

**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  D

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

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

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



Waterbody that receives flow from the MS4 and segment ID if applicable	Number of outfalls into receiving water segment	Chloride	Chlorophyll-a	Dissolved Oxygen/DO Saturation	Nitrogen	Oil & Grease/ PAH	Phosphorus	Solids/ TSS/ Turbidity	E. coli	Enterococcus	Other pollutant(s) causing impairments
NHLAK700061203-09 Redfield Estates Pond	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
NHRIV700061101-08 Unnamed Brook	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
NHRIV700061101-05 Taylor Brook	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
NHLAK700061101-01-01 Island Pond, Derry, W/Cwf	4	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cyanobacteria hepatotoxic microcystins
NHRIV700061101-03 Unnamed Brook to Ballard Pond	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
NHRIV700061203-08 Catobrook North	5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
NHRIV700061203-29 Catobrook South	9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
NHRIV700061101-01 Drew, Cunningham, Leavitt, & Unnamed Brooks	10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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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 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

<b>BMP Media/Category</b> (enter your own text to override the drop down menu)	<b>BMP Description</b>	<b>Targeted Audience</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b>	<b>Beginning Year of BMP Implementation</b>
Signs	Signs citing ordinance to cleanup after dog	Residents (dog owners)	DPW	Decreased presence of dog waste in problem area	2018
Webpage and Promotional materials	Winter Salt Management	Businesses, Institutions and Commercial Facilities	DPW	Number of newly certified and recertified Green SnoPro professionals, reduced chloride use.	2018
Brochures/Pamphlets	Sedimentation & Erosion Control Requirements	Developers (construction)	Regional Planning commission to assist DPW with developing brochure	Number of developers reached and number of concerns identified during site inspections.	2019
Brochures/Pamphlets	Stormwater Pollution Prevention for Industrial Sites	Industrial Facilities	Develop through NH Stormwater Coalition, implement through DPW	Green Yard Certification	2020
Webpage and Promotional materials	Proper Fertilizer Use & Yard Waste Management	Residents	Regional Planning commission to assist DPW with developing brochure	Number of residents reached, increased awareness of proper fertilizer use, yard waste management, & impacts to water quality	2019
Pamphlet and/or Workshop	Green Landscaping for Water Quality	Businesses, Institutions and Commercial Facilities	Regional Planning commission to assist DPW with developing brochure	Number of attendees, Pamphlets distributed	2022

Brochures/Pamphlets	Low Impact Development	Developers (construction)	DPW/Planning Dept	Number of developments incorporating LID	2022
Brochures/Pamphlets	Fleet maintenance/ Pollution Prevention Flyer	Industrial Facilities	DPW	Number of industrial facilities reached	2021
Webpage and Promotional materials	Septic Maintenance Flyer/Pamphlet	Residents with Septic Systems	DPW	Number of brochures distributed and taken from kiosks	2019
Webpage and Promotional materials	Pet Waste Management	Residents (Pet Owners)	Develop through NH Stormwater Coalition, implement through DPW	Number of residents reached, increased awareness, reduced bacteria pollution.	2019

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

Part III: Stormwater Management Program Summary (continued)

MCM 2: Public Involvement and Participation

<b>BMP Categorization</b>	<b>Brief BMP Description</b> (enter your own text to override the drop down menu)	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Additional Description/ Measurable Goal</b>	<b>Beginning Year of BMP Imple- mentation</b>
Public Review	SWMP Review - SWMP will be posted and available on town website for	DPW or as assigned	Allow annual review of stormwater management plan and posting of stormwater management plan on website	2019
Public Participation	Public comment on SWMP	DPW or as assigned	Allow public to comment on stormwater management plan annually	2019
Public Participation	Catch Basin Stenciling/Markers	DPW coordinate with lake association and other interested residents/groups	Number of catchbasins stenciled.	2018
Public Participation	Cleanups - Shoreline/Waterbody	DPW coordinate with lake association and interested residents	Number of participants and amount of waste collected	2018
Public Participation	Cleanups - Roadside/General	DPW/Transfer Station coordinate for Derry Residents	Number of participants and amount of waste collected	2019
Public Participation	Household haz. waste/used oil collection	DPW Environmental	Number of households represented and/or volume of waste collected	2018



