



99 High Street
Boston, Massachusetts
02110

Tel: 617-330-2000
800-445-8030

Fax: 617-330-2001

www.massdevelopment.com

March 22, 2018

Via Hand Delivery

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

ATTN: Newton Tedder

**Re: Notice of Intent to be Covered Under
National Pollutant Discharge Elimination System
Small MS4 General Permit**

Dear Mr. Tedder:

I enclose on behalf of the Massachusetts Development Finance Agency (the "Agency") a Notice of Intent (the "NOI") for the Devens Regional Enterprise Zone ("Devens") to be covered under the United States Environmental Protection Agency National Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts (the "Permit")¹.

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

JAY ASH
Chairman

LAUREN A. LISS
President and CEO

After serving as the U.S. Army's New England Headquarters for 79 years, Fort Devens was closed in 1996. With the endorsement of the voters in the host towns of Ayer, Harvard, and Shirley, and with the approval of the Commonwealth, a significant portion of the property was conveyed to the Agency (via the Massachusetts Government Land Bank, a predecessor-in-interest to the Agency). The Agency is tasked by the legislature with, among other things, (a) providing and maintaining certain municipal infrastructure within Devens and (b) strengthening the local economy of Devens, the Devens region and Massachusetts at large. For 20 years, the Agency has led the successful redevelopment of Devens by creating an award-winning, sustainable, and diverse business and residential community.

Based on the MS4 Permit Improvement Guide issued by the EPA in April of 2010, the Agency believes that Devens may be a regulated Small Municipal Separate Storm Sewer System ("MS4"). In accordance with section 1.2.1 of the Permit, Devens:

¹ The Agency is applying for the Permit signed by EPA and the Massachusetts Department of Environmental Protection on April 4, 2016, as it may be amended prior to its effective date.

1. has a separate storm sewer owned and operated by a public body created by or pursuant to state law, having jurisdiction over sewage, stormwater or other wastes;
2. is not a large or medium MS4;
3. is located partially within urbanized areas as determined by the 2010 Census; and
4. is located in a geographic area designated by the EPA as “automatically designated MS4 areas.” In this regard, I note that although Devens was not separately designated by EPA and has not received any notice from either EPA or the Commonwealth of Massachusetts that it is required to file for a stormwater permit, a portion of the geographic area of Devens is included among EPA’s “NPDES Phase II Stormwater Program Automatically Designated MS4 Areas” on the base maps for the towns of Ayer, Shirley, and Harvard, Massachusetts (based upon the 2010 census).

Notwithstanding the uncertainty as to whether Devens is a regulated small MS4, as part of its commitment to environmental stewardship and sustainability, the Agency was prepared to submit an NOI in 2017 but postponed that submission due to EPA’s announcement on June 29, 2017 that it was delaying the effective date of the Permit from July 1, 2017 to July 1, 2018. As you will see from the enclosed NOI, despite the delayed effective date, MassDevelopment, acting in concert with the Devens Enterprise Commission (“DEC” which acts as the regulatory and permitting authority for Devens) has already met or exceeded many of the requirements of the Permit. Moreover, the Agency’s NOI proposes deadlines that are more aggressive than the Permit requires. Regardless, the Agency stands ready and is eager to comply with the terms of the Permit when it becomes effective.

We look forward to your prompt authorization and would be pleased to answer any questions you may have or provide any additional information you require. If you have any questions regarding this NOI, please contact John Marc-Aurele at 978-772-2926.

Part I: General Conditions

General Information

Name of Municipality or Organization: State:

EPA NPDES Permit Number (if applicable):

Primary MS4 Program Manager Contact Information

Name: Title:

Street Address Line 1:

Street Address Line 2:

City: State: Zip Code:

Email: Phone Number:

Fax Number:

Other Information

Stormwater Management Program (SWMP) Location (web address or physical location, if already completed):

Eligibility Determination

Endangered Species Act (ESA) Determination Complete?

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

National Historic Preservation Act (NHPA) Determination Complete?

