

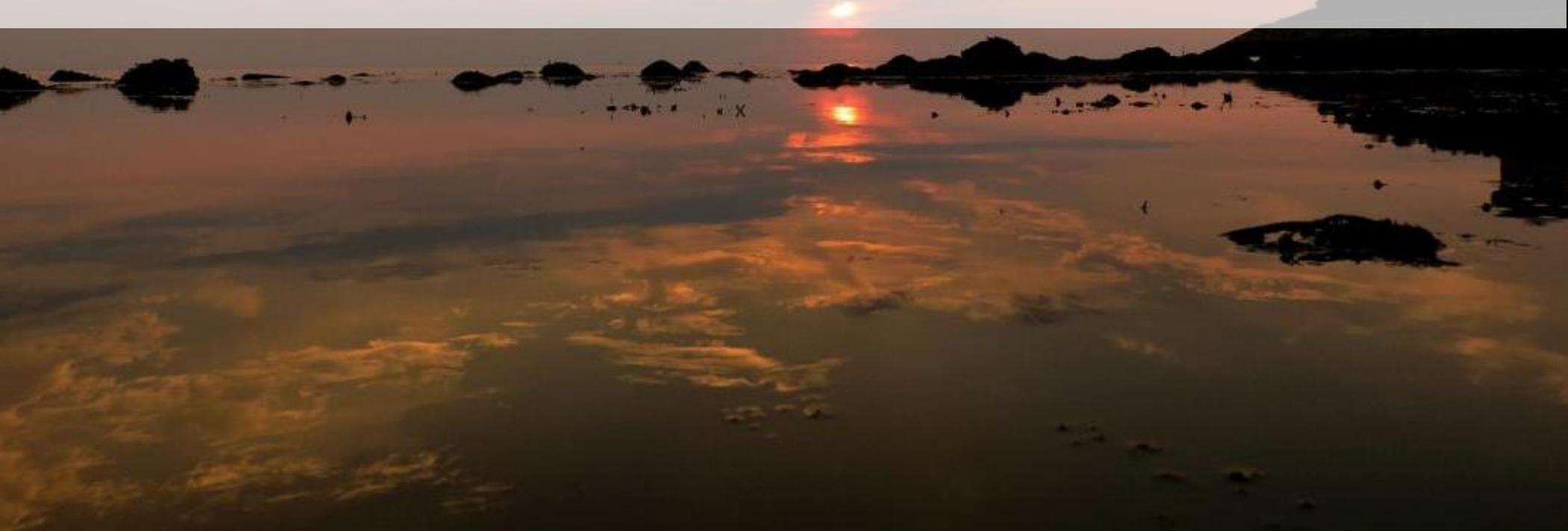


# TOWN OF WINTHROP



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## STORMWATER MANAGEMENT PROGRAM PLAN





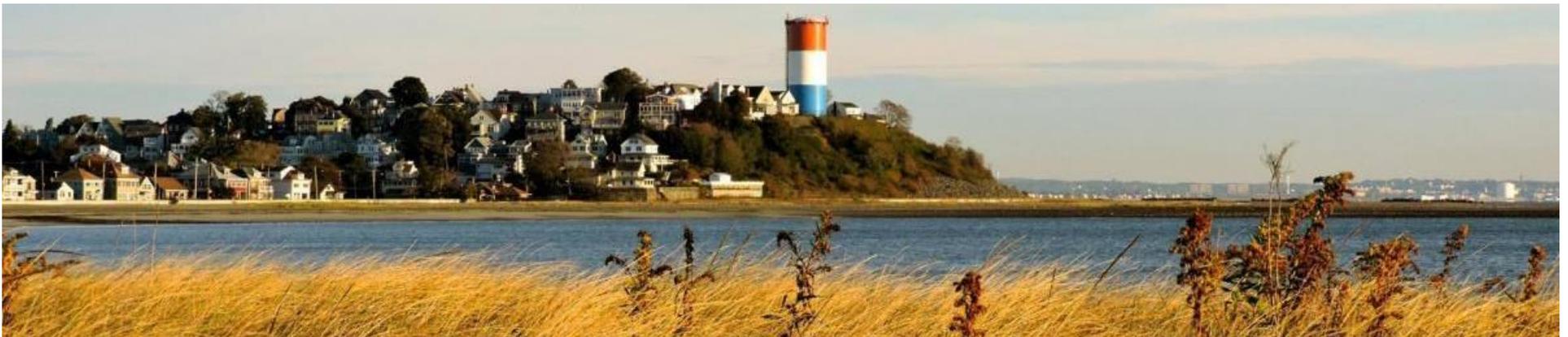
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## 1. STORMWATER PROGRAM OVERVIEW

### WHY IS THIS IMPORTANT?

Stormwater runoff commonly transports pollutants through municipal separate storm sewer systems (MS4s), where it is discharged, often untreated, into local water bodies. To the public, the MS4 is more commonly known as a stormwater drainage system or simply as the “drain.” These stormwater drains have been constructed in developed areas to reduce the risk of flooding and damage to our built infrastructure. Unfortunately, stormwater drainage systems carry pollution during rain events and snow melt – this can include oil, trash, and any other materials found on lawns, streets, and parking lots.

In the Town of Winthrop, stormwater runoff discharges that are conveyed by the MS4 to the environment are regulated under the Clean Water Act and require a Permit. Winthrop is one of thousands of communities and institutions across the country that must comply with these regulations. The stormwater drainage system discharge Permit is known as the “MS4 General Permit” and is issued and managed by both the U.S. Environmental Protection Agency (EPA) and the State of Massachusetts Department of Environmental Protection (MassDEP).

### WHAT DOES WINTHROP HAVE TO DO?

The Town of Winthrop has had MS4 Permit coverage since 2003. As part of the Permitting requirements, Winthrop is required to develop a written Stormwater Management Program (SWMP). This SWMP (or Plan) is a “living” reference document that will guide the Town’s implementation of requirements within the Permit. Winthrop is required to keep records of, and report on, the activities and measures that are implemented and consistent with this Plan. MS4 General Permit requirements are summarized (and simplified) as follows:



**Implement** public education programs to help Town residents, business owners, and developers understand their role in keeping stormwater clean.



**Engage** the public in decision-making throughout the program.



**Find** and fix leaky or unauthorized sanitary sewer lines that might be discharging into the drainage system.



**Ensure** that construction projects do not pollute runoff with sediments and debris.



**Ensure** that new development and redevelopment control and treat runoff before it leaves the property.



**Engage** in pollution prevention actions like road and parking area best practices (cleaning drainage systems and sweeping pavements), and ensure that municipal activities like vehicle washing, lawn maintenance, and materials storage do not contribute to stormwater pollution.



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The Town of Winthrop is located within Suffolk County and has a population of about 18,000, according to the 2010 census. The Town is a coastal community surrounded by the Belle Isle Inlet and Boston Harbor to the West and Broad Sound and the Atlantic Ocean to the East. Winthrop Department of Public Works maintains over 23 miles of drainage pipe, over 1,000 drainage structures (catch basins and manholes) and discharges stormwater to the environment in approximately 100 locations. Winthrop continues to strive at making improvements to its stormwater management program every year to protect its water resources. A map of Winthrop's water resources is shown in Appendix C of this Plan.

## 1.1 CONTROL MEASURES AND MEASUREABLE GOALS

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

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

As required by the MS4 General Permit (or 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. Section 1.5 of this SWMP identifies the person(s) or department(s) responsible for the BMPs identified in this SWMP.

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

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## CM 1: Public Education and Outreach (Permit Section 2.3.2)

Objective: Implement an education program that addresses stormwater issues of significance. The ultimate objective of a public education program is to increase knowledge of and help change behaviors of the public so that pollutants in stormwater are reduced. The “public” as defined in the MS4 General Permit are residents, businesses/institutions, developers/contractors, and industrial facilities.

