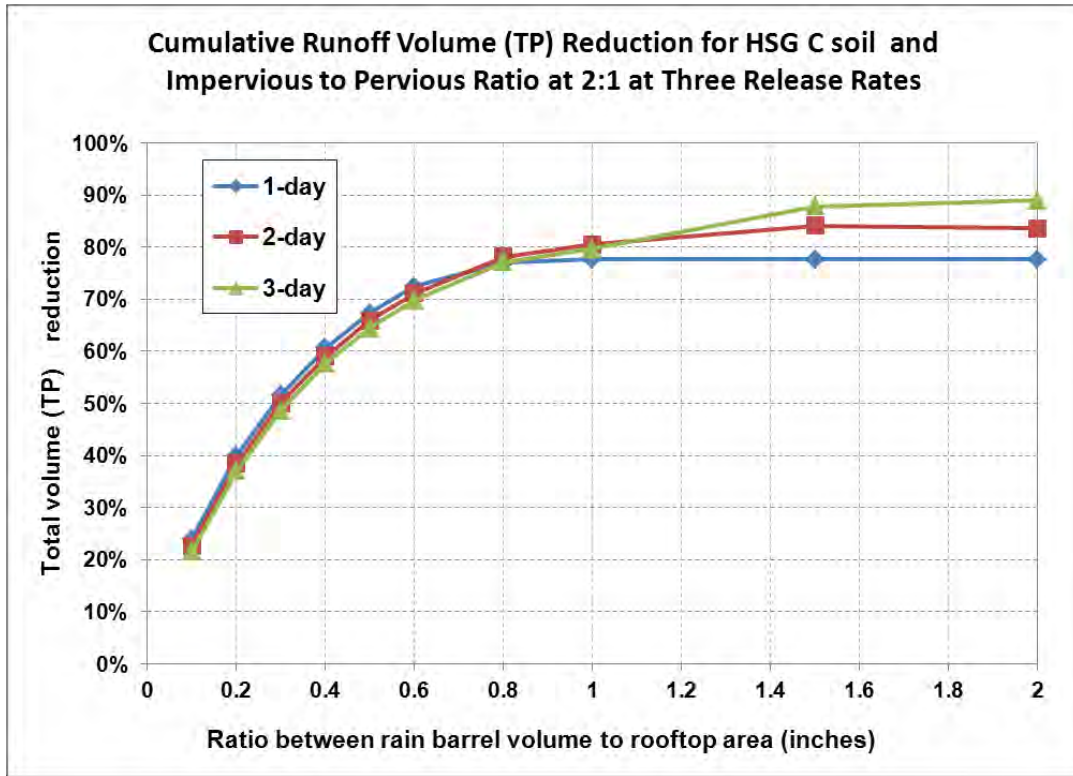


Figure 3- 33: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio= 2:1 for HSG D Soils

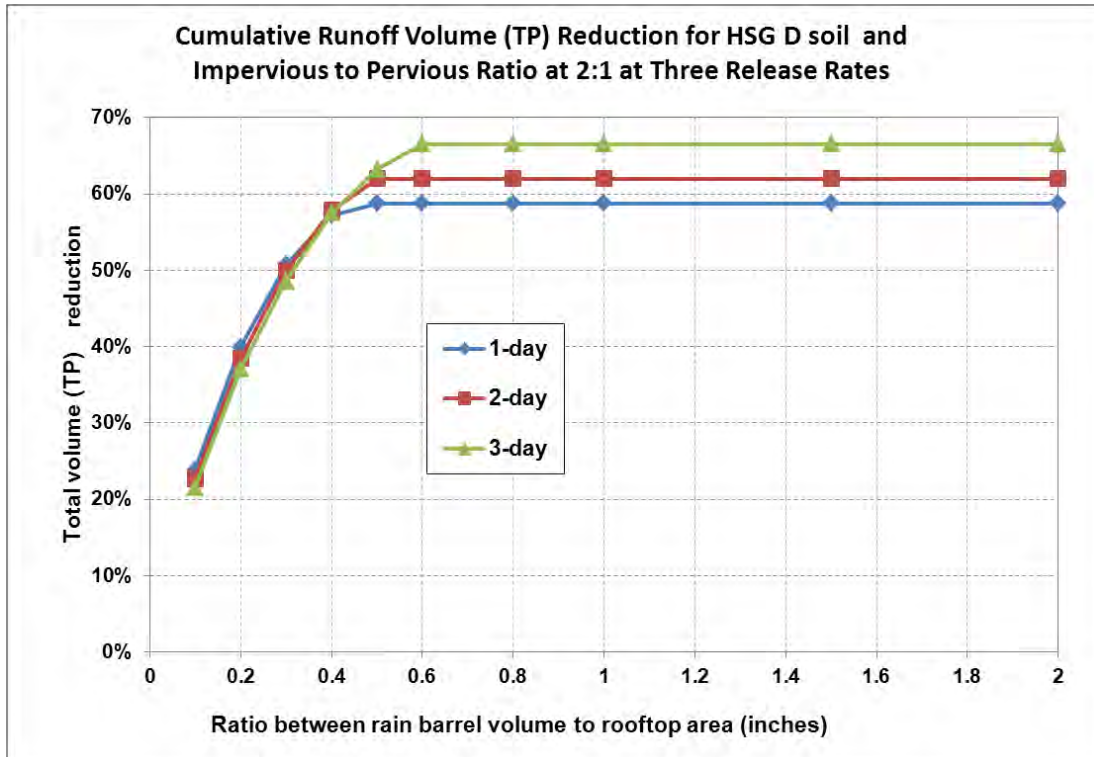


Table 3- 26: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 1:1

Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 1:1												
Storage volume to impervious area ratio	Total Runoff Volume and Phosphorus Load (TP) Reduction Percentages											
	HSG A			HSG B			HSG C			HSG D		
	1-day	2-day	3-day	1-day	2-day	3-day	1-day	2-day	3-day	1-day	2-day	3-day
0.1 in	24%	23%	22%	24%	23%	22%	24%	23%	22%	24%	23%	22%
0.2 in	40%	38%	37%	40%	38%	37%	40%	38%	37%	40%	38%	37%
0.3 in	52%	50%	49%	52%	50%	49%	52%	50%	49%	52%	50%	49%
0.4 in	61%	59%	58%	61%	59%	58%	61%	59%	58%	61%	59%	58%
0.5 in	67%	66%	64%	67%	66%	64%	67%	66%	64%	67%	66%	64%
0.6 in	73%	71%	70%	73%	71%	70%	73%	71%	70%	72%	71%	70%
0.8 in	79%	78%	77%	79%	78%	77%	79%	78%	77%	78%	78%	77%
1.0 in	82%	81%	80%	82%	81%	80%	82%	81%	80%	79%	80%	80%
1.5 in	89%	89%	88%	89%	89%	88%	89%	89%	88%	80%	82%	86%
2.0 in	92%	92%	91%	92%	92%	91%	91%	92%	91%	80%	82%	86%

Figure 3- 34: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 1:1 for HSG A Soils

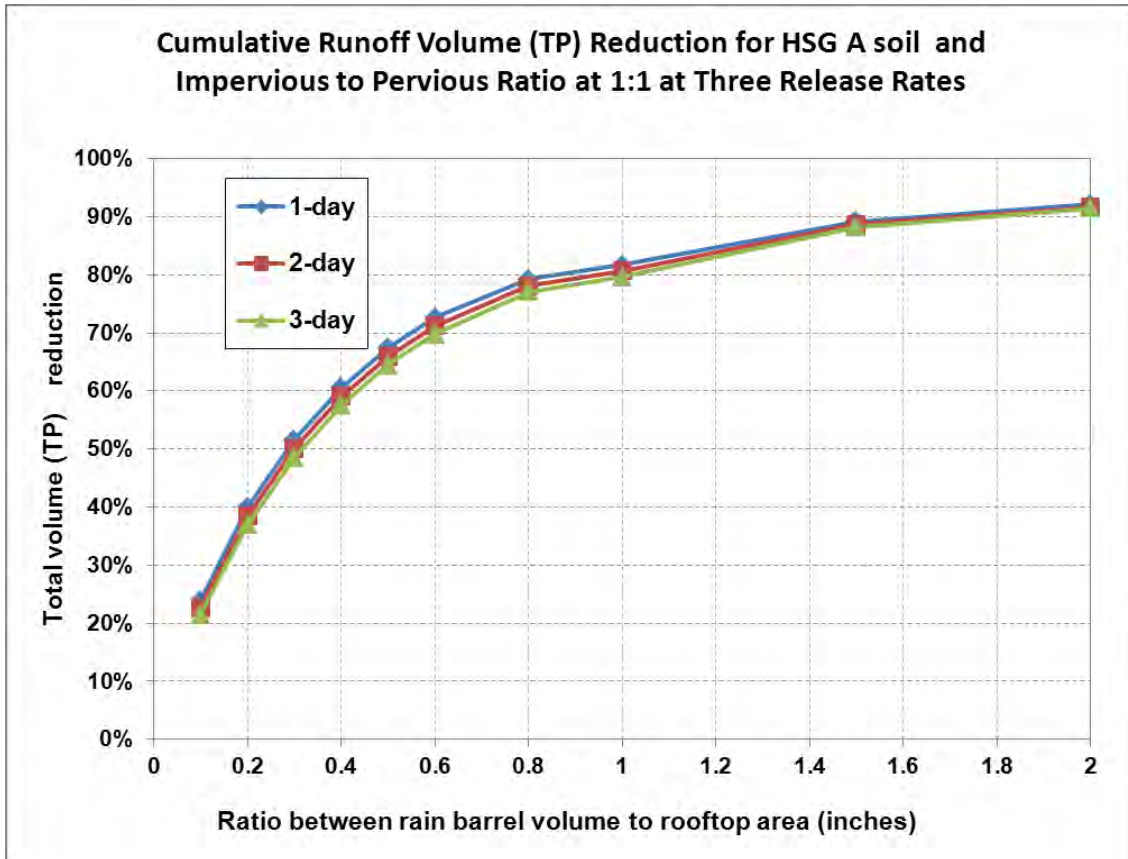


Figure 3- 35: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 1:1 for HSG B Soils

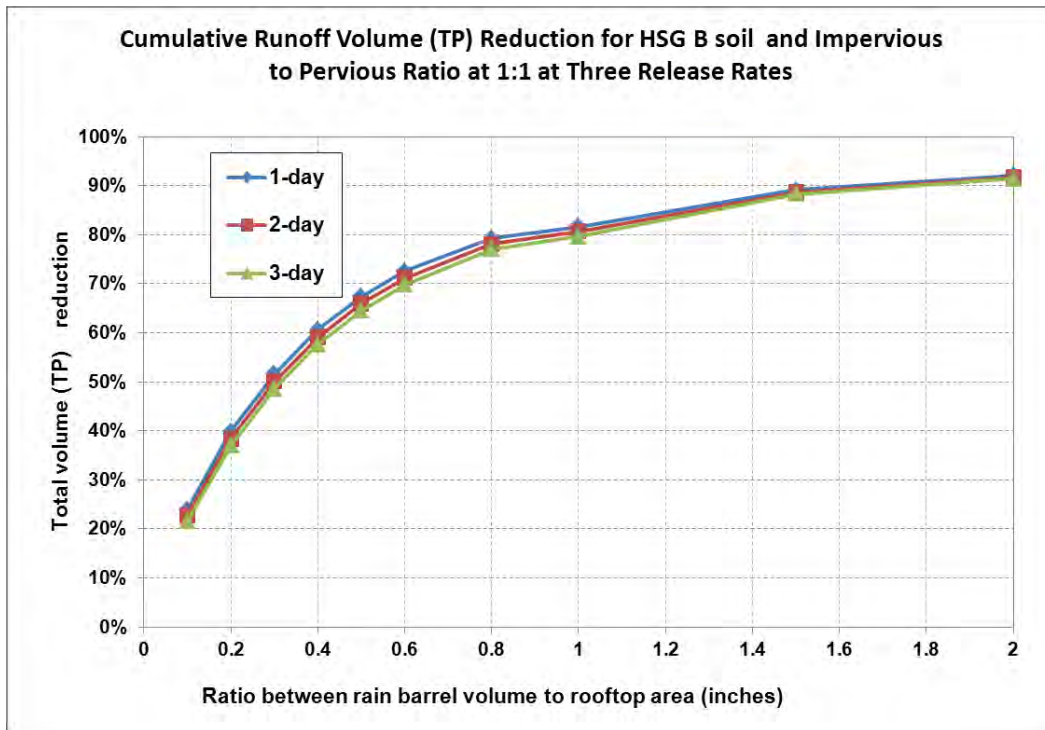


Figure 3- 36: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 1:1 for HSG C Soils

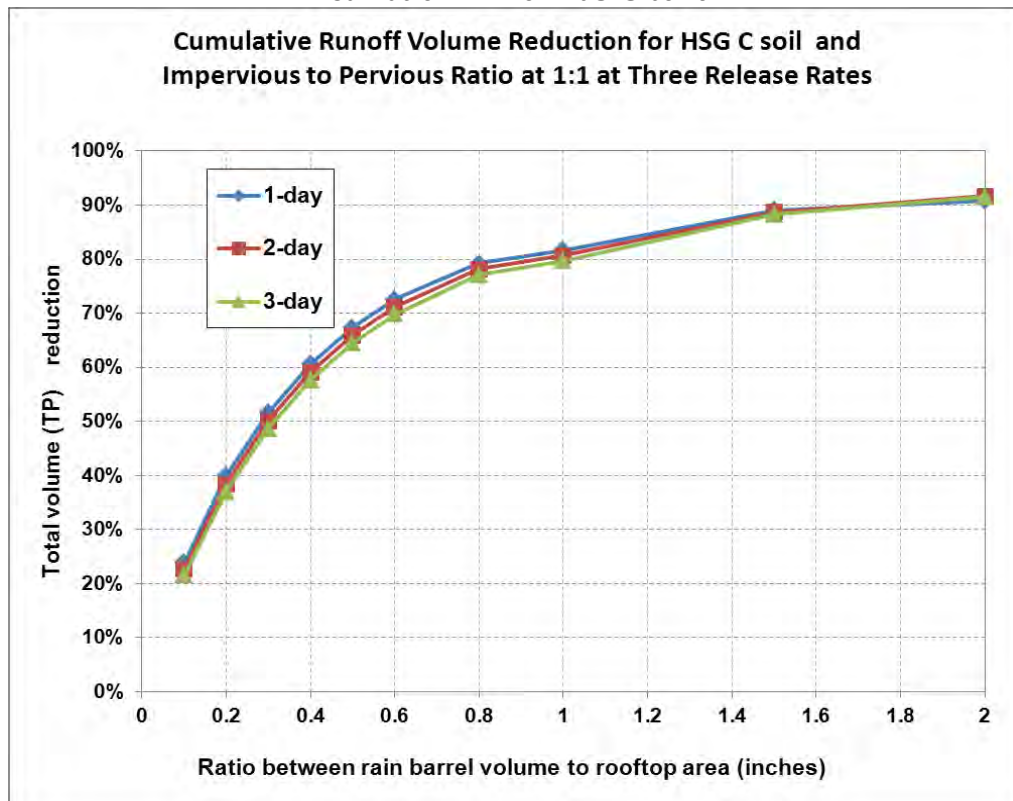


Figure 3- 37: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 1:1 for HSG D Soils

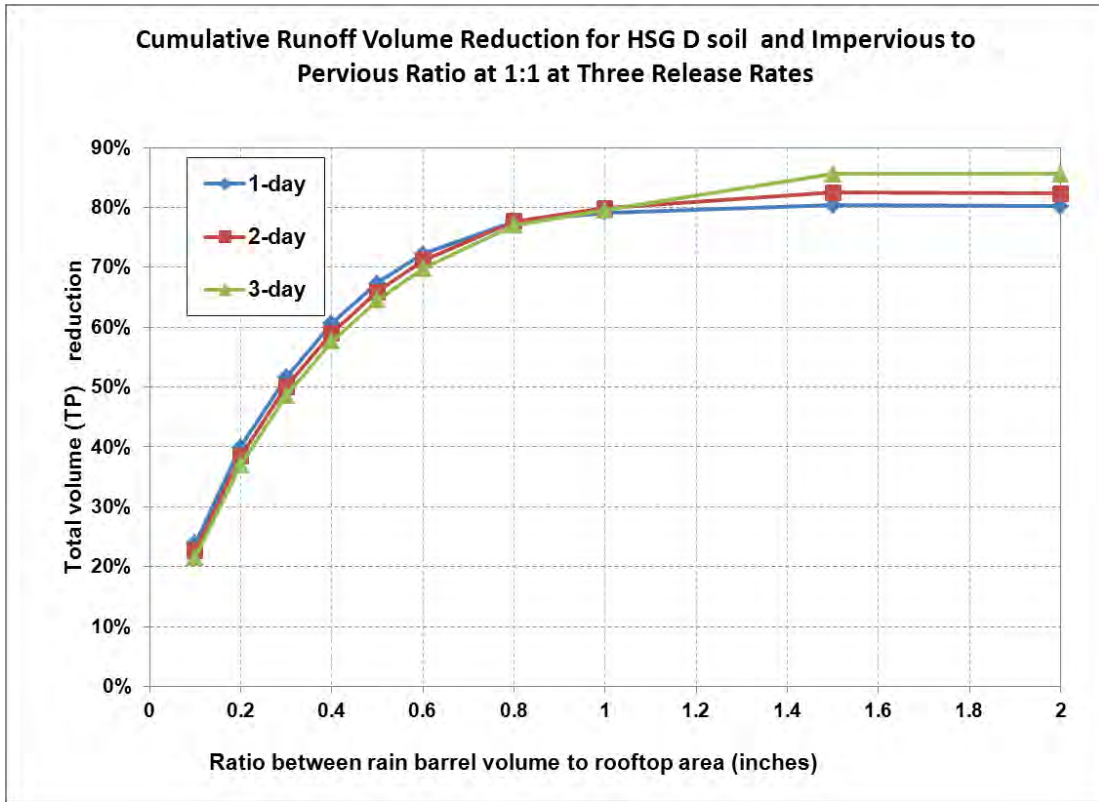


Table 3- 27: Impervious Area Disconnection Performance Table

Impervious area to pervious area ratio	Soil type of Receiving Pervious Area			
	HSG A	HSG B	HSG C	HSG D
8:1	30%	14%	7%	3%
6:1	37%	18%	11%	5%
4:1	48%	27%	17%	9%
2:1	64%	45%	33%	21%
1:1	74%	59%	49%	36%
1:2	82%	67%	60%	49%
1:4	85%	72%	67%	57%

Figure 3- 38: Impervious Area Disconnection Performance Curves

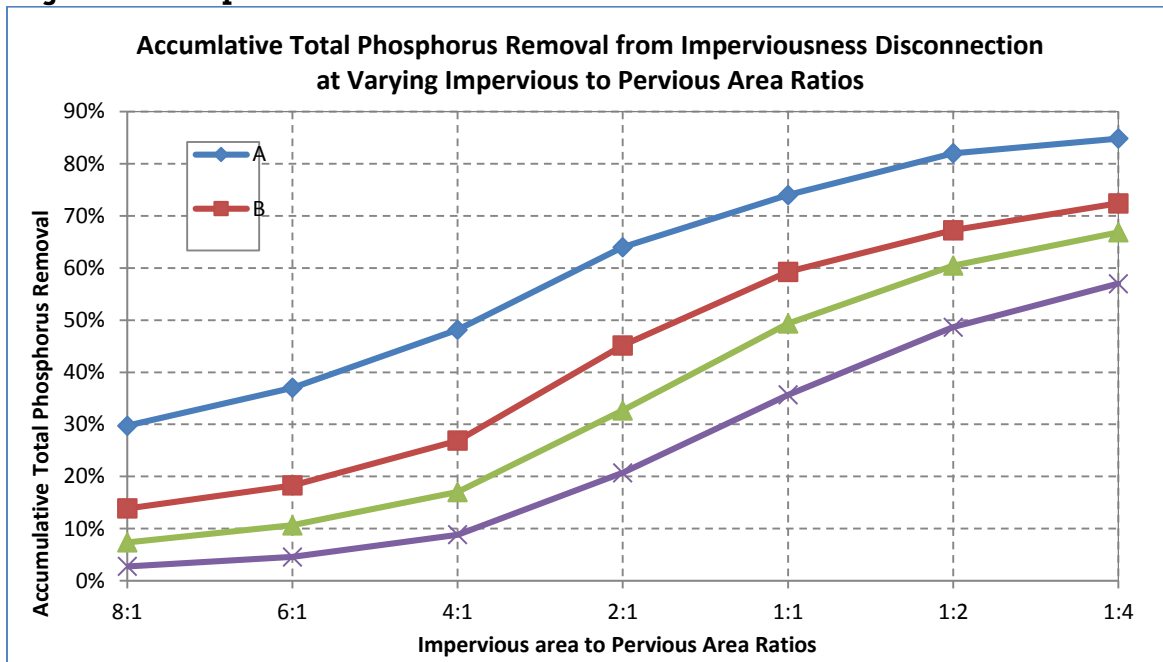


Table 3- 28: Performance Table for Conversion of Impervious Areas to Pervious Area based on Hydrological Soil Groups

Land-Use Group	Cumulative Reduction in Annual Stormwater Phosphorus Load				
	Conversion of impervious area to pervious area-HSG A	Conversion of impervious area to pervious area-HSG B	Conversion of impervious area to pervious area-HSG C	Conversion of impervious area to pervious area-HSG C/D	Conversion of impervious area to pervious area-HSG D
Commercial (Com) and Industrial (Ind)	98.5%	93.5%	88.0%	83.5%	79.5%
Multi-Family (MFR) and High-Density Residential (HDR)	98.8%	95.0%	90.8%	87.3%	84.2%
Medium -Density Residential (MDR)	98.6%	94.1%	89.1%	85.0%	81.4%
Low Density Residential (LDR) - "Rural"	98.2%	92.4%	85.9%	80.6%	75.9%
Highway (HWY)	98.0%	91.3%	84.0%	78.0%	72.7%
Forest (For)	98.2%	92.4%	85.9%	80.6%	75.9%
Open Land (Open)	98.2%	92.4%	85.9%	80.6%	75.9%
Agriculture (Ag)	70.6%	70.6%	70.6%	70.6%	70.6%

Appendix F Attachment 3

Table 3- 29: Performance Table for Conversion of Low Permeable Pervious Area to High Permeable Pervious Area based on Hydrological Soil Group

Land Cover	Cumulative Reduction in Annual SW Phosphorus Load from Pervious Area				
	Conversion of pervious area HSG D to pervious area-HSG A	Conversion of pervious area HSG D to pervious area-HSG B	Conversion of pervious area HSG D to pervious area-HSG C	Conversion of pervious area HSG C to pervious area-HSG A	Conversion of pervious area HSG C to pervious area-HSG B
Developed Pervious Land	92.7%	68.3%	41.5%	83.5%	79.5%

Table 3-30 Method for determining stormwater control design volume (DSV) (i.e., capacity) using Long-term cumulative performance curves

Stormwater Control Type	Description	Applicable Structural Stormwater Control Performance Curve	Equation for calculating Design Storage Capacity for Estimating Cumulative Reductions using Performances Curves
Infiltration Trench	Provides temporary storage of runoff using the void spaces within the soil/sand/gravel mixture that is used to backfill the trench for subsequent infiltration into the surrounding sub-soils.	Infiltration Trench (6 infiltration rates: 0.17, 0.27, 0.52, 1.02, 2.41 and 8.27 inches per hour)	DSV = void space volumes of gravel and sand layers $DSV = (L \times W \times D_{stone} \times n_{stone}) + (L \times W \times D_{sand} \times n_{sand})$
Subsurface Infiltration	Provides temporary storage of runoff using the combination of storage structures (e.g., galleys, chambers, pipes, etc.) and void spaces within the soil/sand/gravel mixture that is used to backfill the system for subsequent infiltration into the surrounding sub-soils.	Infiltration Trench (6 infiltration rates: 0.17, 0.27, 0.52, 1.02, 2.41 and 8.27 inches per hour)	DSV = Water storage volume of storage units and void space volumes of backfill materials. Example for subsurface galleys backfilled with washed stone: $DSV = (L \times W \times D)_{galley} + (L \times W \times D_{stone} \times n_{stone})$
Surface Infiltration	Provides temporary storage of runoff through surface ponding storage structures (e.g., basin or swale) for subsequent infiltration into the underlying soils.	Infiltration Basin (6 infiltration rates: 0.17, 0.27, 0.52, 1.02, 2.41 and 8.27 inches per hour)	DSV = Water volume of storage structure before bypass. Example for linear trapezoidal vegetated swale $DSV = (L \times ((W_{bottom} + W_{top@Dmax}) / 2) \times D)$
Rain Garden/Bio-retention (no underdrains)	Provides temporary storage of runoff through surface ponding and possibly void spaces within the soil/sand/gravel mixture that is used to filter runoff prior to infiltration into underlying soils.	Infiltration Basin (6 infiltration rates: 0.17, 0.27, 0.52, 1.02, 2.41 and 8.27 inches per hour)	DSV = Ponding water storage volume and void space volumes of soil filter media. Example for raingarden : $DSV = (A_{pond} \times D_{pond}) + (A_{soil} \times D_{soil} \times n_{soil\ mix})$
Tree Filter (no underdrain)	Provides temporary storage of runoff through surface ponding and void spaces within the soil/sand/gravel mixture that is used to filter runoff prior to infiltration into underlying soils.	Infiltration Trench (6 infiltration rates: 0.17, 0.27, 0.52, 1.02, 2.41 and 8.27 inches per hour)	DSV = Ponding water storage volume and void space volumes of soil filter media. $DSV = (L \times W \times D_{ponding}) + (L \times W \times D_{soil} \times n_{soil\ mix})$
Bio-Filtration (w/underdrain)	Provides temporary storage of runoff for filtering through an engineered soil media. The storage capacity includes void spaces in the filter media and temporary ponding at the surface. After runoff has passed through the filter media it is collected by an underdrain pipe for discharge. Manufactured or packaged bio-filter systems such as tree box filters may be suitable for using the bio-filtration performance results.	Bio-filtration	DSV = Ponding water storage volume and void space volume of soil filter media. Example of a linear biofilter: $DSV = (L \times W \times D_{ponding}) + (L \times W \times D_{soil} \times n_{soil})$
Gravel Wetland	Based on design by the UNH Stormwater Center (UNHSC). Provides temporary surface ponding storage of runoff in a vegetated wetland cell that is eventually routed to an underlying saturated gravel internal storage reservoir (ISR) for nitrogen treatment. Outflow is controlled by an elevated orifice that has its invert elevation equal to the top of the ISR layer and provides a retention time of at least 24 hours.	Gravel Wetland	DSV = pretreatment volume + ponding volume + void space volume of gravel ISR. $DSV = (A_{pretreatment} \times D_{pretreatment}) + (A_{wetland} \times D_{ponding}) + (A_{ISR} \times D_{gravel} \times n_{gravel})$
Porous Pavement with subsurface infiltration	Provides filtering of runoff through a filter course and temporary storage of runoff within the void spaces of a subsurface gravel reservoir prior to infiltration into subsoils.	Infiltration Trench (6 infiltration rates: 0.17, 0.27, 0.52, 1.02, 2.41 and 8.27 inches per hour)	DSV = void space volumes of gravel layer $DSV = (L \times W \times D_{stone} \times n_{stone})$
Porous pavement w/ impermeable underliner w/underdrain	Provides filtering of runoff through a filter course and temporary storage of runoff within the void spaces prior to discharge by way of an underdrain.	Porous Pavement	Depth of Filter Course = D_{FC}
Wet Pond	Provides treatment of runoff through routing through permanent pool.	Wet Pond	DSV= Permanent pool volume prior to high flow bypass $DSV = A_{pond} \times D_{pond}$ (does not include pretreatment volume)
Extended Dry Detention Basin	Provides temporary detention storage for the design storage volume to drain in 24 hours through multiple out let controls.	Dry Pond	DSV= Ponding volume prior to high flow bypass $DSV = A_{pond} \times D_{pond}$ (does not include pretreatment volume)
Dry Water Quality Swale/Grass Swale	Based on MA design standards. Provides temporary surface ponding storage of runoff in an open vegetated channel through permeable check dams. Treatment is provided by filtering of runoff by vegetation and check dams and infiltration into subsurface soils.	Grass swale	DSV = Volume of swale at full design depth $DSV = L_{swale} \times A_{swale}$
Definitions: DSV= Design Storage Volume = physical storage capacity to hold water; VSV = Void Space Volume; L = length, W = width, D = depth at design capacity before bypass, n = porosity fill material, A= average surface area for calculating volume; Infiltration rate = saturated soil hydraulic conductivity			

Appendix G
Massachusetts Small MS4 Permit Monitoring Requirements
For Discharges into Impaired Waters – Parameters and Methods

Pollutant Causing Impairment	Monitoring Parameter	EPA or Approved Method No.
Aluminum	Aluminum, Total	200.7; 200.8; 200.9
Ammonia (Un-ionized)	Ammonia – Nitrogen	350.1
Arsenic	Arsenic, Total	200.7; 200.8; 200.9
Cadmium	Cadmium, Total	200.7; 200.8; 200.9
Chlordane	NMR	608; 625
Chloride	Chloride	300
Chromium (total)	Chromium, Total	200.7; 200.8; 200.9
Copper	Copper, Total	200.7; 200.8; 200.9
DDT	NMR	608; 625
DEHP (Di-sec-octyl phthalate)	NMR	---
Dioxin (including 2,3,7,8-TCDD)	NMR	613; 1613
Dioxin (2,3,7,8-Tetrachlorodibenzo-p-dioxin only)	NMR	613
Lead	Lead, Total	200.7; 200.8; 200.9
Mercury in Water Column	NMR unless potentially present such (e.g., salvage yards crushing vehicles with Hg switches)	200.7; 200.8; 200.9
Nitrogen (Total)	Nitrogen, Total	351.1/351.2 + 353.2
Pentachlorophenol (PCP)	NMR	---
Petroleum Hydrocarbons	Oil and Grease	1664
Phosphorus (Total)	Phosphorus, Total	365.1; 365.2; 365.3; SM 4500-P-E
Polychlorinated biphenyls	NMR	---
Polycyclic Aromatic Hydrocarbons (PAHs) (Aquatic Ecosystems)	PAHs	610; 1625
Sulfide-Hydrogen Sulfide	NMR	---
Mercury in Fish Tissue	NMR	---
PCB in Fish Tissue	NMR	---
Total Dissolved Solids	Total Dissolved Solids	160.1
Total Suspended Solids (TSS)	Total Suspended Solids	160.2, 180.1
Turbidity	Total Suspended Solids and Turbidity	160.2, 180.1
Secchi disk transparency	Total Suspended Solids	160.2
Sediment Screening Value (Exceedence)	Total Suspended Solids	160.2

Sedimentation/Siltation	Total Suspended Solids	160.2
Bottom Deposits	Total Suspended Solids	160.2
Color	NMR	---
pH, High	pH	150.2
pH, Low	pH	150.2
Taste and Odor	NMR	---
Temperature, water	NMR	---
Salinity	Specific Conductance	120.1
Enterococcus	Enterococcus	1106.1; 1600; Enterolert® 12 22.
Escherichia coli	E. coli	1103.1; 1603; Colilert® 12 16, Colilert-18® 12 15 16.; mColiBlue- 24®17.
Fecal Coliform	Fecal Coliform	1680; 1681
Organic Enrichment (Sewage) Biological Indicators	Enterococcus (marine waters) or E. coli (freshwater)	1106.1; 1600
Debris/Floatables/Trash	NMR	or
Foam/Flocs/Scum/Oil Slicks	Contact MassDEP	1103.1; 1603
Oil and Grease	Oil and Grease	---
Chlorophyll-a	Total Phosphorus (freshwater)	---
	Total Nitrogen (marine waters)	1664
Nutrient/Eutrophication Biological Indicators	Total Phosphorus (freshwater)	365.1; 365.2; 365.3
	Total Nitrogen (marine waters)	351.1/351.2 + 353.2
Dissolved oxygen saturation / Oxygen, Dissolved	Dissolved Oxygen	365.1; 365.2; 365.3
	Temperature	351.1/351.2 + 353.2
	BOD ₅	360.1; 360.2
	Total Phosphorus (freshwater)	SM-2550
	Total Nitrogen (marine waters)	SM-5210
Excess Algal Growth	Total Phosphorus (freshwater)	365.1; 365.2; 365.3
	Total Nitrogen (marine waters)	351.1/351.2 + 353.2
Aquatic Plants (Macrophytes)	NMR	---

Abnormal Fish deformities, erosions, lesions, tumors (DELTS)	NMR	---
Abnormal Fish Histology (Lesions)	NMR	---
Estuarine Bioassessments	Contact MassDEP	---
Fishes Bioassessments	Contact MassDEP	---
Aquatic Macroinvertebrate Bioassessments	Contact MassDEP	---
Combined Biota/Habitat Bioassessments	Contact MassDEP	---
Habitat Assessment (Streams)	Contact MassDEP	---
Lack of a coldwater assemblage	Contact MassDEP	---
Fish Kills	Contact MassDEP	---
Whole Effluent Toxicity (WET)	Contact MassDEP	---
Ambient Bioassays -- Chronic Aquatic Toxicity	Contact MassDEP	---
Sediment Bioassays -- Acute Toxicity Freshwater	Contact MassDEP	---
Sediment Bioassays -- Chronic Toxicity Freshwater	Contact MassDEP	---
Fish-Passage Barrier	NMR	---
Alteration in stream-side or littoral vegetative covers	NMR	---
Low flow alterations	NMR	---
Other flow regime alterations	NMR	---
Physical substrate habitat alterations	NMR	---
Other anthropogenic substrate alterations	NMR	---
Non-Native Aquatic Plants	NMR	---
Eurasian Water Milfoil, <i>Myriophyllum spicatum</i>	NMR	---
Zebra mussel, <i>Dreissena polymorph</i>	NMR	---
Other	Contact MassDEP	---

Notes:

NMR” indicates no monitoring required

“Total Phosphorus (freshwater)” indicates monitoring required for total phosphorus where stormwater discharges to a water body that is freshwater

“Total Nitrogen (marine water)” indicates monitoring required for total nitrogen where stormwater discharges to a water body that is a marine or estuarine water

APPENDIX H

Requirements Related to Discharges to Certain Water Quality Limited Waterbodies

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I. Discharges to water quality limited waterbodies and their tributaries where nitrogen is the cause of the impairment 1

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IV. Discharges to water quality limited waterbodies where chloride is the cause of the impairment 10

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Attachment 1- Nitrogen Reduction Credits For Selected Structural BMPs

I. Discharges to water quality limited waterbodies and their tributaries where nitrogen is the cause of the impairment

1. Part 2.2.2.a.i. of the permit identifies the permittees subject to additional requirements to address nitrogen in their stormwater discharges because they discharge to waterbodies that are water quality limited due to nitrogen, or their tributaries, without an EPA approved TMDL. Permittees identified in part 2.2.2.a.i of the permit must identify and implement BMPs designed to reduce nitrogen discharges in the impaired catchment(s). To address nitrogen discharges each permittee shall comply with the following requirements:

a. Additional or Enhanced BMPs

i. The permittee remains subject to all the requirements of part 2.3. of the permit and shall include the following enhancements to the BMPs required by part 2.3 of the permit:

1. Part 2.3.2, Public education and outreach: The permittee shall supplement its Residential and Business/Commercial/Institution program with annual timed messages on specific topics. The permittee shall distribute an annual message in the spring (April/May) timeframe that encourages the proper use and disposal of grass clippings and encourages the proper use of slow-release fertilizers. The permittee shall distribute an annual message in the summer (June/July) timeframe encouraging the proper management of pet waste, including noting any existing ordinances where appropriate. The permittee shall distribute an annual message in the Fall (August/September/October) timeframe encouraging the proper disposal of leaf litter. The permittee shall deliver an annual

message on each of these topics, unless the permittee determines that one or more of these issues is not a significant contributor of nitrogen to discharges from the MS4 and the permittee retains documentation of this finding in the SWMP. All public education messages can be combined with requirements of Appendix H part II and III as well as Appendix F part A.III, A.IV, A.V, B.I, B.II and B.III where appropriate.

2. Part 2.3.6, Stormwater Management in New Development and Redevelopment: the requirement for adoption/amendment of the permittee's ordinance or other regulatory mechanism shall include a requirement that new development and redevelopment stormwater management BMPs be optimized for nitrogen removal; retrofit inventory and priority ranking under 2.3.6.1.b shall include consideration of BMPs to reduce nitrogen discharges.
3. Part 2.3.7, Good House Keeping and Pollution Prevention for Permittee Owned Operations: establish requirements for use of slow release fertilizers on permittee owned property currently using fertilizer, in addition to reducing and managing fertilizer use as provided in 2.3.7.1; establish procedures to properly manage grass cuttings and leaf litter on permittee property, including prohibiting blowing organic waste materials onto adjacent impervious surfaces; increase street sweeping frequency of all municipal owned streets and parking lots subject to Permit part 2.3.7.a.iii.(c) to a minimum of two times per year, once in the spring (following winter activities such as sanding) and at least once in the fall (Sept 1 – Dec 1; following leaf fall).

b. Nitrogen Source Identification Report

- i. Within four years of the permit effective date the permittee shall complete a Nitrogen Source Identification Report. The report shall include the following elements:
 1. Calculation of total MS4 area draining to the water quality limited water segments or their tributaries, incorporating updated mapping of the MS4 and catchment delineations produced pursuant to part 2.3.4.6,
 2. All screening and monitoring results pursuant to part 2.3.4.7.d., targeting the receiving water segment(s)
 3. Impervious area and DCIA for the target catchment
 4. Identification, delineation and prioritization of potential catchments with high nitrogen loading
 5. Identification of potential retrofit opportunities or opportunities for the installation of structural BMPs during redevelopment
- ii. The final Nitrogen Source Identification Report shall be submitted to EPA as part of the year 4 annual report.

c. Potential Structural BMPs

- i. The permittee shall identify in its SWMP all activities that have been implemented in accordance with the requirements of Appendix H part I.1. as of the applicable date to reduce nitrogen in its discharges, including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
- ii. The permittee shall continue to implement all requirements of Appendix H part I.1. required to be done prior to the date of determination or the date of the approved TMDL, including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications.

II. Discharges to water quality limited waterbodies and their tributaries where phosphorus is the cause of the impairment

1. Part 2.2.2.b.i. of the permit identifies the permittees subject to additional requirements to address phosphorus in their stormwater discharges because they discharge to waterbodies that are water quality limited due to phosphorus, or their tributaries, without an EPA approved TMDL. Permittees identified in part 2.2.2.b.i. of the permit must identify and implement BMPs designed to reduce phosphorus discharges in the impaired catchment(s). To address phosphorus discharges each permittee shall comply with the following requirements:

- a. Additional or Enhanced BMPs

- i. The permittee remains subject to the requirements of part 2.3. of the permit and shall include the following enhancements to the BMPs required by part 2.3 of the permit:

1. Part 2.3.2, Public education and outreach: The permittee shall supplement its Residential and Business/Commercial/Institution program with annual timed messages on specific topics. The permittee shall distribute an annual message in the spring (March/April) timeframe that encourages the proper use and disposal of grass clippings and encourages the proper use of slow-release and phosphorous-free fertilizers. The permittee shall distribute an annual message in the summer (June/July) timeframe encouraging the proper management of pet waste, including noting any existing ordinances where appropriate. The permittee shall distribute an annual message in the fall (August/September/October) timeframe encouraging the proper disposal of leaf litter. The permittee shall deliver an annual message on each of these topics, unless the permittee determines that one or more of these issues is not a significant contributor of phosphorous to discharges from the MS4 and the permittee retains documentation of this finding in the SWMP. All public education messages can be combined with requirements of Appendix H part I and III as well as Appendix F part A.III, A.IV, A.V, B.I, B.II and B.III where appropriate.
2. Part 2.3.6, Stormwater Management in New Development and Redevelopment: the requirement for adoption/amendment of the permittee's ordinance or other regulatory mechanism shall include a requirement that new development and redevelopment stormwater management BMPs be optimized for phosphorus removal; retrofit inventory and priority ranking under 2.3.6.1.b shall include consideration of BMPs that infiltrate stormwater where feasible.
3. Part 2.3.7, Good House Keeping and Pollution Prevention for Permittee Owned Operations: Establish procedures to properly manage grass cuttings and leaf litter on permittee property, including prohibiting blowing organic waste materials onto adjacent impervious surfaces; increased street sweeping frequency of all municipal owned streets and parking lots subject to Permit part 2.3.7.a.iii.(c) to a

minimum of two times per year, once in the spring (following winter activities such as sanding) and at least once in the fall (Sept 1 – Dec 1; following leaf fall).

b. Phosphorus Source Identification Report

- i. Within four years of the permit effective date the permittee shall complete a Phosphorus Source Identification Report. The report shall include the following elements:
 1. Calculation of total MS4 area draining to the water quality limited receiving water segments or their tributaries, incorporating updated mapping of the MS4 and catchment delineations produced pursuant to part 2.3.4.6,
 2. All screening and monitoring results pursuant to part 2.3.4.7.d., targeting the receiving water segment(s)
 3. Impervious area and DCIA for the target catchment
 4. Identification, delineation and prioritization of potential catchments with high phosphorus loading
 5. Identification of potential retrofit opportunities or opportunities for the installation of structural BMPs during redevelopment, including the removal of impervious area
- ii. The phosphorus source identification report shall be submitted to EPA as part of the year 4 annual report.

c. Potential Structural BMPs

- i. Within five years of the permit effective date, the permittee shall evaluate all permittee-owned properties identified as presenting retrofit opportunities or areas for structural BMP installation under permit part 2.3.6.d.ii or identified in the Phosphorus Source Identification Report that are within the drainage area of the water quality limited water or its tributaries. The evaluation shall include:
 1. The next planned infrastructure, resurfacing or redevelopment activity planned for the property (if applicable) OR planned retrofit date;
 2. The estimated cost of redevelopment or retrofit BMPs; and
 3. The engineering and regulatory feasibility of redevelopment or retrofit BMPs.
- ii. The permittee shall provide a listing of planned structural BMPs and a plan and schedule for implementation in the year 5 annual report. The permittee shall plan and install a minimum of one structural BMP as a demonstration project within the drainage area of the water quality limited water or its tributaries within six years of the permit effective date. The demonstration project shall be installed targeting a catchment with high phosphorus load potential. The permittee shall install the

remainder of the structural BMPs in accordance with the plan and schedule provided in the year 5 annual report.

- iii. Any structural BMPs installed in the regulated area by the permittee or its agents shall be tracked and the permittee shall estimate the phosphorus removal by the BMP consistent with Attachment 3 to Appendix F. The permittee shall document the BMP type, total area treated by the BMP, the design storage volume of the BMP and the estimated phosphorus removed in mass per year by the BMP in each annual report.
2. At any time during the permit term the permittee may be relieved of additional requirements in Appendix H part II.1. applicable to it when in compliance with this part.
 - a. The permittee is relieved of its additional requirements as of the date when one of the following criteria are met:
 - i. The receiving water and all downstream segments are determined to no longer be impaired due to phosphorus by MassDEP and EPA concurs with such determination.
 - ii. An EPA approved TMDL for the receiving water or downstream receiving water indicates that no additional stormwater controls for the control of phosphorus are necessary for the permittee's discharge based on wasteload allocations as part of the approved TMDL.
 - b. In such a case, the permittee shall document the date of the determination provided for in paragraph a. above or the approved TMDL date in its SWMP and is relieved of any additional requirements of Appendix H part II.1. as of the applicable date and the permittee shall comply with the following:
 - i. The permittee shall identify in its SWMP all activities that have been implemented in accordance with the requirements of Appendix H part II.1. as of the applicable date to reduce phosphorus in its discharges, including implementation schedules for non structural BMPs and any maintenance requirements for structural BMPs
 - ii. The permittee shall continue to implement all requirements of Appendix H part II.1. required to be done prior to the date of determination or the date of the approved TMDL, including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications.

