



**NOTICE OF PUBLIC HEARING  
SUDBURY CONSERVATION COMMISSION  
Monday, August 22, 2022 at 6:45 PM  
Virtual Meeting**

The Sudbury Conservation Commission will hold a public hearing to review the Notice of Intent filing to carry out trail restoration including grading, fill removal, placement of gravel, drainage upgrades, replacement of wooden bridges, and tree removal within the 100-foot Buffer Zone, Bank, and Bordering Vegetated Wetlands, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, at 1 Nobscot Road, Sudbury, MA. Hunter McCormick, Applicant. The hearing will be held on Monday, August 22, 2022 at 6:45 pm, via remote participation.

Please see the Conservation Commission web page for further information.

<https://sudbury.ma.us/conservationcommission/meeting/conservation-commission-meeting-monday-august-22-2022/>

SUDBURY CONSERVATION COMMISSION  
8/9/2022

# NOTICE OF INTENT

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## Nobscot Scout Reservation Trail Project 1 Nobscot Road Sudbury & Framingham, Massachusetts



**SUBMITTED TO:**

Sudbury Conservation Commission  
275 Old Lancaster Road  
Sudbury, MA 01776

&

Framingham Conservation Commission  
150 Concord Street, Room 213  
Framingham, MA 01702

**PREPARED BY:**

Lucas Environmental, LLC  
500A Washington Street  
Quincy, Massachusetts 02169

**PREPARED FOR:**

Boy Scouts of America  
Mayflower Council  
2 Mount Royal Avenue, Suite 100  
Marlborough, MA 01752

**IN ASSOCIATION WITH:**

Howard Stein Hudson  
11 Beacon Street, Suite 1010  
Boston, MA 02108



500A Washington Street, Quincy, MA 02169

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August 8, 2022

Sudbury Conservation Commission  
275 Old Lancaster Road  
Sudbury, MA 01776

Framingham Conservation Commission  
150 Concord Street, Room 213  
Framingham, MA 01702

Re: Notice of Intent  
Nobscot Scout Reservation Trail Project  
1 Nobscot Road  
Sudbury & Framingham, Massachusetts

Dear Members of the Sudbury & Framingham Conservation Commissions,

On behalf of the Mayflower Council (formerly known as the Knox Trail Council), Boy Scouts of America (Owner & Applicant), Lucas Environmental, LLC, in association with Howard Stein Hudson, is pleased to submit this Notice of Intent (NOI) to the Sudbury & Framingham Conservation Commissions for the Nobscot Scout Reservation Trail Project located at 1 Nobscot Road in Sudbury and Framingham, Massachusetts.

The proposed project (initiated, but not completed and described herein) includes approximately 1.2 miles of trail improvements, portions of which are located within the 100-Foot Buffer Zone to Inland Bank and Bordering Vegetated Wetlands that were previously approved under Orders of Condition MassDEP File #301-1202 and MassDEP File #158-1412, issued respectively, by the Sudbury Conservation Commission and Framingham Conservation Commission.

In addition, this NOI presents restoration work to correct several violation issues identified in Enforcement Orders issued by the Framingham Conservation Commission on November 10, 2021 and by the Sudbury Conservation Commission on November 16, 2021. The plans have been updated to include earthwork and other site improvements associated with several of the existing structures/buildings. Finally, this NOI also describes additional trail work activities associated with temporary minor wetland impacts and construction of wood platforms along the Legion Trail (Sisson Nature Trail) in Sudbury.

This NOI is submitted in accordance with the Massachusetts Wetlands Protection Act (WPA; M.G.L. Ch. 131, Section 40) and its implementing regulations (310 CMR 10.00 et seq.), the Town of Sudbury Wetlands Administration Bylaw (Article XXII) and associated Regulations, and the City of Framingham Wetlands Protection Bylaw (Chapter 12.20) and associated Regulations.



500A Washington Street, Quincy, MA 02169

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Enclosed, please find the completed application, which contains the appropriate forms and information for each Town. As required, Sudbury is provided the original plus one (1) copy of the NOI and two (2) copies of full size Plans and Stormwater Pollution Prevention Plan (SWPPP). Framingham is provided two copies of the NOI and Plans, one copy of the SWPPP, two copies of half size plans (11x17), and an electronic copy of the NOI and Plans. A copy of the NOI application has also been sent to the Natural Heritage & Endangered Species Program. The NOI application package includes a separate WPA Form 3 for Sudbury and a WPA Form 3 for Framingham, a project narrative, figures, photographic documentation, abutter notification, and supporting documentation.

The Framingham and Sudbury Conservation Commissions previously granted waivers for the municipal filing fees. Based upon the proposed work, LE has determined that the municipal filing fee under the City of Framingham Wetlands Protection Bylaw (Chapter 12.20) and associated Regulations is \$1,100.00 in addition to the City's share of the Wetlands Protection Act (WPA) Fee. LE has also determined that the municipal filing fee under the Town of Sudbury Wetlands Administration Bylaw and associated Regulations is \$1,009.50 in addition to the Town's share of the Wetlands Protection Act (WPA) Fee. As a non-profit, the Mayflower Council respectfully requests the Framingham and Sudbury Conservation Commissions waive the Bylaw municipal filing fees again so the costs associated with this fee may be better served for the Nobscot Reservation.

We respectfully request that you place this matter on the agenda for the August 22, 2022 hearing in Sudbury and on the agenda for the August 31, 2022 hearing in Framingham.

If you have any questions, please do not hesitate to contact me at 617.405.4140 or [cml@lucasenviro.com](mailto:cml@lucasenviro.com). Thank you for your consideration in this matter.

Sincerely,  
**LUCAS ENVIRONMENTAL, LLC**

Christopher M. Lucas, PWS, CWS, RPSS  
Environmental Consultant/Wetland & Soil Scientist

cc: MassDEP Division of Wetlands & Waterways, Northeast Regional Office  
Massachusetts Natural Heritage & Endangered Species Program  
Howard Stein Hudson (electronic copy)  
Property Owner & Applicant – Mayflower Council, Boy Scouts of America (electronic copy)





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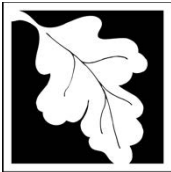
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## SECTION I – FORMS

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**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 3 – Notice of Intent**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number
Document Transaction Number
Sudbury
City/Town

**Important:**  
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:  
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>1 Nobscot Road - Nobscot Scout Reservation</u>	<u>Sudbury</u>	<u>01776</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>42° 20' 51.98" N</u>	<u>71° 26' 18.75" W</u>
	d. Latitude	e. Longitude
<u>Map L, Block 05, Lots 1, 3, 4, 5, 7 &amp; 200</u>	<u>Map L, Block 6, Lot 9</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Hunter</u>	<u>McCormick</u>	
a. First Name	b. Last Name	
<u>Mayflower Council, Boy Scouts of America</u>		
c. Organization		
<u>83 Cedar Street</u>		
d. Street Address		
<u>Milford</u>	<u>MA</u>	<u>01757</u>
e. City/Town	f. State	g. Zip Code
<u>508.872.6551</u>	<u>508.872.9092</u>	<u>hunter.mccormick@scouting.org</u>
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

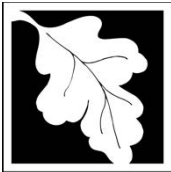
<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Christopher</u>	<u>Lucas</u>	
a. First Name	b. Last Name	
<u>Lucas Environmental, LLC</u>		
c. Company		
<u>500A Washington Street</u>		
d. Street Address		
<u>Quincy</u>	<u>MA</u>	<u>02189</u>
e. City/Town	f. State	g. Zip Code
<u>617.405.4140</u>	<u>617.405.4465</u>	<u>cml@lucasenviro.com</u>
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$1,050.00</u>	<u>\$512.50</u>	<u>\$537.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
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Sudbury
City/Town

## A. General Information (continued)

### 6. General Project Description:

The proposed project was previously approved under an Order of Conditions, MassDEP File# 158-1412. This NOI describes continued/new trail work which includes minor grading, fill removal and placement of gravel, drainage upgrades, and wooden bridge installation, and describes restoration work to correct violation issues identified in Enforcement Orders issued on November 16, 2021.

### 7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1.  Single Family Home
- 2.  Residential Subdivision
- 3.  Commercial/Industrial
- 4.  Dock/Pier
- 5.  Utilities
- 6.  Coastal engineering Structure
- 7.  Agriculture (e.g., cranberries, forestry)
- 8.  Transportation
- 9.  Other

### 7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1.  Yes  No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

#### 2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

### 8. Property recorded at the Registry of Deeds for:

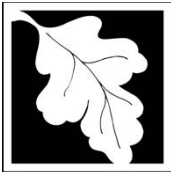
Middlesex	
a. County	b. Certificate # (if registered land)
See Attached Sheet	
c. Book	d. Page Number

## B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1.  Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2.  Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.





**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 3 – Notice of Intent**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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MassDEP File Number

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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input checked="" type="checkbox"/> Bank	10 Permanent 1. linear feet	10 2. linear feet
b. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	64 Perm.; 639 Temp. 1. square feet	150 Perm.; 639 Temp. 2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet  3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet  3. cubic feet of flood storage lost	2. square feet  4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet  2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - <b>specify coastal or inland</b>	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: \_\_\_\_\_ square feet

4. Proposed alteration of the Riverfront Area:

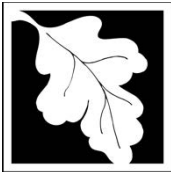
a. total square feet \_\_\_\_\_ b. square feet within 100 ft. \_\_\_\_\_ c. square feet between 100 ft. and 200 ft. \_\_\_\_\_

5. Has an alternatives analysis been done and is it attached to this NOI?  Yes  No

6. Was the lot where the activity is proposed created prior to August 1, 1996?  Yes  No

3.  Coastal Resource Areas: (See 310 CMR 10.25-10.35)

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.



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## B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	

4.  Restoration/Enhancement  
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5.  Project Involves Stream Crossings

a. number of new stream crossings

4

b. number of replacement stream crossings



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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### C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

#### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

- a.  Yes  No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program  
Division of Fisheries and Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581**

August 1, 2021

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review\*

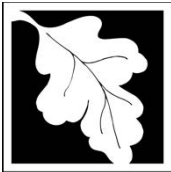
1.  Percentage/acreage of property to be altered:
- |                                  |  |
|----------------------------------|--|
| (a) within wetland Resource Area | <u>0.05 Acres (Cumulative)</u><br>percentage/acreage                       |
| (b) outside Resource Area        | <u>1.48 acres within Turtle Habitat (Cumulative)</u><br>percentage/acreage |
2.  Assessor's Map or right-of-way plan of site
2.  Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*
- (a)  Project description (including description of impacts outside of wetland resource area & buffer zone)
- (b)  Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

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**C. Other Applicable Standards and Requirements (cont'd)**

**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

- 4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?  
 a.  Yes  No      If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.  
 b. ACEC

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- 5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?  
 a.  Yes  No
- 6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?  
 a.  Yes  No
- 7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?  
 a.  Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
  - 1.  Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
  - 2.  A portion of the site constitutes redevelopment
  - 3.  Proprietary BMPs are included in the Stormwater Management System.
 b.  No. Check why the project is exempt: See Drainage Summary
  - 1.  Single-family house
  - 2.  Emergency road repair
  - 3.  Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

**D. Additional Information**

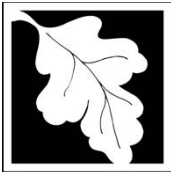
- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

- 1.  USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
- 2.  Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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Document Transaction Number

Sudbury  
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## D. Additional Information (cont'd)

3.  Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4.  List the titles and dates for all plans and other materials submitted with this NOI.

Site Plan for Nobscot Scout Reservation Trail Project, Sudbury and Framingham, MA

a. Plan Title

Howard Stein Hudson

b. Prepared By

George Mihov, P.E.

c. Signed and Stamped by

August 1, 2022

d. Final Revision Date

1" = 40'

e. Scale

Drainage Summary Memorandum

f. Additional Plan or Document Title

August 1, 2022

g. Date

5.  If there is more than one property owner, please attach a list of these property owners not listed on this form.

6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8.  Attach NOI Wetland Fee Transmittal Form

9.  Attach Stormwater Report, if needed.

## E. Fees

1.  Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

50051

2. Municipal Check Number

July 27, 2022

3. Check date

50037

4. State Check Number

July 27, 2022

5. Check date

Howard/Stein-Hudson Associates, Inc.

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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Provided by MassDEP:

MassDEP File Number


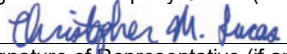
Document Transaction Number

Sudbury  
City/Town

## F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

	7/27/2022
1. Signature of Applicant	2. Date
3. Signature of Property Owner (if different)	4. Date
	August 2, 2022
5. Signature of Representative (if any)	6. Date

### For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

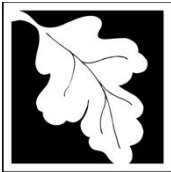
### For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

### Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 3 – Notice of Intent**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 \_\_\_\_\_  
 MassDEP File Number  
 \_\_\_\_\_  
 Document Transaction Number  
 Framingham  
 \_\_\_\_\_  
 City/Town

**Important:**  
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:  
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>Edgell Road - Nobscot Scout Reservation</u>	<u>Framingham</u>	<u>01701</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>Map 8, Block 1, Lot 2517 &amp; Block 11, Lot 7059</u>	<u>42° 20' 46.71" N</u>	<u>71° 26' 20.34" W</u>
f. Assessors Map/Plat Number	d. Latitude	e. Longitude
	<u>Map 15, Block 19, Lot 6802</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>Hunter</u>	<u>McCormick</u>	
a. First Name	b. Last Name	
<u>Mayflower Council, Boy Scouts of America</u>		
c. Organization		
<u>83 Cedar Street</u>		
d. Street Address		
<u>Milford</u>	<u>MA</u>	<u>01757</u>
e. City/Town	f. State	g. Zip Code
<u>508.872.6551</u>	<u>508.872.9092</u>	<u>hunter.mccormick@scouting.org</u>
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

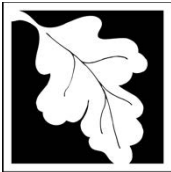
_____	_____	
a. First Name	b. Last Name	
_____		
c. Organization		
_____		
d. Street Address		
_____	_____	_____
e. City/Town	f. State	g. Zip Code
_____	_____	_____
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Christopher</u>	<u>Lucas</u>	
a. First Name	b. Last Name	
<u>Lucas Environmental, LLC</u>		
c. Company		
<u>500A Washington Street</u>		
d. Street Address		
<u>Quincy</u>	<u>MA</u>	<u>02189</u>
e. City/Town	f. State	g. Zip Code
<u>617.405.4140</u>	<u>617.405.4465</u>	<u>cml@lucasenviro.com</u>
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$1,050.00</u>	<u>\$512.50</u>	<u>\$537.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
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Document Transaction Number
Framingham
City/Town

## A. General Information (continued)

### 6. General Project Description:

The proposed project was initiated, but not completed under an Order of Condition DEP File# 301-1202. This NOI describes continued/new trail work which includes minor grading, fill removal and placement of gravel, drainage upgrades and wooden bridge installation and describes restoration work to correct violation issues identified in Enforcement Orders issued on November 10, 2021.

### 7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1.  Single Family Home
- 2.  Residential Subdivision
- 3.  Commercial/Industrial
- 4.  Dock/Pier
- 5.  Utilities
- 6.  Coastal engineering Structure
- 7.  Agriculture (e.g., cranberries, forestry)
- 8.  Transportation
- 9.  Other

### 7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1.  Yes  No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

#### 2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

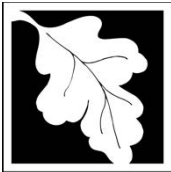
### 8. Property recorded at the Registry of Deeds for:

Middlesex	_____
a. County	b. Certificate # (if registered land)
See Attached Sheet	_____
c. Book	d. Page Number

## B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1.  Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2.  Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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Bureau of Resource Protection - Wetlands

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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input checked="" type="checkbox"/> Bank	161 1. linear feet	161 2. linear feet
b. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	11 Perm.; 211 Temp. 1. square feet	11 in Sudbury; 211 Fram. 2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - <b>specify coastal or inland</b>	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: \_\_\_\_\_ square feet

4. Proposed alteration of the Riverfront Area:

_____	_____	_____
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI?  Yes  No

6. Was the lot where the activity is proposed created prior to August 1, 1996?  Yes  No

3.  Coastal Resource Areas: (See 310 CMR 10.25-10.35)

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.





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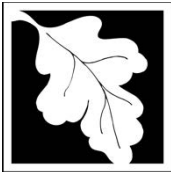
City/Town

**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	_____	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings



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## C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

- a.  Yes  No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program  
Division of Fisheries and Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581**

August 1, 2021  
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review\*

- Percentage/acreage of property to be altered:
 

(a) within wetland Resource Area	0.05 Acres (Cumulative)
	percentage/acreage
(b) outside Resource Area	1.48 acres within Turtle Habitat (Cumulative)
	percentage/acreage

- Assessor's Map or right-of-way plan of site

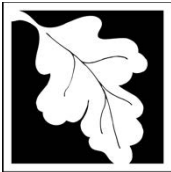
- Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*
  - Project description (including description of impacts outside of wetland resource area & buffer zone)
  - Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.





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**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

**C. Other Applicable Standards and Requirements (cont'd)**

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?  
 a.  Yes  No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.  
 b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?  
 a.  Yes  No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?  
 a.  Yes  No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?  
 a.  Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:  
 1.  Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)  
 2.  A portion of the site constitutes redevelopment  
 3.  Proprietary BMPs are included in the Stormwater Management System.  
 b.  No. Check why the project is exempt: See Drainage Summary  
 1.  Single-family house  
 2.  Emergency road repair  
 3.  Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

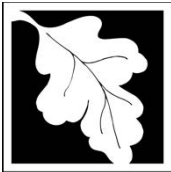
**D. Additional Information**

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1.  USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2.  Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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MassDEP File Number

Document Transaction Number

Framingham  
City/Town

## D. Additional Information (cont'd)

3.  Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4.  List the titles and dates for all plans and other materials submitted with this NOI.

Site Plan for Nobscot Scout Reservation Trail Project, Sudbury and Framingham, MA

a. Plan Title

Howard Stein Hudson

b. Prepared By

George Mihov

c. Signed and Stamped by

August 1, 2022

d. Final Revision Date

1" = 40'

e. Scale

Drainage Summary Memorandum

f. Additional Plan or Document Title

August 1, 2022

g. Date

5.  If there is more than one property owner, please attach a list of these property owners not listed on this form.

6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8.  Attach NOI Wetland Fee Transmittal Form

9.  Attach Stormwater Report, if needed.

## E. Fees

1.  Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

50052

2. Municipal Check Number

July 27, 2022

3. Check date

50036

4. State Check Number

July 27, 2022

5. Check date

Howard/Stein-Hudson Associates, Inc.