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

Part III: Stormwater Management Program Summary (continued)

**MCM 3: Illicit Discharge Detection and Elimination (IDDE)**

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





**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**

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)
Site inspection and enforcement of Erosion and Sediment Control (ESC) measures	Complete written procedures of site inspections and enforcement procedures	Engineering	Complete within 1 year of the effective date of permit
Site plan review	Complete written procedures of site plan review and begin implementation	Engineering	Complete within 1 year of the effective date of permit
Erosion and sediment control	Adoption of requirements for construction operators to implement a sediment and erosion control program	Engineering	Complete within 1 year of the effective date of permit
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	Engineering	Complete within 1 year of the effective date of permit


## 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

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)
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	Engineering	Require submission of as-built plans for completed projects
Target properties to reduce impervious areas	Complete an inventory and priority ranking of permittee-owned property and existing infrastructure that could be retrofitted with BMPs designed to reduce the frequency, volume and pollutant loads of stormwater discharges to its MS4 through the mitigation of impervious area	DPW Operations	Complete 4 years after effective date of permit and report annually on retrofitted properties
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	DPW/Planning/Building Depts	Complete 4 years after effective date of permit and implement recommendations of report
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.	DPW/Planning?Fire Depts.	Complete 4 years after effective date of permit and implement recommendations of report



**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**

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)	<b>Beginning Year of BMP Implementation</b>
O&M procedures	Create written O&M procedures including all requirements contained in 2.3.7.1 for parks and open spaces, buildings and facilities, and vehicles and equipment	DPW Operations	Complete and implement 2 years after effective date of permit	2020
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Create inventory	DPW Operations	Complete 2 years after effective date of permit and implement annually	2020
Infrastructure O&M	Establish and implement Stormwater Asset Management program for repair and rehabilitation of MS4 infrastructure	DPW Environmental and Asset Management Coordinator	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	DPW Environmental	Complete 2 years after effective date of permit	2018
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	DPW Operations/Contracted out	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	DPW Operations Contracted Out	Sweep all streets and permittee-owned parking lots once per year in the spring	2018



### 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**. If submitting a NHDES approved alternative reduction plan, attach and submit it with the NOI.

Applicable TMDL	Action Description	Responsible Department/Parties <small>(enter your own text to override the drop down menu)</small>
I-93 Corridor: Beaver Brook in Derry & Londonderry (Chloride)	Submit alternative reduction plan with NOI	DPW Operations
New Hampshire Statewide (Bacteria)	Adhere to requirements in Part II.1 of Appendix F	DPW, Parks and Rec, Code Enforcement
Hoods Pond (Phosphorus)	Adhere to requirements in Part III.1 of Appendix F	DPW Operations



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

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

#### Actions for Meeting Requirements Related to Water Quality Limited Waters

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

Pollutant	Waterbody ID(s)	Action Description	Responsible Department/Parties <small>(enter your own text to override the drop down menu)</small>
Chloride	NHRIV700061203-09 Beaver Brook NHRIV700061203-11 Beaver Brook NHLAK700061203-02-01 Beaver Lake, Derry, W/Cwf	Alternative Reduction Plan	DPW
Phosphorus	NHLAK700061101-01 Island Pond, Derry, W/Cwf	Adhere to requirements in part II of Appendix H	DPW
E. Coli	NHLAK700061101-01-02 Chases Grove NHLAK700061202-02-02 Gallien's beach NHLAK700061203-02-02 Hoods Town Beach NHLAK700061203-05-02 Karen-Gena Beach	Adhere to requirements in part III of Appendix H	DPW


Part IV: Notes and additional information

Use the space below to indicate the part(s) of 2.2.2 that you have identified as not applicable to your MS4 and provide all supporting documentation below or attach additional documents if necessary.

Provide any additional information about your MS4 program below.