III. Discharges to water quality limited waterbodies where bacteria or pathogens is the cause of the impairment

1. Consistent with part 2.2.2.c.i. of the permit, permittees that discharge to waterbodies that are water quality limited due to bacteria or pathogens, without an EPA approved TMDL, are subject to the following additional requirements to address bacteria or pathogens in their stormwater discharges.
2. Additional or Enhanced BMPs
 - a. The permittee remains subject to the requirements of part 2.3. of the permit and shall include the following enhancements to the BMPs required by part 2.3 of the permit:
 - i. Part 2.3.2. Public Education and outreach: The permittee shall supplement its Residential program with an annual message encouraging the proper management of pet waste, including noting any existing ordinances where appropriate. The permittee or its agents shall disseminate educational materials to dog owners at the time of issuance or renewal of a dog license, or other appropriate time. Education materials shall describe the detrimental impacts of improper management of pet waste, requirements for waste collection and disposal, and penalties for non-compliance. The permittee shall also provide information to owners of septic systems about proper maintenance in any catchment that discharges to a water body impaired for bacteria or pathogens. All public education messages can be combined with requirements of Appendix H part I and II as well as Appendix F part A.III, A.IV, A.V, B.I, B.II and B.III where appropriate.
 - ii. Part 2.3.4 Illicit Discharge: The permittee shall implement the illicit discharge program required by this permit. Catchments draining to any waterbody impaired for bacteria or pathogens shall be designated either Problem Catchments or HIGH priority in implementation of the IDDE program.
3. At any time during the permit term the permittee may be relieved of additional requirements in Appendix H part III.2. applicable to it when in compliance with this part.
 - a. The permittee is relieved of its additional requirements as of the date when one of the following criteria are met:
 - i. The receiving water is determined to be no longer impaired due to bacteria or pathogens by MassDEP and EPA concurs with such a determination.
 - ii. An EPA approved TMDL for the receiving water indicates that no additional stormwater controls are necessary for the control of bacteria or pathogens from the permittee's discharge based on wasteload allocations as part of the approved TMDL.
 - iii. The permittee's discharge is determined to be below applicable water quality criteria¹ and EPA agrees with such a determination. The permittee shall submit data to EPA that accurately characterizes the concentration of bacteria or pathogens in their discharge. The characterization shall include water quality

¹ Applicable water quality criteria are the state standards that have been federally approved as of the effective date of this permit and are compiled by EPA at <http://www.epa.gov/waterscience/standards/wqslibrary/>

and flow data sufficient to accurately assess the concentration of bacteria or pathogens in all seasons during storm events of multiple sizes and for the duration of the storm events including the first flush, peak storm flow and return to baseflow.

- b. In such a case, the permittee shall document the date of the determination, date of approved TMDL or date of EPA concurrence that the discharge meets water quality criteria in its SWMP and is relieved of any additional requirements of Appendix H part III.2. as of that date and the permittee shall comply with the following:
 - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix H part III.2. to date to reduce bacteria or pathogens in its discharges, including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
 - ii. The permittee shall continue to implement all requirements of Appendix H part III.3. required to be done prior to the date of determination date, date of approved TMDL, or date of EPA concurrence that the discharge meets water quality criteria, including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications

IV. Discharges to water quality limited waterbodies where chloride is the cause of the impairment

1. Consistent with part 2.2.2.c.i. of the permit, permittees that discharge to waterbodies that are water quality limited due to chloride, without an EPA approved TMDL, are subject to the following additional requirements to address chloride in their stormwater discharges.
2. Permittees discharging to a waterbody listed as impaired due to chloride in categories 5 or 4b on the Massachusetts Integrated Report of waters listed pursuant to Clean Water Act sections 303(d) and 305(b) shall develop a Salt Reduction Plan that includes specific actions designed to achieve salt reduction on municipal roads and facilities, and on private facilities that discharge to its MS4 in the impaired catchment(s). The Salt Reduction Plan shall be completed within three years of the effective date of the permit and include the BMPs in part IV.4. below. The Salt Reduction Plan shall be fully implemented five years after the effective date of the permit.
3. Permittees that, during the permit term, become aware that their discharge is to a waterbody that is impaired due to chloride must update their Salt Reduction Plan within 60 days of becoming aware of the situation to include salt reduction practices targeted at lowering chloride in discharges to the impaired waterbody. If the permittee does not have a Salt Reduction Plan already in place, then the permittee shall complete a Salt Reduction Plan that includes the BMPs in part IV 4) below within 3 years of becoming aware of the situation and fully implement the Salt Reduction Plan within 5 years of becoming aware of the situation.
4. Additional or Enhanced BMPs
 - a. For municipally maintained surfaces:
 - i. Tracking of the types and amount of salt applied to all permittee owned and maintained surfaces and reporting of salt use beginning in the year of the completion of the Salt Reduction Plan in the permittee's annual reports;
 - ii. Planned activities for salt reduction on municipally owned and maintained surfaces, which shall include but are not limited to the following unless the permittee determines one or more of the following is not applicable to its system and documents that determination as part of the Salt Reduction Plan:
 - Operational changes such as pre-wetting, pre-treating the salt stockpile, increasing plowing prior to de-icing, monitoring of road surface temperature, etc.;
 - Implementation of new or modified equipment providing pre-wetting capability, better calibration rates, or other capability for minimizing salt use;
 - Training for municipal staff and/or contractors engaged in winter maintenance activities;
 - Adoption of guidelines for application rates for roads and parking lots (see *Winter Parking Lot and Sidewalk Maintenance*

Manual (Revised edition June 2008)

<http://www.pca.state.mn.us/publications/parkinglotmanual.pdf>;

and the application guidelines on page 17 of *Minnesota Snow and Ice Control: Field Handbook for Snow Operators* (September 2012)

<http://www.mnltap.umn.edu/publications/handbooks/documents/snowice.pdf> for examples);

- Regular calibration of spreading equipment;
- Designation of no-salt and/or low salt zones;
- Measures to prevent exposure of salt stockpiles (if any) to precipitation and runoff; and
- An estimate of the total tonnage of salt reduction expected by each activity.

- b. For privately maintained facilities that discharge to the MS4:
 - i. Establish an ordinance, bylaw, or other regulatory mechanism requiring measures to prevent exposure of any salt stockpiles to precipitation and runoff at all commercial and industrial properties within the regulated area.
 - ii. Part 2.3.2. Public Education and Outreach: The permittee shall supplement its Commercial/Industrial education program with an annual message to private road salt applicators and commercial and industrial site owners on the proper storage and application rates of winter deicing material. The educational materials shall be disseminated in the November/December timeframe and shall describe steps that can be taken to minimize salt use and protect local waterbodies.
 - iii. Part 2.3.6, Stormwater Management in New Development and Redevelopment – establish procedures and requirements to minimize salt usage and require the use of salt alternatives where the permittee deems necessary.
 - c. The completed Salt Reduction Plan shall be submitted to EPA along with the annual report following the Salt Reduction Plan’s completion. Each subsequent annual report shall include an update on Plan implementation progress, any updates to the Salt Reduction Plan deemed necessary by the permittee, as well as the types and amount of salt applied to all permittee owned and maintained surfaces.
5. At any time during the permit term the permittee may be relieved of additional requirements in Appendix H part IV as follows:
- a. The permittee is relieved of its additional requirements as of the date when one of the following criteria are met:
 - i. The receiving water is determined to be no longer impaired due to chloride by MassDEP and EPA concurs with such a determination.
 - ii. An EPA approved TMDL for the receiving water indicates that no additional stormwater controls are necessary for the control of chloride from the

- permittee's discharge based on wasteload allocations as part of the approved TMDL.
- iii. The permittee's discharge is determined to be below applicable water quality criteria² and EPA agrees with such a determination. The permittee shall submit data to EPA that accurately characterizes the concentration of chloride in their discharge during the deicing season (November – March). The characterization shall include water quality and flow data sufficient to accurately assess the concentration of chloride in the deicing season during storm events of multiple sizes and for the duration of the storm events including the first flush, peak storm flow and return to baseflow and include samples collected during deicing activities.
 - b. In such a case, the permittee shall document the date of the determination, date of approved TMDL or date of EPA concurrence that the discharge meets water quality criteria in its SWMP and is relieved of any additional requirements of Appendix H part IV as of that date and the permittee shall comply with the following:
 - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix H part IV to date to reduce chloride in its discharges, including implementation schedules for non-structural BMPs
 - ii. The permittee shall continue to implement all requirements of Appendix H part IV required to be done by the date of determination date, date of approved TMDL, or date of EPA concurrence that the discharge meets water quality criteria, including ongoing implementation of identified non-structural BMPs

² Applicable water quality criteria are the state standards that have been federally approved as of the effective date of this permit and are compiled by EPA at <http://www.epa.gov/waterscience/standards/wqslibrary/>

V. Discharges to water quality limited waterbodies and their tributaries where solids, oil and grease (hydrocarbons), or metals is the cause of the impairment

1. Consistent with part 2.2.2.c.i. of the permit, permittees that discharge to waterbodies that are water quality limited due to solids, metals, or oil and grease (hydrocarbons), without an EPA approved TMDL, are subject to the following additional requirements to address solids, metals, or oil and grease (hydrocarbons) in their stormwater discharges.
2. Additional or Enhanced BMPs
 - a. The permittee remains subject to the requirements of part 2.3. of the permit and shall include the following enhancements to the BMPs required by part 2.3 of the permit:
 - i. Part 2.3.6, Stormwater Management in New Development and Redevelopment: stormwater management systems designed on commercial and industrial land use area draining to the water quality limited waterbody shall incorporate designs that allow for shutdown and containment where appropriate to isolate the system in the event of an emergency spill or other unexpected event. EPA also encourages the permittee to require any stormwater management system designed to infiltrate stormwater on commercial or industrial sites to provide the level of pollutant removal equal to or greater than the level of pollutant removal provided through the use of biofiltration of the same volume of runoff to be infiltrated, prior to infiltration.
 - ii. Part 2.3.7, Good House Keeping and Pollution Prevention for Permittee Owned Operations: increased street sweeping frequency of all municipal owned streets and parking lots to a schedule determined by the permittee to target areas with potential for high pollutant loads. This may include, but is not limited to, increased street sweeping frequency in commercial areas and high density residential areas, or drainage areas with a large amount of impervious area. Prioritize inspection and maintenance for catch basins to ensure that no sump shall be more than 50 percent full. Clean catch basins more frequently if inspection and maintenance activities indicate excessive sediment or debris loadings. Each annual report shall include the street sweeping schedule determined by the permittee to target high pollutant loads.
3. At any time during the permit term the permittee may be relieved of additional requirements in Appendix H part V.2. applicable to it when in compliance with this part.
 - a. The permittee is relieved of its additional requirements as of the date when one of the following criteria are met:
 - i. The receiving water is determined to be no longer impaired due to solids, metals, or oil and grease (hydrocarbons) by MassDEP and EPA concurs with such a determination.
 - ii. An EPA approved TMDL for the receiving water indicates that no additional stormwater controls are necessary for the control of solids, metals, or oil and grease (hydrocarbons) from the permittee's discharge based on wasteload allocations as part of the approved TMDL.

- iii. The permittee's discharge is determined to be below applicable water quality criteria and EPA agrees with such a determination³. The permittee shall submit data to EPA that accurately characterizes the concentration of bacteria or pathogens in their discharge. The characterization shall include water quality and flow data sufficient to accurately assess the concentration of bacteria or pathogens in all seasons during storm events of multiple sizes and for the duration of the storm events including the first flush, peak storm flow and return to baseflow.
- b. In such a case, the permittee shall document the date of the determination, date of approved TMDL or date of EPA concurrence that the discharge meets water quality criteria in its SWMP and is relieved of any additional requirements of Appendix H part V.2. as of that date and the permittee shall comply with the following:
 - iv. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix H part V.2. to date to reduce solids, metals, or oil and grease (hydrocarbons) in its discharges, including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
 - v. The permittee shall continue to implement all requirements of Appendix H part V.3. required to be done by the date of determination date, date of approved TMDL, or date of EPA concurrence that the discharge meets water quality criteria, including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications

³ Applicable water quality criteria are the state standards that have been federally approved as of the effective date of this permit and are compiled by EPA at <http://www.epa.gov/waterscience/standards/wqslibrary/>

ATTACHMENT 1 TO APPENDIX H

The estimates of nitrogen load reductions resulting from BMP installation are intended for informational purposes only and there is no associated permittee-specific required nitrogen load reduction in the Draft Permit. Nitrogen load reduction estimates calculated consistent with the methodologies below may be used by the permittee to comply with future permit requirements providing the EPA determines the calculated reductions are appropriate for demonstrating compliance with future permit requirements. This attachment provides the method and an example to calculate the BMP nitrogen load as well as methods to calculate nitrogen load reductions for structural BMPs in an impaired watershed.

BMP N Load:

The **BMP N Load** is the annual nitrogen load from the drainage area to each proposed or existing BMP used by permittee. This measure is used to estimate the amount of annual nitrogen load that the BMP will receive or treat (BMP N Load).

To calculate the BMP N Load for a given BMP:

- 1) Determine the total drainage area to the BMP and sort the total drainage area into two categories: total impervious area (IA) and total pervious area (PA);
- 2) Calculate the nitrogen load associated with impervious area (N Load_{IA}) and the pervious area (N Load_{PA}) by multiplying the IA and PA by the appropriate land use-based nitrogen load export rate provided in Table 1; and
- 3) Determine the total nitrogen load to the BMP by summing the calculated impervious and pervious subarea nitrogen loads.

Table 1: Annual nitrogen load export rates

Nitrogen Source Category by Land Use	Land Surface Cover	Nitrogen Load Export Rate, lbs/ac/yr	Nitrogen Load Export Rate, kg/ha/yr
All Impervious Cover	Impervious	14.1	15.8
*Developed Land Pervious (DevPERV)- HSG A	Pervious	0.3	0.3
*Developed Land Pervious (DevPERV)- HSG B	Pervious	1.2	1.3
*Developed Land Pervious (DevPERV) – HSG C	Pervious	2.4	2.7
*Developed Land Pervious (DevPERV) - HSG C/D	Pervious	3.0	3.4
*Developed Land Pervious (DevPERV) - HSG D	Pervious	3.7	4.1
Notes: For pervious areas, if the hydrologic soil group (HSG) is known, use the appropriate value from this table. If the HSG is not known, assume HSG C/D conditions for the nitrogen load export rate.			

Example 1 to determine nitrogen load to a proposed BMP when the contributing drainage area is 100% impervious: A permittee is proposing a storm water infiltration system that will treat runoff from 1.49 acres of impervious area.

Table 1-1: Design parameters for Bio-filtration w/ ISR systems for Example 1

Components of representation	Parameters	Value
Ponding	Maximum depth	0.33 ft
	Surface area	645 ft ²
Soil mix	Depth	2.0 ft
	Porosity	0.24
	Hydraulic conductivity	2.5 inches/hour
Stone Reservoir (ISR)	Depth	2.50 ft
	Porosity	0.42
	Hydraulic conductivity	500 inches/hour
ISR Volume: System Storage Volume	Ratio	0.56
Orifices	Diameter	12 in
		Installed 2.5 above impermeable soil layer

Determine:

- A) Percent nitrogen load reduction (BMP Reduction %-N) for the specified bio-filtration w/ISR system and contributing impervious drainage area; and
- B) Nitrogen reduction in pounds that would be accomplished by the bio-filtration w/ISR system (BMP-Reduction lbs-N)

Solution:

- 1) The BMP is a bio-filtration w/ISR system that will treat runoff from 1.49 acres of impervious area (IA = 1.49 acre);
- 2) The available storage volume capacity (ft³) of the bio-filtration w/ISR system (BMP-Volume_{BMP-ft³}) is determined using the surface area of the system, depth of ponding, the porosity of the filter media and the porosity of the stone reservoir:

$$\begin{aligned}
 \text{BMP-Volume}_{\text{BMP-ft}^3} &= \text{Surface area} \times (\text{pond maximum depth} + (\text{soil mix depth} \times \text{soil mix porosity}) + \text{stone reservoir depth} \times \text{gravel layer porosity}) \\
 &= 520 \text{ ft}^2 \times (0.33 \text{ ft} + (2.0 \text{ ft} \times 0.24) + (2.5 \text{ ft} \times 0.42)) \\
 &= 1,200 \text{ ft}^3
 \end{aligned}$$

- 3) The available storage volume capacity of the bio-filtration w/ISR system in inches of runoff from the contributing impervious area (BMP-Volume_{IA-in}) is calculated using equation 1:

$$\text{BMP-Volume}_{\text{IA-in}} = (\text{BMP-Volume}_{\text{ft}^3} / \text{IA (acre)} \times 12 \text{ in/ft} \times 1 \text{ acre} / 43560 \text{ ft}^2) \text{ (Equation 1)}$$

Example 1 Continued:

$$\begin{aligned} \text{BMP-Volume}_{\text{IA-in}} &= (1,200 \text{ ft}^3/1.49 \text{ acre}) \times 12 \text{ in/ft} \times 1 \text{ acre}/43560 \text{ ft}^2 \\ &= \mathbf{0.22 \text{ in}} \end{aligned}$$

- 4) Using the Regional Performance Curve shown in Figure 1 for a bio-filtration w/ ISR system, a **61%** nitrogen load reduction (BMP Reduction %-N) is determined for a bio-filtration w/ ISR systems sized for 0.22 in of runoff from 1.49 acres of impervious area; and
- 5) Calculate the nitrogen load reduction in pounds of nitrogen for the bio-filtration w/ISR system (BMP Reduction lbs-N) using the BMP Load calculation method shown above in Example 1 and the BMP Reduction %-N determined in step 4 by using equation 2.

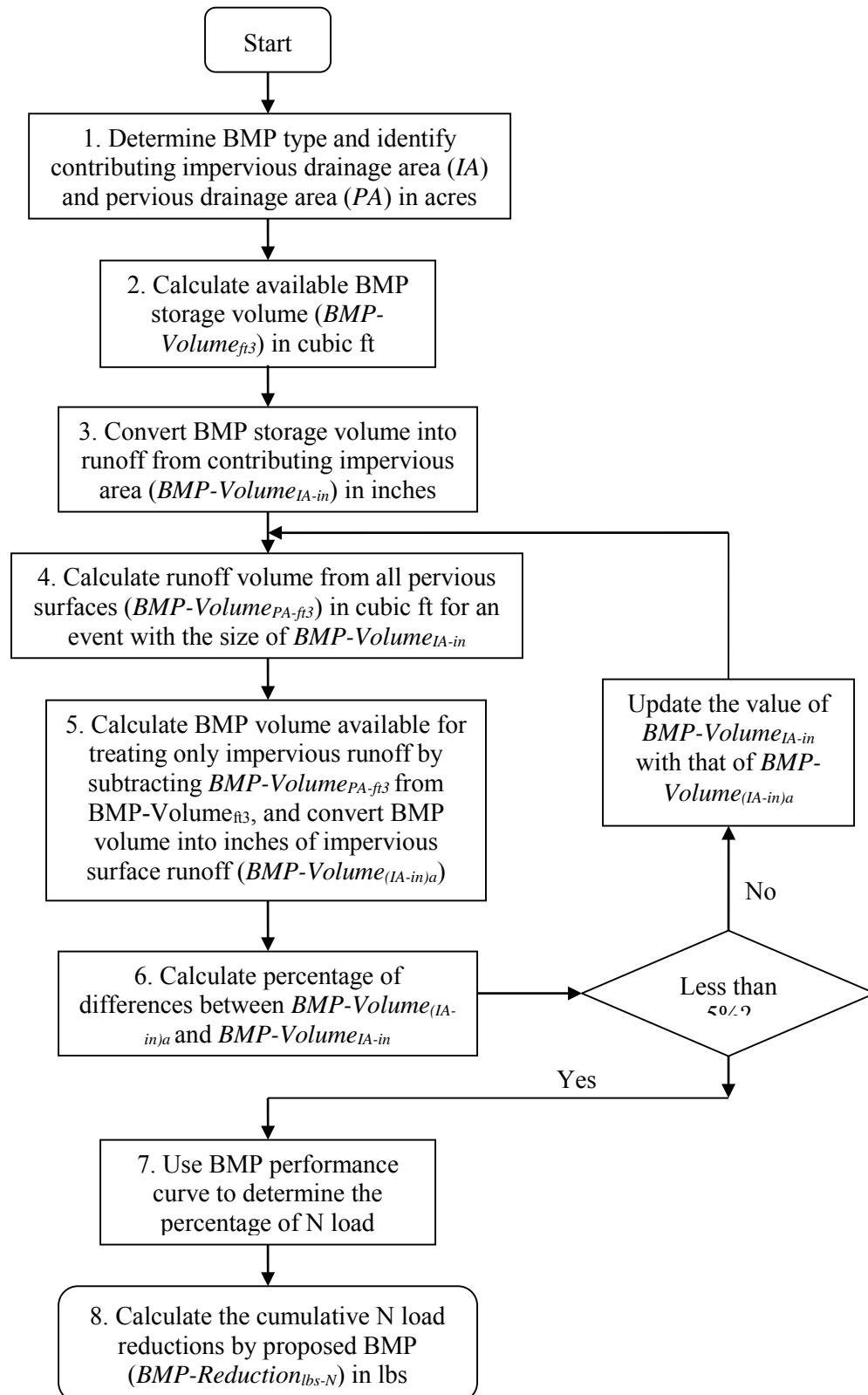
First, the BMP Load is determined as specified in Example 1:

$$\begin{aligned} \text{BMP Load} &= \text{IA (acre)} \times 14.1 \text{ lb/ac/yr} \\ &= 1.49 \text{ acres} \times 14.1 \text{ lbs/acre/yr} \\ &= 21.0 \text{ lbs/yr} \end{aligned}$$

$$\text{BMP Reduction}_{\text{lbs-N}} = \text{BMP Load} \times (\text{BMP Reduction}_{\text{\%-N}}/100) \text{ (Equation 2)}$$

$$\begin{aligned} \text{BMP Reduction}_{\text{lbs-N}} &= 21 \text{ lbs/yr} \times (61/100) \\ &= \mathbf{12.8 \text{ lbs/yr}} \end{aligned}$$

Method to determine the nitrogen load reduction for a structural BMP with a known storage volume when the contributing drainage area has impervious and pervious surfaces



Flow Chart 2 (previous page). Method to determine the nitrogen load reduction for a BMP with known storage volume when both pervious and impervious drainage areas are present.

- 1) Identify the type of structural BMP and characterize the contributing drainage area to the structural BMP by identifying the following information for the impervious and pervious surfaces:

Impervious area (IA) – Area (acre) and export rate (Table 1)

Pervious area (PA) – Area (acre) and runoff depth based on hydrologic soil group (HSG) and size of rainfall event. Table 2 provides values of runoff depth for various rainfall depths and HSGs. Soils are assigned to an HSG based on their permeability. HSG categories for pervious areas in the Watershed shall be estimated by consulting local soil surveys prepared by the National Resource Conservation Service (NRCS) or by a storm water professional evaluating soil testing results from the Watershed. If the HSG condition is not known, a HSG D soil condition should be assumed.

**Table 2: Developed Land Pervious Area Runoff Depths
based on Precipitation depth and Hydrological Soil Groups (HSGs)**

Rainfall Depth, Inches	Runoff Depth, inches		
	Pervious HSG A/B	Pervious HSG C	Pervious HSG D
0.10	0.00	0.00	0.00
0.20	0.00	0.01	0.02
0.40	0.00	0.03	0.06
0.50	0.00	0.05	0.09
0.60	0.01	0.06	0.11
0.80	0.02	0.09	0.16
1.00	0.03	0.12	0.21
1.20	0.04	0.14	0.39
1.50	0.11	0.39	0.72
2.00	0.24	0.69	1.08

Notes: Runoff depths derived from combination of volumetric runoff coefficients from Table 5 of *Small Storm Hydrology and Why it is Important for the Design of Stormwater Control Practices*, Pitt, 1999 and using the Stormwater Management Model (SWMM) in continuous model mode for hourly precipitation data for Boston, MA, 1998-2002.

- 2) Determine the available storage volume (ft³) of the structural BMP (BMP-Volume ft³) using the BMP dimensions and design specifications (e.g., maximum storage depth, filter media porosity);

- 3) To estimate the nitrogen load reduction of a BMP with a known storage volume capacity, it is first necessary to determine the portion of available BMP storage capacity (BMP-Volume_{ft³}) that would treat the runoff volume generated from the contributing impervious area (IA) for a rainfall event with a depth of *i* inches (in). This will require knowing the corresponding amount of runoff volume that would be generated from the contributing pervious area (PA) for the same rainfall event (depth of *i* inches). Using equation 3 below, solve for the BMP capacity that would be available to treat runoff from the contributing impervious area for the unknown rainfall depth of *i* inches (see equation 4):

$$\text{BMP-Volume}_{\text{ft}^3} = \text{BMP-Volume}_{(\text{IA-ft}^3)_i} + \text{BMP-Volume}_{(\text{PA-ft}^3)_i} \quad \text{(Equation 3)}$$

Where:

BMP-Volume_{ft³} = the available storage volume of the BMP
 BMP-Volume_{(IA-ft³)*i*} = the available storage volume of the BMP that would fully treat runoff generated from the contributing impervious area for a rainfall event of size *i* inches
 BMP-Volume_{(PA-ft³)*i*} = the available storage volume of the BMP that would fully treat runoff generated from the contributing pervious area for a rainfall event of size *i* inches

Solving for BMP-Volume_{(IA-ft³)*i*}:

$$\text{BMP-Volume}_{(\text{IA-ft}^3)_i} = \text{BMP-Volume}_{\text{ft}^3} - \text{BMP-Volume}_{(\text{PA-ft}^3)_i} \quad \text{(Equation 4)}$$

To determine BMP-Volume_{(IA-ft³)*i*}, requires performing an iterative process of refining estimates of the rainfall depth used to calculate runoff volumes until the rainfall depth used results in the sum of runoff volumes from the contributing IA and PA equaling the available BMP storage capacity (BMP-Volume_{ft³}). For the purpose of estimating BMP performance, it will be considered adequate when the IA runoff depth (in) is within 5% IA runoff depth used in the previous iteration.

For the first iteration (1), convert the BMP-Volume_{ft³} determined in step 2 into inches of runoff from the contributing impervious area (BMP Volume_{(IA-in)1}) using equation 5.

$$\text{BMP-Volume}_{(\text{IA-in})1} = (\text{BMP-Volume}_{\text{ft}^3} / \text{IA (acre)}) \times (12 \text{ in/ft} / 43,560 \text{ ft}^2/\text{acre}) \quad \text{(Equation 5)}$$

For iterations 2 through *n* (2...*n*), convert the BMP Volume_{(IA-ft³)2...*n*}, determined in step 5a below, into inches of runoff from the contributing impervious area (BMP Volume_{(IA-in)2...*n*}) using equation 6.

$$\text{BMP-Volume}_{(\text{IA-in})2...n} = (\text{BMP-Volume}_{(\text{IA-ft}^3)2...n} / \text{IA (acre)}) \times (12 \text{ in/ft} / 43,560 \text{ ft}^2/\text{acre}) \quad \text{(Equation 6)}$$

- 4) For 1 to *n* iterations, use the pervious runoff depth information from Table 2 and equation 7 to determine the total volume of runoff (ft³) from the contributing PA (BMP Volume

$_{PA-ft^3}$) for a rainfall size equal to the sum of BMP-Volume $_{(IA-in)1}$, determined in step 3. The runoff volume for each distinct pervious area must be determined.

$$\text{BMP Volume }_{(PA-ft^3)1..n} = \sum ((PA \times (\text{runoff depth})_{(PA1, PA2..PAN)}) \times (3,630 \text{ ft}^3/\text{acre-in})$$

(Equation 7)

- 5) For iteration 1, estimate the portion of BMP Volume that is available to treat runoff from only the IA by subtracting BMP-Volume $_{PA-ft^3}$, determined in step 4, from BMP-Volume $_{ft^3}$, determined in step 2, and convert to inches of runoff from IA (see equations 8 and 9):

$$\text{BMP-Volume }_{(IA-ft^3)2} = ((\text{BMP-Volume}_{ft^3} - \text{BMP Volume }_{(PA-ft^3)1}) \quad \text{(Equation 8)}$$

$$\text{BMP-Volume }_{(IA-in)2} = (\text{BMP-Volume }_{(IA-ft^3)2}/\text{IA (acre)}) \times (12 \text{ in/ft} \times 1 \text{ acre}/43,560 \text{ ft}^2)$$

(Equation 9)

If additional iterations (i.e., 2 through n) are needed, estimate the portion of BMP volume that is available to treat runoff from only the IA (BMP-Volume $_{(IA-in)3..n+1}$) by subtracting BMP Volume $_{(PA-ft^3)2..n}$, determined in step 4, from BMP Volume $_{(IA-ft^3)3..n+1}$, determined in step 5, and by converting to inches of runoff from IA using equation 9):

- 6) For iteration A (an iteration between 1 and n+1), compare BMP Volume $_{(IA-in)a}$ to BMP Volume $_{(IA-in)a-1}$ determined from the previous iteration (a-1). If the difference in these values is greater than 5% of BMP Volume $_{(IA-in)a}$ then repeat steps 4 and 5, using BMP Volume $_{(IA-in)a}$ as the new starting value for the next iteration (a+1). If the difference is less than or equal to 5 % of BMP Volume $_{(IA-in)a}$ then the permittee may proceed to step 7.
- 7) Determine the % nitrogen load reduction for the structural BMP (BMP Reduction $_{\%N}$) using the appropriate BMP curve on Figure 1 or 2 and the BMP-Volume $_{(IA-in)n}$ calculated in the final iteration of step 5; and
- 8) Calculate the nitrogen load reduction in pounds of nitrogen for the structural BMP (BMP Reduction $_{lbs-N}$) using the BMP Load as calculated above in Example 1 and the percent nitrogen load reduction (BMP Reduction $_{\%N}$) determined in step 7 by using equation 10:

$$\text{BMP Reduction }_{lbs-N} = \text{BMP Load} \times (\text{BMP Reduction }_{\%N}/100) \quad \text{(Equation 10)}$$

Example 2: Determine the nitrogen load reduction for a structural BMP with a known design volume when the contributing drainage area has impervious and pervious surfaces

A permittee is considering an infiltration basin to capture and treat runoff from a portion of the Watershed draining to the impaired waterbody. The contributing drainage area is 16.55 acres and is 71% impervious. The pervious drainage area (PA) is 80% HSG D and 20% HSG C. An infiltration basin with the following specifications can be placed at the down-gradient end of the contributing drainage area where soil testing results indicates an infiltration rate (IR) of 0.28 in/hr:

Example continued:

Structure	Bottom area (acre)	Top surface area (acre)	Maximum pond depth (ft)	Design storage volume (ft ³)	Infiltration Rate (in/hr)
Infiltration basin	0.65	0.69	1.65	48,155	0.28

Determine the:

- A) Percent nitrogen load reduction (BMP Reduction %_{-N}) for the specified infiltration basin and the contributing impervious and pervious drainage area; and
- B) Nitrogen reduction in pounds that would be accomplished by the BMP (BMP-Reduction lbs_{-N})

Solution:

- 1) A surface infiltration basin is being considered. Information for the contributing impervious (IA) and pervious (PA) areas are summarized in below.

Impervious area characteristics

ID	% Impervious	Area (acre)
IA1	100	11.75

Pervious area characteristics

ID	Area (acre)	Hydrologic Soil Group (HSG)
PA1	3.84	D
PA2	0.96	C

- 2) The available storage volume (ft³) of the infiltration basin (BMP-Volume ft³) is determined from the design details and basin dimensions; BMP-Volume ft³ = 48,155 ft³.
- 3) To determine what the BMP design storage volume is in terms of runoff depth (in) from IA, an iterative process is undertaken:

Solution Iteration 1

For the first iteration (1), the BMP-Volume ft³ is converted into inches of runoff from the contributing impervious area (BMP Volume (IA-in)₁) using equation 5.

$$\begin{aligned} \text{BMP Volume (IA-in)}_1 &= (48,155 \text{ ft}^3 / 11.75 \text{ acre}) \times (12 \text{ in/ft} / 43,560 \text{ ft}^2/\text{acre}) \\ &= 1.13 \text{ in} \end{aligned}$$

Solution Continued:

4-1) The total volume of runoff (ft³) from the contributing PA (BMP Volume_(PA-ft³)) for a rainfall size equal to the sum of BMP Volume_{(IA-in)₁} determined in step 3 is determined

for each distinct pervious area using the information from Table 2 and equation 7.

Interpolation was used to determine runoff depths.

$$\begin{aligned} \text{BMP Volume}_{(PA-ft^3)_1} &= ((3.84 \text{ acre} \times (0.33 \text{ in}) + (0.96 \text{ acre} \times (0.13 \text{ in})) \times 3,630 \text{ ft}^3/\text{acre-in} \\ &= 5052 \text{ ft}^3 \end{aligned}$$

5-1) For iteration 1, the portion of BMP Volume that is available to treat runoff from only the IA is estimated by subtracting the BMP Volume_{(PA-ft³)₁}, determined in step 4-1, from BMP Volume_{ft³}, determined in step 2, and converted to inches of runoff from IA:

$$\begin{aligned} \text{BMP Volume}_{(IA-ft^3)_2} &= 48,155 \text{ ft}^3 - 5052 \text{ ft}^3 \\ &= 43,103 \text{ ft}^3 \end{aligned}$$

$$\begin{aligned} \text{BMP Volume}_{(IA-in)_2} &= (43,103 \text{ ft}^3/11.75 \text{ acre}) \times (12 \text{ in/ft} \times 1 \text{ acre}/43,560 \text{ ft}^2) \\ &= 1.01 \text{ in} \end{aligned}$$

6-1) The % difference between BMP Volume_{(IA-in)₂}, 1.01 in, and BMP Volume_{(IA-in)₁}, 1.13 in is determined and found to be significantly greater than 5%:

$$\begin{aligned} \% \text{ Difference} &= ((1.13 \text{ in} - 1.01 \text{ in})/1.01 \text{ in}) \times 100 \\ &= 12\% \end{aligned}$$

Therefore, steps 4 through 6 are repeated starting with BMP Volume_{(IA-in)₂} = 1.01 in.

Solution Iteration 2

$$\begin{aligned} \text{4-2) BMP-Volume}_{(PA-ft^3)_2} &= ((3.84 \text{ acre} \times 0.21 \text{ in}) + (0.96 \text{ acre} \times 0.12 \text{ in})) \times 3,630 \text{ ft}^3/\text{acre-in} \\ &= 3,358 \text{ ft}^3 \end{aligned}$$

$$\begin{aligned} \text{5-2) BMP-Volume}_{(IA-ft^3)_3} &= 48,155 \text{ ft}^3 - 3,358 \text{ ft}^3 \\ &= 44,797 \text{ ft}^3 \end{aligned}$$

$$\begin{aligned} \text{BMP-Volume}_{(IA-in)_3} &= (44,797 \text{ ft}^3/11.75 \text{ acre}) \times (12 \text{ in/ft} \times 1 \text{ acre}/43,560 \text{ ft}^2) \\ &= 1.05 \text{ in} \end{aligned}$$

$$\begin{aligned} \text{6-2) \% Difference} &= ((1.05 \text{ in} - 1.01 \text{ in})/1.05 \text{ in}) \times 100 \\ &= 4\% \end{aligned}$$

The difference of 4% is acceptable.

Solution Continued:

- 7) The % nitrogen load reduction for the infiltration basin (BMP Reduction %-N) is determined by using the RR treatment curve in Figure 2 and the treatment volume (BMP-Volume_{Net IA-in} = 1.05 in) calculated in step 5-2 and is **BMP Reduction %-N = 56%**.
- 9) The nitrogen load reduction in pounds of nitrogen (BMP-Reduction_{lbs-N}) for the proposed infiltration basin is calculated by using equation 11 with the BMP Load (as determined by the procedure in Example 4-1) and the N_{target} of 56%.

$$\text{BMP-Reduction}_{\text{lbs-N}} = \text{BMP N Load} \times (\text{N}_{\text{target}} / 100) \quad \text{(Equation 11)}$$

Following example 1, the BMP load is calculated:

$$\begin{aligned} \text{BMP N Load} &= (\text{IA} \times \text{impervious cover nitrogen export loading rate}) \\ &\quad + (\text{PA}_{\text{HSG D}} \times \text{pervious cover nitrogen export loading rate, HSG D}) \\ &\quad + (\text{PA}_{\text{HSG C}} \times \text{pervious cover nitrogen export loading rate, HSG C}) \\ &= (16.55 \text{ acre} \times 15.4 \text{ lbs/acre/yr}) + (3.84 \text{ acre} \times 3.7 \text{ lbs/acre/yr}) + \\ &\quad (0.96 \text{ acre} \times 2.4 \text{ lbs/acre/yr}) \\ &= 271.4 \text{ lbs/yr} \end{aligned}$$

$$\text{BMP-Reduction}_{\text{lbs-N}} = 275.13 \text{ lbs/yr} \times 56/100 = \mathbf{152.0 \text{ lbs/yr}}$$

Figure 1: Regional BMP Performance Curve for Annual Nitrogen Load Removal: System Design by the University of New Hampshire Stormwater Center (UNHSWC)

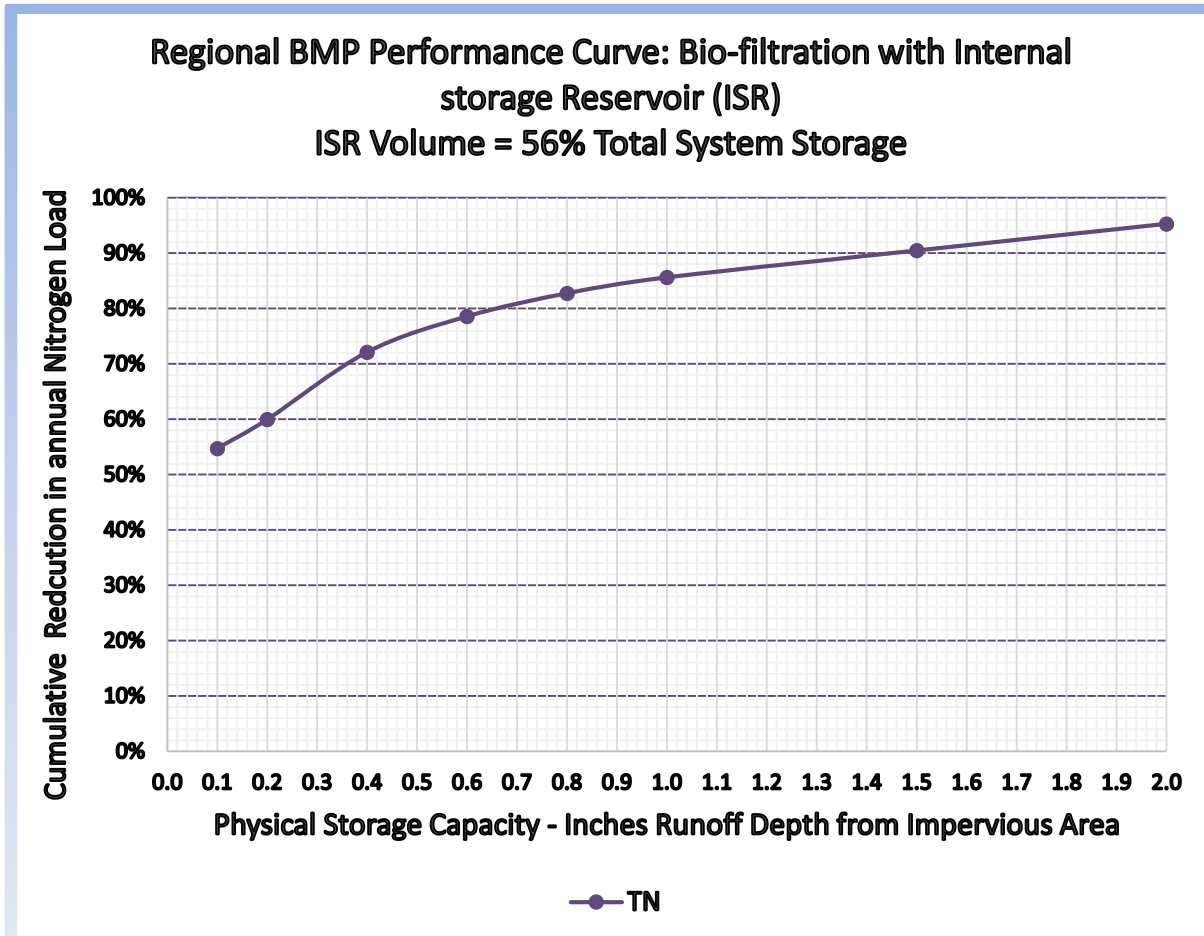
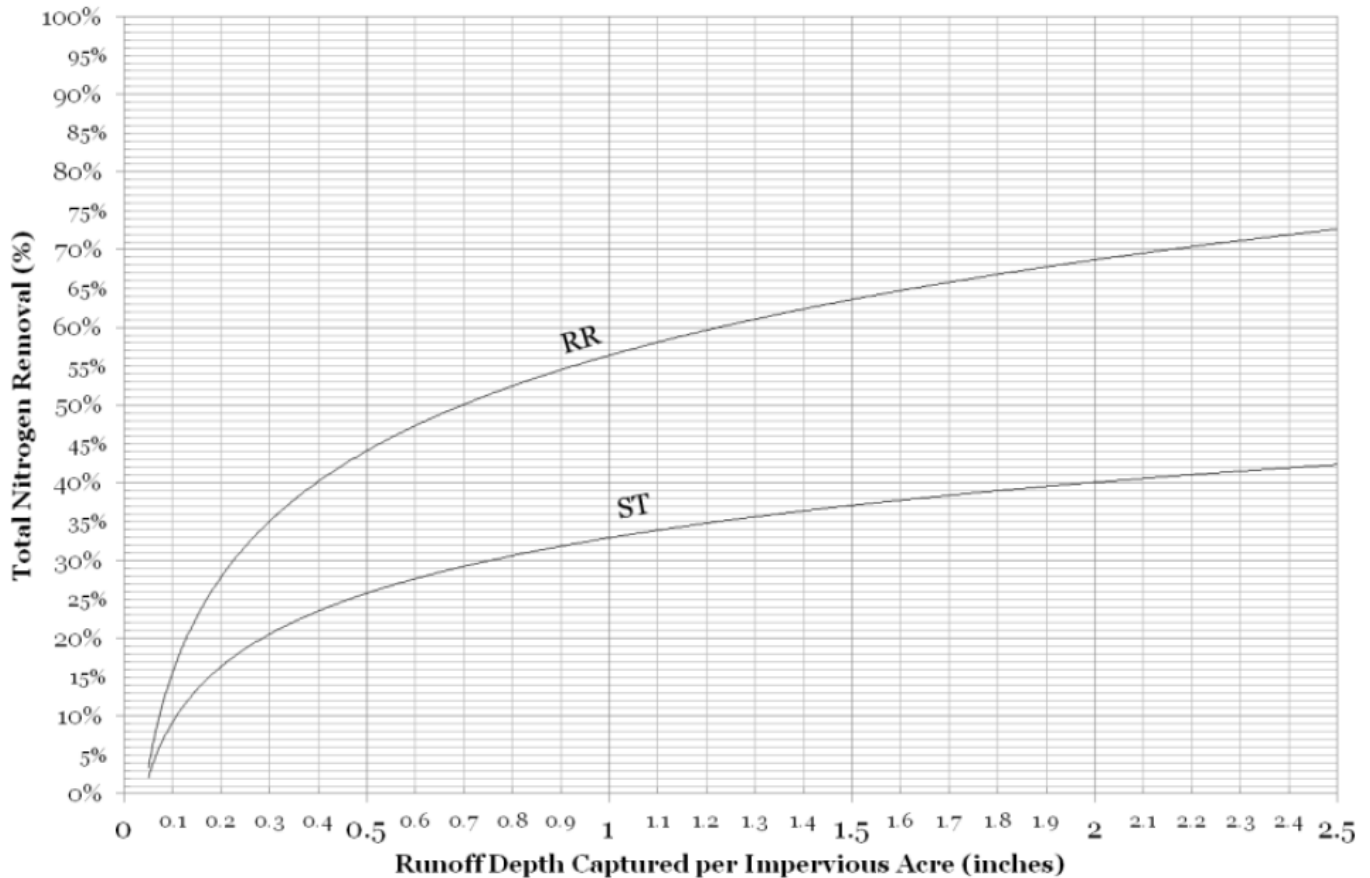


Table 3. Classification of BMP to Determine Nitrogen Reduction¹

Structural BMP	Classification
Infiltration Trench	Runoff Reduction (RR)
Infiltration Basin or other surface infiltration practice	Runoff Reduction (RR)
Bioretention Practice	Runoff Reduction (RR)
Gravel Wetland System	Stormwater Treatment (ST)
Porous Pavement	Runoff Reduction (RR)
Wet Pond or wet detention basin	Stormwater Treatment (ST)
Dry Pond or detention basin	Runoff Reduction (RR)
Water Quality Swale	Runoff Reduction (RR)

¹Recommendations of the Expert Panel to Define Removal Rates for New State Stormwater Performance Standards
<http://chesapeakestormwater.net/wp-content/plugins/download-monitor/download.php?id=25>, Retrieved 12/14/2012

Figure 2: Total Nitrogen Removal for RR and ST Practices



Adopted from: Final CBP Approved Expert Panel Report on Stormwater Retrofits
<http://chesapeakestormwater.net/wp-content/plugins/download-monitor/download.php?id=25>, Retrieved 12/14/2012

**Appendix B - Stormwater Management
Plan Revision Tracking Form**

Franklin, MA SWMP Amendment Log

Revision	Reason for Revision	Amended Date
Update Table 1 Listed Waterbodies	Updated 2016 List of Impaired Waters was approved	6/30/2020
Public Education and Outreach: General revisions to the messaging distribution frequency and method of distribution	COVID-19 related issues with in-person education and distribution methods. Distribution online provides an alternative safe option	7/2/2020
BMP 1B Displays for Businesses, Institutions, and Commercial Facilities: Provide displays in Town Hall and/or the DPW Administrative Building	Display is in the DPW Administrative Building	6/30/2020
BMP 1H Brochures for Septic Tank Owners: Provide brochures on the Health Department counter and/or the Building Department counter	Brochures are available at the Building Department	6/30/2020
BMP 3B Stormwater Sewer System Map: Number of Town outfalls have been revised to 494	The number of Town owned outfalls was refined as the Town reviewed mapping data	6/30/2020
BMP 3D Implement IDDE Program: Problem catchment investigations to begin in Year 3	COVID-19 health concerns delayed start of field work	6/30/2020
BMP 4D Waste Control: Revision to timeline of regulation approval	COVID-19 concerns delayed Town review and approval of modifications to regulations	7/2/2020
BMP 5A As-Built Plans for On-Site Stormwater Control: Revision to timeline of regulation approval	COVID-19 concerns delayed Town review and approval of modifications to regulations	7/2/2020
BMP 5E Massachusetts Stormwater Handbook Compliance: Revision to timeline of regulation approval	COVID-19 concerns delayed Town review and approval of modifications to regulations	7/2/2020

The logo for the company 'wood.' is located in the top right corner. It consists of the word 'wood.' in a dark blue, lowercase, sans-serif font. The background of the page features large, light gray curved shapes that frame the central text.

wood.

