

Stormwater Management Program

City of New Bedford,
Massachusetts



**MS4 General Permit
Compliance**

**EPA NPDES Permit
Number MAR041140**

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**CDM
Smith**

Table of Contents

Contents

Certification	1
Introduction	3
Background.....	3
Minimum Control Measures	4
Stormwater Management Program Team	4
Receiving Waters.....	8
Endangered Species and Historic Properties Eligibility.....	9
Minimum Control Measures	10
MCM 1 – Public Education and Outreach.....	10
MCM 2 – Public Involvement and Participation.....	15
MCM 3 – Illicit Discharge Detection and Elimination (IDDE) Program	17
MCM 4 – Construction Site Stormwater Runoff Control.....	22
MCM 5 – Post Construction Stormwater Management in New Development and Redevelopment	24
MCM 6 – Good Housekeeping and Pollution Prevention for Permittee Owned Operations.....	27
TMDLs and Water Quality Limited Waters	31
Bacteria/Pathogens Impairment.....	31
Nitrogen Impairment.....	32
Solids/Oils/Grease (Hydrocarbons)/Metals Impairment.....	33
Tables	
Table 1: Receiving Waters within the City of New Bedford.....	8
Table 2: TMDLs for Receiving Waterbodies Impaired by Bacteria.....	31
Table 3: TMDLs for Receiving Waterbodies Impaired by Nitrogen.....	32
Table 4: TMDLs for Receiving Waterbodies Impaired by Solids, Oils, and Grease (Hydrocarbons) or Metals	33
Figures	
Figure 1: Automatically Designated MS4 Areas in New Bedford MA	7
Appendices	
Appendix A Authorized Representative Letter	
Appendix B Notice of Intent and Authorization to Discharge	
Appendix C Special Eligibility Determination Letters	
Appendix D Document Locations/File Paths	
Appendix E SWMP Components (Bound Separately)	
Appendix F Annual Evaluations	



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Certification

Authorized Representative: Reports, including Stormwater Pollution Prevention Plans (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 of the 2016 MS4 General Permit or by a duly authorized representative of that person in accordance with Appendix B, Subsection 11.B of the 2016 MS4 General Permit. If there is an authorized representative to sign Municipal Separate Storm Sewer System (MS4) reports, there must be a signed and dated written authorization. A signed letter of authorization is attached to this Stormwater Management Program as **Appendix 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: Jamie Ponte

Signature: _____ Date: _____

Revisions

Printed Name: _____

Signature: _____ Date: _____

Printed Name: _____

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Introduction

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 the Environmental Protection Agency's (EPA) 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. The EPA finalized modifications to the 2016 MA MS4 General Permit on December 7, 2020 that became effective on January 6, 2021. The 2016 MS4 MA General Permit expired on June 30, 2022 but remains in effect as of the date of this document.

Stormwater Management Program (SWMP)

The SWMP describes and details the activities and measures that are implemented by the City of New Bedford (City or permittee) to meet the terms, conditions and/or intent of the 2016 MS4 General Permit (herein referred to as the "permit"). The SWMP 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 SWMP are divided into six minimum control measures which can generally be summarized as:

- (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 majority of the City of New Bedford lies within automatically designated MS4 areas as defined by populations in the 2010 Census. **Figure 1** illustrates the regulated area. A Notice of Intent (NOI) was submitted on September 27, 2018 and Authorization to Discharge was granted on March 5, 2019. Both documents are included in **Appendix B**.

Minimum Control Measures

Per Section 2 of the 2016 MS4 General Permit, traditional MS4s must implement a SWMP that includes the following six (6) minimum control measures (MCMs).

- MCM 1: Public Education and Outreach
- MCM 2: Public Involvement/Participation
- MCM 3: Illicit Discharge Detection and Elimination (IDDE)
- MCM 4: Construction Site Stormwater Runoff Control
- MCM 5: Post-Construction Stormwater Management
- MCM 6: Pollution Prevention/Good Housekeeping

As required by the 2016 MS4 General Permit, there are specific actions that must be undertaken to reduce stormwater pollution. These actions are called Best Management Practices (BMPs). The following plan outlines these BMPs, the measurable goal for each BMP, the deadline for development and implementation of BMPs, and the responsible party for implementing the BMP. Each of these measures is detailed in the next section of this SWMP.

The Permit Year (PY) corresponds to each regulatory year starting on July 1, 2018.

Stormwater Management Program Team

The Department of Public Infrastructure (DPI) is the primary Department within the City of New Bedford (City) that implements of the City's MS4 program. Additional City Departments also provide support with the various MCMs and comply with standard operating procedures (SOPs) that are developed under this program. To coordinate various planning activities associated with the permit, an MS4 team has been established to support interdepartmental coordination and communication. The following summarizes the City of New Bedford's Stormwater Management Team:

SWMP Team Coordinator

Name: Jamie Ponte **Title:** Commissioner of DPI
Department: Department of Public Infrastructure
Phone Number: 508-979-1556 **Email:** jamie.ponte@newbedford-ma.gov

DPI SWMP Team

Name: Justin Chicca **Title:** Deputy Commissioner of DPI
Department: Department of Public Infrastructure
Phone Number: 508-979-1556 **Email:** Justin.chicca@newbedford-ma.gov
Responsibilities: Implementing BMPs

Name: Shawn Syde **Title:** City Engineer
Department: Department of Public Infrastructure
Phone Number: 508-979-1556 **Email:** shawn.syde@newbedford-ma.gov
Responsibilities: Implementing BMPs

Name: James Costa **Title:** Superintendent of Wastewater
Department: Department of Public Infrastructure
Phone Number: 508-979-1556 **Email:** jcosta@newbedford-ma.gov
Responsibilities: Implementing BMPs

Name: Stephanie Crampton **Title:** Assistant City Engineer
Department: Department of Public Infrastructure
Phone Number: 508-979-1556 **Email:** stephanie.crampton@newbedford-ma.gov
Responsibilities: Implementing BMPs

Name: Dennis Souza **Title:** Supervising Civil Engineer
Department: Department of Public Infrastructure
Phone Number: 508-979-1556 **Email:** dennis.souza@newbedford-ma.gov
Responsibilities: Implementing BMPs

Name: David Nieves **Title:** Assistant Wastewater Superintendent
Department: Department of Public Infrastructure
Phone Number: 508-979-1556 **Email:** David.nieves@newbedford-ma.gov
Responsibilities: Implementing BMPs

Name: Laura Breig **Title:** IPP Engineer
Department: Department of Public Infrastructure
Phone Number: 508-979-1556 **Email:** laura.breig@newbedford-ma.gov
Responsibilities: Implementing BMPs

Inter-Departmental SWMP Team Members

Name: Jennifer Carloni **Title:** Director of City Planning
Department: Planning Department
Phone Number: 508-979-1488 **Email:** jennifer.carloni@newbedford-ma.gov
Responsibilities: Implementing BMPs

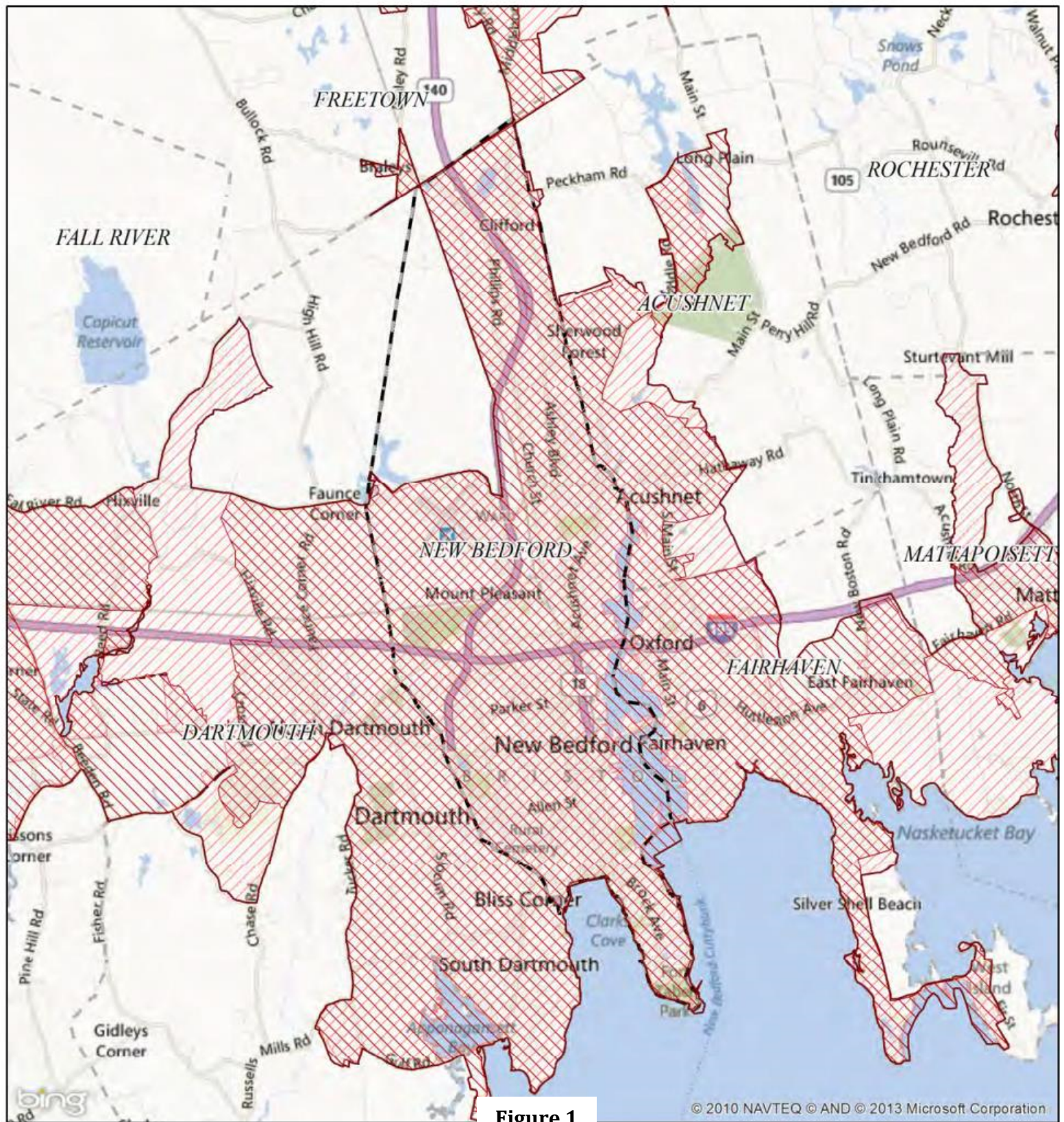


Figure 1



NPDES Phase II Stormwater Program Automatically Designated MS4 Areas

New Bedford MA

Regulated Area:

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



Town Population: **95072**
Regulated Population: **94933**

(Populations estimated from 2010 Census)



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

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

Receiving Waters

Table 1 below has been revised to reflect the findings as reported in the City's PY 1 through PY 4 Annual MS4 General Compliance Reports (Annual Report) and updated from the Commonwealth's 2016 to the Commonwealth's 2018/2020 Final 303d List of Integrated Waters (locations outlined in the TMDLs and Water Quality Limited Waters section of the SWMP are those listed as "approved" in the Commonwealth's 2014 Final 303d List of Integrated Waters). The table summarizes the City's receiving waters and number of tributary outfalls to each as well as the impairment.