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

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

[Click to lengthen table](#)

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

Part III: Stormwater Management Program Summary

Identify the Best Management Practices (BMPs) that will be employed to address each of the six Minimum Control Measures (MCMs). For municipalities/organizations whose MS4 discharges into a receiving water with an approved Total Maximum Daily Load (TMDL) and an applicable waste load allocation (WLA), identify any additional BMPs employed to specifically support the achievement of the WLA in the TMDL section at the end of part III.

For each MCM, list each existing or proposed BMP by category and provide a brief description, responsible parties/departments, measurable goals, and the year the BMP will be employed (public education and outreach BMPs also requires a target audience). **Use the drop-down menus in each table or enter your own text to override the drop down menu.**

MCM 1: Public Education and Outreach

BMP Media/Category (enter your own text to override the drop down menu)	BMP Description	Targeted Audience	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal	Beginning Year of BMP Implementation
Brochures/Pamphlets	Provide general stormwater educational pamphlets as well as topic specific pamphlets addressing lawn care, pet waste, etc.	Residents	Massachusetts Development Finance Agency ("MassDevelopment")	Distribute 2 pamphlets per year to residents.	2018
Brochures/Pamphlets	Provide general stormwater educational pamphlets as well as topic specific pamphlets addressing lawn/grounds maintenance, use of salt/de-icing materials and other facility specific materials, etc.	Businesses, Institutions and Commercial Facilities	Devens Enterprise Commission (DEC)/MassDevelopment (Engineering)	Distribute 2 pamphlets per year to businesses, institutions and commercial facilities.	2018

<p>Brochures/Pamphlets</p>	<p>Distribute brochures to prospective developers and contractors providing general information on stormwater management and summary information on Devens rules and regulations.</p>	<p>Developers/Contractors (construction)</p>	<p>Devens Enterprise Commission / Mass Development (Engineering & E)</p>	<p>Distribute brochure throughout permit term and maintain a list of all recipients.</p>	<p>2018</p>
<p>Brochures/Pamphlets</p>	<p>Distribute brochures to industrial facilities providing general information on stormwater management and summary information on Devens rules and regulations.</p>	<p>Industrial Facilities</p>	<p>Mass Development(Engineering)/Devens Enterprise Commission</p>	<p>Distribute brochure throughout permit term and maintain a list of all recipients.</p>	<p>2018</p>
<p>Web Page</p>	<p>Provide new/updated Devens website to provide public access to stormwater-related materials, documentation and procedures.</p>	<p>Residents</p>	<p>MassDevelopment (Operations/Engineering)</p>	<p>Update the website during Year 1 and track the number of visits to the website annually thereafter.</p>	<p>2018</p>
<p>Web Page</p>	<p>Provide new/updated Devens web site and update Devens Enterprise Commission website to provide access to stormwater-related materials, documentation, regulations and procedures.</p>	<p>Businesses, Institutions and Commercial Facilities</p>	<p>MassDevelopment (Operations/Engineering)/DEC</p>	<p>Update the website during Year 1 and track the number of visits to the website annually thereafter.</p>	<p>2018</p>

Web Page	Provide new/updated Devens web site and update Devens Enterprise Commission website to provide access to stormwater-related materials, documentation, regulations and procedures.	Developers (construction)	MassDevelopment Operations/Engineering/DEC	Update the website during Year 1 and track the number of visits to the website annually thereafter.	2018
Web Page	Provide new/updated Devens website and update Devens Enterprise Commission website to provide access to stormwater-related materials, documentation, regulations and procedures.	Industrial Facilities	MassDevelopment Operations/Engineering/DEC	Update the website during Year 1 and track the number of visits to the website annually thereafter.	2018
School Curricula/Programs	Develop/distribute stormwater-related educational materials, posters, etc., to local schools for use in classrooms and for general use.	Students	MassDevelopment Operations/Engineering	Distribute materials to local schools annually.	2018
Meeting	Meet with businesses and institutions to review facilities and discuss specific discharge conditions.	Businesses/Institutions/Commercial	MassDevelopment Engineering/DPW and DEC	Meet with businesses and institutions annually.	2018
Meetings & Public Education Materials	Continue to meet and work with the Nashua River Watershed Association to develop and distribute materials to educate the public on protecting the water quality of the Nashua River.	General Public	MassDevelopment Engineering and DEC	Meet and collaborate with the Nashua River Watershed Association annually to educate the general public.	2018