BMP ID #	BMP Description	Permit Section Reference	Measurable Goal(s)	Deadline(s)
1.1	Develop public education program plan (Education and Outreach Plan)	2.3.2.a	<p>Develop a written Education &amp; Outreach (E&amp;O) Plan which will outline an implementation approach that is inclusive of all education requirements across the Permit and for all impaired waters’ special provisions.</p> <ul style="list-style-type: none"> <li>• Develop educational messages to be distributed to target audiences, consider the topics listed in 2.3.2.d of the MS4 General Permit.</li> <li>• Develop educational messages specific to the areas that discharge to priority waters, impaired waters, and drinking water supplies (where applicable).</li> <li>• Plan to provide educational web content and other publicly accessible resources.</li> <li>• Consider needs specific to the community: language, types of businesses, etc.</li> <li>• Develop methods to evaluate effectiveness of the messages and overall education program.</li> </ul>	End of Permit Year (PY) 1
1.2	Deliver targeted/timed educational messages	2.3.2.c	Post educational messages on the Town website. Maintain educational content throughout the Permit term.	End of PY 1
			Distribute a minimum of 1 additional educational message to each of the 4 target audiences. (Ensure that messages to each audience are at least 1 year apart.)	End of PY 2
			Distribute a minimum of 1 educational message to each of the 4 target audiences (residents, commercial, construction, industrial.)	End of PY 5
1.3	Deliver supplemental educational messages in areas that discharge to bacteria or pathogen impaired waterbodies (Lynn Harbor – Segment ID: MA93-53, Boston Harbor – Segment ID: MA70-01, and	2.2.2.c.i.1, Appendix F part III & Appendix H part III	For areas that discharge to bacteria or pathogen impaired water bodies, provide educational materials to dog owners at the time of issuance or renewal of a dog license, or other appropriate time. These education materials describe the detrimental impacts of improper management of pet waste, requirements for waste collection and disposal, and penalties for noncompliance.	Through-out Permit term
			For areas that discharge to bacteria or pathogen impaired water bodies, provide educational materials to owners of septic systems about proper maintenance (as applicable).	Annual



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BMP ID #	BMP Description	Permit Section Reference	Measurable Goal(s)	Deadline(s)
	Belle Isle Inlet – Segment ID: MA71-14)			
1.4	Assess educational program and modify if needed	2.3.2.e	Assess effectiveness of the educational program per the E&O Plan and modify messages if needed. Modify ineffective messages, if any, prior to next message delivery.	Annual

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## CM 2: Public Involvement and Participation (Permit Section 2.3.3)

Objective: Provide opportunities to engage the public in the review and implementation of the SWMP.

BMP ID #	BMP Description	Permit Section Reference	Measurable Goal(s)	Deadline(s)
2.1	Conduct public participation activities	2.3.3.b	Allow public participation in the implementation of the SWMP, annually. All public involvement activities shall comply with state public notice requirements.  Document and report on activities.	Annual
2.2	Provide opportunity for public to review SWMP	2.3.3.b & c	Allow public participation in review of the SWMP annually. Facilitate public review of SWMP, annually. Allow public to comment on SWMP, annually. All public involvement activities shall comply with state public notice requirements.  Document public review and public comments.	Annual
2.3	Make program documents available to the public	2.3.3.a	Post the SWMP and all Annual Reports on Town website (following public notice requirements).	Annual



### CM 3: Illicit Discharge Detection and Elimination (IDDE) (Permit Section 2.3.4)

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

BMP ID #	BMP Description	Permit Section Reference	Measurable Goal(s)	Deadline(s)
3.1	Conduct Sanitary Sewer Overflow (SSO) reporting and inventory	2.3.4.4	After identifying new SSOs, notify EPA within 24 hours and provide written notice to EPA and MassDEP within 5 days. <ul style="list-style-type: none"> <li>Document and file SSO reports and corrective measures implemented for annual reporting. Maintain database or summary of SSOs through Permit term.</li> </ul>	Throughout Permit term
			Obtain and assess historic SSO reports. <ul style="list-style-type: none"> <li>Develop inventory of all identified SSOs (discharged to the MS4 within the past 5 years) indicating location, date/time, volume, suspected causes, and corrective measures.</li> </ul>	End of PY 1
3.2	Continue MS4 system mapping	2.3.4.5	Phase I – Update the system map required by the MS4-2003 Permit to include: outfalls and receiving waters, open channel conveyances, interconnections with other MS4s and other storm sewer systems, municipally-owned stormwater treatment structures, waterbodies (name and use impairments), and initial catchment delineations.	End of PY 2
			Phase II – Update separate storm sewer system map annually, include information for all MS4 outfalls (catchments) within 10 years of the Permit effective date. <ul style="list-style-type: none"> <li>Update the system map annually as the following information becomes available during implementation of catchment investigation procedures: outfall spatial location, pipes, manholes, catch basins, refined catchment delineations, municipal sanitary sewer, and combined sewer systems (if available or applicable).</li> </ul>	Update: Annual  Info for all drainage infrastructure: End of PY 10
3.3	Develop written IDDE Program Manual	2.3.4.6	Develop a written IDDE Program document that includes at a minimum: <ul style="list-style-type: none"> <li>Legal authority, statement of responsibilities, outfall/interconnection inventory and initial priority ranking, outfall/interconnection screening and sampling procedures, follow-up ranking, catchment investigation procedures, illicit discharge confirmation and removal procedures, indicators or IDDE Program progress, ongoing screening, and training.</li> </ul>	End of PY 1



BMP ID #	BMP Description	Permit Section Reference	Measurable Goal(s)	Deadline(s)
		2.3.4.7.a & Appendix H part III	Designate catchments draining to any waterbody impaired for bacteria or pathogens as either Problem or High Priority catchments in implementation of the IDDE program. Also prioritize catchments that drain to surface public drinking water supplies and waterbodies with recreational use as High Priority.	End of PY 1
		2.3.4.8	<p>Outline Catchment Investigation Procedures: Develop a written systematic procedure to investigate each catchment associated with an outfall or interconnection within the MS4 system, that:</p> <ul style="list-style-type: none"> <li>• Identifies maps, historic plans and records, and other sources of data that will be used in identifying system vulnerability factors (SVFs) within each catchment.</li> <li>• Includes a description of manhole inspection methodology that involves systematically and progressively observing, sampling, and evaluating key junction manholes to determine location of suspected illicit discharges and SSOs.</li> <li>• Establishes procedures to isolate and confirm sources of illicit discharges.</li> </ul> <p>Available data to be used for System Vulnerability Factors (SVF) shall be listed in the IDDE Program Manual.</p>	End of PY 1
3.4	Conduct dry weather Outfall/ Interconnection screening and sampling	2.3.4.7.b	<p>Conduct dry-weather Outfall/Interconnection screening annually to meet Permit requirement of all outfalls screened by the end of PY3.</p> <ul style="list-style-type: none"> <li>• Town operates approximately 100 outfalls. Complete approximately 33 dry-weather inspections per Permit year starting in PY 1. Provide data annually.</li> </ul> <p>Dry weather screening and sampling (no more than 0.1" of rainfall in past 24 hours):</p> <ul style="list-style-type: none"> <li>• Record condition and information for inventory and priority ranking.</li> <li>• If flow, sample for ammonia, chlorine, conductivity, salinity, E. coli (freshwater) or enterococcus (salt water), surfactants, temperature, and pollutants of concern.</li> <li>• If no flow but evidence of illicit flow exists, revisit within one week to perform screening/sampling.</li> </ul>	All outfalls screened by end of PY 3