Table 1: Receiving Waters within the City of New Bedford

Waterbody segment that receives flow from MS4	# Outfalls/ Interconnections	Dissolved Oxygen/ DO Saturation	Nitrogen	Oil & Grease/ PAH	Other pollutants causing impairments
Acushnet River (MA95-33)	37	X	X	X	(Debris/Trash), Color, Enterococcus, Fecal Coliform, Metals, Nutrient/Eutrophication Biological Indicators, Odor, Polychlorinated biphenyls (PCBs)
Buttonwood Brook (MA95-13)	16				Enterococcus, Escherichia Coli (E.Coli), Fecal Coliform
Clarks Cove (MA95-38)	21				Enterococcus, Fecal Coliform, PCBs in Fish Tissue
New Bedford Inner Harbor (MA95-42)	145	X	X	X	(Debris/Trash), Enterococcus, Fecal Coliform, Metals, Nutrient/Eutrophication Biological Indicators, Odor, PCBs in Fish Tissue, Polychlorinated Biphenyls (PCBs)
Outer New Bedford Harbor (MA95-63)	32	X	X		Enterococcus, Fecal Coliform, Metals, Other Organics, PCBs in Fish Tissue
Buttonwood Park Pond (MA95020)	1				N/A
Sassaquin Pond (MA62232)	11				Algae, Fecal Coliform, Harmful Algal Blooms, Odor
Copper Brook	7				N/A
Nash Pond	3				N/A
Brooklawn Brook	2				Enterococcus, Escherichia Coli, Fecal Coliform
Paskamanset River (MA95-11)	21				Combined Biota/Habitat Bioassessments, Enterococcus, Escherichia Coli (E. Coli)
Acushnet Cedar Swamp	33				N/A
Deep Brook	2				N/A
Wetlands/Open Space	27				N/A
Turner's Pond (MA95151)	0				Mercury in Fish Tissue
Total Number of Outfalls	358				

Endangered Species and Historic Properties Eligibility

The results of Endangered Species and Historic Properties Eligibility assessment were required within one year of the permit effective date and are attached to this document as **Appendix C**. Eligibility for Endangered Species is determined under Criterion B. Eligibility for Historic Properties is determined under Criterion A.

During the duration of the permit term, if a structural BMP is planned and not identified in the Notice of Intent, consultation with the Endangered Species and Historic Properties Eligibility assessment will be re-initiated as necessary.

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Minimum Control Measures

MCM 1 – Public Education and Outreach

Permit Part 2.3.2

Objective

The objective of MCM 1 – Public Education and Outreach included in Part 2.3.2 of the Permit is to 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 the behavior of the public so that the pollutants in stormwater are reduced.

The following summarizes the BMPs to address compliance with MCM 1.

BMP 1-1: Nitrogen Pamphlet

Description

Nitrogen message - proper disposal of grass clippings and proper use of slow-release fertilizers. Nitrogen lawn management pamphlets are displayed and available for public distribution at the Department of Public Infrastructure (DPI) office billing window throughout the year. Messages are also posted to the City's social media accounts, distributed at public events and available on the City's stormwater website. Catchment areas impaired by nitrogen are targeted during the months of March and April.

Targeted Audience

Businesses/Commercial/Institutional & Residential

Responsible Department/Parties

DPI

Measurable Goal(s)

The quantity of pamphlets distributed at the DPI office, the number of events and attendees at City community events, and the number of views, shares and/or impressions on social media accounts are recorded. These quantities are monitored and assessed for effectiveness and will be re-evaluated as needed.

Message Date(s)

Annually in the spring (March/April) and available at the City's stormwater website.

BMP 1-2: Bacterial/Nitrogen Brochures/Pamphlets

Description

Bacteria/Nitrogen message – pooper scooper ordinance/dog license message. Pamphlets are distributed to dog owners at the time of issuance or renewal of a dog license, annually over the permit term. The message is presented at schools during the school year. The message is also

posted to the City's social media accounts, distributed at public events and available on the City's stormwater website.

Targeted Audience

Residential

Responsible Department/Parties

DPI

Measurable Goal(s)

The quantity of pamphlets distributed at City offices, sent in dog license renewal mailers, the number of events and attendees at events, and the number of views, shares and/or impressions on social media accounts are recorded. These quantities are monitored and assessed for effectiveness and will be re-evaluated as needed.

Message Date(s)

Continuously available at City offices throughout the year and attached to new dog licenses at time of issuance. Pamphlets are also included in dog license renewal mailers in the month of December.

BMP 1-3: Leaf Litter Brochures/Pamphlets

Description

Proper disposal of leaf litter pamphlets are displayed and available for public distribution at the DPI office billing window. The message is also posted to the City's social media accounts, distributed at public events and available on the City's stormwater website. Catchment areas impaired by nitrogen are targeted during the months of August, September, and October.

Targeted Audience

Businesses/Commercial/Institutional & Residential

Responsible Department/Party

DPI and Department of Facilities and Fleet Management (DFFM)

Measurable Goal(s)

The quantity of pamphlets distributed at City offices and the number of views, shares and/or impressions on social media accounts are recorded. These quantities are monitored and assessed for effectiveness and will be re-evaluated as needed.

Message Date(s)

Annually in the fall (August/September/October)

BMP 1-4 : Dumpster Management Brochures/Pamphlets

Description

A guide to proper dumpster management pamphlet is distributed to businesses, commercial properties, and institutions.

Targeted Audience

Businesses/Commercial/Institutional

Responsible Department/Parties

DPI

Measurable Goal(s)

Pamphlets are distributed to the target audience over the permit term during Fats, Oils and Grease (FOG)/Industrial Pretreatment Program (IPP) inspection. Businesses, commercial properties, and institutions that do not have FOG/IPP inspections receive the message in mailers that are distributed by DPI. The pamphlet is also available at the Board of Health (BOH) office .

Message Date(s)

Over the permit term for businesses, commercial properties, and institutions, and during annual FOG/IPP inspections.

BMP 1-5: Rain Barrel Program

Description

The Great American Rain Barrel Program is available for those residents, businesses and institutions interested.

Targeted Audience

Residential & Business/Commercial/Institutional

Responsible Department/Parties

DPI

Measurable Goal(s)

Total number of rain barrels purchased is recorded in the Annual Report.

Message Date(s)

Annually during the spring

BMP 1-6: Proper Disposal Brochures/Pamphlets

Description

Informational brochures on the proper disposal of pool water, car washing, dog washing and sump pumps are displayed and available for public distribution at the DPI office billing window throughout the year. The message is also posted to the City's social media accounts, distributed at public events and available on the City's stormwater website. In addition, door hangers are

placed at residential properties in isolated areas in response to violations and/or resident complaints.

Targeted Audience

Residential

Responsible Department/Parties

DPI

Measurable Goal(s)

The quantity of pamphlets distributed at the DPI office, number of doorhangers distributed, the number of events and attendees at events, and the number of views, shares and/or impressions on social media accounts are recorded in the Annual Report. These quantities are monitored and assessed for effectiveness and will be re-evaluated as needed.

Message Date(s)

Over the permit term during the summer months and is available continuously throughout the year at the City's stormwater website.

BMP 1-7: Hazardous Waste Disposal Day Brochures/Pamphlets

Description

Informational brochures encouraging residents and industries to participate in hazardous waste disposal days are posted to DFFM's web page on the City's website. The events are also advertised on City social media accounts.

Targeted Audience

Residents and Business/Commercial/Institutional

Responsible Department/Parties

DFFM and DPI

Measurable Goal(s)

Disposal days occur in April, May, September, and October. The total amount of debris received is documented in the Annual Report.

Message Date(s)

April, May, September, and October

BMP 1-8: City Construction Standards Brochures/Pamphlets

Description

A bonded contractor meeting on the City's Construction Standards and Specifications Manual (City Standards) is held by DPI annually. General revisions to the document and stormwater best management practices including sediment and erosion controls are presented at the meeting.

Targeted Audience

Developers/Contractors

Responsible Department/Parties

DPI

Measurable Goal(s)

Total number of attendees at the meeting and the total number of contractors with active bonds for work in the City are documented in the Annual Report.

Message Date(s)

Annually in the spring

BMP 1-9: Parking Lot Care and Maintenance Brochures/Pamphlets

Description

Care and proper maintenance of parking lots pamphlets are mailed to businesses, commercial properties, and institutions.

Targeted Audience

Business/Commercial/Institutional

Responsible Department/Parties

DPI

Measurable Goal(s)

The quantity of pamphlets distributed is recorded in the Annual Report. These quantities are monitored and assessed for effectiveness and will be re-evaluated as needed.

Message Date(s)

Winter months over permit term

MCM 2 – Public Involvement and Participation

Permit Part 2.3.3

Objective

The objective of MCM 2 – Public Involvement and Participation provides the City opportunities to engage the public to participate in the review and implementation of the SWMP.

The following summarizes the BMPs proposed to address compliance with MCM 2.

BMP 2-1: Public Review of the Stormwater Management Program

Description

The Stormwater Management Program (SWMP) is publicly available on the City's stormwater website or at the DPI office. Comments are solicited annually. Notification of SWMP updates, meetings to discuss changes and reviews that the public may attend are posted in accordance with state public notice requirements (MGL Chapter 30A, Sections 18-25). Public comments may also be posted at stormwater@newbedford-ma.gov.

Responsible Department/Parties

DPI

Measurable Goal(s)

Solicit and incorporate feedback of the SWMP from the public annually. The number and type of comments received about the SWMP are documented in the Annual Report.

BMP 2-2: Public Participation in Stormwater Management Program Development

Description

The DPI attends various City events (Party for the Planet, school presentations, Home Shows, Farmers Markets, etc.) throughout the year where informational brochures (see above under MCM-1) and employees of the DPI are available to discuss various aspects of the City's SWMP with the public.

Responsible Department/Parties

DPI

Measurable Goal(s)

The number of attendees at the various events, meetings, or functions that the SWMP or aspects of the SWMP that are discussed/presented are documented in the Annual Report.

BMP 2-3: Household Hazardous Waste Collection

Description

Hold household hazardous waste collection days are advertised and held by DFFM.

Responsible Department/Parties

DPI and DFFM

Measurable Goal(s)

Disposal days occur in April, May, September, and October. The total amount of debris received is documented in the Annual Report.

BMP 2-4: School Outreach Programs

Description

Presentations and demonstrations about various aspects of clean water initiatives including those outlined in MCM 1 are held at schools.

Responsible Department/Parties

DPI

Measurable Goal(s)

Continuous throughout the year at schools and summer programs. The total number of students that attended the presentations are recorded in the Annual Report.

MCM 3 – Illicit Discharge Detection and Elimination (IDDE) Program

Permit Part 2.3.4

Objective

Implement a formal and prioritized IDDE program in accordance with SOPs and BMPs to systematically find and eliminate illicit sources of non-stormwater discharges to the City's MS4 and implement procedures to prevent such discharges.

The following summarizes the BMPs proposed to address compliance with MCM 3.

BMP 3-1: IDDE Legal Authority

Status of Program

Completed (May 1, 2008). Chapter 16 of the City's Code of Ordinance provides the legal framework for the IDDE program.

Description

Illicit connection investigations are conducted and documented in accordance with the IDDE program. Additionally, new sewer and drain service connections require permits and are inspected by DPI to ensure connectivity into the appropriate sanitary sewer or drain system.