Part I. General Conditions-Eligibility Determination

ESA Determination

- Only the Long Eared Northern Bat was identified as potentially being present in the Town of Derry. The Town believes that its discharges have no effect on the Northern Long Eared Bat, and that planned actions under the permit will have no effect on the Northern Long Eared Bat. The Town of Derry will consult with US Fish and Wildlife as needed during the permit term on any future BMPs. A phone consult was held with David Simmons of USF&W, who suggested the USF&W letter dated January 8, 2018 (attached). -The Town does not believe any of its stormwater discharges would have an effect on the Shortnose and Atlantic sturgeon. None of the Town's stormwater discharges are within Sturgeon accessible watersheds or subwatersheds affecting coastal water quality. While Appendix C of the permit states that EPA has determined that discharges from MS4s are not likely to adversely affect listed species of critical habitat under the jurisdiction of the National Marine Fisheries Service (NMFS), and that no further action is required by permittees. However during the filing of the NOI for the Town's Multi-Sector General Permit, EPA rejected the Town's NOI for not conducting the NMFS evaluation. Due to obvious inconsistencies within EPA's Stormwater programs and concern for potential non-compliance, the Town attempted phone contact with NMFS on 7/24/18 and 8/1/18. No response was received after the Town's second attempt. The ESA completed for the Town's MSGP indicated there would not be any adverse affect of critical species or their habitat. The most current NMFS map showing the Sturgeon accessible watersheds and subwatersheds affecting coastal water quality is attached.

HSA Determination

The Town of Derry was permitted under the 2003 MS4GP and currently has no plans to construct BMPs that would impact under 1 acre in size. Should plans change, the Town will conduct appropriate historical review at that time.

MS4 Infrastructure

The current stormwater infrastructure map includes some structures owned and maintained by NH Dept of Transportation and private/commercial entities. As the map is updated, state- and privately-owned infrastructure will be differentiated from municipally-owned stormwater infrastructure.

PART III Actions for Meeting Requirements Related to Water Quality Limited Waters

-Nitrogen Impairments - Section 2.2.2.a.i of the MS4GP - Under the new MS4GP, USEPA erroneously claims that discharges from Derry's MS4 are to waterbodies that are impaired due to nitrogen and is therefor required to comply with Appendix H, Part I of the permit. It is apparent that this claim is only based on a small (approximately 0.78 square miles) area of Derry being located within the TOWLE BROOK-LILY POND Watershed (AU: 010600030802) which drains to the Exeter River (NHRIV600030802-03). The Town of Derry disagrees for the following reasons:

1. The area of Derry located within the referenced watershed is not within the EPA 2017 MS4 Designated area for the Town of Derry.
2. The Town does not own or maintain any property, roads, or stormwater drainage systems within the referenced watershed. A figure showing the subject area along with the watershed boundary and the regulated MS4 area is included with this NOI.
3. The 3 Assessment Units located either partially or entirely within the Town of Derry (NHRIV600030802-23, NHIMP600030802-07, & NHRIV600030802-01) are not listed as impaired for nitrogen on the 2016 305(b)/303(d) list.
4. The small area (0.8 sq. mi.) of watershed located within the Town of Derry drains to a substantially larger area (~13.8 sq.mi.) within the Town of Chester for which received an exemption from the MS4GP. Any efforts by the Town of Derry to implement the requirements for nitrogen reduction within such a small area would have no meaningful or even measurable impact since it drains to such a large area in a downstream town whose land use is largely farms and agriculture but yet has no requirement to implement similar measures.

-NHRIV700061203-16 Beaver Brook is reported to be impaired for iron. The Town believes that complying with Appendix H Part V is not necessary as it is already regulated under a separate regulatory program, the monitoring results over the past 12 years demonstrate iron in surface water meets chronic surface water quality standard, and a primary source of the iron is naturally occurring.

1. The iron impairment is based on individual samples collected at two separate locations in 1999 which is before the first edition of the Consolidated Assessment and Listing Methodology and the Ambient River Monitoring Program QAPP, both published in 2002. According to the NH 2016 305(b)/303(d) list of Impaired Waters, the cause of the impairment is listed as "Landfill". The 2 sample locations are located adjacent to and downstream of the Town's closed/capped landfill (capped in 1986 and 1998).
2. The site and portion of the adjacent stream segment are being monitored an addressed under a separate regulatory program. The Town has been monitoring surface water at 3 locations within this segment of Beaver Brook under a NHDES issued Groundwater Management and Discharge Permit (GM DP) since 2002. One surface water location (SW-3) immediately downstream of the landfill is the

3. Surface water monitoring under the GMDP shows there are only minor differences in total iron concentration in surface water from upstream to downstream past the landfill. A summary table of total iron concentrations in surface water since 2006 is attached along with the NH Chronic standard of 1 mg/l (1000 ug/l). No sample collected during this time exceeded the Chronic Criteria concentration of 1 mg/l.