BMP ID #	BMP Description	Permit Section Reference	Measurable Goal(s)	Deadline(s)
3.5	Conduct wet weather Outfall/Interconnection screening and sampling	2.3.4.8	<p>Conduct wet-weather Outfall/Interconnection screening in catchments with System Vulnerability Factors prior to initiation of catchment investigation. Provide data annually.</p> <ul style="list-style-type: none"> <li>Wet weather screening and sampling shall be conducted during or after a precipitation event of sufficient intensity to produce a discharge. Recommended in the Spring. Sample for ammonia, chlorine, conductivity, salinity, E. coli or enterococcus, surfactants, temperature, and pollutants of concern.</li> </ul>	Complete all wet-weather screening in identified catchments by end of PY 7
3.6	Reprioritize Outfalls and Interconnections	2.3.4.7.c	<p>Update IDDE Program Manual with refined prioritization based on dry weather screening results collected through PY 3.</p> <p>Update outfall and interconnection ranking (2.3.4.7.a) based on information gathered during dry weather screening. Ranking can be updated continuously as new screening information becomes available.</p>	Update prioritization by end of PY 3
3.7	Conduct catchment investigations	2.3.4.8	<p>For each catchment, conduct investigations consistent with IDDE Program Manual; inspect key junction manholes and refine mapping information on the location of pipes, manholes, and extent of catchment.</p> <ul style="list-style-type: none"> <li>Dry weather investigation in manholes: if flow, sample for ammonia, chlorine, and surfactants. If no flow, conduct sandbag placement during dry weather. Return for evidence of flow. Sample as needed.</li> <li>Town operates approximately 100 outfalls and has ten years (2017-2027) to complete all investigations. Conduct approximately 10 catchment investigations per year beginning in PY 2. Provide data annually.</li> </ul>	<ul style="list-style-type: none"> <li>Complete investigation of problem outfalls by end of PY 7</li> <li>Investigate all catchments by end of PY 10</li> </ul>
3.8	Conduct expeditious removal of verified sources of illicit discharge or SSO and confirmatory screening	2.3.4.8	<p>Upon verification of an illicit discharge, locate, identify, and eliminate the illicit discharge as expeditiously as possible. Where elimination of an illicit discharge within 60 days is not possible, establish an expeditious schedule and report the dates of identification and schedule for removal in annual report.</p> <ul style="list-style-type: none"> <li>Confirm removal of verified illicit discharges through dry (and/or wet) bracket sampling.</li> </ul>	During Permit term, document annually



BMP ID #	BMP Description	Permit Section Reference	Measurable Goal(s)	Deadline(s)
3.9	Evaluate the overall effectiveness of the IDDE Program	2.3.4.9	Evaluate the overall effectiveness of the IDDE Program using the indicators for tracking program success as defined in the IDDE Program Manual. Indicators include: number of SSOs and illicit discharges identified and removed, number and percent of total catchments investigated, dry and wet weather screening and sampling results, and volume of sewage removed. <ul style="list-style-type: none"><li>• Provide evaluation of IDDE program annually via annual report.</li></ul>	During Permit term, document annually
3.10	Ongoing screening	2.3.4.10	Reprioritize each outfall and interconnection upon completion of all catchment investigations (2.3.4.8) and schedule ongoing screening once every 5 years that includes dry weather screening and sampling. Ongoing wet weather screening and sampling is also required at outfalls where previous wet weather screening was required due to SVFs. <ul style="list-style-type: none"><li>• Conduct outfall screening once every 5 years upon completion of all catchment investigations.</li></ul>	Upon completion of all catchment investigations, then ongoing screening once every 5 years
3.11	Conduct employee training	2.3.4.11	Provide annual training (at a minimum) to employees involved in the IDDE Program. Report on the frequency and type of employee training in annual report.	Annually (at a minimum)



## CM 4: Construction Site Stormwater Runoff Control (Permit Section 2.3.5)

Objective: The objective of an effective construction stormwater runoff control program is to minimize or eliminate erosion on regulated construction sites within the regulated MS4 area and to ensure that sediments and other pollutants are not transported in stormwater from construction sites and allowed to discharge to a water of the U.S. through the MS4.

BMP ID #	BMP Description	Permit Section Reference	Measurable Goal(s)	Deadline(s)
4.1	Ensure construction stormwater runoff control ordinances, local site development, and wetland protection Permit application process are consistent with MS4 General Permit	2.3.5.c.i.	<p>Review Town Stormwater Control Ordinance/Bylaw and regulations, wetland protection, and local Permit application process to ensure that site development applicants meet Construction General Permit obligations.</p> <ul style="list-style-type: none"> <li>Continue to implement an effective construction stormwater runoff control program. An ordinance or other regulatory mechanism that requires the use of sediment and erosion control and waste management practices at construction sites that disturb greater than one acre (or common plan of development) was required to be in place by May 1, 2008 under the MS4-2003 Permit.</li> <li>Continue to require construction site operators performing land disturbance activities that exceed one acre (or common plan of development) to implement an erosion and sediment control program consistent with the Construction General Permit.</li> </ul>	End of PY 1
4.2	Develop written construction site stormwater runoff control program procedures	2.3.5.c.ii. & 2.3.5.c.v.	<p>Develop written Construction and Post-Construction Program Manual.</p> <ul style="list-style-type: none"> <li>Include references to local ordinance/bylaw and regulations.</li> <li>Include procedures and workflow for site plan review, pre-construction review, receipt and consideration of information submitted by the public, inspections, responsible parties, and data tracking.</li> <li>Include procedures for enforcement of sediment and erosion control measures.</li> <li>Include procedures to consider potential water quality impacts to impaired waters, construction waste handling, and evaluation of opportunities for use of LID and green infrastructure.</li> </ul>	End of PY 1
4.3	Track, inspect, and document applicable construction projects	2.3.5.c.v.	Track the number of erosion and sediment control plan reviews, construction site inspections, and enforcement actions and include in annual report.	Throughout Permit term, annually



## CM 5: Stormwater Management in New Development and Redevelopment (Post-Construction Stormwater Management) (Permit Section 2.3.6)

Objective: The objective of this control measure is to reduce the discharge of pollutants found in stormwater through the retention or treatment of stormwater on regulated new or redevelopment sites within the regulated MS4 area.

BMP ID #	BMP Description	Permit Section Reference	Measurable Goal(s)	Deadline(s)
5.1	Develop written post-construction stormwater runoff program procedures	2.3.6.a	<p>Develop written Construction and Post-Construction Program Manual.</p> <ul style="list-style-type: none"> <li>• Document procedures and workflow for site plan review, post-construction installation inspections, responsible parties, and stormwater control structure tracking.</li> <li>• Include references to Town Stormwater Control Ordinance/Bylaw and regulations.</li> <li>• During development of the Program Manual: <ul style="list-style-type: none"> <li>- Review Town Stormwater Control Ordinance/Bylaw and regulations, wetland protection, and local Permit application process to ensure that site development applicants meet Post-Construction General Permit obligations consistent with Permit requirements in part 2.3.6.a (see BMP 5.2) and provisions related to management of Phosphorus in discharges to impaired waters.</li> <li>- Evaluate the effectiveness of Town Stormwater Control Ordinance/Bylaw related to Permit section 2.3.6.a.iii requirements (see BMP 5.2).</li> <li>- Recommend and implement changes to Ordinance/Bylaw (or Regulations), as necessary.</li> </ul> </li> </ul>	End of PY 1
5.2	Update Local Ordinance/Bylaw (or regulations) on Stormwater Management in New & Redevelopment.	2.3.6.a.ii	<p>Based on outcome of BMP 5.1, update the Ordinance/Bylaw or other regulatory mechanism (as needed).</p> <ul style="list-style-type: none"> <li>• Require LID site planning and design be used to the maximum extent feasible.</li> <li>• Require that design of treatment and infiltration systems follows guidance in the Massachusetts Stormwater Handbook Vol. 2 or other approved BMP design guidance.</li> <li>• Require that new development sites meet Massachusetts Stormwater Handbook Standards 1, 2, 3, 5, 6, and 9 and retain the first inch of runoff from all impervious surfaces AND/OR remove 90% of Total Suspended Solids (TSS) and 60% of Total Phosphorus (TP) generated from all impervious surfaces.</li> </ul>	End of PY 2