Department Responsible for Enforcement

DPI

Measurable Goal(s)

IDDE investigation results and removals are recorded in the Annual Report. New sewer service inspections are recorded in the City's work order management software (Lucity) and record plans are maintained in the City's GIS database.

BMP 3-2: Sanitary Sewer Overflow (SSO) Inventory

Status of Program

A five-year SSO inventory is maintained by DPI.

Description

A record of known locations where SSOs have been discharged to the MS4 within the previous five years is maintained and updated annually.

Department Responsible for Enforcement

DPI

Measurable Goal(s)

The total number of SSOs that occur annually and the five-year SSO inventory is recorded in the Annual Report.

SSO Reporting

In the event of an overflow or bypass, a notification must be reported within 24 hours by phone to MassDEP, EPA, and other relevant parties per the City's Overflow Emergency Response Plan. Follow up the verbal notification with a written report following MassDEP's Sanitary Sewer Overflow/Bypass notification form within 5 calendar days of the time of becoming aware of the overflow, bypass, or backup. Documentation per the City's CMOM program is also completed. Known SSO events are monitored in the City's Geographical Information System (GIS) database and Lucity.

Contacts for the MassDEP and EPA are as follows:

MassDEP contacts:

Southeast Region (508) 946-2750
20 Riverside Drive
Lakeville, MA 02347

EPA contacts:

EPA New England (617) 918-1510
5 Post Office Square
Boston, MA 02109

BMP 3-3: Map of Storm Sewer System

Status of Program

This BMP is divided into two phases as described below under Measurable Goals. The following summarizes the status of each Phase.

Phase I - The City of New Bedford has completed the following updates to its stormwater mapping to meet the Phase I requirements:

- Completed mapping of outfalls and receiving waters.
- Mapped stormwater pipes, manholes, and catch basins (continuous updates).
- Mapped sanitary and combined sewer systems.
- Catch basins have been classified as tributary to the stormwater or combined system.

Phase II – Complete by PY 10. The City of New Bedford has completed the following updates to its stormwater mapping to meet the Phase II requirements:

- Completed mapping of outfalls and receiving waters.
- Mapped stormwater pipes, manholes, and catch basins (updates continue).
- Mapped sanitary and combined sewer systems.
- Catch basins have been classified as tributary to the stormwater system or combined system.

Description

A map representing the City's MS4 system and outfalls was developed from existing paper maps, field investigations, and record drawings in the City's GIS database. The map is continuously updated.

Department Responsible for Enforcement

DPI

Measurable Goals

Outfalls and receiving waters, open channel conveyances, interconnections with other MS4s and other storm sewer systems, municipally owned stormwater treatment structures, water bodies identified by name and indication of use impairments, and initial catchment delineations were mapped in the City's GIS database. Outfall spatial locations, pipes, manholes, catch basins, refined catchment delineations, municipal sanitary sewer system, and municipal combined sewer system will be mapped within 10 years of the permit's effective date.

BMP 3-4: IDDE Program*Status of Program*

The written IDDE program was completed in PY 1 (2018-2019) with accompanying SOP I-805 "Illicit Discharge and Elimination". Implementation of the program has led to the identification of 27 illicit connections, of which the City has removed 14 or approximately 49,270 gallons per day at a cost of \$127,000.00. The City continues implementation of the program. The remaining 13 illicit connections are in the process of being removed or redirected back into the City's wastewater collection system at downstream combined sewer overflow (CSO) regulators.

Description

A prioritized IDDE program is implemented and enforced across the City where required.

Department Responsible for Enforcement

DPI

Measurable Goals

The total number of illicit connections found and the PY goals outlined in the MS4 permit are recorded in the Annual Report.

Outfall Inventory, Ranking and Dry Weather Sampling Results

The City completed its initial dry weather sampling program of known outfalls, identified and prioritized the outfalls based on the risk factors, and delineated the outfall catchment areas. This information, along with system knowledge, and other, as appropriate, enforcement/permit items dictate the direction of the City's prioritized IDDE efforts. Priority rankings were updated in accordance with the PY 2 findings as explained in BMP 3-6.

BMP 3-5: Employee Training*Status of Program*

An IDDE training presentation was developed in PY 1 (2018-2019). The IDDE training presentation is reviewed annually and updated as required.

Description

DPI field employees receive training annually about the program, including how to recognize and report illicit discharges and SSOs.

Department Responsible for Enforcement

DPI

Measurable Goal(s)

IDDE training occurs annually. Attendee lists are documented in the Annual Report.

BMP 3-6: Dry Weather Screening

Status of Program

SOPs I-801 “Outfall Inspection and Dry Weather Screening” and I-803 “Catchment Investigations – Dry Weather Manhole Testing” were developed in PY 1 (2018-2019). In PY 2 (2019-2020) the definition of an outfall was clarified to include partially separated areas that discharge downstream of CSO regulators. This resulted in the addition of 181 screening locations. At that juncture the City determined that dry weather screening of all outfalls and interconnections would have a greater positive impact on the stormwater program, regardless of original priority rankings that were based on preliminary system knowledge. In PY 4 (2021-2022) the City completed dry weather screening and updated priority rankings.

Description

All known outfalls and interconnections were inspected for the presence of dry weather flow, in accordance with their initial ranking developed under the Priority Ranking of Outfalls/ Interconnections and SOPs. Dry weather flow was sampled in accordance with permit requirements and analyzed for the presence of illicit discharges.

Department Responsible for Enforcement

DPI

Measurable Goal(s)

Dry weather screening results were documented in the PY 4 (2021-2022) Annual Report.

BMP 3-7: Wet Weather Screening

Status of Program

SOPs I-802 “Wet Weather Screening” and I-804 “Catchment Investigations-Source Isolation” were developed in PY 1 (2018-2019). To date the City has completed 37-percent of the wet weather screening program. Efforts to complete wet weather sampling by PY 10 (2027-2028) are on-going.

Description

Wet weather screening is conducted at outfalls/interconnections that have a minimum of one system vulnerability factor (SVF).

Department Responsible for Enforcement

DPI

Measurable Goal(s)

Complete screening in accordance with written procedures and permit conditions within 10 years of the effective permit start date. Final wet weather screening results will be documented in the PY 10 Annual Report.

BMP 3-8: On-going Screening*Status of Program*

On-going

Description

One year following identification and elimination of an illicit discharge, perform follow-up dry weather screening at the outfall.

Department Responsible for Enforcement

DPI

Measurable Goal(s)

Follow-up sampling results are documented in the Annual Report using the reporting metrics of other regulatory/enforcement documents as appropriate.

MCM 4 – Construction Site Stormwater Runoff Control

Permit Part 2.3.5

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 United States through the City's MS4.

The following summarizes the BMPs proposed to address compliance with MCM 4.

BMP 4-1: BMP: Sediment and Erosion Control Ordinance

Status of Program

Completed (May 1, 2008). Chapter 16 of the City's Code of Ordinance provides the legal framework for the enforcement of the Stormwater Rules and Regulations (SMRR) including sediment and erosion controls (S&E).

Description

In accordance with the SMRR, projects with a land disturbance over one acre are required to submit: S&E control plans during the site plan review process; a copy of the required state and federal construction stormwater permits; and are subject to routine S&E control inspections conducted by City Certified Stormwater Inspectors (City Inspectors). Sites under one-acre in total land disturbance are also required to implement S&E controls to prevent sediment from leaving the construction zone. All construction sites are subject to S&E inspections by City Inspectors.

Department Responsible for Enforcement

DPI and Environmental Stewardship

Measurable Goals

S&E control plans are filed with stormwater permit applications at the DPI and reviews for compliance with the SMRRs are recorded in the Annual Report.

BMP 4-2: Site Plan Review Procedures

Status of Program

The SOP, E-101 "Design Plan Review", was completed in PY 1 (June 2018-2019) providing guidance on design standards required of a site plan for compliance with the SMRR and all other local, state, and federal stormwater regulations. The SOP E-101 is reviewed annually and updated as required.

Description

The procedures outlined in SOP E-101 are implemented in the review of design plans. Projects requiring a formal site plan review are presented to the Planning Board and meeting minutes of these hearings are posted to the Planning Department's page on the City's website.

Department Responsible for Enforcement

DPI, Environmental Stewardship, and Planning Department

Measurable Goals

Design plan reviews are recorded in the City's permit management program (Citizen Services) and filed at the DPI. The number of: formal site plan reviews; permits reviewed for SMRR compliance; and stormwater permits or SMRR waivers granted, are recorded in the Annual Report.

BMP 4-3: Site Inspections and Enforcement of Sediment and Erosion Control Measures Procedures

Status of Program

The SOP, E-2 "Construction Site Sediment and Erosion Control Inspections", was completed in PY 2 (2019-2020) and revised in PY 3 (2020-2021). The SOP E-2 is reviewed annually and updated as required. The City completes routine S&E control inspections on construction sites as specified in the SOP.

Description

SOP E-2 outlines site inspections and enforcement of S&E control measures that are implemented. Construction operators are required to implement a S&E control program on projects regardless of disturbance area or project size.

Department Responsible for Enforcement

DPI and Environmental Stewardship

Measurable Goals

The City documents and reports routine inspections and violations/corrective actions in accordance with SOP E-2. Inspections and violations are recorded in the Annual Report.

BMP 4-4: Waste Control

Status of Program

Chapter 16 of the City's Code of Ordinance provides the legal framework.

Description

Waste control requirements are enforced, including but not limited to discarded building materials, concrete truck wash-out, chemicals, litter, and sanitary wastes. These wastes are prohibited from being discharged to the MS4.

Department Responsible for Enforcement

DPI and Environmental Stewardship

Measurable Goals

Violations of waste control regulations are recorded in the Annual Report.

MCM 5 – Post Construction Stormwater Management in New Development and Redevelopment

Permit Part 2.3.6

Objective

The objective of an effective post construction stormwater management program is to reduce the discharge of pollutants found in stormwater to the MS4 through the retention or treatment of stormwater after construction on new or redeveloped sites and to ensure proper maintenance of installed stormwater controls.

BMP 5-1: Post-Construction Ordinance

Status of Program

The City's SMRRs were developed in 2017 and revised in PY 3 (2020-2021).

Description

The SMRR provides post construction design standard requirements for new development and redevelopment projects. Project design reviews are performed in accordance with the SMRRs and SOP E-101 including the review of operation and maintenance (O&M) plans for stormwater BMPs proposed in designs. Stormwater permits are filed at DPI and inspections of stormwater BMPs are completed by City inspectors in accordance with the SMRR.

Department Responsible for Enforcement

DPI

Measurable Goals

Stormwater BMPs implemented on private development and City projects are surveyed and tracked in the City's GIS database. Inspections are recorded in Lucity.

BMP 5-2: Street Design and Parking Lot Guidelines Report

Status of Program

The street design and parking lot guidelines report was completed in PY 4 (2021-2022). The City is currently developing an implementation approach in how to align the report with the 2022 City-wide Green Infrastructure Master Strategy and Implementation Roadmap (Master GI Plan).

Description

A report assessing existing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist was developed. This assessment and the Master GI Plan will help determine if changes to design standards for streets and parking lots can be modified to support low impact design options.