6. Payor name on check: First Name

7. Payor name on check: Last Name





Massachusetts Department of Environmental Protection  
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MassDEP File Number



Document Transaction Number

Framingham  
City/Town

## F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

	7/27/2022
1. Signature of Applicant	2. Date
<hr/>	
3. Signature of Property Owner (if different)	4. Date
	August 2, 2022
5. Signature of Representative (if any)	6. Date

### For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

### For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

### Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



## ASSESSOR & BOOK/PAGE INFORMATION

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<b>ASSESSORS INFORMATION &amp; BOOK/PAGE</b>				
<b>TOWN OF FRAMINGHAM</b>				
Map	Block	Lot	Book	Page
008	01	2517	6830	563
008	11	7059	6830	563
015	19	6802	7192	1
<b>TOWN OF SUDBURY</b>				
Map	Block	Lot	Book	Page
L	05	0001	13783	565
L	05	0003	13134	623
L	05	0004	6319	459
L	05	0005	8011	121
L	05	0007	8161	75
L	05	0200	13783	565
L	06	0009	12134	420



## Application for Waiver from Framingham Wetlands Protection Bylaw and/or Regulations



I. **Applicant**      Name Mayflower Council, Boy Scouts of America Phone: 508.872.6551  
 Address 83 Cedar Street, Milford, MA 01757  
 Email hunter.mccormick@scouting.org

II. **Owner (if different)**      Name \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address \_\_\_\_\_  
 Email \_\_\_\_\_

III. **Project Location**      Street Edgell Road, Framingham, MA (Nobscot Scout Reservation Property)

IV. **DEP file number** \_\_\_\_\_

- V. **I hereby request a waiver from the:**  
 (check all that apply)
- |                                     |  |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Prohibition on alterations in the 30-foot No Alteration Zone                     |
| <input checked="" type="checkbox"/> | Prohibition on work in the 50-foot No Build Zone                                 |
| <input type="checkbox"/>            | Prohibition on alterations in Vernal Pools and their 125-foot No Alteration Zone |
| <input checked="" type="checkbox"/> | Prohibition on alterations in wetland resource areas                             |
| <input checked="" type="checkbox"/> | Prohibition on alterations in other No Alteration Zones                          |

VI. **Reasons for the waiver request(s) are:**

The purpose of the project is to perform maintenance on existing trails, add wooden bridges and other improvements that will stabilize current conditions on the trails, some of which cross through wetlands and over intermittent streams. The property is open to the public and serves an important function for the residents of Framingham and Sudbury. The project work in the No Alteration Zone, No Build Zone is necessary to accommodate an overriding community public interest, i.e., safe, continued use of the trails and property.

VII. **Proposed mitigation for the waiver(s):**

Wetland mitigation is proposed for the minor impacts. The project has limited funding which is being largely obtained through grants.



## SECTION II – PROJECT NARRATIVE

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## PROJECT NARRATIVE

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### 1.0 INTRODUCTION

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On behalf of the Mayflower Council (formerly known as the Knox Trail Council), Boy Scouts of America (Applicant & Owner), Lucas Environmental, LLC (LE), in association with Howard Stein Hudson, is pleased to submit this Notice of Intent (NOI) to the Sudbury and Framingham Conservation Commissions for the Nobscot Scout Reservation Trail Project located at 1 Nobscot Road in Sudbury and Framingham, Massachusetts. This NOI provides the history of prior filings, information relevant to past violations and enforcement actions, and describes the additional work that is being proposed to occur at the project site.

The proposed project includes approximately 1.2 miles of trail improvements, removal and grading of soil around certain buildings, drainage improvements and stream bank restoration, portions of which are located within the 100-Foot Buffer Zone to Inland Bank and Bordering Vegetated Wetlands, and 30-Foot No Alteration Zone (Framingham). This NOI is submitted in accordance with the Massachusetts Wetlands Protection Act (WPA; M.G.L. Ch. 131, Section 40) and its implementing regulations (310 CMR 10.00 et seq.), the Town of Sudbury Wetlands Administration Bylaw (SWAB; Article XXII) and associated Regulations, and the City of Framingham Wetlands Protection Bylaw (Section 18) and associated Regulations.

This NOI application includes two separate NOI submissions for the Town of Sudbury and City of Framingham because the proposed work is within jurisdictional areas in both municipalities. The WPA Form 3 filled out for Sudbury identifies the subject parcels as Assessors Map L, Block 05, Lots 0001, 0003, 0004, 0005, 0007, and 0200; and Assessors Map L, Block 06, Lot 0009. The WPA Form filled out for Framingham identifies the subject parcels as Assessors Map 008, Block 01, Lot 2517; Map 008, Block 11, Lot 7059; and Map 015, Block 19, Lot 6802.

This project narrative describes the existing conditions, wetland resource areas, proposed improvements, and state and local regulatory for work within jurisdictional areas on and near the site. The proposed project is depicted on the Site Plans prepared by Howard Stein Hudson and entitled “Site Plans for Nobscot Scout Reservation Trail Project; Sudbury and Framingham, MA,” dated August 1, 2022, under separate cover.

Orders of Conditions for general maintenance of the trail system were issued on February 14, 2017 by the Town of Sudbury, and on April 5, 2017 by the City of Framingham. These Orders approved trail improvement work within the footprint of the existing trail system except for staging areas which were approved for areas outside of wetland jurisdiction. A limited number of trees, i.e. three (3) were approved for removal in Framingham. Resurfacing work of two parking lots in Sudbury was also approved as part of the NOI. Additionally, special NHESP conditions were established to protect the rare species identified as the Eastern box turtle. This project has been reduced in scale and scope since the previous approvals, with 2.7 miles of trail maintenance and parking lot improvements associated with the past approval, reduced to 1.2 miles.

Some work was completed at the site by a contractor, including rock removal, laying existing gravel and sand on trails, creating drainage ditches/trenches, culvert replacement, and widening some areas of the trail surface. The site then sat vacant for some time. Erosion and sedimentation issues occurred in some locations, including wetlands, after heavy precipitation events, as the site was not properly stabilized.

Activities were observed to have occurred that were not in compliance with the Order of Condition in Sudbury and a Notice of Violation letter, including a “cease and desist” order and a requirement to install erosion control barrier at the edge of disturbance, and have an engineer prepare and emergency stabilization plan, was issued by the Town of Sudbury Conservation Commission on August 27, 2021. Inspections by the Conservation Commissions from both municipalities resulted in Enforcement Orders being issued by the City of Framingham on November 10, 2021 and the Town of Sudbury on November 16, 2021; however, an Erosion Control and Sedimentation Plan and Emergency Stabilization Plan were prepared and submitted to the Conservation Commission on November 5, 2021.

As described herein, this narrative includes new trail maintenance work, restoration activities to address the noted violation issues presented in the Enforcement Orders, and proposed mitigation for “de minimus” impacts from new activities.

## **2.0 EXISTING CONDITIONS**

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The subject property consists of three parcels of land in Framingham and seven in Sudbury based upon the Site Plans prepared by Howard Stein Hudson, dated June 22, 2022. The site is bound by Edgell Road/Nobscot Road to the east, and state park lands to the west, north, and south (See Figure 1 – USGS and Figure 2 – Aerial Map).

The property consists of forested uplands, rock ledges and outcrops, meadows, streams and wetlands. Numerous hiking trails, cart paths, cabins, campsites, shelters, latrines, and outdoor amphitheaters are interspersed throughout the Reservation. The property is used by Boy Scouts for weekend camping and outdoor education and is open to the public for hiking throughout the year.

A review of the current MassGIS data layer for the Massachusetts Natural Heritage Atlas (effective August 1, 2021) under the Natural Heritage and Endangered Species Program (NHESP) indicates that, aside from a small portion of the site near its southern boundary in Framingham, the entire Reservation property is located within an area mapped as Estimated Habitat for Rare Wildlife (EH 930) and Priority Habitat for Rare Species (PH 1291) (See Figure 3 – NHESP Map). This NOI has been copied to NHESP for Streamlined Massachusetts Endangered Species Act (MESA; 321 CMR 10.00 et seq.)/WPA Review. Based upon consultations with NHESP, the Eastern box turtle (*Terrapene carolina*) has been identified on the project site.

According to the July 7, 2014 FEMA Flood Insurance Rate Maps (FIRM) for Middlesex County, Map Numbers 25017C0502F, 25017C504F and 25017C506F, no portion of the subject property lies within an area subject to flooding (during a 100-year flood) (See Figure 4 – FEMA Map). Therefore, Bordering Land Subject to Flooding (BLSF) does not occur within the Study Area.

The site is not located within an Area of Critical Environmental Concern (ACEC), Outstanding Resource Water (ORW), or Watershed Protection Area. A small portion of the site to the north along Nobscot Road in Sudbury is located within a MassDEP Zone II Approved Wellhead Protection Area, as well as a small portion of the project site to the south in Framingham.

### **3.0 WETLAND RESOURCE AREAS**

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Initial site investigations were conducted between April 9 to April 24, 2016 by Professional Wetland Scientists (PWS) from LE within the Study Area. Additional site investigations were conducted on September 10, 2021, March 11, 2022, and March 16, 2022. The purpose of the site investigations was to identify potential wetlands, watercourses, and other regulated wetland and “special” resources that may exist at the site and within 200 feet of the property to assist in the design and permitting of future site improvements. This investigation included both a field and office-based component.

The wetland investigation was performed in accordance with the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, § 40) and its implementing regulations (310 CMR 10.00 et seq.); Section 404 of the Clean Water Act (33 U.S.C. 1344); Massachusetts Department of Environmental Protection (MassDEP) publication “Delineating Bordering Vegetated Wetlands” under the Massachusetts Wetlands Protection Act (1995); the U.S. Army Corp of Engineers (USACE) Wetland Delineation Manual (1987); the Northcentral and Northeast Regional Supplement (2012); the Town of Sudbury Wetlands Administration Bylaw (SWAB); and the City of Framingham Wetlands Protection Bylaw.

The following data sources were examined prior to the site investigation:

- Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps;
- United States Geological Survey (USGS) Topographic Quadrangle;
- MassGIS MassDEP Wetland and Hydrography Datalayers;
- MassGIS Natural Heritage Atlas Datalayers; and
- United States Department of Agriculture, Natural Resources Conservation Service (USDA-NRCS) Soil Survey.

Resource areas that were identified and delineated include Inland Bank, a Certified Vernal Pool, intermittent streams, and Bordering Vegetated Wetlands (BVW). A portion of the Sudbury property was delineated within the study area only. The entire site was not delineated due to the size of the parcels.

Under the Massachusetts Wetlands Protection Act, the wetlands at the site are regulated as follows:

#### **3.1 Inland Bank – 310 CMR 10.54**

Section 310 CMR 10.54 defines a Bank *as the portion of the land surface which normally abuts and confines a water body. It occurs between a water body and a vegetated bordering wetland and adjacent flood plain, or, in the absence of these, it occurs between a water body and an upland. The upper boundary of a Bank is the first observable break in the slope or the mean annual flood level, whichever is lower. The lower boundary of a Bank is the mean annual low flow level.*

### **3.2 Bordering Vegetated Wetlands – 310 CMR 10.55**

Section 310 CMR 10.55 of the WPA defines BVW as *freshwater wetlands which border on creeks, rivers, streams, ponds and lakes. The types of freshwater wetlands are wet meadows, marshes, swamps and bogs. Bordering Vegetated Wetlands are areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants. The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist. Wetland indicator plants are also those classified in the indicator categories of Facultative, Facultative+, Facultative Wetland-, Facultative Wetland, Facultative Wetland+, or Obligate Wetland in the National List of Plant Species That Occur in Wetlands: Massachusetts (Fish & Wildlife Service, U.S. Department of the Interior, 1988) or plants exhibiting physiological or morphological adaptations to life in saturated or inundated conditions.*

### **3.3 Land Under Water Bodies and Waterways – 310 CMR 10.56**

Section 310 CMR 10.56 (2) of the WPA states that LUWW *is the land beneath any creek, river, stream, pond or lake and the boundary is the mean annual low water level. The Mean Low Water line is contained within perennial streams. The streams within the limit of work are all intermittent.*

### **3.4 Isolated Land Subject to Flooding – 310 CMR 10.57**

Section 310 CMR 10.57 of the WPA defines Isolated Land Subject to Flooding (ILSF) as *an isolated depression or a closed basin without and inlet or outlet which serves as a ponding area for run-off or high ground water which has risen above the ground surface. It is an area which at least once a year confines standing water to a volume of at least ¼ acre-feet and to an average depth of at least six inches. Under the WPA, there is no Buffer Zone associated with ILSF.*

Under the Massachusetts Wetlands Protection Act, Vernal Pool Habitat is defined as *confined basin depressions which, at least in most years, hold water for a minimum of two continuous months during the spring and/or summer, and which are free of adult fish populations, as well as the area within 100 feet of the mean annual boundaries of such depressions, to the extent that such habitat is within an Area Subject to Protection under M.G.L.c.131, s. 40 as specified in 310 CMR 10.02(1).*

Both the Town of Sudbury and the City of Framingham have local wetland protection Bylaws and implementing Regulations which utilize the same or similar definitions as those listed above.

### **3.5 Wetland and Watercourse Descriptions**

The following section provides a brief description of wetlands and watercourses identified on-site. Photographic documentation of the wetland resource areas and project site is included in Appendix A. MassDEP Bordering Vegetated Wetland Delineation Field Data Forms are provided in Appendix D. “WF” flags refer to wetlands and “BF” flags refer to stream delineated within both municipalities.



### *Wetland A*

Wetland A consists of an intermittent stream and associated forested wetlands in Framingham. An intermittent stream flows in a northeasterly direction from an area to the southwest, located off-property. The three-foot wide stream crosses Ellis Land Trail through a shallow channel. Just east of the trail, the stream steeply drops approximately three feet in elevation through a better-defined rocky channel. Associated wetlands extend from this stream to the northwest, adjacent to Ellis Land Trail and its intersection with Jethro Trail near an old homestead known as Ellis Farm.

The Bank of the stream was delineated with blue survey flagging numbered sequentially from BF1-1 to BF1-6 and BF1-100 to BF1-106. The associated forested wetland was delineated with pink survey tape numbered sequentially from WFA-1 to WFA-51. The wetland is forested and consists of red maple (*Acer rubrum*), and many standing dead green ash (*Fraxinus pennsylvanica*) trees. The understory vegetation predominantly consists of highbush blueberry (*Vaccinium corymbosum*), glossy buckthorn (*Rhamnus frangula*), eastern burning bush (*Euonymus atropurpureus*), cinnamon fern (*Osmunda cinnamomea*), and skunk cabbage (*Symplocarpus foetidus*). Wetland A is regulated as BVW and Bank.

### *Wetland B*

Wetland B is located just west of Ellis Land Trail near the intersection of Ellis Land Trail and Jethro Trail in Framingham. It is a small shallowly ponded area which contained approximately two- to three-inches of water on the day of the site visit. No visible inlet or outlet or egg masses or tadpoles were observed. It receives overland flow from the adjacent hillside. Wetland B was delineated with pink survey flagging WFB-1 through WFB-9. The vegetation within Wetland B consists of red maple, green ash, hop hornbeam (*Ostrya virginiana*), common winterberry (*Ilex verticillata*), highbush blueberry, northern spicebush (*Lindera benzoin*), and poison ivy (*Toxicodendron radicans*). Wetland B does not fit the criteria to be regulated as Isolated Land Subject to Flooding under the WPA. Therefore, this wetland is an Isolated Vegetated Wetland.

### *Wetland C*

Wetland C is located to the west of Ellis Land Picnic Area/Campsite in Framingham. Wetland C includes an intermittent stream that begins as a hillside seep breakout then becomes a well-defined channel. The stream is approximately 1.5 to three feet wide and approximately three- to six-inches deep with a rocky substrate. It slightly meanders down the slope towards the grassy meadow at the campsite to the southeast where it becomes ponded. Wetland C was delineated with pink flagging numbered WFC-1 to WFC-22. Vegetation consists of red maple, eastern white pine (*Pinus strobus*), white oak (*Quercus alba*), northern spicebush, multiflora rose (*Rosa multiflora*), tatarian honeysuckle (*Lonicera tatarica*), skunk cabbage and poison ivy. The channelized portion of the stream was delineated with consecutively numbered blue survey flagging BF2-1 to BF2-5 and BF2-100 to BF2-108. This wetland is regulated as Bank and BVW.

### *Wetland D*

Wetland D is located east of Ellis Land Trail, just off of the trail in Framingham. It is also adjacent to Wetland F, west of the overflow parking lot. This wetland is a small depression with little vegetation within it. No inlet or outlet or egg masses were observed on the day of the site visit. It contained approximately eight- to 12-inches of standing water on the day of the site visit. Wetland D was delineated with pink survey flagging labeled WFD-1 to WFD-17. Vegetation along the fringe of the wetland consists of eastern white pine, red maple, white oak, pignut hickory (*Carya glabra*) and multiflora rose. This wetland is too small to be regulated as Isolated Land Subject to Flooding under the WPA; however, it is an Isolated Vegetated Wetland.

### *Wetland E*

Wetland E is an intermittent stream with bordering wetland (identified as Muskie Brook on a local Boy Scout Map) which originates at a small, ponded area on the hillside north of Nobscot Mountain in Sudbury, and meanders down the hillside, paralleling and sometimes crossing Monson Trail towards Nobscot Road. On the subject property, this stream is shown as intermittent on the USGS Framingham Quadrangle map. This wetland is located in both Framingham and Sudbury. Along the path of the stream, there are fringes of forested wetlands. The bank of the stream and the forested wetlands were delineated from approximately 100 feet north of White Ridge Trail down to Nobscot Road. The stream is approximately three- to five-foot wide with a rocky, cobble substrate and was flowing on the day of the site visit.

Wetland E was delineated with consecutively numbered pink survey flagging WFE-1 to WFE-314. Dominant vegetation along the fringe of the stream consists of eastern hemlock, red maple, white pine, northern spicebush, greenbrier, cinnamon fern, skunk cabbage, and spinulose woodfern (*Dryopteris spinulosa*). The channelized portion of the stream was delineated with consecutively numbered blue flagging labelled BF5-1 to BF5-8 and BF5-100 to BF5-107 to the west where it crosses White Ridge Trail. Another small intermittent swale connects a portion of Wetland E under Monson Trail and was delineated with consecutively numbered blue flagging labelled BF6-1 to BF6-4 and BF6-100 to BF6-103. Wetland E is regulated as Bank and BVW. In March 2022, additional boundaries of Wetland E were delineated as WFE-400 to 422 (an upland island) and WFE-500 to WFE-518 in vicinity of the Memorial Trail. Observed vegetation is the same as noted for other sections of Wetland E.

### *Wetland F*

Wetland F is located in Framingham just off of Ellis Land Trail to the east, adjacent to Wetland D. This wetland consists of standing water with a fringe of wetland vegetation. A narrowly defined channel flows from this wetland in a northerly direction and was delineated with consecutively numbered blue flagging labelled BF3-1 to BF3-19 and BF3-100 to BF3-105. Wetland F was delineated with pink survey flagging labeled WFF-1 to WFF-23. Dominant vegetation on the fringe of Wetland F consists of red maple, green ash, cinnamon fern, sphagnum moss, northern spicebush, skunk cabbage, and common greenbrier (*Smilax rotundifolia*). Channel BF3 flows into Wetland E near the intersection of Ellis Land Trail and Monson Trail. Due to site topography, another small intermittent swale splits off from BF3 and connects to Wetland E. This swale was delineated with consecutively numbered blue flagging labelled BF4-1 to BF4-6 and BF4-100 to BF4-104. This wetland is regulated as BVW and Bank.

