

# Stormwater Management Program (SWMP)



Town of Seabrook, NH

99 Lafayette Road NH 03874

**Permit Year 1**

EPA NPDES Permit Number NHR041033

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# Certification

**Authorized Representative (Optional):** 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 or by a duly authorized representative of that person in accordance with Appendix B, Subsection 11.B. If there is an authorized representative to sign MS4 reports, there must be a signed and dated written authorization.

The authorization letter is:

Attached to this document (document name listed below)

N/A

Publicly available at the website below

N/A

"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 William M. Manzi, III

Signature



Date 6/20/2018

# Background

## Stormwater Regulation

The Stormwater Phase II Final Rule was promulgated in 1999 and was the next step after the 1987 Phase I Rule in EPA's effort to preserve, protect, and improve the Nation's water resources from polluted stormwater runoff. The Phase II program expands the Phase I program by requiring additional operators of MS4s in urbanized areas and operators of small construction sites, through the use of NPDES permits, to implement programs and practices to control polluted stormwater runoff. Phase II is intended to further reduce adverse impacts to water quality and aquatic habitat by instituting the use of controls on the unregulated sources of stormwater discharges that have the greatest likelihood of causing continued environmental degradation. Under the Phase II rule all MS4s with stormwater discharges from Census designated Urbanized Area are required to seek NPDES permit coverage for those stormwater discharges.

## Permit Program Background

On May 1, 2003, EPA Region 1 issued its Final General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (2003 small MS4 permit) consistent with the Phase II rule. The 2003 small MS4 permit covered "traditional" (i.e., cities and towns) and "non-traditional" (i.e., Federal and state agencies) MS4 Operators located in the states of Massachusetts and New Hampshire. This permit expired on May 1, 2008 but remained in effect until operators were authorized under the 2016 MS4 general permit, which became effective on July 1, 2018.

## Stormwater Management Program (SWMP)

The SWMP describes and details the activities and measures that will be implemented to meet the terms and conditions of the permit. The SWMP accurately describes 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. The main elements of the stormwater management program are (1) a public education program in order to affect public behavior causing stormwater pollution, (2) an opportunity for the public to participate and provide comments on the stormwater program (3) a program to effectively find and eliminate illicit discharges within the MS4 (4) a program to effectively control construction site stormwater discharges to the MS4 (5) a program to ensure that stormwater from development projects entering the MS4 is adequately controlled by the construction of stormwater controls, and (6) a good housekeeping program to ensure that stormwater pollution sources on municipal properties and from municipal operations are minimized.

# Small MS4 Authorization

The NOI was submitted on

The NOI can be found at the following (document name or web address):

Authorization to Discharge was granted on

The Authorization Letter can be found (document name or web address):

# Stormwater Management Program Team

## SWMP Team Coordinator

Name	William M. Manzi, III	Title	Town Manager
Department			
Phone Number	(603) 474-3252	Email	wmanzi@seabrooknh.org
Responsibilities			

## SWMP Team

Name	John Starkey	Title	DPW Director
Department	Department of Public Works		
Phone Number	603-474-9771	Email	dpw@seabrooknh.org
Responsibilities			

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Name	Christopher Raymond	Title	Design Engineer
Department	TEC, Inc. (DPW Consultant)		
Phone Number	(603)-601-8154	Email	craymond@theengineeringcorp.com
Responsibilities	Provide technical assistance to municipal SWMP team members.		

Name	Sean Maxwell	Title	Design Engineer
Department	AECOM		
Phone Number	(978)-905-3141	Email	Sean.maxwell@aecom.com
Responsibilities	Provide technical assistance to municipal SWMP team members.		

# Receiving Waters

The list of receiving waters, impairments and number of outfalls discharging to each waterbody segment has been included in the Notice of Intent.

## Eligibility: Endangered Species and Historic Properties

\*Reminder: The proper consultations and updates to the SWMP must be conducted for construction projects related to your permit compliance where Construction General Permit (CGP) coverage, which requires its own endangered species and history preservation determination, is NOT being obtained.

Attachments:

- The results of Appendix C U.S. Fish and Wildlife Service endangered species screening determination
- The results of the Appendix D historic property screening investigations
- If applicable, any documents from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), or other Tribal representative to mitigate effects

These attachments are required within one year of the permit effective date and are:

- Attached to this document (document names listed below)

Please see Appendix A

- Publicly available at the website listed below

<https://seabrooknh.info/town-departments/public-works/stormwater-program/>

Under what criterion did permittee determine eligibility for ESA?