Responsible Department/Parties

DPI, Planning Housing & Community Development, Department of Environmental Stewardship

Measurable Goal(s)

The City will complete the report review in PY 6 (2023-2024) and begin implementation as outlined in the final report. This implementation effort will be coordinated with the Master GI Plan and City standards.

BMP 5-3: Green Infrastructure Report*Status of Program*

The City completed the Master GI Plan in PY 4 (2021-2022). The City continuously leverages the findings and recommendations of this plan to implement green infrastructure or low impact development retrofit designs on right of way improvement, City-owned facility improvement projects and as a resource for private development projects.

Description

A report was developed assessing City-owned properties for green infrastructure retrofitting opportunities. The Master GI Plan provides examples of retrofits at various City owned properties, green infrastructure design guidelines and stormwater infrastructure detail sheets.

Responsible Department/Parties

DPI, Planning Housing & Community Development, Department of Environmental Stewardship

Measurable Goal(s)

The City collects and tracks green infrastructure assets in the GIS database. Effectiveness and maintenance are monitored through the Stormwater BMP program.

BMP 5-4: List of Municipal Retrofit Opportunities*Status of Program*

Completed in PY 4 (2021-2022) under the Master GI Plan.

Description

A detailed inventory of properties was completed and ranked for retrofit potential in the Master GI Plan.

Responsible Department/Parties

DPI, Planning, Housing & Community Development, Department of Environmental Stewardship

Measurable Goal(s)

The City will utilize this list with the recommendations from the Master GI Plan to prioritize retrofit projects on City-owned properties. Stormwater BMP retrofits on City owned properties are recorded in the Annual Report.

BMP 5-5: As-Built Plans*Status of Program*

Chapter 16 of the City's Code of Ordinance provides the legal framework to mandate the submission of as-builts.

Description

Utility as-built plans are submitted to the DPI at the conclusion of development and redevelopment construction projects as specified in the SMRR.

Responsible Department/Parties

DPI, Planning Housing & Community Development, Department of Environmental Stewardship

Measurable Goal(s)

Submission of as-built plans are enforced through the City's certificate of occupancy permitting process. A project will not receive final approval for certificate of occupancy from DPI until an as-built has been submitted and approved by the DPI. As-built records are filed at the DPI and City GIS records are updated as required.

BMP 5-6: Retention and Treatment Requirements

Status of Program

The City's SMRRs were updated in PY 3 (2020-2021) to include the 2020 amendments of the 2016 MS4 permit for on-site stormwater retainage and total suspended solids removal.

Description

Existing regulatory mechanisms were updated to meet the permit's requirements for retention and treatment structures.

Responsible Department/Parties

DPI, Planning Housing & Community Development, Department of Environmental Stewardship

Measurable Goal(s)

Site plan reviews are held to the standards set forth in the 2021 SMRRs.

MCM 6 – Good Housekeeping and Pollution Prevention for Permittee Owned Operations

Permit Part 2.3.7

Objective

The permittee shall implement an operations and maintenance (O&M) program for permittee-owned operations that has a goal of preventing or reducing pollutant runoff and protecting water quality from permittee-owned operations.

The following summarizes the BMPs to address compliance with MCM 6.

BMP 6-1: Parks and Open Spaces Operations and Maintenance Procedures

Status of Program

SOPs were developed for the O&M of parks and open spaces in PY 1 (2018-2019) and include SOPs: I-701 “Use, Storage and Disposal of Fertilizers, Pesticides and Herbicides”; I-702 “Lawn Maintenance”; I-703 “Pet and Waterfowl Waste Management”; I-704 “Management of Public Waste Containers”; and I-705 “Erosion Control and Poor Vegetative Cover”. Parks and Open Spaces SOPs are reviewed annually and updated as required.

Description

Good housekeeping measures outlined in the SOPs for parks and open spaces are implemented in daily operations and maintenance procedures.

Responsible Department/Parties

DPI and DFFM

Measurable Goal(s)

Employees are trained in and required to follow SOPs in daily operations. An inventory of parks and open spaces is maintained in the City’s GIS database and work orders are created in Lucity.

BMP 6-2: Buildings and Facilities Operations and Maintenance Procedures

Status of Program

SOPs were developed for the O&M of buildings and facilities in PY 1 (2018-2019) and include SOPs: I-706 “Handling, Storage and Disposal of Petroleum and Other Stormwater Pollutant Products”; I-707 “Spill Response”; and I-709 “Street Sweeping”. SOPs are reviewed annually and updated as required.

Description

Good housekeeping measures outlined in the SOPs for proper handling of potential pollutants and pollution prevention are implemented in daily operations of buildings and facilities.

Responsible Department/Parties

DPI and DFFM

Measurable Goal(s)

Employees are trained in SOPs. An inventory of City-owned buildings and facilities is maintained in the City's GIS database. Hazardous materials handling and spills are reported in accordance with SOPs. Street sweeping data is recorded in the Annual Report.

BMP 6-3: Vehicles and Equipment Operations and Maintenance Procedures

Status of Program

SOP I-708 "Vehicle and Equipment Storage, Operation and Washing" was developed in PY 1 (2018-2019) and revised in PY 3 (2020-2021). The SOP is reviewed annually and updated as required.

Description

Good housekeeping measures outlined in SOP I-708 are implemented in daily operations.

Responsible Department/Parties

DPI and DFFM

Measurable Goal(s)

Employees are trained in and required to follow SOPs in daily operations. Employee trainings are recorded in the Annual Report. An inventory of vehicles, equipment and work orders created for maintenance of vehicles or equipment are maintained in Lucity.

BMP 6-4: Infrastructure Operations and Maintenance Procedures

Status of Program

O&M procedures are on-going in accordance with established SOPs and preventative maintenance plans. Key project indicators were established to monitor system performance.

Description

A formal program for the repair and rehabilitation of MS4 infrastructure will be established and implemented. This program will be consistent with that of the City's wastewater collection system preventative maintenance program.

Responsible Department/Parties

DPI and DFFM

Measurable Goal(s)

The program is monitored using the City's GIS database, Lucity and a Microsoft Power BI dashboard. Existing SOPs for inspections, maintenance and implementation of stormwater infrastructure are utilized.

BMP 6-5: Catch Basin Cleaning Program

Status of Program

SOP I-710 "Catch Basin Inspection and Cleaning" was developed PY 1 (2018-2019) and revised in PY 4 (2021-2022). SOP I-710 is reviewed annually and updated as required.

Description

Catch basin inspecting and cleaning is completed in accordance with SOP I-710 such that catch basin sumps are no more than 50 percent full. A prioritized catch basin inspection and cleaning program is being developed to optimize routine inspections, cleaning, and maintaining structures in accordance with conditions of the permit.

Responsible Department/Parties

DPI

Measurable Goal(s)

Total number of catch basin inspections completed and total volume of debris pulled from the basins is recorded in the Annual Report. Catch basin inspections are collected with Survey 123 and maintained in the City's GIS database.

BMP 6-6: Street Sweeping Program*Status of Program*

SOP I-709 "Street Sweeping" was developed in PY 1 (2018-2019) and revised in PY 4 (2021-2022). SOP I-709 is reviewed annually and updated as required.

Description

Streets and parking lots are swept in accordance with permit conditions and SOP I-709. Areas of high concern are swept more frequently, based on inspections, pollutant loads, catch basin cleaning, land use, water quality, and other relevant factors. Streets and parking lots are swept, at a minimum, in the spring and autumn. Street sweeping efforts are coordinated with existing programs (e.g., Clean Sweep Initiative). Routine litter picking is being completed in areas that are subject to frequent litter accumulation (standard of appearance areas).

Responsible Department/Parties

DPI

Measurable Goal(s)

Volume of debris is tracked along with curb miles of road swept and recorded in the Annual Report. Employees are trained and required to follow SOPs in daily operations.

BMP 6-7: Winter Road Maintenance Program*Status of Program*

SOP I-711 "Winter Road Maintenance" was developed in PY 1 (2018-2019) and revised in PY 3 (2020-2021).

Description

Methods outlined in SOP I-711 to minimize the use of road salt, for proper storage of winter road maintenance materials, use of alternative treatment methods, and other good housekeeping measures are implemented during winter months.

Responsible Department/Parties

DPI and DFFM

Measurable Goal(s)

Winter storm event records (including volume of salt per storm used, vehicle/equipment and labor hours, storm statistics, etc.) are maintained at DPI.

BMP 6-8: Stormwater Treatment Structure Inspection and Maintenance Procedures

Status of Program

SOP I-712 "Structural Stormwater BMPs" was developed PY 1 (2018-2019) and revised in PY 3 (2020-2021). SOP I-712 is reviewed annually and updated as required.

Description

A structural stormwater BMP program is being implemented in accordance with SOP I-712 and/or manufacturer's recommendations for the routine inspection and maintenance of City-owned stormwater BMPs.

Responsible Department/Parties

DPI and DFFM

Measurable Goal(s)

Stormwater BMPs are maintained in the City's GIS database and work orders for inspections and maintenance are created in Lucity. Estimated nitrogen removal provided from stormwater BMPs is recorded in the Annual Report.

BMP 6-9: Stormwater Pollution Prevention Plans (SWPPP)

Status of Program

SWPPPs were developed in PY 2 (2019-2020) for City owned maintenance facilities. SWPPP revisions and inspections are on-going.

Description

Quarterly inspections are conducted at facilities with finalized SWPPPs.

Responsible Department/Parties

DPI and DFFM

Measurable Goal(s)

SWPPP inspections are completed in Survey 123 and records are maintained in the City's GIS database.

TMDLs and Water Quality Limited Waters

The Massachusetts 303d List of Integrated Waters Final 2018/2020 Report identified impairments within the City's receiving waters. The impairments to be addressed include bacteria/pathogens, nitrogen, and solids/oil/grease (hydrocarbons) and metals.

The in-state Total Maximum Daily Load (TMDLs) to be addressed include bacteria and pathogens. Not all impaired receiving waters have a TMDL developed.

The 2016 MS4 General Permit requires that for impaired waterbodies or waterbodies that have a TMDL, that additional further actions be taken to address the impairment. The following sections summarize those impairments within New Bedford's receiving waters and currently planned actions to be taken to address compliance with the Permit.

Bacteria/Pathogens Impairment

Table 2 below summarizes the Final Pathogen TMDL and the associated waterbody.

Table 2: TMDLs for Receiving Waterbodies Impaired by Bacteria

Applicable Receiving Waterbodies	TMDL Name
Acushnet River (MA95-33)	Final Pathogen TMDL for the Buzzards Bay Watershed, March 2009
Clark's Cove (MA95-38)	
Buttonwood Brook (MA95-13)	
Outer New Bedford Harbor (MA95-63)	
Inner New Bedford Harbor (MA95-42)	
Sassaquin Pond (MA62232)	

Annual Requirements Beginning Year 1

Outfall Priority Ranking

The Assessment and Priority Ranking of Outfalls/Interconnections completed under the IDDE program (BMP 3-4) ranked those receiving waters with bacteria/pathogen impairments as high priority. Rankings are updated in accordance with on-going investigations under BMP 3-4, and results are recorded in the Annual Report.

Public Education and Outreach

An annual message encouraging the proper management of pet waste is disseminated in accordance with BMP 1-2.

Nitrogen Impairment

Table 3 below summarizes those waterbodies impaired for nitrogen.