### *Wetland G*

Wetland G is located east of Legion Trail, southeast of Legion Cabin in Sudbury. Wetland G is a forested wetland adjacent to an intermittent stream identified as Big Sachem Brook on the Nobscot Scout Reservation Trail Map. It ties into Wetland Flag B7. This wetland is located on a steep gradient with boulders and some standing water. Dominant vegetation consists of red maple, white oak, eastern hemlock, northern spicebush, and skunk cabbage. Wetland G was delineated with consecutively numbered pink survey flagging labelled WFG-1 to WFG-17 and WFG-100 to WFG-108. The intermittent channel was delineated with consecutively numbered blue flagging labelled BF7-1 to BF7-23 and BF7-100 to BF7-119. Wetland G is regulated as BVW and Bank.

### *Wetland H*

Wetland H is located between Wetlands G and I, due east of Wetland G on the hillside below Nixon Trail in Sudbury. This wetland is a hillside seep primarily vegetated with slippery elm (*Ulmus rubra*) northern spicebush, and skunk cabbage. Wetland H was delineated with consecutively numbered pink survey flagging labelled WFH-1 to WFH-11 and WFH-100 to WFH-107. Wetland H is regulated as BVW.

### *Wetland I*

Wetland I is located due east of Wetland H, west of Wetland J, off of Pond Trail in Sudbury. This wetland is associated with a small channel that originated at the Wetland J vernal pool/pond (Wetland Flag BF8 series, described in further detail with Wetland J below). Dominant vegetation within this small wetland includes an overstory of red maple and black oak and an understory of hickory and northern spicebush. Wetland I was delineated with consecutively numbered pink survey flagging labelled WFI-1 to WFI-6. Wetland I is regulated as BVW.

### *Wetland J*

Wetland J is a ponded area fringed by boulders and vegetation, located adjacent to Pond View Cabin on the Nixon Trail in Sudbury. This pond is approximately 30,000 square feet and is also a Certified Vernal Pool. Water was observed in the pond on the day of the site visit. Dominant vegetation around the pond consists of red maple, black willow (*Salix nigra*), highbush blueberry, and maleberry (*Lyonia ligustrina*). Wetland J was delineated with consecutively numbered pink survey flagging WFJ-1 to WFJ-30. A small stream flows out of the pond, under Nixon Road, to Wetland I. This defined channel was delineated with consecutively numbered blue survey flagging labelled BF8-1 to BF8-12 and BF8-100 to BF8-108. BF8 is associated with Little Sachem Brook as identified on the Nobscot Scout Reservation Trail Map. Vegetation adjacent to the channel consists primarily of common greenbrier. Wetland J is regulated as Bank, BVW, and a Certified Vernal Pool.

### *Wetland K*

Wetland K is located at the northern part of the property in Sudbury. Some portions of this wetland are channelized and consist of intermittent stream bank with wetland fringe and other areas only of Bank. The wetland begins south of Wampum Trail, flows under Ghost Trail and Nipmuc Trail, and ends just west of an area known as Hayden Land on the Boy Scout Map, approximately 300 feet west of Nobscot Road.

Wetland K to the north of the site was delineated with consecutively numbered pink survey flagging WFK-1 to WFK-37 and WFK-100 to WFK-128 and with blue survey flagging labelled BF9-1 to BF9-16 and BF-100 to BF9-116. The portions of Wetland K located east of Nipmuc Trail were not delineated if greater than 100 feet from the trail.

Another section of Wetland K was delineated to the south, in an area west of the existing buildings and parking area. This portion of Wetland K was delineated with consecutively numbered pink survey flagging WFK-100 to WFK-127 (duplicate numbering was used), WFK-200 to WFK-210, and blue survey flagging BF10-100 to BF10-106 and BF10-200 to BF10-206.

In March 2022, the “100 series” flagging was extended to WFK-147 and another portion of Wetland K was delineated with WFK-300 to WFK-326. In addition, where work is proposed on Cabin 8 site, Wetland K was delineated with flagging WFK-400 to WFK-417 at a point beginning at the Nixon Trail where it borders Cochickawick Brook to the Nipmuc Trail near the confluence with the Ghost Trail.

Both sections of Wetland K are regulated as Bank and BVW.

#### *Wetland L*

Wetland L is located along the Legion Trail in the vicinity of a foot bridge that is scheduled for replacement and portion of the trail that presently crosses the wetland requires a new foot bridge. Wetland L consists of an intermittent stream, known locally as Big Sachem Brook, portions of which are braided, that drain a larger area of BVW to the north of a foot bridge where there is another intermittent stream known as Little Sachem Brook. This stream joins Big Sachem Brook to the south of the existing foot bridge. Closer to the foot bridge, and to the north of it, surface flow in the stream disappears into the groundwater table then reemerges at the surface within well-defined Banks to the south of the foot bridge. A little further south, Big Sachem Brook is joined by an unnamed intermittent stream that drains other portions of Wetland L to the west.

Wetland L was delineated with consecutively numbered pink survey flagging WFL-100 to WFL-110 and WFL-200 to WFL-208 which denotes a narrow upland island within the larger wetland area. Directly adjacent to Legion Trail, the wetland edge was delineated as WFL-300 to WFL-310. North of the foot bridge, the shallow, meandering Banks of Big Sachem Brook were delineated with consecutively numbered blue survey flagging BF11-100 to BF11-104 and BF11-200 to 204. South of the foot bridge, Big Sachem Brook was delineated BF11-105 to BF11-108 and BF11-205 to BF11-206. The confluent unnamed intermittent stream to the south of the foot bridge was delineated BF12-100 to BF12-111 and BF12-200 to BF12-206 and BF12-210. Wetland L is regulated as Bank and BVW.

#### *Wetland M*

Wetland M is an Isolated Vegetated Wetland (IVW) located directly alongside, and east of the Nixon Trail near the juncture with the White Ridge Trail. Wetland M receives drainage from upgradient areas to the west of the trail via a culvert; however, the flow is diffuse and infiltrates into the ground near the middle of the wetland. The trail and areas upgradient of the wetland were disturbed during trail and drainage work conducted under the previous NOI. Wetland M was delineated with consecutively numbered pink survey flagging WFM-1 to WFM-12. Dominant vegetation includes white ash, red maple and northern spicebush.

### *Vernal Pools*

Several Certified Vernal Pools are located on the Reservation property; however, only one is located within the work area. According to the NHESP GIS data layer, two (2) Certified Vernal Pools are located in the Sudbury parcels and two (2) are located in the Framingham parcels. In addition, one Potential Vernal Pool is located in Sudbury. As noted above, Wetland J was delineated with pink survey tape numbered sequentially from WFJ-1 to WFJ-30 in the Town of Sudbury. The pool is approximately 30,000 square feet and appears to be a kettle hole with an average depth of approximately three to four feet. This pool is certified as CVP1265. Based upon the site visit on April 16, 2016, evidence of breeding amphibians was observed within the pool.

## **4.0 PROPOSED WORK**

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### *General Design*

The proposed project consists of improvements to approximately 1.2 miles of trail system at the Nobscot Scout Reservation property in the municipalities of Framingham and Sudbury. These improvements consist of trail upgrades varying in width from 8.5 feet to 11 feet, and include minor grading and swale stabilization to improve road drainage and minimize erosion, a new 12" culvert on the Muskie Trail to promote drainage between wetlands crossed by the trail, large rock removal, and resurfacing trails with six (6) to 12 inches of gravel borrow to fill in select low areas as shown on the Site Plans.

Wood platform (bog) bridge crossings on precast concrete footings are required in several locations on the Legion Trail (Sisson Nature Trail), where trails cross through wetlands. Wood platform bridges on concrete footings will also replace existing decaying wooden bridges where the Legion Trail crosses Big Sachem Brook and Little Sachem Brook. Cabin site improvements, consisting mostly of soil removal from against the buildings, grading and stump grinding/removal, and rock removal, is planned at the following locations: Legion Cabin, Webelos Woods Cabin 5 and Latrine, Cabin 6, Troop Cabin 16, Cabin 18, Haynes Cabin, Pond View Cabin and Latrine, Cabin 13, Cabin 14, Assabet Cabin, and Cabin 8. To the extent possible, trees in the immediate vicinity of the trail improvements will be preserved and protected during construction with fencing. However, in some locations, the proposed trail widening necessitates limited tree removal.

A summary of the improvements is provided in Table 4-1 on the following page and are depicted in detail on the Site Plans (provided under separate cover). Note that the overall length of trail impact has been reduced from 14,097.50 linear feet (2.7 miles) to 6,106 linear feet (1.2 miles).

### *Stormwater Management*

The trail improvements will not have any adverse impacts to stormwater quality and quantity. All resurfacing of trails will consist of permeable gravel, thereby allowing some continued infiltration and attenuated runoff rates due to rough surfaces. All trails will have a two percent pitch to one or both shoulders to allow stormwater runoff to flow off the surfaces and into the adjacent vegetated areas. Water bars have also been included to improve stormwater management and reduce erosion. See the Drainage Summary Memorandum in Appendix E for additional details.

**TABLE 4-1  
SUMMARY OF TRAIL IMPROVEMENTS**

Station Range	Trail Names	Length (feet)	Proposed Trail Base	# of Trees to be Removed
<b>Segment 1 – Town of Sudbury</b>				
98+20 - 103+20	Thirty Rod Road	500	6" gravel/crushed stone	0
108+70 - 110+20	Thirty Rod Road	150	6" gravel/crushed stone	0
110+90 - 111+40	Thirty Rod Road	50	6" gravel/crushed stone	0
112+00 - 112+20	Gen John Nixon Trail	20	6" gravel/crushed stone	0
113+10 - 113+50	Gen John Nixon Trail	40	6" gravel/crushed stone	0
114+05 - 114+70	Gen John Nixon Trail	65	6" gravel/crushed stone	0
0+85 - 2+35	Gen John Nixon Trail	150	6" gravel/crushed stone	0
120+60 - 124+20	White Ridge Trail	360	6" gravel/crushed stone	3
126+00 - 126+50	White Ridge Trail	50	6" gravel/crushed stone	0
Subtotal Segment 1		1,385	---	3
<b>Segment 2 – City of Framingham</b>				
127+80 - 128+80	White Ridge Trail	100	6" gravel/crushed stone	0
131+20 - 131+60	Jethro Trail	40	6" gravel/crushed stone	0
133+55 - 133+70	Jethro Trail	15	6" gravel/crushed stone	0
135+50 - 135+90	Jethro Trail	40	6" gravel/crushed stone	0
140+90 - 141+30	Jethro Trail	40	6" gravel/crushed stone	0
142+90 - 145+50	Jethro Trail	260	6" gravel/crushed stone	0
147+60 - 147+90	Jethro Trail	30	6" gravel/crushed stone	0
148+40 - 149+00	Jethro Trail	60	6" gravel/crushed stone	0
153+20 - 155+30	Jethro Trail	210	6" gravel/crushed stone	0
162+20 - 163+00	Ellis Land Trail	80	6" gravel/crushed stone	0
164+00 - 166+50	Ellis Land Trail	250	6" gravel/crushed stone	0
169+00 - 171+90	Ellis Land Trail	290	6" gravel/crushed stone	0
Subtotal Segment 2		1,415	---	0
<b>Segment 3 – Town of Sudbury &amp; City of Framingham</b>				
400+17 - 403+25	Monson Trail	308	6" gravel/crushed stone	0
404+00 - 404+20	Monson Trail	20	6" gravel/crushed stone	0
405+60 - 406+25	Monson Trail	65	6" gravel/crushed stone	0
408+70 - 412+50	Monson Trail	380	6" gravel/crushed stone	0
414+65 - 417+00	Monson Trail	235	6" gravel/crushed stone	0
416+13 - 416+38	Monson Trail	25	6" gravel/crushed stone	0
417+40 - 419+05	Monson Trail	165	6" gravel/crushed stone	0
Subtotal Segment 3		1,198	---	0



**TABLE 4-1  
SUMMARY OF TRAIL IMPROVEMENTS**

Station Range	Trail Names	Length (feet)	Proposed Trail Base	# of Trees to be Removed
<b>Segment 4 – Town of Sudbury</b>				
1+38 - 1+46	Legion Trail	8	6" gravel/crushed stone w/ filter fabric base	2
4+86 - 4+98	Legion Trail	12	6" gravel/crushed stone w/ filter fabric base	0
7+53 - 7+78	Nipmuc Trail	25	6" gravel/crushed stone	0
8+68 - 9+33	Muskie Trail	65	6" gravel/crushed stone	0
9+89 - 10+37	Muskie Trail	48	6" gravel/crushed stone	0
Subtotal Segment 4		158	---	0
<b>Segment 5 – Town of Sudbury</b>				
200+50 - 201+00	Gen John Nixon Trail	50	6" gravel/crushed stone	0
202+40 - 203+60	Gen John Nixon Trail	120	6" gravel/crushed stone	0
204+50 - 205+40	Gen John Nixon Trail	90	6" gravel/crushed stone	0
207+00 - 207+40	Gen John Nixon Trail	40	6" gravel/crushed stone	0
207+90 - 208+20	Gen John Nixon Trail	30	6" gravel/crushed stone	0
210+50 - 211+50	Gen John Nixon Trail	100	6" gravel/crushed stone	0
214+00 - 217+70	Gen John Nixon Trail	370	6" gravel/crushed stone	0
220+30 - 223+80	Gen John Nixon Trail	350	6" gravel/crushed stone	0
226+50 - 227+70	Gen John Nixon Trail	120	6" gravel/crushed stone	0
300+00 - 310+10	Ghost Trail	110	6" gravel/crushed stone	0
301+60 - 304+00	Ghost Trail	240	6" gravel/crushed stone	0
310+10 - 311+50	Ghost Trail	140	6" gravel/crushed stone	0
315+25 - 315+75	Nipmuc Trail	50	6" gravel/crushed stone	0
318+25 - 319+65	Nipmuc Trail	140	6" gravel/crushed stone	0
Subtotal Segment 5		1,950	---	0
<b>PROJECT TOTAL</b>		<b>6,106</b>		<b>3</b>

### *Erosion and Sediment Control*

Erosion and sediment controls will be installed and maintained to prevent construction-related impacts to wetland resource areas. BMPs to be implemented at the site include the installation of silt fence where required, as shown on the Site Plans, to prevent erosion and sedimentation into adjacent wetland resource areas and to prevent the movement of turtles into the construction work area. Erosion control blankets and turf reinforcement mats and check dams will be used in drainage swales. Erosion and sediment control details are provided in the project Site Plans.

### *Construction Sequence/Schedule*

All of the work to be completed on-site will be completed by the Mayflower Volunteer Group of approximately 15 people. Specialized work like hydroseeding will be completed by a third-party vendor. All of the wetland restoration work, trail improvements and bridge replacements will be inspected by the wetland scientist and Project Engineer. The project will be completed in four phases, with each one anticipated for one season depending on weather and personnel.

Phase I will include all of the wetland restoration, and repair to all of the existing swales that were constructed in August of 2022 along Ellis Land Trail, Monson Trail, and White Ridge Trail. It will also include trail improvements to Monson Trail, White Ridge Trail, and General John Nixon Trail.

Phase II will include cabin and trail improvement along Thirty Rod Road, General John Nixon Trail, Ellis Land Trail, and Jethro Trail. It will also include the installation of the platform “bog” bridges and trail improvements along the Sisson Trail.

Phase III will include cabin and trail improvements along the Ghost Trail and Nipmuc Trail. It will also include the replacement of the two existing timber foot bridges over Big & Small Sachem Brook.

Phase IV will include the replacement of the exiting timber bridge at the Belden Trail and the trail improvement to the Ghost and Nipmuc Trails. A John Deer tractor and ATV all wheel vehicle will be used to distribute construction materials throughout the trail system.

### *Turtle Barrier Installation*

Prior to the commencement of construction and any clearing or earth moving activities at any given stage of development, a turtle barrier will be installed at the limits of work as approved by NHESP to prevent the migration of turtles into the work zone. The silt fence (turtle barrier) is identified on the Site Plans. Installation of the turtle barrier will be performed by hand, “2-man” trencher or auger in order to minimize disturbance in the area. Large access paths and clearing is not to be conducted to install turtle barriers prior to sweeps. No clearing is proposed outside the limit of work area as approved by NHESP.

The barrier will consist of a 2½-foot vertical barrier above ground with four to six (4-6) inches buried below ground in a trench (i.e. silt fence). The trench is to be backfilled and compacted. If it is not possible to dig a trench, then the bottom of the barrier must be affixed to the surface. The face of the material will be relatively smooth. Materials to be used should include tightly woven geotextile, aluminum flashing, or other such materials stapled or tacked to stakes located at six to ten (6-10) foot intervals. Loosely woven geotextile fabrics, hay/straw bales, wattles or tubular materials are not to be used. The turtle barrier is to be installed by the Contractor.

Once installed, the barrier shall be taut between the stakes as slumps or loose materials will undermine the effectiveness of the barrier. In some circumstances, geotextile fabrics may need to be reinforced with backer material to ensure integrity. Backer material is typically similar to hardware cloth. The biologist shall inspect the barrier and facilitate any repairs/alternations necessary to ensure the integrity of the barrier.



A second detail is included on the Site Plans for the access areas to any portion of the site enclosed with silt fence. This barrier is to be opened and closed daily to allow vehicular access to work areas and prevent turtles from entering construction zones.

### *Conservation Restriction*

The Knox Trail Council Conservation Restriction (CR) was granted to the Sudbury Valley Trustees, Inc. (SVT) and the Town of Sudbury on November 12, 2008. The trail maintenance proposed within this NOI is allowable under the Conservation Restriction and the SVT is aware of the proposed project. See Appendix F for a copy of the CR.

## 5.0 REGULATORY COMPLIANCE

The following sections detail the project's compliance with the performance standards for each resource area under the Wetlands Protection Act Regulations, the Town of Sudbury Wetlands Administration Bylaw & Regulations, and the City of Framingham Wetlands Protection Bylaw & Regulations. The performance standards are identified in *italics* and a description of how compliance is met is provided below in standard format.

Table 5-1 and Table 5-2 summarize the project components with respect to development within resource areas. Specific impact areas are shown on the Site Plans.

<b>TABLE 5-1 SUMMARY OF PROPOSED BANK IMPACTS *</b>				
<b>Resource Area</b>	<b>Temporary Impacts</b>	<b>Permanent Impacts</b>	<b>Total Impacts</b>	<b>Proposed Mitigation</b>
<b>Inland Bank</b>				
Sudbury	0 LF	10 LF	10 LF	10± LF impacted for replacement structure
Framingham	161 LF	0 LF	161 LF	161 LF restored in place
<b>Total</b>	<b>161 LF</b>	<b>10 LF</b>	<b>171 LF</b>	

\*Impact calculations provided by Howard Stein Hudson.