- Criterion A     Criterion B     Criterion C

Under what criterion did permittee determine eligibility for Historic Properties?

- Criterion A     Criterion B     Criterion C     Criterion D

Below add any additional measures for structural controls that you're required to do through consultation with U.S. Fish and Wildlife Service (if applicable):

N/A

Below add any additional measures taken 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 applicable):

N/A

**MCM 1**  
Public Education and Outreach  
Permit Part 2.3.2

**BMP: Web Page**

**Document Name and/or Web Address:**

<https://seabrooknh.info/town-departments/public-works/stormwater-program/>

**Description:**

Post all stormwater related information to the town website.

**Targeted Audience:** Residents

**Responsible Department/Parties:** DPW/DPW Consultant

**Measurable Goal(s):**

Track website hits.

**Message Date(s):**

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**BMP: Brochures/Pamphlets**

**Document Name and/or Web Address:**

<https://seabrooknh.info/wp-content/uploads/brochure1.pdf>

**Description:**

Stormwater brochure, containing information about the benefits of back-yard stream cleanup will be readily available at the Seabrook Town Hall and can be downloaded on the town website.

**Targeted Audience:** Businesses, Developers, Construction Companies, Institutions, Commercial Facilities and Residents

**Responsible Department/Parties:** DPW/DPW Consultant

**Measurable Goal(s):**

Begin with the fact sheet in at least 10 different locations. Continue to expand the number of locations at which the fact sheet is available, update as needed.

**Message Date(s):**

**BMP: Displays/Posters/Kiosks**

**Document Name and/or Web Address:**

**Description:**

Place stormwater poster in Town Hall, Community Building, and Library.

**Targeted Audience**

**Responsible Department/Parties:**

**Measurable Goal(s):**

Track dates, numbers and methods of distributed materials.

**Message Date(s):**

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**BMP: Pet Waste Disposal**

**Document Name and/or Web Address:**

**BMP: TBD**

**Description:** TBD

**Targeted Audience:** Developer/Construction

**Measurable Goal(s):** TBD

**Message Date:** Fall

**Requirement Year 3**

**BMP: Pet Waste Disposal**

**Description:** TBD

**Targeted Audience:** Pet Owners

**Measurable Goal(s):** TBD

**Message Date:** TBD

**BMP: TBD**

**Description:** TBD

**Targeted Audience:** Industrial

**Measurable Goal(s):** TBD

**Message Date:** Fall

**Requirement Year 4**

**BMP: Pet Waste Disposal**

**Description:** TBD

**Targeted Audience:** Pet Owners

**Measurable Goal(s):** TBD

**Message Date:** TBD

**BMP: TBD**

**Description:** TBD

**Targeted Audience:** Developer/Construction

**Measurable Goal(s):** TBD

**Message Date:** Fall

**Requirement Year 5**

**BMP: Pet Waste Disposal**

**Description:** TBD

**Targeted Audience:** Pet Owners

**Measurable Goal(s):** TBD

**Message Date:** TBD

**BMP: TBD**

**Description:** TBD

**Targeted Audience:** Developer/Construction

**Measurable Goal(s):** TBD

**Message Date:** Fall

**MCM 2**  
Public Involvement and Participation  
Permit Part 2.3.3

**BMP: Public Review of Stormwater Management Program**

**Location of Plan and/or Web Address:**

<https://seabrooknh.info/town-departments/public-works/stormwater-program/>

**Responsible Department/Party** DPW/DPW Consultant

**Measurable Goal(s):** Stormwater Management Plan is publicly available

**BMP: Public Participation in Stormwater Management Program Development**

**Description:** Stormwater management program is publicly available.

**Responsible Department/Parties:** DPW/DPW Consultant

**Measurable Goal(s):** Annual public input provided.

# **MCM 3**

Illicit Discharge Detection and Elimination (IDDE) Program  
Permit Part 2.3.4

**BMP: IDDE Legal Authority**

See Illicit Discharge Detection and Elimination (IDDE) Plan

**BMP: Sanitary Sewer Overflow (SSO) Inventory**

See Illicit Discharge Detection and Elimination (IDDE) Plan

**BMP: Map of Storm Sewer System**

See Illicit Discharge Detection and Elimination (IDDE) Plan

**BMP: IDDE Program**

See Illicit Discharge Detection and Elimination (IDDE) Plan

**BMP: Employee Training**

See Illicit Discharge Detection and Elimination (IDDE) Plan

**MCM 4**  
Construction Site Stormwater Runoff Control  
Permit Part 2.3.5

**BMP: Sediment and Erosion Control Ordinance**

Completed (by May 1, 2008)