**Appendix C - Endangered Species Act
and National Historic Preservation Act
Review**



Technical Memo

To: Town of Franklin

From: Rich Niles, Wood; Jean Haggerty, Wood

Date: June 19, 2019

Re. Municipal Separate Storm Sewer System Permit Endangered Species and Historical Cultural Review

Wood Environment & Infrastructure Solutions, Inc. (Wood) understands that the Town of Franklin, Massachusetts is seeking coverage under the April 4, 2016 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) General Permit (GP) administered by the U.S. Environmental Protection Agency (USEPA), and as part of this permit approval process, needs to evaluate the GP eligibility criteria related to the Endangered Species Act (ESA) and National Historic Preservation Act (NHPA). These requirements are outlined in Part 1.9 of the MS4 GP and the preliminary results of the special eligibility determinations were documented in Part I of the Notice of Intent (NOI) that needs to be submitted to the USEPA by September 26, 2018.

This memo updates the findings and the supporting documentation of compliance with Part 1.9 of the MS4 GP and will be included in the Stormwater Management Plan (SWMP), as required by the GP. Since the submittal of the NOI, the results of the special eligibility determinations were reviewed with the most up to date U.S. Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPaC) online-database output and Massachusetts Historical Commission (MHC) inventory results. The most current inventories are included in the attachments.

As you are aware, owners and operators of MS4s are required to develop, implement, and enforce a SWMP per the NPDES MS4 GP requirements. Applicants applying for permit coverage must assess the impacts of their stormwater discharges and discharge-related activities on federally listed threatened and endangered (T&E) species and designated critical habitat under the ESA, as well as the effect on historic properties that are either listed on, or are eligible for listing on, the National Register of Historic Places (NRHP) under the NHPA. The following provides information related to T&E species, critical habitat, and historic properties in Franklin and the procedures required to ensure compliance with the ESA and NRHP, as specified in Appendices C and D in the MS4 GP. Definitions of the ESA and NHPA eligibility criteria are provided in

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Continued...

Attachment A. A series of figures identifying stormwater infrastructure, the 2010 Urbanized Area¹, known T&E species habitat, and historic properties in Franklin are provided in **Attachment B**.

Endangered Species Act Compliance

The only federally-listed T&E species in Franklin is the threatened Northern long-eared bat (NLEB; *Myotis septentrionalis*), which was listed on April 2, 2015 and is listed statewide in Massachusetts (see USFWS IPaC Resource List for Franklin in **Attachment C**). There is no critical habitat designated for the NLEB. The U.S. Fish and Wildlife Service (USFWS) developed a final 4(d) rule, which was published in the *Federal Register* on January 14, 2016, and specifically defines the NLEB “take” prohibitions. The term “take” is defined in the ESA to include harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct.

Incidental take of the NLEB or its habitat that is not prohibited under the 4(d) rule may still affect individual NLEBs. The USFWS has provided a framework to streamline Section 7 ESA consultations when actions may affect the NLEB but not cause prohibited take. However, the streamlined consultation does not necessarily solicit a response from the USFWS, which is required for eligibility certification under the MS4 GP, as discussed below. The USFWS key to determining whether federally regulated actions may cause incidental or prohibited take of the NLEB is provided as **Attachment D**.

Evaluation of USFWS Criteria for MS4 GP Eligibility

Criterion A cannot be used to certify eligibility consistent with Appendix C of the MS4 GP because the NLEB is listed statewide and therefore throughout the action area in Franklin. For projects that are deemed to have “no effect” on the NLEB or its habitat (e.g., if suitable habitat is not present in the action area and the project does not otherwise present a risk to the species), typically no further consultation is required. Since the only federally listed species present in Franklin is the NLEB, Criterion B does not apply.

Criterion C can be met if during the course of the permit term, installation of any structural Best Management Practices (BMPs) within the Urbanized Area are screened for impacts to federal T&E species and the USFWS is consulted if activities “may affect” or are “not likely to adversely affect” T&E species. For instance, if tree removal was required for construction of a stormwater basin or to gain access to an existing outfall, consultation with the USFWS would be required (see consultation options below). However, activities which would not impact the NLEB or its habitat such as maintenance (with no tree clearing) of an existing outfall would not require consultation with the USFWS. **Criterion C, therefore, is the appropriate criterion for the Town of Franklin to cite for ESA compliance in the NOI and the SWMP for the MS4 GP.**

USFWS Consultation Guidance for the NLEB (for future reference)

In general, the following activities that may affect the NLEB or its habitat are not eligible for the streamlined Section 7 ESA consultation and are typically deemed as having the potential to affect the NLEB:

¹ As outlined in Part 1.2.1 of the MS4 GP: “If the small MS4 is not located entirely within an urbanized area, only the portion of the MS4 that is located within the urbanized area is regulated under 40 CFR §122.32(a) (1)”. The special eligibility determinations of the MS4 GP, therefore, only apply to activities within the Urbanized Area of Franklin. It is important to note that the Urbanized Area will likely expand following the next US Census. The Town may wish to establish a policy for MS4 project reviews that applies town-wide to ensure consistency the ESA and NHPA requirements and enhance natural and historic resource protection.

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Continued...

- Purposeful take (non-incident take);
- Direct impact to caves or hibernaculum, or their entrance, where NLEBs are known to hibernate;
- Removal of a NLEB known occupied maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31; and
- Removal of any trees within 0.25 miles of NLEB hibernaculum at any time of year.

The USFWS has relied on state agencies to identify the locations of known NLEB hibernacula and maternity roost trees for compliance with these requirements. The USFWS does not require surveys for NLEB maternity roost trees or hibernacula, but recommend they be conducted, if possible. The Massachusetts Natural Heritage and Endangered Species Program (NHESP) has mapped all known hibernacula and maternity roost trees in the state, which is available online at <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/species-information-and-conservation/rare-mammals/northern-long-eared-bat.html>.

As of the latest map update on June 4, 2019, there are no known NLEB maternity roost trees mapped outside of Cape Cod and the islands and there are no known NLEB hibernacula in Franklin. The USFWS 4(d) Rule Streamlined Consultation Form is included as **Attachment E** as it identifies the type of information the USFWS will require for consultation for activities that qualify for streamlined consultation within the Urbanized Area. This will be relevant for any future stormwater projects that involve construction of new stormwater infrastructure or substantial maintenance or rehabilitation of existing stormwater infrastructure within the Urbanized Area and where the limit of work extends beyond the existing footprint and involves tree clearing.

National Historic Preservation Act Compliance

Section 106 of the NHPA requires projects with a federal action to take into account the effects of “undertakings” on historic properties that are either listed on, or eligible for listing on, the NRHP. Historic properties are defined in the NHPA regulations to include prehistoric or historic districts, sites, buildings, structures, or objects that are included in, or are eligible for inclusion in, the NRHP. Coordination with the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officers (THPOs) and others may be required to determine effects of discharges on historic properties.

Evaluation of NHPA Criteria for MS4 GP Eligibility

The USEPA has stated in Appendix D of the MS4 GP that authorized discharges confined to existing channels, outfalls, or natural drainage areas are deemed to not have the potential to cause effects on historical properties. These activities meet Criteria A in Appendix D of the MS4 GP, as they do not have the potential to cause effects on historic properties. MS4 GP eligibility under Criterion A is discussed further below. Existing information regarding historic properties provided by the MHC and the NRHP was utilized to determine the presence and extent of historic properties. Historic surveys were not conducted; therefore, Criterion B in Appendix D of the MS4 GP does not apply.

Certain activities such as the construction and/or installation of stormwater control measures that involve subsurface disturbance of less than one acre of land may have the potential to have an effect on historic properties. For these activities within the Urbanized Area, the Town of Franklin will need to ensure that

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historic properties will not be impacted or that they are in compliance with a written agreement with the SHPO, THPO, or other tribal representative that outlines all measures the Town will carry out to mitigate or prevent any adverse effects on historic properties. Note that ground disturbance greater than one acre requires coverage under the USEPA NPDES Construction General Permit (CGP), which contains the same permit eligibility requirements with respect to the NHPA.

The Franklin Common and Dean Junior College Historic Districts, which are listed on the NRHP, contain numerous historic properties as shown on the figures in **Attachment B** and the list of property information in **Attachment F**. The entirety of the two Historic Districts fall within the Urbanized Area. There is currently one storm drain outlet/outfall, 40 catch basins, and 29 manholes located within the Franklin Commons Historic District and no outlets/outfalls, 52 catch basins, and 39 manholes located in the Dean Junior College Historic District. Additional historic or potentially historic properties in the state inventory which may be eligible or could become eligible for the NRHP are also shown on the figures in Attachment A and listed in Attachment E. **Wood understands that the Town is not undertaking any activity involving subsurface land disturbance less than one acre (associated with the storm drain system); therefore, the Town meets Criterion A in Appendix D of the MS4 GP.**

SHPO and THPO Consultation Guidance (for future reference)

Future activities within or adjacent to NHRP historic properties or districts, that involve subsurface disturbance in areas that have not already been disturbed (so as to preclude the possibility of containing historic properties) will need to be reviewed to determine if consultation with the SHPO and THPOs are required. If consultation with the SHPO and THPOs is necessary, a Project Notification Form (PNF) must be submitted to the Massachusetts Historic Commission (a copy is provided as **Attachment G** for reference).

List of Attachments

- Attachment A: ESA and NHPA Eligibility Criteria
- Attachment B: Figures
- Attachment C: Federally Listed Endangered and Threatened Species in Massachusetts and IPaC Output
- Attachment D: Key to the Northern Long-Eared Bat 4(d) Rule for Federal Actions that May Affect Northern Long-Eared Bats
- Attachment E: USFWS 4(d) Rule Streamlined Consultation Form (blank)
- Attachment F: MACRIS List of Properties in Franklin on the National Register of Historic Places and Massachusetts State Inventory
- Attachment G: Massachusetts Historical Commission Project Notification Form (blank)

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Attachment A:

ESA and NHPA Eligibility Criteria

Endangered Species Guidance:

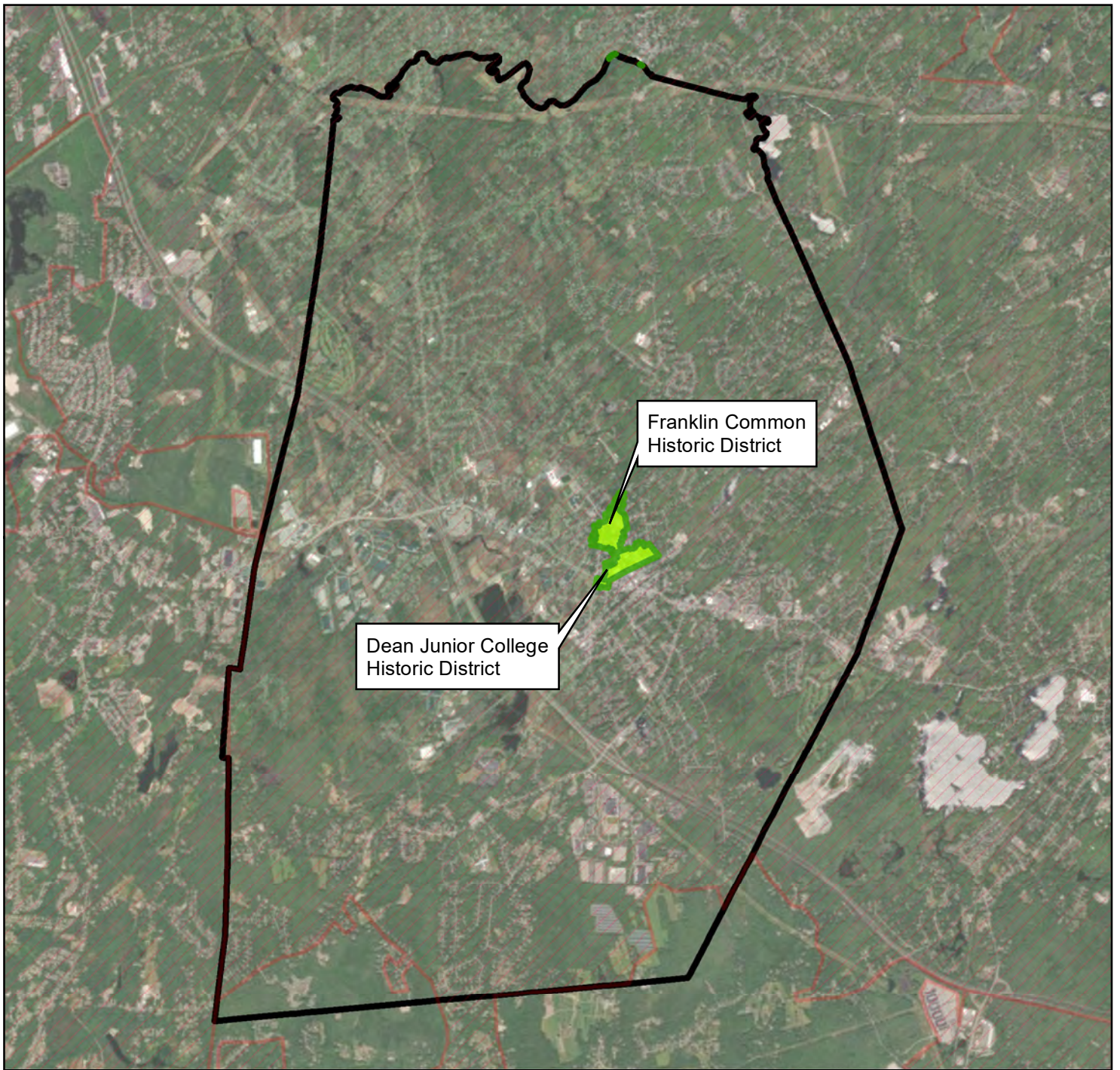
- **USFWS Criterion A:** No endangered or threatened species or critical habitat are in proximity to the stormwater discharges or discharge related activities.
- **USFWS Criterion B:** In the course of formal or informal consultation with the Fish and Wildlife Service, under section 7 of the ESA, the consultation resulted in either a no jeopardy opinion (formal consultation) or a written concurrence by USFWS on a finding that the stormwater discharges and discharge related activities are “not likely to adversely affect” listed species or critical habitat (informal consultation).
- **USFWS Criterion C:** Using the best scientific and commercial data available, the effect of the stormwater discharge and discharge related activities on listed species and critical habitat have been evaluated. Based on those evaluations, a determination is made by EPA, or by the applicant and affirmed by EPA, that the stormwater discharges and discharge related activities will have “no affect” on any federally threatened or endangered listed species or designated critical habitat under the jurisdiction of the USFWS.

National Historic Preservation Act Guidance:

- **Criterion A:** The discharges do not have the potential to cause effects on historic properties.
- **Criterion B:** A historic survey was conducted. The survey concluded that no historic properties are present. Discharges do not have the potential to cause effects on historic properties.
- **Criterion C:** The discharges and discharge related activities have the potential to have an effect on historic properties, and the applicant has obtained and is in compliance with a written agreement with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), or other tribal representative that outlines measures the applicant will carry out to mitigate or prevent any adverse effects on historic properties.




Attachment B:

Figures

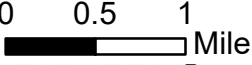


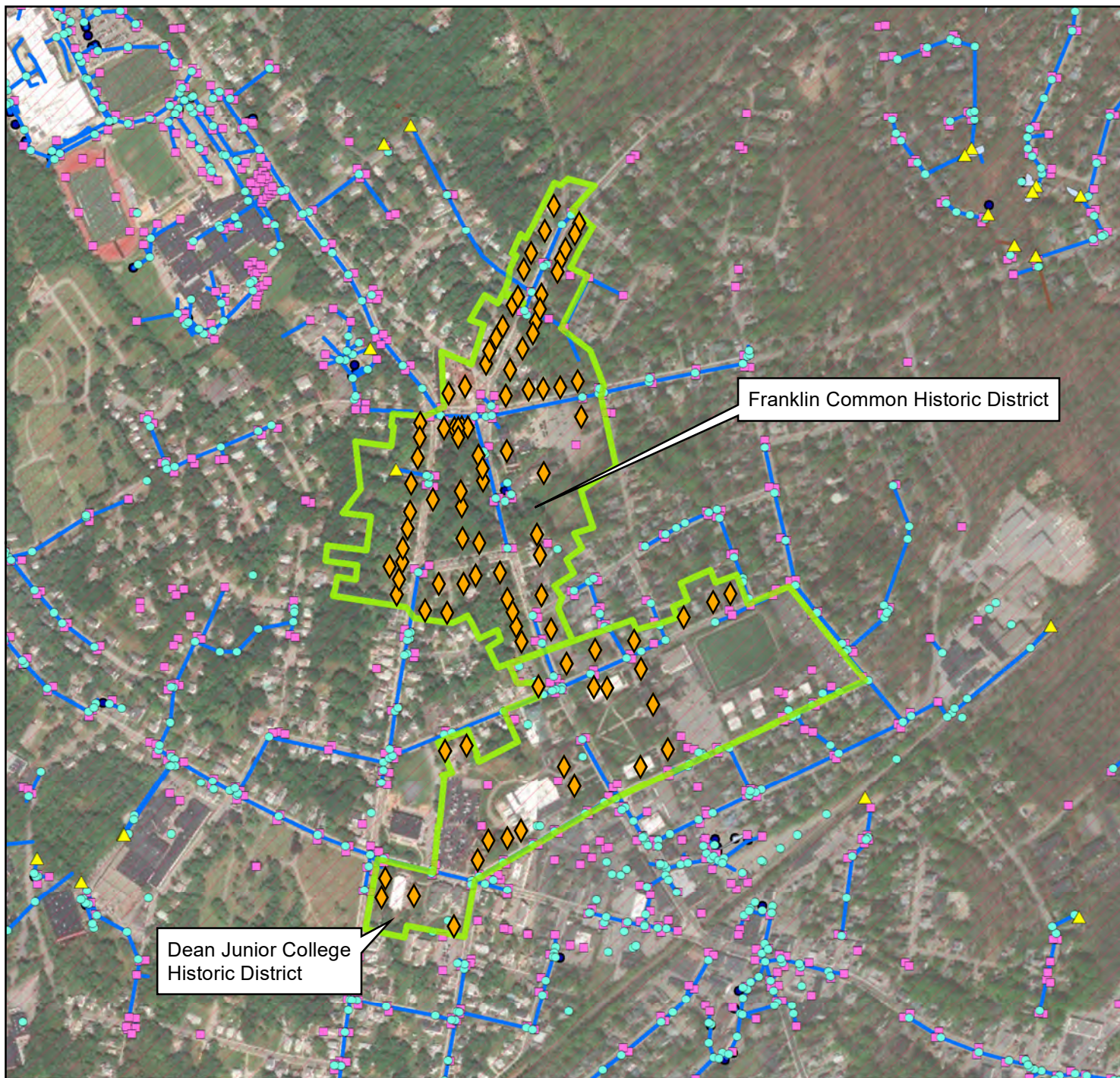
**Dean Junior
College and
Franklin
Common
Historic District
Location**

Franklin, MA

Legend	
	Town Boundary
	National Register of Historic Places
	2010 Urbanized Area



Notes & Sources
<p>Source: "Massachusetts Historical Commission Historic Inventory" Modified 2019-02-07 From MassGIS</p>
<p>0 0.5 1 Mile</p> 
<p>wood.</p> <p>Wood Environment & Infrastructure Solutions, Inc. 271 Mill Road Chelmsford, MA 01824 (978) 692-9090</p>
<p>FIGURE</p> <p>1</p>



Dean Junior College
Historic District

Franklin Common Historic District

**Stormwater
Infrastructure in
the Dean Junior
College and
Franklin
Commons
Historic Districts
Franklin, MA**

Legend	
	Historic Property
	Outfalls
	Manholes
	Catch Basins
	Stormwater Pipes
	Culverts
	Other SW Structure
	Basins
	Town Boundary
	National Register of Historic Places
	2010 Urbanized Area



Notes & Sources

Source:
"Massachusetts Historical
Commission Historic Inventory"
Modified 2019-02-07
From MassGIS

0 300 600 Feet

wood.

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FIGURE
2

Attachment C:

Federally Listed Endangered and Threatened Species in Massachusetts and IPaC Output

**FEDERALLY LISTED ENDANGERED AND THREATENED SPECIES IN
MASSACHUSETTS**

COUNTY	SPECIES	FEDERAL STATUS	GENERAL LOCATION/HABITAT	TOWNS
Barnstable	Piping Plover	Threatened	Coastal Beaches	All Towns
	Roseate Tern	Endangered	Coastal beaches and the Atlantic Ocean	All Towns
	Northeastern beach tiger beetle	Threatened	Coastal Beaches	Chatham
	Sandplain gerardia	Endangered	Open areas with sandy soils.	Sandwich and Falmouth.
	Northern Red-bellied Cooter	Endangered	Inland Ponds and Rivers	Bourne (north of the Cape Cod Canal)
	Red Knot ¹	Threatened	Coastal Beaches and Rocky Shores, sand and mud flats	Coastal Towns
	Northern Long-eared Bat	Threatened Final 4(d) Rule	Winter- mines and caves, Summer – wide variety of forested habitats	Statewide
Berkshire	Bog Turtle	Threatened	Wetlands	Egremont and Sheffield
	Northern Long-eared Bat	Threatened Final 4(d) Rule	Winter- mines and caves, Summer – wide variety of forested habitats	Statewide
Bristol	Piping Plover	Threatened	Coastal Beaches	Fairhaven, Dartmouth, Westport
	Roseate Tern	Endangered	Coastal beaches and the Atlantic Ocean	Fairhaven, New Bedford, Dartmouth, Westport
	Northern Red-bellied Cooter	Endangered	Inland Ponds and Rivers	Taunton
	Red Knot ¹	Threatened	Coastal Beaches and Rocky Shores, sand and mud flats	Coastal Towns
	Northern Long-eared Bat	Threatened Final 4(d) Rule	Winter- mines and caves, Summer – wide variety of forested habitats	Statewide
Dukes	Roseate Tern	Endangered	Coastal beaches and the Atlantic Ocean	All Towns
	Piping Plover	Threatened	Coastal Beaches	All Towns
	Northeastern beach tiger beetle	Threatened	Coastal Beaches	Aquinnah and Chilmark
	Sandplain gerardia	Endangered	Open areas with sandy soils.	West Tisbury
	Red Knot ¹	Threatened	Coastal Beaches and Rocky Shores, sand and mud flats	Coastal Towns
	Northern Long-eared Bat	Threatened Final 4(d) Rule	Winter- mines and caves, Summer – wide variety of forested habitats	Statewide

Updated 02/05/2016

**FEDERALLY LISTED ENDANGERED AND THREATENED SPECIES
IN MASSACHUSETTS**

COUNTY	SPECIES	FEDERAL STATUS	GENERAL LOCATION/HABITAT	TOWNS
Essex	Small whorled Pogonia	Threatened	Forests with somewhat poorly drained soils and/or a seasonally high water table	Gloucester, Essex and Manchester
	Piping Plover	Threatened	Coastal Beaches	Gloucester, Essex, Ipswich, Rowley, Revere, Newbury, Newburyport and Salisbury
	Red Knot ¹	Threatened	Coastal Beaches and Rocky Shores, sand and mud flats	Coastal Towns
	Northern Long-eared Bat	Threatened Final 4(d) Rule	Winter- mines and caves, Summer – wide variety of forested habitats	Statewide
Franklin	Northeastern bulrush	Endangered	Wetlands	Montague, Warwick
	Dwarf wedgemussel	Endangered	Mill River	Whately
	Northern Long-eared Bat	Threatened Final 4(d) Rule	Winter- mines and caves, Summer – wide variety of forested habitats	Statewide
Hampshire	Small whorled Pogonia	Threatened	Forests with somewhat poorly drained soils and/or a seasonally high water table	Hadley
	Puritan tiger beetle	Threatened	Sandy beaches along the Connecticut River	Northampton and Hadley
	Dwarf wedgemussel	Endangered	Rivers and Streams.	Hatfield, Amherst and Northampton
	Northern Long-eared Bat	Threatened Final 4(d) Rule	Winter- mines and caves, Summer – wide variety of forested habitats	Statewide
Hampden	Small whorled Pogonia	Threatened	Forests with somewhat poorly drained soils and/or a seasonally high water table	Southwick
	Northern Long-eared Bat	Threatened Final 4(d) Rule	Winter- mines and caves, Summer – wide variety of forested habitats	Statewide
Middlesex	Small whorled Pogonia	Threatened	Forests with somewhat poorly drained soils and/or a seasonally high water table	Groton
	Northern Long-eared Bat	Threatened Final 4(d) Rule	Winter- mines and caves, Summer – wide variety of forested habitats	Statewide
Nantucket	Piping Plover	Threatened	Coastal Beaches	Nantucket
	Roseate Tern	Endangered	Coastal beaches and the Atlantic Ocean	Nantucket
	American burying beetle	Endangered	Upland grassy meadows	Nantucket
	Red Knot ¹	Threatened	Coastal Beaches and Rocky Shores, sand and mud flats	Coastal Towns
	Northern Long-eared Bat	Threatened Final 4(d) Rule	Winter- mines and caves, Summer – wide variety of forested habitats	Statewide

**FEDERALLY LISTED ENDANGERED AND THREATENED SPECIES
IN MASSACHUSETTS**

COUNTY	SPECIES	FEDERAL STATUS	GENERAL LOCATION/HABITAT	TOWNS
Plymouth	Piping Plover	Threatened	Coastal Beaches	Scituate, Marshfield, Duxbury, Plymouth, Wareham and Mattapoissett
	Northern Red-bellied Cooter	Endangered	Inland Ponds and Rivers	Kingston, Middleborough, Carver, Plymouth, Bourne, Wareham, Halifax, and Pembroke
	Roseate Tern	Endangered	Coastal beaches and the Atlantic Ocean	Plymouth, Marion, Wareham, and Mattapoissett.
	Red Knot ¹	Threatened	Coastal Beaches and Rocky Shores, sand and mud flats	Coastal Towns
	Northern Long-eared Bat	Threatened Final 4(d) Rule	Winter- mines and caves, Summer – wide variety of forested habitats	Statewide
Suffolk	Piping Plover	Threatened	Coastal Beaches	Revere, Winthrop
	Red Knot ¹	Threatened	Coastal Beaches and Rocky Shores, sand and mud flats	Coastal Towns
	Northern Long-eared Bat	Threatened Final 4(d) Rule	Winter- mines and caves, Summer – wide variety of forested habitats	Statewide
Worcester	Small whorled Pogonia	Threatened	Forests with somewhat poorly drained soils and/or a seasonally high water table	Leominster
	Northern Long-eared Bat	Threatened Final 4(d) Rule	Winter- mines and caves, Summer – wide variety of forested habitats	Statewide

¹Migratory only, scattered along the coast in small numbers

-Eastern cougar and gray wolf are considered extirpated in Massachusetts.

-Endangered gray wolves are not known to be present in Massachusetts, but dispersing individuals from source populations in Canada may occur statewide.

-Critical habitat for the Northern Red-bellied Cooter is present in Plymouth County.

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Norfolk County, Massachusetts



Local office

New England Ecological Services Field Office

☎ (603) 223-2541

📅 (603) 223-0104

70 Commercial Street, Suite 300
Concord, NH 03301-5094

<http://www.fws.gov/newengland>

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.
2. [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.

The following species are potentially affected by activities in this location:

Mammals

NAME

STATUS

Northern Long-eared Bat *Myotis septentrionalis*
No critical habitat has been designated for this species.
<https://ecos.fws.gov/ecp/species/9045>

Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

Bald Eagle *Haliaeetus leucocephalus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Breeds Oct 15 to Aug 31

Black-billed Cuckoo *Coccyzus erythrophthalmus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9399>

Breeds May 15 to Oct 10

Bobolink *Dolichonyx oryzivorus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 20 to Jul 31

Canada Warbler *Cardellina canadensis*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 20 to Aug 10

Lesser Yellowlegs *Tringa flavipes*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9679>

Breeds elsewhere

Prairie Warbler *Dendroica discolor*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 1 to Jul 31

Rusty Blackbird *Euphagus carolinus*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Semipalmated Sandpiper *Calidris pusilla*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Wood Thrush *Hylocichla mustelina*

Breeds May 10 to Aug 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

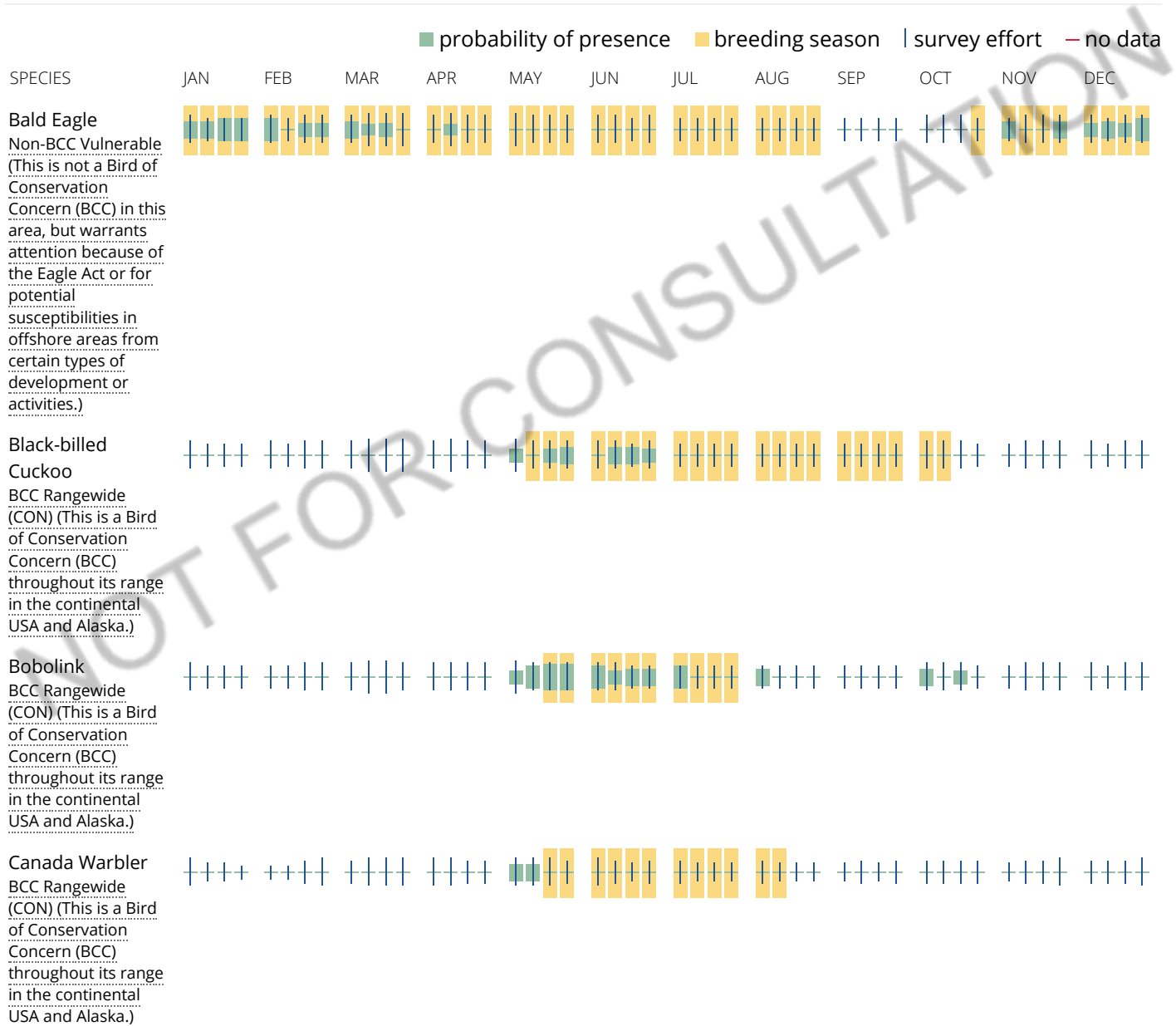
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (-)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project

intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

WETLAND INFORMATION IS NOT AVAILABLE AT THIS TIME

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Attachment D:

Key to the Northern Long-Eared Bat 4(d)
Rule for Federal Actions that May Affect Northern Long-Eared Bats



Key to the Northern Long-Eared Bat 4(d) Rule for Federal Actions that May Affect Northern Long-Eared Bats

A separate key is available for non-federal activities

Federal agency actions that involve incidental take not prohibited under the final 4(d) rule may result in effects to individual northern long-eared bats. Per section 7 of the Act, if a federal agency's action may affect a listed species, consultation with the Service is required. This requirement does not change when a 4(d) rule is implemented. However, for this 4(d) rule, the Service proposed a framework to streamline section 7 consultations when federal actions may affect the northern long-eared bat but will not cause prohibited take. Federal agencies have the option to rely upon the finding of the programmatic biological opinion for the final 4(d) rule to fulfill their project-specific section 7 responsibilities by using the framework. This key will help federal agencies determine if their actions may cause prohibited incidental take of northern long-eared bats as defined in the 4(d) rule under the Endangered Species Act and if separate section 7 consultation may be necessary. Also, the framework for streamlining northern long-eared bat section 7 consultation is provided.

1. Have you determined that the proposed action will have “no effect” on the northern long-eared bat?

Yes, the proposed action will have “no effect” on the northern long-eared bat.

When the action agency determines its proposed action will not affect a listed species, there is no need to coordinate further with the Service. If the northern long-eared bat will not be exposed directly or indirectly to the proposed action or any resulting environmental changes, an agency should conclude "no effect" and document the finding and this completes the section 7 process. For example, if suitable habitat is not present in the action area and the project does not otherwise present a risk to the species, conclude "species not present" and document your finding.

No, the proposed action “may affect” the northern long-eared bat or individual northern long-eared bats.

Continue to #2

2. Will your activity purposefully take (see Definitions below) northern long-eared bats? For example, are you removing bats from a human structure or capturing bats for research?

Yes, my activity includes purposefully taking northern long-eared bats.

- Removing bats from human structures is not prohibited and take of northern long-eared bats as required for public health monitoring (disease testing) is not prohibited. The federal agency can rely upon the finding of the programmatic biological opinion for the final 4(d) rule to fulfill their project-specific section 7 responsibilities if they use the framework described below. This framework is

optional, if the federal agency chooses not to follow the framework, standard section 7 consultation procedures apply.

- Research that involves handling bats does require a permit after May 4, 2016; if you are conducting research that includes capturing and handling northern long-eared bats, you should contact the U.S. Fish and Wildlife Service to apply for a permit. www.fws.gov/endangered/regions
- Other purposeful take (see Definitions below) of northern long-eared bats is prohibited. You should contact the U.S. Fish and Wildlife Service as the standard section 7 consultation procedures apply.

No, my activity does not include purposefully taking northern long-eared bats.

Continue to #3.

3. Is the action area (i.e., the area affected by all direct and indirect project effects) located wholly outside the White-nose Syndrome Zone? For the most current version of the White-nose Syndrome Zone map, please see

www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf

Yes, the action area is located wholly outside the white-nose syndrome zone.

Incidental take (see Definitions below) of northern long-eared bats is not prohibited in areas outside the White-nose Syndrome Zone. The federal agency can rely upon the finding of the programmatic biological opinion for the final 4(d) rule to fulfill their project-specific section 7 responsibilities if they use the framework described below. This framework is optional, if the federal agency chooses not to follow the framework, standard section 7 consultation procedures apply.

No, the action area is located partially or wholly inside the white-nose syndrome zone.

Continue to #4

4. Will the action take affect caves or mines where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?

Yes, the action will affect a northern long-eared bat hibernaculum or it could alter the entrance or the environment (physical or other alteration) of a hibernaculum.

Take (see Definitions below) of northern long-eared bats within hibernacula is prohibited, including actions that may change the nature of the hibernaculum's environment or entrance to it, even when the bats are not present. If your activity includes work in a hibernaculum or it could alter its entrance or environment, please contact the Service's Ecological Services Field Office located nearest to the project area. To find contact information for the Ecological Services Field Offices, please see www.fws.gov/offices.

No, the action will not take place within a northern long-eared bat hibernaculum or alter its entrance or environment.

Continue to #5

5. Will the action involve tree removal (see definition below)?

No, the action does not include tree removal.

[Incidental take](#) (see Definitions below) from activities that do not involve tree removal and do not take place within hibernacula or would not alter the hibernaculum's entrance or environment (see Question #4), is not prohibited. The federal agency can rely upon the finding of the programmatic biological opinion for the final 4(d) rule to fulfill their project-specific section 7 responsibilities if they use the framework described below. This framework is optional, if the federal agency chooses not to follow the framework, standard section 7 consultation procedures apply.

Yes, the action involves tree removal.

Continue to #6

6. Is the action the removal of hazardous trees for protection of human life or property?

Yes, the action is removing hazardous trees.

[Incidental take](#) (see Definitions below) of northern long-eared bats as a result of hazardous tree removal is not prohibited. The federal agency can rely upon the finding of the programmatic biological opinion for the final 4(d) rule to fulfill their project-specific section 7 responsibilities if they use the framework described below. This framework is optional, if the federal agency chooses not to follow the framework, standard section 7 consultation procedures apply.

No, the action is not removing hazardous trees.

Continue to #7

7. Will the action include one or both of the following: 1) removing a northern long-eared bat known occupied maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31; or 2) removing any trees within 0.25 miles of a northern long-eared bat hibernaculum at any time of year?

No

[Incidental take](#) (see Definitions below) from tree removal activities is not prohibited unless it results from removing a known occupied maternity roost tree or from tree removal activities within 150 feet of a known occupied maternity roost tree from June 1 through July 31 or results from tree removal activities within 0.25 mile of a hibernaculum at any time. The federal agency can rely upon the finding of the programmatic biological opinion for the final 4(d) rule to fulfill their project-specific section 7 responsibilities if they use the framework described below. This framework is optional, if the federal agency chooses not to follow the framework, standard section 7 consultation procedures apply.

Yes

Incidental take (see Definitions below) of northern long-eared bats is prohibited if it occurs as a result of removing a known occupied maternity roost tree or removing trees within 150 feet of a known occupied maternity roost tree during the pup season from June 1 through July 31 or as a result of removing trees from within 0.25 mile of a hibernaculum at any time of year. This does not mean that you cannot conduct your action; however, standard section 7 consultation procedures apply. Please contact your nearest Ecological Services Field Office. To find contact information for the Ecological Services Field Offices, please see www.fws.gov/offices

How do I know if there is a maternity roost tree or hibernacula in the action area?

We acknowledge that it can be difficult to determine if a maternity roost tree or a hibernaculum is in your project area. Location information for both resources is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases is available at www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html.

When looking for information on the presence of maternity roost trees or hibernacula within your project area, our expectation is that the federal action agency will complete due diligence to determine if data is available. If information is not available, document your attempt to find the information and send it with your determination under step 1 of the framework (see below).

We do not require federal agencies to conduct surveys; however, we recommend that surveys be conducted whenever possible. Surveys will help federal agencies meet their responsibilities under section 7(a)(1) of the Act. Active participation of federal agencies in survey efforts will lead to a more effective conservation strategy for the northern long-eared bat. In addition, should the Service reclassify the species as endangered in the future, an agency with a good understanding of how the species uses habitat based on surveys within its action areas could have greater flexibility under section 7(a)(2) of the Act. Recommended survey methods are available at www.fws.gov/midwest/endangered/mammals/nleb.

Definitions

“Incidental take” is defined by the Endangered Species Act as take that is "incidental to, and not the purpose of, the carrying out of an otherwise lawful activity." For example, harvesting trees can kill bats that are roosting in the trees, but the purpose of the activity is not to kill bats.

“Known hibernacula” are defined as locations where one or more northern long-eared bats have been detected during hibernation or at the entrance during fall swarming or spring emergence. Given the challenges of surveying for northern long-eared bats in the winter, any hibernacula with northern long-eared bats observed at least once, will continue to be considered “known hibernacula” as long as the hibernacula remains suitable for northern long-eared bat.

“Known occupied maternity roost trees” is defined in the 4(d) rule as trees that have had female northern long-eared bats or juvenile bats tracked to them or the presence of female or juvenile bats is known as a result of other methods. Once documented, northern-long eared bats are known to continue to use the same roosting areas. Therefore, a tree will be considered to be a “known occupied maternity roost” as long as the tree and surrounding habitat remain suitable for northern long-eared bat. The incidental take prohibition for known occupied maternity roosts trees applies only during the during the pup season (June 1 through July 31).