Table 3: TMDLs for Receiving Waterbodies Impaired by Nitrogen

Applicable Receiving Waterbodies	TMDL Name
New Bedford Inner Harbor (MA95-42)	N/A
New Bedford Outer Harbor (MA95-63)	
Acushnet River (MA95-33)	

Annual Requirements Beginning Year 1

Outfall Priority Ranking

The Assessment and Priority Ranking of Outfalls/Interconnections completed under the IDDE program (BMP 3-4) ranked those receiving waters with a nitrogen impairment as high priority. Rankings are updated in accordance with on-going investigations under BMP 3-4, and results are recorded in the Annual Report.

Public Education and Outreach

An annual message encouraging methods of reducing nitrogen loading is disseminated in accordance with BMP 1-1, BMP 1-2 and BMP 1-3.

Good Housekeeping and Pollution Prevention for Permittee Owned Operations

SOPs included in BMP 6-1, BMP 6-2 and BMP 6-6 (established PY 1 and revised in PY 2 through PY 4) are reviewed annually and revised as needed, implemented continuously, and distributed to employees through annual in-house training.

Nitrogen Reduction Tracking BMP

Any structural BMPs listed in Table 3 of Attachment 1 to Appendix H already existing or installed in the regulated 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 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 is found in a Nitrogen Source Identification Report.

Requirements Due by Year 2

Stormwater Management in New Development and Redevelopment

The City's Stormwater Rules and Regulations (SMRRs) were updated in PY 3 (2020-2021) to include a requirement that new development and redevelopment stormwater management BMPs be optimized for nitrogen removal. Permit and site plan reviews are completed in compliance with the SMRRs and SOP E-101.

Requirements Due by Year 4

Nitrogen Source Identification Report

The nitrogen source identification report will be completed in the PY 5 reporting period. Results from the City's Master GI Plan and on-going catchment investigations will be utilized in the development of the nitrogen source identification report.

Stormwater Management in New Development and Redevelopment

Retrofit inventory and priority ranking under part 2.3.6.1.b of the 2016 MS4 General Permit was completed and recorded in the PY 4 (2021-2022) Annual Report which included consideration of BMPs to reduce nitrogen discharges.

Requirements Due by Year 5

Potential Structural BMPs

The Master GI Plan will be leveraged to evaluate permittee-owned properties identified as retrofit candidates or areas for structural BMP installation under part 2.3.6.d.ii of the 2016 MS4 General Permit or identified in the Nitrogen Source Identification Report that are within the drainage area of the impaired water or its tributaries. The City will utilize the Master GI Plan during the planning phases of improvement projects at City owned facilities and/or City right of way reconstruction projects. The City has begun retrofitting stormwater BMPs throughout the City both in right of ways and at City-owned facilities in accordance with the recommendations set forth in the Master GI Plan.

Solids/Oils/Grease (Hydrocarbons)/Metals Impairment

Table 4 below summarizes those waterbodies impaired for solids, oils and grease/metals.

Table 4: TMDLs for Receiving Waterbodies Impaired by Solids, Oils, and Grease (Hydrocarbons) or Metals

Applicable Receiving Waterbodies	TMDL Name
New Bedford Inner Harbor (MA95-42)	N/A
Acushnet River (MA95-33)	

Annual Requirements Beginning Year 1

Outfall Priority Ranking

The Assessment and Priority Ranking of Outfalls/Interconnections completed under the IDDE program (BMP 3-4) ranked those receiving waters with solids/oils/grease (hydrocarbons)/metals impairments as high priority. Rankings are updated in accordance with on-going investigations under BMP 3-4, and results are recorded in the Annual Report.

Good Housekeeping and Pollution Prevention for Permittee Owned Operations

Street sweeping (BMP 6-6) is performed on municipal-owned street and parking lots a minimum of two times per year (spring and fall).

Catch basins (BMP 6-5) are inspected and maintained in accordance with SOP I-710. The City's catch basin GIS database is updated continuously with survey of new assets and inspection

records that are collected with Survey 123. The data collected is being analyzed to develop a catch basin maintenance program to minimize the probability of a catch basin sump being more than 50-percent full. Additionally catch basin inspections are being utilized to identify locations requiring hood retrofits.

Requirements Due by Year 2

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:

- The current City's regulatory mechanisms were updated to include this requirement.

Appendix A

Authorized Representative Letter

DRAFT



CITY OF NEW BEDFORD

CERTIFIED DESIGNATION OF "AUTHORIZED REPRESENTATIVE" FOR NPDES 2016 MASSACHUSETTS SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) GENERAL PERMIT

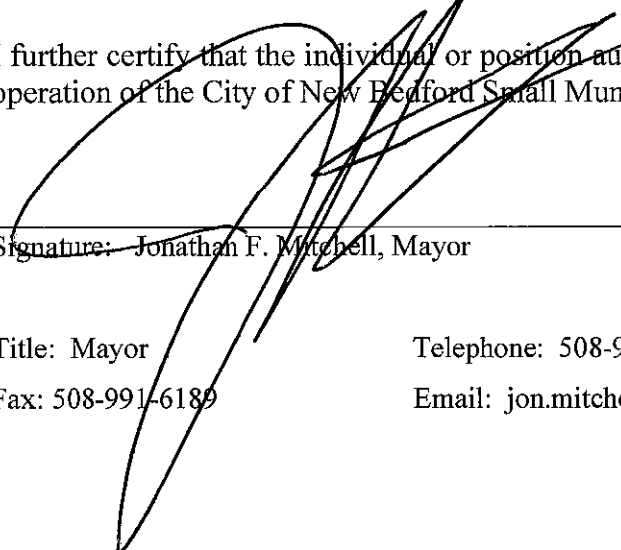
I hereby certify that I, Jonathan F. Mitchell, am the duly elected Mayor of the City of New Bedford, Massachusetts, and am the principal executive officer and ranking elected official authorized under Appendix B, Subsections 11.A and 11.B of the Standard Permit Conditions of the MA Small MS4 General Permit to appoint a duly authorized representative, as provided under Subsection 11.B thereof, to sign in my place and stead all reports, including SWPPPs, inspection reports, annual reports, monitoring reports, reports on training and other information required by said permit, excepting therefrom my signature as may be required under Subsection 11.A.3. in regard to submission of an MS4 permit application or NOI.

Authorized Signatory/Representative Name	Title
Jonathan F. Mitchell, Principal Exec. Officer	Mayor, City of New Bedford
Jamie Ponte, Authorized Representative	Commissioner, City of New Bedford Department of Public Infrastructure

I certify that the names and positions identified as signatories herein are current as of the date of execution below, and that the same are authorized to sign all reports, including SWPPPs, inspection reports, annual reports, monitoring reports, reports on training and other information required by said permit, excepting therefrom my signature as may be required in regard to submission of an MS4 permit application. on behalf of the City of New Bedford.

I understand and agree that I have a duty to ensure that this listing is updated and communicated immediately to the EPA whenever the authorized signatories retire, are otherwise terminated from the City's employ, have their responsibilities changed resulting in their no longer being authorized as signatories, or whenever new signatories are designated.

I further certify that the individual or position authorized hereunder is responsible for the overall operation of the City of New Bedford Small Municipal Separate Storm Sewer System.

Signature:  Jonathan F. Mitchell, Mayor

Date: _____

Title: Mayor

Telephone: 508-979-1410

Fax: 508-991-6189

Email: jon.mitchell@newbedford-ma.gov

(page 1 of 2)



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

June 11, 2019

MEMO TO FILE

Re: Documentation for delegation of "Authorized Representative" for NPDES 2016 Massachusetts Small Municipal Separate Storm Sewer System (MS4) General Permit

This document serves to affirm that **Jamie Ponte** has responsibility for the operation of the MS4 and is hereby designated as an authorized person for signing all reports including but not limited to the Stormwater Management Plan (SWMP), Stormwater Pollution Prevention Plans (SWPPPs), inspection reports, annual reports, monitoring reports, reports on training, and other information required by the General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) in Massachusetts for the City of New Bedford. This authorization cannot be used for signing a NPDES permit application (e.g., Notice of Intent (NOI)) in accordance with 40 CFR 122.22).

By signing this authorization, I confirm that I meet the following requirements to make such a designation as set forth in Part B.11 of Appendix B of the Small MS4 General Permit:

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official.

"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."



Jonathan F. Mitchell
Mayor



Date

Appendix B

Notice of Intent and Authorization to Discharge

DRAFT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

VIA EMAIL

March 5, 2019

Jonathan F. Mitchell
Mayor

And;

Jamie Ponte
Department of Public Infrastructure Commissioner
1105 Shawmut Avenue
New Bedford, MA. 02746
Jamie.Ponte@newbedford-ma.gov

Re: National Pollutant Discharge Elimination System Permit ID #: MAR041140, City of New Bedford

Dear Jamie Ponte:

The 2016 NPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts (MS4 General Permit) is a jointly issued EPA-MassDEP permit. Your Notice of Intent (NOI) for coverage under this MS4 General Permit has been reviewed by EPA and appears to be complete. You are hereby granted authorization by EPA and MassDEP to discharge stormwater from your MS4 in accordance with the applicable terms and conditions of the MS4 General Permit, including all relevant and applicable Appendices. This authorization to discharge expires at midnight on **June 30, 2022**.

For those permittees that certified Endangered Species Act eligibility under Criterion C in their NOI, this authorization letter also serves as EPA's concurrence with your determination that your discharges will have no effect on the listed species present in your action area, based on the information provided in your NOI.

As a reminder, your first annual report is due by **September 30, 2019** for the reporting period from May 1, 2018 through June 30, 2019.

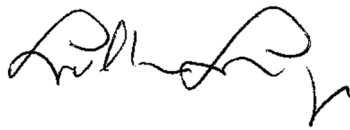
Information about the permit and available resources can be found on our website:
<https://www.epa.gov/npdes-permits/massachusetts-small-ms4-general-permit>. Should you have
any questions regarding this permit please contact Newton Tedder at tedder.newton@epa.gov or
(617) 918-1038.

Sincerely,



Thelma Murphy, Chief
Stormwater and Construction Permits Section
Office of Ecosystem Protection
United States Environmental Protection Agency, Region 1

and;



Lealdon Langley, Director
Wetlands and Wastewater Program
Bureau of Water Resources
Massachusetts Department of Environmental Protection



Department of Public Infrastructure

Jamie Ponte
Commissioner

Water
Wastewater
Highways
Engineering
Cemeteries
Park Maintenance
Forestry
Energy

CITY OF NEW BEDFORD

Jonathan F. Mitchell, Mayor

December 12, 2018

Subject: Small MS4 NOI Submission
Response to Comments

Dear Ms. Vuto:

Per the request in your email dated November 20, 2018 regarding the City of New Bedford Small MS4 NOI Submission, please see the following responses to your comments:

Comment: MCM 1 - Public Education and Outreach: Please describe 2 messages to each of the 4 audiences as required by the permit, including each message's topic (e.g. pet waste). The two messages to each targeted audience must be spaced at least a year apart.

*Response: The schedule shown on the attached **Table 1** describes the schedule and topics for the Public Education MCM.*

Comment: MCM 5 - Post-Construction Stormwater Management: Please include Responsible Department/Parties for all BMPs.

Response: The Responsible Department/Parties for all BMPs in the Post-Construction MCM, regardless of what was originally submitted in the NOI, is the Department of Public Infrastructure (DPI), Planning Housing and Community Development and/or the Department of Environmental Stewardship.