**Ordinances Link or Reference:**

Appendix A, Stormwater Management:  
<https://seabrooknh.info/wp-content/uploads/2019/06/Subdivision-Regulations-dated-4June2019-1.pdf>

**Department Responsible for Enforcement:**

DPW/DPW Consultant

**BMP: Site Plan Review Procedures**

Written procedures completed (by year 1)

**Document Name and/or Web**

**Address:**

Section 7, Stormwater Management: <https://seabrooknh.info/wp-content/uploads/2019/06/Subdivision-Regulations-dated-4June2019-1.pdf>

**Department Responsible for Enforcement:**

DPW/DPW Consultant

**Description:**

**Measurable Goal(s):**

Conduct site plan review of 100% of projects according to the procedures outlined above.

**BMP: Site Inspections and Enforcement of Sediment and Erosion Control Measures Procedures**

Completed (by year 1)

**Document Name and/or Web**

**Address:**

Appendix A, Stormwater Management:  
[https://seabrooknh.info/wp-content/uploads/2019/06/Subdivision-Regulations-dated-](https://seabrooknh.info/wp-content/uploads/2019/06/Subdivision-Regulations-dated-4June2019-1.pdf)

**Department Responsible for Enforcement:**

DPW/DPW Consultant

**Description:**

**Measurable Goal(s):**

Inspect 100% of construction sites as outlined in the above document and take enforcement actions as needed.

# **MCM 5**

## **Post Construction Stormwater Management in New Development and Redevelopment Permit Part 2.3.6**

**BMP: Post-Construction Ordinance**

Completed (by year 2)

Town Ordinances Link or Reference:

Department Responsible for Enforcement:

**BMP: Street Design and Parking Lot Guidelines Report**

Completed (by year 4)

Document Name and/or Web Address:

Department Responsible for Enforcement:

Description:

Measurable Goal(s):

Recommendations are implemented by year 4 with progress reported annually.

**BMP: Green Infrastructure Report**

Completed (by year 4)

Document Name and/or Web Address:

Department Responsible for Enforcement:

Description:

Measurable Goal(s):

Recommendations are implemented by year 4 with progress reported annually.

**BMP: List of Municipal Retrofit Opportunities**

Completed (by year 4)

Document Name and/or Web Address:

Department Responsible for Enforcement:

Description:

Measurable Goal(s):

The list is completed by year 4 and updated as needed.

# **MCM 6**

Good Housekeeping and Pollution Prevention for Permittee Owned  
Operations  
Permit Part 2.3.7

## PERMITTEE OWNED FACILITIES

### BMP: Parks and Open Spaces Operations and Maintenance Procedures

Written Document Completed (by year 2)

Document Name and/or Web Address:

Responsible Department/Parties:

**Description:**

Establish procedures to address the proper use, storage, and disposal of pesticides, herbicides, and fertilizers (PHF) including minimizing the use of these products in accordance with Section 2.3.7.1.a of the MS4 permit.

**Measurable Goal(s):**

Implement the SOP on 100% of the parks and open spaces.

### BMP: Buildings and Facilities Operations and Maintenance Procedures

Written Document Completed (by year 2)

Document Name and/or Web Address:

Responsible Department/Parties:

**Description:**

Evaluate the use, storage, and disposal of petroleum products and other potential stormwater pollutants. Provide employee training as necessary, ensure that Spill Prevention Plans are in place. Develop management procedures for dumpsters and other waste management equipment. Sweep lots and areas surrounding the facilities clean to reduce runoff of pollutants in accordance with Section 2.3.7.1 b. of the MS4 permit.

**Measurable Goal(s):**

Implement the SOP on 100% of buildings and facilities.