<p>Presentation</p>	<p>Conduct a presentation on Stormwater Operation & Maintenance Plan Requirements</p>	<p>Businesses/Institutions/Commercial</p>	<p>MassDevelopment Engineering and DEC</p>	<p>Make presentation annually and track the number of commercial entities that attend the presentation.</p>	<p>2018</p>
<p>Web Page</p>	<p>Continue to provide information to residents via the MassDevelopment "Devens Community" website and the Devens Enterprise Commission website on "Living Green" including how to reduce water use and reduce waste generated.</p>	<p>Residents</p>	<p>MassDevelopment/Devens Enterprise Commission</p>	<p>Send link to website where information is posted to residents and track number of residents contacted and the number of visits to the website.</p>	<p>2018</p>
<p>Web Page</p>	<p>Continue to provide information to residents via the MassDevelopment "Devens Community" website and the Devens Enterprise Commission website on "Living Green" including how to reduce water use and reduce waste generated.</p>	<p>Businesses/Institutions/Commercial</p>	<p>MassDevelopment/Devens Enterprise Commission</p>	<p>Send link to website where information is posted to local businesses and track number of businesses contacted and the number of visits to the website.</p>	<p>2018</p>

<p>Brochures/Pamphlets</p>	<p>Continue to make available to developers information on green infrastructure guidelines for construction projects in Devens.</p>	<p>Developers (construction)</p>	<p>MassDevelopment/Devens Enterprise Commission</p>	<p>Post information on the Devens Enterprise Commission website and handout information to developers as new development projects are introduced to the Commission - keep a list of developers to which the information is distributed.</p>	<p>2018</p>
<p>Web Page</p>	<p>Continue to make available to operators of industrial facilities information on Best Management Practices focused on stormwater pollution prevention</p>	<p>Industrial Facilities</p>	<p>MassDevelopment/Devens Enterprise Commission</p>	<p>Post information on the Devens Enterprise Commission website and e-mail a link to the information to owners/operators of industrial facilities within Devens. Track the number of owners/operators e-mailed and the number of visits to the website.</p>	<p>2018</p>
	<p>***Additional messaging will be included to meet impaired waters requirements per Part 2.1.1 and Appendix H of the Permit as outlined in Part III and Part IV of this Notice of Intent.</p>				

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

Part III: Stormwater Management Program Summary (continued)

MCM 2: Public Involvement and Participation

BMP Categorization	Brief BMP Description <small>(enter your own text to override the drop down menu)</small>	Responsible Department/Parties <small>(enter your own text to override the drop down menu)</small>	Additional Description/ Measurable Goal	Beginning Year of BMP Imple- mentation
Public Review	Provide for Public Review of SWMP and Annual Reports.	MassDevelopment (Engineering)/Devens Enterprise Commission	Make SWMP and annual reports available to public at MassDevelopment Offices & on Devens website.	2018
Public Participation	Provide Public Opportunity to Participate in SWMP Development.	MassDevelopment (Engineering)/Devens Enterprise Commission	Allow public to comment on stormwater management plan annually.	2018
Public Participation	Continue to provide public access to Recycling Drop-Off.	MassDevelopment (DPW)	Continue to provide public access to the recycling drop off at the DPW Facility.	2018
Public Participation	Continue public access to Regional Household Haz. Waste Collection C	MassDevelopment	Continue participation in Devens Regional Household Hazardous Products Collection Center.	2018
Public Participation	Continue participation in the Nashua River Watershed Association .	Devens Enterprise Commission/MassDevelopment	Attend or participate in at least one meeting or event annually of the Nashua River Watershed Association.	2018
Public Participation	Provide community access to clean up days, tree plantings, etc.	Devens Enterprise Commission/MassDevelopment	Sponsor one activity annually for public involvement.	2018
Public Participation	Continue participation in the Devens Eco-Efficiency Center.	Devens Enterprise Commission	Provide at least one program/service annually to assist local businesses in reducing the amount of waste they generate and disposal costs.	2018