4. Evidence also suggests that a significant portion of the iron in surface water is naturally occurring. According to USGS WRI Report 91-4025 "Geohydrology and Water Quality of Stratified-Drift Aquifers in the Lower Merrimack and Coastal River Basins, Southeastern New Hampshire", Beaver Brook flows through stratified drift (sand and gravel) aquifers which primarily "discharge by flow to rivers and ponds in the basin." The report also states that "High concentrations of iron and manganese were the most common water quality problems found during the investigation" with iron concentrations as high as 7.4 mg/l in groundwater. The Town also operated several water supply wells upstream of the landfill until the 1980s. A 1973 Report "Improvements to the Municipal Water System" by Camp, Dresser & McKee, Inc. also reported that several of the supply wells which abutted Beaver Brook in the same stream segment were high in iron.

#### PART III WATERS with a CHLORIDE TMDL and WATERS IMPAIRED FOR CHLORIDE

The Town proposes to implement an Alternative Chloride Reduction Plan in lieu of the requirements in the MS4GP.- In 2010 the Town of Derry prepared a Salt Reduction Plan (SRP) to comply with requirements of the I-93 Chloride TMDL and applicable waste load allocations. The SRP was reviewed and approved on December 6, 2010 by the I-93 Chloride Reduction Steering Committee made up of representatives from USEPA, Federal Highway Administration, NHDES, and NHDOT. The SRP was revised and approved 3 times during implementation of various new Best Management Practices. During the development of the TMDL and SRP, the Town was actively involved in the I-93 salt reduction workgroup, hosted numerous Green SnoPro Training Sessions at the Derry Municipal Center, implemented the SRP Town wide (not just within the watershed), enacted several equipment BMPs, and even received an award for our involvement and outreach efforts. These efforts have already led to reduction in salt imports and water quality improvement.

During the first annual Salt symposium sponsored by NHDES and UNH-T2, Derry's Superintendent of Operations was awarded the Salt-n-Peppa Award (1 of 3 awards given that day). Senator Chuck Morse presented the Salt-n-Peppa Award which is given to:

"the salt professional exemplifying the best blending of stakeholders in a salt reduction stew. This award recognizes an individual who has provided outstanding leadership in addressing salt reduction. Addressing private sector salt reduction in a comprehensive way is relatively new to NHDES and UNH. When DES began working on this issue in 2006 in the I-93 corridor, including the area just outside our door here at Castleton, staff recognized early on that it would take a collaborative effort among state, municipal, and private salt applicators to make progress. Alan really stands out in this regard. In the early days, he frequently asked a lot of tough questions, keeping everyone on our toes and making sure that DES had good reasons to ask what they were asking him to do. Over time, he became one of the reasons the salt reduction program partners have had success so far. Alan reached out to private applicators in his town, to other towns, and to legislators – in fact, he found one of the sponsors of the salt applicator certification bill. He hosted many work group meetings in the I-93 corridor focused on salt reduction. Alan helped produce a half-hour cable access program on salt reduction that has been viewed by thousands of people. He is made substantial improvements in his own operations, resulting in significant decreases in salt use."

NHDES is assessing conformance with the TMDL during its 10 year review. Data shows there have not been any exceedances since 2011 (through the latest NHDES 2017 data) which leads to the successes of the BMP's and Snow-Pro program already implemented within the watershed. This data has been reviewed and approved by NHDES for publishing,

Based on the above and success at reducing chloride use, the Town believes that continuing with our existing SRP is adequate to meet the same water quality goals and objectives.