### BMP: Vehicles and Equipment Operations and Maintenance Procedures

Written Document Completed (by year 2)

Document Name and/or Web Address:

Responsible Department/Parties:

**Description:**

Establish procedures for the storage of permittee vehicles. Vehicles with fluid leaks shall be stored indoors or containment shall be provided. Evaluate fueling areas owned by the permittee or used by permittee vehicles. Establish procedures to ensure that vehicle wash waters are not discharged to municipal stormdrains or surface waters.

**Measurable Goal(s):**

Implement the SOP on 100% of vehicles and equipment.

# INFRASTRUCTURE

## BMP: Catch Basin Cleaning Program

Written Document Completed (by year 1)

Document Name and/or Web Address:

Responsible Department/Parties:

### **Description:**

The Public Works Department performs routine inspections, cleaning, and maintenance of the catch basins that are located within the MS4 regulated area. The Town of Seabrook will implement the following catch basin inspection and cleaning procedures to reduce the discharge of pollutants from the MS4.

- Routine inspection and cleaning of catch basins. Catch basins should be cleaned such that they are no more than 50 percent full at any time. The Town of Seabrook will initially inspect all catch basins within the regulated area within two (2) years of the effective date of the permit to evaluate sediment or debris accumulation and establish optimal inspection and maintenance frequencies to meet the “50 percent” goal.
- If a catch basin sump is more than 50 percent full during two consecutive routine inspections or cleaning events, the finding will be documented, the contributing drainage area will be investigated for sources of excessive sediment loading, and to the extent practicable, contributing sources will be addressed. If no contributing sources are found, the inspection and cleaning frequency will be increased.
- Catch basins located near construction activities (roadway construction, residential, commercial, or industrial development or redevelopment) will be inspected and cleaned more frequently if inspection and maintenance activities indicate excessive sediment or debris loadings (i.e., catch basins more than 50 percent full). Priority will also be given to catch basins that discharge to impaired waters.
- The following information will be included in each annual report:
  - Any action taken in response to excessive sediment or debris loadings
  - Total number of catch basins
  - Number of catch basins inspected
  - Number of catch basins cleaned
  - Total volume or mass of material removed from catch basins.

### **Measurable Goal(s):**

All catch basins are cleaned in accordance to the document above such that no catch basin is more than 50% full at any given time.

**BMP: Street Sweeping Program**

**Written Document Completed** (by year 1)

**Document Name and/or Web Address:**

See description below.

**Responsible Department/Parties:**

DPW/DPW Consultant

**Description:**

The Town of Seabrook will implement the following street and parking lot sweeping procedures to reduce the discharge of pollutants from the MS4:

- All streets with the exception of rural uncurbed roads with no catch basins or high-speed limited access highways will be swept and/or cleaned a minimum of once per year in the spring (following winter activities such as sanding).
- More frequent sweeping will be considered for targeted areas based on pollutant load reduction potential, inspections, pollutant loads, catch basin cleaning or inspection results, land use, impaired waters, or other factors.
- More frequent sweeping is required for municipally-owned streets and parking lots in areas that discharge to certain nutrient-impaired waters. Sweeping must be performed in these areas 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)
- For rural uncurbed roadways with no catch basins and limited access highways, the Town of Seabrook will either meet the minimum frequencies above, or develop and implement an inspection, documentation, and targeted sweeping plan outlining reduced frequencies within two (2) year of the effective date of the permit and submit such plan with its year one annual report.
- The following information will be included in each annual report:
  - o Number of miles cleaned, or the volume or mass of material removed

**Measurable Goal(s):**

Annually sweep 100% of all streets and municipal parking lots in accordance with the schedule listed above.

**BMP: Winter Road Maintenance Program**

**Written Document Completed** (by year 1)

**Document Name and/or Web Address:**

See description below.

**Responsible Department/Parties:**

DPW/DPW Consultant

**Description:**

The Town of Seabrook will implement the following winter maintenance procedures to reduce the discharge of pollutants from the MS4:

- Minimize the use and optimize the application of sodium chloride and other salt (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. Maintain records of the application of sand, anti-icing and/or de-icing chemicals to document the reduction of chemicals to meet established goals.

- 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
- Provide training for municipal employees on winter roadway maintenance procedures.