“Purposeful take” is when the reason for the activity or action is to conduct some form of take. For instance, conducting a research project that includes collecting and putting bands on bats is a form of purposeful take. Intentionally killing or harming bats is also purposeful take and is prohibited.

“Take” is defined by the ESA as ‘to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect’ any endangered species. Purposeful take is when the reason for the activity or action is to conduct some form of take. For instance, conducting a research project that includes collecting and putting bands on bats is a form of purposeful take.

“Tree removal” is defined in the 4(d) rule as cutting down, harvesting, destroying, trimming, or manipulating in any other way the trees, saplings, snags, or any other form of woody vegetation likely to be used by northern long-eared bats.

Optional Framework to Streamline Section 7 Consultation for the Northern Long-Eared Bat

The primary objective of the framework is to provide an efficient means for U.S. Fish and Wildlife Service verification of federal agency determinations that their proposed actions are consistent with those evaluated in the programmatic intra-Service consultation for the final 4(d) rule and do not require separate consultation. Such verification is necessary because incidental take is prohibited in the vicinity of known hibernacula and known roosts, and these locations are continuously updated. Federal agencies may rely on this Biological Opinion to fulfill their project-specific section 7(a)(2) responsibilities under the following framework:

1. For all federal activities that may affect the northern long-eared bat, the action agency will provide project-level documentation describing the activities that are excepted from incidental take prohibitions and addressed in this consultation. The federal agency must provide written documentation to the appropriate Service Field Office when it is determined their action may affect (i.e., not likely to adversely affect or likely to adversely affect) the northern long-eared bat, but would not cause prohibited incidental take. This documentation must follow these procedures:
 - a. In coordination with the appropriate Service Field Office, each action agency must make a determination as to whether their activity is excepted from incidental taking prohibitions in the final 4(d) rule. Activities that will occur within 0.25 mile of a known hibernacula or within 150 feet of known, occupied maternity roost trees during the pup season (June 1 to July 31) are not excepted pursuant to the final 4(d) rule. This determination must be updated annually for multi-year activities.
 - b. At least 30 days in advance of funding, authorizing, or carrying out an action, the federal agency must provide written notification of their determination to the appropriate Service Field Office.
 - c. For this determination, the action agency will rely on the definitions of prohibited activities provided in the final 4(d) rule and the activities considered in this consultation.
 - d. The determination must include a description of the proposed project and the action area (the area affected by all direct and indirect project effects) with sufficient detail to support the determination.
 - e. The action agency must provide its determination as part of a request for coordination or consultation for other listed species or separately if no other species may be affected.
 - f. Service concurrence with the action agency determination is not required, but the Service may advise the action agency whether additional information indicates consultation for the northern long-eared bat is required; i.e., where the proposed project includes an activity not covered by the 4(d) rule and thus not addressed in the Biological Opinion and is subject to additional consultation.

- g. If the Service does not respond within 30 days under (f) above, the action agency may presume its determination is informed by best available information and consider its project responsibilities under section 7(a)(2) with respect to the northern long-eared bat fulfilled through this programmatic Biological Opinion.

2. Reporting

- a. For monitoring purposes, the Service will assume all activities are conducted as described. If an agency does not conduct an activity as described, it must promptly report and describe such departures to the appropriate Service Field Office.
- b. The action agency must provide the results of any surveys for the northern long-eared bat to the appropriate Service Field Office within their jurisdiction.
- c. Parties finding a dead, injured, or sick northern long-eared bat must promptly notify the appropriate Service Field Office.

If a Federal action agency chooses not to follow this framework, standard section 7 consultation procedures will apply.

Section 7(a)(1) of the Act directs Federal agencies, in consultation with and with the assistance of the Secretary (a function delegated to the Service), to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Service Headquarters provides to federal action agencies who choose to implement the framework described above several conservation recommendations for exercising their 7(a)(1) responsibility in this context. Conservation recommendations are discretionary federal agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information. Service Headquarters recommends that the following conservation measures to all Federal agencies whose actions may affect the northern long-eared bat:

1. Perform northern long-eared bat surveys according to the most recent Range-wide Indiana Bat/ northern long-eared bat Summer Survey Guidelines. Benefits from agencies voluntarily performing northern long-eared bat surveys include:
 - a. Surveys will help federal agencies meet their responsibilities under section 7(a)(1) of the Act. The Service and partners will use the survey data to better understand habitat use and distribution of northern long-eared bats, track the status of the species, evaluate threats and impacts, and develop effective conservation and recovery actions. Active participation of federal agencies in survey efforts will lead to a more effective conservation strategy for the northern long-eared bat.
 - b. Should the Service reclassify the species as endangered in the future, an agency with a good understanding of how the species uses habitat based on surveys within its action areas could inform greater flexibility under section 7(a)(2) of the Act. Such information could facilitate an expedited consultation and incidental take statement that may, for example, exempt taking associated with tree removal during the active season, but outside of the pup season, in known occupied habitat.

2. Apply additional voluntary conservation measures, where appropriate, to reduce the impacts of activities on northern long-eared bats. Conservation measures include:
 - a. Conduct tree removal activities outside of the northern long-eared bat pup season (June 1 to July 31) and/or the active season (April 1 to October 31). This will minimize impacts to pups at roosts not yet identified.
 - b. Avoid clearing suitable spring staging and fall swarming habitat within a 5-mile radius of known or assumed northern long-eared bat hibernacula during the staging and swarming seasons (April 1 to May 15 and August 15 to November 14, respectively).
 - c. Manage forests to ensure a continual supply of snags and other suitable maternity roost trees.
 - d. Conduct prescribed burns outside of the pup season (June 1 to July 31) and/or the active season (April 1 to October 31). Avoid high-intensity burns (causing tree scorch higher than northern long-eared bat roosting heights) during the summer maternity season to minimize direct impacts to northern long-eared bat.
 - e. Perform any bridge repair, retrofit, maintenance, and/or rehabilitation work outside of the northern long-eared bat active season (April 1 to October 31) in areas where northern long-eared bats are known to roost on bridges or where such use is likely.
 - f. Do not use military smoke and obscurants within forested suitable northern long-eared bat habitat during the pup season (June 1 to July 31) and/or the active season (April 1 to October 31).
 - g. Minimize use of herbicides and pesticides. If necessary, spot treatment is preferred over aerial application.
 - h. Evaluate the use of outdoor lighting during the active season and seek to minimize light pollution by angling lights downward or via other light minimization measures.
 - i. Participate in actions to manage and reduce the impacts of white-nose syndrome on northern long-eared bat. Actions needed to investigate and manage white-nose syndrome are described in a national plan the Service developed in coordination with other state and federal agencies.

Attachment E:

USFWS 4(d) Rule Streamlined Consultation Form (blank)

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A

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

PROJECT NOTIFICATION FORM

Project Name: _____

Location / Address: _____

City / Town: _____

Project Proponent

Name: _____

Address: _____

City/Town/Zip/Telephone: _____

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

Agency Name

Type of License or funding (specify)

Project Description (narrative):

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

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

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

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A (continued)

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify.

What is the total acreage of the project area?

Woodland _____	acres	Productive Resources:	
Wetland _____	acres	Agriculture _____	acres
Floodplain _____	acres	Forestry _____	acres
Open space _____	acres	Mining/Extraction _____	acres
Developed _____	acres	Total Project Acreage _____	acres

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

What is the present land use of the project area?

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

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

Signature of Person submitting this form: _____ Date: _____

Name: _____

Address: _____

City/Town/Zip: _____

Telephone: _____

REGULATORY AUTHORITY

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

Attachment F:

MACRIS List of Properties in Franklin on the National Register of Historic Places and
Massachusetts State Inventory

Massachusetts Cultural Resource Information System

MACRIS

MACRIS Search Results

Search Criteria: Town(s): Franklin; Resource Type(s): Area, Building, Burial Ground, Object, Structure;

Inv. No.	Property Name	Street	Town	Year
FRN.A	Franklin Center		Franklin	
FRN.B	Franklin Manufacturing District		Franklin	
FRN.C	Unionville		Franklin	
FRN.D	North Franklin		Franklin	
FRN.E	South Franklin		Franklin	
FRN.F	Dean Junior College Historic District		Franklin	
FRN.G	West Central Streetscape		Franklin	
FRN.H	Garfield Streetscape		Franklin	
FRN.I	Emmons Streetscape		Franklin	
FRN.J	Dale Streetscape		Franklin	
FRN.K	Charlotte Court Streetscape		Franklin	
FRN.L	North Park Streetscape		Franklin	
FRN.M	Ray Hill Streetscape		Franklin	
FRN.N	Franklin State Forest - CCC Camp		Franklin	
FRN.O	Franklin Common Historic District		Franklin	
FRN.1	Brown, William A. House	24 A St	Franklin	c 1913
FRN.907	Acorn Street Railroad Bridge	Acorn St	Franklin	1911
FRN.2		14 Alpine Pl	Franklin	c 1895
FRN.3	Morse, A. H. House	35 Alpine Row	Franklin	c 1910
FRN.153	Bacon, Henry Metcalf House	11 Bacon St	Franklin	c 1835
FRN.4	Emerson, Ellis P. House	40 Beaver St	Franklin	c 1874
FRN.5	Larson, Hugh House	62 Beaver St	Franklin	c 1915
FRN.6	Thurston, Daniel House	105 Beaver St	Franklin	c 1750
FRN.7	Aldis Homestead	146 Brook St	Franklin	c 1710
FRN.8	Morse House	171 Brook St	Franklin	c 1730
FRN.9	Buckley, Daniel House	3 Charlotte Ct	Franklin	c 1915
FRN.10	Charboneau, Joseph House	5 Charlotte Ct	Franklin	c 1915

Inv. No.	Property Name	Street	Town	Year
FRN.11	Saint John, Frank House	7 Charlotte Ct	Franklin	c 1915
FRN.905	Chestnut Street Bridge	Chestnut St	Franklin	c 1870
FRN.12	Venthams House	483 Chestnut St	Franklin	c 1752
FRN.13		17 Church Ave	Franklin	c 1890
FRN.15	Corson House	27 Church Ave	Franklin	c 1870
FRN.14	Whiting, Joseph M. House	28 Church Ave	Franklin	c 1867
FRN.923	Church Square Veteran's Flagpole	Church Sq	Franklin	1979
FRN.17	Saint Mary's Catholic Church Rectory	1 Church Sq	Franklin	1932
FRN.18	Saint Mary's Catholic Church	1 Church Sq	Franklin	1927
FRN.16	McParland, Hugh House	19 Church St	Franklin	c 1874
FRN.19	Loomis, W. House	14 Corbin St	Franklin	c 1885
FRN.20		15 Corbin St	Franklin	c 1895
FRN.21		34 Cottage St	Franklin	c 1930
FRN.22	Nevins House	40 Cottage St	Franklin	c 1865
FRN.23	Miller, Willard House	53 Cottage St	Franklin	1872
FRN.24	Jenks, Henry R. House	56 Cottage St	Franklin	1873
FRN.25	Morse, Aaron Hartwell House	74 Cottage St	Franklin	c 1883
FRN.26	Russeque, A. A. House	85 Cottage St	Franklin	c 1872
FRN.27	Logee - Russeque, A. A. House	89 Cottage St	Franklin	c 1872
FRN.28	Byrnes, Joseph House	90 Cottage St	Franklin	c 1899
FRN.29	Hosie, George S. House	94 Cottage St	Franklin	c 1870
FRN.30	Mahoney, Kate House	112 Cottage St	Franklin	c 1880
FRN.31	McCarty, Jeremiah House	113 Cottage St	Franklin	c 1886
FRN.32	Bachelor, I. F. House	118 Cottage St	Franklin	c 1870
FRN.33	Doherty, William House	130 Cottage St	Franklin	c 1870
FRN.34	Taddeo, Adelina House	287 Cottage St	Franklin	c 1880
FRN.35	Fales, Charles L. House	19-21 Crescent St	Franklin	1885
FRN.36	Dana, William G. House	20 Crescent St	Franklin	c 1895
FRN.37	Stott, Grace C. House	38 Crescent St	Franklin	c 1895
FRN.38	Pitts, L. L. House	48 Crescent St	Franklin	c 1870
FRN.40	Metcalfe, Edgar A. House	56 Crescent St	Franklin	c 1895
FRN.41	Wrightington, Martha A. House	61 Crescent St	Franklin	1884
FRN.42	Richardson House	65 Crescent St	Franklin	c 1888
FRN.43	Woodward, A. P. House	77 Crescent St	Franklin	c 1890
FRN.44	Mann, William D. House	40 Cross St	Franklin	c 1895
FRN.45	Jackson, Charles - Turner, Bertram House	44 Cross St	Franklin	c 1895
FRN.46	Redpath, William House	57 Cross St	Franklin	c 1890
FRN.47	Ludwin, Abraham - Saltman, Frederick House	76 Cross St	Franklin	c 1925

Inv. No.	Property Name	Street	Town	Year
FRN.49	Smith, William House	19 Dale St	Franklin	c 1890
FRN.48	Anderson, Hilmer House	23 Dale St	Franklin	c 1890
FRN.50		55 Daniels St	Franklin	r 1850
FRN.108	Franklin Y.M.C.A. Building	16 Dean Ave	Franklin	1911
FRN.51	Ray, Joseph G. House	20 Dean Ave	Franklin	c 1885
FRN.52	Ray, Joseph G. House	26 Dean Ave	Franklin	c 1885
FRN.53	Smith, Francis W. House	30 Dean Ave	Franklin	c 1884
FRN.54	Ketover, John - Carlucci, Louis House	33 Dean Ave	Franklin	c 1900
FRN.55	Ray, Joseph G. House	40 Dean Ave	Franklin	c 1884
FRN.56	Lovejoy, Edward F. House	41 Dean Ave	Franklin	c 1887
FRN.57	Nolen, Dr. William B. House	49 Dean Ave	Franklin	c 1890
FRN.58	Ray, Joseph G. House	50 Dean Ave	Franklin	c 1885
FRN.59	Nason, Jesse House	55 Dean Ave	Franklin	c 1880
FRN.60	Hosie, Jessie House	59 Dean Ave	Franklin	c 1895
FRN.61		63 Dean Ave	Franklin	c 1890
FRN.62	Ray, Joseph G. House	64 Dean Ave	Franklin	c 1878
FRN.63	Chilson, James O. House	67 Dean Ave	Franklin	c 1885
FRN.64	Fletcher, Asa Austin House	68 Dean Ave	Franklin	c 1878
FRN.65	Fletcher, Asa Austin House	72 Dean Ave	Franklin	1887
FRN.67	Chilson, James O. House	73 Dean Ave	Franklin	1882
FRN.66	Fletcher, Asa Austin House	76 Dean Ave	Franklin	1878
FRN.68	Milliken, Lemuel W. House	80 Dean Ave	Franklin	c 1878
FRN.69	Milliken, Lemuel W. House	84 Dean Ave	Franklin	c 1885
FRN.70	Cotten, Daniel C. House	90 Dean Ave	Franklin	c 1878
FRN.71	Daniels, Henry W. House	97 Dean Ave	Franklin	1887
FRN.72	Sommers, Rudolph House	103 Dean Ave	Franklin	1887
FRN.73	Snow, Bassett and Company Straw Works	115 Dean Ave	Franklin	c 1880
FRN.74	Franklin Railroad Station	25 Depot St	Franklin	c 1888
FRN.901	Mann, Horace Birthplace Monument	East Central St	Franklin	1929
FRN.82	Cataldo, A. J. Building	7-13 East Central St	Franklin	1923
FRN.273	Martin Brothers Garage	12 East Central St	Franklin	c 1910
FRN.83	Sherman Laundry Building	15 East Central St	Franklin	c 1911
FRN.84		17-33 East Central St	Franklin	1890
FRN.85		35 East Central St	Franklin	c 1890
FRN.86		56-58 East Central St	Franklin	c 1930
FRN.87		70 East Central St	Franklin	c 1895
FRN.88	Whitaker, Lewis R. House	88 East Central St	Franklin	1870
FRN.89	Davis, William H. House	89 East Central St	Franklin	c 1860

Inv. No.	Property Name	Street	Town	Year
FRN.90	Razee, James E. House	97 East Central St	Franklin	c 1880
FRN.92		103 East Central St	Franklin	c 1925
FRN.91	Corbin House	110 East Central St	Franklin	c 1875
FRN.93	Cook, Delilah House	111 East Central St	Franklin	1879
FRN.94	Nealer, Frederick House	122 East Central St	Franklin	c 1890
FRN.95	Four Corners School	160 East Central St	Franklin	c 1935
FRN.96	Hill, Sanford House	181 East Central St	Franklin	c 1850
FRN.97	Hartshorn, Edmund House	188 East Central St	Franklin	c 1875
FRN.98	Hill, Alberton House	230 East Central St	Franklin	c 1895
FRN.99	Blake, Ebenezer House	693 East Central St	Franklin	c 1790
FRN.75	Rudolph, William C. House	11 East St	Franklin	c 1910
FRN.76	Thayer, Alexander House and Shoe Shop	21 East St	Franklin	c 1875
FRN.77	Stewart, Robert A. House	35 East St	Franklin	1876
FRN.78	Hood, James House	40 East St	Franklin	c 1864
FRN.79	Stewart, Robert House	57 East St	Franklin	c 1865
FRN.80	Healy House	77 East St	Franklin	c 1895
FRN.81	Lennan - Shulze House	143 East St	Franklin	c 1915
FRN.101	Fisher, Calub House	11 Elm St	Franklin	c 1750
FRN.102	Cotton, Daniel C. House	2 Emmons St	Franklin	1887
FRN.103	Cotton, Daniel C. House	6 Emmons St	Franklin	1887
FRN.104	Cotton, Daniel C. House	10 Emmons St	Franklin	1887
FRN.105	Heaton House	42 Emmons St	Franklin	c 1890
FRN.106	Ray, Joseph G. House	70 Emmons St	Franklin	c 1870
FRN.107	Cochrane, George H. House	76 Emmons St	Franklin	1880
FRN.113	Mann, Horace School	150 Emmons St	Franklin	1892
FRN.39	Clark, Cutler and McDermott Company Office	5 Fisher St	Franklin	1935
FRN.114	Clark, Cutler and McDermott Factory Building	5 Fisher St	Franklin	c 1910
FRN.115	Heywood, Ruel House	91 Fisher St	Franklin	c 1900
FRN.116	Picard, George House	121 Fisher St	Franklin	c 1895
FRN.117	Franklin Rubber Boot Factory	145 Fisher St	Franklin	1882
FRN.118	Woodward Estate	95 Forest St	Franklin	c 1720
FRN.217	Norfolk Woolen Mill	Forge Hill Rd	Franklin	c 1887
FRN.119	Snow, Homer V. House	14 Garfield St	Franklin	c 1884
FRN.120	Snow, Homer V. House	16 Garfield St	Franklin	c 1884
FRN.121	Farmer, Moses House	20 Garfield St	Franklin	c 1878
FRN.801	Green Street Cemetery	13 Green St	Franklin	1740
FRN.124	Clark House	Grove St	Franklin	c 1720
FRN.909	Franklin State Forest - CCC Camp Road	Grove St	Franklin	c 1935

Inv. No.	Property Name	Street	Town	Year
FRN.910	Franklin State Forest - CCC Camp Water Supply	Grove St	Franklin	1935
FRN.123	Newell Homestead	221 Grove St	Franklin	c 1720
FRN.122	Blake House	365 Grove St	Franklin	c 1710
FRN.924	High Street Flagpole	High St	Franklin	c 1919
FRN.125	Grace Universalist Church Parsonage	2 High St	Franklin	c 1852
FRN.126	King, Dr. George House I	14 High St	Franklin	c 1845
FRN.367	King, Dr. George House II	18 High St	Franklin	c 1850
FRN.127	Sherman, Edward H. House	28 High St	Franklin	c 1875
FRN.368	Sherman, Edward H. Stable	28R High St	Franklin	c 1875
FRN.129	Buchanan, William C. House	61 Hillside Rd	Franklin	c 1910
FRN.130	Mason, Albert C. House	71 Hillside Rd	Franklin	c 1910
FRN.131	Golding, William H. House	77 Hillside Rd	Franklin	c 1910
FRN.132	Woodward, Palmer A. House	85 Hillside Rd	Franklin	c 1910
FRN.133	Squire, Rev. Salmon W. House	94 Hillside Rd	Franklin	1886
FRN.134	Appleton, Francis H. House	105 Hillside Rd	Franklin	c 1895
FRN.135	Johnson, William House	107 Hillside Rd	Franklin	c 1895
FRN.136	Mather, James E. House	111 Hillside Rd	Franklin	c 1890
FRN.137	Burns, Ulysses L. House	119 Hillside Rd	Franklin	c 1890
FRN.138	Wiggin, George W. House	122 Hillside Rd	Franklin	1885
FRN.139	Lawrence, Charles House	129 Hillside Rd	Franklin	c 1915
FRN.140	Rickard, George House	136 Hillside Rd	Franklin	c 1890
FRN.141	Costello, Michael House	141 Hillside Rd	Franklin	c 1915
FRN.142	Stokwell, John V. House	144 Hillside Rd	Franklin	c 1930
FRN.143	Pond, Horace House	149 Hillside Rd	Franklin	c 1890
FRN.145		40 Hutchinson St	Franklin	c 1895
FRN.902	Indian Rock	Jordan Rd	Franklin	c 1676
FRN.146	Cleveland - Wilson House	91 Jordan Rd	Franklin	c 1739
FRN.147	Cody, William House	48 King St	Franklin	c 1928
FRN.148	McMann, Peter House	53 King St	Franklin	c 1800
FRN.149	Moore, Ethan Allen House	69 King St	Franklin	c 1890
FRN.150		124 King St	Franklin	c 1890
FRN.151	Stewart, Herbert C. House	172 King St	Franklin	c 1900
FRN.152	Fisher House	326 King St	Franklin	c 1736
FRN.154	Dean, Edgar C. House	485 King St	Franklin	r 1850
FRN.155	Pallone - Rosa House	30 Lewis St	Franklin	c 1920
FRN.156	Pisani House	92 Lewis St	Franklin	c 1920
FRN.920	Factory Bridge - Sanford Bridge	Lincoln St	Franklin	1911
FRN.196	Red Brick Schoolhouse	2 Lincoln St	Franklin	1833

Inv. No.	Property Name	Street	Town	Year
FRN.157	Dunning House	9 Lincoln St	Franklin	c 1880
FRN.158	Cataldo, William A. House	18 Lincoln St	Franklin	c 1927
FRN.159	Goldstein, Ella House	28 Lincoln St	Franklin	c 1929
FRN.160	Fiorani, Louis House	42 Lincoln St	Franklin	c 1925
FRN.161	Phipps, William House	43 Lincoln St	Franklin	r 1800
FRN.162	Baker, Capt. David House	147 Lincoln St	Franklin	r 1800
FRN.163	Fisher House	286 Lincoln St	Franklin	c 1750
FRN.164	Ware - Broady - Fitzpatrick House	316 Lincoln St	Franklin	c 1820
FRN.165	Pond House	454 Lincoln St	Franklin	r 1725
FRN.166	Richardson, Elisha House	844 Lincoln St	Franklin	1826
FRN.167		5 Long Hill Rd	Franklin	c 1925
FRN.229		25 Longhill Rd	Franklin	c 1950
FRN.176	Peirce House - Dean Junior College	Main St	Franklin	c 1870
FRN.900	Franklin Town Common	Main St	Franklin	c 1787
FRN.908	Main Street Bridge	Main St	Franklin	1937
FRN.911	G. A. R. Memorial Boulder	Main St	Franklin	c 1913
FRN.912	Franklin Spanish-American War Memorial	Main St	Franklin	1983
FRN.913	Franklin Korean War Monument	Main St	Franklin	1979
FRN.914	Franklin World War II Monument	Main St	Franklin	1979
FRN.915	Franklin Common Bandstand - Gazebo	Main St	Franklin	1917
FRN.916	Franklin World War I Monument	Main St	Franklin	1929
FRN.917	Franklin Gulf War Monument	Main St	Franklin	1993
FRN.918	Franklin Revolutionary Soldiers Monument	Main St	Franklin	1983
FRN.919	Franklin Civil War Soldiers Monument	Main St	Franklin	1903
FRN.921	Franklin Vietnam War Monument	Main St	Franklin	1979
FRN.922	Franklin Common Lightposts	Main St	Franklin	1982
FRN.168		2-8 Main St	Franklin	c 1920
FRN.169	Cataldo, Felix Block	36-38 Main St	Franklin	c 1910
FRN.170	U. S. Post Office - Franklin Branch	43 Main St	Franklin	1934
FRN.172	Ray Memorial Library - Dean Junior College	118 Main St	Franklin	1904
FRN.175	Dean Junior College Administration Building	119 Main St	Franklin	1870
FRN.266	Dean Junior College - Women's Gymnasium	119 Main St	Franklin	c 1894
FRN.364	New Dean Junior College Science Building	119 Main St	Franklin	1966
FRN.365	Dean Junior College Modern Library	119 Main St	Franklin	1968
FRN.366	Ray Science Building - Dean Junior College	119 Main St	Franklin	c 1902
FRN.178	Morse, Aaron Hartwell House - Dean Junior College	131 Main St	Franklin	1890
FRN.179	Snow, Homer - Trowbridge, Edwin House	132 Main St	Franklin	1880

Inv. No.	Property Name	Street	Town	Year
FRN.183	New England Telephone Building	141 Main St	Franklin	1961
FRN.180	Greene, Martin House	144 Main St	Franklin	c 1840
FRN.181	Emerson, George E. House	150 Main St	Franklin	c 1895
FRN.182	Corbett, James S. House	158 Main St	Franklin	c 1846
FRN.184	Foster, Elisha House	161 Main St	Franklin	c 1867
FRN.185	Fletcher, Asa Austin House	164 Main St	Franklin	c 1877
FRN.186	First Congregational Church of Franklin	183 Main St	Franklin	1895
FRN.187	First Congregational Church of Franklin Parsonage	183 Main St	Franklin	1868
FRN.232	Hayward Mansion	195 Main St	Franklin	c 1921
FRN.188	Saint Mary's Catholic Church Parochial School	201 Main St	Franklin	1955
FRN.234	Hayward Mansion Carriage House	201 Main St	Franklin	c 1910
FRN.369		254 Main St	Franklin	c 1900
FRN.189	Fisher, Asa - Hills, S. House	255 Main St	Franklin	c 1856
FRN.370		260 Main St	Franklin	c 1900
FRN.190	Chapman, Donald House	265 Main St	Franklin	c 1890
FRN.371		266 Main St	Franklin	c 1900
FRN.372		270 Main St	Franklin	c 1900
FRN.373		271 Main St	Franklin	c 1875
FRN.374		275 Main St	Franklin	c 1922
FRN.375		280 Main St	Franklin	c 1933
FRN.376		281 Main St	Franklin	c 1924
FRN.191	Morse, H. S. House	282 Main St	Franklin	c 1840
FRN.192	Morse, G. W. House	287 Main St	Franklin	c 1850
FRN.193	Abbott, Dr. Edward C. House	298 Main St	Franklin	c 1888
FRN.194	Bartlett, William House	299 Main St	Franklin	c 1910
FRN.377		303 Main St	Franklin	c 1922
FRN.378		304 Main St	Franklin	c 1920
FRN.379		307 Main St	Franklin	c 1912
FRN.380		311 Main St	Franklin	c 1920
FRN.195	Bemis, Henry House	314 Main St	Franklin	c 1840
FRN.381		319 Main St	Franklin	c 1922
FRN.197	Bemis, Henry Wagon Shop	2 Maple St	Franklin	c 1840
FRN.198	Blake, Philip House	64 Maple St	Franklin	1790
FRN.199	Pendleton, Arthur H. House	15 Martin Ave	Franklin	c 1900
FRN.200	Pendleton, Harold L. House	19 Martin Ave	Franklin	c 1905
FRN.201	Staples, George House	22 Martin Ave	Franklin	c 1910
FRN.203	McCarthy, Jeremiah House	19 McCarthy St	Franklin	c 1886

Inv. No.	Property Name	Street	Town	Year
FRN.204		40 McCarthy St	Franklin	c 1895
FRN.205	Miller, Erastus Darwin House	27 Miller St	Franklin	r 1800
FRN.206	Gunning, George House	15 Moore Ave	Franklin	c 1895
FRN.207	Clarke, Joseph House	17 Nason St	Franklin	c 1884
FRN.208	Hutchinson, G. P. House	25 Nason St	Franklin	c 1880
FRN.209	Hart, Henry House	26 Nason St	Franklin	c 1910
FRN.210	MacDonald, William House	19 North Park St	Franklin	c 1920
FRN.211		23 North Park St	Franklin	c 1920
FRN.212	MacNeil, Charles House	31 North Park St	Franklin	c 1920
FRN.213	Norris, Harry House	35 North Park St	Franklin	c 1920
FRN.214	Fitzpatrick, John L. House	18 Oak St	Franklin	1875
FRN.128		35 Oak St	Franklin	c 1900
FRN.215	Nason and Pond Boarding House	43 Oak St	Franklin	c 1860
FRN.218	Morriarty, John House	17 Park Rd	Franklin	c 1920
FRN.219	Bacon, Seth House	43 Partridge St	Franklin	r 1750
FRN.220	Searle, Frank House	13 Peck St	Franklin	c 1895
FRN.221	Morse, A. H. House	39 Peck St	Franklin	c 1880
FRN.222	Holmes, Ida House	44 Peck St	Franklin	c 1895
FRN.223	Jenks, Henry R. House	88 Peck St	Franklin	c 1877
FRN.224	Turner, T. M. House	95 Peck St	Franklin	c 1877
FRN.225	Richardson, Stephen W. House	96 Peck St	Franklin	c 1880
FRN.226	Everett House	102 Peck St	Franklin	c 1885
FRN.227	Harman, Harris A. House	112 Peck St	Franklin	c 1880
FRN.228	Bryant, Maranda F. House	137 Peck St	Franklin	c 1877
FRN.363		74 Plain St	Franklin	c 1880
FRN.382	Fisher, M. House	12 Pleasant St	Franklin	c 1870
FRN.383		14 Pleasant St	Franklin	c 1900
FRN.230	Kelley, Anna House	20 Pleasant St	Franklin	c 1905
FRN.231	Faxon, James House	28 Pleasant St	Franklin	c 1860
FRN.235	Hayward Mansion Gardners Bungalow	36 Pleasant St	Franklin	c 1915
FRN.236	Nelson, Alfred House	51 Pleasant St	Franklin	c 1910
FRN.237	Gowen, C. H. House	70 Pleasant St	Franklin	c 1870
FRN.238	Ware, William House	81 Pleasant St	Franklin	c 1890
FRN.239	Brown, C. H. House	86 Pleasant St	Franklin	c 1880
FRN.240	Cole House	99 Pleasant St	Franklin	c 1880
FRN.241	Williams, L. F. House	106 Pleasant St	Franklin	c 1880
FRN.242		678 Pleasant St	Franklin	c 1775
FRN.903	Pond Street Bridge over Charles River	Pond St	Franklin	1854

Inv. No.	Property Name	Street	Town	Year
FRN.243	Daniels, Waldo House	273 Pond St	Franklin	c 1735
FRN.244	Pond House	574 Pond St	Franklin	c 1793
FRN.245	Lawrence House	796 Pond St	Franklin	r 1800
FRN.246	Metcalf House	1109 Pond St	Franklin	c 1800
FRN.904	Prospect Street Bridge	Prospect St	Franklin	1975
FRN.248		41 Prospect St	Franklin	c 1895
FRN.247	Ray House	398 Prospect St	Franklin	c 1848
FRN.249	Wrightington House	8 Queen St	Franklin	c 1885
FRN.250	Chafflin - Nason House	45 Queen St	Franklin	c 1925
FRN.251		10 Ray Hill	Franklin	c 1880
FRN.252		14 Ray Hill	Franklin	c 1880
FRN.253		18 Ray Hill	Franklin	c 1880
FRN.254		29 Saxon St	Franklin	c 1900
FRN.265	Ray Elementary School	School St	Franklin	1916
FRN.255	Crafts House	9 School St	Franklin	c 1895
FRN.256	Doe, Orestes T. House - Dean Junior College	21 School St	Franklin	c 1905
FRN.202	Grant, George H. House - Dean Junior College	29 School St	Franklin	c 1890
FRN.257	Arnold, Inez House	41 School St	Franklin	c 1880
FRN.258	Saint John's Episcopal Church - Dean Junior Colleg	61 School St	Franklin	1908
FRN.259	Clark House - Dean Junior College	77 School St	Franklin	c 1910
FRN.260	Grace Universalist Church - Dean Junior College	80 School St	Franklin	1873
FRN.261	Fairbanks House	119 School St	Franklin	c 1895
FRN.262	Thayer, D. Jr. House	120-122 School St	Franklin	c 1870
FRN.268	Heaton, Charles H. House	184 School St	Franklin	c 1878
FRN.269	Hutchinson, Robert House	186 School St	Franklin	c 1885
FRN.270	Cullen, Michael House	209 School St	Franklin	c 1890
FRN.267	Greenwood, John House	220 School St	Franklin	c 1860
FRN.271	Richardson Homestead	6 Skyline Dr	Franklin	c 1730
FRN.272	Ray, Joseph House	18 Squire St	Franklin	c 1890
FRN.274	Richardson, Fremont W. House	47 Summer St	Franklin	c 1885
FRN.275	Smith, Benjamin F. House	54 Summer St	Franklin	c 1874
FRN.276	Murphy, George House	64 Summer St	Franklin	c 1885
FRN.277	Haywood, Ira House	71 Summer St	Franklin	r 1780
FRN.278	Rockwood, Edward House	85 Summer St	Franklin	c 1895
FRN.279	Metcalf, Lydia House	90 Summer St	Franklin	c 1890
FRN.281	Pike, Alonso G. House	99 Summer St	Franklin	1874
FRN.280	Knowlton, Freeman House	106 Summer St	Franklin	c 1930

Inv. No.	Property Name	Street	Town	Year
FRN.282	Morse, A. Hartwell House	112 Summer St	Franklin	c 1880
FRN.283	Mitchell, William House	126 Summer St	Franklin	c 1890
FRN.284	Leslie, Hanson L. House	127 Summer St	Franklin	c 1850
FRN.285	Bailey, Carl E. House	1 Summit Rd	Franklin	c 1920
FRN.286	Franklin Academy	3 Union St	Franklin	c 1836
FRN.384	Morse, Amos H. House	9 Union St	Franklin	c 1840
FRN.287	Adams, Simeon Partridge House	17 Union St	Franklin	c 1850
FRN.288	Adams, Albert House	27 Union St	Franklin	c 1855
FRN.289	Fisher, Hermon C. House	39 Union St	Franklin	c 1780
FRN.385		45 Union St	Franklin	c 1880
FRN.290	Harrington, Andrew J. Jr. House	53 Union St	Franklin	c 1880
FRN.291	Lowell, Charles B. House	59 Union St	Franklin	c 1870
FRN.386	Lowell, Charles B. Stable	59 Union St	Franklin	r 1880
FRN.387		65-67 Union St	Franklin	c 1830
FRN.292	Roth, Theodore H. House	73 Union St	Franklin	c 1910
FRN.293		80 Union St	Franklin	c 1875
FRN.294	Cleveland House	81 Union St	Franklin	c 1840
FRN.295	Richardson, E. M. House	100 Union St	Franklin	c 1850
FRN.296	Nye, C. T. House	109 Union St	Franklin	c 1880
FRN.297	Daniels, Waldo House	112 Union St	Franklin	1866
FRN.298	Thayer, D. House	120 Union St	Franklin	c 1865
FRN.299	Thayer, D. House	121 Union St	Franklin	c 1885
FRN.300	Thayer, D. House	128 Union St	Franklin	c 1880
FRN.301	Metcalfe House	129 Union St	Franklin	c 1850
FRN.302	Heaton, Charles H. House	137 Union St	Franklin	c 1880
FRN.303	Thayer, Davis House	149 Union St	Franklin	c 1885
FRN.305	Whitney House - Dean Junior College	184 Union St	Franklin	c 1880
FRN.306	Stewart, Charles W. House	200 Union St	Franklin	c 1850
FRN.307	Follansbee, James House	219 Union St	Franklin	c 1850
FRN.308	Cotton, William A. House	220 Union St	Franklin	c 1885
FRN.309	McCarthy, Jeremiah House	239 Union St	Franklin	c 1885
FRN.310	McCarthy, Jeremiah House	249 Union St	Franklin	c 1885
FRN.311	Nason, William E. House	256 Union St	Franklin	c 1880
FRN.312	Nason, William E. House	281 Union St	Franklin	c 1880
FRN.313	Darling, Mayo C. House	284-286 Union St	Franklin	c 1860
FRN.314	Cote - Thibodeau House	298 Union St	Franklin	c 1915
FRN.315	Ray Woolen Mill	305 Union St	Franklin	1876
FRN.316	Ray, Rathburn and McKenzie Felting Mill	305 Union St	Franklin	1872

Inv. No.	Property Name	Street	Town	Year
FRN.317	Ray Mills - Franklin Mills Worker Housing	349 Union St	Franklin	c 1890
FRN.318	Shea, John House	555 Union St	Franklin	c 1850
FRN.319		881 Upper Union St	Franklin	c 1890
FRN.320	Short, Joseph House	11 Walnut Ave	Franklin	c 1923
FRN.321		57 Washington St	Franklin	c 1915
FRN.322	Pest House	757 Washington St	Franklin	c 1840
FRN.325	Union Congregational Parish of South Franklin	762 Washington St	Franklin	1861
FRN.324	Foster Farm	850 Washington St	Franklin	c 1850
FRN.346	Ray, Joseph G. - Peirce, Arthur W. House	884 Washington St	Franklin	1875
FRN.323	Sales, Elijah House	919 Washington St	Franklin	c 1730
FRN.906	West Central Street Bridge	West Central St	Franklin	
FRN.332	Ray, J. G. Fire Station	46 West Central St	Franklin	1922
FRN.333	Whiting, Daniel House	56 West Central St	Franklin	c 1876
FRN.335	Franklin Town Hall	80 West Central St	Franklin	1842
FRN.336	Franklin United Methodist Church	82 West Central St	Franklin	1872
FRN.110	Woodward House - Dean Junior College	89 West Central St	Franklin	c 1915
FRN.111	Dean Junior College Counseling and Career Center	89 West Central St	Franklin	c 1920
FRN.112	Chapman Carriage House - Dean Junior College	89 West Central St	Franklin	c 1895
FRN.177	Ray House - Dean Junior College	89 West Central St	Franklin	c 1870
FRN.263	Holliston House - Dean Junior College	89 West Central St	Franklin	c 1904
FRN.264	Connor House - Dean Junior College	89 West Central St	Franklin	c 1880
FRN.337	Chapman, Fred P. House - Dean Junior College	89 West Central St	Franklin	c 1900
FRN.338	Thayer, Adelbert House - Dean Junior College	96 West Central St	Franklin	c 1882
FRN.339	Mitchell House - Dean Junior College	110 West Central St	Franklin	c 1895
FRN.341	Blake House - Dean Junior College	122 West Central St	Franklin	c 1890
FRN.340	Thayer, Davis Elementary School	137 West Central St	Franklin	1924
FRN.343	Morrissey, James House	149 West Central St	Franklin	1896
FRN.800	Union Street Burying Ground	150 West Central St	Franklin	c 1725
FRN.344	Robinson, Mary House	155 West Central St	Franklin	c 1883
FRN.345	Pond, Oliver House	789 West Central St	Franklin	1760
FRN.216	Franklin Cotton Manufacturing Company	860 West Central St	Franklin	1883
FRN.347		1342 West Central St	Franklin	c 1740
FRN.326	Whiting, Daniel P. House	4 West St	Franklin	c 1855
FRN.327	Harris, Lydia House	16 West St	Franklin	c 1885
FRN.328	Ray Building	32-34 West St	Franklin	c 1870
FRN.329	Guignon, Frank P. House	39 West St	Franklin	c 1880
FRN.334	Simmons, Hiram T. House	67 West St	Franklin	c 1876

Inv. No.	Property Name	Street	Town	Year
FRN.330	Cody, Bartholemeu House	70 West St	Franklin	1879
FRN.349	Howard, Dennis House	2 Winter St	Franklin	c 1890
FRN.350	Linnehan, Michael House	8 Winter St	Franklin	c 1890
FRN.351	Merrifield House	12 Winter St	Franklin	c 1880
FRN.352	Haggart, Alexander House	18 Winter St	Franklin	c 1880
FRN.348	Staples, E. A. Straw Factory	23 Winter St	Franklin	c 1906
FRN.353	Davis, Ezekiel House	34 Winter St	Franklin	c 1887
FRN.354	MacDonald, Fred House	38 Winter St	Franklin	c 1890
FRN.355	Metcalf, Theron School	45 Winter St	Franklin	c 1912
FRN.356	Joyce, James House	66 Winter St	Franklin	c 1890
FRN.357	Hall, Anthony House	1 Worsted St	Franklin	c 1904
FRN.358		27 Worsted St	Franklin	c 1891
FRN.359	Bishop, Arthur House	39 Worsted St	Franklin	c 1924

Attachment G:

Massachusetts Historical Commission Project Notification Form (blank)

Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form

Federal agencies should use this form for the optional streamlined consultation framework for the northern long-eared bat (NLEB). This framework allows federal agencies to rely upon the U.S. Fish and Wildlife Service's (USFWS) January 5, 2016, intra-Service Programmatic Biological Opinion (BO) on the final 4(d) rule for the NLEB for section 7(a)(2) compliance by: (1) notifying the USFWS that an action agency will use the streamlined framework; (2) describing the project with sufficient detail to support the required determination; and (3) enabling the USFWS to track effects and determine if reinitiation of consultation is required per 50 CFR 402.16.

This form is not necessary if an agency determines that a proposed action will have no effect to the NLEB or if the USFWS has concurred in writing with an agency's determination that a proposed action may affect, but is not likely to adversely affect the NLEB (i.e., the standard informal consultation process). Actions that may cause prohibited incidental take require separate formal consultation. Providing this information does not address section 7(a)(2) compliance for any other listed species.

Information to Determine 4(d) Rule Compliance:

YES NO

Information to Determine 4(d) Rule Compliance:	YES	NO
1. Does the project occur wholly outside of the WNS Zone ¹ ?	<input type="checkbox"/>	<input type="checkbox"/>
2. Have you contacted the appropriate agency ² to determine if your project is near known hibernacula or maternity roost trees?	<input type="checkbox"/>	<input type="checkbox"/>
3. Could the project disturb hibernating NLEBs in a known hibernaculum?	<input type="checkbox"/>	<input type="checkbox"/>
4. Could the project alter the entrance or interior environment of a known hibernaculum?	<input type="checkbox"/>	<input type="checkbox"/>
5. Does the project remove any trees within 0.25 miles of a known hibernaculum at any time of year?	<input type="checkbox"/>	<input type="checkbox"/>
6. Would the project cut or destroy known occupied maternity roost trees, or any other trees within a 150-foot radius from the maternity roost tree from June 1 through July 31.	<input type="checkbox"/>	<input type="checkbox"/>

You are eligible to use this form if you have answered yes to question #1 **or** yes to question #2 **and** no to questions 3, 4, 5 and 6. The remainder of the form will be used by the USFWS to track our assumptions in the BO.

Agency and Applicant³ (Name, Email, Phone No.):

Project Name:

Project Location (include coordinates if known):

Basic Project Description (provide narrative below or attach additional information):

¹ <http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>

² See <http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html>

³ If applicable - only needed for federal actions with applicants (e.g., for a permit, etc.) who are party to the consultation.