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

Part III: Stormwater Management Program Summary (continued)

MCM 3: Illicit Discharge Detection and Elimination (IDDE)

<p>BMP Categorization (enter your own text to override the drop down menu)</p>	<p>BMP Description</p>	<p>Responsible Department/Parties (enter your own text to override the drop down menu)</p>	<p>Measurable Goal (all text can be overwritten)</p>	<p>Beginning Year of BMP Implementation</p>
<p>Illicit Discharge Detection & Elimination Regulations</p>	<p>Review existing regulatory prohibitions and update as needed to provide required legal authority to prohibit, investigate, and eliminate illicit discharges. The general provisions of 974 CMR 4.08(2) currently require all projects to comply with MA DEP Stormwater Management Standards and submit a completed and endorsed stormwater management form which includes a signed Illicit Discharge Compliance Statement verifying that no illicit discharges exist on the site. Failure to prevent illicit discharges constitutes a violation of the Unified Permits issued for development at Devens and is subject to enforcement procedures outlined in 974 CMR 1.14.</p>	<p>MassDevelopment (Engineering & Utilities)</p>	<p>Review existing authority and prohibitions. Amend existing Devens regulations for enforcement as needed. Complete within 3 years of permit effective date.</p>	<p>2018</p>

Sanitary Sewer Overflow (SSO) Inventory	Continue to maintain inventory of where SSOs have discharged over the last five years.	MassDevelopment (Utilities)/Devens Enterprise Commission (BOH)	Continue to maintain and update existing SSO Inventory annually and provide updates in annual MS4 reports.	2018
Storm Sewer System Map	Review and update existing drainage map to include catchment delineations, interconnections, and impaired waters. Update annually thereafter to incorporate drainage improvements, including drainage from new developments and re-developments.	MassDevelopment (Engineering)	Incorporate additional permit requirements and continue to review and update existing drainage GIS map annually.	2018
Written IDDE Program	Create written IDDE program to meet permit conditions.	MassDevelopment (Engineering/DPW/Operations)	Complete within 4 years of the effective date of permit and update as required.	2020
Outfall and Interconnection Inventory	All outfalls and interconnections have been mapped. Update outfall and interconnection inventory as needed to incorporate condition information.	MassDevelopment (Engineering/DPW Operations)	Review existing GIS and update inventory as needed. Complete within 4 years of permit effective date	2021
Priority Ranking	Assess and rank potential for catchments to have illicit discharges.	MassDevelopment (Engineering/DPW Operations)	Complete within 4 years of permit effective date.	2018
Dry Weather Screening	Conduct in accordance with outfall screening procedure and permit conditions	MassDevelopment (Engineering/DPW Operations)	Complete in conjunction with outfall & interconnection inventory and within 6 years of permit effective date.	2021
Follow-Up Ranking	Update ranking as dry weather screening information becomes available	MassDevelopment (Engineering/DPW Operations)	Complete within 6 years of permit effective date.	2021

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

Part III: Stormwater Management Program Summary (continued)

MCM 4: Construction Site Stormwater Runoff Control

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP Implementation
Construction Site Stormwater Runoff Control Regulations	Continue compliance with Devens Enterprise Commission (DEC) regulatory requirements for Erosion & Sediment Control (ESC) Plan under 974 CMR 3.02(3)(e).	Devens Enterprise Commission/MassDevelopment	Continue compliance with existing regulations.	2018
Site Inspection and Enforcement of Erosion and Sediment	Continue implementation of 974 CMR 3.02(3)(e) and conditions of all site development approvals that require ESC plan and DEC inspection of all controls prior to commencement of construction. Standards conditions of approval also require Applicant maintain an ESC log for all controls that is to be made available for inspection by DEC. Document existing inspection procedures.	Devens Enterprise Commission/MassDevelopment	Continue existing site inspection and enforcement procedures. Document inspection and enforcement procedures. Procedures must be in written format within three years of permit effective date or by July 2021.	2020