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

## Part V: Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly 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 have no personal knowledge that the information submitted is other than 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. (40 CFR 122.22)

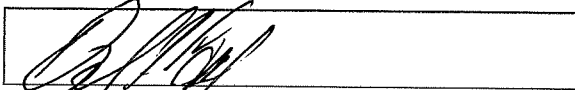
Name:

David Caron

Title:

Town Administrator

Signature:



Date:

9/27/18

[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



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

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

January 8, 2018

To Whom It May Concern:

This project was reviewed for the presence of federally listed or proposed, threatened or endangered species or critical habitat per instructions provided on the U.S. Fish and Wildlife Service's New England Field Office website:

*<http://www.fws.gov/newengland/EndangeredSpec-Consultation.htm> (accessed January 2018)*

Based on information currently available to us, no federally listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area(s). Preparation of a Biological Assessment or further consultation with us under section 7 of the Endangered Species Act is not required. No further Endangered Species Act coordination is necessary for a period of one year from the date of this letter, unless additional information on listed or proposed species becomes available.

Thank you for your cooperation. Please contact David Simmons of this office at 603-227-6425 if we can be of further assistance.

Sincerely yours,

Thomas R. Chapman  
Supervisor  
New England Field Office



## 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:

July 23, 2018

Consultation Code: 05E1NE00-2018-SLI-2483

Event Code: 05E1NE00-2018-E-05765

Project Name: Derry MS4GP ESA Review

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](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-2483

Event Code: 05E1NE00-2018-E-05765

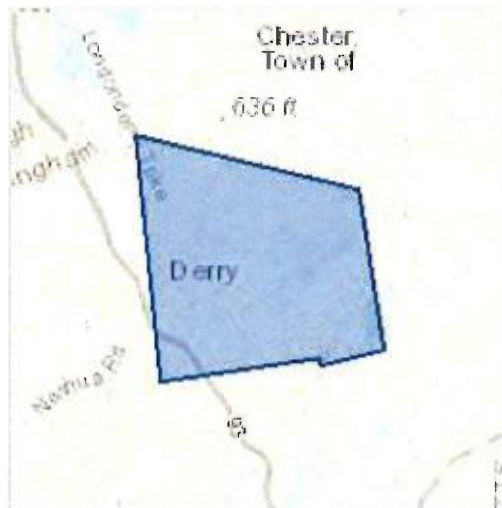
Project Name: Derry MS4GP ESA Review

Project Type: \*\* OTHER \*\*

Project Description: Town of Derry MS4GP evaluation of whether MS4 discharges impact endangered species or habitat.

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.891162790557594N71.27686179049526W>



Counties: Rockingham, NH

## Endangered Species Act Species

There is a total of 1 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 Fisheries<sup>1</sup>, 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.

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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.