General Project Information	YES	NO
Does the project occur within 0.25 miles of a known hibernaculum?	<input type="checkbox"/>	<input type="checkbox"/>
Does the project occur within 150 feet of a known maternity roost tree?	<input type="checkbox"/>	<input type="checkbox"/>
Does the project include forest conversion ⁴ ? (if yes, report acreage below)	<input type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of forest conversion		
If known, estimated acres ⁵ of forest conversion from April 1 to October 31		
If known, estimated acres of forest conversion from June 1 to July 31 ⁶		
Does the project include timber harvest? (if yes, report acreage below)	<input type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of timber harvest		
If known, estimated acres of timber harvest from April 1 to October 31		
If known, estimated acres of timber harvest from June 1 to July 31		
Does the project include prescribed fire? (if yes, report acreage below)	<input type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of prescribed fire		
If known, estimated acres of prescribed fire from April 1 to October 31		
If known, estimated acres of prescribed fire from June 1 to July 31		
Does the project install new wind turbines? (if yes, report capacity in MW below)	<input type="checkbox"/>	<input type="checkbox"/>
Estimated wind capacity (MW)		

Agency Determination:

By signing this form, the action agency determines that this project may affect the NLEB, but that any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule.

If the USFWS does not respond within 30 days from submittal of this form, the action agency may presume that its determination is informed by the best available information and that its project responsibilities under 7(a)(2) with respect to the NLEB are fulfilled through the USFWS January 5, 2016, Programmatic BO. The action agency will update this determination annually for multi-year activities.

The action agency understands that the USFWS presumes that all activities are implemented as described herein. The action agency will promptly report any departures from the described activities to the appropriate USFWS Field Office. The action agency will provide the appropriate USFWS Field Office with the results of any surveys conducted for the NLEB. Involved parties will promptly notify the appropriate USFWS Field Office upon finding a dead, injured, or sick NLEB.

Signature: _____

Date Submitted: _____

⁴ Any activity that temporarily or permanently removes suitable forested habitat, including, but not limited to, tree removal from development, energy production and transmission, mining, agriculture, etc. (see page 48 of the BO).

⁵ If the project removes less than 10 trees and the acreage is unknown, report the acreage as less than 0.1 acre.

⁶ If the activity includes tree clearing in June and July, also include those acreage in April to October.

Appendix D - MS4 Permit-Related Standard Procedures for MCM 4

- Construction Site Stormwater Runoff Control Program
- Stormwater Site Plan Review and Inspection Procedures

BMP 4A: Construction Site Stormwater Runoff Control Program

1. Objective:

The objective of this Construction Site Stormwater Runoff Control Program is to minimize or eliminate erosion and maintain sediment on site so that it is not transported in stormwater and allowed to discharge to a water of the U.S. through Franklin's MS4.

2. Requirements:

In accordance with Franklin's Stormwater Management Bylaw (Chapter 153), all activities that result in a land disturbance activity of one or more acres of land or that will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land shall not occur without an approved soil erosion and sediment control plan and stormwater management plan.

Soil erosion and sediment control plans and stormwater management plans shall include BMPs appropriate for the conditions at the construction site and shall meet the design standards as provided in the Massachusetts Stormwater Handbook. Plans shall be designed to:

1. Minimize the amount of disturbed area and protect natural resources;
2. Stabilize sites when projects are complete or operations have temporarily ceased;
3. Protect slopes on the construction site;
4. Protect all storm drain inlets and armor all newly constructed outlets;
5. Use perimeter controls at the site;
6. Stabilize construction site entrances and exits to prevent off-site tracking;
7. Inspect stormwater controls at consistent intervals.
8. Control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes.

3. Procedures:

Authority for administrating the Construction Site Stormwater Runoff Control Program lies with the Director of Public Works. The Department of Public Works, working through the Engineering Division and in conjunction with the Planning Board, is responsible for site inspections and enforcement of sediment and erosion control measures.

The Construction Site Stormwater Runoff Control Program consists of the following procedures:

- During the Site Plan Review process, proposed development plans shall be evaluated for the inclusion of sediment and erosion control measures.
- Proponents of any activities that result in a land disturbance activity of one or more acres of land or that will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land are required to apply for a Soil Erosion & Sediment Control Plan Permit from DPW. The Town

Engineer is responsible for review and approval of the Soil Erosion & Sediment Control Plan Permit.

- During construction, site inspections are performed by either DPW Construction Inspectors or by the Planning Board's Construction Inspection consultant, depending on who has oversight of the particular project.
- In all cases if the proper soil erosion protective measures are not in place or if the measures have been compromised or not maintained properly, the Town Engineer is notified.
- The Director, or an authorized employee or agent, may issue a written order to enforce the provisions of the Stormwater Management bylaw.
- In the event that activity at a site violates the conditions of the approved soil erosion and sediment control plan or stormwater management plan in such a manner as the Director determines to adversely affect the environment, public welfare/health and municipal facilities, then the Director may suspend work until the violation is corrected.
- Additionally, should the violator or property owner fail to abate or perform remediation, Town of Franklin may, at its option, undertake the work, and expenses shall be charged to the violator.
- Any person who violates any provision of the Stormwater Management bylaw, or any regulation, order or permit issued thereunder, shall be subject to a fine of not more than \$300 per day.

BMP 4B: Stormwater Site Plan Review and Inspection Procedures

Site Plan Review Program

1. Objective:

The objective of Site Plan Review Program is to ensure that the plans for proposed construction activities are designed to minimize or eliminate erosion and maintain sediment on site so that it is not transported in stormwater and allowed to discharge to a water of the U.S. through Franklin's MS4.

2. Requirements:

Construction projects that fall under the Site Plan Review requirement of the Zoning Bylaw (Chapter 185) or the Subdivision of Land Bylaw (Chapter 300) are reviewed by the Engineering Division as well as the Planning Board's peer review consultant.

Projects that fall under the Zoning Board of Appeals are also reviewed by the Engineering Division as well as the Zoning Board of Appeals' peer review consultant.

Additionally, any activity that results in a land disturbance activity of one or more acres of land or that will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land is required to have a Soil Erosion & Sediment Control Plan Permit from DPW in accordance with the Stormwater Management Bylaw (Chapter 153). This permit process involves the submission of soil erosion and sediment control plans and stormwater management plans to the Engineering Division for review.

3. Procedures:

The Site Plan Review Program consists of the following procedures:

- Plans that are submitted through the Planning Board or Zoning Board of Appeals are reviewed by the Engineering Division as well as the respective board's peer review consultant for conformance to applicable regulations including the design of stormwater management systems for both post-construction stormwater management and stormwater management during construction activities.
 - Low impact development practices are recommended, where feasible.
 - Stormwater management systems must meet the requirements of the Massachusetts Stormwater Handbook as well as the most recent Town of Franklin MS4 Permit.
- Projects that require a Soil Erosion & Sediment Control Plan Permit from DPW are reviewed by the Engineering Division for compliance with the National Pollutant Discharge Elimination System (NPDES) Construction General Permit and good housekeeping practices.
- For approved projects, a pre-construction meeting is held with town officials, the developer, and the developer's contractor to review the project, the proposed stormwater controls, and the planned inspection procedures and expectations.

- During construction, sites are inspected in accordance with the Town of Franklin's Construction Site Stormwater Runoff Control Program. Site inspections are performed by either DPW Construction Inspectors or by the Planning Board's Construction Inspection consultant, depending on who has oversight of the particular project. Specific applicable procedures include:
 - Site inspections are scheduled as needed during construction and are documented in writing and files maintained by the Town.
 - In all cases, if the proper soil erosion protective measures are not in place or if the measures have been compromised or not maintained properly, the Town Engineer is notified.
 - The Director, or an authorized employee or agent, may issue a written order to enforce the provisions of the Stormwater Management bylaw.
 - If activity at a site violates the conditions of the approved soil erosion and sediment control plan or stormwater management plan, then the Director may suspend work until the violation is corrected.
 - Additionally, should the violator or property owner fail to abate or perform remediation, Town of Franklin may, at its option, undertake the work, and expenses shall be charged to the violator.
 - Any person who violates any provision of the Stormwater Management bylaw, or any regulation, order or permit issued thereunder, shall be subject to a fine of not more than \$300 per day.

Appendix E - MS4 Permit-Related Standard Procedures for MCM 6

- Catch Basin Cleaning
- Street and Parking Lot Sweeping
- Snow Removal and Deicing
- Inspections of Best Management Practices (Including Reference)

Good Housekeeping SOP1: Catch Basin Cleaning Optimization Plan

The Town will continue to optimize routine inspections, cleaning, and maintenance of catch basins. To comply with this requirement, the Highway and Grounds Superintendent will prepare written procedures for the evaluation and cleaning of catch basins following the elements detailed in Section 2.3.7.a.iii.2 of the MS4 GP.

Section 2.3.7.a.iii.2:

The permittee shall optimize routine inspections, cleaning and maintenance of catch basins such that the following conditions are met:

- **Prioritize inspection and maintenance for catch basins located near** construction activities (roadway construction, residential, commercial, or industrial development or redevelopment). Clean catch basins in such areas more frequently if inspection and maintenance activities indicate excessive sediment or debris loadings.
- **Establish a schedule with a goal that the frequency of routine cleaning will** ensure that no catch basin at anytime will be more than 50 percent full.
- **If a catch basin sump is more than 50 percent full during two consecutive** routine inspections/cleaning events, the permittee shall document that finding, investigate the contributing drainage area for sources of excessive sediment loading, and to the extent practicable, abate contributing sources. The permittee shall describe any actions taken in its annual report.
- **For the purposes of this part, an excessive sediment or debris loading is a** catch basin sump more than 50 percent full. A catch basin sump is more than 50 percent full if the contents within the sump exceed one half the distance between the bottom interior of the catch basin to the invert of the deepest outlet of the catch basin.
- **The permittee shall document in the SWMP and in the** first annual report its plan for optimizing catch basin cleaning, inspection plans, or its schedule for gathering information to develop the optimization plan. Documentation shall include metrics and other information used to reach the determination that the established plan for cleaning and maintenance is optimal for the MS4. The permittee shall keep a log of catch basins cleaned or inspected.
- **The permittee shall report in each annual report the total number of catch** basins, number inspected, number cleaned, and the total volume or mass of material removed from all catch basins.

The Town of Franklin Highway & Grounds Dept. is responsible to clean and maintaining all public catch basins. The Town at this time owns one catch basin truck and it is sent out on a weekly basis. This truck is cleaned and stored at the Department of Public Works Garage. The truck is washed on our wash pad after every use and any left over material is collected and brought to the catch basin debris bin. The employee operating the catch basin truck is responsible for a series of assigned steps during the cleaning process that are recorded on the work order Ipad tablet. These steps include:

1. Cleaning debris in catch basin
2. Recording amount of debris removed
3. Recording date catch basin was cleaned
4. Inspecting the condition of the basin
5. Reporting any issues with basin to Supervisor
6. Painting stencil (Dump no Waste Drains to River)

7. Dumping debris in assigned bin at the DPW yard

The Town has recently implemented the use of a work order system with Ipad tablets to help collect data for the MS4 permit. The information we gather will also be used in the future to determine the number of times catch basins should be cleaned. With over five thousand catch basins and limited staff this will be helpful to determine which catch basins are more important to clean on a yearly basis. The goal is not to be over 50% full at any time and to stay below the invert of the pipe. The DPW considers the definition of 50% full is half way from the bottom of the catch basin to the invert of the pipe. If the debris has reached the invert it would be documented as being 100% full. Catch basins that are recorded at 100% full would be a candidate to be visited the following year for inspection.

There will be annual training and/or review conducted on these procedures and any revisions or updates will be completed by the Highway and Grounds Superintendent.

Good Housekeeping SOP 2: Street Sweeping Procedures

The Town will establish and implement procedures for sweeping and/or cleaning streets and Town owned parking lots. To comply with these requirements, Highway and Grounds Superintendent will evaluate the current street sweeping procedures and establish procedures for parking lots to include the elements detailed in Section 2.3.7.a.iii.3 of the MS4 GP.

The DPW-Highway Department currently begins street sweeping in April starting with downtown and followed by primary roadways. The downtown area is swept weekly from May 1st to October 1st. Secondary roadways and subdivisions are swept based on established street sweeping zones. Municipal parking lots are swept twice a year. Records of sweeping volumes are currently kept and reported in annual reports. DPW-Highway Dept will include its current procedures as well as develop any additional necessary street and parking lot procedures and include them in the SWMP by the end of PY1.

Section 2.3.7.a.iii.3:

_____The permittee shall establish and implement procedures for sweeping and/or cleaning streets, and permittee-owned parking lots. All streets with the exception of rural uncurbed roads with no catch basins or high speed limited access highways shall be swept and/or cleaned a minimum of once per year in the spring (following winter activities such as sanding). The procedures shall also include more frequent sweeping of targeted areas determined by the permittee on the basis of pollutant load reduction potential, based on inspections, pollutant loads, catch basin cleaning or inspection results, land use, water quality limited or TMDL waters or other relevant factors as determined by the permittee. The permittee shall report in each annual report the number of miles cleaned or the volume or mass of material removed.

For rural uncurbed roadways with no catch basins and limited access highways, the permittee shall either meet the minimum frequencies above, or develop and implement an inspection, documentation and targeted sweeping plan within two (2) years of the effective date of the permit, and submit such plan with its year one annual report.

The Town of Franklin owns two street sweepers and starts their sweeping operation on April 1st. All operators have been trained by manufacturers technicians on how to properly operate the equipment safely and to manufacturer's operational procedures. All equipment is cleaned and stored at the Department of Public Works Garage. Sweepers are stored inside and are maintained and inspected by the towns full time mechanics. After use equipment is greased and brushes are inspected by operator. Any equipment issues are reported to the head mechanic .

All streets at this time are swept once a year with the exception of main roads that are swept twice a year due to the high traffic volume. The downtown area is swept weekly beginning May 1st through October 1st. All street sweeping material is stored on town property and hauled away yearly. At this time all street sweeping is done in house and takes approximately 3 months to complete the entire town. There will be annual training and/or review conducted on these procedures and any revisions or updates will be completed by the Highway and Grounds Superintendent.

Good Housekeeping SOP 3: Winter Road Maintenance

Introduction

Winter road maintenance includes snow removal and the use of salt, sand, or deicers to ensure safe winter driving conditions. Proper maintenance procedures and use and storage of materials can help reduce the discharge of pollutants, such as sand and salt, from the MS4 and to receiving waters. The goal of this written Standard Operating Procedure (SOP) is to provide guidance to municipal employees on the use and storage of salt and sand, minimizing the use of salt, evaluating opportunities for use of alternative materials, and ensuring that snow disposal activities do not result in disposal of snow into surface waters. If services are contracted, this SOP should be provided to the contractor. The contract should specify that the contractor is responsible for compliance with all applicable laws.

The Town of Franklin performs a variety of maintenance activities to ensure safe winter driving conditions on its roads and parking lots.

The Town of Franklin Highway & Grounds Dept. is responsible for all snow operations in town. The members of the Highway & Grounds Division, Mechanics Water/ Sewer Division and along with roughly 70 hired contractors are involved in clearing snow and ice during major storms. All road treatment operations are performed in house with equipment that is calibrated before the winter season to minimize the amount of road salt needed. Calibration sheets are filed and used to compare calibrations from year to year. With over 180 miles of road this helps the town financially and helps with the amount of sodium entering the environment. All snow plow and salting equipment are serviced after the winter season and fully inspected again prior to the start of the new season by the town's full time mechanics. All equipment is stored inside the DPW garage.

Snow reports are created for every snow/Ice event. Included in the snow reports are:

- Amount of salt used
- Amount of sand used
- Amount of snow/Ice
- Date/Timing of storm
- Number of Contractors used
- Temperature
- Number of internal personnel used
- School cancellations/Delays
- Number of sidewalks plowed

All town road salt is stored in two covered silos with doors to prevent any potential runoff. The two silos have a total capacity of 5000 tons. Road salt is loaded into trucks at the town garage only and after each storm event area is scraped up with loaders and placed back in covered silos. The town recently purchased treated salt with magnesium chloride to help with lower temperature ice melt. We feel this will help reduce the amount of rock salt needed during storms. The town has also implemented on board systems that use liquid magnesium chloride that is sprayed to the rock salt to minimize the amount of rock salt needed. This also helps keep the salt from bouncing to the gutter line during pretreatment operations and ending up directly into the drainage system. The town has just added another tank and now has the capacity of holding 5000 gallons of liquid on site. The town no longer uses sand on its normal pretreating and deicing operations. Sand is only used if we have ice build up on the roads and temperatures are in the single digits. The sand is only used to spot treat stubborn areas that are not in direct sunlight and not used throughout the entire town. There will be annual training and/or review conducted on these procedures and any revisions or updates will be completed by the Highway and Grounds Superintendent.

Procedures

The Town of Franklin will implement the following winter maintenance procedures to reduce the discharge of pollutants from the MS4:

Equipment and Maintenance

- Calibrate equipment to reduce and optimize salt use and ensure deicing agents are being used efficiently. Provide employee training on proper calibration procedures.
- Do not overfill trucks with deicing materials as it may lead to spills.
- Encourage the use of automated application equipment like zero velocity spreaders.
- When possible, retrofit vehicles to include equipment such as on-board application regulators, temperature sensors for air and pavement, and anti-icing and pre-wetting equipment.
- Wash equipment using proper procedures to prevent pollutants from entering the stormwater system. Dry cleanup procedures should be used when possible. Vehicles dirtied from salt or sand application should be washed according to procedures in SOP 21: Operations and Maintenance of Municipal Vehicles and Equipment.
- Regularly inspect and maintain equipment to reduce the potential for leaks. See SOP 21: Operations and Maintenance of Municipal Vehicles and Equipment for more information.

Anti-icing and Deicing

- Minimize the use and optimize the application of sodium chloride and other salt¹ (while maintaining public safety) and consider opportunities for use of alternative materials.
- Optimize sand and/or chemical application rates through the use, where practicable, of automated application equipment (e.g., zero velocity spreaders), anti-icing and pre-wetting techniques, implementation of pavement management systems, and alternate chemicals.
- Remove as much snow as possible using mechanical means like plowing, blowing, or shoveling before deicing to reduce the need for road salt or other deicing chemicals.
- When possible, use anti-icing practices to prevent ice formation and reduce the need for deicers.
- Apply anti-icing agents 1-2 hours before winter weather events to ensure optimal performance (can be applied up to 24 prior).
- Only apply road salt when the pavement temperature is above 15° F.
- When using deicers, use pre-wetting agents (e.g., salt brine) to help them work more efficiently and to reduce road salt scatter and bounce.
- Salt brine solution used for anti-icing and pre-wetting can be stored for up to a year –concentration should be tested before use. If temperatures fall below 0° F, use a circulator pump to prevent the brine from freezing.
- Use alternative deicing materials instead of sodium chloride as appropriate (e.g., calcium magnesium acetate, magnesium chloride, or calcium chloride).
- Avoid mixing road salt and sand. Doing so makes both the salt and sand work less efficiently and leads to over-application.

¹ For purposes of the MS4 Permit, salt means any chloride-containing material used to treat paved surfaces for deicing, including sodium chloride, calcium chloride, magnesium chloride, and brine solutions.

- Only apply enough deicer so that plows can remove the snow and ice. Adjust the application rate of deicers based on the type of storm, type of agent used, and anti-icing and pre-wetting techniques used.
- Perform unloading/loading of trucks on impervious surfaces whenever possible. These areas should be frequently cleaned and swept to reduce the tracking and runoff of salt and to capture any spills.
- Track the amount of deicer used and maintain records of the application of sand, anti-icing and/or de-icing chemicals to document the reduction of chemicals to meet established goals.

Storage of Deicing Materials

- Prevent exposure of deicing product (salt, sand, or alternative products) storage piles to precipitation by enclosing or covering the storage piles. Implement good housekeeping, diversions, containment or other measures to minimize exposure resulting from adding to or removing materials from the pile. Store piles in such a manner as not to impact surface water resources, groundwater resources, recharge areas, and wells.
- Store materials under covered or enclosed areas and on impervious surfaces.
- Ensure that there are adequate drainage controls in storage areas to prevent runoff from entering the stormwater system.
- Follow appropriate loading and unloading procedures. If there are spills when loading or unloading materials, follow the protocol outlined in SOP 4: Spill Response and Cleanup.
- Frequently sweep near the storage/loading areas to reduce the amount of salt, sand, or other materials that is tracked out.
- For liquid deicing chemicals, provide secondary storage containment.
- Do not store road salt near drinking water supplies, surface water resources, groundwater resources, recharge areas, and wells. Follow proper storage guidelines from MassDEP (<https://www.mass.gov/guides/guidelines-on-road-salt-storage>).
- In accordance with the requirements for municipalities discharging to chloride impaired waters, the Town of Franklin will develop a Salt Reduction Plan to reduce the use of salt on all municipal roads, parking lots, and facilities (both municipally and privately owned facilities that discharge to the stormwater system). This plan must be completed within three years of the effective date of the MS4 Permit and must be fully implemented five years after the effective date of the permit.
- The plan will include the following for municipally maintained surfaces and facilities:
 - Starting the year the Salt Reduction Plan is completed, the Town of Franklin will track the type of salt and amount used on all municipal roads, parking lots, and other surfaces.
 - The Salt Reduction Plan may include the following:
 - Operational changes to deicing procedures, which may include: pre-wetting, pre-treating the salt stockpile, increased plowing before deicing, monitoring road surface temperatures, etc.
 - The use of new or retrofitted equipment that includes pre-wetting capabilities, better calibration rates, or other capabilities that minimize salt use.
 - Proper training for employees or contractors engaged in winter maintenance activities
 - Regular calibration of spreading equipment.
 - Designation of no-salt and/or low-salt zones.

- Measures to prevent exposures of salt stockpiles to precipitation and runoff (when applicable).
- An estimate of total tonnage of salt reduction expected by each activity.
- Adoption of guidelines for application rates for roads and parking lots (see *Winter Parking Lot and Sidewalk Maintenance Manual (Revised edition June 2008)* <http://www.pca.state.mn.us/publications/parkinglotmanual.pdf> and the application guidelines on page 17 of *Minnesota Snow and Ice Control: Field Handbook for Snow Operators (September 2012)* <http://www.mnltap.umn.edu/publications/handbooks/documents/snowice.pdf>)
- For privately owned facilities within the regulated MS4 area that discharge to the storm system:
 - The Town of Franklin will establish an ordinance, bylaw, or other regulatory mechanism requiring measures to prevent exposure of any salt stockpiles to precipitation and runoff at all commercial and industrial properties.
- The completed Salt Reduction Plan will be submitted to USEPA along with the annual report following the Salt Reduction Plan's completion. Each subsequent annual report should include an update on the Plan's implementation progress and any updates to the Plan deemed necessary by the municipality, as well as the types and amount of salt applied to all municipally owned and maintained surfaces.
- The Town of Franklin will follow proper snow storage and disposal protocol outlined by MassDEP to ensure that snow that has been potentially contaminated by road salt or other chlorides does not enter the MS4.

Snow Storage and Disposal

- Snow should not be pushed or dumped into waterbodies or wetlands, into stormwater drainage swales or ditches, or on top of catch basins.
- Snow should not be stored near drinking water areas, waterbodies, or wetlands.
- Avoid storing snow in areas that are unstable, areas of potential erosion, or high points where snow may melt and collect debris as runoff before it enters the stormwater system.
- Consider sun exposure when storing snow. Snow in areas with higher sun exposure will melt faster but may require deicers if the snowmelt refreezes.
- Consider practices such as living snow fences to contain snow piles and reduce snow drifting.
- The MS4 Permit prohibits snow disposal into waters of the United States. Snow disposal and storage activities, including selection of appropriate snow disposal sites, will adhere to the MassDEP Snow Disposal Guidance, Guideline No. BWR G2015-01 (<http://www.mass.gov/eea/agencies/massdep/water/regulations/snow-disposal-guidance.html>).
- The Town of Franklin currently disposes of snow at the Washington Street snow storage area in compliance with MS4 regulations.

Reporting

The Town of Franklin will document and include the following information in its annual report:

- Road miles treated
- Type and amount of deicer used
- Equipment calibration records

- Employee training dates

Employee Training

- Employees who perform winter road maintenance are trained annually on these procedures and the proper operation of related equipment.
- Employees are also trained on stormwater pollution prevention, illicit discharge detection and elimination (IDDE) procedures, and spill and response procedures.
- If services are contracted, the contractor should be given a copy of this and any applicable SOPs to ensure compliance with MS4 regulations.

<p>Good Housekeeping SOP 4: Inspecting Constructed Best Management Practices (BMPs) <i>Town of Franklin</i> <i>Department of Public Works</i></p>	<p>Issue Date:</p> <p>Revision 0</p> <p>Revision Date:</p>
<p>Responsible Parties DPW – Town Engineer DPW Staff</p>	
<p>Purpose of SOPs Procedures for inspecting constructed BMPs to ensure proper functioning and to maintain BMPs.</p>	
<p>Operations</p> <ul style="list-style-type: none"> Inspect Town-owned BMPs for potential problems including, but not limited to, standing water; clogging; structural damage; erosion, trash or debris within basins and banks; tree growth on the embankment; damage to the emergency spillway and sediment accumulation around the outlet. Inspection staff may also refer to the Operation and Maintenance Plan as required by the Massachusetts Stormwater Handbook standards or the Central Massachusetts Regional Stormwater Coalition SOP 9: Inspecting Constructed BMPs. Photograph BMPs and document any problems noted. If new BMPs are discovered during inspection, note type and location, conduct a preliminary inspection, and report them to the GIS Manager to include them in the Town’s inventory. 	
<p>Maintenance</p> <ul style="list-style-type: none"> Ensure proprietary treatment structures are operating and maintained per the manufacturer’s recommended standards and any specific O&M requirements Maintain BMPs at appropriate frequencies based on inspection results and O&M requirements. Should any problems be encountered, necessary maintenance or repairs should be scheduled and completed as quickly as possible. Necessary maintenance and needed repairs to be reported to Highway Superintendent. 	
<p>Schedule</p> <ul style="list-style-type: none"> All Town-owned BMPs will be inspected at a minimum of once a year. Any BMPs found to have occurring issues will be inspected at a higher frequency. 	
<p>Record Keeping and Documentation</p> <ul style="list-style-type: none"> Records, including specific O&M requirements, are kept at DPW, 257 Fisher St. Record the number of inspections completed, issues found, and follow-up actions including maintenance (if conducted). Confirm through inspections that issues have been resolved and document date of follow-up inspection. Total number of inspection and related maintenance and repairs should be tracked and reported in the MS4 annual report. 	
<p>Training</p> <ul style="list-style-type: none"> This SOP will be incorporated into annual training for applicable employees in accordance with the Town’s Good Housekeeping annual training. Documentation of the training, including sign-in sheets and materials used, will be included in the Town’s MS4 annual reports. 	
<p>Revising the SOPs</p> <ul style="list-style-type: none"> These procedures are reviewed annually by Town Engineer and updated as needed. 	

SOP 9: INSPECTING CONSTRUCTED BEST MANAGEMENT PRACTICES

Best Management Practices (BMPs) are policies, procedures and structures designed to reduce stormwater pollution, prevent contaminant discharges to natural water bodies, and reduce stormwater facility maintenance costs. Constructed BMPs are permanent site features designed to treat stormwater before infiltrating it to the subsurface or discharging it to a surface water body.

This Standard Operating Procedure provides a general summary of inspection procedures for eight common constructed BMPs, including:

1. Bioretention Areas and Rain Gardens
2. Constructed Stormwater Wetlands
3. Extended Dry Detention Basins
4. Proprietary Media Filters
5. Sand and Organic Filters
6. Wet Basins
7. Dry Wells
8. Infiltration Basins

This SOP is based on the Massachusetts Stormwater Handbook and is not intended to replace that document. This SOP is also not intended to replace the Stormwater BMP Operation and Maintenance (O&M) Plan required by the Massachusetts Wetlands Protection Act, Order of Conditions.

Bioretention Areas and Rain Gardens

Bioretention areas and rain gardens are shallow depressions filled with sandy soil, topped with a thick layer of mulch and planted with dense native vegetation. There are two types of bioretention cells:

1. Filtering bioretention area: Areas that are designed solely as an organic filter; and
2. Exfiltration bioretention area: Areas that are configured to recharge groundwater in addition to acting as a filter.

Inspection & Maintenance

Regular inspection and maintenance are important to prevent against premature failure of bioretention areas or rain gardens. Regular inspection and maintenance of pretreatment devices and bioretention cells for sediment buildup, structural damage and standing water can extend the life of the soil media.

Maintenance Schedule: Bioretention Areas and Rain Gardens

Activity	Time of Year	Frequency
Inspect for soil erosion and repair	Year round	Monthly
Inspect for invasive species and remove if present	Year round	Monthly
Remove trash	Year round	Monthly
Mulch Void Areas	Spring	Annually
Remove dead vegetation	Fall and Spring	Bi-Annually
Replace dead vegetation	Spring	Annually
Prune	Spring or Fall	Annually
Replace all media and vegetation	Late Spring/Early Summer	As Needed

When failure is discovered, excavate the bioretention area, scarify the bottom and sides, replace the filter fabric and soil, replant vegetation and mulch the surface.

Never store snow within a bioretention area or rain garden. This would prevent required water quality treatment and the recharge of groundwater.

Constructed Stormwater Wetlands

Constructed stormwater wetlands maximize the pollutant removal from stormwater through the use of wetland vegetation uptake, retention and settling. Constructed storm water wetlands must be used in conjunction with other BMPs, such as sediment forebays.

Inspection & Maintenance

Regular inspection and maintenance are important to prevent against premature failure of bioretention areas or rain gardens. Regular inspection and maintenance of pretreatment devices and bioretention cells for sediment buildup, structural damage and standing water can extend the life of the soil media.

Maintenance Schedule, Constructed Stormwater Wetlands: Years 0-3

Activity	Time of Year	Frequency
Inspect for invasive species and remove if present	Year round	Monthly
Record and Map:	Year round	Annually
Types and distribution of dominant wetland plants	Year round	Bi-Annually
Presence and distribution of planted wetland species	Spring	Annually
Presence and distribution of invasive species	Fall and Spring	Bi-Annually
Indications other species are replacing planted wetland species	Spring	Annually
Percent of standing water that is not vegetated	Spring or Fall	Annually
Replace all media and vegetation	Late Spring/Early Summer	As Needed
Stability of original depth zones and micro-topographic features		
Accumulation of sediment in the forebay and micropool and survival rate of plants		

Maintenance Schedule, Constructed Stormwater Wetlands: Years 4-Lifetime

Activity	Time of Year	Frequency
Inspect for invasive species and remove if present	Year round	Monthly
Clean forebays	Year round	Annually
Clean sediment in basin/wetland system	Year round	Once every 10 years
Mulch Void Areas	Spring	Annually
Remove dead vegetation	Fall and Spring	Bi-Annually
Replace dead vegetation	Spring	Annually
Prune	Spring or Fall	Annually
Replace all media and vegetation	Late Spring/Early Summer	As Needed

When failure is discovered, excavate the bioretention area, scarify the bottom and sides, replace the filter fabric and soil, replant vegetation and mulch the surface.

Never store snow within a constructed stormwater wetland. This would prevent required water quality treatment and the recharge of groundwater.

Extended Dry Detention Basins

Extended dry detention basins are designed to control both stormwater quantity and quality. These BMPs are designed to hold stormwater for at least 24 hours, allowing solids to settle and to reduce local and downstream flooding. Pretreatment is required to reduce the potential for overflow clogging. The

outflow may be designed as either fixed or adjustable. Additional nutrient removal may be achieved by a micropool or shallow marsh.

Inspection & Maintenance

Annual inspection of extended dry detention basins is required to ensure that the basins are operating properly. Potential problems include: erosion within the basin and banks, tree growth on the embankment, damage to the emergency spillway and sediment accumulation around the outlet. Should any of these problems be encountered, necessary repairs should be made immediately.

Maintenance Schedule: Extended Dry Detention Basins

Activity	Time of Year	Frequency
Inspect basins	Spring and Fall	Bi-Annually, and during and after major storms
Examine outlet structure for clogging or high outflow release velocities	Spring and Fall	Bi-Annually
Mow upper stage, side slopes, embankment and emergency spillway	Spring through Fall	Bi-Annually
Remove trash and debris	Spring	Bi-Annually
Remove sediment from basin	Year round	At least once every 5 years

Proprietary Media Filters

Media Filters are designed to reduce total suspended solids and other target pollutants, such as organics, heavy metals or nutrients, which are sorbed onto the filter media, which is contained in a concrete structure. The substrate used as filter media depends on the target pollutants, and may consist of leaf compost, pleated fabric, activated charcoal, perlite, amended sand in combination with perlite, and zeolite. Two types of Media Filters are manufactured: Dry Media Filters, which are designed to dewater within 72 hours; and Wet Media Filters, which maintain a permanent pool of water as part of the treatment system.

Inspection & Maintenance

Maintenance in accordance with the manufacturer's requirements is necessary to ensure stormwater treatment. Inspection or maintenance of the concrete structure may require OSHA confined space training. Dry Media Filters are required to dewater in 72 hours, thus preventing mosquito and other insect breeding. Proper maintenance is essential to prevent clogging. Wet Media Filters require tight fitting seals to keep mosquitoes and other insects from entering and breeding in the permanent pools. Required maintenance includes routine inspection and treatment.

Maintenance Schedule: Proprietary Media Filters

Activity	Time of Year	Frequency
Inspect for standing water, trash, sediment and clogging	Per manufacturer’s schedule	Bi-Annually (minimum)
Remove trash and debris	N/A	Each Inspection
Examine to determine if system drains in 72 hours	Spring, after large storm	Annually
Inspect filtering media for clogging	Per manufacturer’s schedule	Per manufacturer’s schedule

Sand and Organic Filters

Sand and organic filters, also known as filtration basins, are intended for quality control rather than quantity control. These filters improve water quality by removing pollutants through a filtering media and settling pollutants on top of the sand bed and/or in a pretreatment basin. Pretreatment is required to prevent filter media from clogging. Runoff from the filters is typically discharged to another BMP for additional treatment.

Inspection & Maintenance

If properly maintained, sand and organic filters have a long design life. Maintenance requirements include raking the sand and removing sediment, trash and debris from the surface of the BMP. Over time, fine sediments will penetrate deep into the sand requiring replacement of several inches or the entire sand layer. Discolored sand is an indicator of the presence of fine sediments, suggesting that replacement of the sand should be completed.

Maintenance Schedule: Proprietary Media Filters

Activity	Frequency
Inspect filters and remove debris	After every major storm for the first 3 months after construction completion. Every 6 months thereafter.

Wet Basins

Wet basins are intended to treat stormwater quality through the removal of sediments and soluble pollutants. A permanent pool of water allows sediments to settle and removes the soluble pollutants, including some metals and nutrients. Additional dry storage is required to control peak discharges during large storm events, and if properly designed and maintained wet basins can add fire protection, wildlife habitat and aesthetic values to a property.



Inspection & Maintenance

To ensure proper operation, wet basin outfalls should be inspected for evidence of clogging or excessive outfall releases. Potential problems to investigate include erosion within the basin and banks, damage to the emergency spillway, tree growth on the embankment, sediment accumulation around the outlet and the emergence of invasive species. Should any of these problems be encountered, perform repairs immediately. An on-site sediment disposal area will reduce sediment removal costs.

Maintenance Schedule: Wet Basins

Activity	Time of Year	Frequency
Inspect wet basins	Spring and/or Fall	Annually (Minimum)
Mow upper stage, side slopes, embankment and emergency spillway	Spring through Fall	Bi-Annually (Minimum)
Remove sediment, trash and debris	Spring through Fall	Bi-Annually (Minimum)
Remove sediment from basin	Year round	As required, but at least once every 10 years

Dry Wells

Dry wells are used to infiltrate uncontaminated runoff. These BMPs should never be used to infiltrate stormwater or runoff that has the potential to be contaminated with sediment and other pollutants. Dry wells provide groundwater recharge and can reduce the size and cost required of downstream BMPs or storm drains. However, they are only applicable in drainage areas of less than one acre and may experience high failure rates due to clogging.

Inspection & Maintenance

Proper dry well function depends on regular inspection. Clogging has the potential to cause high failure rates. The water depth in the observation well should be measured at 24 and 48 hour intervals after a storm and the clearance rate calculated. The clearance rate is calculated by dividing the drop in water level (inches) by the time elapsed (hours).

Maintenance Schedule: Dry Wells

Activity	Frequency
Inspect dry wells	After every major storm for the first 3 months after construction completion. Annually thereafter.

Infiltration Basins

Infiltration basins are designed to contain stormwater quantity and provide groundwater recharge. Pollution prevention and pretreatment are required to ensure that contaminated stormwater is not infiltrated. Infiltration basins reduce local flooding and preserve the natural water balance of the site, however high failure rates often occur due to improper siting, inadequate pretreatment, poor design and lack of maintenance.

Inspection & Maintenance

Regular maintenance is required to prevent clogging, which results in infiltration basin failure. Clogging may be due to upland sediment erosion, excessive soil compaction or low spots. Inspections should include signs of differential settlement, cracking, erosion, leakage in the embankments, tree growth on the embankments, riprap condition, sediment accumulation and turf health.

Maintenance Schedule: Infiltration Basins

Activity	Time of Year	Frequency
Preventative maintenance	Spring and Fall	Bi-Annually
Inspection	Spring and Fall	After every major storm for the first 3 months after construction completion. Bi-annually thereafter and discharges through the high outlet orifice.
Mow/rake buffer area, side slopes and basin bottom	Spring and Fall	Bi-Annually
Remove trash, debris and organic matter	Spring and Fall	Bi-Annually



TOWN OF FRANKLIN



STORMWATER MANAGEMENT PLAN UPDATE JULY 2021





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1. INTRODUCTION

WHY IS THIS IMPORTANT?

Stormwater runoff frequently transports pollutants through municipal separate storm sewer systems (MS4s), where it is discharged, often untreated, into local waterbodies. To the public, the MS4 is more commonly known as a stormwater drainage system or simply as the “drain.” These stormwater drains have been constructed in developed areas to reduce the risk of flooding and damage to our infrastructure. Unfortunately, stormwater drainage systems carry pollution during rain events and snow melt – this can include oil, trash, nutrients, and any other materials found on lawns, streets, and parking lots.

In the Town of Franklin, stormwater runoff discharges that are conveyed by the MS4 to the environment are regulated under the Clean Water Act and require a Permit. Franklin is one of thousands of communities and institutions across the country that must comply with these regulations. The stormwater drainage system discharge Permit is known as the “MS4 General Permit” and is issued and managed jointly by the U.S. Environmental Protection Agency (EPA) and the State of Massachusetts Department of Environmental Protection (MassDEP).

WHAT DOES FRANKLIN HAVE TO DO?

The Town of Franklin has had MS4 Permit coverage since 2003 and obtained permit coverage under the MS4 Permit that was reissued on April 4, 2016 and became effective July 1, 2018 (Permit No. MAR041117). As part of the permitting requirements, Franklin is required to develop a written Stormwater Management Plan (SWMP). This SWMP (or Plan) is a reference document that guides the Town’s implementation of requirements within the Permit. The Town is required to keep records of, and report on, the activities and measures that are implemented and consistent with this Plan. MS4 General Permit requirements are summarized (and simplified) as follows:



Implement public education programs to help Town residents, business owners, and developers understand their role in keeping stormwater clean.



Engage the public in decision-making throughout the program.



Find and address failed septic systems or leaky or unauthorized sanitary sewer lines that might be discharging into the drainage system.



Ensure that construction projects do not pollute runoff with sediments and debris.



Ensure that new development and redevelopment control and treat runoff before it leaves the property.



Engage in pollution prevention actions like road and parking area best practices (cleaning drainage systems and sweeping pavements), and ensure that municipal activities like vehicle washing, lawn maintenance, and materials storage do not contribute to stormwater pollution.



The Permit Year (PY) reference within this document corresponds to each regulatory year starting on July 1, 2018. Updates to the original version of this SWMP, dated June 2019, and prepared by Wood, of Chelmsford, Massachusetts, have been incorporated into this document to reflect the Town of Franklin's stormwater management program updates and achievements through PY3 (ending June 30, 2021). Additional information related to the progress of the stormwater management program is provided in the MS4 Annual Report that is submitted to the US EPA and MassDEP in September. A revision log tracking these updates is located in **Appendix B**.

A copy of the original 2016 MS4 General Permit was included in **Appendix A** of the original version of this SWMP. On December 7, 2020, changes to the Permit were issued; these changes became effective on January 6, 2021. The modified 2016 MS4 General Permit and its appendices can be accessed on the EPA's website, at <https://www.epa.gov/npdes-permits/massachusetts-small-ms4-general-permit>.

Appendix C, Endangered Species Act and National Historic Preservation Act Review, **Appendix D**, MS4 Permit-Related Standard Operating Procedures for MCM 4, and **Appendix E**, MS4 Permit-Related Standard Operating Procedures for MCM 6 remained unchanged since the original version of this SWMP was published. Refer to the original SWMP document and/or SWMP Permit Year 2 Update to view these appendices.

1.1 REGULATORY BACKGROUND AND REQUIREMENTS

No updates.

1.2 ELIGIBILITY DETERMINATION

No updates.

1.3 SPECIAL ELIGIBILITY DETERMINATION

No updates.

1.4 PERMIT YEAR DEFINITIONS

No updates.



2. TOWN OF FRANKLIN

2.1 IMPAIRED WATERBODIES

Table 1 – Listed Waterbodies and **Figure 2 – Impaired Waterbodies** in the original June 2019 SWMP are both based on the Final Massachusetts Year 2014 Integrated List of Waters. The 2016 Integrated List of Waters was released in December 2019. **Table 1** and **Figure 2** have been updated to reflect the 2016 Integrated List of Waters. The updated **Table 1** is provided below, and the updated **Figure 2** is located in **Appendix F**. Future reissuance of the Massachusetts Integrated List of Waters may necessitate additional modifications to this Plan to maintain compliance with applicable requirements.

Table 1: Listed Waterbodies

Waterbody	MassDEP Segment ID	TMDL	Category	Impairment Cause	Impairment Source	Monitoring Requirements
Charles River	MA72-04	No	5	Other Flow Regime Modification	Dam or Impoundment Municipal Point Source Discharge	NMR*
				Chlordane in Fish Tissue	Unknown	
				DDT in Fish Tissue	Unknown	
				Escherichia coli (<i>E. coli</i>)	On-site Treatment Systems Unknown Urban Runoff/Storm Sewers	E. coli
				Fish Bioassessments	Dam or Impoundment Municipal Point Source Discharge	Contact MassDEP**
				Mercury in Fish Tissue	Unknown Atmospheric Deposition - Toxics	NMR*
Populatic Pond	MA72096	No	5	Algae	Internal Nutrient Recycling Municipal Point Source Discharge	Total Phosphorus (freshwater)
				Chlordane in Fish Tissue	Unknown	NMR*
				DDT in Fish Tissue	Unknown	
				Dissolved Oxygen	Internal Nutrient Recycling Municipal Point Source Discharge	Dissolved Oxygen Temperature BOD ₅ Total Phosphorus (freshwater)
				Dissolved Oxygen Supersaturation	Internal Nutrient Recycling Municipal Point Source Discharge	



Waterbody	MassDEP Segment ID	TMDL	Category	Impairment Cause	Impairment Source	Monitoring Requirements
Populatic Pond	MA72096	No	5	Mercury in Fish Tissue	Unknown Atmospheric Deposition - Toxics	NMR*
				Nutrient/Eutrophication Biological Indicators	Internal Nutrient Recycling Municipal Point Source Discharge	Total Phosphorus (freshwater)
Mine Brook	MA72-14	No	5	Habitat Assessment	Habitat Modification – other than Hydromodification.	Contact MassDEP**
				Escherichia coli (<i>E. coli</i>)	Discharges from MS4 Unknown	E. coli
				Temperature	Upstream/Downstream Source Baseflow Depletion from GW Withdrawals Loss of Riparian Habitat Unknown	NMR*
Franklin Reservoir Northeast	MA72095	Yes	4A	Aquatic Plants (Macrophytes)	Unknown	NMR*
				Turbidity	Unknown	Total Suspended Solids and Turbidity
Franklin Reservoir Southwest	MA72032	Yes	4A	Aquatic Plants (Macrophytes)	Unknown	NMR*
				Turbidity	Unknown	Total Suspended Solids and Turbidity
Uncas Pond	MA72122	Yes	4A	Non-Native Aquatic Plants	Introduction of Non-Native Organisms	NMR*
				Dissolved Oxygen	Unknown	Dissolved Oxygen Temperature BOD ₅ Total Phosphorus (freshwater)
Beaver Pond	MA72006	No	4C***	Non-Native Aquatic Plants	Introduction of Non-Native Organisms	NMR*

*NMR = No monitoring required.