Comment: MCM 6 - Municipal Good Housekeeping: Please include Responsible Department/Parties for all BMPs.

Response: The Responsible Department/Parties for all BMPs in the Good Housekeeping MCM, regardless of what was originally submitted in the NOI, is the Department of Public Infrastructure (DPI) and/or the Department of Fleet and Facility Maintenance (DFFM).

If you have any additional questions or concerns, please feel free to reach out to me at Jamie.Ponte@newbedford-ma.gov or (508) 979-1550.

Sincerely,


Jamie Ponte
Commissioner

1105 Shawmut Avenue, New Bedford, MA 02746 Telephone 508-979-1550 Fax 1-508-961-3054

Table 1 – Public Education MCM Schedule and Topics

BMP Media/ Category	BMP Description	Target Audience	Responsible Department/ Parties	Measurable Goal	Beginning Year of BMP Implementation
Brochures/ Pamphlets	Proper disposal of grass clippings and proper use of slow-release fertilizers	Business/ Commercial/ Institution & Residential	DPI	Distribute pamphlet during the March/ April timeframe	2019
Brochures/ Pamphlets	Scoop the Poop	Residential	DPI	Distribute pamphlet to dog owners at the time of issuance or renewal of a dog license	2019
Brochures/ Pamphlets	Proper disposal of leaf litter	Business/ Commercial/ Institution	DPI	Distribute pamphlet during the August/September/October timeframe	2020
Brochures/ Pamphlets	A guide to proper dumpster management	Industrial	DPI	Distribute pamphlet to the target audience at least once over the permit term	2020
Brochures/ Pamphlets	LID – stormwater design for land developers	Developers and Construction	DPI	Distribute pamphlet to the target audience at least once over the permit term	2021
Brochures/ Pamphlets	General stormwater education	Residential	DPI	Distribute pamphlet to the target audience at least once over the permit term	2021
Brochures/ Pamphlets	Stormwater Management for the proactive business owner	Business/ Commercial/ Institution	DPI	Distribute pamphlet to the target audience at least once over the permit term	2022
Brochures/ Pamphlets	General stormwater pollution prevention for small residential construction sites	Developers and Construction	DPI	Distribute pamphlet to the target audience at least once over the permit term	2022
Brochures/ Pamphlets	General stormwater pollution prevention for industrial sites	Industrial	DPI	Distribute pamphlet to the target audience at least once over the permit term	2023

Part I: General Conditions

General Information

Name of Municipality or Organization: State:

EPA NPDES Permit Number (if applicable):

Primary MS4 Program Manager Contact Information

Name: Title:

Street Address Line 1:

Street Address Line 2:

City: State: Zip Code:

Email: Phone Number:

Fax Number:

Other Information

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

Eligibility Determination

Endangered Species Act (ESA) Determination Complete? Eligibility Criteria (check all that apply): ☐ A ☒ B ☐ C

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

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

MS4 Infrastructure (if covered under the 2003 permit)

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

Web address where MS4 map is published:

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

Regulatory Authorities (if covered under the 2003 permit)

Illicit Discharge Detection and Elimination (IDDE) Authority Adopted? (Part II, III, IV or V, Subpart B.3.(b.) of 2003 permit)	<input type="text" value="Yes"/>	Effective Date or Estimated Date of Adoption (MM/DD/YY):	<input type="text" value="12/07/16"/>
Construction/Erosion and Sediment Control (ESC) Authority Adopted? (Part II, III, IV or V, Subpart B.4.(a.) of 2003 permit)	<input type="text" value="Yes"/>	Effective Date or Estimated Date of Adoption (MM/DD/YY):	<input type="text" value="12/07/16"/>
Post- Construction Stormwater Management Adopted? (Part II, III, IV or V, Subpart B.5.(a.) of 2003 permit)	<input type="text" value="Yes"/>	Effective Date or Estimated Date of Adoption (MM/DD/YY):	<input type="text" value="12/07/16"/>

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

Part II: Summary of Receiving Waters

Please list the waterbody segments to which your MS4 discharges. For each waterbody segment, please report the number of outfalls discharging into it and, if applicable, any impairments.

Massachusetts list of impaired waters: [Massachusetts 2014 List of Impaired Waters- http://www.mass.gov/eea/docs/deb/water/resources/07v5/14list2.pdf](http://www.mass.gov/eea/docs/deb/water/resources/07v5/14list2.pdf)

Check off relevant pollutants for discharges to impaired waterbodies (see above 303(d) lists) without an approved TMDL in accordance with part 2.2.2.a of the permit. List any other pollutants in the last column, if applicable.

[illegible]

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

[illegible]

[illegible]

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

Part III: Stormwater Management Program Summary (continued)

MCM 2: Public Involvement and Participation

[illegible]

[illegible]

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

Part III: Stormwater Management Program Summary (continued)

MCM 3: Illicit Discharge Detection and Elimination (IDDE)

BMP Categorization <small>(enter your own text to override the drop down menu)</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
SSO inventory	Develop SSO inventory in accordance of permit conditions	DPI	Complete within 1 year of effective date of permit	2018
Storm sewer system map	Create map and update during IDDE program completion	DPI	Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit	2018
Written IDDE program	Create written IDDE program	DPI	Complete within 1 year of the effective date of permit and update as required	2018
Implement IDDE program	Implement catchment investigations according to program and permit conditions	DPI	Complete 10 years after effective date of permit	2018
Employee training	Train employees on IDDE implementation	DPI	Train annually	2018
Conduct dry weather screening	Conduct in accordance with outfall screening procedure and permit conditions	DPI	Complete 3 years after effective date of permit	2018
Conduct wet weather screening	Conduct in accordance with outfall screening procedure	DPI	Complete 10 years after effective date of permit	2018
Ongoing screening	Conduct dry weather and wet weather screening (as necessary)	DPI	Complete ongoing outfall screening upon completion of IDDE program	2018

[illegible]

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

Part III: Stormwater Management Program Summary *(continued)*

MCM 4: Construction Site Stormwater Runoff Control

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP Implementation
Site inspection and enforcement of Erosion and Sediment Control (ESC) measures	Complete written procedures of site inspections and enforcement procedures	DPI	Complete within 1 year of the effective date of permit	2018
Site plan review	Complete written procedures of site plan review and begin implementation	DPI	Complete within 1 year of the effective date of permit	2018
Erosion and Sediment Control	Adoption of requirements for construction operators to implement a sediment and erosion control program	DPI	Complete within 1 year of the effective date of permit	2018
Waste Control	Adoption of requirements to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes	DPI	Complete within 1 year of the effective date of permit	2018

[illegible]

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

Part III: Stormwater Management Program Summary *(continued)*

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

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP Implementation
As-built plans for on-site stormwater control	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	2019
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		Complete 4 years after effective date of permit and report annually on retrofitted properties	2021
Allow green infrastructure	Develop a report assessing existing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist	Planning	Complete 4 years after effective date of permit and implement recommendations of report	2021
Street design and parking lot guidelines	Develop a report assessing requirements that affect the creation of impervious cover. The assessment will help determine if changes to design standards for streets and parking lots can be modified to support low impact design options.	Planning	Complete 4 years after effective date of permit and implement recommendations of report	2021

[illegible]

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

Part III: Stormwater Management Program Summary (continued)

MCM 6: Municipal Good Housekeeping and Pollution Prevention

BMP Categorization <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
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	DPI	Complete and implement 2 years after effective date of permit	2019
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Create inventory	DPI	Complete 2 years after effective date of permit and implement annually	2019
Infrastructure O&M	Establish and implement program for repair and rehabilitation of MS4 infrastructure	DPI	Complete 2 years after effective date of permit	2019
Stormwater Pollution Prevention Plan (SWPPP)	Create SWPPPs for maintenance garages, transfer stations, and other waste-handling facilities	DPI	Complete and implement 2 years after effective date of permit	2019
Catch basin cleaning	Establish schedule for catch basin cleaning such that each catch basin is no more than 50% full and clean catch basins on that schedule	DPI	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually	2018
Street sweeping program	Sweep all streets and permittee-owned parking lots in accordance with permit conditions	DPI	Sweep all streets and permittee-owned parking lots once per year in the spring	2018
Road salt use optimization program	Establish and implement a program to minimize the use of road salt	DPI	Implement salt use optimization during deicing season	2018

[illegible]

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

Part III: Stormwater Management Program Summary (continued)

Actions for Meeting Total Maximum Daily Load (TMDL) Requirements

Use the drop-down menus to select the applicable TMDL, action description to meet the TMDL requirements, and the responsible department/parties. If no options are applicable, or more than one, **enter your own text to override drop-down menus.**

[illegible]

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.**

[illegible]

Part IV: Notes and additional information

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

The city is an existing facility that was authorized by the previous permit. There are no planned activities that will affect historic properties. Therefore, this facility is eligible for coverage under Criterion A for determination of coverage under the National Historic Preservation Act (NHPA).

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:

Jon F. Mitchell

Title:

Mayor

Signature:

Date:

09/26/18

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

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

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

Page 19 of 19

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.

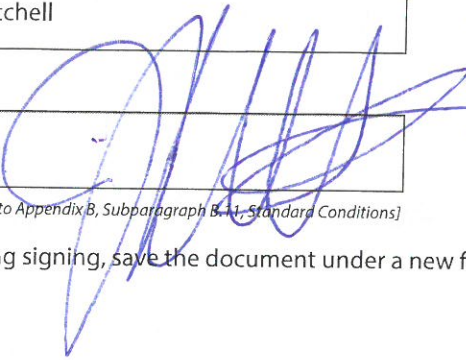
Name:

Jonathan F. Mitchell

Title:

Mayor

Signature:



Date:

9/26/18

[To be signed according to Appendix B, Subparagraph B.4.1, Standard Conditions]

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

Appendix C

Special Eligibility Determination Letters

DRAFT



260 West Exchange Street, Suite 300
Providence, Rhode Island 02903
tel: 401 457-0321

August 27, 2018

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

Subject: Project Review Request, City of New Bedford, MA MS4 NOI, New Bedford,
Massachusetts, SLI Number: 05E1NE00-2018-E-06187

Dear Reviewer:

We have reviewed the referenced project using the Environmental Protection Agency's (EPA) project review process for our Municipal Separate Storm Sewer System (MS4) and have followed all guidance and instructions in completing the review. We completed our review on August 8, 2018 and are submitting our project package in accordance with the instructions for further review. The U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) species list indicated these species may be present in the project area: Northern Long Eared Bat and the Roseate Tern. We are submitting this letter as a non-Federal representative of the EPA pursuant to the requirements of the EPA's process for NPDES/MS4 permits.

Our proposed action consists of implementation of a series of non-structural BMPs (e.g. improved drainage system maintenance, implementation of local ordinances/by-laws to control erosion and sedimentation, illicit discharge detection and eliminations program, and implantation of public outreach programs) to protect and improve the quality of stormwater conveyed to receiving water via the existing municipal drainage system. These non-structural BMPs will not adversely affect the water quality of the local receiving waters, but rather will improve water quality over the long term. Therefore, it is our opinion that the City is eligible for coverage pursuant to the Permit. We respectfully request written concurrence from the USFWS that the continued discharge of municipal stormwater to the receiving waters via the existing municipal drainage system will have *no affect/no adverse affect* to federally protected endangered or threatened species. In the future, if the City determines structural BMPs are required to improve water quality, a separate request will be made to the USFWS as part of that specific project. In order to meet EPA-mandated submission requirements we would appreciate a response by September 20, 2018. The location action area is identified on the enclosed map.