<b>TABLE 5-2 SUMMARY OF PROPOSED WETLAND IMPACTS *</b>				
<b>Resource Area</b>	<b>Temporary Impacts</b>	<b>Permanent Impacts</b>	<b>Total Impacts</b>	<b>Proposed Mitigation</b>
<b>Bordering Vegetated Wetland</b>				
Sudbury	639 SF	64 SF	703 SF	150 SF Replication Area in Sudbury (2:1)
Framingham	211 SF	11 SF	222 SF	11 SF replaced in Sudbury Replication Area
<b>Total</b>	<b>850 SF</b>	<b>75 SF</b>	<b>925 SF</b>	

\*Impact calculations provided by Howard Stein Hudson.

### 5.1 Inland Bank – 310 CMR 10.54(4)

The proposed trail improvements will cross streams culverted beneath the existing trail system or crossed by new wooden bridges. However, no trail widening within a stream channel is proposed as part of this project, therefore, direct impacts to Bank and LUWW have been avoided. Bank impacts as a result of work activities under the prior NOI will be restored as shown on the Site Plans and described further below. Indirect impacts to streams resulting from the project will be avoided through the use of erosion and sedimentation controls during construction.

#### 310 CMR 10.54(4) General Performance Standards.

(a) *Where the presumption set forth in 310 CMR 10.54(3) is not overcome, any proposed work on a Bank shall not impair the following:*

1. *the physical stability of the Bank;*
2. *the water carrying capacity of the existing channel within the Bank;*
3. *ground water and surface water quality;*
4. *the capacity of the Bank to provide breeding habitat, escape cover and food for fisheries;*
5. *the capacity of the Bank to provide important wildlife habitat functions. A project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 50 feet (whichever is less) of the length of the bank found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. In the case of a bank of a river or an intermittent stream, the impact shall be measured on each side of the stream or river. Additional alterations beyond the above threshold may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60.*

These standards are met as the proposed stream crossing is designed in compliance with the Massachusetts Stream Crossing Standards.

*(b) Notwithstanding the provisions of 310 CMR 10.54(4)(a), structures may be permitted in or on a Bank when required to prevent flood damage to facilities, buildings and roads constructed prior to the effective date of 310 CMR 10.51 through 10.60 or constructed pursuant to a Notice of Intent filed prior to the effective date of 310 CMR 10.51 through 10.60 (April 1, 1983), including the renovation or reconstruction (but not substantial enlargement) of such facilities, buildings and roads, provided that the following requirements are met:*

- 1. The proposed protective structure, renovation or reconstruction is designed and constructed using best practical measures so as to minimize adverse effects on the characteristics and functions of the resource area;*
- 2. The applicant demonstrates that there is no reasonable method of protecting, renovating or rebuilding the facility in question other than the one proposed.*

As shown on the Site Plans, the proposed trail improvement work includes the use of measures such as silt fence upgradient of resource areas, erosion blankets and turf reinforcement mats on slopes, check dams within existing ditches and vegetated swales to stabilize surfaces and minimize sedimentation. Bank impacts are avoided by using existing stream crossing locations on the existing trail. This is accomplished by: 1) keeping the existing culverts in place (where they were deemed adequate) and simply placing more stone atop the trail to improve the trail, or 2) replacing existing wooden bridges with new wooden bridges atop precast concrete footings set outside of Bank. Aside from 161 linear feet of Bank impact associated with restoration activities along the Ellis Land Trail, near the confluence with the Monson Trail, the only other Bank impacts will occur along the Legion Trail for the replacement of the deteriorating foot bridges (approximately 10 linear feet). By renovating existing trails, and not building new ones which would be more impactful to the resource areas, the Applicant is proposing the most reasonable solution to making the necessary improvements at the project site.

*(c) Notwithstanding the provisions of 310 CMR 10.54(4)(a) or (b), no project may be permitted which will have any adverse effect on specified habitat sites of Rare Species, as identified by procedures established under 310 CMR 10.59.*

This standard is met as the project is being reviewed by NHESP through a streamlined review process and a “Take” is not anticipated.

## **5.2 Bordering Vegetated Wetlands – 310 CMR 10.55(4)**

### 310 CMR 10.55(4) General Performance Standards.

- (a) Where the presumption set forth in 310 CMR 10.55(3) is not overcome, any proposed work in a Bordering Vegetated Wetland shall not destroy or otherwise impair any portion of said area.*
- (b) Notwithstanding the provisions of 310 CMR 10.55(4)(a), the issuing authority may issue an Order of Conditions permitting work which results in the loss of up to 5000 square feet of Bordering Vegetated Wetland when said area is replaced in accordance with the following general conditions and any additional, specific conditions the issuing authority deems necessary to ensure that the replacement area will function in a manner similar to the area that will be lost:*

1. *the surface of the replacement area to be created ("the replacement area") shall be equal to that of the area that will be lost ("the lost area");*
2. *the ground water and surface elevation of the replacement area shall be approximately equal to that of the lost area;*
3. *The overall horizontal configuration and location of the replacement area with respect to the bank shall be similar to that of the lost area;*
4. *the replacement area shall have an unrestricted hydraulic connection to the same water body or waterway associated with the lost area;*
5. *the replacement area shall be located within the same general area of the water body or reach of the waterway as the lost area;*
6. *at least 75% of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons, and prior to said vegetative reestablishment any exposed soil in the replacement area shall be temporarily stabilized to prevent erosion in accordance with standard U.S. Soil Conservation Service methods; and*
7. *the replacement area shall be provided in a manner which is consistent with all other General Performance Standards for each resource area in Part III of 310 CMR 10.00. In the exercise of this discretion, the issuing authority shall consider the magnitude of the alteration and the significance of the project site to the interests identified in M.G.L. c. 131, § 40, the extent to which adverse impacts can be avoided, the extent to which adverse impacts are minimized, and the extent to which mitigation measures, including replication or restoration, are provided to contribute to the protection of the interests identified in M.G.L. c. 131, § 40.*

These standards are met. Proposed permanent BVW alteration (loss) is approximately 75 square feet and will be mitigated through the construction of an approximately 150 square foot wetland replication area in the Town of Sudbury, meeting the above standards, as well as that of the Sudbury Wetlands Administrative Bylaw Regulations which require a 2:1 ratio for wetland replication. Total temporary BVW alterations of approximately 925 square feet, which includes 703 square feet of impacts associated with the new trail improvement work, and 222 square feet associated with work from the initial construction activities which occurred in 2021. All temporary impacts to BVW will be restored in place.

- (c) *Notwithstanding the provisions of 310 CMR 10.55(4)(a), the issuing authority may issue an Order of Conditions permitting work which results in the loss of a portion of Bordering Vegetated Wetland when;*
1. *said portion has a surface area less than 500 square feet;*
  2. *said portion extends in a distinct linear configuration ("finger-like") into adjacent uplands; and*
  3. *in the judgment of the issuing authority it is not reasonable to scale down, redesign or otherwise change the proposed work so that it could be completed without loss of said wetland.*

As shown on the Site Plans, there is a de minimis amount, i.e., 75 square feet of permanent wetland impact associated with placement of the pre-cast concrete footings necessary to support the wooden bridge structures which are to be placed along existing trails that cross areas of BVW and streams. It is not possible to avoid this de minimus impact to BVW due to their location, i.e., existing trails cross through wetlands.

- (d) *Notwithstanding the provisions of 310 CMR 10.55(4)(a),(b) and (c), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.59.*

This standard is met as the project is being reviewed by NHESP through a streamlined review process and a “Take” is not anticipated.

- (e) *Any proposed work shall not destroy or otherwise impair any portion of a Bordering Vegetated Wetland that is within an Area of Critical Environmental Concern designated by the Secretary of Energy and Environmental Affairs under M.G.L. c. 21A, § 2(7) and 301 CMR 12.00: Areas of Critical Environmental Concern. 310 CMR 10.55(4)(e):*
1. *supersedes the provisions of 310 CMR 10.55(4)(b) and (c);*
  2. *shall not apply if the presumption set forth at 310 CMR 10.55(3) is overcome;*
  3. *shall not apply to work proposed under 310 CMR 10.53(3)(l); and*
  4. *shall not apply to maintenance of stormwater detention, retention, or sedimentation ponds, or to maintenance of stormwater energy dissipating structures, that have been constructed in accordance with a valid order of conditions.*

Not applicable to the proposed project, there is no ACEC within the project site.

### **5.3 100-Foot Buffer Zone**

The Wetlands Protection Act Regulations establish a 100-Foot Buffer Zone from the limit of BVW and Bank. Based on the limited nature of the work within the Buffer Zone and existing site conditions, this project will not adversely affect any areas subject to protection under the Wetlands Protection Act.

### **5.4 Massachusetts Endangered Species Act**

The Project Team has consulted with NHESP regarding the Eastern box turtle and the proposed project. The limit of work area has been greatly reduced and consists of approximately 1.89 acres, with a total of 0.01 acres (316 square feet) of new alteration proposed for trail widening. The previous project proposed a limit of work of approximately 4.15 acres, with a total of 0.58 acres (25,050 SF) of new alteration for trail widening.

Based upon informal consultations, NHESP has determined that the several of the existing trails consist of turtle habitat. As such, an impact analysis was completed for the site based upon the proposed design within the trails consisting of turtle habitat. Table 5-3 on the following page documents the trail, turtle habitat presence or absence, and impacts to the area. Approximately 1.40 acres of area determined to be turtle habitat will be altered for the proposed trail maintenance.

Representative photographs of several trails are included in Appendix A – Photographic Documentation.



## PROJECT NARRATIVE

The Knox Trail Council has approval for a three-acre project expansion in Framingham along Edgell Road near the overflow parking area south of the entrance to the site. This project was approved by NHESP through MESA review under Tracking # 16-35186. Evaluating this project with the current trail improvement work results in a project consisting of approximately 4.40 acres and should not require a Conservation & Management Permit.

The Mayflower Council understands that any future project will require a cumulative impact analysis and must account for impacts associated with the Trail Improvement Project presented herein, as well as the expansion project noted above. There is a current need for the trail maintenance for access to the existing cabins/latrines on the site and for fire safety. It is also understood that future projects may require a Conservation & Management Permit, depending on cumulative impacts.

A Massachusetts Division of Fisheries & Wildlife Commercial Scientific Collection Permit is required and will be obtained prior to conducting turtle sweeps in order to handle the state-listed species. A Turtle Protection Plan (TPP) will also be required prior to construction for review and approval by NHESP. The TPP will document any required pre-construction sweeps of active work areas. The TPP will also include the information above regarding the turtle barrier installation.

<b>TABLE 5-3 IMPACT ANALYSIS</b>				
<b>Phase</b>	<b>Trail</b>	<b>Turtle Habitat (Present or Absent)</b>	<b>Proposed Impact Area</b>	
			<b>Turtle Habitat (SF)</b>	<b>Non-Turtle Habitat (SF)</b>
I	Monson	Present	8,567	
	Gen John Nixon	Present	42,613	
	Ellis Land	Absent		8,570
	White Ridge	Absent		6,626
II	Sisson	Present	242	
	Thirty Rod Road	Absent		6,340
	Jethro	Present	2,519	
III	Ghost	Present	3,385	20,808
	Nipmuc	Present	3,599	
	Big & Little Sachem Bridges	Present	36	
IV	Belden Bridge	Present	12	
<b>Subtotal</b>			<b>60,973 SF (1.40 Acres)</b>	<b>21,536 SF (0.49 Acres)</b>
<b>TOTAL</b>			<b>82,509 SF (1.89 Acres)</b>	

## **5.5 Sudbury Wetlands Administration Bylaw Regulations**

### *100-Foot Upland Resource Area*

The Sudbury Wetlands Administration Bylaw Regulations presume that the adjacent 100-Foot Upland Resource area to a wetland resource area are to be best left in an undisturbed and natural state. The Regulations allow the Conservation Commission to designate areas of the adjacent upland resource to be suitable for temporary, limited or permanent disturbance as appropriate when the Applicant can demonstrate that the proposed work or activity will not affect resource values.

As previously discussed, the proposed work has been designed to avoid, minimize, and mitigate for work within the 100-foot upland resource area to the extent practicable. The minimal nature of the proposed trail improvements and the installation of erosion control barriers during construction will result in no significant impacts to wetlands or their associated Buffer Zones.

### *Land Under Water Bodies and Waterways – Sudbury*

Sudbury regulates LUWW for any stream, including intermittent streams. The proposed trail improvements will cross streams culverted beneath the existing trail system. However, no trail widening within a stream channel or culvert replacements are proposed as part of this project. Direct impacts to LUWW have therefore been avoided. Indirect impacts to streams resulting from the project will be avoided through the use of erosion and sedimentation controls during construction.

## **5.6 Framingham Wetlands Protection Bylaw & Regulations**

### *125-Foot Buffer Zone*

The Framingham Wetlands Protection Regulations regulate lands within 125 feet of freshwater wetlands, and Bank. To protect the functions and values of resource areas, the Framingham Wetlands Protection Regulations establish performance standards for work within the 125-Foot Buffer Zone. The project's compliance with these performance standards under Section II. C.1. through 3. of the Regulations is described below:

*1: The Applicant must prove to the Commission that all reasonable efforts to avoid, minimize, and mitigate adverse impacts on the Buffer Zone have been analyzed and/or proposed.*

The proposed work is necessary to provide a consistent trail width to allow maintenance vehicles access to the site. The work consists of improvements to the existing trail system, which crosses the 125-Foot Buffer Zone in several locations. Although the project has been designed to avoid and minimize impacts to wetlands and Bank, work within the 125-foot Buffer Zone of these resource areas cannot be avoided. Mitigation measures will include the installation of erosion control barriers prior to construction to avoid impacts to adjacent resource areas.

*2: Activities within any portion of the 125-foot Buffer Zone shall not adversely affect the form or function of the 30-foot No Alteration Zone or the adjacent Jurisdictional Area.*



Compliance with the performance standards of the 30-Foot No Alteration Zone are provided in the discussion below.

- 3: *In considering the types of work and activities allowable in the Buffer Zone, the Conservation Commission shall consider – so the Applicant should present:*
- a. *Values and functions of the adjacent Jurisdictional Area(s);*
  - b. *Pre-project characteristics of the site (e.g., ground slope, soil conditions, vegetation, and prior disturbance); and*
  - c. *Wildlife habitat and rare species (both flora and fauna)*

The information required above is provided in the existing conditions section of this report.

### *50-Foot No Build Zone*

The Framingham Wetlands Protection Regulations regulate lands within 50 feet of freshwater wetlands, and Bank. According to the Regulations, “*The No Build Zone prevents encroachment into the 30-foot No Alteration Zone by considering such realistic future use of a site and the likelihood of this use impacting the 30-foot No Alteration Zone.*” To protect the functions and values of resource areas, the Framingham Wetlands Protection Regulations establish performance standards for work within the 50-Foot No Build Zone. The project’s compliance with these performance standards under Section III.D. 1. through 3. of the Regulations is described below:

When the presumption set forth above is not overcome, establishment of the following is prohibited within the No Build Zone:

1. *Structures, which for the purposes of these Regulations are defined as a combination of materials assembled at a fixed location to give support or shelter such as a building, house, barn, garage, shed, or deck. In reference to the No Build Zone, “structure” shall not include fences, lawn furniture, children’s toys such as sandboxes and swing sets, rip-rapped areas, or the like; and*

The project consists of improvements to, and maintenance of, the trail system at the property. No new buildings, houses, barns, etc. are proposed. Wooden bridges are being constructed at various locations as shown on the Site Plans. The bridges will correct deficient structures currently in place. These structures will not have any adverse effects on jurisdictional areas. Rather, their installation will allow trail users to cross resource areas instead of traveling along the trails, some of which are located directly in wetlands.

2. *Above-ground or in-ground swimming pools; and*

The project complies with this performance standard. No swimming pools are being built as part of the project.

3. *Retaining walls.*

The project complies with this performance standard. No retaining walls are being built as part of the project.



### *30-Foot No Alteration Zone*

The Framingham Wetlands Protection Regulations establish a 30-Foot No Alteration Zone for lands within 30 feet of freshwater wetlands and Bank. To protect the functions and values of resource areas, the Framingham Wetlands Protection Regulations establish performance standards for work within the 30-Foot No Alteration Zone. The project's compliance with these performance standards under Section IV.A.4.b.1. through 3. of the Regulations is described below:

- 1: No alterations will be permitted which adversely affect conditions in the 30-foot No Alteration Zone or adjacent wetland including but not limited to a net:
  - a. Net increase impervious surface area*
  - b. Net increase in non-native or invasive species*
  - c. Net increase in stormwater runoff*
  - d. Net increase in lawn area*
  - e. Net decrease in vegetative cover**

The project consists of improvements to, and maintenance of, the trail system at the Nobscot Scout Reservation property with a gravel substrate; therefore, no increase in impervious surface area or stormwater runoff will result. No new lawn areas or non-native or invasive species are proposed as part of this project. The proposed trail improvements will result in no loss of trees from the 30-Foot No Alteration Zone.

- 2: No structures shall be constructed or placed on pervious ground without compensatory restoration and mitigation.*

No new structures are proposed.

- 3: The Commission may require the No-Alteration Zone be delineated with permanent boundary markers, as approved by the Commission.*

Because this land is intended for passive recreational uses, the placement of permanent boundary markers to mark the 30-Foot No Alteration Zone would not provide a significant benefit.

### *Waiver Request*

The Applicant respectfully requests waivers from the provisions of the bylaw pertaining to the activities proposed within the 30-Foot No Alteration Zone and 50-Foot No Build Zone.

The purpose of the project is to perform maintenance on existing trails, add wooden bridges and other improvements that will stabilize current conditions on the trails, some of which cross through wetlands and over intermittent streams. The property is open to the public and serves an important function for the residents of Framingham and Sudbury. The project work in the No Alteration Zone and No Build Zone is necessary to accommodate an overriding community public interest, i.e., safe, continued use of the trails and property. An Application for Waiver from Framingham Wetlands Protection Bylaw and/or Regulations is included within this NOI in Section I with the Forms.

## **6.0 WETLAND MITIGATION**

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The proposed project will impact approximately 925 square feet of BVW, including permanent and temporary impacts. Impacts to these wetlands are due to installation of wooden bridges across resource areas. De minimus permanent impacts (75 square feet) will be mitigated by the creation of a wetland replication area totaling approximately 150 square feet, a replacement to loss ratio of 2:1, which complies with the requirements of the Sudbury Wetlands Administrative Bylaw Regulations for wetland replication, and exceeds the WPA requirements for 1:1 mitigation.

The intent of the proposed mitigation plan is to create a functional wetland replication that maintains wildlife habitat values, as well as other wetland values associated with the impact areas. The replication area will be established adjacent and between existing wetlands at a similar elevation, creating a surficial hydrologic connection to the existing wetlands. Field investigation of the proposed areas and adjacent wetlands was undertaken prior to the design and included considerations of hydrology and existing vegetative cover. Further analysis of subsurface soil conditions will be collected from test pit information prior to construction.

The replication area has been designed with respect to the MassDEP Inland Wetland Replication Guidelines. The proposed wetland replication area is located adjacent to a portion of Wetland K (BVW) in close proximity to proposed impact areas. This area was chosen due to landscape position, adjacency to the same wetland system as being impacted, suitable hydrology due to proximity to existing wetlands and relatively shallow groundwater, favorable soil conditions (to be confirmed via subsurface testing), lacking large trees (thereby avoiding tree removal). Howard Stein Hudson has prepared the design for the mitigation area, with input from LE, as indicated on the Site Plans.