**Contact MassDEP to determine monitoring requirements, per Appendix G of the 2016 MS4 General Permit.

***Category 4C waters are defined as "Impairment not caused by a pollutant – TMDL not required"



2.2 RECEIVING WATERBODIES

Per the requirements of Part 1.10.2 of the MS4 General Permit, a list of all Integrated List waterbody segments that receive discharge from the Town's MS4 is provided in **Table 1**, above. The Town's MS4 General Permit Notice of Intent submission to the EPA, dated September 28, 2018, included the estimated number of outfalls that discharge directly to each Integrated List waterbody segment. A copy of the original NOI can be accessed on the EPA's website. Any updates to the numbers reported in the NOI will be included in future revisions of this document, if necessary.

2.3 INTERCONNECTED SEPARATE STORM SEWER SYSTEMS

Per the requirements of Part 1.10.2 of the MS4 General Permit, all known interconnected MS4s and other separate storm sewer systems receiving a discharge from the Town's MS4, as well as the waterbody segment(s) that ultimately receive the discharge, are shown on the updated Separate Storm Sewer System Map in **Appendix F**.

2.4 SURFACE PUBLIC DRINKING WATER SUPPLIES

The Town of Franklin has no surface public drinking water supply sources or surface water supply watersheds within its Town boundary. A list of all known waterbody segments that receive discharge from Franklin's MS4 is included in the Town's MS4 General Permit Notice of Intent (NOI) submission to the EPA dated September 28, 2018, which can be accessed on the EPA's website at <https://www.epa.gov/npdes-permits/regulated-ms4-massachusetts-communities>. As detailed in the NOI, there are no known direct discharges to public surface drinking water supplies. Any updates to the waterbody segments receiving discharges from Franklin's MS4 will be included in future revisions of this document, if necessary.

2.5 INCREASED DISCHARGES

The Town of Franklin shall comply with the provisions of 314 CMR 4.04 Massachusetts Surface Water Quality Standards, including information submittal requirements and obtaining authorization for increased discharges where appropriate. Any authorization of an increased discharge by MassDEP shall be incorporated within this SWMP.

There shall be no increased discharges, including increased pollutant loading(s) from the MS4 to impaired waters listed in categories 4A, 4C, or 5 on the most recent Massachusetts Integrated Report of waters listed pursuant to Clean Water Act Section 303(d) and 305(b) unless the discharger demonstrates that there is no net increase in loading from the MS4 to the impaired water of the pollutant(s) for which the waterbody is impaired.

Unless otherwise determined by the U.S. EPA or by MassDEP, compliance with the Part 2.2.2 and 2.3.6 requirements of the MS4 General Permit, including all reporting and documentation requirements, are considered as demonstrating no net increase or increased discharge. Part 2.2.2 and 2.3.6 requirements were included in the BMPs outlined in the June 2019 SWMP and any updates are provided in Section 3 of this SWMP Update.

If necessary, the Town of Franklin will demonstrate compliance with this provision by either:

- Documenting that the pollutant(s) for which the waterbody is impaired is not present in the MS4's discharge and retaining documentation of this finding with the SWMP documents; or
- Documenting that the total load of the pollutant(s) of concern from the MS4 to any impaired portion of the receiving water will not increase as a result of the activity and retaining documentation of this finding in the SWMP documents.



3. BEST MANAGEMENT PRACTICES FOR MINIMUM CONTROL MEASURES

3.1 MCM 1: PUBLIC EDUCATION AND OUTREACH

The public education and outreach MCM objective in Part 2.3.2 of the 2016 MS4 GP is: *'The permittee shall implement an education program that includes educational goals based on stormwater issues of significance within the MS4 area. The ultimate objective of a public education program is to increase knowledge and change behavior of the public so that pollutants in stormwater are reduced.'*

Education and outreach materials shall note any existing Town regulations where appropriate.

3.2 MCM 2: PUBLIC INVOLVEMENT AND PARTICIPATION

No updates.

3.3 MCM 3: ILLICIT DISCHARGE AND DETECTION ELIMINATION

3.3.1 BMPs

The following subsections have been updated to reflect the current status of the Town's MS4 General Permit program. Subsections not listed remain unchanged from the Permit Year 2 update.

3.3.1.2 BMP 3B Stormwater Sewer System Map

The Town has developed a Separate Stormwater Sewer System Map consistent with the requirements of Part 2.3.4.5.a of the MS4 General Permit. The map, provided in **Appendix F** of this SWMP Update, includes the following information:

- Outfalls and receiving waters
- Open channel conveyances
- Interconnections with other MS4s and other storm sewer systems
- Municipally-owned stormwater treatment structures
- Waterbodies identified by name and indication of all use impairments per the 2016 Massachusetts Integrated List of Waters report
- Initial catchment delineations
- Drain pipes, manholes, and catch basins

The map was updated in PY3 to incorporate changes in the 2016 Massachusetts Integrated List of Waters.

This BMP has been updated to provide more information regarding the contents of the Town's Separate Storm Sewer System Map.



3.3.1.6 BMP 3F Conduct Dry Weather Screening

As of June 16, 2021 the Town completed dry weather inspections at 350 out of 492 Town-owned outfalls and is continuing dry weather outfall screening efforts through the end of PY3. Screening and sampling results from the Town's outfall investigations will be submitted as an attachment to the Town's MS4 Annual Report (see Section 4.4 for more information). In PY4, the Town will begin investigating catchments associated with Problem Outfalls identified during dry weather outfall screening.

This BMP has been updated to reflect the progress made in the Town's IDDE dry weather screening program.

3.4 MCM 4: CONSTRUCTION SITE RUNOFF CONTROL

No updates.

3.5 MCM 5: POST-CONSTRUCTION STORMWATER MANAGEMENT

3.5.1 BMPs

The following subsections have been updated to reflect the current status of the Town's MS4 General Permit program. Subsections not listed remain unchanged from the Permit Year 2 update.

3.5.1.5 BMP 5E Massachusetts Stormwater Handbook Compliance

The Town completed the assessment of local regulations and implemented updates to meet the requirements of the MS4 General Permit. Edits were made to conform to local regulations. Associated bylaws were passed by the Town to amend codes between February and May 2021.

This BMP has been updated to reflect the completion of stormwater regulatory reviews and updates.

3.6 MCM 6: POLLUTION PREVENTION AND GOOD HOUSEKEEPING

3.6.1 BMPs

The following subsections have been updated to reflect the current status of the Town's MS4 General Permit program. Subsections not listed remain unchanged from the Permit Year 2 update.

3.6.1.1 BMP 6A O&M Procedures

The Town developed O&M procedures for parks and open spaces, buildings and facilities, vehicles and equipment, and MS4 infrastructure. These procedures can be accessed at the Department of Public Works.

This BMP has been updated to reflect the completion of the Town's O&M procedures for parks and open spaces, vehicles and equipment, buildings and facilities, and MS4 infrastructure.



3.6.1.2 BMP 6B Inventory Town Facilities

The Town has developed an inventory of Town-owned facilities consistent with the requirements of Part 2.3.7.a.ii of the MS4 General Permit. The inventory includes all municipally owned facilities with the potential for stormwater polluting activities, including, but not limited to:

- Parks and open space
- Buildings where pollutants are exposed to runoff (e.g., schools, town offices, fire stations, garages, etc.)
- Vehicle and equipment storage areas

The inventory can be accessed at the Department of Public Works.

This BMP has been updated to reflect the completion of the Town's inventory of municipally owned facilities.

3.6.1.3 BMP 6C Infrastructure O&M

The Town has developed written Operations and Maintenance (O&M) Standard Operating Procedures (SOPs) consistent with the requirements of Part 2.3.7.a of the MS4 General Permit. The objectives of the O&M SOPs are to establish procedures for MS4 infrastructure maintenance that will help reduce the discharge of pollutants from municipally owned facilities. The O&M SOPs include:

- Winter road maintenance procedures targeting minimal use and proper storage of sodium chloride and other salts
- Catch basin inspection, cleaning, and maintenance procedures, and a plan for optimization of these routine activities
- Street sweeping and cleaning procedures to ensure all Town-owned roadways are swept at least once per year
- Management and disposal of catch basin cleanings and street sweepings to avoid discharge into receiving waters
- Stormwater treatment structure inspections and maintenance procedures

The O&M SOPs can be accessed at the Department of Public Works.

This BMP has been updated to reflect the completion of the Town's written O&M SOPs.

3.6.1.4 BMP 6D SWPPP

The Town has developed written Stormwater Pollution Prevention Plans (SWPPPs) for the Department of Public Works and Recycling Center facilities consistent with the requirements of Part 2.3.7.b of the MS4 General Permit. The SWPPPs include:

- Pollution and prevention team
- Description of the facility and identification of potential pollutant sources
- Identification of stormwater controls
- Material exposure prevention, good housekeeping, preventative maintenance, spill prevention and response, erosion and sediment control, management of runoff, salt storage pile or salt-containing pile management, employee training, and maintenance of control measure practices



The SWPPPs can be accessed at the Department of Public Works.

This BMP has been updated to reflect the completion of the SWPPPs for the Town's Department of Public Works and Recycling Center facilities.

3.7 ENHANCED BMPS FOR IMPAIRED WATERBODIES

No updates.



4. PROGRAM MANAGEMENT, EVALUATION, RECORD KEEPING, AND REPORTING

4.1 PROGRAM MANAGEMENT

No updates.

4.2 PROGRAM EVALUATION

The Town of Franklin conducts annual evaluations of its program compliance, the appropriateness of its identified BMPs, progress toward meeting upcoming Permit requirements, and progress towards achieving its identified measurable goals, which include reducing the discharge of pollutants to the maximum extent practicable (“MEP”). The Town documents the findings of these annual evaluations in their MS4 Program annual report, submitted to the EPA and MassDEP by September 28th.

Changes to the Town’s stormwater permit compliance program do not need to be updated in their NOI, however, this information will be included in the Town’s annual reports and SWMP updates.

4.3 RECORD KEEPING

No updates.

4.4 ANNUAL REPORTS

The MS4 Annual Report is due by September 28th. Annual reports are available for public access on the Town’s and the EPA’s website.



5. 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 gathered and evaluated 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, 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."

Signature

Date

6/29/21

Name: Jamie Hellen, Town Administrator



Appendices



APPENDIX A: 2016 GENERAL PERMIT WITH APPENDICES



A copy of the original 2016 MS4 General Permit was included in Appendix A of the original version of this SWMP. On December 7, 2020, changes to the Permit were issued; these changes became effective on January 6, 2021. The modified 2016 MS4 General Permit and its appendices can be accessed on the EPA's website, at <https://www.epa.gov/npdes-permits/massachusetts-small-ms4-general-permit>.



APPENDIX B: STORMWATER MANAGEMENT PLAN REVISION TRACKING FORM



Revision No.	Revision Date	Section of SWMP	Revision(s) Made/Reasoning
00	6/2019	--	--
01	7/3/2020	--	--
01	6/22/2021	1.	Introduction to the Town's stormwater program and adding reference to the original SWMP prepared by Wood
		2.1	Updated Table 1: Listed Waterbodies to reflect approved 2016 Massachusetts Integrated List of Waters
		2.2	NEW SECTION: Added language to reflect that receiving waterbodies are listed in the Town's MS4 General Permit NOI submission to the EPA
		2.3	NEW SECTION: Added language to reflect that interconnections are shown on the updated Separate Storm Sewer System Map in Appendix F
		2.4	NEW SECTION: Added language to reflect that the Town has no surface public drinking water supply sources
		2.5	NEW SECTION: Added language to reflect that the Town will comply with proper provisions to authorize any future increased discharges
		3.1	Added language to reflect that education and outreach materials shall note any existing Town regulations where appropriate.
		3.3.1.2	Revised language to reflect that a copy of the Separate Storm Sewer System Map will be updated annually and included in Appendix F
		3.3.1.6	Added an update on the Town's IDDE program
		3.5.1.5	Added language to reflect that the Town has completed the assessment and update of Town regulations
		3.6.1.1 – 3.6.1.3	Revised language to reflect that the Town has completed O&M procedures and their inventory of municipally-owned facilities
		3.6.1.4	Revised language to reflect that the Town has completed SWPPPs for their Department of Public Works and Recycling Center facilities
		4.2	Revised language to reflect that the Town's annual program evaluations can be found in their MS4 annual reports
		4.4	Revised language to reflect that the Town's annual reports can be accessed on the Town's and the EPA's websites
Appendix F	NEW SECTION: Added Separate Storm Sewer System Map		
Appendix G	NEW SECTION: Added Impaired Waters Map to replace Figure 2: Impaired Waterbodies in the original SWMP		



APPENDIX C: ENDANGERED SPECIES ACT AND NATIONAL HISTORIC PRESERVATION ACT REVIEW



No updates.





APPENDIX D: MS4 PERMIT-RELATED STANDARD OPERATING PROCEDURES FOR MCM 4



No updates.





APPENDIX E: MS4 PERMIT-RELATED STANDARD OPERATING PROCEDURES FOR MCM 6

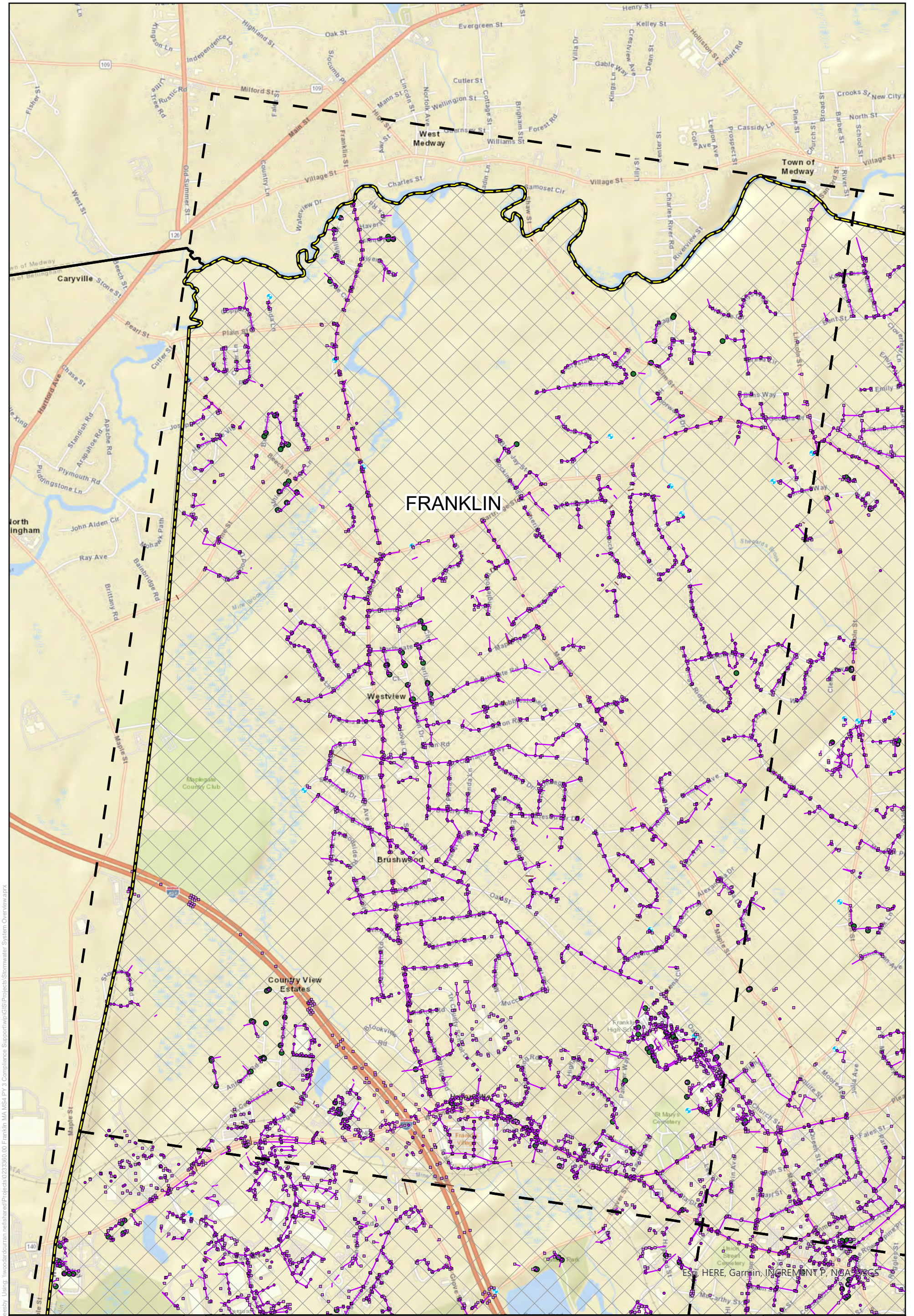


Finalized MS4 permit-related standard operating procedures (SOPs) can be accessed at the Department of Public Works. These include the following:

- Winter Road Maintenance
- Catch Basin Inspection and Cleaning
- Street Sweeping
- Stormwater Treatment Structure Inspections



APPENDIX F: SEPARATE STORM SEWER SYSTEM MAP



Stormwater Collection System Overview

Town of Franklin, MA

Legend

- Drain Manhole
- Drain Catch Basin
- ⊕ Outfall
- Stormwater Treatment Structures
- Drain Pipe
- Drain Culvert
- Town Boundaries
- Franklin Boundary
- Urbanized Area
- Bounding_Grid



0 0.07 0.15 0.3 Miles



Project #: 0233360.00
Map Created: June 2021

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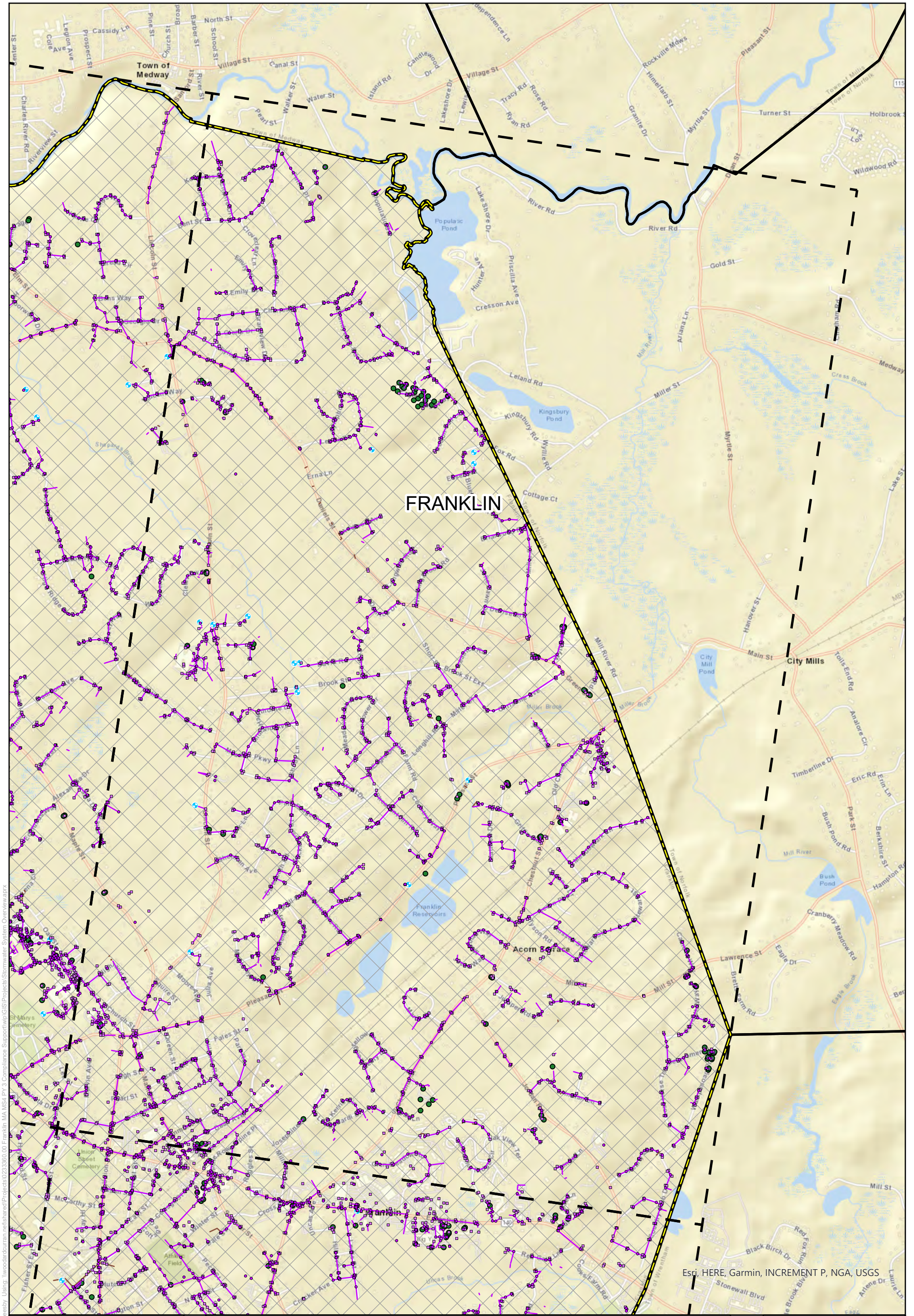


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Stormwater Collection System Overview

Town of Franklin, MA

Legend	● Drain Manhole	— Drain Pipe	 Drain Culvert
	 Drain Catch Basin	 Franklin Boundary	 Urbanized Area
	+ Outfall	 Bounding_Grid	
	● Stormwater Treatment Structures		
	 Town Boundaries		

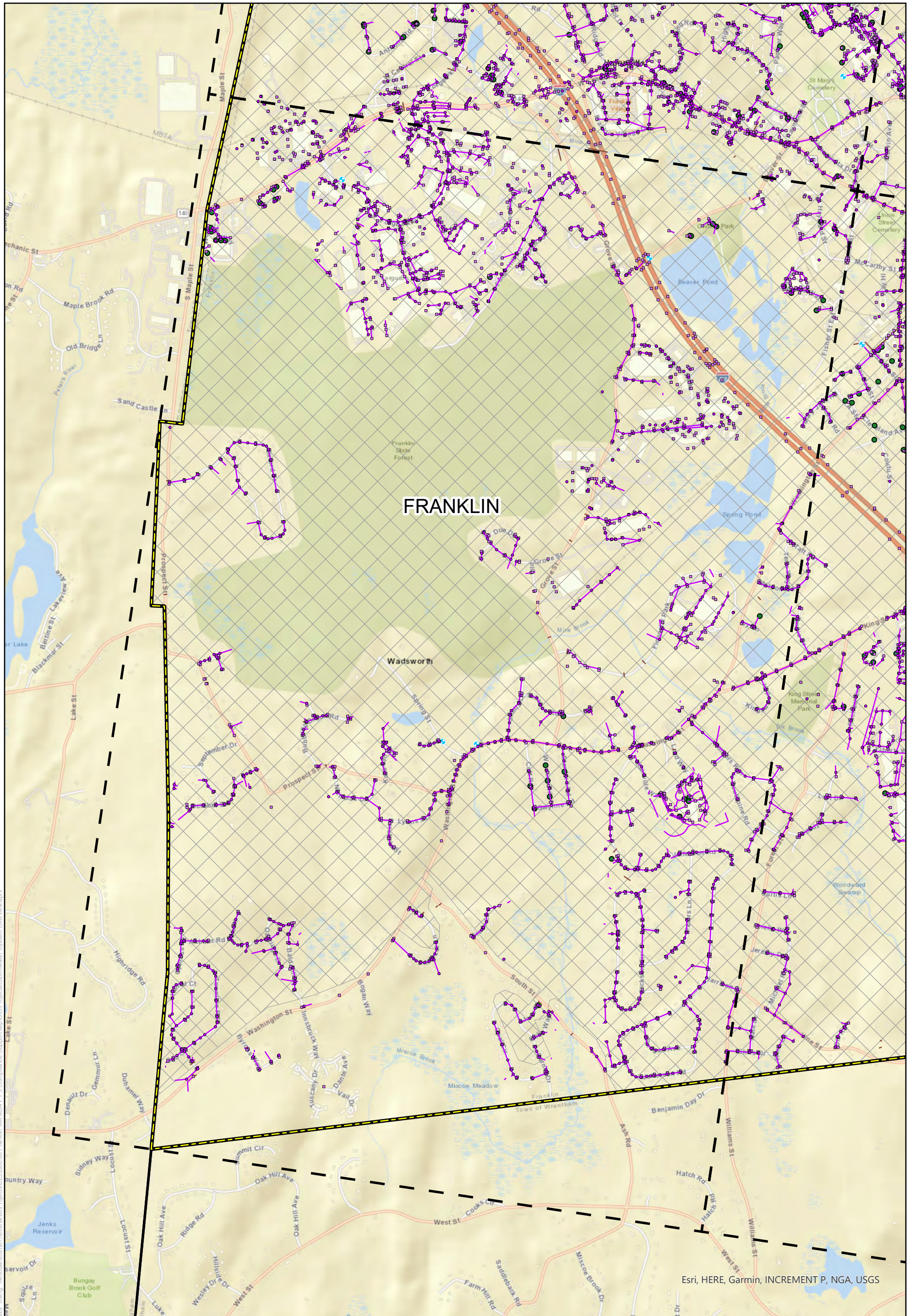
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Project #: 0233360.00
Map Created: June 2021

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Esri, HERE, Garmin, INCREMENT P, NGA, USGS

Stormwater Collection System Overview

Town of Franklin, MA

Legend	
	Drain Manhole
	Drain Catch Basin
	Outfall
	Stormwater Treatment Structures
	Drain Pipe
	Drain Culvert
	Town Boundaries
	Franklin Boundary
	Urbanized Area
	Bounding_Grid

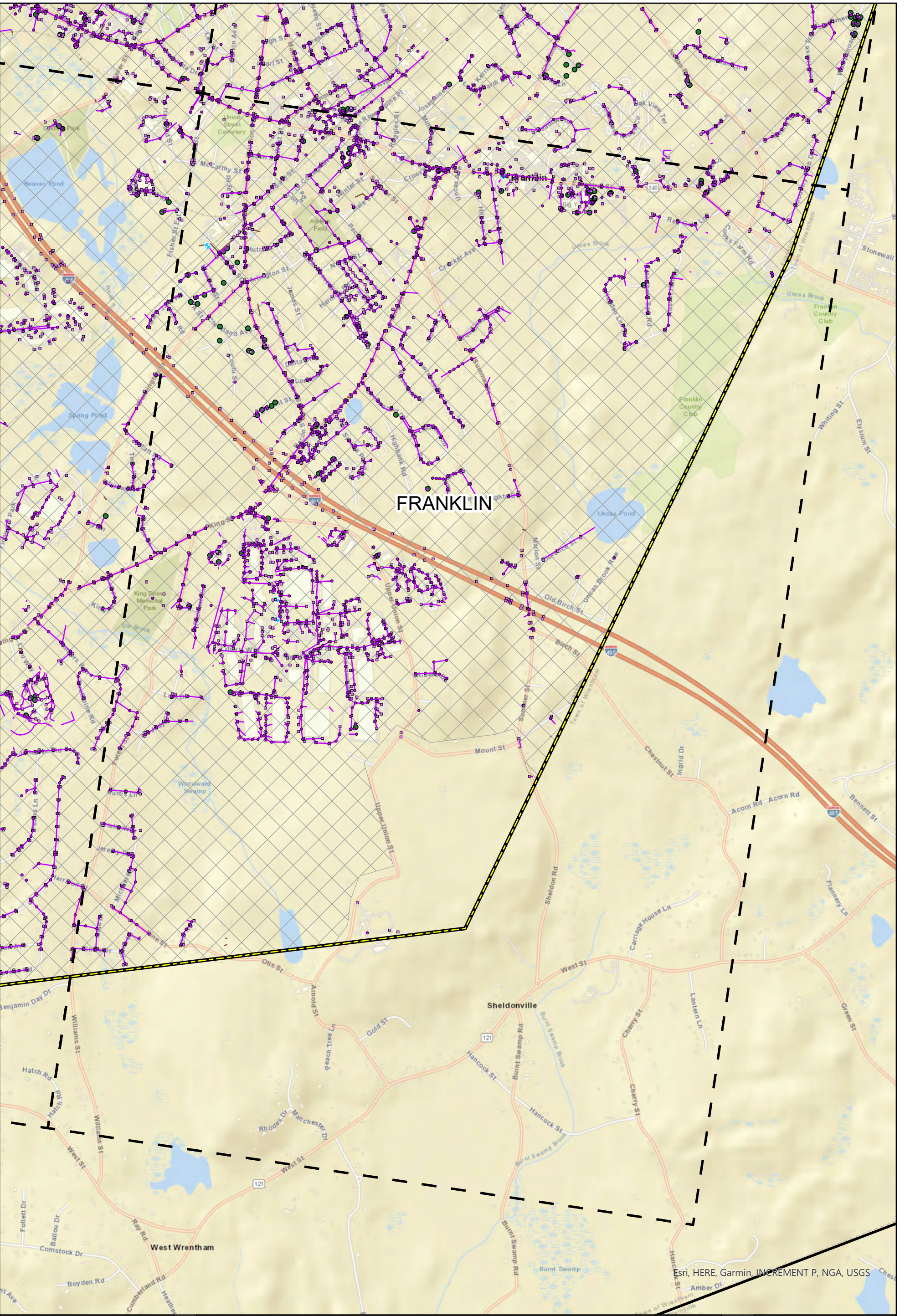
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Project #: 0233360.00
Map Created: June 2021

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Stormwater Collection System Overview

Town of Franklin, MA

Legend

- Drain Manhole
- Drain Catch Basin
- ⊕ Outfall
- Stormwater Treatment Structures
- Drain Pipe
- Drain Culvert
- ▭ Town Boundaries
- ▭ Franklin Boundary
- ▭ Urbanized Area
- ▭ Bounding_Grid

North Arrow

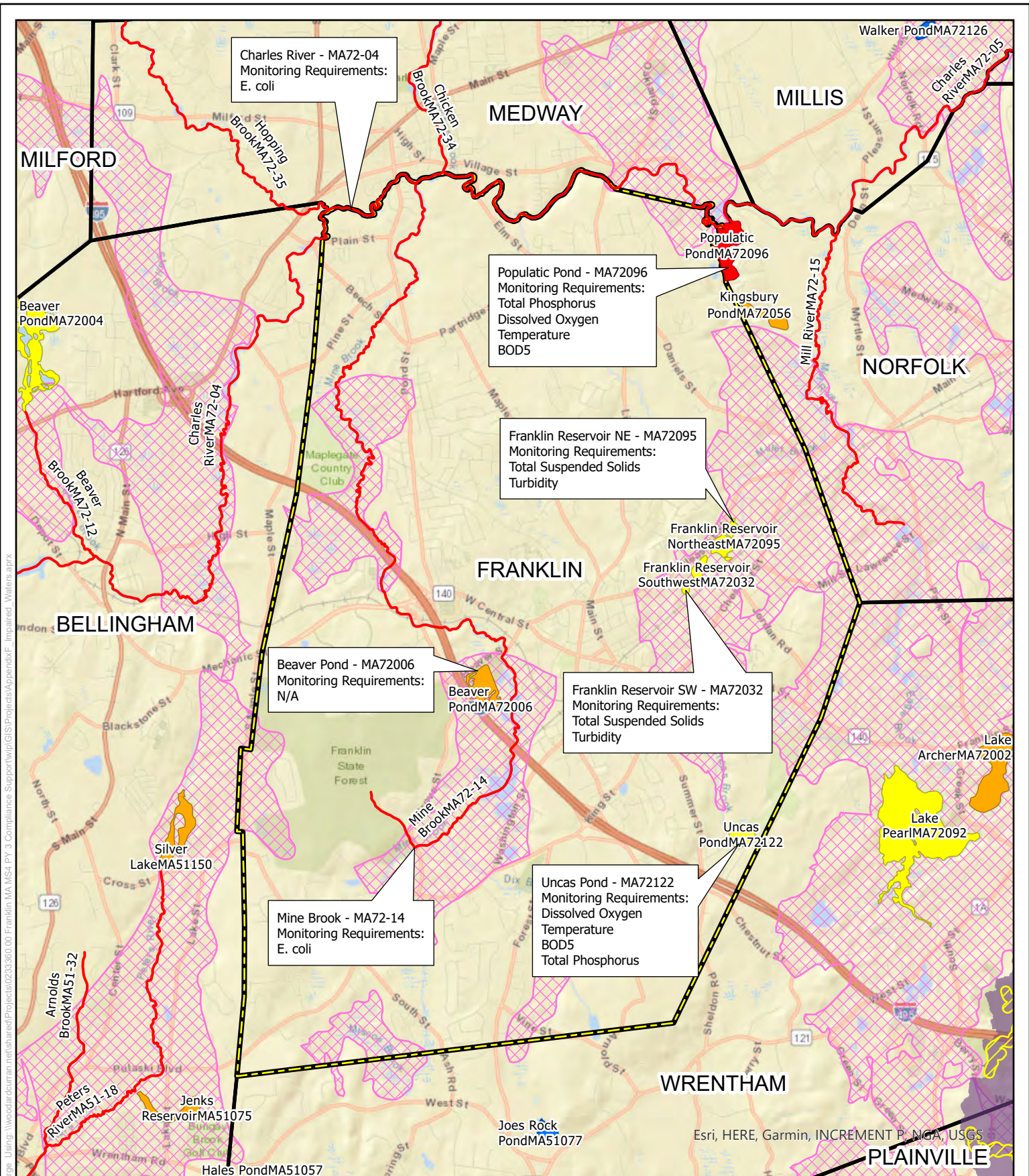
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APPENDIX G: IMPAIRED WATERS AND SPECIAL RESOURCE WATERS



Charles River - MA72-04
Monitoring Requirements:
E. coli

Populatic Pond - MA72096
Monitoring Requirements:
Total Phosphorus
Dissolved Oxygen
Temperature
BOD5

Franklin Reservoir NE - MA72095
Monitoring Requirements:
Total Suspended Solids
Turbidity

Beaver Pond - MA72006
Monitoring Requirements:
N/A

Franklin Reservoir SW - MA72032
Monitoring Requirements:
Total Suspended Solids
Turbidity

Mine Brook - MA72-14
Monitoring Requirements:
E. coli

Uncas Pond - MA72122
Monitoring Requirements:
Dissolved Oxygen
Temperature
BOD5
Total Phosphorus

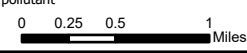
Town of Franklin Water Resources

Town of Franklin, MA

- Legend**
- Surface Water Protection Area - Zone A
 - Franklin Boundary
 - Outstanding Resource Waters
 - MassDEP Approved Zone IIS

2016 Integrated List Waters - 305(b)/303(d)

- Category**
- 2 - Attaining some uses; other uses not assessed
 - 3 - No uses assessed
 - 4A - Impaired - TMDL is completed
 - 4C - Impairment not caused by a pollutant
 - 5 - Impaired - TMDL required



Project #: 0233360.00
Map Created: June 2021

Third Party GIS Disclaimer: This map is for reference and graphical purposes only and should not be relied upon by third parties for any legal decisions. Any reliance upon the map or data contained herein shall be at the users' sole risk. **Data Sources:**

Figure Excerpt: 6/1/2021, By: anoberge, Using: I:\woodardcurran.net\shared\Projects\0233360\000\Franklin_MA_MS4_PX3_Compilance_Support\wpj\GIS\Projects\Appendix\F_Impaired_Waters.aprx

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

March 11, 2022

To: Town Council
From: Jamie Hellen, Town Administrator
Alecia Alleyne, Assistant to the Town Administrator

Re: **Bylaw Amendment 22-876: Chapter 153 Stormwater Management - Corrective Legislation, first reading**

The action before the Council is to approve Bylaw Amendment 22-876, which is a technical amendment to the current stormwater utility bylaw. The main change is adding in the ability to have an abatement process, credit system and a waiver of the fee for financial hardship. As a result of some of these changes, the utility bylaw is now renumbered and reorganized.

If you have any questions, please feel free to let us know.



TOWN OF FRANKLIN BYLAW AMENDMENT 22-876 CHAPTER 153 STORMWATER MANAGEMENT

A bylaw to amend the Code of the Town of Franklin at Chapter 153 Stormwater Management by rescinding Bylaw Amendment 19-846 and replacing it by adding a new Article V Stormwater Utility.

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT Chapter 153 of the Code of the Town of Franklin Stormwater Management is hereby amended by rescinding Bylaw Amendment 19-846, previously enacted by the Franklin Town Council on January 8, 2020, and replacing it by adding a new Article V Stormwater Utility as Follows:

ARTICLE V STORMWATER UTILITY

§153-29 GENERAL PROVISIONS

- a. Title
This bylaw shall be known as the Stormwater Utility By-Law of the Town of Franklin, Massachusetts, hereinafter referred to as the "by-law."
- b. Responsibility for Administration
The Town Administrator or his/her designee shall administer this by-law; the Town Administrator may delegate any powers granted to or duties imposed upon the Town Administrator to the Director of Public Works.
- c. Purpose
The stormwater management program of the Town shall be funded by revenue collected through the Stormwater Utility fee and such other revenue as may, from time to time, be appropriated. The stormwater management program is designed to collect and treat stormwater to promote the health and safety of the public, to protect property from flooding and the damage caused by stormwater runoff, to protect and manage water quality by controlling the level of pollutants in stormwater runoff, and to comply with Federal and state stormwater management mandates and permits.

§153-30 AUTHORITY

This by-law is adopted in accordance with the authority granted, inter alia, by Amendment Article 89 to Article II of the Massachusetts Constitution (the Home Rule Amendment), Section

sixteen of Chapter 83 of the General Laws of the Commonwealth of Massachusetts and such other powers as are granted to cities and towns in the said General Laws.

§153-31 DEFINITIONS

The following words, terms and phrases, when used in this by-law, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Credit* means a reduction in the amount of a Stormwater Utility fee charged to the owner of a property where that property owner owns, maintains and operates on-site or off-site stormwater management systems or facilities, or provides services or activities that reduce or mitigate the Town's cost of providing stormwater management services, in accordance with the Town's approved credit policy.
- (b) *Developable* shall mean a parcel of land, as designated by the Assessor or other local jurisdictional authority, that can be altered from its natural state to include impervious surface area.
- (c) *Developed* means property altered from its natural state by construction or installation of greater than or equal to two hundred (200) square feet of impervious surfaces.
- (d) *Drainage system* shall mean natural and manmade channels, swales, ditches, swamps, rivers, streams, creeks, wetlands, branches, reservoirs, ponds, drainage ways, inlets, catch basins, gutters, pipes, culverts, bridges, head walls, storm sewers, lakes, and other physical works, properties, and improvements that transfer, control, convey or otherwise influence the movement of stormwater runoff.
- (e) *General Laws* means the General Laws of the Commonwealth of Massachusetts.
- (f) *Impervious surface* includes any material or structure on or above the ground that prevents precipitation from effectively infiltrating the underlying soil. Impervious surfaces include, without limitation, roads, paved or gravel parking lots, rooftops, buildings or structures, sidewalks, driveways, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.
- (g) *Stormwater* is surface water that results from precipitation and that travels over natural or developed land surfaces to discharge into a drainage system or surface water body. Stormwater includes stormwater runoff, snow melt runoff, and surface water runoff and drainage.
- (h) *Stormwater management services* mean all services provided by the Town which relate to the:
 - (i) Transfer, control, conveyance or movement of stormwater runoff through the Town;
 - (ii) Maintenance, repair and replacement of stormwater management systems and facilities owned, controlled, or maintained by the Town;

- (iii) Planning, development, design and construction of additional stormwater management systems and facilities to meet current and anticipated needs;
 - (iv) Regulation, oversight, and enforcement of the use of stormwater management services, systems and facilities;
 - (v) Compliance with applicable State and Federal stormwater management regulations and permit requirements including, but not limited to, public education and outreach. Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.
- (i) *Stormwater management systems and facilities* mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, headwalls, storm sewers, outfalls and other physical works, properties and improvements which transfer, control, convey, detain, retain, treat or otherwise influence the movement of stormwater runoff.
- (j) *Stormwater Utility fee* means the periodic user fee that may be imposed pursuant to this by-law by the Town of Franklin which will be dedicated to the provision of public stormwater management services. The stormwater utility fee billing rate structure shall consist of a uniform flat rate based on the total number of billing units per property, an individual billing unit equalling one thousand (1000) square feet of impervious surface.
- (k) *Undeveloped land* shall mean all land that is not altered from its natural state to an extent that results in greater than two hundred (200) square feet of impervious surface area.

§153-32 STORMWATER UTILITY FEE AND ENTERPRISE FUND ESTABLISHED; RATES: DEPOSIT TO STORMWATER ENTERPRISE FUND

- (a) Pursuant to Section 16 of Chapter 83 of the General Laws, the Town may establish a charge for the use of the stormwater management services of the Town to be known as the Stormwater Utility fee. Stormwater charges shall be established such that they will provide sufficient funds, proportionately calculated and assessed, to construct, operate, maintain, and regulate the stormwater management systems and facilities in the Town of Franklin.
- (b) The Franklin Town Council (the Council) shall establish reasonable rates to defray the cost of administering and implementing the stormwater management program of the Town. The initial rates, and any later modifications, shall be based upon recommendation of staff and shall be set by the adoption of a Stormwater Fee Schedule by vote of the Council, to be included by amendment in the Code of the Town of Franklin Chapter 82 Fees, Municipal Service.
- (c) The Council (or their designee) shall establish a dedicated Stormwater Enterprise Fund in the Town budget and an accounting system to manage all funds collected for the purposes and responsibilities of the stormwater program. All revenues and receipts of the Stormwater Utility shall be placed in the Stormwater Enterprise Fund, which shall be

separate from all other funds, and only expenses of the stormwater program shall be paid by the fund as provided in G.L. c.44,s. 53 F1/2.

- (d) Expenditure of funds may consider both stormwater quality and quantity management needs and can be used as described in Section 153-34.
- (e) The Stormwater Utility fee is to be assessed to each developed parcel in Town whether the property is occupied or not. The fee shall be calculated on an annual basis and billed to the record title owner of the property.

§153-33 SCOPE OF RESPONSIBILITY FOR STORMWATER MANAGEMENT SYSTEMS AND FACILITIES

- (a) The Town owns or otherwise has rights which allow it to operate, maintain, improve and access those stormwater management systems and facilities which are located:
 - (i) Within public road rights-of-way;
 - (ii) On private property but within easements granted to, and accepted by, the Town of Franklin, or are otherwise permitted to be located on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use or such other lawful means to allow for operation, maintenance, improvement and access to the stormwater management system facilities located thereon;
 - (iii) On public land which is owned by the Town and/or land of another governmental entity upon which the Town has agreements providing for the operation, maintenance, improvement and access to the stormwater management systems and facilities located thereon.
- (b) Operation, maintenance and/or improvement of stormwater management systems and facilities which are located on private or public property not owned by the Town, and for which the Town lacks a lawful right of entry, shall be and remain the legal responsibility of the property owner, except as otherwise provided for by state and federal laws and regulations.