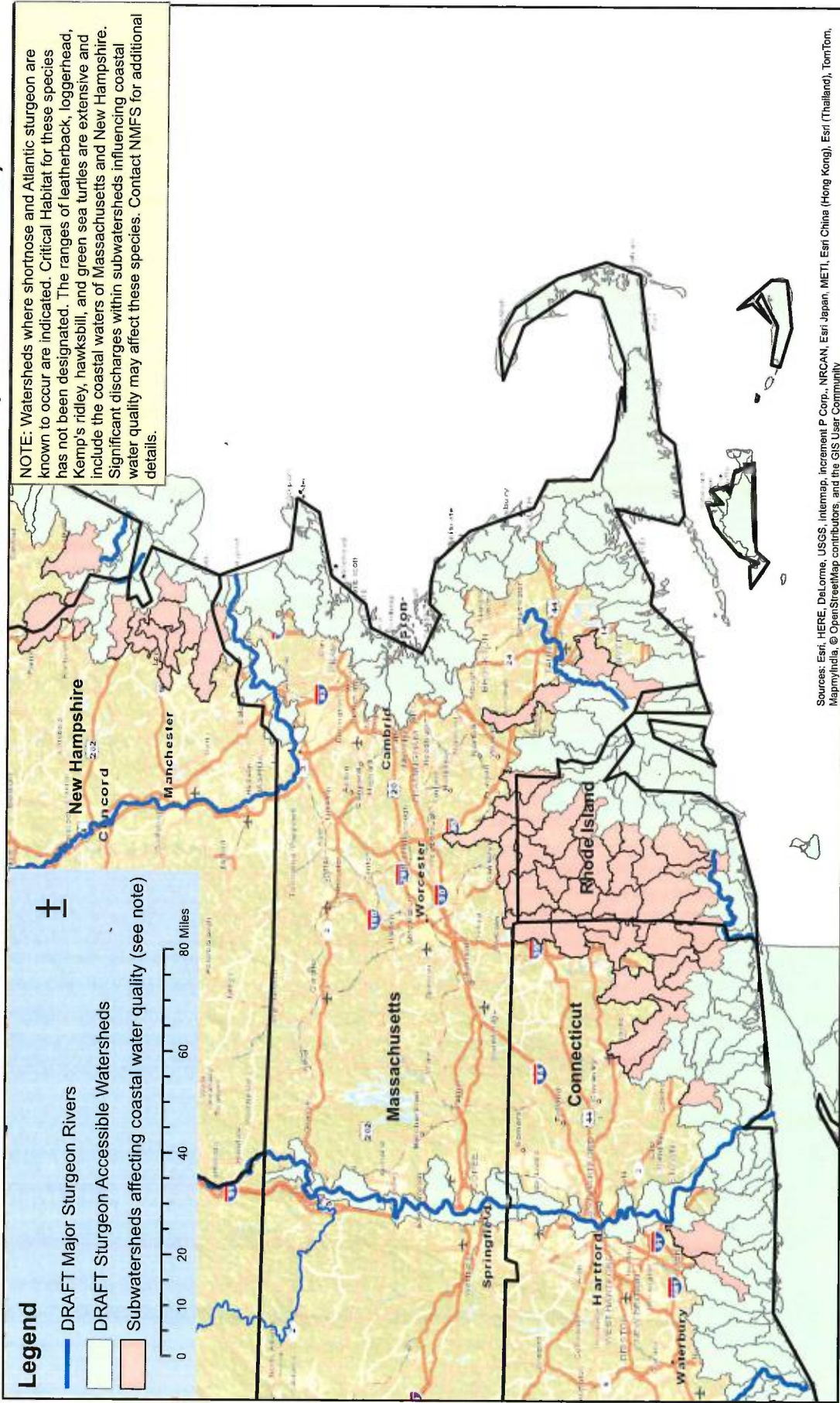
## Mammals

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

## Critical habitats

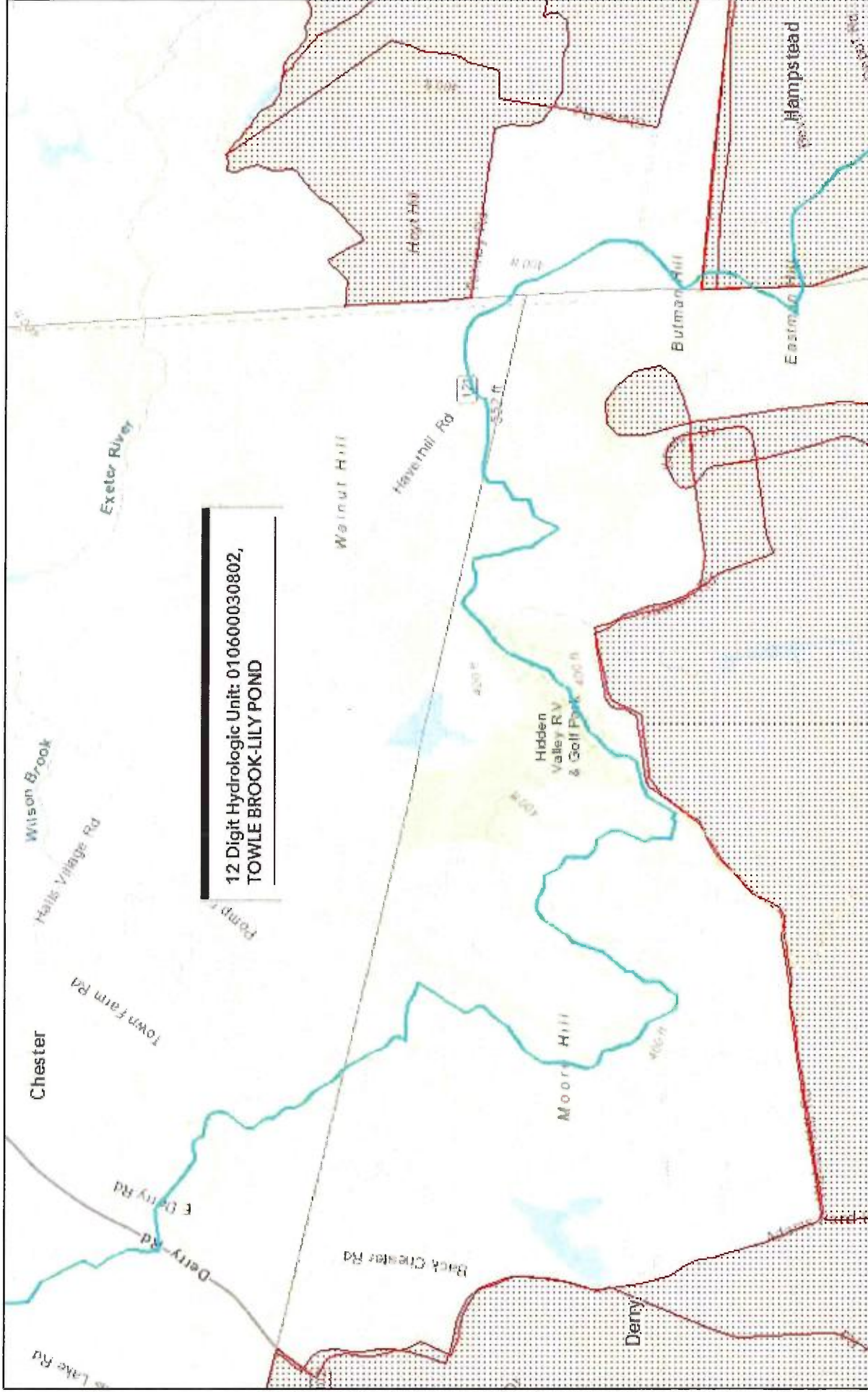
THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

# New England Rivers and subwatersheds where ESA-listed shortnose and Atlantic sturgeon occur (created 5/26/2015)





# DerryMS4 Permit Area in relation to Towle Brook-Lily Pond Watershed



9/18/2018 12:40:08 PM

12 Digit Hydrologic Units

EPA 2017 MS4 General Permit Areas

Municipalities

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri

Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA | The New Hampshire Department of Environmental Services, Watershed Management Bureau, Web App Builder for ArcGIS

**Summary of Total Iron Concentration in Surface Water  
Derry Closed Municipal Landfill/NHRIV700061203-16 Beaver Brook**