A New England Wetland Seed Mixture (or equivalent) will be used for the replication area. The New England Wetmix wetland seed mix, available from New England Wetland Plants, Inc., contains a selection of native seeds which are suitable for most wetland replication sites that are not permanently inundated. These species are best suited to moist disturbed ground as found in most wet meadows, scrub shrub, or forested wetland replication areas. The seeds will not germinate under inundated conditions. If planted during the fall months, the seed mix will germinate the following spring.

During the first season of growth, several species will produce seeds, while other species will produce seeds after the second growing season. Not all species will grow in all wetland situations. This mix is composed of the wetland species most likely to grow in created/restored wetlands and should produce more than 75% ground cover in two full growing seasons. The mix should be applied on clean bare soil via hydro-seeding, mechanical spreader, or spread by hand (on smaller sites). The areas where the mix is applied should be lightly raked or rolled to ensure proper soil-seed contact. The best results are obtained when seeding is applied during the spring, whereas late spring and summer seeding will benefit with a light mulching of clean weed-free straw to conserve moisture.

If conditions are drier than usual, watering may be required. Late fall and winter dormant seeding require an increase in the seeding rate. Fertilization is not recommended and the preparation of a clean, weed free soil surface is necessary for optimal results.

Table 6-1 contains a list of species in the New England Wetmix seed mix proposed to be used (or equivalent) in the replication area. Less than one pound (depending on time of year) of the New England Wetmix will be required within the replication area.

<b>TABLE 6-1 NEW ENGLAND WETMIX SEED MIXTURE</b>		
<b>Species</b>	<b>Latin Name</b>	<b>Indicator Status</b>
Swamp Milkweed	<i>Asclepias incarnata</i>	OBL
Starved/Calico Aster	<i>Aster lateriflorus</i>	FACW
Beggar Ticks	<i>Bidens frondosa</i>	FACW
Fringed/Nodding Sedge	<i>Carex crinita</i>	OBL
Hop Sedge	<i>Carex lupulina</i>	OBL
Lurid/Shallow Sedge	<i>Carex lurida</i>	OBL
Blunt Broom Sedge	<i>Carex scoparia</i>	FACW
Fox Sedge	<i>Carex vulpinoidea</i>	OBL
Spotted Joe Pye Weed	<i>Eutrochium maculatum</i>	OBL
American Mannagrass	<i>Glyceria grandis</i>	OBL
Blue Flag	<i>Iris versicolor</i>	OBL
Fowl Bluegrass	<i>Poa palustris</i>	FACW
Soft Rush	<i>Juncus effuses</i>	FACW
Square Stemmed Monkey Flower	<i>Mimulus ringens</i>	OBL
Green Bulrush	<i>Scirpus atrovirens</i>	OBL
New York Ironweed	<i>Veronia noveboracensis</i>	FACW

Note: Applied at a rate of 18 pounds per acre.

## 7.0 SUMMARY

The proposed project consists of improvements to approximately 1.2 miles of trail system at the Nobscot Scout Reservation property in the municipalities of Framingham and Sudbury. Erosion and sedimentation controls will be installed and maintained to prevent construction-related impacts to wetland resource areas. Resource areas on and near the site include Inland Bank, several certified and potential vernal pools, intermittent streams, and Bordering Vegetated Wetlands. Proposed work is limited to the 100-Foot Buffer Zone to Inland Bank and BVW, the 100-Foot Upland Resource Area in Sudbury, and the 125-Foot Buffer Zone in Framingham. Minor work is proposed within the 50-Foot No Build Zone and 30-Foot No Alteration Zone in Framingham.



## PROJECT NARRATIVE

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It is LE's opinion, based on our professional education, training, and familiarity with the project site, that the proposed work or its natural and consequential impacts and effects will not have any adverse effect on any interests identified in the Wetlands Protection Act, Town of Sudbury Wetlands Administration Bylaw, and the City of Framingham Wetlands Protection Bylaw; are designed to minimize adverse effects on the local ecosystem; and will serve to improve the existing conditions on the site to protect these interests.

The basis for our opinion is as follows:

- Proposed work has been minimized to the extent feasible and is not proposed within wetland resource areas other than to replace degrading foot bridges or restore the impacted trails.
- The trail improvements will not have any adverse impacts to stormwater quality and quantity. All resurfacing of trails will consist of permeable gravel, thereby allowing continued infiltration.
- BMPs to be implemented at the site include the installation of silt fence where appropriate to prevent erosion and sedimentation into adjacent wetland resource areas.
- Measures have been incorporated in the project design to protect the Eastern box turtle during construction and minimize impacts to the existing habitat on-site.

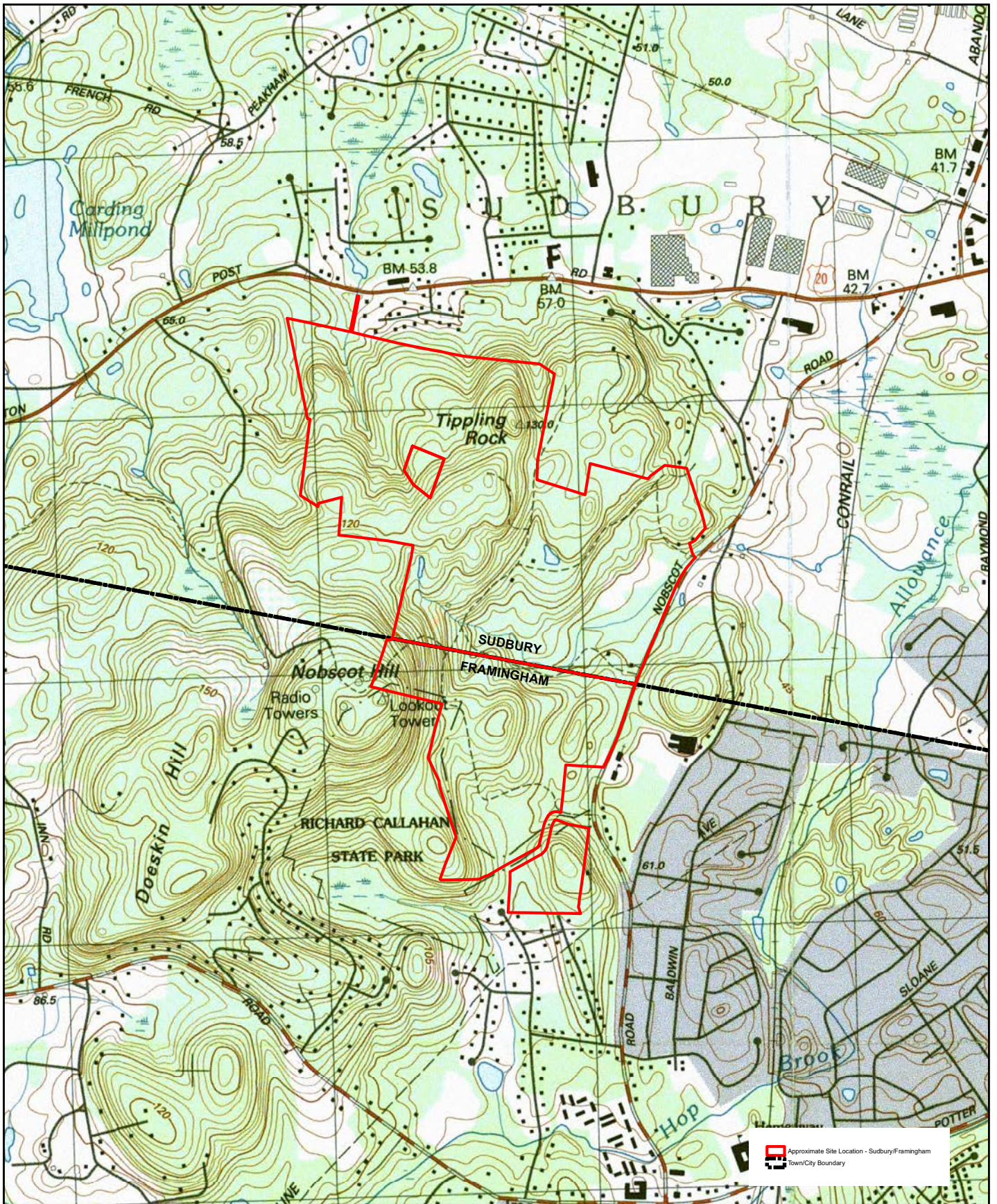
The proposed design achieves the goals of the Applicant, while being sensitive to adjacent regulated resource areas. Accordingly, the Applicant respectfully requests that the Sudbury and Framingham Conservation Commissions consider a finding that the proposed design is adequately protective of the interests identified in the Wetlands Protection Act and their respective Bylaws and issue an Order of Conditions approving the project as described in this Notice of Intent and as shown on the attached Site Plans.



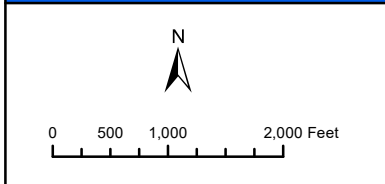
## SECTION III – FIGURES

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Source: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs; USGS Topographic Quadrangle Images



**USGS Map**  
**Nobscot Scout Reservation**  
**Trial Project**  
**Sudbury & Framingham, MA**

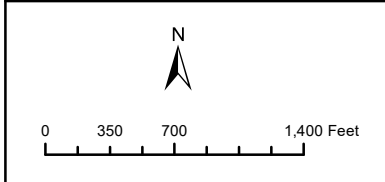
**FIGURE 1**

**LUCAS**  
 ENVIRONMENTAL, LLC





Source: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs; USGS Color Ortho Imagery - 15cm (2021)



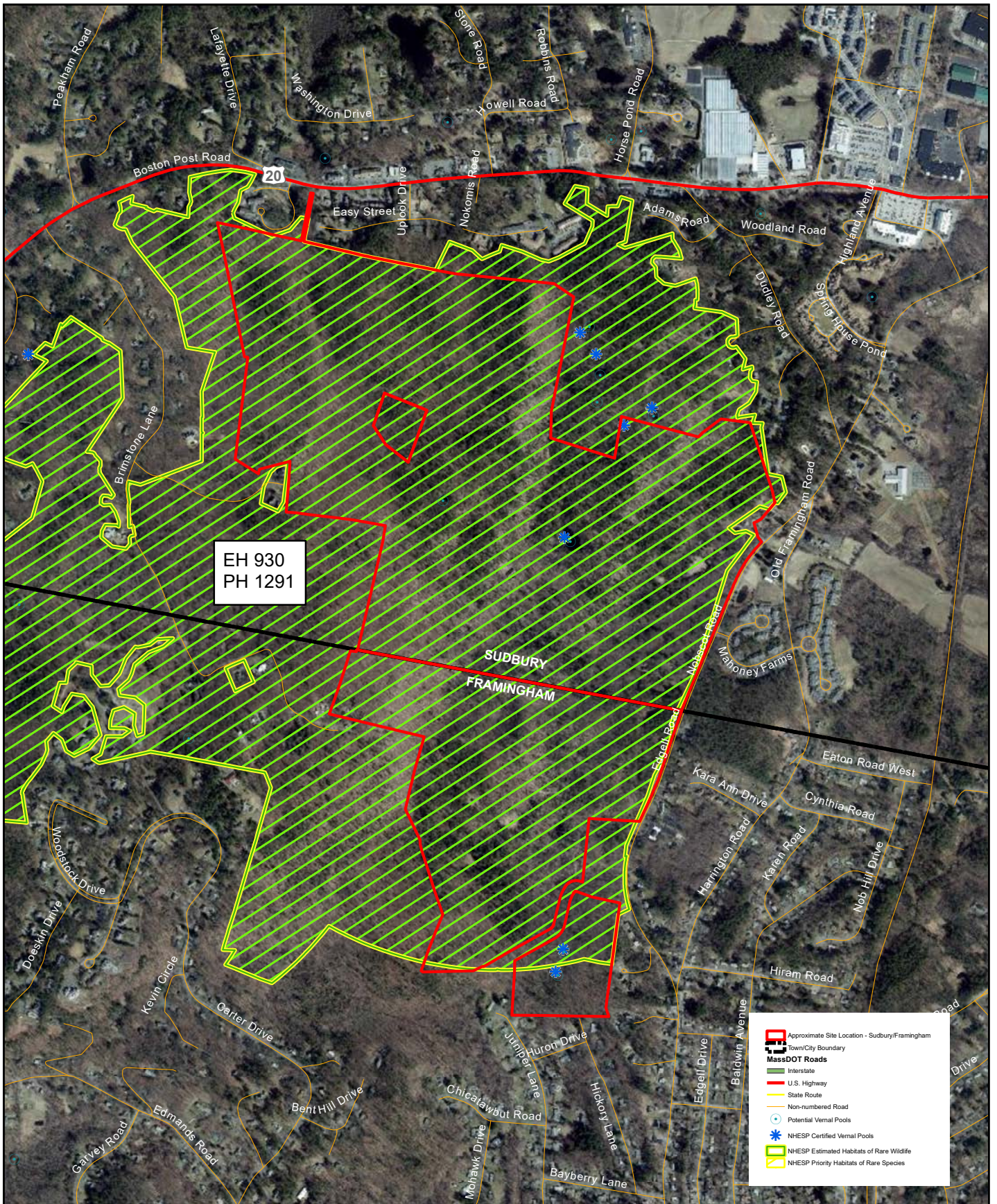
**Aerial Map**  
**Nobscout Scout Reservation**  
**Trial Project**  
**Sudbury & Framingham, MA**

**FIGURE 2**

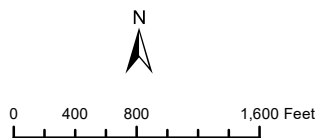


**LUCAS**  
 ENVIRONMENTAL, LLC





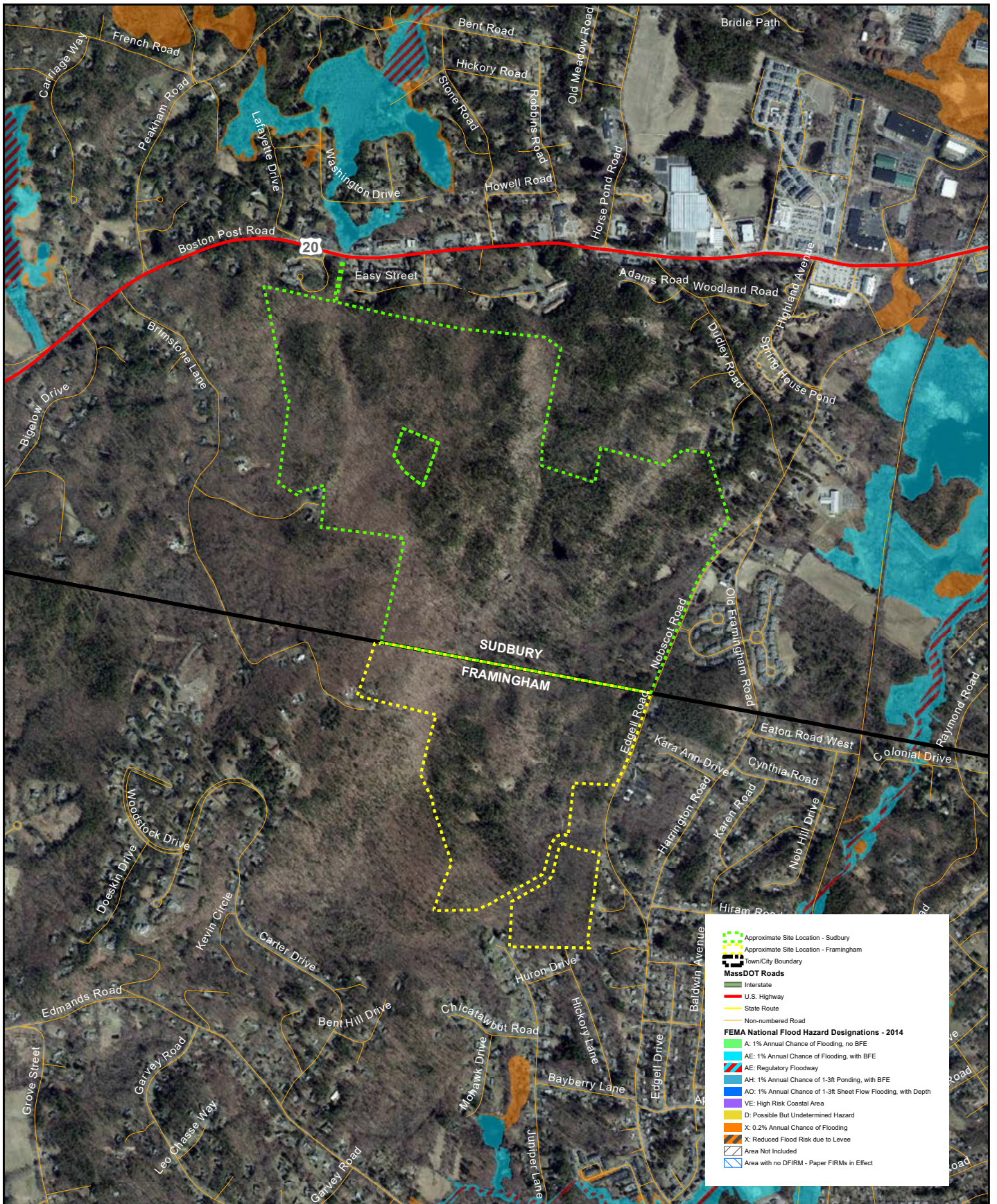
Source: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs; USGS Color Ortho Imagery - 15cm (2021)



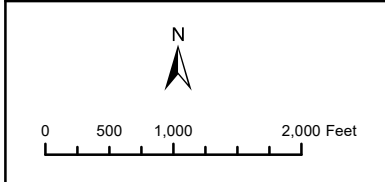
**NHESP Map**  
**Nobscout Scout Reservation**  
**Trial Project**  
**Sudbury & Framingham, MA**







Source: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs; USGS Color Ortho Imagery - 15cm (2021)



## FEMA Map

### Nobscout Scout Reservation Trial Project

### Sudbury & Framingham, MA

**FIGURE 4**

**LUCAS**  
ENVIRONMENTAL, LLC





## SECTION IV – APPENDICES

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**PHOTOGRAPHIC DOCUMENTATION**

## PHOTOGRAPHIC DOCUMENTATION

DATE: April 2016



Photograph 1: View of entrance sign to Nobscot Scout Reservation off of Nobscot Road.



Photograph 2: View of parking lot near entrance to Nobscot Scout Reservation off of Nobscot Road.



## PHOTOGRAPHIC DOCUMENTATION

DATE: April 2016



Photograph 3: View of Bordering Vegetated Wetland (BVW) A near Flag WFA-51.



Photograph 4: View of BVW A near Flag WFA-54.



## PHOTOGRAPHIC DOCUMENTATION

DATE: April 2016



Photograph 5: View of Isolated Vegetated Wetland (IVW) B near Flag WFB-9.



Photograph 6: View of IVW B near Flag WFB-7.



## PHOTOGRAPHIC DOCUMENTATION

DATE: April 2016



Photograph 7: View of BVW C near Flag WFC-7.



Photograph 8: View of BVW C near Flag WFC-12.