Permit implementation will begin in the fall of 2018 and the permit has an expiration date of June 30, 2022.



USFWS

August 27, 2018

Page 2

This is a request for review by the Service pursuant to section 7 of the Endangered Species Act. We determined that the project may affect but is not likely to adversely affect the above listed species, because these non-structural BMPs will not adversely affect the water quality of the local receiving waters, but rather will improve water quality over the long term. Species are further identified below with specific information regarding the project impacts to each.

- Northern Long-eared Bat (*Myotis septentrionalis*) – The project proposes implementation of non-structural efforts to improve stormwater discharge quality and will not impact the environments utilized by the northern long-eared bat.
- Roseate Tern (*Sterna dougallii dougallii*) – Discharges from proposed projects may reach the environments utilized by the roseate tern. However, BMPs will be implemented throughout the City to reduce pollutants to the extent practicable and the discharges are not known to have any measurable impacts on roseate terns, the fish they eat, or their habitat.

The enclosed project package provides the information about the species and/or critical habitat considered in our review, and we identified our determinations for the resources that may be affected by the project. We request you concur with our determination that the project may affect but is not likely to adversely affect the species described above.

For additional information, please contact me at the address listed above, by phone at 401-457-0321, or gallantdj@cdmsmith.com.

Sincerely,

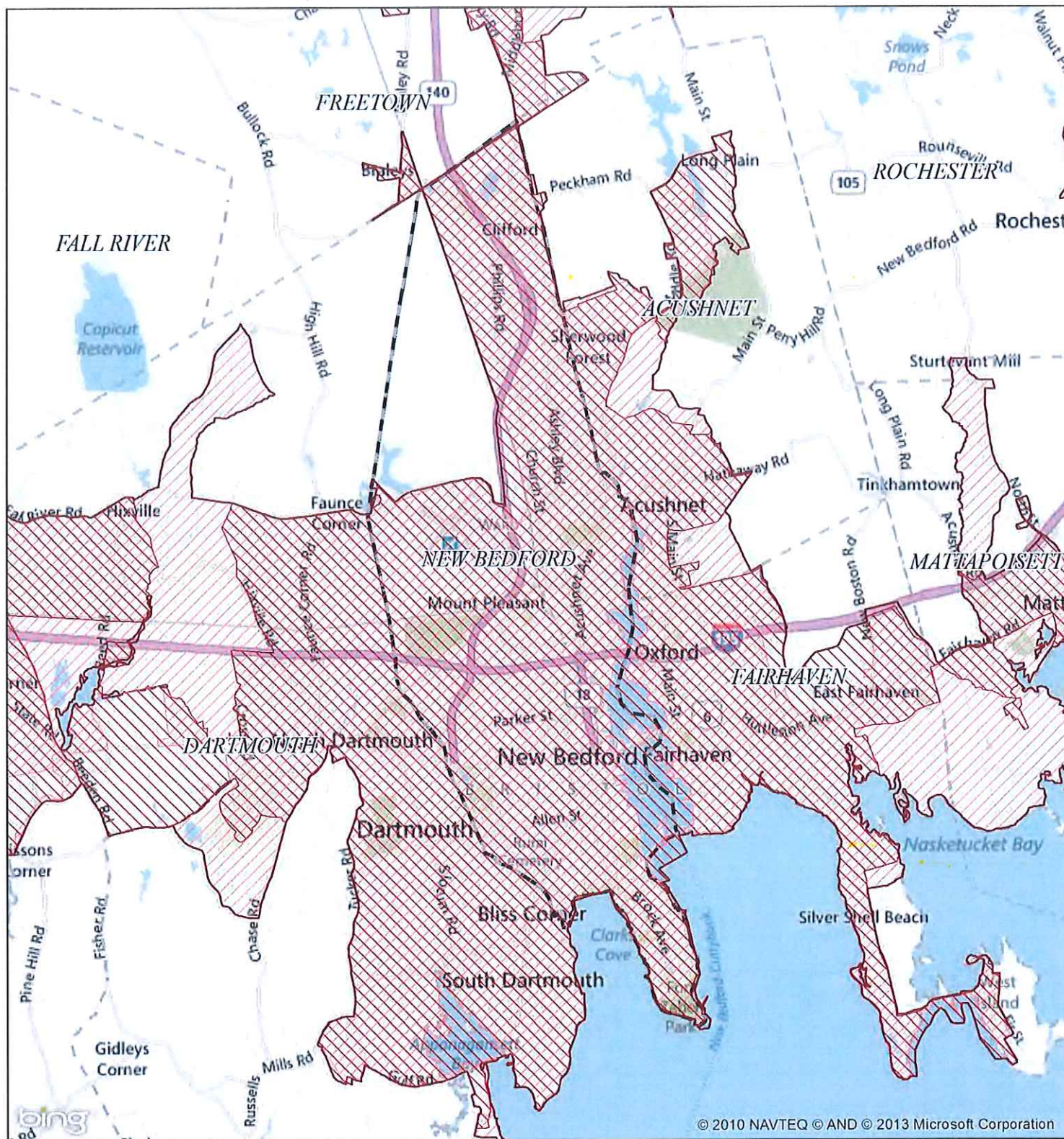
A handwritten signature in blue ink, appearing to read "Danielle Gallant", written over a horizontal line.

Danielle Gallant, QEP
Environmental Scientist
CDM Smith Inc.

cc: Eilish Corey, CDM Smith

Enclosures: List of Threatened or Endangered Species from USFWS
New Bedford, MA Designated MS4 Areas



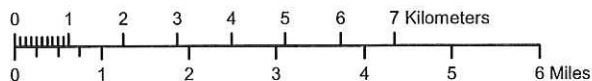


NPDES Phase II Stormwater Program Automatically Designated MS4 Areas

New Bedford MA

Regulated Area:

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



Town Population: **95072**
Regulated Population: **94933**
(Populations estimated from 2010 Census)



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

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



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:

August 08, 2018

Consultation Code: 05E1NE00-2018-SLI-2647

Event Code: 05E1NE00-2018-E-06187

Project Name: New Bedford Ms4

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-2647

Event Code: 05E1NE00-2018-E-06187

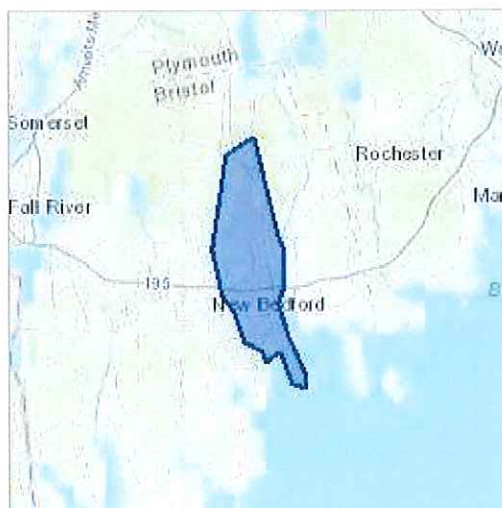
Project Name: New Bedford Ms4

Project Type: ** OTHER **

Project Description: Project consists of updating existing Ms4 Permit.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.668532528882636N70.94611598309011W>



Counties: Bristol, 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.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

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

Birds

NAME	STATUS
Roseate Tern <i>Sterna dougallii dougallii</i> Population: northeast U.S. nesting pop. No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2083	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Corey, Eilish

To: Gallant, Danielle (Lemoi)
Subject: RE: USFWS Section 7 Concurrence Letter: MA 2016 Small MS4 General Permit

From: Dykstra, Eliese <eliese_dykstra@fws.gov>
Sent: Wednesday, September 26, 2018 8:47 AM
To: Gallant, Danielle (Lemoi) <GallantDJ@cdmsmith.com>
Subject: USFWS Section 7 Concurrence Letter: MA 2016 Small MS4 General Permit

Dear Danielle Gallant,

Thank you for contacting us regarding the Massachusetts 2016 Small MS4 General Permit for the towns of Brockton, Marion, and New Bedford. Due to the large volume of consultation requests we have received in the past few months for the MA MS4 General Permit, we have created a letter in accordance with section 7 of the Endangered Species Act that may be used in place of an individual concurrence letter for projects that meet certain criteria. We have reviewed your consultation request for listed species that may be in your project action area and have attached our signed response below for you to include in your EPA application.

If you have questions or concerns, please let me know. I can be reached by email at eliese_dykstra@fws.gov, or phone at (603) 227-6427.

Sincerely,
Eliese Dykstra

--

Eliese Dykstra
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301
Phone: 603-227-6427
Email: eliese_dykstra@fws.gov



United States Department of the Interior

FISH AND WILDLIFE SERVICE



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

September 24, 2018

To whom it may concern:

The U.S. Fish and Wildlife Service (USFWS) reviewed the stormwater discharge activities associated with the 2016 National Pollutant Discharge and Elimination System (NPDES) Massachusetts (MA) Small Municipal Separate Storm Sewer System (MS4) general permit (MA MS4 General Permit) issued by the Environmental Protection Agency (EPA). We determined those activities may affect, but are not likely to adversely affect, certain species listed under the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) when specific conditions are met. When these conditions are met, we do not need to review individual projects. These comments are provided in accordance with section 7 of the ESA and complement existing 2016 MA MS4 General Permit Appendix C Guidance. We understand the applicant is acting as a non-Federal representative of the EPA for the purpose of consultation under section 7. **This letter provides additional guidance for meeting Criterion B and should be submitted as part of your application package to the EPA.**

If the USFWS Information for Planning and Consultation website (<https://ecos.fws.gov/ipac/>) indicates your MA MS4 General Permit project action area may contain one or more of the following federally listed endangered species: roseate tern (*Sterna dougallii*), northern red-bellied cooter (*Pseudemys rubriventris*), dwarf wedgemussel (*Alasmidonta heterodon*), rusty patched bumble bee (*Bombus affinis*), northeastern bulrush (*Scirpus ancistrochaetus*), or American chaffseed (*Schwalbea americana*); threatened species: piping plover (*Charadrius melodus*), bog turtle (*Glyptemys muhlenbergii*), Puritan tiger beetle (*Cicindela puritana*), northeastern beach tiger beetle (*Cicindela dorsalis*), or red knot (*Calidris canutus rufa*); or their federally designated critical habitat; and the specific conditions listed below are met, you may submit this letter to complete the **MA MS4 General Permit Appendix C: Step 4** in place of a concurrence letter for informal consultation as documentation of ESA eligibility for **USFWS Criterion B**.