BMP ID #	BMP Description	Permit Section Reference	Measurable Goal(s)	Deadline(s)
			<ul style="list-style-type: none"> <li>Require that redevelopment sites meet Massachusetts Stormwater Handbook Standards 1, 2, 3, 5, and 6 and improve existing conditions by retaining the first 0.8 inch of runoff from all impervious surfaces AND/OR removing 80% of TSS and 50% of TP generated from all impervious surfaces.</li> </ul>	
	Assess Local Standards	2.3.6.a.iii	<ul style="list-style-type: none"> <li>Require the submission of as-built drawings no later than 2 years after completion of construction projects. Document in the Annual Report the measures/procedures utilized to meet this requirement.</li> <li>Establish a mechanism to ensure that operation and maintenance (O&amp;M) of BMPs will continue by dedicated accounts or funds, maintenance contracts, annual certification or assumed ownership of the BMPs. Document in the Annual Report the measures/procedures utilized to meet this requirement.</li> </ul>	
5.3		2.3.6.b	<p>During review of Ordinance/Bylaw (or other regulatory mechanism) in PY 2 (See BMP 5.2).</p> <ul style="list-style-type: none"> <li>Evaluate existing zoning or other municipal standards to determine if the requirements are stormwater-friendly, per Permit section 2.3.6.b and 2.3.6.c.</li> <li>Recommend changes to zoning or other municipal standards.</li> </ul> <p>Street Design and Parking Lot Requirements Assessment.</p> <ul style="list-style-type: none"> <li>Develop a report assessing street design and parking lot requirements that affect the creation of impervious cover.</li> <li>Involve the local planning board and local transportation board and include recommendations for policies that will minimize impervious area (IA) attributable to parking areas and street designs, schedules for implementing recommendations, and subsequent assessment.</li> <li>Document status of the assessment and planned or completed changes to local regulations/guidelines in annual report.</li> </ul>	End of PY 2
				End of PY 4, document status annually



BMP ID #	BMP Description	Permit Section Reference	Measurable Goal(s)	Deadline(s)
		2.3.6.c	<p>Assessment of local regulation's effect on integration of infiltration/water reuse practices:</p> <ul style="list-style-type: none"> <li>• Develop a report assessing how local regulations affect the ability of development to include infiltration practices (e.g. green roofs, rain gardens, curb extensions, planter gardens, and porous &amp; pervious pavement) and water harvesting devices (e.g. rain barrels and cisterns) that promote the use of stormwater for non-potable uses.</li> <li>• Create a schedule for revising regulations, if necessary.</li> <li>• Include this schedule, assessment findings, and progress towards making infiltration and water harvesting practices feasible in annual report.</li> </ul>	End of PY 4, document status annually
5.4	Identify BMP Retrofits for Reduction of Impervious Area (IA)	2.3.6.d	<p>During municipal facility inventory conducted in PY 2 (BMP 6.1), identify sites with likely reconstruction activity during the Permit term. Where appropriate, these facilities with planned reconstruction shall include stormwater control measures.</p> <ul style="list-style-type: none"> <li>• Complete an inventory of at least 5 municipal properties/ roadways that could be modified through the reduction of IA by end of PY4 and include in annual report.</li> <li>• Retrofits to municipal properties with significant IA should be considered at a minimum.</li> <li>• Conduct retrofit assessment on facilities without planned improvements and within impaired watersheds (as applicable) in PY 4. Also see Section 1.2.1 Impaired Waters.</li> <li>• Continue to identify additional municipal properties/infrastructure that could be retrofitted such that a minimum of 5 sites are maintained in the inventory, until such a time as when there are less than 5 sites remaining. Update inventory annually beginning with PY 5 annual report.</li> <li>• Report on inventoried MS4 properties that have been retrofitted with BMPs that mitigate IA. Non-MS4 retrofitted properties may also be included. Report on retrofits annually beginning with PY 5 annual report.</li> </ul>	End of PY 4, document status annually



## CM 6: Pollution Prevention and Good Housekeeping for Municipal Operations (Permit Section 2.3.7)

Objective: To implement a *Pollution Prevention & Good Housekeeping Program* for municipal operations that has a goal of preventing or reducing pollutant runoff and protecting water quality from all municipal operations and municipal facilities.

BMP ID #	BMP Description	Permit Section Reference	Measurable Goal(s)	Deadline(s)
6.1	Develop Operations & Maintenance (O&M) Program documentation	2.3.7.a	<p>Develop written O&amp;M procedures per section 2.3.7.a of the Permit.</p> <ul style="list-style-type: none"><li>• Develop Municipal Facility and Operations Stormwater Pollution Prevention Manual; inclusive of all Town facilities, drainage system operations activities, inspection obligations, and including specific impaired waters provisions. Program procedures shall include the following:<ul style="list-style-type: none"><li>- Municipal Facilities/Equipment Inventory by watersheds/catchments</li><li>- Identify sites with likely reconstruction activity during the Permit term. Where appropriate, these facilities with planned reconstruction shall include stormwater control measures.</li><li>- Municipal Infrastructure Maintenance: Street Sweeping and Catchbasin Cleaning.</li><li>- Road Salt Use and Optimization.</li><li>- Stormwater Treatment Structures O&amp;M.</li><li>- Landscape Maintenance.</li></ul></li><li>• Report on status of inventory and program documentation.</li></ul>	End of PY 2
6.2	Implement O&M Program	2.3.7.a	Report on status of O&M programs, maintenance activities, best practices, and provide documentation in annual report consistent with reporting requirements outlined in 2.3.7.a.	End of PY 2, document status annually
6.3	Develop/Refine Stormwater Pollution Prevention Plan (SWPPP) for maintenance garages, public works yards, transfer stations, and waste handling facilities	2.3.7. b	Develop SWPPP (and SPCC as needed) for maintenance garage, public works yard, transfer station, and waste handling facilities. SWPPP shall include the elements listed in 2.3.7.b. ii. Keep all records associated with the development and implementation of the SWPPP. Report status of SWPPP annually.	End of PY 2, document annually thereafter



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BMP ID #	BMP Description	Permit Section Reference	Measurable Goal(s)	Deadline(s)
6.4	Conduct site inspection procedures consistent with SWPPP for maintenance garages, public works yards, transfer stations, and waste handling facilities	2.3.7.b.iii.	Inspect all areas exposed to stormwater and all stormwater control measures at each facility at least once per calendar quarter and report findings in annual report.	Once per quarter upon completion of BMP 6.3, document annually.
6.5	Conduct employee training program consistent with SWPPP	2.3.7. h.	Conduct employee training consistent with SWPPP.	Every other Permit Year

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## 1.2 WATER QUALITY STANDARDS

### 1.2.1 Impaired Waters

Discharges to waterbodies with approved Total Maximum Daily Load (TMDL) or to water quality limited water bodies, or discharges causing or contributing to impairments have additional requirements in parts 2.1 and 2.2 of the MS4 General Permit. According to MassDEP's 2014 Integrated List of Waters, the Town of Winthrop MS4 discharges to waterbodies that have an approved TMDL and waterbodies that are considered impaired but do not have an approved TMDL. A list of impaired waters that are within the Town of Winthrop and their impairments causes is provided in Table 1-1 in this section. A map showing MassDEP's 2014 Integrated List of Waters for the Town of Winthrop is provided in Appendix C of this SWMP.

#### ***Additional Requirements for Discharges to Impaired Waterbodies with an Approved TMDL***

As noted in Table 1-1, the Town discharges to the Lynn Harbor, which has a TMDL. There are additional requirements for areas that discharge into this waterbody segment in the General Permit, and they are discussed in this Section.