## PHOTOGRAPHIC DOCUMENTATION

DATE: April 2016



Photograph 9: View of IVW D near Flag WFD-1.



Photograph 10: View of IVW D.



## PHOTOGRAPHIC DOCUMENTATION

DATE: April 2016



Photograph 11: View of BVW E near Flag WFE-7.



Photograph 12: View of BVW E near Flag WFE-193.



## PHOTOGRAPHIC DOCUMENTATION

DATE: April 2016



Photograph 13: View of BVW G near Flag WFG-17.



Photograph 14: View of BVW G near Flag WFG-101.



## PHOTOGRAPHIC DOCUMENTATION

DATE: April 2016



Photograph 15: View of BVW H near Flag WFH-6.



Photograph 16: View of BVW H near Flag WFH-107.



## PHOTOGRAPHIC DOCUMENTATION

DATE: April 2016



Photograph 17: View of BVW I at Flag WFI-5.



Photograph 18: View of BVW I.



## PHOTOGRAPHIC DOCUMENTATION

DATE: April 2016



Photograph 19: View of BVW J near Flag WFJ-3.



Photograph 20: View of Certified Vernal Pool at Wetland J near Flag WFJ-10.



## PHOTOGRAPHIC DOCUMENTATION

DATE: April 2016



Photograph 21: View of BVW K near WFK-1.



Photograph 22: View of BVW K near WFK-37.



## PHOTOGRAPHIC DOCUMENTATION

DATE: April 2016



Photograph 23: View of intermittent stream 1 near BF1-6.



Photograph 24: View of intermittent stream 1A near BF1-101.



## PHOTOGRAPHIC DOCUMENTATION

DATE: April 2016



Photograph 25: View of intermittent stream 2 near BF2-4.



Photograph 26: View of intermittent stream 3 near BF3-11.



## PHOTOGRAPHIC DOCUMENTATION

DATE: April 2016



Photograph 27: View of intermittent stream 4.



Photograph 28: View of intermittent stream 4 near BF4-4.



## PHOTOGRAPHIC DOCUMENTATION

DATE: April 2016



Photograph 29: View of intermittent stream 5 near BF5-6.



Photograph 30: View of intermittent stream 6.



## PHOTOGRAPHIC DOCUMENTATION

DATE: April 2016



Photograph 31: View of intermittent stream 7 near BF7-8.



Photograph 32: View of intermittent stream 8 near BF8-8.



## PHOTOGRAPHIC DOCUMENTATION

DATE: April 2016



Photograph 33: View of intermittent stream 9 near BF9-4.



Photograph 34: View of intermittent stream 9 near BF9-15.





Photograph 35: View of Belden's Way with wetlands on each side of the trail.



Photograph 36: View of typical footpath boardwalk spanning an intermittent stream



## PHOTOGRAPHIC DOCUMENTATION

DATE: 2016, Howard Stein Hudson



Photograph 37: View of typical trail section of the Ellis Land Trail.



Photograph 38: View of typical trail section of the Ellis Land Trail.



## PHOTOGRAPHIC DOCUMENTATION

DATE: 2016, Howard Stein Hudson



Photograph 39: View of typical trail section of the Jethro Trail.



Photograph 40: View of typical trail section of the Jethro Trail.



## PHOTOGRAPHIC DOCUMENTATION

DATE: 2016, Howard Stein Hudson



Photograph 41: View of typical trail section of the Monson Trail.



Photograph 42: View of typical trail section of the Monson Trail.



## PHOTOGRAPHIC DOCUMENTATION

DATE: 2016, Howard Stein Hudson



Photograph 43: View of the Legion Cabin on General John Nixon Trail.



Photograph 44: View of typical trail along the Nipmuc and Ghost Trails.



## PHOTOGRAPHIC DOCUMENTATION

DATE: 2016, Howard Stein Hudson



Photograph 45: View of typical trail along the Nipmuc and Ghost Trails.



Photograph 46: View of typical trail along the Nipmuc and Ghost Trails.



## PHOTOGRAPHIC DOCUMENTATION

DATE: March 2022



Photograph 47: Existing crossing of Wetland E, wood timber footbridge near WFE-422 to be replaced with wood platform 'bog bridge' on concrete piers.



Photograph 48: Existing trail crossing directly through Wetland E near WFE-410; wood platform 'bog bridge' on reinforced precast concrete piers proposed.



## PHOTOGRAPHIC DOCUMENTATION

DATE: March 2022



Photograph 49: Existing wooden crossing in disrepair at Stream 10/Wetland K; bridge to be replaced with wood platform bridge on reinforced concrete footings.



Photograph 50: Wetland K near flag WFK-312; location of proposed 12" RCP and gravel to address muddy conditions on existing trail where wetland flows across trail.



## PHOTOGRAPHIC DOCUMENTATION

DATE: March 2022



Photograph 51: Existing bridge crossing of Intermittent Stream 11 (Little Sachem Brook)/Wetland L; bridge to be replaced with wood platform bridge.



Photograph 52: Existing bridge crossing of Intermittent Stream 12 (Big Sachem Brook)/Wetland L; bridge to be replaced with wooden platform bridge.



## PHOTOGRAPHIC DOCUMENTATION

DATE: March 2022



Photograph 53: Wetland M (Isolated) begins at culverted discharge from upgradient upland area.



Photograph 54: Upgradient swale (typical) that flows to Wetland M to be stabilized with check dams, loam, seed, and biodegradable erosion control straw matting.



**ABUTTER INFORMATION**

**Notification to Abutters**  
**Under the Massachusetts Wetlands Protection Act**  
**and the Sudbury Wetlands Administrative Bylaw**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131,  
Section 40, you are hereby notified of the following:

- A. The name of the **Applicant** is Mayflower Council, Boy Scouts of America
- B. The Applicant has filed a Notice of Intent with the Sudbury Conservation Commission seeking permission to work in an Area Subject to Protection (Wetland Resource Area and/or Buffer Zone) under the Massachusetts Wetlands Protection Act (General Laws Chapter 131, Sec.40) and the Town of Sudbury Wetlands Administrative Bylaw.
- C. The **address** of the lot where the activity is proposed: 1 Nobscot Road, Sudbury, MA
- D. The **proposed activity** is: improvements to the trail system at the Nobscot Scout Reservation property in the Town of Sudbury & City of Framingham. Portions of the proposed trail improvements are within Inland Bank, BVW, and the 100-Footer Buffer Zone.  
Map L, Block 05, Lots 1, 3, 4, 5, 7 & 200, Map L, Block 6, Lot 9
- E. A **Public Hearing** regarding this Notice of Intent will be held on:  
**Monday, August 22, 2022 at 6:45 PM.**
- F. **Public Participation will be via Virtual Means Only** - In light of the ongoing COVID-19 coronavirus outbreak, Governor Baker issued an emergency Order on March 12, 2020, allowing public bodies greater flexibility in utilizing technology in the conduct of meetings under the Open Meeting Law. The Town of Sudbury Conservation Commission greatly values the participation of its citizens in the public meeting process, but given the current circumstances and recommendations at both the state and federal levels to limit or avoid public gatherings, including Governor Baker's ban on gatherings of more than 10 people, together with the present closure of Sudbury Town Hall and other public buildings to the public, the Town has decided to implement the "remote participation" procedures allowed under Governor Baker's emergency Order for all boards, committees, and commissions.
- G The public may participate in this meeting via Remote Participation:**
- From your computer, smart phone or tablet:
- TBD
  - Meeting ID: TBD
  - From your phone: **978-639-3366** or **470 250 9358**
- H Copies of the Notice of Intent may be examined by visiting this Website:  
<https://sudbury.ma.us/conservationcommission/meetings/>
- I Copies of the Notice of Intent may be obtained from either The Applicant, or the Applicant's representative, Lucas Environmental, LLC by calling this telephone number:  
617.405.4140 between the hours of 8AM to 5PM, Monday to Friday.

Note: Public Hearing Notice, including its date, time, and place, will be published at least 5 days in advance in the MetroWest newspaper (at the applicant's expense).

NOTE: To preserve your appeal rights you must submit comments/concerns in writing. Notification provided pursuant to the above requirement does not automatically confer standing to the recipient to request Departmental Action for the underlying matter. See 310 CMR 10.05(7)(a)4. You also may contact the nearest Department of Environmental Protection (MassDEP) Regional Office for more information about this application or the Wetlands Protection Act. Northeast Region: 978.694.3200.



abutters_id_field	abutters_owner1	abutters_owner2	abutters_address	abutters_address2	abutters_town	abutters_state	abutters_zip	abutters_bookpage	abutters_location
K04-0014	HUGHES CLIFFORD T		2 ORCHARD LANE		MANCHESTER	MA	01944	64164-512	781 BOSTON POST RD
K05-0031	DRUMLIN DEVELOPEMENT LLC		2 ORCHARD LN		MANCHESTER	MA	01944-1499	27932-240	761 BOSTON POST RD
K05-0204	PAPASTAMATIOU GEORGE S &	RIZAJ BRUNILDA & PAPASTAMATIOU	29 EASY ST		SUDBURY	MA	01776	1536-143	29 EASY ST
K05-0205	HITZ GEORGE E JR & CAROL B	CO-TRUSTEES HITZ REALTY TRUST	37 EASY ST		SUDBURY	MA	01776	1462-100	37 EASY ST
K05-0206	DIMODICA MICHAEL J		19 CHRISTOPHER LANE		SUDBURY	MA	01776	1417-136	41 EASY ST
K05-0217	CROOM WILL A JR & OSLERDIRE O		5 EASY ST		SUDBURY	MA	01776	804-128	5 EASY ST
K05-0218	JACKSON RUSSELL & JENNIFER		11 EASY ST		SUDBURY	MA	01776	1287-119	11 EASY ST
K05-0219	MCCABE JENNIFER J	TRUSTEE OF JENNIFER J MCCABE	15 EASY ST		SUDBURY	MA	01776	1541-51	15 EASY ST
K05-0220	SOARES LEIDE GUEDES		21 EASY ST		SUDBURY	MA	01776	1563-9	21 EASY ST
K05-0221	DURNING ROSEMARY B & JOSEPH P		47 EASY ST		SUDBURY	MA	01776	1296-20	47 EASY ST
K05-0222	PETERS ODELLE K	c/o ODELLE PETERS	53 EASY ST		SUDBURY	MA	01776	788-183	53 EASY ST
K05-0223	RITS CHIKA OKAMOTO & MARK		52 EASY ST		SUDBURY	MA	01776	1300-107	52 EASY ST
K05-0226	SWEET FRANK C JR & DEBORA A		735 BOSTON POST RD		SUDBURY	MA	01776	1081-122	735 BOSTON POST RD
K06-0501	PRI LONGFELLOW GLEN LLC	C/O WINGATE MANAGEMENT CO	100 WELLS AVE		NEWTON	MA	02459	56105-278	655-5 BOSTON POST RD
K06-0501	PRI LONGFELLOW GLEN LLC	C/O WINGATE MANAGEMENT CO	100 WELLS AVE		NEWTON	MA	02459	56105-278	655 BOSTON POST RD
K06-0501	PRI LONGFELLOW GLEN LLC	C/O WINGATE MANAGEMENT CO	100 WELLS AVE		NEWTON	MA	02459	56105-278	655-4 BOSTON POST RD
K06-0501	PRI LONGFELLOW GLEN LLC	C/O WINGATE MANAGEMENT CO	100 WELLS AVE		NEWTON	MA	02459	56105-278	655-3 BOSTON POST RD
K06-0501	PRI LONGFELLOW GLEN LLC	C/O WINGATE MANAGEMENT CO	100 WELLS AVE		NEWTON	MA	02459	56105-278	655-2 BOSTON POST RD
L04-0002	HUGHES CLIFFORD T		2 ORCHARD LANE		MANCHESTER	MA	01944	71446-28	BRIMSTONE LN
L04-0500	MACNEILL EVA H & MALCOM H TRS	MALLARD REAL ESTATE TRUST	54 BRIMSTONE LANE		SUDBURY	MA	01776	18920-124	BRIMSTONE LN
L04-0613	FAIRBAIRN SCOTT T & CATHERINE		112 BRIMSTONE LN		SUDBURY	MA	01776	22112-38	112 BRIMSTONE LN
L04-0614	LAWLOR HEIDI SARACENO		110 BRIMSTONE LANE		SUDBURY	MA	01776	27428-195	110 BRIMSTONE LN
L04-0615	WU JIANG & ZHOU XUN		94 BRIMSTONE LANE		SUDBURY	MA	01776	55299-423	94 BRIMSTONE LN
L05-0001	MAYFLOWER COUNCIL INC.	BOY SCOUTS OF AMERICA	83 CEDAR ST		MILFORD	MA	01757	13783-565	NOBSCOT RD
L05-0003	MAYFLOWER COUNCIL INC.	BOY SCOUTS OF AMERICA	83 CEDAR ST		MILFORD	MA	01757	13134-623	BOSTON POST RD
L05-0004	MAYFLOWER COUNCIL INC.	BOY SCOUTS OF AMERICA	83 CEDAR ST		MILFORD	MA	01757	6319-459	NOBSCOT RD
L05-0005	MAYFLOWER COUNCIL INC.	BOY SCOUTS OF AMERICA	83 CEDAR ST		MILFORD	MA	01757	8011-121	NOBSCOT RD
L05-0006	MEADE & DICKEY TRUSTEES	NEWBRIDGE FARM TRUST	10 NEW BRIDGE RD		SUDBURY	MA	01776	19561-70	BOSTON POST RD
L05-0007	MAYFLOWER COUNCIL INC.	BOY SCOUTS OF AMERICA	83 CEDAR ST		MILFORD	MA	01757	8161-75	1 NOBSCOT RD
L05-0200	MAYFLOWER COUNCIL INC.	BOY SCOUTS OF AMERICA	83 CEDAR ST		MILFORD	MA	01757	N-A	NOBSCOT RD
L05-0300	TOWN OF SUDBURY	CONSERVATION	278 OLD SUDBURY ROAD		SUDBURY	MA	01776	12745-207	BRIMSTONE LN
L06-0001	TOWN OF SUDBURY	CONSERVATION COMMISSION	278 OLD SUDBURY RD		SUDBURY	MA	01776	29026-304	ADAMS RD
L06-0004	TOWN OF SUDBURY	CONSERVATION	278 OLD SUDBURY RD		SUDBURY	MA	01776	30962-46	DUDLEY RD
L06-0007	FINKLE HARRY		5 TIPPLING ROCK RD		SUDBURY	MA	01776	73479-483	5 TIPPLING ROCK RD
L06-0009	MAYFLOWER COUNCIL INC.	BOY SCOUTS OF AMERICA	83 CEDAR ST		MILFORD	MA	01757	12134-420	69 NOBSCOT RD
L06-0009	MAYFLOWER COUNCIL INC.	BOY SCOUTS OF AMERICA	83 CEDAR ST		MILFORD	MA	01757	12134-420	67 NOBSCOT RD
L06-0009	MAYFLOWER COUNCIL INC.	BOY SCOUTS OF AMERICA	83 CEDAR ST		MILFORD	MA	01757	12134-420	71 NOBSCOT RD
L07-0029	GETTINGS BRIAN		17 MAIN STREET		WINDSOR	VT	05089	1564-169	79 NOBSCOT RD
L07-0030	PARK DONNA R		99 NOBSCOT RD		SUDBURY	MA	01776	216497	99 NOBSCOT RD
L07-0040	GONG XIAO C & LIU YAO YAO		101 NOBSCOT RD		SUDBURY	MA	01776	62841-342	101 NOBSCOT RD
L07-0043	SHAPIRO DAVID & WOO JULIANNE		16 PINE HILL LN		SUDBURY	MA	01776	57252-481	16 PINE HILL LN
M07-0001	TOWN OF SUDBURY	CONSERVATION	278 OLD SUDBURY RD		SUDBURY	MA	01776	47709-0154	0 OLD FRAMINGHAM RD
M07-0014-0-01	YU JOSEPH M & DORA Y		30 NOBSCOT RD	UNIT 1	SUDBURY	MA	01776	63480-501	30 NOBSCOT RD UNIT 1
M07-0014-0-02	SLONE HAROLD TIMOTHY		30 NOBSCOT RD UNIT 2		SUDBURY	MA	01776	67311-426	30 NOBSCOT RD UNIT 2
M07-0014-0-03	BIALLY THEODORE & PHYLLIS TRS	THEODORE BIALY TRUST	30 NOBSCOT RD UNIT 3		SUDBURY	MA	01776	80170-256	30 NOBSCOT RD UNIT 3
M07-0014-0-04	RICHES SUZANNE M		30 NOBSCOT RD UNIT 4		SUDBURY	MA	01776	67061-564	30 NOBSCOT RD UNIT 4
M07-0014-0-05	SPELLMAN LINDA TRUSTEE	UNIT NUMBER 5 OF BUILDING 6 OF	30 NOBSCOT RD UNIT 5		SUDBURY	MA	01776	50203-412	30 NOBSCOT RD UNIT 5
M07-0014-0-06	COUTU MICHAEL J & DONNA K	TRUSTEE OF THE 30 NOBSCOT ROAD	30 NOBSCOT RD UNIT 6		SUDBURY	MA	01776	70902-362	30 NOBSCOT RD UNIT 6
M07-0014-0-07	JOHNSON LAWRENCE E &	GRAYSON-JOHNSON SUSAN C	30 NOBSCOT RD UNIT 7		SUDBURY	MA	01776	50277-142	30 NOBSCOT RD UNIT 7
M07-0014-0-08	LANE BARRY & CHERYLL-ANNE		30 NOBSCOT RD UNIT 8		SUDBURY	MA	01776	74626-167	30 NOBSCOT RD UNIT 8
M07-0014-0-09	DELDUCHETTO DEBORAH Y &	DELDUCHETTO MICHAEL W TRUSTEES	P.O. BOX 393		SUDBURY	MA	01776	72460-188	30 NOBSCOT RD UNIT 9
M07-0014-0-10	HULL SCOTT		30 NOBSCOT RD UNIT 10		SUDBURY	MA	01776	64322-379	30 NOBSCOT RD UNIT 10
M07-0014-0-11	GOLDSTEIN JOEL J & GOODMAN	REED S TRUSTEES OF THE JOEL J	30 NOBSCOT RD UNIT 11		SUDBURY	MA	01776	68213-412	30 NOBSCOT RD UNIT 11
M07-0014-0-12	MARIASIS DORI W & LAURENCE I	TRUSTEES DORI W MARIASIS TRUST	30 NOBSCOT RD	UNIT 12	SUDBURY	MA	01776	69247-289	30 NOBSCOT RD UNIT 12
M07-0014-0-13	DAVIS ALAN S & KATHLEEN S		30 NOBSCOT RD UNIT 13		SUDBURY	MA	01776	61589-96	30 NOBSCOT RD UNIT 13
M07-0014-0-14	GIBSON DOUGLAS P	TRUSTEE OF DOUGLAS P GIBSON	30 NOBSCOT RD UNIT 14		SUDBURY	MA	01776	72219-345	30 NOBSCOT RD UNIT 14
M07-0014-0-15	DAUGHERTY DOROTHY H TRS	JAMES L DAUGHERTY AND DOROTHY	30 NOBSCOT RD UNIT 15		SUDBURY	MA	01776	59290-153	30 NOBSCOT RD UNIT 15
M07-0014-0-16	DEWARE KEVIN W & PATRICIA		30 NOBSCOT RD UNIT 16		SUDBURY	MA	01776	80180-480	30 NOBSCOT RD UNIT 16
M07-0014-0-17	BERNSTEIN IRIS S		30 NOBSCOT RD UNIT 17		SUDBURY	MA	01776	57540-505	30 NOBSCOT RD UNIT 17
M07-0014-0-18	RAPPAPORT HOWARD L & KAREN A	TRUSTEE HOWARD L RAPPAPORT &	30 NOBSCOT RD UNIT 18		SUDBURY	MA	01776	66114-415	30 NOBSCOT RD UNIT 18
M07-0014-0-19	SERAFIM LELETA N		30 NOBSCOT RD UNIT 19		SUDBURY	MA	01776	61155-298	30 NOBSCOT RD UNIT 19
M07-0014-0-20	WINSCHERL JAMES F JR		30 NOBSCOT RD UNIT 20		SUDBURY	MA	01776	51657-248	30 NOBSCOT RD UNIT 20
M07-0014-0-21	HSU TAU H & HWANG WEN YI &	HSU MEI CHING	30 NOBSCOT RD	UNIT 21	SUDBURY	MA	01776	72234-14	30 NOBSCOT RD UNIT 21
M07-0014-0-22	SOHN CAROL D	TRUSTEE OF CDS NOMINEE TRUST	30 NOBSCOT RD	UNIT 22	SUDBURY	MA	01776	67657-533	30 NOBSCOT RD UNIT 22