In addition, this letter also satisfies the requirement in the **MA MS4 General Permit Appendix C: Step 2 (3)** to contact the USFWS and obtain a concurrence letter, if you have not yet done so. If your project action area includes one or more of the above-listed species *and* one or more of the

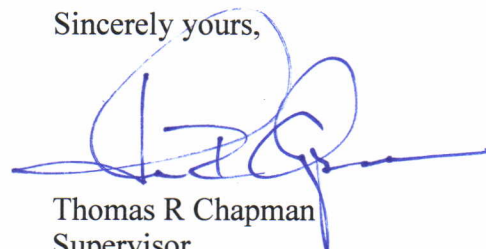
species listed under **Criterion C**,¹ you may still use this letter to certify under **Criterion B**. All existing guidance regarding requirements for certifying eligibility according to the USFWS Criterion A, B, or C for coverage by the 2016 MS4 Permit (see MA MS4 General Permit Appendix C – Endangered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

We have determined that proposed stormwater discharge activities covered under the 2016 MS4 Permit *may affect, but are not likely to adversely affect*, the above-listed species and the species' critical habitat when the following are true:

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

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

Sincerely yours,



Thomas R Chapman
Supervisor
New England Field Office

¹ Criterion C includes guidance for project action areas that may contain species for which EPA has already made a determination. These species include the northern long-eared bat (*Myotis septentrionalis*), sandplain gerardia (*Agalinis acuta*), small whorled pogonia (*Isotria medeoloides*), and/or American burying beetle (*Nicrophorus americanus*) (MA MS4 General Permit Appendix C: Step 3 – Determine if You Can Meet Eligibility USFWS Criterion C).

Appendix D

Document Locations/File Paths

The documents used to support the City's public outreach efforts and Standard Operating Procedures (SOPs) are located on a City server known as the Engineering Projects Drive ([\\nbibidata\dpw eng](#)) under the MS4 Project folder (for public outreach documents) and Standard Operating Procedures for any SOPs. The SOPs are organized in accordance with other DPI SOPs. These documents are backed up routinely. Additionally public education pamphlets and documents are available at the City's stormwater website.

BMP Name	Location/File Path of File or Backup Information
1-1 Nitrogen Lawn Management	1-1 Nitrogen Lawn Management.pdf (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\Record and Outreach Documents\Public Outreach Documents)
1-2 Pet Waste	1-2 Pet Waste.pdf (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\Record and Outreach Documents\Public Outreach Documents)
1-3 Leaf Litter	1-3 Leaf Litter.pdf (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\Record and Outreach Documents\Public Outreach Documents)
1-4 Dumpster Management	1-4 Dumpster Management.pdf (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\Record and Outreach Documents\Public Outreach Documents)
1-5 Rain Barrel Program	1-5 Rain Barrel Program.pdf (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\Record and Outreach Documents\Public Outreach Documents)
1-6 Other Discharge Waters	1-6 Other Discharge Waters.pdf (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\Record and Outreach Documents\Public Outreach Documents)
1-7 Hazardous Waste Disposal	City Website (https://www.newbedford-ma.gov/facilities-fleet-management/household-hazardous-waste-drop-days/)
1-8 Construction Runoff	Article VIII – Stormwater Management: (https://library.municode.com/ma/new_bedford/codes/code_of_ordinances?nodeId=CO_OR_CH16MUUTSE_ARTVIIIISTMA) Stormwater Rules and Regulations: (https://www.newbedford-ma.gov/public-infrastructure/wastewater/stormwater/)
1-9 Parking Lots	1-9 Parking Lot Maintenance.pdf (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\Record and Outreach Documents\Public Outreach Documents)
2-1 Public Review of Stormwater Management Program	Appendix E of SWMP and recorded in Annual Reports
2-2 Public Participation in Stormwater Management Program Development	Appendix E of SWMP and recorded in Annual Reports
2-3 Household Hazardous Waste Collection	City Website (https://www.newbedford-ma.gov/facilities-fleet-management/household-hazardous-waste-drop-days/)
2-4 School Outreach Programs	Handouts from Presentations (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\Record and Outreach Documents\Public Outreach Documents\School Handouts)
3-1 IDDE Legal Authority	Article VIII – Stormwater Management: (https://library.municode.com/ma/new_bedford/codes/code_of_ordinances?nodeId=CO_OR_CH16MUUTSE_ARTVIIIISTMA) Stormwater Rules and Regulations: (https://www.newbedford-ma.gov/public-infrastructure/wastewater/stormwater/)
3-2 SSO Inventory	Attachment A of Annual Reports (Bound Separately)

BMP Name	Location/File Path of File or Backup Information
3-3 Map of Storm Sewer System	City GIS Database
3-4 IDDE Program	SOP I-805 IDDE.pdf or IDDE SOP.doc (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\SOPs\I-805)
3-5 Employee Training	New Bedford IDDE Training.pptx (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\Trainings)
3-6 Dry Weather Screening	SOP 801 – Dry Weather Sampling SOP.doc and SOP 801 – Dry Weather Sampling SOP.pdf (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\SOPs\I-801)
3-7 Wet Weather Screening	SOP 802 - Wet Weather Screening.doc and SOP 802 - Wet Weather Screening.pdf (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\SOPs\I-802)
3-8 On-going Screening	SOP I-805 IDDE.pdf or IDDE SOP.doc (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\SOPs\I-805)
4-1 Sediment and Erosion Control	Article VIII – Stormwater Management: (https://library.municode.com/ma/new_bedford/codes/code_of_ordinances?nodeId=CO_OR_CH16MUUTSE_ARTVIIISTMA) Stormwater Rules and Regulations: (https://www.newbedford-ma.gov/public-infrastructure/wastewater/stormwater/)
4-2 Site Plan Review Procedures	SOP 901 – Design Plan SOP.pdf and Site Plan SOP.doc (\\nb-eng-01\Engineering\Stormwater Projects\SOPs\E-101)
4-3 Site Inspections and Enforcement of Sediment and Erosion Control	SOP E-2 Construction S and E.pdf (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\SOPs\E-2)
4-4 Waste Control	Article VIII – Stormwater Management: (https://library.municode.com/ma/new_bedford/codes/code_of_ordinances?nodeId=CO_OR_CH16MUUTSE_ARTVIIISTMA) Stormwater Rules and Regulations: (https://www.newbedford-ma.gov/public-infrastructure/wastewater/stormwater/)
5-1 Post-Construction Ordinance	Article VIII – Stormwater Management: (https://library.municode.com/ma/new_bedford/codes/code_of_ordinances?nodeId=CO_OR_CH16MUUTSE_ARTVIIISTMA) Stormwater Rules and Regulations: (http://www.newbedford-ma.gov/wp-content/uploads/2017/Stormwater-Management-Rules-final.pdf)
5-2 Street Design and Parking Lot Guidelines Report	Memorandum: Updates to New Bedford Documents in Support of Low Impact Development (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\LID and GI Reports-Inventory\LID MEMO)
5-3 Green Infrastructure Report	Green Infrastructure Master Strategy and Implementation Roadmap (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\LID and GI Reports-Inventory\Master GI Plan)
5-4 List of Municipal Retrofit Opportunities	Green Infrastructure Master Strategy and Implementation Roadmap (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\LID and GI Reports-Inventory\Master GI Plan)
5-5 As-Built Plans	Article VIII – Stormwater Management: (https://library.municode.com/ma/new_bedford/codes/code_of_ordinances?nodeId=CO_OR_CH16MUUTSE_ARTVIIISTMA) Stormwater Rules and Regulations: (https://www.newbedford-ma.gov/public-infrastructure/wastewater/stormwater/)
5-6 Retention and Treatment Requirements	Article VIII – Stormwater Management: (https://library.municode.com/ma/new_bedford/codes/code_of_ordinances?nodeId=CO_OR_CH16MUUTSE_ARTVIIISTMA) Stormwater Rules and Regulations: (https://www.newbedford-ma.gov/public-infrastructure/wastewater/stormwater/)

BMP Name	Location/File Path of File or Backup Information
6-1 Parks and Open Spaces Operations and Maintenance Procedures	SOP I-702 Lawn Maintenance.pdf (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\SOPs\I-702)
6-2 Buildings and Facilities Operations and Maintenance Procedures	Municipal Owned Properties (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\LID and GI Reports-Inventory\City Property Inventory)
6-3 Vehicles and Equipment Operations and Maintenance Procedures	SOP I-708 Vehicle and Equipment Storage, Operations, and Washing.pdf (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\SOPs\I-708)
6-4 Infrastructure Operations and Maintenance	TBD
6-5 Catch Basin Cleaning Program	SOP 710 – Catch Basin Inspection and Cleaning.docx (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\SOPs\I-710)
6-6 Street Sweeping Program	SOP 709 – Street Sweeping.docx (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\SOPs\I-709)
6-7 Winter Road Maintenance Program	SOP I-711_Winter Road Maintenance.pdf (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\SOPs\I-711)
6-8 Stormwater Treatment Structures Inspection and Maintenance Procedures	SOP 712 – Structural Stormwater BMPs.doc (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\SOPs\I-712)
6-9 SWPPP	DPI Facility SWPPP, Central Garage SWPPP and Brooklawn Garage SWPPP (\\nb-eng-01\Engineering\MS4 and Stormwater Projects\Municipal SWPPPs)

Appendix E

SWMP Components

The following information must be included in the SWMP within the dates stated and updated annually thereafter as necessary.

Year 1 (June 1, 2018 to June 30, 2019)

Information	Location
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.	SWMP, Stormwater Management Program Team Section
Documentation of compliance with part 1.9.1 [Documentation Regarding Endangered Species]	SWMP, Appendix C
Documentation of compliance with part 1.9.2 [Documentation Regarding Historic Properties]	SWMP, Appendix C
Documentation of authorization of all new or increased discharges granted by MassDEP in compliance with part 2.1.2	N/A – No new or increased discharges
Listing of all discharges 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: <ul style="list-style-type: none">• 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.	SWMP, Minimum Control Measure Section
Sanitary Sewer Overflow (SSO) inventory including all of the information required in part 2.3.4.4.b	Attachment A of Annual Reports (Bound Separately)
Written IDDE Program pursuant to part 2.3.4.6	Written IDDE Plan (Bound Separately)
Written procedures for site inspections and enforcement of sediment and erosion control procedures in accordance with part 2.3.5	Sediment Control Inspection, Sediment and Erosion Control, & Site Plan Review SOP (Bound Separately)
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.	N/A – There are no surface public drinking water supply sources within the MS4 area.

Description of activities to achieve compliance with part 3.0 [Additional Requirements for Discharges to Surface Drinking Water Supplies and Their Tributaries]	N/A – There are no surface public drinking water supply sources within the MS4 area.
Annual program evaluation (part 4.1). Update annually and maintain copies.	MS4 Annual Report (Bound Separately)

Year 2 (July 1, 2019 to June 30, 2020)

Information	Location
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.	SWMP, Receiving Waters (Page 8)
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.	SWMP, Receiving Waters (Page 8)
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.	City of New Bedford Stormwater Rules and Regulations (Bound Separately)
The map of the separate storm sewer system required by part 2.3.4.5	City GIS Database

Year 3 (July 1, 2020 to June 30, 2021)

N/A

Year 4 (July 1, 2021 to June 30, 2022)

Information	Location
Report(s) assessing current street design and parking lot guidelines and other local requirements within the municipality that affect the creation of impervious cover.	Memorandum: Updates to New Bedford Documents in Support of Low Impact Development <u>(\\nb-eng-01\Engineering\MS4 and Stormwater Projects\LID and GI Reports-Inventory\LID MEMO)</u>

Year 5 (July 1, 2022 to June 30, 2023)

N/A

Appendix F

Annual MS4 Evaluations (Bound Separately)

- MS4 General Permit Compliance Report PY 1 (May 1, 2018 to June 30, 2019)
- MS4 General Permit Compliance Report PY 2 (July 1, 2019 to June 30, 2020)
- MS4 General Permit Compliance Report PY 3 (July 1, 2020 to June 30, 2021)
- MS4 General Permit Compliance Report PY 4 (July 1, 2021 to June 30, 2022)