<p>Site plan review</p>	<p>Continued compliance with DEC regulatory requirements for ESC plan under 974 CMR 3.02 (3)(e) , protection of steep slopes 974 CMR 3.06, earth removal 974 CMR 4.07 and stormwater management 974 CMR 4.08. Document existing site plan review procedures.</p>	<p>Devens Enterprise Commission/Engineering</p>	<p>Continue existing site plan review procedures. Document existing site plan review procedures. Procedures must be in written format within three years of permit effective date or by July 2021.</p>	<p>2020</p>
<p>Erosion and Sediment Control</p>	<p>Continue compliance with DEC regulatory requirements for ESC Plan under 974 CMR 3.02 (3)(e) and 974 CMR 3.06.</p>	<p>Devens Enterprise Commission/MassDevelopment</p>	<p>Continue compliance with existing requirements for erosion and sediment control at construction sites. Ensure BMPs are appropriate for site conditions.</p>	<p>2018</p>
<p>Waste Control</p>	<p>Continue requiring waste disposal and recycling affidavits as part of building permit process: http://www.devensec.com/forms/Building_Permit_2016.pdf (see page 2). DEC Determination of Completeness requirements also require applicants to identify waste disposal methods as part of site plan (recycling, composting, reuse): http://www.devensec.com/forms/DOC_Form_2012.pdf (see page 3).</p>	<p>Devens Enterprise Commission/MassDevelopment</p>	<p>Continue to require compliance with existing requirements for waste control.</p>	<p>2018</p>

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

Part III: Stormwater Management Program Summary (continued)

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

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP Implementation
Post Construction Stormwater Management Regulations	Continue to require compliance with Devens Enterprise Commission (DEC) regulatory requirements for post-construction runoff from new development and re-development as included in 974 CMR 4.08 and 4.09. and to comply with any federal permit requirements	Devens Enterprise Commission/MassDevelopment (Engineering & Operations)	Continue compliance with existing regulations.	2018
Target Properties to Reduce Impervious Cover	Identify and priority rank at least 5 permittee-owned properties that could be modified or retrofitted with BMPs to reduce impervious cover and update annually.	MassDevelopment (Engineering/DPW Operations)	Complete within 6 years of permit effective date and report annually on retrofitted properties.	2023

<p>Allow Green Infrastructure</p>	<p>Continue to require LID practices for all stormwater management projects where feasible: 974 CMR 3.04(4)(a)1. & 974 CMR 4.08. Continue to utilize and improve on green infrastructure guidelines to guide, regulate and incentivize green infrastructure on all development and redevelopment projects: http://www.devensec.com/development/Green_Infrastructure_Guidelines_Final_8-12-14.pdf. Continue to monitor impervious surface reductions in Devens Sustainable Indicators Reports.</p>	<p>Devens Enterprise Commission</p>	<p>Continue to require LID practices and, as well as monitor and track sustainable indicators including impervious surface reductions resulting from incorporation of LID.</p>	<p>2018</p>
<p>Street Design and Parking Lot Guidelines</p>	<p>Continue to require LID practices for all stormwater management projects where feasible: 974 CMR 3.04(4)(a)1. & 974 CMR 4.08. Continue to monitor impervious surface reductions in Devens Sustainable Indicators Reports.</p>	<p>Devens Enterprise Commission/MassDevelopment (Engineering)</p>	<p>Continue to require LID practices and, as well as monitor and track sustainable indicators including impervious surface reductions resulting from incorporation of LID.</p>	<p>2018</p>
<p>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.</p>	<p>Review existing regulatory requirements and amend requirements as needed to meet permit conditions.</p>	<p>Devens Enterprise Commission</p>	<p>Complete within 4 years of permit effective date.</p>	<p>2021</p>