NHDES ID	SAMPLE LOCATION			
		10+K-BVR US of Landfill	10+H-BVR DS of Landfill	
Town ID	SW-1		SW-3	SW-6
Location	Upstream of Landfill	Adjacent to Landfill	Downstream of Landfill	Downstream of I-93
Date	*Fresh Water Chronic Criteria = 1 mg/l			
8/19/1999 (NHDES Samples)		2.13	2.38	
11/07/06	0.29		0.42	0.42
04/03/07	0.21		0.25	0.38
11/06/07	0.63		0.79	0.83
04/12/08	0.3		0.39	0.39
11/10/08	0.29		0.38	0.35
04/28/09	0.41		0.55	0.52
11/17/09	0.29		0.39	0.40
04/12/10	0.24		0.34	0.33
11/09/10	0.17		0.34	0.31
04/21/11	0.19		0.26	0.23
11/02/11	0.22		0.28	0.28
04/24/12	0.594		0.395	0.441
11/14/12	0.26		0.40	0.360
04/01/13	0.33		0.21	0.16
04/29/14	0.21		0.27	0.26
04/23/15	0.15		0.19	0.19
04/14/16	0.27		0.31	0.26
04/06/17	0.09		0.26	0.14
04/30/18	0.22		0.31	

\*Protection of Aquatic Life Concentration per Env-Wq 1703.21(b)