§153-34 PURPOSES OF THE STORMWATER UTILITY FUND

Receipts from the Stormwater Utility fee, to the extent consistent with G.L. c. 44, s. 53 F1/2, shall be used for the following purposes:

- (a) The acquisition by gift, purchase or condemnation of real and personal property, and interests therein, necessary to construct, operate, and maintain stormwater management systems and facilities;
- (b) All costs of administration and implementation of the stormwater management program, including the cost of labor and equipment attributable to the stormwater management program and the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management requirements;

- (c) Payment on principal and interest on debt obligations;
- (d) Engineering and design, debt service and related financing expenses, construction costs for new facilities (including costs for contracted services) and enlargement or improvement or existing facilities;
- (e) Operation and maintenance of the stormwater system, including catch basin cleaning, ditch maintenance, street sweeping, pipe repairs, and stormwater facility repairs;
- (f) Capital investments including stormwater best management practices (BMPs) and components (e.g., purchase of plants, soils, and other amenities to support stormwater management alternatives utilizing vegetation);
- (g) Illicit discharge detection and elimination;
- (h) Monitoring, surveillance, and inspection of stormwater control devices;
- (i) Water quality monitoring and water quality programs;
- (j) Retrofitting developed areas for pollution control;
- (k) Inspection and enforcement activities;
- (l) Billing and related administrative costs; and
- (m) Other activities which are reasonably necessary, including costs related to regulatory compliance and legal fees.

§153-35 STORMWATER UTILITY FEE EXEMPTIONS

- (a) The Town of Franklin finds that all developed property in the Town contributes to runoff and the owners thereof either use or benefit from the maintenance of the stormwater system. Therefore, except as provided in this section or otherwise provided by law, no developed public or private property located in the Town of Franklin shall be exempt from the Stormwater Utility fee charges. No exception, credit, offset, or other reduction in stormwater utility fee charges shall be granted based on age, tax status, economic status, race, religion or other condition unrelated to the cost of providing stormwater management services and facilities with the exception of those residents that apply for and qualify for the Community Assistance Program.
- (b) The Town establishes exemptions to the Stormwater Utility fee as follows:
 - (i) *Undeveloped land.*
 - (ii) *Public streets, highways and rights-of-way. However, maintenance buildings and/or other developed property used for road maintenance purposes shall not be exempt from Stormwater Utility fee charges. All other State, Federal, and*

County properties shall be subject to the user fee charges on the same basis as private properties.

- (iii) *Railroad rights-of-way (tracks). However, railroad stations, maintenance buildings, and/or other developed property used for railroad purposes shall not be exempt from Stormwater Utility fee charges.*

§153-36 STORMWATER UTILITY FEE CREDITS

- (a) The Director of Public Works is hereby authorized to grant credits to property owners to be applied against the Stormwater Utility fee based on the technical and procedural criteria set forth in the Stormwater Utility Credit Manual (Credit Manual) to be developed, maintained and, from time to time, amended by the Department of Public Works (DPW). The Credit Manual shall be implemented during the first year of the Stormwater Utility and shall be available for inspection by the public at the Department of Public Works.
- (b) The percentages for credits shall reflect the extent to which the subject properties reduce the peak rate of runoff from the property, or avoid other costs incurred by the stormwater management program in the delivery of services. The maximum possible credit for properties shall be detailed in the Credit Manual (to be developed by the Department of Public Works).
- (c) Any credit allowed against the Stormwater Utility fee is conditioned on continuing compliance with the Town's design and performance standards as stated in the Credit Manual and/or upon continuing provision of the controls, systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. The Town may revoke a credit at any time for noncompliance with applicable standards and criteria as established in the Credit Manual or this by-law.
- (d) In order to obtain a credit, the property owner must make application to the Town on forms provided by the Director of Public Works for such purpose. The forms are to be fully completed in accordance with the procedures outlined in the Credit Manual.
- (e) When an application for a credit is deemed complete by the DPW, the Town shall have adequate time from the date the complete application is accepted to either grant the credit in whole, grant the credit in part, or deny the credit. Credits applied for by the property owner and granted in whole or in part, shall apply to all Stormwater Utility fees in accordance with the terms defined in the Credit Manual.

§153-37 STORMWATER UTILITY FEE BILLING, DELINQUENCIES, COLLECTIONS AND ABATEMENTS

- (a) Failure to receive a Stormwater Utility bill will not be justification for non-payment. The property owner, as identified from public land records of the Town of Franklin, shall be obligated to pay the appropriate Stormwater Utility fee for that property. If a property is unbilled, or if no bill is sent for a particular parcel of developed land, the Town may back bill for the fees as applicable for a period not to exceed two years of charges, but no late

fees or delinquency charges of any kind shall be charged or recovered from any property owner so back billed.

- (b) Stormwater Utility bills shall be committed to the Treasurer/Collector for collection. In any case of nonpayment of a Stormwater Utility bill for sixty (60) days after the same is due, the Treasurer/Collector shall send a notice to the delinquent property owner and apply appropriate interest and late charges to the fees, as previously approved by the Treasurer.
- (c) In accordance with Sections 16A through 16F of Chapter 83 of the General Laws, charges for the Stormwater Utility fee, together with interest thereon and costs relative thereto, shall be a lien upon the real estate for which the charge was billed. Such lien shall take effect by operation of law on the day immediately following the due date of such charge and, unless dissolved by payment or abatement, shall continue until such charge has been added to or committed as a tax in accordance with the requirements of Section 16C of Chapter 83 of the General Laws, and thereafter, unless so dissolved, shall continue as provided in Section 37 of Chapter 60 of the said General Laws.
- (d) In addition to the method of collection specified in Sections 16A through 16F of the General Laws, the overdue charge may be collected through any other lawful means.
- (e) In the event that a property owner believes the Stormwater Utility fee is improperly calculated or is otherwise incorrect, the property owner may, within thirty (30) days from the date of issuance of the Stormwater Utility bill, and after payment of the bill in full, apply to the Director of Public Works for an abatement. The application for abatement shall be supported by such information as is necessary for a reasonable person to conclude that it is more likely than not that the billing is in error. DPW shall have sixty (60) days to consider the request for abatement and render a written decision which may deny the abatement, grant the abatement in full or grant the abatement in part.

§153-38 APPEALS AND HEARINGS

- (a) In the event that a property owner is aggrieved by a written decision from the Director of Public Works denying an application for abatement in whole or in part, or denying an application for a credit, in whole or in part, the property owner shall have sixty (60) days from the date of the written decision to seek a review of the decision by the filing of an appeal with the appellate tax board of the Commonwealth of Massachusetts. The appeal shall be in writing and shall specify the grounds thereof. Upon the filing of the notice of appeal, the DPW shall make available all documents constituting the record upon which the original decision was made.

§153-39 SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of this by-law shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

This bylaw shall become effective in accordance with the provisions of the Franklin Home Rule Charter.

DATED: _____, 2022

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

**Nancy Danello, CMC
Town Clerk**

**Glenn Jones, Clerk
Franklin Town Council**

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

March 11, 2022

To: Town Council
From: Jamie Hellen, Town Administrator
Alecia Alleyne, Assistant to the Town Administrator

Re: Bylaw Amendment 22-877: Chapter 82 Fees, Municipal Service: Stormwater Utility Fee - First Reading

Before the Council this evening is the first reading of a proposed bylaw to add a new fee to Chapter 82, Section 6, Subsection A . Administration, of the Code of the Town of Franklin. The proposed "Stormwater Utility Fee" will be \$18.66 per billing unit per property, as recommended almost two years ago by the [Stormwater Ad Hoc subcommittee of the Town Council](#). Members of that committee are Melanie Hamblen, Robert Dellorco and Glenn Jones.

The purpose of this fee is to comply with the federal stormwater MS4 permit. As you can see from the DPW presentation this evening, the Town has listened to a great deal of public feedback on the issue over many years. We have even sued the federal government and the Environmental Protection Agency (EPA).

The Town is including an abatement process, rewards credits and a community assistance program to eliminate the fee due to financial hardship.

If you have any additional questions please feel free to ask.



**TOWN OF FRANKLIN
BYLAW AMENDMENT 22-877
CHAPTER 82 FEES, MUNICIPAL SERVICE:
STORMWATER UTILITY FEE**

A bylaw to amend the Code of the Town of Franklin at Chapter 82, Fees, Municipal Service, by adding a new definition: Stormwater Utility Fee, and a new Service Fee: Stormwater Utility.

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT: Chapter 82 of the Code of the Town of Franklin Fees, Municipal Service, is hereby amended as follows:

SECTION 82-5 Service Fee Definitions:

Insert, in appropriate alphabetical order, a new definition:

- Stormwater Utility Fee: Shall have the definition provided in the Code of the Town of Franklin Chapter 153 Stormwater Management Article V Stormwater Utility §153-31 Definitions.

SECTION 82-6 Schedule of Service Fees:

Insert, in Subsection L. Public Works, in appropriate alphabetical order, a new service fee:

<u>Service Fee</u>	<u>Rate</u>
Stormwater Utility Fee	\$18.66 per billing unit per property

This bylaw amendment shall become effective on and after July 1, 2023.

DATED: _____, 2022

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

**Nancy Danello, CMC
Town Clerk**

**Glenn Jones, Clerk
Franklin Town Council**

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

March 11, 2022

To: Town Council
From: Jamie Hellen, Town Administrator
Alecia Alleyne, Assistant to the Town Administrator

Re: Bylaw Amendment 22-878: Chapter 82 Fees, Municipal Service: Passport Photo Fee - First Reading

Before the Council is the first reading of a proposed bylaw to add a new fee to Chapter 82, Section 6, Subsection A . Administration, of the Code of the Town of Franklin. The proposed "Passport Photo Fee" will be \$10 per passport photo.

The goal of this fee is to provide a more convenient one-stop process for Franklin residents to obtain or renew a passport. One of the items we see is many families come in to get passports with no photo. And we have to ask them to drive down the street to another shop to get the photo. I have had the staff install a camera area to take pictures in the event folks forget their photo. The purpose of the fee is to generate better customer service and a more comprehensive set of services for the public.

If you haven't stopped by the passport kiosk, please do! We have set up world maps, globes and other fun things to make the public feel more welcome to get their entire passport services done in Franklin.

A reminder that the federal State Department sets the fees for actual passports. But we need to set the fee for the photo in Town Code.

If you have any additional questions please feel free to ask.



**TOWN OF FRANKLIN
BYLAW AMENDMENT 22-878
CHAPTER 82, MUNICIPAL SERVICE:
PASSPORT PHOTO FEE**

A bylaw to amend the Code of the Town of Franklin at Chapter 82 Fees, Municipal Service, by adding a new Service Fee: Passport Photo

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT: Chapter 82 of the Code of the Town of Franklin Fees, Municipal Service, is hereby amended as follows:

§ 82-6. Schedule of service fees.

A. Administration

Service Fee	Rate
Club- Wine & Malt	\$750
Liqueurs and Cordials	\$900
Package- Wine & Malt	\$1,500
Common Victualler- Wine & Malt	\$1,125
Club- All Alcohol	\$1,750
Package- All Alcohol	\$2,500
Common Victualler- All Alcohol	\$1,875
Innholder- All Alcohol	\$3,500
One-Day (All Alcohol or Wine & Malt)	\$75
Alcohol Inholder/Rooms only	\$1,300
Common Victualler	\$125
Innholders	\$125
Farmer Brewery, Winery, Distillery	\$250
Alcohol License Modification	\$500
Automatic Amusement	\$125
Weekday Amusement	\$125
Entertainment	\$125
Billiard/Bowling	\$125
Class I	\$125
Class II	\$125
Class III	\$125
Boardinghouse	\$125
Auctioneer	\$85

One-Day Auctioneer	\$85
Junk Dealer	\$85
Taxi/Limousine	\$85
Transient Vendor or Temporary Special Event Food Truck License	\$100
Temporary Food Truck Event on Private Property	\$25
Fortune Teller	\$85
Public Way Access Permit	\$150
Passport Photo	\$10

This bylaw amendment shall be effective in accordance with the provisions of the Town of Franklin Home Rule Charter.

DATED: _____, 2022

VOTED:

UNANIMOUS: _____

YES: _____ **NO:** _____

ABSTAIN: _____

ABSENT: _____

A True Record Attest:

**Nancy Danello, CMC
Town Clerk**

**Glenn Jones, Clerk
Franklin Town Council**

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

March 11, 2022

To: Town Council
From: Jamie Hellen, Town Administrator
Alecia Alleyne, Assistant to the Town Administrator

Re: **Resolution 22-19: Gift Acceptance - Fire Department**

The Fire Department has received many generous donations totaling \$1,050 in memory of Franklin resident Joseph Nasuti, who passed away on January 29, 2022. These donations will be applied at the Department's discretion towards the purchase of safety and other related equipment. To the friends and family of Mr. Nasuti, we extend our deepest condolences for their loss, and our heartfelt gratitude for their generosity.

Donation Summary:

1. Fire Department

• Mrs. Rita Doherty	\$ 150
• Marge & Nick Capezza	\$ 100
• Madeleine R. A. Nasuti	\$ 100
• John & Jill Rondeau	\$ 100
• Anthony & Massimina Vignone	\$ 100
• Judith Ferguson	\$ 50
• Lynne Grimaldi	\$ 50
• Louis & Linda Johnson	\$ 50
• Donald & Lisa Kerr, & Louise Arcaro	\$ 50
• Dave & Dottie Nasuti	\$ 50
• Nancy Rappa	\$ 50
• Mr. & Mrs. Alan Sarapas	\$ 50
• Marissa Fontecchio & Family	\$ 25
• Diana & Jim Henkel	\$ 25
• Pauline Turco Medeiros	\$ 25
• Raymond & Mary Nasuti	\$ 25
• Ms. Rose Turco	\$ 25
• Louise C. Vozzella	\$ 25
Total	\$1,050

If you have any additional questions please feel free to ask.



**TOWN OF FRANKLIN
RESOLUTION 22-19**

Acceptance of Gift – Fire Department

WHEREAS, The Fire Department has received several generous donations in the total amount of \$1,050.00 to be used at the discretion of the department as follows:

Donation Summary:

FIRE DEPARTMENT - \$1,050.00

1. Gifts received in Memory of Joseph Nasuti to be applied towards the purchase of safety and other related equipment, as well as to support various Fire Department Programs.
 - Please see attached memo dated March 11, 2022 for list of donors.

NOW THEREFORE, BE IT RESOLVED THAT:

The Town Council of the Town of Franklin on behalf of the Fire Department gratefully accepts this generous donation to be used at the discretion of the Fire Department as described above.

This resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

DATED: _____, 2022

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

**Nancy Danello, CMC
Town Clerk**

**Glenn Jones, Clerk
Franklin Town Council**

Town of Franklin

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Franklin, Massachusetts 02038-1352



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OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

March 11, 2022

To: Town Council
From: Jamie Hellen, Town Administrator
Alecia Alleyne, Assistant to the Town Administrator

Re: **Resolution 22-20: Gift Acceptance - Veterans' Services Department**

The Veterans' Services Department has received an extremely generous donation in the amount of \$2,250 from the Fletcher Hospital Corporation, which will be applied at the Department's discretion towards the Veterans' Gift Fund, in support of local Veterans and their families.

We would like to thank the Fletcher Hospital Corporation for their continued support of our local services.

Donation Summary:

- 1. Veterans' Services Department - Veterans' Gift Fund**
 - The Fletcher Hospital Corporation - \$2,250.00

If you have any additional questions please feel free to ask.



**TOWN OF FRANKLIN
RESOLUTION 22-20**

Acceptance of Gift – Veterans’ Services Department

WHEREAS,

The Veterans’ Services Department has received a generous donation in the amount of \$2,250.00 to be used at the discretion of the department for programs and services, as follows:

Donation Summary:

1. Veterans’ Services Department - Veterans’ Gift Fund

- The Fletcher Hospital Corporation - \$2,250.00

NOW THEREFORE, BE IT RESOLVED THAT:

The Town Council of the Town of Franklin on behalf of the Veterans’ Services Department gratefully accepts this generous donation to be used at the discretion of the Veterans’ Services Department, as described above.

This resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

DATED: _____, 2022

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

**Nancy Danello, CMC
Town Clerk**

**Glenn Jones, Clerk
Franklin Town Council**

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

March 11, 2022

To: Town Council
From: Jamie Hellen, Town Administrator
Alecia Alleyne, Assistant to the Town Administrator

Re: Resolution 22-21: Capital Improvement Plan FY22
Resolution 22-22: Free Cash to Stabilization Accounts Transfers
Resolution 22-23: Authorizing the Borrowing of Money to Pay Costs of Repairs for Horace Mann School

Before the Council on March 16th are three resolutions relating to the FY22 Capital Plan Round 1:

- Resolution 22-21: Capital Improvement Plan FY22 - to approve the appropriation of funds for the FY22 Capital Improvement Plan
- Resolution 22-22: Free Cash to Stabilization Accounts Transfers - to approve continued funding of the Stabilization Funds per Town Policy
- Resolution 22-23: Authorizing the Borrowing of Money to Pay Costs of Repairs for Horace Mann School - to approve the appropriation of funds to pay the costs of making repairs to the Horace Mann School drainage system.

The Finance Committee unanimously endorsed this plan. The Town Council Capital Subcommittee also unanimously endorsed this plan.

For further information, please see the attached memo dated February 4, 2022 and its accompanying backup material, including the resolutions which were approved by the Finance Committee unanimously on February 9, 2022.

If you have any additional questions please feel free to ask.

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

February 4, 2022

To: Finance Committee
From: Jamie Hellen, Town Administrator
Alecia Alleyne, Assistant to the Town Administrator

Re: FY22 Capital Plan Proposal

Please find the attached Capital Plan for FY22, as well as the five-year capital plan from each department as required by the Town Charter. Included with this memo is a sheet with the 20-year free cash history. The average is \$3.19 million over the past ten years and \$2.72 Million over the past 20 years. FY22 is an unusually large year in excess, unspent revenue due to the second pandemic year.

From the certified total, there are several policy commitments that eat into the total right off the bat, most notably contributions to stabilization accounts (per town policy) as well as the usual recommendation from staff to hold revenue for annual snow and ice removal. See narrative below for more specifics.

These recommendations are Round 1 of the FY22 Capital program. Once we know the final totals of the winter costs for snow removal, if there are remaining funds, staff will propose a "Round 2" Capital later in April, which we have traditionally used to fund road and infrastructure projects.

The following is an overview of certified free cash status for FY22:

Town Policies	Amounts
CERTIFIED FREE CASH TOTAL	\$4,470,514
Snow and ice removal/infrastructure	-\$800,000
OPEB Trust fund; per Council policy 10% of Free Cash	-\$447,000
Fire Truck Stabilization (7-year plan)	\$0
Fields Stabilization (Replace in 2027-ish)	-\$150,000
Open Space Stabilization	\$0
Budget Stabilization	-1,000,000
Property, Projects and Facilities Stabilization	\$0
Remaining Free Cash for Capital Requests	\$2,073,514

Town Policy Requests

1. **Snow & Ice Removal - \$800,000 HOLD**
 - a. Each year the Town reserves funds for snow and ice removal until April when we see the full costs of the winter. We set these funds aside due to quickly rising snow and ice removal costs.
 - b. Current Snow and Ice budget operating budget appropriations stands at \$1,056,500, our five-year average.
 - c. Excess funds will prioritize the required work on the SNETT trail and roads.

2. **OPEB Contribution - \$447,000**
 - a. \$447,000 of 10% of the overall certified free cash, will be deposited into the OPEB Trust. This is consistent with Town Council policy to set aside this amount annually.
 - b. An update of the OPEB actuarial that has recently been completed and shows a \$69.6 million net liability. A presentation on this update will be forthcoming at a Town Council meeting on March 2nd, 2022.
 - c. The OPEB Trust Fund currently has \$10,573,680.

3. **Fire Truck Stabilization Contribution - \$0**
 - a. This request is postponed for FY22 due to the purchasing of 2 trucks through borrowing last year.
 - b. The stabilization account currently has \$17,112.

4. **Turf Field Stabilization Contribution - \$150,000**
 - a. This amount will continue to set aside enough funds in the stabilization account to be prepared for the full cost of implementing new fields at the High School/Track and Beaver Street in approximately 2027. Estimated costs will be around \$2 million.
 - b. The stabilization account currently has \$646,001.

5. **Budget Stabilization Account - \$1,000,000**
 - a. Supporting this deposit increases the Budget Stabilization Fund to \$2,055,282.

6. **Property, Projects and Facilities Stabilization Account – \$0**
 - a. As usual, there are too many requests for Facilities projects in both the school and town to justify a deposit into the stabilization account.
 - b. The stabilization account currently has \$294,705.

7. **Open Space Stabilization - \$0**
 - a. With the adoption of Community Preservation, the Town has other funding sources.
 - b. The Open Space Stabilization account currently has \$2,574,982.

Town Department Requests

8. **School Department, School Technology, School Facilities - \$701,000**
 - a. Math and Social Studies Curriculum: - \$505,000
 - i. \$380,000 will be used for the replacement of materials for elementary math instruction, this includes the licenses, textbooks, and five (5) year subscriptions.

- ii. \$125,000 will be used for the replacement of materials for High School Social Studies instruction.
- b. School Technology - \$60,000
 - i. \$20,000 will be used for the purchase of 6 physical domain controllers for redundancy and on site authentication of employees in the event that the fiber connection is lost. The anticipated life span of this equipment is 6 years.
 - ii. \$40,000 will be used for the purchase of a terrablock server which will allow Mac computers to back up and maintain video editing work. The anticipated life span of this equipment is 6 years.
- c. Food Service Equipment - \$81,000
 - i. \$81,000 will be used to install a replacement Walk-In Cooler at the Remington-Jefferson complex. This cooler failed in October and the district moved a portable cooler from Franklin High School to the Remington/Jefferson complex to accommodate the needs this year. This piece of equipment currently sits outside and is not a long-term sustainable solution to the problem of a broken cooler. This quote includes the cost of the cooler as well as labor for the installation, refrigeration, and electrical services.
- d. Eight-Passenger Special Education Van - \$55,000
 - i. \$55,000 will be used to add a special education van to the current fleet of 13 (incl. one spare) due to an increase in students attending our in-district specialized programs. As you may know, the District is obligated to provide specialized transportation for any student who requires specialized transportation due to their disability as referenced in their IEP. We are currently transporting 107 students (grades PK-12+) throughout the district and we anticipate 10 additional students (grades PK-5) for FY23. An additional driver will be needed and will be factored into the FY23 school budget.
- e. Horace Mann Drainage - \$400,000 (This is a borrowing, **NOT** using free cash)
 The Horace Mann Drainage problem is a symptom of the increase of severe rain storms that occur now every year, rather than every 100 years. The system was built for the “100-year storm”, not storms of that severity every year or multiple times a year. Most of the roof drains and the two courtyard drains all combine in the first courtyard nearest the auditorium and then go through the courtyard by the office before going under the elementary school and out to drainage structures on the front lawn. With the rains we have been getting the last few years the courtyards fill up with a foot of water and then it comes through the space below and between the doors and floods the school.

The project re-pipes about 30,000 sf of roof drains and brings it out to other sides of the school to ease the courtyard problem.

The Town has gone out to bid twice in the last year and have received bids approximately \$350,000. We are concerned in this climate that the price will possibly go up more, hence the contingency.

The current design is the last solution as all other more inexpensive solutions have been explored, tried and not worked. See attached resolution for the borrowing language.

9. Town Clerk - \$10,425

- a. Election Tabulator/ 3 Poll Pads - \$10,425

To purchase the required voting equipment for the new ninth precinct.

10. Facilities Department (Town Projects) - \$100,000

- a. Senior Center Outdoor Pavilion - \$100,000

To construct an outdoor pavilion at the senior center outside the back of the cafe. The area is much too hot in the summer for seniors to enjoy outside and participate in some activities. The pavilion will give shade in the back so more activities can be done outside safely and comfortably. We will attempt to work with Tri-County to do the work, but may take time to coordinate.

11. Fire Department - \$340,822

- a. Municipal Fire Alarm System Upgrade - \$116,706

The Fire Department has a municipal fire alarm system with two Signal Communications Vision 21 units at fire headquarters that are in need of replacement. Franklin has 129 radio boxes in town that are transmitted to fire headquarters via radio signal, which is received by an antenna on the tower at fire headquarters. Almost every town owned building has a radio box that is monitored by this system. When the fire alarm goes off at a building in town, the radio box at that location sends a signal to the fire station. The Vision 21 units then decode that signal to alert us of the fire alarm activation at that address. With regional dispatch, our system has to then re-transmit the signal to the MECC, so that we can be dispatched. Two units are necessary for redundancy, in the event there is a failure of one, so we can continue to monitor the system without interruption.

The Vision 21 system was first produced in 1995, and with production stopped in 2017, parts have become unavailable. The current units are approaching fifteen (15) years old and are beyond their life expectancy. The newer technology in the TRX50 system is more computer based and is directly compatible with the TRX50 system that is installed at the MECC. In addition, administrative tasks such as programming, adding, and deleting radio box information would be simplified. This system is critical to maintaining the radio box system in town and the protection of these properties.

- b. Deputy Chief Emergency Response Vehicles- \$122,138

This year we are requesting funds to replace the two (2) Deputy Fire Chief vehicles. Both current vehicles are 2011 model year, including one which was a former police vehicle. Both vehicles are starting to show their age mechanically, based upon mileage (Car 2 - 74,349 and Car 3 - 128,000) and engine idle hours, and electrically are incapable of handling the electrical needs that we require. Due to lack of 2022 vehicle availability and future pricing, this price is assuming a 2023 model, which would not be delivered until fall 2022.

- c. Portable Radios - \$91,978

The current radios utilized by the department have reached the recommended lifespan for such equipment and are in need of replacement. We have found that the current radios are already having more transmission/reception problems than acceptable and

beginning to require increasingly expensive repairs. In addition, these newer radios will dramatically increase interoperability with surrounding departments and will leverage more of the safety technology that is present in our SCBA units. The intent with this request is to fund year one (1) of a four (4) year upgrade program.

d. Structural Firefighter Clothing- \$10,000

Please note a grant secured by the FFD this year of almost \$30,000 is helping offset the full cost of this year's installment.

These funds are being requested to replace the protective clothing that firefighters wear to protect themselves during structural firefighting operations. This continual replacement process is necessary as the outside (shell) material, while resistant to heat, degrades over time due to this heat exposure as well as the ultraviolet rays of the sun. This degradation, combined with normal wear and tear of the garments, weakens the fabric's ability to provide reliable protection for firefighters. While these garments are anticipated to last about ten years, it is necessary for firefighters to have two complete sets, so that one set can be thoroughly cleaned, while keeping that firefighter in service. The requested funds will allow the department to purchase the full protective ensemble for firefighters.

12. Police Department - \$351,861

a. Police Vehicles Replacement - \$337,261

The department is requesting funds to replace five (5) police vehicles consistent with our vehicle replacement policy. The selected vehicles are scheduled to be rotated out of service by recommendation of DPW mechanics and fleet managers based on age, mileage and projected future maintenance costs. The selected cruisers are scheduled to be rotated out of service by recommendation of DPW mechanics, age, high mileage and their continued cost of maintenance.

b. Electronic Control Weapons - \$14,600

These funds are being requested to purchase forty-six (46) units and to spread the cost of the replacements over a five year period. This is year two of the Axon Enterprise Taser 60- 5 year purchase plan.

FY22 requests not recommended at this time:

- \$16,100 for Technology & Office Furniture that will be worked out through other means.

13. Public Works - \$540,000

a. Street Acceptances - \$25,000

To refill the DPW's account to continue to work on street acceptances.

b. Veterans Memorial Restoration - \$30,000

The money will go toward restoring the Doughboy/WWI memorial with a thorough cleaning and small repairs to some injured areas. Authorization for this account will go to both the DPW and Veterans Officer to administer.

c. Downtown Community Improvements - \$50,000

Every few years, the Town Council replenishes the account with funds for downtown beautification efforts, such as lights, banners, flora, vegetation and other aesthetic or functional gear. These monies may complement the Shared Streets gear purchased last year for enhanced public safety.

d. Vehicles & Equipment- \$435,000

This request is to purchase the following vehicles (in order of priority to the DPW):

- John Deere Loader - \$200,000
H-6 Loader is now 21 years old and is an essential piece of equipment needed daily for DPW to perform daily tasks. This loader is used for loading a wide range of materials used by the Department of Public Works. This Loader is also an essential part of snow operations from loading salt to removing piles of snow. The transmission is showing signs of potential failure and will need replacement in the future. The loader at this time is running and could get us a reasonable trade in value at this time.
- Ford F 250 4x4 Pick-up with 8' Plow - \$55,000
The T-4 Ford F-250 4x4 was used to carry supplies to repair and install signs throughout the roadways, Schools and Parks. The truck is also used during the winter months and has a plow route. The truck's frame was severely rusted and would not pass inspection. This truck has been auctioned off and is no longer owned by the Town. We would like to replace this truck with a 4x4 Utility body to be able to store sign repair equipment and parts on this vehicle.
- Ford PU 4x2 F-250 - \$50,000
The T-5 Ford F-250 4x2 is used daily as a foreman's truck. We would like to replace this truck with a 4x4 with an 8' plow so this truck can be utilized during the winter months. The current truck had 135,000 miles and the bed was rusted off the frame. This truck is no longer owned by the Town and was auctioned off as it would not pass inspection without a considerable amount of money invested into this vehicle.
- Sidewalk Plow - \$130,000
This sidewalk plow is now 18 years old and has had many costly repairs throughout its history. The body is well rusted to the point welding repairs are becoming difficult. This piece of equipment is essential for removing snow off the sidewalks in a timely manner.

FY22 requests **not recommended at this time:**

- See DPW Capital Fleet Schedule.

14. **Water Enterprise Funds** - \$2,347,000.

The following recommendations comply with the Town's policy to maintain at least \$1 million in retained earnings for emergency purposes.

- a. Water Main Replacement projects - \$1.662 million which is to pay cash for FY21 water main projects rather than borrowing and paying interest. Barring any hiccups with the federal ARPA roll out, the FY22 and FY23 roads program will be paid for through federal stimulus funds and not be borne by the water rate payers.

- b. Vehicles & Equipment - \$85,000
This request is to replace the following:
 - Replace 4WD Pickup w/ equipment - \$85,000
 - T-9 is a 2008 Ford F350 Utility Pickup 4WD with 74,000 miles that is used as the landscaping truck and for plowing operations. It is a 2008 that will not pass inspection, due to body rot. We will be replacing a 2023 Chevy 2500 4WD Crew Cab with a plow - \$65,000
 - Valve Exercising equipment to be mounted on the back of truck - \$20,000

- c. Fisher Street WTP Upgrade Feasibility Study - \$60,000
The Town replaced the plant's membrane cartridges in 2019. With a projected 5-year life span, and the reported obsolescence of the Koch membrane equipment in use at the plant, replacement of the overall membrane system is expected to represent an appreciable cost in 2023-2024. The Town wishes to review its future options, namely a replacement ozone/membrane-based system versus installation of a non-membrane treatment system featuring a pressurized media filtration system such as greensand filtration, similar to the Grove Street WTP.

- d. Hillside Tank Design - \$290,000
The Town currently utilizes two existing, riveted steel tanks as the Hillside distribution storage facility, Hillside Tank No. 1 was originally constructed in 1888 and Hillside Tank No. 2 in 1928. The Town elected to pursue replacement of the two existing riveted steel tanks with one new welded steel tank with combined capacity of 1.7 million gallons. The new tank will be equipped with a mixing system. The total project costs for the steel tank option is estimated to be \$6.63 Million.

- e. SCADA System Upgrades (Phase II) - \$200,000
This request is to replace obsolete radio telemetry systems and to replace obsolete controllers throughout the entire network. Connecting SCADA System sites to Town wide Fiber Optic improves overall communication for operation management.

- f. Meter Replacement - \$50,000
The Franklin Water system includes over 10,000 water meters, all of which act as cash registers for the Water and Sewer Department. AWWA recommends that water meters be replaced every 10-15 years. As meters age, their accuracy decreases, generally in favor of the customer. Therefore, we would like to continue our 20 year meter replacement program.

15. Sewer Enterprise Funds - \$1,000,000

- a. FY22 Sewer Pump Station Improvements - \$300,000

Replacement of Sewer Ejector Pots that are over 30 years old and the steel pots are rotting causing leaks at Monterey, Dawn Marie, and Ainsley Sewer Pump Stations.

b. Phase V1 Sewer Rehabilitation Construction - Part 1 - \$700,000

Phase 6 Sanitary Sewer Rehabilitation includes rehabilitation of approximately 9,000 LF of sanitary sewer pipe by cured-in-place pipe lining and cured-in-place spot repairs throughout the Beaver Street Interceptor sewershed. Continue efforts to remove I&I from the sewer system, while repairing the structural integrity of older pipes in the system.

In addition to the needs within each department' 5-year capital plans, here is a list of other capital projects over the next five to ten years (in no particular order):

- Stormwater Utility to comply with federal EPA mandates in stormwater. Estimated \$60+ million over 2 decades.
- Pavement & Infrastructure Management - \$40 million.
 - Recent plans on roads and parking lots showed a \$40+ million backlog for roads and municipal and school parking lots.
 - Sidewalks are \$100-\$120/foot. Millions per sidewalk for large feeder roads.
 - FY24 should see a new Pavement Management Plan develop to reflect pandemic related market costs.
- Police Station study and renovation - Estimate \$20-\$30 million.
 - For renovation & expansion of the current station; this estimate does not include any new land if a new site is desired. If so, add another \$2-\$4 million.
 - A new Police Station will require a debt exclusion vote at the ballot by citizens in the community.
- Town and School Playground Improvements - \$1.5 million approximately over the next 5-10 years. Possible CPA use, as well.
- Open Space - Prepare for future Open Space purchases and Recreation land investments - millions. Possible CPA use, as well.
- Landfill cap and Recycling Center expansion - \$3-5 million, approximately.
 - The state Environmental Bond Bill has \$1 million reserved authorization.
 - This project can commence after the Town completes the required mitigation work on the SNETT for the transfer of local and state property. When those land transfers are complete, the Town can engage on a Solid Waste Master Plan. At the conclusion of that plan, a new recycling center can be designed. I expect the SNETT work to be completed in 2022, with the receptive lad transfer swaps in 2023.

What is Free Cash?

Free Cash (Also Budgetary Fund Balance) is defined as “remaining, unrestricted funds from operations of the previous fiscal year including unexpended free cash from the previous year, actual receipts in excess of revenue estimates shown on the tax recapitulation sheet, and unspent amounts in budget

line-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based on the balance sheet as of June 30, which is submitted by the community's auditor, accountant, or comptroller. Important: free cash is not available for appropriation until certified by the Director of Accounts. (See Available Funds)”

The state Department of Local Services has a [glossary on municipal finance terms](#).

You may also visit the [Town of Franklin’s Budget website](#) for more.

<https://www.franklinma.gov/town-budget>

TOWN OF FRANKLIN					
20 YEAR FREE CASH / RETAINED EARNINGS HISTORY					
Certified	General Fund	Water Enterprise	Sewer Enterprise	Solid Waste Enterprise	Total
7/1/2002	3,882,685				3,882,685
7/1/2003	1,586,454				1,586,454
7/1/2004	2,707,379				2,707,379
7/1/2005	2,104,083				2,104,083
7/1/2006	656,535	2,176,995	2,864,197	183,451	5,881,178
7/1/2007	1,858,230	1,647,411	2,561,047	61,500	6,128,188
7/1/2008	2,328,614	2,460,244	3,345,138	122,289	8,256,285
7/1/2009	2,385,242	1,554,884	1,343,434	351,058	5,634,618
7/1/2010	2,133,006	2,384,106	1,282,996	382,606	6,182,714
7/1/2011	2,935,840	2,030,319	1,386,149	624,111	6,976,419
7/1/2012	3,580,481	3,045,246	862,396	331,426	7,819,549
7/1/2013	2,001,830	4,275,163	1,359,927	383,173	8,020,093
7/1/2014	3,073,946	2,693,223	1,500,456	432,094	7,699,719
7/1/2015	2,359,365	2,348,202	2,673,720	396,933	7,778,220
7/1/2016	3,643,541	2,391,123	1,560,327	379,567	7,974,558
7/1/2017	2,821,988	2,481,336	904,612	380,888	6,588,824
7/1/2018	3,726,972	2,809,777	1,470,260	319,625	8,326,634
7/1/2019	3,482,875	2,754,056	1,404,544	285,807	7,927,282
7/1/2020	2,730,757	3,429,103	1,491,152	298,505	7,949,517
7/1/2021	4,470,514	3,622,117	2,168,606	548,721	10,809,958

Police Department 5 Year Plan

Town of Franklin Police Capital Improvement Plan 5 Year Plan										
					Year 1	Year 2	Year 3	Year 4	Year 5	
	Odometer Readings	Year Purchased	Item Description	FY To be Replaced	FY22	FY23	FY24	FY25	FY26	NOTES
Fleet										
	Odometer / Engine		POLICE CRUISERS - MARKED	Fiscal Year						MDT YEAR
	56,022 / 70,028	2017	FORD POLICE INTERCEPTOR UTILITY - 601	2023		\$69,951.00				2016
	72,575 / 90,719	2017	FORD POLICE INTERCEPTOR UTILITY - 602	2022	\$67,914.00					2016
	16,136 / 20,170	2020	FORD POLICE INTERCEPTOR SEDAN- 603	2026					\$76,437.00	2014
	0 / 0	2021	FORD POLICE INTERCEPTOR UTILITY - 604							2017
	0 / 0	2021	FORD POLICE INTERCEPTOR UTILITY - 605							2017
	61,984 / 77,480	2017	FORD POLICE INTERCEPTOR UTILITY - 606	2022	\$68,579.00					2017
	60,238 / 75,298	2017	FORD POLICE INTERCEPTOR UTILITY - 612	2023		\$69,951.00				2017
	57,482 / 71,853	2017	FORD POLICE INTERCEPTOR UTILITY - 613	2023		\$69,951.00				2017
	31,342 / 39,178	2019	FORD POLICE INTERCEPTOR SEDAN - 614	2024			\$72,049.00			2014
	27,462 / 34,328	2019	FORD POLICE INTERCEPTOR UTILITY- 615	2025				\$74,211.00		2014
	0/0	2021	FORD POLICE INTERCEPTOR UTILITY - 616							2015
	29,594 / 36,993	2018	FORD POLICE INTERCEPTOR UTILITY - 617	2025				\$74,211.00		2018
	NOT WORKING	2011	FORD CROWN VICTORIA POLICE INTERCEPTOR - 618	2022	\$67,914.00					2015
	0 / 0	2021	FORD POLICE INTERCEPTOR UTILITY - 619							2015
	37,468 / 46,835	2018	FORD POLICE INTERCEPTOR UTILITY- 622	2024			\$72,049.00			2014
	52,439 / 65,549	2018	FORD POLICE INTERCEPTOR UTILITY- 623	2024			\$72,049.00			2017
	12,552 / 15,690	2020	FORD POLICE INTERCEPTOR UTILITY- 624	2026					\$76,437.00	2020
	23,061 / 28,826	2019	FORD POLICE INTERCEPTOR UTILITY- 626	2025				\$74,211.00		2019
	83,845 / 104,806	2017	FORD POLICE INTERCEPTOR UTILITY- 629	2023					\$69,951.00	
			POLICE CRUISERS - UNMARKED							
	28,610	2015	FORD POLICE INTERCEPTOR SEDAN - 607	2026					\$63,508.00	
	40,400	2016	FORD POLICE INTERCEPTOR SEDAN - 608	2023		\$58,119.00				
	34,171	2013	FORD POLICE INTERCEPTOR SEDAN - 609	2025				\$61,659.00		
		2020	FORD POLICE INTERCEPTOR UTILITY - 610							
	46,736	2011	FORD CROWN VICTORIA POLICE INTERCEPTOR - 611	2022	\$56,427.00					
	0	2021	FORD POLICE INTERCEPTOR UTILITY - 620							
	35,469	2014	FORD POLICE INTERCEPTOR SEDAN - 621	2024			\$59,863.00			
	43,560	2018	FORD POLICE INTERCEPTOR UTILITY- 625							
	84,140	2014	FORD POLICE INTERCEPTOR SEDAN- 627	2022	\$56,427.00					
	79,007	2015	FORD POLICE INTERCEPTOR UTILITY- 628	2023		\$58,119.00				
	38,176	2017	CHEVROLET CRUZE SEDAN - UC1							
			MOTORCYCLES							
	25,405	2008	HARLEY-DAVIDSON MOTORCYCLE C-1							
	2,313	2019	HARLEY-DAVIDSON MOTORCYCLE C-2							
			MDT REPLACEMENT	2022	\$20,000.00					
	Total Fleet				\$337,261.00	\$326,091.00	\$276,010.00	\$284,292.00	\$286,333.00	
Equipment										
		2013	MESSAGE BOARD / RADAR	10 YEARS		\$19,000.00				
		2019	MESSAGE BOARD / RADAR	10 YEARS						
		2009	COPY MACHINE	5-7 YEARS						
			PRINTERS	5-7 YEARS						
		2017	SHREDDER	10 YEARS						
		2007	SHREDDER	10 YEARS						
		2007	COMPARATOR	15 YEARS						
		2013 - 2014	PORTABLE RADIOS	5-7 YEARS						
		2018	REPEATER - UPPER UNION WATER TOWER	10 YEARS						
		2007	REPEATER - FORGE HILL	10 YEARS						
		2011	REPEATER - PIGEON HILL - LONGHILL ROAD	10 YEARS						
		2009	REPEATER - POPULATIC	10 YEARS						
		1998	RECEIVER - EMC	15 YEARS						
		2013 - 2014	AUTOMATED EXTERNAL DEFIBRILLATORS	8 YEARS						
	Total Equipment				\$0.00	\$19,000.00				
Technology										
		VARIOUS	COMPUTER SERVERS	5 YEARS						
		VARIOUS	COMPUTER TECHNOLOGY (DESKTOPS / PRINTERS)	3-5 YEARS	\$11,000.00	\$6,600	\$5,000.00	\$5,500.00	\$12,600.00	
		VARIOUS	CAMERA EQUIPMENT	5 YEARS						
	Total Technology				\$11,000.00	\$6,600.00	\$5,000.00	\$5,500.00	\$12,600.00	\$0.00
Facilities										
			BUILDING REPAIRS							
		2004	HVAC SYSTEM							
		2004	HOT WATER HEATERS							
		1991	GENERATOR							
		2007	DOOR SECURITY SYSTEM							
		1991	SALLYPORT GARAGE DOORS							
		2009	TELEPHONE SYSTEM							
			OFFICE FURNITURE / OFFICE EQUIPMENT		\$5,100.00					
	Total Facilities				\$5,100.00	\$-		\$-	\$-	\$-
Other Capital Items										
		VARIOUS	PROTECTIVE BODY ARMOR	5 YEARS		\$18,244.00	\$14,600.00	\$17,100.00	\$18,600.00	
		VARIOUS	TASERS	5 YEARS	\$14,600.00	\$14,600.00	\$14,600.00	\$14,600.00	\$14,600.00	
	Total Other Capital				\$14,600.00	\$32,844.00	\$29,200.00	\$31,700.00	\$33,200.00	\$0.00
Total Capital Improvement Requests					\$367,961.00	\$384,535.00	\$310,210.00	\$321,492.00	\$332,133.00	\$0.00