**Measurable Goal(s):** Evaluate at least one salt/chloride alternative for use in the municipality.

**BMP: Stormwater Treatment Structures Inspection and Maintenance Procedures**

**Written Document Completed** (by year 1)

**Document Name and/or Web Address:**

**Responsible Department/Parties:**

**Description:** N/A. Currently there are no town owned structural BMPs.

**Measurable Goal(s):** N/A

**BMP: SWPPP**

**Written Document Completed** (by year 2)

**Document Name and/or Web Address:**

**Responsible Department/Parties:**

**Description:** Develop and implement a SWPPP for all municipally owned or operated facilities in accordance with Section 2.3.7.2 of the MS4 permit.

**Measurable Goal(s):** Develop and implement SWPPP's for 100% of municipally owned facilities.

# Annual Evaluation

## Year 1 Annual Report

Document Name and/or Web Address:

## Year 2 Annual Report

Document Name and/or Web Address:

## Year 3 Annual Report

Document Name and/or Web Address:

## Year 4 Annual Report

Document Name and/or Web Address:

## Year 5 Annual Report

Document Name and/or Web Address:

## Year X Annual Report

Document Name and/or Web Address:

# **TMDLs and Water Quality Limited Waters**

# Bacteria/Pathogens

## Combination of Impaired Waters Requirements and TMDL Requirements as Applicable

Applicable Receiving Waterbody(ies) as listed in Appendix F of the MS4 permit and provided in the most recent approved list of impaired waterbodies.	TMDL Name (if applicable)
Hampton Harbor Seg. 04-03	Fecal Coliform
Hampton Harbor Seg. 09-01	Fecal Coliform
Mill Creek	Enterococcus
Blackwater River	Enterococcus
Seabrook Harbor Beach	Enterococcus
Atlantic Ocean - Seabrook Town Beach	Enterococcus
Cains Brook - Noyes Pond	E Coli
Cains Brook 04-10	E. Coli
Cains Brook 04-12	E. Coli
Unnamed Brook to Cains Mill Pond	E Coli
Hunts Island Creek, P/Uc, 15.99, AC	Fecal Coliform
Blackwater River 1,R,69.47, AC	Enterococcus
Blackwater River 2,R 71.07, AC	Enterococcus

### Annual Requirements Beginning Year 1

Rank outfalls to these receiving waters as high priority for IDDE implementation in the initial outfall ranking (see IDDE Plan for ranking)

Annual message encouraging the proper management of pet waste, including noting any existing ordinances where appropriate as outlined in this SWMP

# Solids, Oil and Grease (Hydrocarbons), or Metals Impairments

Applicable Receiving Waterbody(ies)	TMDL/Impairment Name (if applicable)
Folly Mill Brook	Iron, Mercury
Secord Pond Dam	Mercury

## Annual Requirements Beginning Year 1

Rank outfalls to these receiving waters as high priority for IDDE implementation in the initial outfall ranking (See IDDE Plan for ranking).

Increase street sweeping frequency of all municipal owned streets and parking lots to a schedule to target areas with potential for high pollutant loads as prescribed by this SWMP.

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 as prescribed by this SWMP.

## Requirements Due by Year 2

Stormwater management systems designed on commercial and industrial land use area draining to the water quality limited water body 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.

# Chloride Impairment

<b>Applicable Receiving Waterbody(ies)</b>	<b>TMDL/Impairment Name (if applicable)</b>
Cains Brook - Noyes	N/A

## Annual Requirements Beginning Year 1

Rank outfalls to these receiving waters as high priority for IDDE implementation in the initial outfall ranking (See IDDE Plan for ranking).

## Requirements Due by Year 3

Develop a Salt Reduction Plan.

## Requirements Due by Year 4

Continue implementation of the Salt Reduction Plan.

## Requirements Due by Year 5

Fully implement the Salt Reduction Plan.