##### Lynn Harbor TMDL for Fecal Coliform

The following is a summary of the additional requirements associated with the Lynn Harbor Fecal Coliform TMDL, per Appendix F Part A.III of the General Permit:

- Enhancement of BMPs required by part 2.3 of the permit that shall be implemented during this permit term:
  - Public Education and Outreach
    - Once per year, the Town will produce a message to pet owners, encouraging the proper management of pet waste. Educational materials will be distributed to dog owners at the time of issuance or renewal of a dog license, or other appropriate time. Education materials will describe the detrimental impacts of improper management of pet waste, requirements for waste collection and disposal, and penalties for non-compliance.
    - Once per year, the Town will provide information to owners of septic systems in catchments that discharge to the Lynn Harbor about proper maintenance.
  - Illicit Discharge
    - Catchments draining to the Lynn Harbor will be designated either Problem Catchments or HIGH priority in implementation of the IDDE program.



### ***Additional Requirements for Discharges to Impaired Waterbodies Without an Approved TMDL***

For direct discharges to impaired waterbody segments without an approved TMDL, there are additional control measures or BMPs that have been established, as required by parts 2.1 and 2.2 of the MS4 General Permit. Among the impairment causes are the following:

- Bacteria or pathogens (i.e. Enterococcus)
- PCB in Fish Tissue

Therefore, some of the requirements of Appendix H in the General Permit apply. A description of the permit requirements and BMPs related to impaired waters, and measurable goal(s) for each BMP have been integrated into Section 1.1 of this SWMP. The following is a summary of these additional permit requirements, per Appendix H of the General Permit:

For the areas that discharge to waters impaired by **bacteria or pathogens** but have no approved bacteria TMDL (Boston Harbor, Winthrop Bay, and Belle Isle Inlet):

- Public Education and Outreach
  - The Town will supplement residential public education and outreach program with an annual message encouraging the proper management of pet waste and proper maintenance of septic systems.
- IDDE Program
  - Designate catchments draining to any waterbody impaired for bacteria or pathogens as either Problem or High Priority catchments in implementation of the IDDE program.

**Table 1-1: Impaired Waters in Winthrop, MA (Based on approved Integrated List - 2014)**

Segment ID	Name	Impairment Category Classification	Impairments	EPA TMDL No.	Pollutant of Concern Sampling Requirements
MA93-53	Lynn Harbor	Category 4a	Fecal Coliform	50122	- Fecal Coliform
MA70-01	Boston Harbor	Category 5	Fecal Coliform	NA	- Fecal Coliform
			Other	NA	-
			PCB in Fish Tissue	NA	- NMR*



Segment ID	Name	Impairment Category Classification	Impairments	EPA TMDL No.	Pollutant of Concern Sampling Requirements
			Enterococcus	NA	-
			Fecal Coliform	NA	- Fecal Coliform
MA70-10	Winthrop Bay	Category 5	Other	NA	-
			PCB in Fish Tissue	NA	- NMR
MA71-14	Belle Isle Inlet	Category 5	Fecal Coliform	NA	- Fecal Coliform
			Other, MA70-, MA70-01		-
			PCB in Fish Tissue	NA	- NMR

\*Sampling Requirements listed are per Appendix G of 2016 MS4 General Permit. NMR: No Monitoring Required

\*\* "Total Phosphorus (freshwater)" indicates monitoring required for total phosphorus where stormwater discharges to a water body that is freshwater

\*\*\* "Total Nitrogen (marine water)" indicates monitoring required for total nitrogen where stormwater discharges to a water body that is a marine or estuarine water

Note: Reissuance and/or approval of the Massachusetts Integrated List of Waters may necessitate modifications to this Plan to maintain compliance with applicable requirements.

### 1.2.2 Surface Public Drinking Water Supplies

The Town of Winthrop has no active surface public drinking water supply sources, according to available MassGIS data.

### 1.2.3 Increased Discharges

The Town of Winthrop shall comply with the provisions of 314 CMR 4.04 including information submittal requirements and obtaining authorization for increased discharges where appropriate. Any authorization of an increased discharge by MassDEP shall be incorporated within this SWMP.

There shall be no increased discharges, including increased pollutant loading(s) from the MS4 to impaired waters listed in categories 5 or 4b on the most recent Massachusetts Integrated Report of waters listed pursuant to Clean Water Act section 303(d) and 305(b) unless the discharger demonstrates that there is no net increase in loading from the MS4 to the impaired water of the pollutant(s) for which the waterbody is impaired.

Unless otherwise determined by the U.S. EPA or by MassDEP, compliance with the Section 2.2.2 and 2.3.6 requirements of the MS4 General Permit, including all reporting and documentation requirements, are considered as demonstrating no net increase or increased discharge. Section 2.2.2 and 2.3.6 requirements have been included in



the BMPs outlined in Section 1.1 of this SWMP.

If necessary, the Town of Winthrop will demonstrate compliance with this provision by either:

- Documenting that the pollutant(s) for which the waterbody is impaired is not present in the MS4's discharge and retaining documentation of this finding with the SWMP; or
- Documenting that the total load of the pollutant(s) of concern from the MS4 to any impaired portion of the receiving water will not increase as a result of the activity and retaining documentation of this finding in the SWMP.

### 1.3 SPECIAL ELIGIBILITY DETERMINATIONS

Consistent with Section 1.9 of the 2016 MS4 General Permit, the Town of Winthrop has completed an assessment of both Endangered Species and Historic Properties. The Information, Planning and Conservation (IPaC) online system process was completed and it appears that there is potential presence of the Northern Long-eared Bat, Piping Plover, Red Knot, and Roseate Tern in Winthrop, MA. The necessary consultation was conducted with the USFWS. Since the action area contains one or more of the species listed in Appendix C Part B Step 2 for determination of Criteria B and it has been determined that discharges from the Town of Winthrop's MS4 are "not likely to adversely affect" the Northern Long-eared Bat, Piping Plover, Red Knot, and Roseate Tern, Criterion B is applicable. Therefore, the stormwater discharges and discharge related activities are "not likely to adversely affect" on any federally threatened or endangered listed species or designated critical habitat under the jurisdiction of the USFWS.

Appendix D of the MS4 General Permit was consulted for guidance regarding the National Historic Preservation Act. It was determined that Criterion A is applicable: The discharges authorized under this permit do not have the potential to cause effects on historic properties.

If during the course of Permit implementation, the Town initiates a project that will result in ground or vegetation disturbance, additional consultation with the appropriate agencies will be initiated. See Appendix B for determination letters.

### 1.4 ANNUAL PROGRAM SELF-EVALUATION, RECORD KEEPING & ANNUAL REPORTING

Covered entities are required to collect and report information about the development and implementation of their Stormwater Management Program (SWMP). The Town of Winthrop will conduct an annual evaluation of its program compliance, the appropriateness of its identified Best Management Practices (BMPs), meeting new Permit requirements, and progress towards achieving its identified measurable goals, which will include reducing the discharge of pollutants to the maximum extent practicable ("MEP").

The Town of Winthrop will keep records required by the MS4 General Permit for at least five (5) years after they are generated. Records include, but not limited to: information used in the development of any written (hardcopy or electronic) program required by this Permit, any monitoring results, copies of reports, records of screening, follow-up and elimination of illicit discharges; maintenance records; inspection records; and data used in the development of the notice of intent, SWMP, SWPPP, and annual reports. Records will be available for public observation as requested. Records will be submitted to the EPA or MassDEP as requested.





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## 2. PROGRAM DOCUMENTS: PLANS, PROCEDURES, INVENTORIES, AND MAPS

The General Permit requires certain documents to be included in the SWMP. These documents will be developed consistent with the schedule outlined in Section 1.1. This Section provides information on where these documents can be accessed. Some of these documents have been appended to this SWMP, while others are provided in a location external to the SWMP due to size or complexity. All compliance documents will be maintained at the Department of Public Works, or as detailed in the sections below.