<p>As-built plans for SW Control/Long-term O&M of BMPs</p>	<p>Continue current procedures which require the development of O&M Plans as part of the permitting process and as a condition of occupancy. Continue to require property owners to file annual reports regarding system maintenance to the DEC. Continue to require the submission of as-builts prior to occupancy.</p>	<p>Devens Enterprise Commission/MassDevelopment (Engineering)</p>	<p>Continue current procedures as they relate to development of O&M Plans and submission of as-built plans.</p>	<p>2018</p>
<p>Inspection of Private Detention Basins</p>	<p>Continue to inspect private detention basins annually to ensure compliance with existing O&M requirements.</p>	<p>Devens Enterprise Commission/MassDevelopment (Engineering)</p>	<p>Continue to inspect annually to ensure compliance with existing O&M Plans. Report on the number of properties in compliance.</p>	<p>2018</p>

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

Part III: Stormwater Management Program Summary (continued)

MCM 6: Municipal Good Housekeeping and Pollution Prevention

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP Implementation
Inventory of all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Develop inventory of permittee-owned facilities and equipment, and update annually.	MassDevelopment (Engineering/DPW Operations)	Complete within 4 years from permit effective date and update annually as needed.	2021
Written O&M procedures	Create written O&M procedures for parks and open spaces, buildings and facilities, and vehicles and equipment	MassDevelopment (Engineering/DPW Operations)	Complete within 4 years of permit effective date.	2021
Infrastructure O&M	Formalize written program for operation and maintenance of MS4 infrastructure	MassDevelopment (Engineering/DPW Operations)	Complete within 4 years of permit effective date.	2021
Catch Basin Cleaning Optimization	Continue current practice of inspecting all catch basins annually, and quantifying the amount of sediment removed from each basin. Continue to utilize information collected to optimize existing cleaning practices.	MassDevelopment (Engineering/DPW Operations)	Continue to track sediment removed and optimize catch basin cleaning operations. Complete optimization plan within 4 years of permit effective date.	2018
Catch basin cleaning	Continue to target areas where catch basins fill up with sediment more quickly to ensure that each catch basin is no more than 50% full. Modify cleaning schedule and frequency as needed.	MassDevelopment (Engineering/DPW Operations)	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material removed annually.	2018

Street sweeping program	Continue to sweep all streets and permittee-owned parking lots at least annually in accordance with permit conditions.	MassDevelopment (Engineering/DPW Operations)	Sweep all streets and permittee-owned parking lots at least once per year in the spring and report annually.	2018
Road salt use optimization program	Continue to calibrate equipment annually. Continue to review and enhance existing practices to minimize the use of road salt.	MassDevelopment (Engineering/DPW Operations)	Continue current efforts and modify existing practices where feasible for further optimization of road salt use. Complete optimization plan within 4 years of permit effective date.	2021
Inspections and maintenance of stormwater treatment structures	Continue to inspect detention ponds annually and clean as needed. Establish and implement inspection and maintenance procedures and frequencies for other stormwater treatment structures.	Devens Enterprise Commission/MassDevelopment (Engineering/DPW Operations)	Review existing procedures and optimize. Inspect and maintain treatment structures at least annually. Begin annual inspections within 4 years of permit effective date.	2021
Stormwater Pollution Prevention Plan (SWPPP)	Create SWPPPs for waste-handling facilities not already covered under the Multi-Sector General Permit.	MassDevelopment (Engineering/DPW Operations)/Devens Enterprise Commission	Develop SWPPPs within 4 years of permit effective date and complete inspections and training annually thereafter.	2021

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

Part III: Stormwater Management Program Summary (continued)

Actions for Meeting Requirements Related to Water Quality Limited Waters

Use the drop-down menus to select the pollutant causing the water quality limitation and enter the waterbody ID(s) experiencing excursions above water quality standards for that pollutant. Choose the action description from the dropdown menu and indicate the responsible party. If no options are applicable, or more than one, **enter your own text to override drop-down menus.**

Pollutant	Waterbody ID(s)	Action Description	Responsible Department/Parties <small>(enter your own text to override the drop down menu)</small>
Phosphorus	Nashua River (Segment MA-81-05)	Adhere to requirements in part II of Appendix H	Mass Development/Devens Enterprise Commission
E. Coli	Nashua River (Segment MA-81-05); Catacoonamug Brook (Segment MA 81-74)	Adhere to requirements in part III of Appendix H	Mass Development/Devens Enterprise Commission
	** Specific requirements related to impaired waters are included as a supplement to this Notice of Intent.		