M07-0014-0-23	GORKE FRANK H JR & WILAMETA M		30 NOBSCOT RD	UNIT 23	SUDBURY	MA	01776	63336-197	30 NOBSCOT RD UNIT 23
M07-0014-0-24	CROCKETT BARBARA L & JOHN E		30 NOBSCOT RD UNIT 24		SUDBURY	MA	01776	75618-60	30 NOBSCOT RD UNIT 24
M07-0014-0-25	ROACH JAMES & MARGUERITE TRS	THE NOBSCOT ROAD REALTY TRUST	30 NOBSCOT RD UNIT 25		SUDBURY	MA	01776	77361-438	30 NOBSCOT RD UNIT 25
M07-0014-0-26	LOEWALD FRANCIS A & ANN M		30 NOBSCOT RD UNIT 26		SUDBURY	MA	01776	61722-223	30 NOBSCOT RD UNIT 26
M07-0014-0-27	THOMSON SCOTT M & ROBERTA E TR	THOMSON FAMILY REALTY TRUST	30 NOBSCOT RD	UNIT 27	SUDBURY	MA	01776	76373-239	30 NOBSCOT RD UNIT 27
M07-0014-0-28	GOODWIN STEPHEN C & KIM L		30 NOBSCOT RD	UNIT 28	SUDBURY	MA	01776	62806-75	30 NOBSCOT RD UNIT 28
M07-0014-0-29	REGAN RONALD & LINDA		30 NOBSCOT RD	UNIT 29	SUDBURY	MA	01776	74670-167	30 NOBSCOT RD UNIT 29
M07-0014-0-31	GOLDBERG MELVIN & BETTY		30 NOBSCOT RD UNIT 31		SUDBURY	MA	01776	78239-456	30 NOBSCOT RD UNIT 31
M07-0014-0-32	STONER HOWARD O & CAROL M		1111 CRANDON BLVD # A901		KEY BISCAYNE	FL	33149	63902-286	30 NOBSCOT RD UNIT 32
M07-0014-0-33	MURDOCK RICHARD G SR & BARBARA	TRUSTEES OF THE MURDOCK	30 NOBSCOT RD UNIT 33		SUDBURY	MA	01776	66234-541	30 NOBSCOT RD UNIT 33
M07-0014-0-34	CADIEUX-SMITH SUSAN TRUSTEE	SUSAN CADIEUX-SMITH 1998	30 NOBSCOT RD UNIT 34		SUDBURY	MA	01776	76025-87	30 NOBSCOT RD UNIT 34

100" Abutters Parc L05-0001 0003 0004 0005 0200 & L06-0009

  
Cynthia Gerry Sudbury Assessors Office Town of Sudbury

7/20/2022

**Notification to Abutters under the  
Massachusetts Wetlands Protection Act and the  
Framingham Wetlands Bylaw**

*In accordance with the second paragraph of Massachusetts General Laws, Chapter 131, Section 40 and Article V Section 18 of the Framingham Bylaws, you are hereby notified of the following.*

The **applicant**, Mayflower Council, Boy Scouts of America, has filed with the Conservation Commission for City of Framingham (*check one*):

Notice of Intent

a Request for Determination of Applicability

seeking permission to undertake work in (i.e., remove, fill, dredge or alter) an area subject to protection under the Wetlands Protection Act (General Laws, Chapter 131, section 40) and the Framingham Wetlands By-Law (Article V, Section 18).

The **address** of the proposed activity is: Edgell Road, Framingham, MA, Nobscot Scout Reservation, Map 8, Block 1, Lot 2517 & Block 11, Lot 7059, Map 15, Block 19, Lot 6802

The **proposed activity** is: The proposed project consists of improvements to the trail system at the Nobscot Scout Reservation property in the Town of Sudbury & City of Framingham. Portions of the proposed trail improvements are within the Inland Bank, BVW, and the 100-Foot Buffer Zone.

There will be a **Public Hearing** at which time interested residents may hear about the proposal and ask questions related to wetland regulations

- on (date) August 31, 2022
- at (time) TBD pm
- via Remote Video Conference

*Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance in the Metrowest Daily News.*

*Notice of the public hearing, including its date, time, and login information, will be posted in City Hall not less than forty-eight (48) hours in advance and on the city's website at [www.framinghamma.gov](http://www.framinghamma.gov). Click on the "Public Meeting Portal" link. Remote video conference login information is available on the Agenda.*

**You may see copies of the filing at:**

- The Framingham Conservation Commission Office (digital copies also available). Call 508-532-5460 for an appointment between the hours 8:30am and 5:00pm Mon, Wed, Thurs; 8:30am and 7:00pm Tues; 8:30am and 2 pm Fri.
- The applicant \_\_\_\_\_ or applicant's representative Lucas Environmental, LLC by calling 617 - 405 - 4140 between the hours of 8AM and 5PM on the following days of the week Monday through Friday.
- The Department of Environmental Protection, Northeast Regional Office, 205B Lowell Street, Wilmington, MA 01887. (978) 694-3200

**Note:** *Since you are receiving this notice, you may have wetland resource areas or wetland buffers on your property. Therefore, construction, cutting, clearing, or grading may require a permit. For clarification or for more information, call the Conservation office 508-532-5460 or visit our web site [http://www.framinghamma.gov/web/pages/conservation\\_index.html](http://www.framinghamma.gov/web/pages/conservation_index.html).*

NOTE: To preserve your appeal rights you must submit comments/concerns in writing. Notification provided pursuant to the above requirement does not automatically confer standing to the recipient to request Departmental Action for the underlying matter. See 310 CMR 10.05(7)(a)4.

1294-1300-1400 EDGELL RD  
 ABUTTERS 100 FT

Property ID	Location	Owner	Billing Address	Owner City	Owner State	Owner Zip
016-28-6317-000	1190 EDGELL RD	MCLOUGHLIN, BRIAN J & ALLISON P	1190 EDGELL RD	FRAMINGHAM	MA	01701
016-28-6510-000	1192 EDGELL RD	KIKLIS, GRETCHEN L & DAVID L T	1192 EDGELL RD	FRAMINGHAM	MA	01701
016-28-7527-000	1196 EDGELL RD	WILSON JR, RICHARD & ANITA B	82 COCHITUATE RD	FRAMINGHAM	MA	01701
016-28-7635-000	1206 EDGELL RD	REINAP, PAMELA S	1206 EDGELL RD	FRAMINGHAM	MA	01701
016-28-6868-000	1212 EDGELL RD	CASTELLO, ROBERTO C & SARA J	1212 EDGELL RD	FRAMINGHAM	MA	01701
016-28-6926-000	1214 EDGELL RD	BAILY, REGINALD	1214 EDGELL RD	FRAMINGHAM	MA	01701
016-29-6015-000	1216 EDGELL RD	YILMAZ, HAKAN S & ALEXIS	1216 EDGELL RD	FRAMINGHAM	MA	01701
016-29-5194-000	1218 EDGELL RD	LARI, AHSAN I & SEHAR T	1218 EDGELL RD	FRAMINGHAM	MA	01701
016-29-5273-000	1220 EDGELL RD	CAN, KHANG	1220 EDGELL RD	FRAMINGHAM	MA	01701
016-29-5353-000	1222 EDGELL RD	TELUSMA, DAVE	1222 EDGELL RD	FRAMINGHAM	MA	01701
016-29-5457-000	1224 EDGELL RD	BRANDON RESIDENTIAL TREATMENT CENTER INC	27 WINTER ST	NATICK	MA	01760
009-20-8262-000	1301 EDGELL RD	CROSSROADS COMMUNITY CHURCH, CORP	143 MAYNARD RD	FRAMINGHAM	MA	01701
009-30-0327-000	1341 EDGELL RD	CROSSROADS COMMUNITY CHURCH, CORP	143 MAYNARD RD	FRAMINGHAM	MA	01701-2503
009-20-9567-000	1343 EDGELL RD	BAIER, AMANDA & BRANDON	1343 EDGELL RD	FRAMINGHAM	MA	01701
009-20-9698-000	1345 EDGELL RD	NGAN, LAP SOI & VA DAU CHANG	25 PHILIPS TERR	WALTHAM	MA	02453
009-30-0747-000	1347 EDGELL RD	PERRY, BETH A & WARECKI, ELISE	1347 EDGELL RD	FRAMINGHAM	MA	01701
009-30-0879-000	1349 EDGELL RD	HICKLIN, MARK	1349 EDGELL RD	FRAMINGHAM	MA	01701
009-30-1909-000	1351 EDGELL RD	REIMANN, PHILIP E & WALKER, GAIL L	1351 EDGELL RD	FRAMINGHAM	MA	01701
009-31-5112-000	1415 EDGELL RD	RABAUT, SUSAN M TR	1415 EDGELL RD	FRAMINGHAM	MA	01701
016-28-3402-000	21 HICKORY LN	SMERLAS, JOHN L	21 HICKORY LN	FRAMINGHAM	MA	01701
015-18-8386-000	3 HURON DR	MORO, STEPHEN A TR	3 HURON RD	FRAMINGHAM	MA	01701
008-91-2999-000	350 BRIMSTONE LN	BRIMSTONE FAMILY DEVELOPMENT, LLC	182 WEST CENTRAL ST	NATICK	MA	01760
008-91-6399-000	400 BRIMSTONE LN	BOSTON EDISON COMPANY	PO BOX 270	HARTFORD	CT	06141-0270
008-01-2517-001	410 BRIMSTONE LN	KNOX TRAIL COUNCIL INC	PMB 353	MCMURRY	PA	15317
015-18-3361-000	46 JUNIPER LN	TICHNOR, KERRI	18 WHITTEMORE RD	FRAMINGHAM	MA	01701
015-18-6444-000	47 JUNIPER LN	TRACEY RAUTENBERG REVOCABLE TR	47 JUNIPER LN	FRAMINGHAM	MA	01701
015-18-2444-000	48 JUNIPER LN	RICHELSON, BRADLEY L & SUSAN E	48 JUNIPER LN	FRAMINGHAM	MA	01701
015-18-4727-000	49 JUNIPER LN	SCOTT, DARLYN M & MYERS, THOMAS J	49 JUNIPER LN	FRAMINGHAM	MA	01701
016-28-0358-000	5 HURON DR	FARLEY, CHRISTOPHER	5 HURON DR	FRAMINGHAM	MA	01701
015-18-2608-000	50 JUNIPER LN	HSIEH, ROSEMARIE A	50 JUNIPER LN	FRAMINGHAM	MA	01701
004-92-2058-000	BRIMSTONE LN	SUDBURY, TOWN OF	278 OLD SUDBURY ROAD	SUDBURY	MA	01776

THIS IS A CERTIFIED ABUTTERS LIST FROM THE CITY OF FRAMINGHAM. WE CERTIFY  
 THAT ALL THE NAMES AND ADDRESSES OF ALL PROPERTY OWNERS ARE ACCURATE TO  
 THE BEST OF OUR KNOWLEDGE.

  
 Office of the Board of Assessors

7/25/2022  
 Date





**FILING FEE INFORMATION**



## CALCULATED FILING FEE STATEMENT

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### SUDBURY

The proposed project is located at 1 Nobscot Road in Sudbury and Framingham, Massachusetts. The proposed project consists of improvements to approximately 1.2 miles of trail system at the Nobscot Scout Reservation. Proposed activities are included under Category 3(a) of the Wetlands Filing Fee Calculation Worksheet.

Category 3(a): *Site preparation, for any development other than an unattached single family house(s), including the removal of vegetation, excavation and grading, where actual construction is not proposed in the Notice of Intent.* The fee for Category 3(a) is \$1,050.00.

#### **Sudbury Wetlands Protection Act Fees:**

Total WPA Filing Fee = \$1,050.00  
State Share of WPA Filing Fee:  $(\$1,050.00/2) - \$12.50 = \$512.50$   
Town Share of WPA Filing Fee:  $(\$1,050.00/2) + \$12.50 = \$537.50$

#### **Sudbury Local Fees:**

Commercial & Industrial Filing Fees = \$500 plus \$0.50 per square foot of disturbance  
in an undeveloped resource area  
 $\$500 + (1,019 \text{ SF} * \$0.50) = \$1,009.50$

Requested Waiver of Local Filing Fee

**Check Payable to: "Commonwealth of Massachusetts" for \$512.50**

**Check Payable to: "Town of Sudbury" for \$537.50**



## CALCULATED FILING FEE STATEMENT

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### FRAMINGHAM

The proposed project is located at 1 Nobscot Road in Sudbury and Framingham, Massachusetts. The proposed project consists of improvements to approximately 1.2 miles of trail system at the Nobscot Scout Reservation. Proposed activities are included under Category 3(a) of the Wetlands Filing Fee Calculation Worksheet.

Category 3(a): *Site preparation, for any development other than an unattached single family house(s), including the removal of vegetation, excavation and grading, where actual construction is not proposed in the Notice of Intent.* The fee for Category 3(a) is \$1,050.00.

#### **Framingham Wetlands Protection Act Fees:**

Total WPA Filing Fee = \$1,050.00  
State Share of WPA Filing Fee:  $(\$1,050.00/2) - \$12.50 = \$512.50$   
City Share of WPA Filing Fee:  $(\$1,050.00/2) + \$12.50 = \$537.50$

#### **Framingham Local Fees:**

Notice of Intent = Total WPA Filing Fee + \$50.00 (for Certificate of Compliance Fee) = \$1,100.00

Requested Waiver of Local Filing Fee

**Check Payable to: "Commonwealth of Massachusetts" for \$512.50**

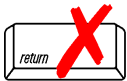
**Check Payable to: "City of Framingham" for \$537.50**





**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**A. Applicant Information**

1. Location of Project:

<u>1 Nobscot Road – Nobscot Scout Reservation</u>	<u>Sudbury</u>
a. Street Address	b. City/Town
<u>50037</u>	<u>\$1,050.00</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<u>Hunter</u>	<u>McCormick</u>	
a. First Name	b. Last Name	
<u>Mayflower Council, Boy Scouts of America</u>		
c. Organization		
<u>83 Cedar Street</u>		
d. Mailing Address		
<u>Milford</u>	<u>MA</u>	<u>01757</u>
e. City/Town	f. State	g. Zip Code
<u>508.872.6551</u>	<u>508.872.9092</u>	<u>hunter.mccormick@scouting.org</u>
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Mailing Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email Address

**B. Fees**

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 3(a)	1	\$1,050.00	\$1,050.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
<b>Step 5/Total Project Fee:</b>			\$1,050.00
<b>Step 6/Fee Payments:</b>			
Total Project Fee:			\$1,050.00
			a. Total Fee from Step 5
State share of filing Fee:			\$512.50
			b. 1/2 Total Fee <b>less</b> \$12.50
City/Town share of filing Fee:			\$537.50
			c. 1/2 Total Fee <b>plus</b> \$12.50

**C. Submittal Requirements**

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

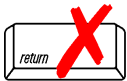
- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

**To MassDEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**A. Applicant Information**

1. Location of Project:

<u>Edgell Road – Nobscot Scout Reservation</u>	<u>Framingham</u>
a. Street Address	b. City/Town
<u>50036</u>	<u>\$1,050.00</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<u>Hunter</u>	<u>McCormick</u>	
a. First Name	b. Last Name	
<u>Mayflower Council, Boy Scouts of America</u>		
c. Organization		
<u>83 Cedar Street</u>		
d. Mailing Address		
<u>Milford</u>	<u>MA</u>	<u>01757</u>
e. City/Town	f. State	g. Zip Code
<u>508.872.6551</u>	<u>508.872.9092</u>	<u>hunter.mccormick@scouting.org</u>
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Mailing Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email Address

**B. Fees**

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).