**Appendix A**  
results of Appendix C U.S. Fish and Wildlife Service endangered  
species screening determination

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# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

New England Field Office  
70 Commercial St, Suite 300  
Concord, NH 03301-5087  
<http://www.fws.gov/newengland>

September 24, 2018

To whom it may concern:

The U.S. Fish and Wildlife Service (USFWS) reviewed the stormwater discharge activities associated with the 2017 National Pollutant Discharge and Elimination System (NPDES) New Hampshire (NH) Small Municipal Separate Storm Sewer System (MS4) general permit (2017 NH Small MS4 General Permit) issued by the Environmental Protection Agency (EPA). We determined those activities may affect, but are not likely to adversely affect, certain species listed under the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) when specific conditions are met. When these conditions are met, we do not need to review individual projects. These comments are provided in accordance with section 7 of the ESA and complement existing 2017 NH Small MS4 General Permit Appendix C Guidance. We understand the applicant is acting as a non-Federal representative of the EPA for the purpose of consultation under section 7. **This letter provides additional guidance for meeting Criterion B and should be submitted as part of your application package to the EPA.**

If the USFWS Information for Planning and Consultation website (<https://ecos.fws.gov/ipac/>) indicates your 2017 NH Small MS4 General Permit project action area may contain one or more of the following federally listed endangered species: roseate tern (*Sterna dougallii*), dwarf wedgemussel (*Alasmidonta heterodon*), Karner blue butterfly (*Lycaeides melissa samuelis*), northeastern bulrush (*Scirpus ancistrochaetus*), or Jesup's milk-vetch (*Astragalus robbinsii* var. *jesupi*); threatened species: Canada lynx (*Lynx Canadensis*), piping plover (*Charadrius melodus*), or red knot (*Calidris canutus rufa*); or their federally designated critical habitat; and the specific conditions listed below are met, you may submit this letter to complete the **2017 NH Small MS4 General Permit Appendix C: Step 4** in place of a concurrence letter for informal consultation as documentation of ESA eligibility for **USFWS Criterion B**.

In addition, this letter also satisfies the requirement in the **2017 NH Small MS4 General Permit Appendix C: Step 2 (3)** to contact the USFWS and obtain a concurrence letter, if you have not yet done so. If your project action area includes one or more of the above-listed species *and* one or more of the species listed under **Criterion C**,<sup>1</sup> you may still use this letter to certify under

<sup>1</sup> Criterion C includes guidance for project action areas that may contain species for which EPA has already made a determination. These species include the northern long-eared bat (*Myotis septentrionalis*) and small whorled pogonia (*Isotria medeoloides*) (2017 NH Small MS4 General Permit Appendix C: Step 3 – Determine if You Can Meet Eligibility USFWS Criterion C).

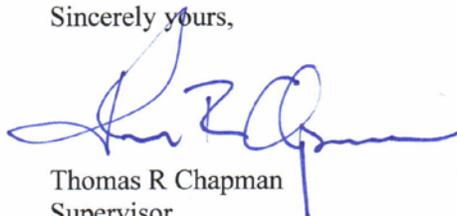
**Criterion B.** All existing guidance regarding requirements for certifying eligibility according to the USFWS Criterion A, B, or C for coverage by the 2017 NH Small MS4 General Permit (see 2017 NH Small MS4 General Permit Appendix C – Endangered Species Guidance) remains unchanged.

We have determined that proposed stormwater discharge activities covered under the 2017 NH Small MS4 General Permit *may affect, but are not likely to adversely affect*, the above-listed species and the species' critical habitat when the following are true:

1. all stormwater discharges are pre-existing or previously permitted by EPA;
2. any planned operations and maintenance work covered by this permit will only affect previously disturbed areas where stormwater controls are already installed. In these situations the chance of encountering any of the subject species is discountable;
3. the project implements EPA MS4 Best Management Practices (BMPs) and meets Clean Water Act and New Hampshire Water Quality Standards. Although permitted discharges may reach the environment used by these species, BMPs reduce pollutants to the extent that discharges are not known to have measurable impacts on these species or their habitat;
4. no new construction or structural BMPs are proposed under this permit at this time; and
5. you agree that if, during the course of the permit term, you plan to install a structural BMP not identified in the Notice of Intent (NOI), you will re-initiate consultation with the USFWS as necessary (see **2017 NH Small MS4 General Permit Appendix C: Step 2 (5)**).

If the above criteria are met, further consultation with the USFWS under section 7 of the ESA is not required at this time; however, if the proposed action changes in any way such that it may affect a listed species in a manner not previously analyzed or if new information reveals the presence of additional listed species that may be affected by the project, the applicant or the EPA should contact us immediately and suspend activities that may affect those species until the appropriate level of consultation is completed with our office. Thank you for your cooperation, and please contact David Simmons of this office at (603) 227-6425 if you have questions or need further assistance.

Sincerely yours,



Thomas R Chapman  
Supervisor  
New England Field Office