--	--	--	--

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

Part IV: Notes and additional information

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

Devens does not currently discharge to any water bodies or tributaries of any water bodies that have approved TMDLs.

Devens does discharge to water bodies that have phosphorus and E.coli impairments which require development of a TMDL. The Nashua River is impaired for both phosphorus and E.coli, and the Catacoonamug Brook is impaired for E.coli. Per Part III of this Notice of Intent, and per Part 2.2.2. and Appendix H of the 2016 MS4 General Permit, best management practices that will be implemented to meet requirements related to water quality impaired waters are summarized in the attached supplemental information.

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

Part V: Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name:

Lauren A. Liss

Title:

President and Chief Executive Officer

Signature:

Robert M. Puzzo for Lauren A. Liss

[To be signed according to Appendix B, Subparagraph B.11, Standard Conditions]

Date:

03/22/18

Note: When prompted during signing, save the document under a new file name

Supplemental Information

Notice of Intent for Coverage under the Small MS4 General Permit – Supplemental Information

Devens, MA

2003 MS4 Permit Requirements

Based on the 2000 census, Devens was not considered an urbanized area and therefore was not regulated under the 2003 MS4 Permit. Although not required to apply for coverage under the 2003 MS4 Permit, Devens is already in compliance with many of the 2003 MS4 permit requirements. All outfalls and receiving waters in Devens have been mapped. A GIS drainage map of the storm drain system in Devens has been prepared and a copy is attached. In addition, both Construction and Post-Construction Stormwater Runoff Management Regulations were approved by the Devens Enterprise Commission on September 27, 2011 and became effective on December 9, 2011. With respect to the Illicit Discharge Detection and Elimination (IDDE) regulatory requirements, Devens plans to review existing authority and prohibitions, and amend the existing Devens regulations for enforcement as needed. It is anticipated that Devens will be in compliance with the IDDE regulatory requirements prior to 2021.

The schedule outlined for implementation of Best Management Practices included in the NOI demonstrates, for the most part, an accelerated schedule that exceeds the schedule outlined in the 2016 MS4 General Permit for new permittees.

ESA

Mass Development is certifying Endangered Species Act (ESA) eligibility for coverage under the permit according to USFWS Criterion C. Based on the online review performed, it has been determined that there are two threatened species within Devens. These include the Northern Long-eared Bat and the Small Whorled Pogonia. Please see attached correspondence from the United States Department of the Interior dated October 10, 2017 identifying the presence of these two species within Devens. It is our belief that existing stormwater discharges regulated under the permit will have no adverse impact on these federally threatened species. Prior to the installation of any structural BMPs, an endangered species screening will be conducted for the proposed site. The USFWS will be contacted if it is determined that the new activity “may affect” or is “not likely to adversely affect” listed species or critical habitat under the jurisdiction of the USFWS.

Impaired Waters

Devens discharges to water bodies that have phosphorus and E.coli impairments which require development of a TMDL. The Nashua River is impaired for both phosphorus and E.coli, and the Catacoonamug Brook is impaired for E.coli. Per Part III of this Notice of Intent, and per Part 2.2.2. and Appendix H of the 2016 MS4 Permit, best management practices that will be implemented to meet requirements related to water quality impaired waters include:

- H.II.1.a.i.1 Distribution of educational message to residential and business/commercial/institutional property owners annually in March/April on the proper use and disposal of grass clippings and the proper use of slow-release and phosphorous-free fertilizers. Begin within 3 years of permit effective date. Beginning year of implementation: 2020.