### 2.1 IDDE PROGRAM

#### 2.1.1 IDDE Program Manual

The Town has developed a written IDDE Program Manual consistent with the requirements of part 2.3.4.6 of the MS4 General Permit. The IDDE Manual includes:

- Responsible parties
- Regulatory authority
- Dry-weather and wet-weather outfall screening and sampling procedures
- Interconnection screening procedures
- Initial assessment and priority ranking of outfalls/interconnections
- Catchment investigation procedures
- Enforcement procedures

#### 2.1.2 Separate Storm Sewer System Map

The Town has developed a Separate Stormwater Sewer System Map consistent with the requirements of part 2.3.4.5.a of the MS4 General Permit. The map, provided in Appendix A of this SWMP, includes the following information:

- Outfalls and receiving waters
- Open channel conveyances
- Interconnections with other MS4s and other storm sewer systems
- Municipally-owned stormwater treatment structures
- Waterbodies identified by name and indication of all use impairments per the 2014 Massachusetts Integrated List of Waters report
- Initial catchment delineations

The map will be updated annually.

#### 2.1.3 SSO Inventory

The Town has developed a Sanitary Sewer Overflow Inventory consistent with the requirements of part 2.3.4.4 of the MS4 General Permit.

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#### **2.1.4 Receiving Waterbodies**

Per the requirements of part 1.10.2 of the MS4 General Permit, a list of all Integrated List waterbody segments that receive discharge from the Town's MS4 is provided in Table 1-1. The table also includes estimated number of outfalls that discharge directly to each Integrated List waterbody segment.

#### **2.1.5 Interconnected Separate Storm Sewer Systems**

Per the requirements of part 1.10.2 of the MS4 General Permit, a list of all known interconnected MS4s and other separate storm sewer systems receiving a discharge from the Town's MS4, as well as the waterbody segment(s) that ultimately receive the discharge will be included in the GIS maps by the end of Permit Year 2.

### **2.2 CONSTRUCTION AND POST-CONSTRUCTION STORMWATER MANAGEMENT PROGRAM**

#### **2.2.1 Site Inspections and E&SC Procedures**

The Town has developed written procedures for site inspections and enforcement of sediment and erosion control procedures in accordance with part 2.3.5. These procedures are to be developed in Permit Year 1.

#### **2.2.2 New Development/ Redevelopment Ordinance**

In accordance with part 2.3.6.a.iii of the Permit, the Town has developed a regulatory mechanism to require submission of as-built drawings and ensure long-term operation and maintenance of post-construction stormwater BMPs. The regulations can be found on the Town website.

#### **2.2.3 "Stormwater Friendly Code" Assessment**

In accordance with part 2.3.6.b of the Permit, the Town has developed a report assessing current street design and parking lot guidelines and other local requirements within the municipality that affect the creation of impervious cover or limit the use of green infrastructure. The report is to be developed by the end of Permit Year 4.

### **2.3 MUNICIPAL FACILITIES AND OPERATIONS PROGRAMS**

#### **2.3.1 Inventory of Municipal Facilities and Equipment**

The Town has developed a facility inventory consistent with the requirements of part 2.3.7.a.ii of the MS4 General Permit. The inventory includes municipally-owned:

- Parks and open space
- Buildings where pollutants are exposed to runoff (e.g., schools, Town offices, fire stations, garages, etc.)
- Vehicles and equipment

The complete inventory will be developed by the end of Permit Year 2.

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### 2.3.2 Infrastructure O&M Program Plan

The Town has developed a written Infrastructure Operations and Maintenance Program Plan (O&M Plan) consistent with the requirements of part 2.3.7.a of the MS4 General Permit. The objective of the O&M Plan is to establish procedures for MS4 infrastructure maintenance that would help reduce discharge of pollutants. The O&M Plan includes:

- Catch basin inspection, cleaning and maintenance procedures, and a plan for optimization of these routine activities
- Street sweeping and cleaning procedures
- Management and disposal of the waste produced by catch basin cleaning and street sweeping
- Winter road maintenance procedures that aim at minimizing the use of sodium chloride and other salts
- Stormwater Treatment Structures inspection and maintenance procedures

The complete document will be developed by the end of Permit Year 2.

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## CERTIFICATION

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

**Signature**

**Date**

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**Name**

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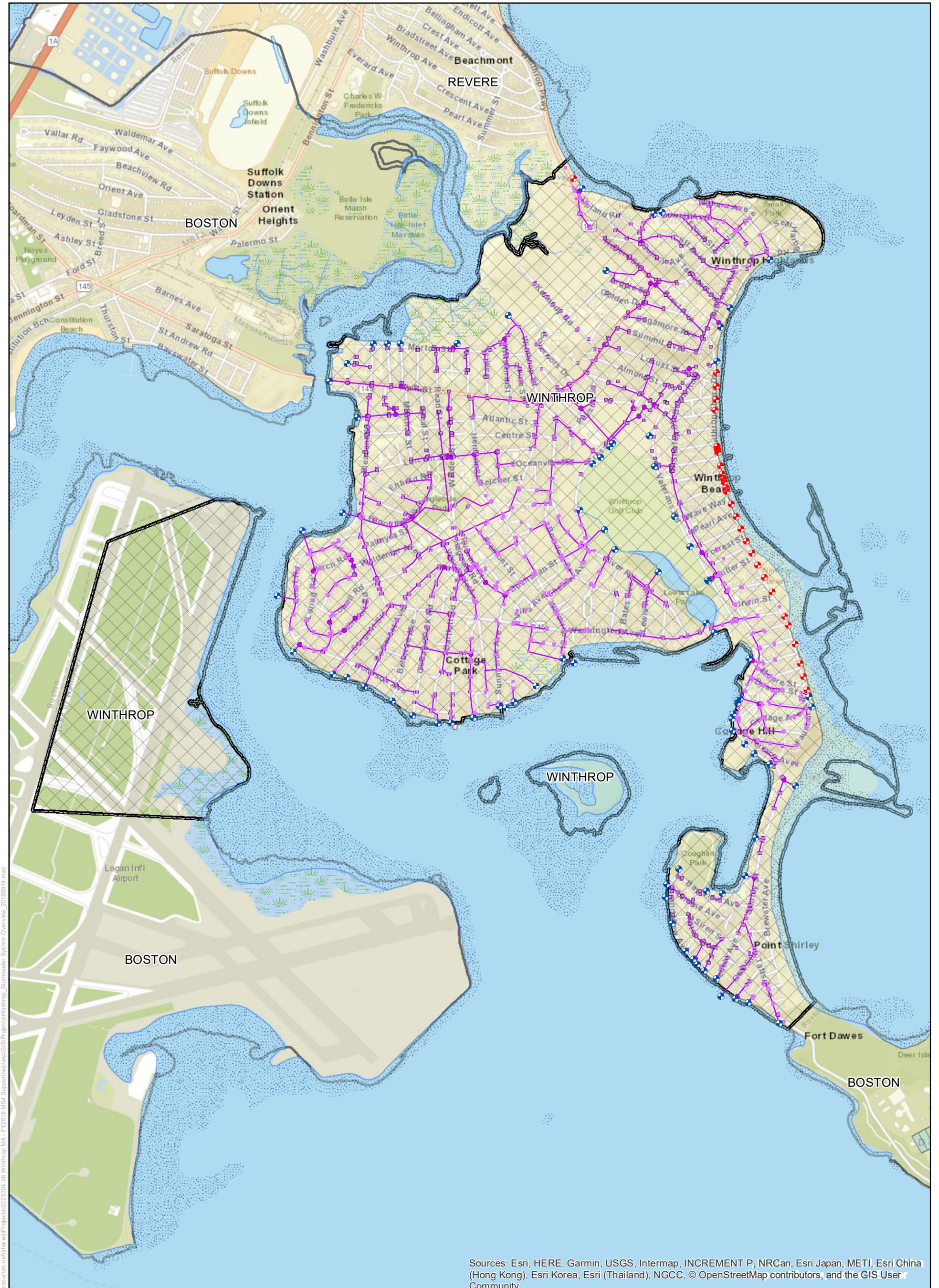
# Appendices