Facilities 10 Year Plan

Town of Franklin Facilities Capital Improvement Plan 10 Year Plan														
					Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
	Odometer Readings	Year Purchased	Item Description	Replace Cycle	FY21	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30
Fleet Requests														
	49767	2008	Ford Plumber vehicle			\$50,000.00								
	Total Fleet				0	\$50,000.00	0	0	0	0	0	0	0	0
Facilities Requests														
			Keller Sullivan Boiler Replacement							\$750,000.00				
			Keller Sullivan Roof						\$1,000,000.00					
			Keller Sullivan Fire alarm replacement				300000							
			Parmenter Boiler Replacement HOLD				\$450,000.00							
			Parmenter Playground HOLD				\$250,000.00							
			Municipal Building Portable Generator Funded											
			Remington Jefferson Roof			\$1,500,000.00								
			Remington Jefferson Boilers			\$1,000,000.00								
			Remington Jefferson B-ball Court Replacement			\$100,000.00								
			Remington Jefferson Fire Alarm Replacement			\$300,000.00								
			Horace Mann Playground							\$250,000.00				
			Horace Mann Roof Replacement										\$1,000,000.00	
			Horace Mann Rooftop Replacement							\$600,000.00				
			Horace Mann Boiler Replacement											\$950,000.00
			Horace Mann Fire alarm system replacement				\$300,000.00							
			Davis Thayer Roofing Replacement HOLD				\$160,000.00							
			Davis Thayer Boiler Replacement HOLD						\$450,000.00					
			Municipal Building Boilers				\$250,000.00							
			Horace Mann Courtyard Drainage			\$300,000.00								
			Public Safety Communications DONE											
			Kennedy Portable Classroom Demo											
			High School Visitor Bleachers Main Stadium			\$300,000.00								
			Rem/Jeff Security Improvements				\$350,000.00							
			Keller/Sullivan Security Improvements				\$350,000.00							
			Kennedy Security Improvements					\$150,000.00						
			Divider at Horace Mann School		\$25,000.00									
			Kennedy Access Controls		\$30,000.00									
			Historical Museum Coupola Repair CPA		\$60,000.00									
			Total Facilities		\$115,000.00	\$3,500,000.00	\$2,410,000.00	\$150,000.00	\$1,450,000.00	\$1,600,000.00	\$0.00	\$0.00	\$1,950,000.00	\$0.00
Total Capital Improvement Requests					\$115,000.00	\$3,500,000.00	\$2,410,000.00	\$150,000.00	\$1,450,000.00	\$1,600,000.00	\$0.00	\$0.00	\$1,950,000.00	\$0.00

Fire 5 Year Plan

Town of Franklin				Fire Capital Improvement Plan				5 Year Plan				
Odometer Readings	Engine Miles	Year Purchased	Item Description	Replace Cycle	Year Due	Priority Code	2022	Year 1 2023	Year 2 2024	Year 3 2025	Year 4 2026	Year 5 2027
		2013	Engine 3	20	2033	1, 2, & 3		\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
		2008	Tower 1	25	2033	1 & 2						
		2004	Brush 1	25	2029	1 & 2						
		2004	Brush 2	25	2029	1 & 2						
		2020	Car 1	8	2028	1 & 2						
		2011	Car 2	8	2019	1 & 2	\$61,069					
		2011	Car 3	8	2019	1 & 2	\$61,069					
		2015	Battalion 1	8	2023	1 & 2		\$61,069				
		2011	Car 4	8	2019	1 & 2						
		2011	Car 6	8	2019	1 & 2			\$61,069			
		2010	Car 7	8	2018	1 & 2				\$61,069		
		2013	Ambulance 1	8	2021	1 & 2						
		2021	Ambulance 2	8	2029	1 & 2						
		2016	Ambulance 3	8	2024	1 & 2			\$325,000			
		2014	Ambulance 4	8	2022	1 & 2						
Total Fleet							\$122,138	\$161,069	\$486,069	\$161,069	\$100,000	\$100,000
		2007	Vision 21 Radio Box Decoders	10	2017	1, 2, 3, 4, & 5	\$116,706					
		2021	Solo Rescue Washer	10	2031	1, 2, 4, & 5						
		2021	MSA HUB Units	5	2026	1					\$10,000	
		Various	Protective Firefighting Clothing	10	Various	1 & 3	\$10,000	\$10,000	\$25,000	\$10,000	\$25,000	\$50,000
		2020	Aeroclave Disinfection Unit	5	2025	1, 4, & 5				\$15,000		
		2020	PPE Gear Drying Cabinets	10	2030	1, 4, & 5						
		2002	Breathing Air Compressor - Sta. #2	25	2027	1, 2, & 4						\$150,000
		2018	Auto Extrication Devices	10	2028	1,2						
		2018	PPV Fans	5	2023	2		\$10,000				
		2015	Portable Radios	7	2022	1 & 2	\$91,978	\$100,000	\$100,000	\$100,000		
		2019	External Chest Compressor	5	2024	1			\$25,000			
		2015	Cardiac Monitor/Defibrillators	5	2020	1, 2, & 5		\$75,000				
		2016	Copy Machine - HQ	10	2026	2					\$12,000	
		2019	Pulse Ox/CO Monitor - add'l unit	10	2029	1, 2, & 5						
		2020	E-Bikes	10	2030	2 & 5						
Total Non-Fleet							\$218,684	\$195,000	\$150,000	\$125,000	\$47,000	\$200,000
TOTAL							\$340,822	\$356,069	\$636,069	\$286,069	\$147,000	\$300,000

DPW Highway & Grounds 5 Yr Plan

Town of Franklin Highway & Grounds Capital Improvement Plan 5 Year Plan										
					Year 1	Year 2	Year 3	Year 4	Year 5	
	Odometer Readings	Year Purchased	Item Description	Replace Cycle	FY21	FY22	FY23	FY24	FY25	FY26
Fleet Requests										
D-1	38082	2016	GMC 1500 Pick-up	7				40000		
D-2	51665	2011	Malibu Sedan	10				30000		
H-1	16746	2019	Ford F-150 4x4 P/U	7						
H-3	77276	2001	Sterling Dump w/Plow/Sander	10			180000			
H-4	14455	2016	Freightliner Dump w/Plow/Sander	10						
H-5	18584	1997	Ford Dump w/Plow/Sander	10	180,000					
H-6	10667 hrs.	2000	John Deere Loader	15		200,000				
H-7	46245	2000	Sterling Dump w/ Plow/Sander	10			180000			
H-8	17050	2017	Ford 1 Ton Dump w/Plow	7						65000
H-9	32986	2009	International Dump w/Plow/Sander	10					200000	
H-11	59794	2014	Ford F-150 P/U 4x4	7				40000		
H-10	117,445	2005	Sterling Dump w/ Plow/Sander	10			200000			
H-12	473 hrs.	2018	Kabota Excavator	12						
H-13	61949	1998	Ford Dump w/Plow/CB Cleaner	10				165000		
H-14	445 hrs.	2018	Multi-hog sidewalk plow	12						
H-15	1258 hrs.	2004	Bomag Vibratory Roller	15						
H-16	20194	2016	Ford 1 Ton Dump w/Plow	7						
H-17	72609	2002	Ford 1 Ton Dump w/Plow	7	65000					
H-18	8894	2017	Freightliner Dump w/Plow/Sander	10						
H-19	1218 hrs.	2013	Terex Skidsteer	12			50000			
H-20	82983	2006	Ford F-550 Buck Truck	10						150000
H-22	53203	1999	Sterling Dump w/Plow/Sander	10			200000			
H-23	4944 hrs.	2012	Hyundai Loader	15					170000	
H-25	115 hrs.	2018	Salsco Paver	15						
H-24	68403	2005	Sterling Dump w/Plow/Sander	10				200000		
H-27	4404 hrs.	2004	John Deere Tractor	12						
H-28	34544	2008	Sterling Dump w/Plow/Sander	10					200000	
H-29	38762	2002	Sterling Dump w/Plow/Sander	10				200000		
H-30	4301	2018	Freightliner Dump w/Plow/Sander	10						
H-33	1363hrs.	2013	John Deere Skid-Steer Loader	9				65000		
H-34	9901	2017	Ford 1 Ton Dump w/Plow	7						
H-35	14562	2003	Bombardier Sidewalk Plow	12		130,000	130000			
H-36	114 hrs.	2017	Multi-hog sidewalk plow	12						
H-37	48218	2006	Ford Dump w/Plow/Sander	10			200000			
H-38	52767	1999	GMC w/Sander	10		180,000				
H-39	117,968	2005	Ford F-350	7		65,000				
H-40	726hrs.	2014	Terex Skidsteer					50000		
HS-1	2428hrs.	2015	Elgin Streen Sweeper	8					200000	
HS-2	556hrs.	2019	Global Street Sweeper	8						
TR-1		2012	15 Ton Trailer	15						
TR-8	22hrs.	2005	Stetco Jetting Unit	10						
TR-9	5967hrs.	1993	Ingersol Air Compressor (towed)	10						
TR-32	672 hrs.	2015	KM International Hot box	7				30000		
TR-34	95 hrs.	2016	Sullivan Air Compressor	12						
TR-37	807hrs.	2020	KM International Hot box							
M-1	16415	2019	Ford F-250 Utility Body	8						
T-2	115264	2006	Ford F-350 4x4 Pick-up	7			50000			
T-3	4800	2020	Chevy 1-Ton 4x4 W/Plow	7						
T-4	85940	2004	Ford F 250 4x4 Pick-up	10		55,000				
T-5	135321	2006	Ford PU 4x2 F-250	7		50,000				
T-6	33357	2007	Ford F-550 4x4 Stake Body	9				60000		
T-7	65790	2006	Ford F-350 Utility body	7						55000
T-8	3508	2020	Freightliner Dump w/Plow/Sander	7						
T-10	25,214	2015	Ford F-350 6.8 L Dump W/Sander	7						180000
T-11	26640	2016	GMC Crew Cab	7						50000
T-12	149167	2001	Ford F-350 4x4 5.4L with small sander	7			50000			
T-13	2170 hrs.	1999	Kubota L4310 HS	15		52,000				
T-14	8990 hrs.	1997	John Deere Tractor Model 855	15				50000		
T-16	55629	2005	Ford F-550 4x4	7			65000			

DPW Highway & Grounds 5 Yr Plan

Town of Franklin Highway & Grounds Capital Improvement Plan 5 Year Plan										
						Year 1	Year 2	Year 3	Year 4	Year 5
	Odometer Readings	Year Purchased	Item Description	Replace Cycle	FY21	FY22	FY23	FY24	FY25	FY26
T-18	108757	2004	Ford F-550 xl Super Duty	7			65000			
LM-1	1283 hrs.	2019	Exmark Z-turn 100 " Lawn mower	7						
LM-2	80 hrs.	2020	Kubota ZD28 F-60 "P	7						
LM-3	868 hrs.	2015	John Deere 72" Zero Turn	7				25000		
LM-4	2248 hrs.	2012	Toro 4100 D Wide Area Mower	7		80,000				
LM-5	1422 hrs.	2015	Toro 4100 D Wide Area Mower	7					80000	
LM-6	245 hrs.	2018	John Deere 48 " Z-turn Lawn Mower	7						
LM-8	1890 hrs.	2014	John Deere 72" Zero Turn	7				25000		
LM-9	335 hrs.	2018	John Deere Z-turn Lawn Mower	7						
LM-10	372 hrs.	2013	John Deere Field Groomer	10				20000		
LM-11	182 hrs.	2017	Smithco Field Groomer	7						25000
TR-6	92113 hrs.	1999	Woodchuck Chipper Model-WC-19	10			65000			
LM -7	0 hrs.	2021	John Deere 72" Zero Turn on order	7						
	843 hrs.	2011	Husqvarna golf cart	7						20000
	Total Fleet				245,000.00	812,000.00	1,435,000.00	1,000,000.00	840,000.00	525,000.00
Equipment Requests										
Total Capital Improvement Requests					245,000.00	812,000.00	1,435,000.00	1,000,000.00	840,000.00	525,000.00

DPW 5yr Plan - Sewer

Town of Franklin Sewer Capital Improvement Plan 5 Year Plan										
						Year 1	Year 2	Year 3	Year 4	Year 5
Fleet Requests	Odometer Readings	Year Purchased	Item Description	Replace Cycle		FY22	FY23	FY24	FY25	FY26
W-8	3,943	2019	International Sewer Vactor	2034						
W-9	67,223	2015	Ford 550 Dual Wheel	2023					\$75,000	
W-11	3471 hrs	2006	Case Backhoe	2026						
W-16	1,466	2020	Chevy 2500 Silverado Utility Body	2030						
W-22	105,961	2013	Ford F-150 Pick up	2023				\$40,000		
W-24	29,822	2008	Ford F-550 Dump Truck	2023				\$75,000		
Total Fleet						\$0	\$0	\$115,000	\$75,000	\$0
Equipment Requests	Hours	KW	Make	Year Installed	Replace Year	FY22	FY23	FY24	FY25	FY26
9 Ainsley Dr.	5.8	15	Generac	2021	2051					
35 Bridle Path	57.8	25	Generac	2019	2049					
65 B Charles River Dr.	466.7	35	Katolight	1999	2029					
59 B Anthony Rd.	125.4	30	Superior	2005	2035					
8 A Dawn Marie Cir.	556.5	15	Generac	1988	2018	\$60,000				
445 East Central St.	270.2	60	Superior	2000	2030					
32 Liberty Way (FIP)	115.6	125	Olympian	2007	2037					
Grove #1	95	18	Wisconsin (Inline Engine)	1986	2026					
Grove #2	40.3	18	Wisconsin (Inline Engine)	1986	2026					
34 A Jackson Cir.	11.9	35	Wisconsin (Inline Engine)	1998	2028					
3 Jefferson Rd.	424.3	25	Generac	1990	2020		\$60,000			
18 Kenwood Cir.	820.6	45	Kohler	1996	2026					
Milliken Ave.	439	100	Superior	1998	2028					
2 Monterey Dr.	111.4	40	Generac	2017	2047					
180 Longhill Rd.	1322.3	30	Kohler	1993	2023				\$60,000	
4 Oxford Dr.	313.8	35	Kohler	1997	2027					
46 Palomino Dr.	930.8	35	Kohler	1998	2028					
61 Populatic St.	475.8	45	Kohler	2001	2031					
2 Red Gate Lane	829	50	Kohler	1995	2025					\$85,000
14 B Squibnocket Rd.	370	45	Onan	1992	2022			\$80,000		
393 Washington St.	147.5	125	Superior	2003	2033					
Beth Road (Drainage)	23.8	16	Generac	2016	2046					
Total Equipment						\$60,000	\$60,000	\$80,000	\$60,000	\$85,000
Capital Projects	Description	Total Opinion of Probable Project Costs	Year Installed	Replace/Repair Year	FY22	FY23	FY24	FY25	FY26	
System-Wide Hydraulic Model	Phase 2 of Collection System Master Plan	\$250,000	NA							
Replace Air Bubbler Systems at 9 Lift Stations	The Town is currently in the process of replacing air bubbler systems at each pump station. The following pump stations still require bubbler replacements: Public Works Sewer Lift Station, Grove No. 1 Sewer Lift Station, Grove No. 2 Sewer Lift Station, Jackson Sewer Lift Station, Kenwood Sewer Lift Station, Longhill Sewer Lift Station, Oxford Sewer Lift Station, Palomino Sewer Lift Station, and Red Gate Sewer Lift Station.	\$525,000	Various		\$200,000	\$175,000	\$150,000			
Phase 6 Sewer Rehab	Phase 6 Sanitary Sewer Rehabilitation includes rehabilitation of approximately 19,000 LF of sanitary sewer pipe by cured-in-place pipe lining and cured-in-place spot repairs throughout the Beaver Street Interceptor sewershed. Continue efforts to remove I&I from the sewer system, while repairing the structural integrity of older pipes in the system.	\$1,200,000	Various		\$1,200,000					
Sahlin Street, Monterey Sewer, Dawn Marie & Anthony Rd Ejector Station Equipment	Replacement of Sewer Ejector Pots that are over 30 years old and the steel pots are rotting causing leaks at Monterey, Dawn Marie, and Ainsley Sewer Pump Stations.	\$1,000,000	Various		\$300,000		\$200,000	\$200,000		
Planning Study for future phases of I&I reduction	Flow Metering, analysis, and planning study to identify future areas for I&I reduction	\$250,000	Various		\$20,000					
Phase I SCADA Upgrades	Upgrade radio and PLC equipment at each sewer pump station to current technology.	\$100,000	Various		\$100,000					
Beaver Street Interceptor Value Engineering		\$25,000,000	1914 / 1957 / 1980	2023						
Total Capital Projects		\$28,325,000			\$1,820,000	\$175,000	\$350,000	\$200,000	\$0	
Total Capital Improvement					\$1,880,000	\$235,000	\$545,000	\$335,000	\$85,000	

DPW 5yr Plan - Water

Town of Franklin Water Capital Improvement Plan 5 Year Plan										
						Year 1	Year 2	Year 3	Year 4	Year 5
Fleet Requests	Odometer Readings	Year Purchased	Item Description	Replace Cycle		FY22	FY23	FY24	FY25	FY26
W-1 (Approved FY 21)	88,656	2008	Ford F-150 Pick up	2016						
W-3	26,606	2013	Freightliner Utility Vehicle	2033						
W-4	7,696	2018	International Dump Truck	2033						
W-7a (Approved FY 21)	112,134	2007	GMC 1500 Pick-up	2015						
W-10	60,406	2016	Chevy Silverado Pick up	2024						
W-12	52,767	2016	GMC Pick-up	2024						
W-13	3,982 hrs	2009	Kubota Mini Backhoe	2024						\$200,000
W-14 (Approved FY 21)	48,867	1999	Sterling Dump Truck	2014						
W-15	30,863	2008	Ford F-550 Dump Truck	2018			\$60,000			
W-17	32,572	2017	Chevy Silverado Pick up	2025						
W-18	40,425	2004	Sterling Dump Truck	2019				\$180,000		
W-21	76,085	2015	Chevy Silverado Pick up	2023						
W-23	412.9 hrs	2019	Case 580M Backhoe	2039						
W-25 (Approved FY 21)	72,904	2008	Ford Ranger Pick up	2016						
W-27	983 hrs	2008	John Deere Skid-Steer	2023						
W-30	851 hrs	2001	Bomag Roller	2021			\$30,000			
W-31	159,850	2000	Mack Ten Wheel Dump	2025					\$250,000	
T-9	74396	2008	Ford F350 Utility Pickup 4WD	2018		\$65,000				
TR-18	625 hrs		Compressor Trailer							
Valve Exerciser			Hurco Valve Exerciser			\$20,000				
Total Fleet						\$85,000	\$90,000	\$180,000	\$250,000	\$200,000
						Year 1	Year 2	Year 3	Year 4	Year 5
Equipment Requests	Hours	KW	Make	Year Installed	Replace Year	FY22	FY23	FY24	FY25	FY26
Water Treatment Plant	454.7	450	Cummins	2005	2035					
Grove Street WTP	22	240	Kohler	2021	2051					
Wells No. 1 & 2	409.4	100	Cummins	2005	2035					
Well No. 3	1.6	105	Kohler	2021	2051					
Well No. 4	249.3	110	Superior	2006	2036					
Well No. 5	401.8	120	Katolight	2006	2036					
Well No. 6	22	130	Kohler	2021	2051					
Well No. 7	202.7	125	Kohler	2014	2044					
Well No. 8	171.5	100	Generac	2018	2048					
Well No. 9	306.6	50	Kohler	2002	2032					
Well No. 10	17.3	50	Kohler	2020	2050					
Hillside Tanks		7	Generac	2013	2043					
Bright Hill Booster	171.7	80	Kohler	2014	2044					
Dianna Estates Booster	885.3	50	Kohler	1993	2023		\$60,000			
Pleasant Street Booster	318.7	150	Kohler	2010	2040					
FIP Booster	175	75	CAT	2007	2037					
Tanglewood Booster	503	60	Kohler	2001	2031					
Susan's Way	351.2	60	Kohler	2005	2035					
Washington Street Booster	98	60	Blue Star	2015	2045					
Cornwallis/Lyons Street	363.6	50	Kohler	1999	2029					
Total Generators						\$0	\$60,000	\$0	\$0	\$0
						Year 1	Year 2	Year 3	Year 4	Year 5
Capital Projects	Description	Total Opinion of Probable Project Costs	Year Installed	Replace /Repair Year		FY22	FY23	FY24	FY25	FY26
Hillside Tank Repair #1 & #2	Rehab and add mixer or Replace with one single tank	\$6,940,000	1888 / 1928	2022		\$290,000				
Fisher St WTP Filter Replacement	The Town replaced the plant's membrane cartridges in 2019. With a projected 5-year life span, and the reported obsolescence of the Koch membrane equipment in use at the plant, replacement of the overall membrane system is expected to represent appreciable cost in 2023-2024. The Town wishes to review its future options, namely a replacement ozone/membrane-based system versus installation of a non-membrane treatment system featuring a pressurized media filtration system such as greensand filtration, similar to the Grove Street WTP.	1,500,000 - 2,500,000		2019	2024	\$60,000	\$2,000,000			
Pleasant Street Tank (Reconfigure existing Service Area)	Reconfigure the existing low service area (Pleasant Street) system to eliminate the "in series" pumping. Demo old tank and booster station, install new PRV stations and replace Well No. 4 pump	\$2,500,000		1964	2022			\$210,000	\$2,290,000	
Forge Hill Tank Repair	Rehab tank	\$960,000		1977	2024		\$25,000	\$960,000		
Bald Hill Tank	Rehab tank	\$600,000		1996	2024		\$25,000	\$600,000		

DPW 5yr Plan - Water

		Town of Franklin Water Capital Improvement Plan 5 Year Plan									
Meter Replacements	The Franklin Water system includes over 10,000 water meters, all of which act as cash registers for the water and sewer department. AWWA recommends that water meters be replaced every 10-15 years. As meters age, their accuracy decreases, generally in favor of the customer. Therefore, we would like to continue our 20 year meter replacement program.		N/A	20-years	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	
Infrastructure	Replacement of water main sections prone to leaks. Also, includes funding to start a Valve Exercising and Replacement Program throughout Town.	\$550,000			\$350,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	
Phase II SCADA Upgrades	Connecting SCADA System sites to Town wide Fiber Optic to improve overall communication and operations	\$200,000			\$200,000						
Phase III SCADA Upgrades	Update Communication equipment & Fiber connections	\$100,000	N/A				\$100,000				
Total Capital Projects		\$11,850,000			\$950,000	\$2,150,000	\$1,970,000	\$2,390,000	\$100,000		
Total Capital Improvement					\$1,035,000	\$2,300,000	\$2,150,000	\$2,640,000	\$300,000		

School & Technology 5yr Plan

Town of Franklin School Capital Improvement Plan 5 Year Plan											
					Year 2	Year 3	Year 4	Year 5	Year 7	Year 8	Year 9
	Odometer Readings at 10/2021	Year Purchased	Item Description	Replace Cycle	FY22	FY23	FY24	FY25	FY26	FY27	FY28
Fleet Requests											
Special Ed. Van	97,134	2009	Van #1 - to auction								
Special Ed. Van	137,803	2011	Van #5						\$63,000		
Special Ed. Van	131,200	2010	Van #6 - kept as spare					\$61,000			
Special Ed. Van	129,338	2010	Van #7				\$59,000				
Special Ed. Van	131,080	2011	Van #3							\$65,000	
Special Ed. Van	87,087	2009	Van #2 - repl. due to age/seating capacity (6 vs 8)			\$57,000					
Special Ed. Van	49,118	2010	Van #4 (Wheelchair)								
Special Ed. Van			Additional Van - program expansion to 14 vans (13+spare)		\$55,000						
	Total Fleet				\$55,000	\$57,000	\$59,000	\$61,000	\$63,000	\$65,000	\$0
Equipment Requests											
Math			Replacement materials for elementary math instruction - licenses and textbooks - 5 year subscription		\$380,000 [1]					\$380,000	
Science			Replacement materials for elementary and middle science instruction			\$150,000 [2]					
Social Studies			Replacement materials for HS social studies instruction		\$125,000	\$100,000 [3]					\$100,000
ELA			Replacement materials for elementary literacy instruction				\$350,000				
	Total Equipment				\$505,000	\$250,000	\$350,000	\$0	\$0	\$380,000	\$100,000
Technology Requests											
500 Chromebooks			Replacement Devices for 1:1 Chromebooks (\$250 per unit)	5		\$250,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000
Physical Domain Controllers (town and school)			For redundancy and on site authentication of employees if we lose the fiber connection	6	\$20,000						
MediaCast replacement at FHS			Mediacast software at FHS	8		\$150,000					
TV studio replacement at FHS			TV studio replacement at FHS to last another 5 years	10		\$282,000					
Interactive Whiteboards at FHS			75-inch Touchview whiteboard replacement	10		\$285,200					
Terrablock Server at FHS			Terrablock Server allows mac computers to back up and maintain video editing work	6	\$40,000						
	Total Technology				\$60,000	\$967,200	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000
Facilities Requests											
See Facilities for School Needs											
	Total Facilities				\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other Capital Item Requests											
Walk In Cooler			Rem Jeff walk in Cooler- needed 11K in repairs, so using FHS outdoor cooler was moved to R/J (outside) in the interim and looking to replace		\$81,000						
Foodservice van			Replace F-1 Foodservice van with Box truck/dock capability/ramp pullout or lift. Courier van floor has holes - need to check with DPW re: repairs and need to change inspection schedule from November to summertime			\$60,000					
	Total Other Capital				\$81,000	\$60,000	\$0	\$0	\$0	\$0	\$0
Total Capital Improvement Requests					\$701,000	\$1,334,200	\$534,000	\$186,000	\$188,000	\$570,000	\$225,000

Technology 5yr Plan

Town of Franklin Technology Capital Improvement Plan 5 Year Plan										
						Year 1	Year 2	Year 3	Year 4	Year 5
	Odometer Readings	Year Purchased	Item Description	Replace Cycle	FY21	FY22	FY23	FY24	FY25	FY26
Technology Requests										
			SonicWall Firewall Upgrade		65,517					
			Technology Stabilization fund	annual		500,000	500,000	500,000	500,000	0
	Total Technology				\$65,517	\$500,000	\$500,000	\$500,000	\$500,000	\$0
Facilities Requests										
	Total Facilities				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other Capital Item Requests										
	Total Other Capital				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Capital Improvement Requests					\$65,517	\$500,000	\$500,000	\$500,000	\$500,000	\$0



TOWN OF FRANKLIN

RESOLUTION NO.: 22 - 21

APPROPRIATION: Capital FY22

TOTAL REQUESTED: **Free Cash** **\$2,044,108**
 Water Retained Earnings **\$2,347,000**
 Sewer Retained Earnings **\$1,000,000**

PURPOSE: To appropriate funds for the FY 2022 Capital Improvement Plan:

Department	Description	Category	Amount	Total
Schools	Math & Social Studies Curriculum	Curriculum	\$505,000.00	
Schools - Facilities	Food Service Equipment	Equipment	\$81,000.00	
School	Eight-Passenger Special Education Van	Vehicle	\$55,000.00	
School - Technology	Domain Controllers	Technology	\$20,000.00	
	Terrablock Server	Technology	\$40,000.00	\$701,000.00
Facilities	Senior Center Outdoor Pavilion	Infrastructure	\$100,000.00	\$100,000.00
Town Clerk	Election Tabulator/3 Poll Pads	Technology	\$10,425.00	\$10,425.00
Fire	Municipal Fire Alarm System Upgrade	Technology	\$116,706.00	
	Deputy Chief Emergency Response Vehicles	Vehicles	\$122,138.00	
	Portable Radios	Equipment	\$91,978.00	
	Structural Firefighter Clothing	Equipment	\$10,000.00	\$340,822.00
Police	Police Vehicles	Vehicles	\$337,261.00	
	Electronic Control Weapons	Equipment	\$14,600.00	\$351,861.00
Public Works	Street Acceptances	Infrastructure	\$25,000.00	
	Veterans Memorial Restoration	Infrastructure	\$30,000.00	
	Downtown Community Improvements	Infrastructure	\$50,000.00	
	Vehicles and Equipment	Vehicles	\$435,000.00	\$540,000.00
	TOTAL FREE CASH APPROPRIATION			\$2,044,108.00
Water Enterprise	Water Main Replacement Projects	Infrastructure	\$1,662,000.00	
	Vehicles and Equipment	Vehicles	\$85,000.00	

	Fisher Street WTP Upgrade Feasibility Study	Infrastructure	\$60,000.00	
	Hillside Tank Design	Infrastructure	\$290,000.00	
	SCADA System Upgrade (Phase II)	Equipment	\$200,000.00	
	Meter Replacement	Equipment	\$50,000.00	\$2,347,000.00
	TOTAL WATER RETAINED EARNINGS APPROPRIATION			\$2,347,000.00
Sewer Enterprise	FY22 Sewer Pump Station Improvements	Equipment	\$300,000.00	
	Phase V1 Sewer Rehabilitation Construction - Part 1	Equipment	\$700,000.00	\$1,000,000.00
	TOTAL SEWER RETAINED EARNINGS APPROPRIATION			\$1,000,000.00

FINANCE COMMITTEE ACTION

Meeting Date: 2/9/22

Vote: 8-0

Recommended Amount: \$5,391,108

MOTION

Be It Moved and Voted by the Town Council that the sums of Two Million Forty-Four Thousand One Hundred Eight Dollars (\$2,044,108) be appropriated from Free Cash, Two Million Three Hundred Forty-Seven Thousand Dollars (\$2,347,000) be appropriated from Water Retained Earnings and One Million Dollars (\$1,000,000) be appropriated from Sewer Retained Earnings to be expended at the discretion of the Town Administrator for the FY 2022 Capital Improvement Plan as outlined above including any residual funds remaining in these line items.

This Resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

DATED: _____, 2022

A True Record Attest:

**Nancy Danello, CMC
Town Clerk**

VOTED:

UNANIMOUS: _____

YES: _____ **NO:** _____

ABSTAIN: _____

ABSENT: _____

RECUSED: _____

**Glenn Jones, Clerk
Franklin Town Council**



TOWN OF FRANKLIN

RESOLUTION NO.: 22 - 22

APPROPRIATION: FREE CASH TO STABILIZATION ACCOUNTS TRANSFERS

TOTAL REQUESTED: \$ 1,597,000

PURPOSE: Continued Funding of the Stabilization Funds per Town Policy

TRANSFER TO:	REASON	SOURCE	AMOUNT
FIELDS STABILIZATION	FUND ARTIFICIAL TURF REPLACEMENT IN 2027	FREE CASH	\$150,000.00
BUDGET STABILIZATION	CONTINUED FUNDING	FREE CASH	\$1,000,000.00
OPEB TRUST FUND	CONTINUED FUNDING 10% OF FREE CASH	FREE CASH	\$447,000.00
TOTAL FREE CASH APPROPRIATION			\$1,597,000.00

FINANCE COMMITTEE ACTION

Meeting Date: 2/9/22

Vote: 8-0

Recommended Amount: \$1,597,000

MOTION

Be It Moved and Voted by the Town Council that the sum of One Million Five Hundred Ninety-Seven Thousand Dollars (\$1,597,000) be transferred from Free Cash to the Field, Budget and OBEB Trust Stabilization accounts as outlined above.

This Resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

DATED: _____, 2022

A True Record Attest:

VOTED:

UNANIMOUS: _____

YES: _____ **NO:** _____

ABSTAIN: _____

ABSENT: _____

RECUSED: _____

**Nancy Danello, CMC
Town Clerk**

**Glenn Jones, Clerk
Franklin Town Council**



**TOWN OF FRANKLIN
RESOLUTION 22 - 23**

Authorizing the Borrowing of Money to Pay Costs of Repairs for Horace Mann School

WHEREAS: The Town Council has been advised of the need for repairs to Horace Mann School drainage system, including all costs incidental or related thereto.

NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Franklin that:

Four Hundred Thousand Dollars, (\$400,000) is appropriated to pay costs of making repairs to the Horace Mann School drainage system, including all costs incidental or related thereto; and that to meet this appropriation the Treasurer-Collector with the approval of the Town Administrator is authorized to borrow Four Hundred Thousand Dollars, (\$400,000) under G.L. c.44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

This Resolution shall become effective according to provisions of the Town of Franklin Home Rule Charter.

ACTION OF THE FINANCE COMMITTEE:

Meeting Date: 2/9/22

Vote: 8-0

Recommended Amount: \$400,000

DATED: _____, 2022

A True Record Attest:

VOTED:

UNANIMOUS: _____

YES: _____ **NO:** _____

ABSTAIN: _____

ABSENT: _____

RECUSED: _____

**Nancy Danello, CMC
Town Clerk**

**Glenn Jones, Clerk
Franklin Town Council**

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

March 8, 2022

To: Joint Budget Subcommittee
From: Jamie Hellen, Town Administrator
Alecia Alleyne, Assistant to the Town Administrator

Re: Preliminary FY23 Budget Model

In anticipation of the March 10th meeting, I have prepared a preliminary FY23 budget model based on the information we have to date, as well as the assumptions that have been made to date. I will speak about the entire budget model, notably the areas in yellow in the document. I specifically have not included any narrative to encourage attendance of this meeting and also to ensure proper context of the material presented.

To date, I have met with every department and entity that is reflected in the town's budget. We have also incorporated the Governor's H2 budget proposal for state aid. Many of the line items will continue to be altered as new information becomes available through mid-April. I anticipate the Town Administrator budget to be released on April 20, 2022. Finance Committee budget hearings are the week of May 9th. I expect budget updates at each Town Council meeting moving forward.

I have attached the recently approved committee charge.

If you have any questions, please let me know.

**TOWN OF FRANKLIN
FY 2023 REVENUE AND CONTROL SHEET**

	FINAL FY21	FINAL FY22	PROPOSED FY23	FY22 to FY23 INCREASE/ (DECREASE)
TAX LEVY				
Prior Year Levy Limit plus 2 1/2%	\$ 79,066,528	\$ 82,753,293	\$ 85,955,820	\$ 3,202,527
New Growth	1,668,392	1,106,044	900,000	\$ (206,044)
	80,734,920	83,859,337	86,855,820	2,996,483
DEBT EXCLUSIONS				
Horace Mann Issue #1	106,180	101,880	93,600	(8,280)
Lincoln Street	423,695	408,750	390,910	(17,840)
Horace Mann Issue #2	315,400	305,200	290,000	(15,200)
High School Issue #1	2,876,663	2,880,663	2,881,163	501
High School Issue #2	149,438	151,438	149,813	(1,625)
	3,871,376	3,847,930	3,805,486	(42,444)
TOTAL POTENTIAL TAX LEVY	84,606,296	87,707,267	90,661,306	2,954,039
STATE REVENUE				
Chapter 70 School Aid	28,416,161	28,574,921	28,730,321	155,400
Charter School Reimbursements	512,605	365,403	1,095,327	729,924
Unrestricted Aid	2,623,839	2,715,673	2,788,996	73,323
All Other Net of Offsets	360,527	379,107	368,977	(10,130)
	31,913,132	32,035,104	32,983,621	948,517
OTHER REVENUES				
Local Receipts - General Fund	8,647,269	9,413,451	9,713,451	300,000
Host Community Agreement	300,000	600,000	425,000	(175,000)
	8,947,269	10,013,451	10,138,451	125,000
OTHER AVAILABLE FUNDS				
Net Budget Stabilization / Other Transfers	1,173,000	1,214,000	1,255,000	41,000
Enterprise Fund (Indirects)	1,173,000	1,214,000	1,255,000	41,000
	1,173,000	1,214,000	1,255,000	41,000
TOTAL REVENUES & OTHER FUNDS	126,639,697	130,969,822	135,038,378	4,068,556
ASSESSMENTS & OTHER VOTES				
School Choice	324,599	328,176	417,478	89,302
State Assessments	474,209	480,465	502,026	21,561
County Assessment	235,073	240,493	246,505	6,012
Charter School Assessment	4,990,567	5,025,758	5,766,145	740,387
Provision for Abatements & Exemptions	652,415	634,944	650,000	15,056
Subsequent Votes	1,003,842	600,000		(600,000)
	7,680,705	7,309,836	7,582,154	272,318
TOTAL NET REVENUE	118,958,992	123,659,986	127,456,224	3,796,238
LESS: TOTAL GENERAL FUND BUDGET	(118,943,015)	(123,605,718)	(130,721,053)	(7,115,335)
UNUSED LEVY	\$ 15,977	\$ 54,268	\$ (3,264,829)	\$ (3,319,097)

**TOWN OF FRANKLIN
FY 2023 OPERATING BUDGET**

OPERATING BUDGET	FINAL FY21	FINAL FY22	PROPOSED FY23	FY22 to FY23 INCREASE/ (DECREASE)
111 Town Council expenses	4,000	4,000	4,000	-
	4,000	4,000	4,000	-
123 Town Administration salaries	373,279	390,485	391,083	598
expenses	33,700	33,750	34,532	782
	406,979	424,235	425,615	1,380
131 Finance Committee expenses	1,500	1,500	1,500	-
	1,500	1,500	1,500	-
135 Comptroller salaries	467,998	493,285	491,450	(1,835)
expenses	70,150	75,150	81,300	6,150
	538,148	568,435	572,750	4,315
141 Assessors salaries	368,803	327,321	327,321	-
expenses	94,350	99,900	99,900	-
	463,153	427,221	427,221	-
147 Treasurer-Collector salaries	328,995	390,892	379,142	(11,750)
expenses	91,105	91,105	91,105	-
	420,100	481,997	470,247	(11,750)
151 Legal salaries	107,584	109,736	109,736	-
expenses	60,000	60,000	60,000	-
	167,584	169,736	169,736	-
152 Human Resources salaries	170,845	174,261	241,532	67,271
expenses	28,630	53,650	34,750	(18,900)
	199,475	227,911	276,282	48,371
155 Information Technology salaries		37,500	37,645	145
expenses	293,693	307,706	384,597	76,891
	293,693	345,206	422,242	77,036
161 Town Clerk salaries	189,850	208,014	198,019	(9,995)
expenses	16,746	20,550	19,650	(900)
	206,596	228,564	217,669	(10,895)
164 Elections & Registration salaries	29,621	15,000	26,791	11,791
expenses	23,000	31,800	34,800	3,000
	52,621	46,800	61,591	14,791
176 Appeals Board expenses	6,000	8,000	10,000	2,000
	6,000	8,000	10,000	2,000
177 Planning & Growth Management salaries	323,279	316,227	360,971	44,744

	expenses	32,300	32,300	32,300	-
		355,579	348,527	393,271	44,744
184	Agricultural Commission expenses	1,000	1,000	1,000	-
		1,000	1,000	1,000	-
192	Public Property & Buildings salaries	2,930,726	2,861,523	2,967,959	106,436
	expenses	4,109,950	4,400,000	4,539,000	139,000
		7,040,676	7,261,523	7,506,959	245,436
196	Central Services expenses	123,000	118,700	150,500	31,800
		123,000	118,700	150,500	31,800
	Subtotal, General Government	10,280,104	10,663,355	11,110,583	447,228
210	Police salaries	5,438,989	5,751,420	5,866,231	114,811
	expenses	302,485	296,340	316,140	19,800
		5,741,474	6,047,760	6,182,371	134,611
220	Fire salaries	5,507,400	5,921,247	5,930,474	9,227
	expenses	492,500	520,500	538,800	18,300
		5,999,900	6,441,747	6,469,274	27,527
225	Regional Dispatch expenses	447,355	435,074	1,218,041	782,967
		447,355	435,074	1,218,041	782,967
240	Inspection salaries	384,392	426,676	340,608	(86,068)
	expenses	23,820	22,712	22,712	-
		408,212	449,388	363,320	(86,068)
292	Animal Control expenses	76,700	77,700	80,700	3,000
		76,700	77,700	80,700	3,000
	Subtotal, Public Safety	12,673,641	13,451,669	14,313,706	862,037
300	Town Schools	65,658,500	67,820,825	71,211,866	3,391,041
390	Tri-County Regional School	2,504,543	2,449,637	2,540,198	90,561
		47,250	37,250	66,660	29,410
395	Norfolk Aggie	68,210,293	70,307,712	73,818,724	3,511,012
	Subtotal, Education				
422	DPW-Highway Dept salaries	1,964,761	2,042,745	2,087,677	44,932
	expenses	3,148,390	3,358,640	4,169,550	810,910
		5,113,151	5,401,385	6,257,227	855,842
	TOTAL DPW - Hwy	5,113,151	5,401,385	6,257,227	855,842
510	Health salaries	170,484	205,235	257,056	51,821
	expenses	64,000	41,500	48,400	6,900
		234,484	246,735	305,456	58,721
541	Council on Aging salaries	260,780	334,595	460,951	126,356
	expenses	6,100	6,100	6,700	600

	266,880	340,695	467,651	126,956
543 Veterans Services				
salaries	-	73,814	89,054	15,240
expenses	67,840	13,700	6,115	(7,585)
veterans assistance	185,000	160,000	165,000	5,000
	252,840	247,514	260,169	12,655
Subtotal, Human Services	754,204	834,944	1,033,276	198,332
610 Library				
salaries	646,345	687,373	705,524	18,151
expenses	379,000	352,000	352,000	-
	1,025,345	1,039,373	1,057,524	18,151
630 Recreation				
salaries	308,994	327,986	336,147	8,161
expenses	127,802	273,400	273,400	-
	436,796	601,386	609,547	8,161
690 Historical Museum				
salaries	29,125	29,708	29,708	-
expenses	1,000	1,000	1,000	-
	30,125	30,708	30,708	-
691 Historical Commission				
expenses	4,000	4,000	4,000	-
	4,000	4,000	4,000	-
695 Cultural Council				
expenses	15,000	15,000	15,000	-
	15,000	15,000	15,000	-
696 Cultural District Committee				
expenses	1,000	1,000	1,000	-
	1,000	1,000	1,000	-
Subtotal, Culture & Recreation	1,512,266	1,691,467	1,717,779	26,312
710 Retirement of Debt				
non-excluded	2,098,000	2,249,400	2,005,000	(244,400)
excluded	2,066,000	2,138,500	2,194,000	55,500
	4,164,000	4,387,900	4,199,000	(188,900)
750 Interest				
non-excluded	692,366	690,739	638,635	(52,104)
excluded	1,805,375	1,709,430	1,611,485	(97,945)
	2,497,741	2,400,169	2,250,120	(150,049)
Subtotal, Debt Service	6,661,741	6,788,069	6,449,120	(338,949)
Benefits:				
910 Retirement & Pension	6,174,365	6,693,600	7,183,210	489,610
Health/Life Insurance Benefits	3,315,000	3,486,500	3,660,825	174,325
Retired Teacher Health Insurance	872,000	810,000	810,000	-
Non-GIC School Retirees	1,050,000	1,055,000	1,107,750	52,750
Workers Compensation	525,000	530,000	556,500	26,500
Unemployment Compensation	110,000	150,000	157,500	7,500
Medicare	341,250	341,250	358,313	17,063
Medicare	650,000	700,000	750,000	50,000
OPEB	125,000	64,227	800,000	735,773
Compensation Reserve	13,162,615	13,830,577	15,384,098	1,553,521

945 Liability Insurance	575,000	636,540	636,540	-
	575,000	636,540	636,540	-
Subtotal, Benefits & Insurance	13,737,615	14,467,117	16,020,638	1,553,521
TOTAL ALL BUDGETS	118,943,015	123,605,718	130,721,053	7,115,335
Surplus/(Deficit)	15,977	54,268	(3,264,829)	(3,319,097)
ENTERPRISE FUNDS:				
434 Solid Waste Disposal				
salaries	106,857	120,800	99,955	(20,845)
expenses	2,365,000	2,543,000	2,467,000	(76,000)
	2,471,857	2,663,800	2,566,955	(96,845)
440 Sewer				
salaries	742,609	768,946	802,798	33,852
expenses	461,145	497,950	530,750	32,800
charles river assessment	3,216,857	3,376,800	3,424,070	47,270
OPEB	6,000	6,000	6,000	-
principal & interest	330,990	599,700	373,010	(226,690)
	4,757,601	5,249,396	5,136,628	(112,768)
450 Water				
salaries	1,400,158	1,434,375	1,479,850	45,475
expenses	2,097,180	2,251,700	2,290,000	38,300
OPEB	16,000	16,000	16,000	-
principal & interest	2,114,853	2,889,204	2,674,432	(214,772)
	5,628,191	6,591,279	6,460,282	(130,997)
TOTAL ENTERPRISE FUNDS	12,857,649	14,504,475	14,163,865	(340,610)
TOTAL OPERATING BUDGET	131,800,664	138,110,193	144,884,918	6,774,725