- H.II.1.a.i.1 Distribution of pet waste management message to residential property owners annually in June/July starting within 3 years of the permit effective date. Beginning year of implementation: 2020.
- H.II.1.a.i.1 Distribution of leaf litter disposal message to Residential/Business/Commercial property owners annually August-October starting within three years of the permit effective date. Beginning year of implementation: 2020.
- H.II.1.a.i.2 Modification of stormwater management regulations to require that new development and re-development stormwater BMPs are optimized for phosphorus removal within 4 years of permit effective date. Beginning year of implementation: 2021.
- H.II.1.a.i.2 Inventory and priority ranking of permittee-owned property and infrastructure that can be retrofitted with BMPs to include consideration of BMPs that infiltrate stormwater within 6 years of permit effective date. Beginning year of implementation: 2023.
- H.II.1.a.i.3 Development of a program to manage grass clippings and leaf litter on permittee owned property within 4 years of permit effective date. Beginning year of implementation: 2021.
- H.II.1.a.i.3 An increase in frequency of sweeping of public streets and municipal parking lots to a minimum of two times per year in drainage areas tributary to the Nashua River within 3 years of permit effective date. Beginning year of implementation: 2020.
- H.II.1.b Development of a Phosphorus Source Identification Report within 6 years of the permit effective date. Beginning year of implementation: 2023.
- H.II.1.c Evaluation of all permittee-owned properties identified as presenting retrofit opportunities or areas for structural BMP installation or identified in the Phosphorus Source Identification Report that are within the drainage area of the Nashua River or its tributaries within 7 years of permit effective date. Beginning year of implementation: 2024.
- H.II.1.c Planning/installation of one structural BMP demonstration project within 8 years of the permit effective date. Beginning year of implementation: 2025.
- H.II.1.c Installation of remaining BMP retrofits in accordance with the plan and schedule identified in the Phosphorus Source Identification Report.
- H.II.1.c Tracking and reporting of BMP installations and estimated phosphorus removal annually starting in Year 9. Beginning year of implementation: 2026.
- H.III.2.a.i Distribution of residential message on pet waste management annually within 3 years of permit effective date. Beginning year of implementation: 2020.
- H.III.2.a.i Dissemination of required public education information to dog owners at license renewal within 3 years of the permit effective date. Beginning year of implementation: 2020.

- H.III.2.a.i Distribution of public education materials to septic system owners within three years of permit effective date. Beginning year of implementation: 2020.
- H.III.2.a.ii Ranking of catchments tributary to bacteria/pathogen impaired waters as Problem or High in catchment ranking within three years of permit effective date. Beginning year of implementation: 2020.

**Correspondence from the United States Department of the Interior
October 10, 2017**



United States Department of the Interior



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

In Reply Refer To:
Consultation Code: 05E1NE00-2018-SLI-0109
Event Code: 05E1NE00-2018-E-00237
Project Name: Devens MS4 Compliance

October 10, 2017

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

To Whom It May Concern:

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

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

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

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the

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

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

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

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New England Ecological Services Field Office

70 Commercial Street, Suite 300

Concord, NH 03301-5094

(603) 223-2541

Project Summary

Consultation Code: 05E1NE00-2018-SLI-0109

Event Code: 05E1NE00-2018-E-00237

Project Name: Devens MS4 Compliance

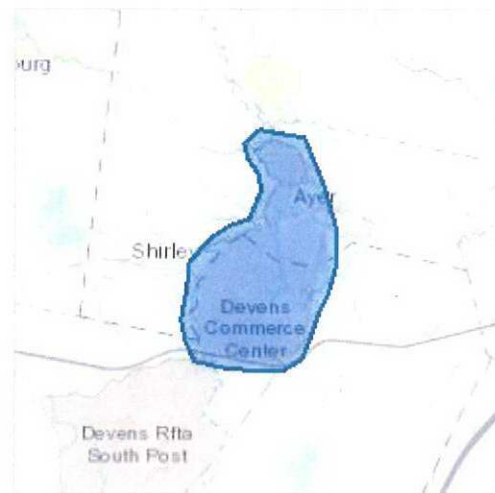
Project Type: ** OTHER **

Project Description: The purpose is to perform an Endangered Species Act review to confirm that existing stormwater discharges will have no adverse impact on any identified endangered species.

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/42.54807677161482N71.61098619641359W>



Counties: Middlesex, MA | Worcester, MA

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

Mammals

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

Flowering Plants

NAME	STATUS
Small Whorled Pogonia <i>Isotria medeoloides</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1890	Threatened

Critical habitats

There are no critical habitats within your project area under this office's jurisdiction.