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## APPENDIX A: SEPARATE STORM SEWER MAP



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

# Stormwater Collection System Overview

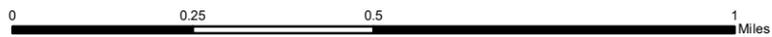
Town of Winthrop, MA

Legend

- Winthrop Boundary
- Urbanized Area

- Stormwater Outfall**
- Ownership
- Winthrop
  - State

- Stormwater Inlet
- Stormwater Manhole
- Stormwater Gravity Main



Project #: 0225304.08  
Map Created: September 2018



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## APPENDIX B: SPECIAL ELIGIBILITY DETERMINATION LETTERS



# 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

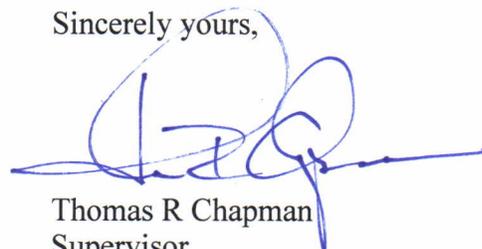
species listed under **Criterion C**,<sup>1</sup> you may still use this letter to certify under **Criterion B**. All existing guidance regarding requirements for certifying eligibility according to the USFWS Criterion A, B, or C for coverage by the 2016 MS4 Permit (see MA MS4 General Permit Appendix 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

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<sup>1</sup> Criterion C includes guidance for project action areas that may contain species for which EPA has already made a determination. These species include the northern long-eared bat (*Myotis septentrionalis*), 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).

From:

Zach Henderson on behalf of the Town of Winthrop, MA and EPA  
41 Hutchins Drive  
Portland, Maine 04102

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

August 21, 2018

Re: Project Review Request, Winthrop, MA MS4 Permit Compliance  
Consultation Code: 05E1NE00-2017-SLI-1181  
Event Code: 05E1NE00-2018-E-06601

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 20, 2018 and are submitting our project package in accordance with the instructions for further review. The U.S. Fish and Wildlife Service's (Service) Information for Planning and Consultation (IPaC) species list indicated these species may be present in the project area: Northern Long-Eared Bat, Piping Plover, Red Knot, but no critical habitats. 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.

The proposed stormwater program activities are a continuation of previous permitted activities and include non-structural management of stormwater runoff as required by the Massachusetts MS4 General Permit. The objective of the program is to reduce or eliminate sources of pollution in stormwater runoff, and through implementation, to improve the viability and functionality of near shore habitat and aquatic diversity. Program activities include public education, non-destructive investigation, and pollutant source control on existing municipal facilities and roadways. The location action area is identified on the attached Species List.

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

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 activities will not disturb terrestrial vegetation or require excavation. Therefore, we believe our programmatic activities will have "no affect" on the Northern-Long

Eared Bat and that stormwater discharges from Winthrop are “not likely to adversely affect” the other listed species. The town’s stormwater discharges are direct discharges into coastal waters and, while they may contain some level of pollution, the immediate dilution and mixing of these discharges are not likely to adversely affect the listed bird species. Winthrop will continue to reduce the possibility of polluted discharges through the use of stormwater best management practices.

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 Zach Henderson at the address listed above, by phone at 207.650.2576, or [zhenderson@woodardcurran.com](mailto:zhenderson@woodardcurran.com).

Sincerely,



Zach Henderson  
Technical Manager

Cc: Steve Calla, Town of Winthrop, MA  
Art Leventis – Woodard & Curran

Enclosures:

- 1) Official Species List



# 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 20, 2018

Consultation Code: 05E1NE00-2017-SLI-1181

Event Code: 05E1NE00-2018-E-06601

Project Name: Winthrop Massachusetts Stormwater Discharges

Subject: Updated 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

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## Project Summary

Consultation Code: 05E1NE00-2017-SLI-1181

Event Code: 05E1NE00-2018-E-06601

Project Name: Winthrop Massachusetts Stormwater Discharges

Project Type: Regulation Promulgation

Project Description: The project includes non-structural management of stormwater runoff as required by the MA MS4 General Permit. These activities will almost entirely include pollutant source control on existing municipal facilities and roadways. If during the course of the permit term we plan to install structural stormwater treatment practices the Town of Winthrop will initiate informal or formal consultation with the USFWS as necessary. The project area was defined based on municipal town boundary.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.37375389977271N70.9825370886897W>



Counties: Suffolk, MA

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## Endangered Species Act Species

There is a total of 3 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.

- 
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

### Birds

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a>	Threatened
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>	Threatened

### Critical habitats

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

---

**COMMITMENT & INTEGRITY**  
**DRIVE RESULTS**

40 Shattuck Road | Suite 110  
Andover, Massachusetts 01810  
www.woodardcurran.com

T 866.702.6371  
T 978.557.8150  
F 978.557.7948

From:

Zach Henderson on behalf of the Town of Winthrop, MA and EPA  
41 Hutchins Drive  
Portland, Maine 04102

To:

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

The Town of Winthrop (MS4 permittee) has determined that the discharges regulated under this permit do not have the potential to cause effects on National Register of Historic Properties.

The implementation of this Stormwater Management Plan (SWMP) will require development of standards of practice, compliance documentation, investigation and operations of existing drainage facilities, local regulatory policies and other studies. The SWMP does not obligate the Town of Winthrop to undertake any activity involving subsurface land disturbance and program implementation will only take place on existing municipal separate storm sewer systems that have been previously authorized for coverage under the MS4 General Permit.

If during the course of MS4 General Permit program implementation, the Town of Winthrop anticipates subsurface land disturbance as a result of this General Permit, the Town will prepare a complete information submittal to the State Historic Preservation Office.

For additional information, please contact Zach Henderson at the address listed above, by phone at 207.650.2576, or zhenderson@woodardcurran.com.

Sincerely,



Zach Henderson  
Technical Manager

Cc: Steve Calla, Town of Winthrop, MA  
Art Leventis – Woodard & Curran



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## APPENDIX C: IMPAIRED WATERS AND SPECIAL RESOURCE WATERS

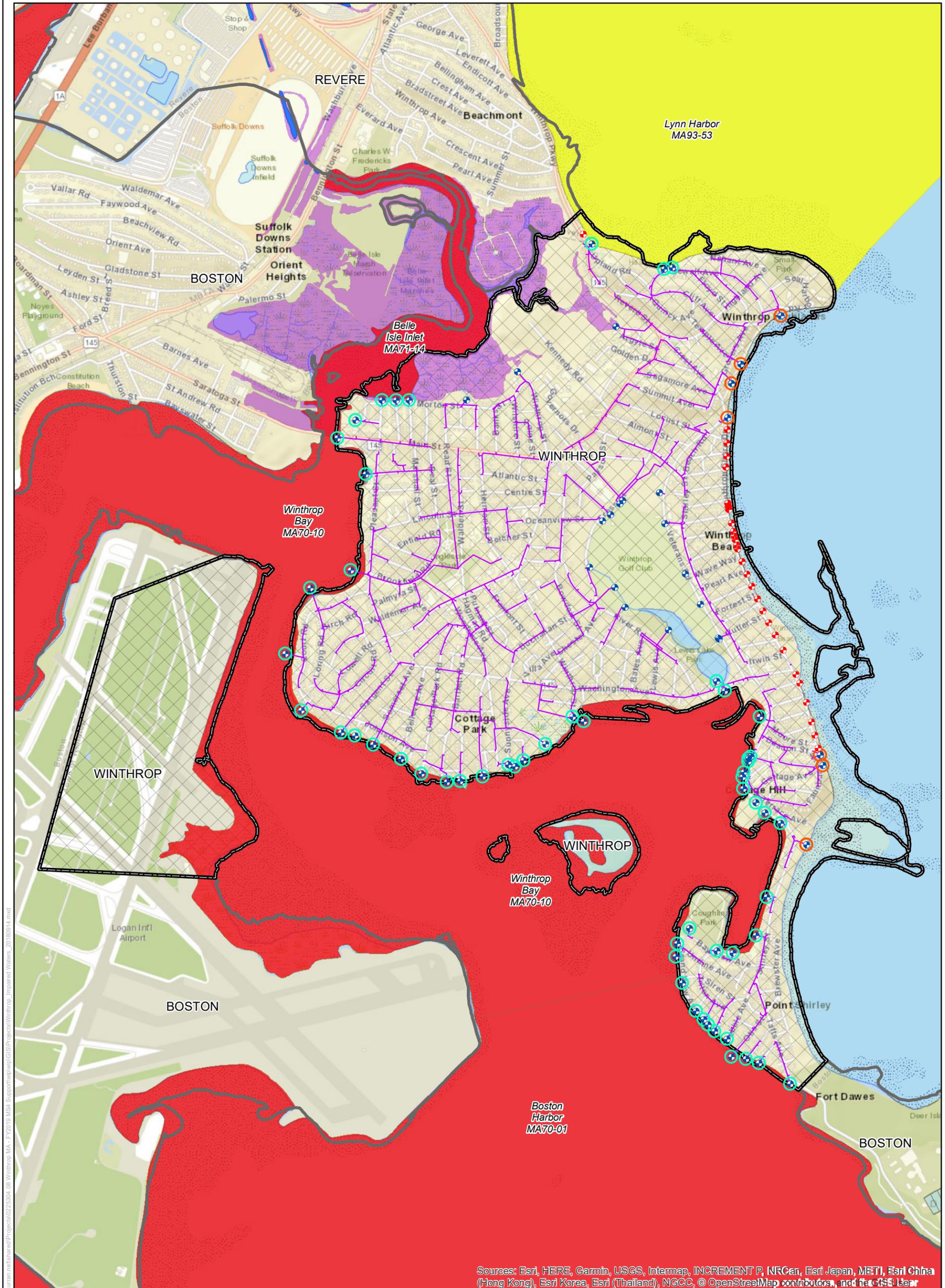


Figure Exported: 9/17/2018 By: esmeesby Using: \\woodardcurran.net\shared\Projects\0225304\_08 Winthrop MA - FY2019 MS4 Support\wp\GIS\Projects\Winthrop\_Impaired Waters\_20180914.mxd

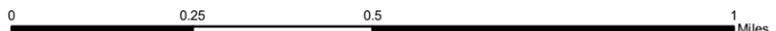
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

## Impaired Waters and Direct MS4 Discharges

Town of Winthrop, MA

### Legend

- |   |  |  |
|---|--|--|
| <ul style="list-style-type: none"> <li> Winthrop Boundary</li> <li> Urbanized Area</li> <li> Stormwater Gravity Main</li> <li> DEP Approved Zone II</li> <li> Surface Water Protection Area Zone A</li> <li> Outstanding Resource Waters-Public Water Supply Watershed</li> </ul> | <p><b>Stormwater Outfall</b></p> <p>Ownership</p> <ul style="list-style-type: none"> <li> Winthrop</li> <li> State</li> </ul> <p>Discharge Type</p> <ul style="list-style-type: none"> <li> Outfall with direct discharge into Integrated List 2014 waters.</li> <li> Outfall with direct discharge into the Atlantic Ocean</li> </ul> | <p><b>2014 Integrated List Data - 305(b)/303(d) Category</b></p> <ul style="list-style-type: none"> <li> 2 - Attaining some uses; other uses not assessed</li> <li> 3 - No uses assessed</li> <li> 4A - Impaired - TMDL is completed</li> <li> 4C - Impairment not caused by a pollutant</li> <li> 5 - Impaired - TMDL required</li> </ul> |
|---|--|--|



Project #: 0225304.08  
Map Created: September 2018

Third Party GIS Disclaimer: This map is for reference and graphical purposes only and should not be relied upon by third parties for any legal decisions. Any reliance upon the map or data contained herein shall be at the users' sole risk. Data Sources:



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## APPENDIX D: DEFINITIONS



## Definitions, Abbreviations and Acronyms

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

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

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

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

**Discharge of a Pollutant** - Any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source". This includes additions of pollutants into waters of the United States from surface runoff which is collected or channeled by man; or discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

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

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

**Existing Discharger** - An operator applying for coverage under this Permit for discharges covered previously under an NPDES general or individual Permit.

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

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

**Impaired Water** - A water is impaired if it does not meet one or more of its designated use(s). For purposes of this Permit, "impaired" refers to categories 4 and 5 of the five-part categorization approach used for classifying the water quality standards attainment status for water segments under the TMDL program. Impaired waters compilations are also sometimes referred to as "303(d) lists." Category 5 waters are impaired because at least one designated use is not being supported or is threatened



and a TMDL is needed. Category 4 waters indicate that at least one designated use is not being supported but a TMDL is not needed (4a indicates that a TMDL has been approved or established by EPA; 4b indicates other required control measures are expected in result in the attainment of water quality standards in a reasonable period of time; and 4c indicates that the non-attainment of the water quality standard is the result of pollution (e.g. habitat) and is not caused by a pollutant). See USEPA's 2006 Integrated Report Guidance, July 29, 2005 for more detail on the five part categorization of waters [under EPA National TMDL Guidance <http://www.epa.gov/owow/tmdl/policy.html>].

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

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

**Industrial Stormwater** - Stormwater runoff associated with the definition of "stormwater discharges associated with industrial activity."

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

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

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

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

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



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

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

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

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

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

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

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

**Redevelopment** - For the purposes of this plan, any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances greater than 1-acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of new development (see above).

**Site** - For the purposes of this plan, the area extent of construction activities, including but not limited to the creation of new impervious cover and improvement of existing impervious cover.

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

**Stormwater Discharges Associated with Construction Activity** - A discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. (See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

**Total Maximum Daily Loads (TMDLs)** - A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant’s sources. A TMDL includes waste load allocations (WLAs) for point source discharges, load allocations (LAs) for nonpoint



sources and/or natural background and must include a margin of safety (MOS) and account for seasonal variations. (See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).

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

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

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

### Abbreviations and Acronyms

BMP – Best Management Practice CGP – Construction General Permit

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

DCIA – Directly Connected Impervious Area EPA – U. S. Environmental Protection Agency ESA – Endangered Species Act

USFWS – U. S. Fish and Wildlife Service IA – Impervious Area

IDDE – Illicit Discharge Detection and Elimination LA – Load Allocations

MOS – Margin of Safety

MS4 – Municipal Separate Storm Sewer System MSGP – Multi-Sector General Permit

NHPA – National Historic Preservation Act NMFS – U. S. National Marine Fisheries Service NOI – Notice of Intent

NPDES – National Pollutant Discharge Elimination System NRHP – National Register of Historic Places

PCP – Phosphorus Control Plan (pertaining to Charles River Watershed phosphorus

POTW – Publicly Owned Treatment Works

SHPO – State Historic Preservation Officer

SPCC – Spill Prevention, Control, and Countermeasure SWMP – Stormwater Management Program

SWPPP – Stormwater Pollution Prevention Plan TMDL – Total Maximum Daily Load

USGS – United States Geological Survey WLA – Wasteload Allocation

WQS – Water Quality Standard