**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 3(a)	1	\$1,050.00	\$1,050.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
<b>Step 5/Total Project Fee:</b>			\$1,050.00
<b>Step 6/Fee Payments:</b>			
Total Project Fee:			\$1,050.00
			a. Total Fee from Step 5
State share of filing Fee:			\$512.50
			b. 1/2 Total Fee <b>less</b> \$12.50
City/Town share of filing Fee:			\$537.50
			c. 1/2 Total Fee <b>plus</b> \$12.50

**C. Submittal Requirements**

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

**To MassDEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



## APPENDIX D

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# WETLAND DELINEATION FIELD DATA FORMS

Observation Plot Number: WET  
 Transect Number: 1



## Wetland Delineation Field Data Form

Applicant: Boy Scouts of America Prepared by: Lucas Environmental, LLC Project Location: 1 Nobscot Road, Sudbury/Framingham

Check all that apply:

- Vegetation alone presumed adequate to delineate wetland boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate wetland boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

**Section I. Vegetation** Observation Plot Number: WET Transect Number: 1 @ Flag BF1-6 Date of Data Form: 04/16/2016

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<b><u>Tree</u></b>				
Norway maple ( <i>Acer platanoides</i> )	63.0	100%	Yes	UPL
<b><u>Saplings</u></b>				
None				
<b><u>Shrub</u></b>				
Eastern burning-bush ( <i>Euonymus atropurpureus</i> )	38.0	40.2%	Yes	FACU
Tartarian honeysuckle ( <i>Lonicera tatarica</i> )	5.0	5.3%	No	
Glossy buckthorn ( <i>Rhamnus frangula</i> )	20.5	21.7%	Yes	FAC*
Wych elm ( <i>Ulmus glabra</i> )	20.5	21.7%	Yes	FACU
Japanese barberry ( <i>Berberis thunbergii</i> )	10.5	11.1%	No	
<b><u>Herbaceous</u></b>				
Sensitive fern ( <i>Onoclea sensibilis</i> )	38.0	100%	Yes	FACW*
<b><u>Vines</u></b>				
Oriental bittersweet ( <i>Celastrus scandens</i> )	5%	100%	Yes	FACU-

\* Use an asterisk to mark indicator plants: plant species listed in the wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

**Vegetation conclusion:**  
 Number of dominant wetland indicator plants: **2**                      Number of non-wetland indicator plants: **4**  
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants:    yes                       no

*If vegetation alone is presumed adequate to delineate the wetland boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.*



Observation Plot Number: WET  
Transect Number: 1



## Section II. Indicators of Hydrology

### Hydric Soil Interpretation

#### 1. Soil Survey

Is there a published soil survey for this site? Yes  no

title/date: **Soil Survey of Middlesex County, Massachusetts  
(Survey Area Data: Version 15, September 28, 2015)**

map number: **Not determined. Data retrieved from Web Soil Survey.**

soil type mapped: **261A – Tisbury Silt loam, 0 to 3 percent slopes**

hydric soil inclusions: **N/A**

Are field observations consistent with soil survey? Yes  no   
Remarks: **Very rocky area**

#### 2. Soil Description

Horizon	Depth (In.)	Matrix Color	Redox. Features
<b>A</b>	<b>0-10</b>	<b>10YR 3/2</b>	<b>N/A</b>
<b>B</b>	<b>10-24</b>	<b>10YR 4/2</b>	<b>Mottles 5 YR 4/6</b>

Remarks:

3. Other: **N/A**

Conclusion: Is soil hydric? Yes  No

### Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: **24"**
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in WL: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: \_\_\_\_\_

### Vegetation and Hydrology Conclusion

	yes	no
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wetland hydrology present:		
Hydric soil present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other indicators of hydrology present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Sample location is in wetland</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Observation Plot Number: UPL  
Transect Number: 1



## Wetland Delineation Field Data Form

Applicant: Boy Scouts of America Prepared by: Lucas Environmental, LLC Project Location: 1 Nobscot Road, Sudbury/Framingham

Check all that apply:

- Vegetation alone presumed adequate to delineate wetland boundary: fill out Section I only  
 Vegetation and other indicators of hydrology used to delineate wetland boundary: fill out Sections I and II  
 Method other than dominance test used (attach additional information)

**Section I. Vegetation** Observation Plot Number: UPL Transect Number: 1 @ Flag WFA-9 Date of Data Form: 04/16/2016

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<b>Tree</b>				
White oak ( <i>Quercus alba</i> )	20.5	35%	Yes	FACU-
Norway maple ( <i>Acer platanoides</i> )	38.0	64.9%	Yes	UPL
<b>Saplings</b>				
none				
<b>Shrub</b>				
Eastern burning-bush ( <i>Euonymus atropurpureus</i> )	20.5	21.2%	Yes	FACU
Wych elm ( <i>Ulmus glabra</i> )	38.0	39.3%	Yes	FACU
Glossy buckthorn ( <i>Rhamnus frangula</i> )	38.0	39.3%	Yes	FAC*
<b>Herbaceous</b>				
Cinnamon fern ( <i>Osmunda cinnamomea</i> )	5.0	8.8%	No	
Enslens' dewberry ( <i>Rubus enslenii</i> )	20.5	36.3%	Yes	FACU
Eastern burning-bush ( <i>Euonymus atropurpureus</i> )	10.5	18.5%	No	
Glossy buckthorn ( <i>Rhamnus frangula</i> )	20.5	36.3%	Yes	FAC*
<b>Vines</b>				
none				

\* Use an asterisk to mark indicator plants: plant species listed in the wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

<b>Vegetation conclusion:</b> Number of dominant wetland indicator plants: <b>2</b> Number of non-wetland indicator plants: <b>5</b> Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants:    yes <input type="checkbox"/> no <input checked="" type="checkbox"/>
---

If vegetation alone is presumed adequate to delineate the wetland boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

Observation Plot Number: UPL  
Transect Number: 1



## Section II. Indicators of Hydrology

### Hydric Soil Interpretation

#### 1. Soil Survey

Is there a published soil survey for this site? Yes  no

title/date: **Soil Survey of Middlesex County, Massachusetts  
(Survey Area Data: Version 15, September 28, 2015)**

map number: **Not determined. Data retrieved from Web Soil Survey.**

soil type mapped: **261A – Tisbury Silt loam, 0 to 3 percent slopes**

hydric soil inclusions: **N/A**

Are field observations consistent with soil survey? Yes  no

Remarks: **Very rocky area**

#### 2. Soil Description

Horizon	Depth (In.)	Matrix Color	Redox. Features
<b>A</b>	<b>0-10</b>	<b>10YR 3/4</b>	<b>N/A</b>
<b>B</b>	<b>10-13</b>	<b>10YR 5/8</b>	<b>N/A</b>

Remarks: **Refusal at 13".**

#### 3. Other: **N/A**

Conclusion: Is soil hydric? Yes  No

### Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: \_\_\_\_\_
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in WL: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: \_\_\_\_\_

### Vegetation and Hydrology Conclusion

	yes	no
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wetland hydrology present:		
Hydric soil present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other indicators of hydrology present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Sample location is in wetland</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Observation Plot Number: WET  
Transect Number: 2-D



## Wetland Delineation Field Data Form

Applicant: Boy Scouts of America Prepared by: Lucas Environmental, LLC Project Location: 1 Nobscot Road, Sudbury/Framingham

Check all that apply:

- Vegetation alone presumed adequate to delineate wetland boundary: fill out Section I only  
 Vegetation and other indicators of hydrology used to delineate wetland boundary: fill out Sections I and II  
 Method other than dominance test used (attach additional information)

**Section I. Vegetation** Observation Plot Number: WET Transect Number: 2 @ Flag WFD-9 Date of Data Form: 04/16/2016

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<b>Tree</b>				
Red maple ( <i>Acer rubrum</i> )	20.5	33.0%	Yes	FAC*
Shag-bark hickory ( <i>Carya ovata</i> )	10.5	16.9%	No	FACU-
Northern red oak ( <i>Quercus rubra</i> )	10.5	16.9%	No	FACU-
Green ash ( <i>Fraxinus pennsylvanica</i> )	20.5	33.0%	Yes	FACW*
<b>Saplings</b>				
Shag-bark hickory ( <i>Carya ovata</i> )	5	50%	Yes	FACU-
Grey birch ( <i>Betula populifolia</i> )	5	50%	Yes	FAC*
<b>Shrub</b>				
none				
<b>Herbaceous</b>				
Common greenbrier ( <i>Smilax rotundifolia</i> )	5	100%	Yes	FAC*
<b>Vines</b>				
none				

\* Use an asterisk to mark indicator plants: plant species listed in the wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

<b>Vegetation conclusion:</b>
Number of dominant wetland indicator plants: <b>4</b> Number of non-wetland indicator plants: <b>1</b>
Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants:    yes <input checked="" type="checkbox"/> no <input type="checkbox"/>

If vegetation alone is presumed adequate to delineate the wetland boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

Observation Plot Number: WET  
 Transect Number: 2-D



## Section II. Indicators of Hydrology

### Hydric Soil Interpretation

#### 1. Soil Survey

Is there a published soil survey for this site? Yes  no

title/date: **Soil Survey of Middlesex County, Massachusetts  
 (Survey Area Data: Version 15, September 28, 2015)**

map number: **Not determined. Data retrieved from Web Soil Survey.**

soil type mapped: **261A – Tisbury silt loam, 0 to 3 percent slopes**

hydric soil inclusions: **N/A**

Are field observations consistent with soil survey? Yes  no   
 Remarks:

#### 2. Soil Description

Horizon	Depth (In.)	Matrix Color	Redox. Features
<b>A</b>	<b>0-3</b>	<b>10YR 2/1</b>	<b>N/A</b>
<b>B</b>	<b>3-12</b>	<b>10YR 5/4</b>	<b>Fine sandy loam</b>

Remarks:

#### 3. Other: N/A

Conclusion: Is soil hydric? Yes  No

### Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: 2"
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in WL: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: \_\_\_\_\_

<b>Vegetation and Hydrology Conclusion</b>		
	yes	no
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wetland hydrology present:		
Hydric soil present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other indicators of hydrology present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Sample location is in wetland</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Observation Plot Number: WET  
 Transect Number: 2-F



## Wetland Delineation Field Data Form

Applicant: Boy Scouts of America Prepared by: Lucas Environmental, LLC Project Location: 1 Nobscot Road, Sudbury/Framingham

Check all that apply:

- Vegetation alone presumed adequate to delineate wetland boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate wetland boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

**Section I. Vegetation** Observation Plot Number: WET Transect Number: 2 @ Flag WFF-6 Date of Data Form: 04/16/2016

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<b><u>Tree</u></b>				
Red maple ( <i>Acer rubrum</i> )	63	75%	Yes	FAC*
White oak ( <i>Quercus alba</i> )	10.5	12.5%	No	
Green ash ( <i>Fraxinus pennsylvanica</i> )	10.5	12.5%	No	
<b><u>Saplings</u></b>				
none				
<b><u>Shrub</u></b>				
Northern spicebush ( <i>Lindera benzoin</i> )	63	92.6%	Yes	FACW-*
Common greenbrier ( <i>Smilax rotundifolia</i> )	5	7.3%	No	
<b><u>Herbaceous</u></b>				
Cinnamon fern ( <i>Osmunda cinnomomea</i> )	5	33.3%	Yes	FAC*
Sphagnum moss ( <i>Sphagnum sp.</i> )	Trace	-	-	NI
Canada mayflower ( <i>Maianthemum canadense</i> )	5	33.3%	Yes	FAC-*
Skunk cabbage ( <i>Symplocarpus foetidus</i> )	5	33.3%	Yes	OBL*
<b><u>Vines</u></b>				
none				

\* Use an asterisk to mark indicator plants: plant species listed in the wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

**Vegetation conclusion:**  
 Number of dominant wetland indicator plants: **5**                      Number of non-wetland indicator plants: **0**  
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants:    yes                       no

*If vegetation alone is presumed adequate to delineate the wetland boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.*



Observation Plot Number: WET  
Transect Number: 2-F



## Section II. Indicators of Hydrology

### Hydric Soil Interpretation

#### 1. Soil Survey

Is there a published soil survey for this site? Yes  no

title/date: **Soil Survey of Middlesex County, Massachusetts  
(Survey Area Data: Version 15, September 28, 2015)**

map number: **Not determined. Data retrieved from Web Soil Survey.**

soil type mapped: **261A – Tisbury silt loam, 0 to 3 percent slopes**

hydric soil inclusions: **N/A**

Are field observations consistent with soil survey? Yes  no   
Remarks:

#### 2. Soil Description

Horizon	Depth (In.)	Matrix Color	Redox. Features
<b>A</b>	<b>0-6</b>	<b>10YR 2/2</b>	<b>Clay/sandy</b>
<b>B</b>	<b>6-18</b>	<b>10YR 4/2</b>	<b>Mottles 7.5YR 5/6</b>

Remarks:

#### 3. Other: **N/A**

Conclusion: Is soil hydric? Yes  No

### Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: **6"**
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in WL: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: \_\_\_\_\_

### Vegetation and Hydrology Conclusion

	yes	no
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wetland hydrology present:		
Hydric soil present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other indicators of hydrology present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Sample location is in wetland</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Observation Plot Number: UPL  
 Transect Number: 2



## Wetland Delineation Field Data Form

Applicant: Boy Scouts of America Prepared by: Lucas Environmental, LLC Project Location: 1 Nobscot Road, Sudbury/Framingham

Check all that apply:

- Vegetation alone presumed adequate to delineate wetland boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate wetland boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

**Section I. Vegetation** Observation Plot Number: UPL Transect Number: 2 @ Flag WFD-9 Date of Data Form: 04/16/2016

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<b><u>Tree</u></b>				
White oak ( <i>Quercus alba</i> )	20.5	27.7%	Yes	FACU-
Red maple ( <i>Acer rubrum</i> )	10.5	14.2%	No	
Eastern white pine ( <i>Pinus strobus</i> )	38	51.3%	Yes	FACU
Shag-bark hickory ( <i>Carya ovata</i> )	5	6.7%	No	
<b><u>Saplings</u></b>				
Eastern white pine ( <i>Pinus strobus</i> )	20.5	97.6%	Yes	FACU
Shag-bark hickory ( <i>Carya ovata</i> )	5	23.8%	Yes	FACU-
<b><u>Shrub</u></b>				
Black huckleberry ( <i>Gaylussacia baccata</i> )	10.5	100%	Yes	FACU
<b><u>Herbaceous</u></b>				
Tree clubmoss ( <i>Lycopodium obscurum</i> )	63	100%	Yes	FACU
<b><u>Vines</u></b>				
none				

\* Use an asterisk to mark indicator plants: plant species listed in the wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

**Vegetation conclusion:**  
 Number of dominant wetland indicator plants: **0**                      Number of non-wetland indicator plants: **6**  
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants:    yes                       no

*If vegetation alone is presumed adequate to delineate the wetland boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.*

Observation Plot Number: UPL  
Transect Number: 2



## Section II. Indicators of Hydrology

### Hydric Soil Interpretation

#### 1. Soil Survey

Is there a published soil survey for this site? Yes  no

title/date: **Soil Survey of Middlesex County, Massachusetts  
(Survey Area Data: Version 15, September 28, 2015)**

map number: **Not determined. Data retrieved from Web Soil Survey.**

soil type mapped: **261A – Tisbury silt loam, 0 to 3 percent slopes**

hydric soil inclusions: **N/A**

Are field observations consistent with soil survey? Yes  no   
Remarks:

#### 2. Soil Description

Horizon	Depth (In.)	Matrix Color	Redox. Features
<b>A</b>	<b>0-6</b>	<b>10YR 2/2</b>	<b>N/A</b>
<b>B</b>	<b>6-13</b>	<b>10YR 4/4</b>	<b>Sandy loam</b>

Remarks: **Refusal at 13".**

#### 3. Other: **N/A**

Conclusion: Is soil hydric? Yes  No

### Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: \_\_\_\_\_
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in WL: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: \_\_\_\_\_

### Vegetation and Hydrology Conclusion

	yes	no
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wetland hydrology present:		
Hydric soil present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other indicators of hydrology present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Sample location is in wetland</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Observation Plot Number: WET  
 Transect Number: 3-E



## Wetland Delineation Field Data Form

Applicant: Boy Scouts of America Prepared by: Lucas Environmental, LLC Project Location: 1 Nobscot Road, Sudbury/Framingham

Check all that apply:

- Vegetation alone presumed adequate to delineate wetland boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate wetland boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

**Section I. Vegetation** Observation Plot Number: WET Transect Number: 3 @ Flag WFE-217 Date of Data Form: 04/16/2016

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<b><u>Tree</u></b>				
Red maple ( <i>Acer rubrum</i> )	20.5	19.9	Yes	FAC*
White oak ( <i>Quercus alba</i> )	20.5	19.9	Yes	FACU-
Green ash ( <i>Fraxinus pennsylvanica</i> )	10.5	10.2	No	
Sweet birch ( <i>Betula lenta</i> )	20.5	19.9	Yes	FACU
Slippery elm ( <i>Ulmus rubra</i> )	10.5	10.2	No	
Eastern hemlock ( <i>Tsuga Canadensis</i> )	20.5	19.9	Yes	FACU
<b><u>Saplings</u></b>				
none				
<b><u>Shrub</u></b>				
Northern spicebush ( <i>Lindera benzoin</i> )	20.5	48.7%	Yes	FACW-*
Highbush blueberry ( <i>Vaccinium corymbosum</i> )	20.5	48.7%	Yes	FACW-*
<b><u>Herbaceous</u></b>				
Cinnamon fern ( <i>Osmunda cinnomomea</i> )	20.5	66.1%	Yes	FAC*
Eastern white pine ( <i>Pinus strobus</i> )	10.5	33.8%	Yes	FACU
Grass sp.	Trace	-	-	-
<b><u>Vines</u></b>				
none				

\* Use an asterisk to mark indicator plants: plant species listed in the wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

**Vegetation conclusion:**  
 Number of dominant wetland indicator plants: **4**                      Number of non-wetland indicator plants: **4**  
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants:    yes                       no

*If vegetation alone is presumed adequate to delineate the wetland boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.*

Observation Plot Number: WET  
Transect Number: 3-E



## Section II. Indicators of Hydrology

### Hydric Soil Interpretation

#### 1. Soil Survey

Is there a published soil survey for this site? Yes  no

title/date: **Soil Survey of Middlesex County, Massachusetts  
(Survey Area Data: Version 15, September 28, 2015)**

map number: **Not determined. Data retrieved from Web Soil Survey.**

soil type mapped: **71B Ridgebury fine sandy loam, 3 to 8 percent  
slopes, extremely stony**

hydric soil inclusions: **N/A**

Are field observations consistent with soil survey? Yes  no   
Remarks:

#### 2. Soil Description

Horizon	Depth (In.)	Matrix Color	Redox. Features
<b>A</b>	<b>0-8</b>	<b>10YR 2/1</b>	
<b>B</b>	<b>8-18</b>	<b>10YR 4/2</b>	<b>Mineral soils</b>

Remarks:

#### 3. Other: **N/A**

Conclusion: Is soil hydric? Yes  No

### Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: **Some standing water pockets**
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: **6"**
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in WL: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: **Buttressed tree roots**

### Vegetation and Hydrology Conclusion

	yes	no
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wetland hydrology present:		
Hydric soil present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other indicators of hydrology present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Sample location is in wetland</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Observation Plot Number: UPL  
Transect Number: 3E



## Wetland Delineation Field Data Form

Applicant: Boy Scouts of America Prepared by: Lucas Environmental, LLC Project Location: 1 Nobscot Road, Sudbury/Framingham

Check all that apply:

- Vegetation alone presumed adequate to delineate wetland boundary: fill out Section I only  
 Vegetation and other indicators of hydrology used to delineate wetland boundary: fill out Sections I and II  
 Method other than dominance test used (attach additional information)

**Section I. Vegetation** Observation Plot Number: UPL Transect Number: 3 @ Flag WFE-217 Date of Data Form: 04/16/2016

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<b>Tree</b>				
Red oak ( <i>Quercus rubra</i> )	38	33.3%	Yes	FACU-
Green ash ( <i>Fraxinus pennsylvanica</i> )	38	33.3%	Yes	FACW*
Eastern white pine ( <i>Pinus strobus</i> )	38	33.3%	Yes	FACU
<b>Saplings</b>				
none				
<b>Shrub</b>				
Black cherry ( <i>Prunus serotina</i> )	38	100%	Yes	FACU
<b>Herbaceous</b>				
Tree clubmoss ( <i>Lycopodium obscurum</i> )	Trace	-	-	
<b>Vines</b>				
none				

\* Use an asterisk to mark indicator plants: plant species listed in the wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

<b>Vegetation conclusion:</b>
Number of dominant wetland indicator plants: <b>1</b> Number of non-wetland indicator plants: <b>3</b>
Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants:    yes <input type="checkbox"/> no <input checked="" type="checkbox"/>

If vegetation alone is presumed adequate to delineate the wetland boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.



Observation Plot Number: UPL  
Transect Number: 3E



## Section II. Indicators of Hydrology

### Hydric Soil Interpretation

#### 1. Soil Survey

Is there a published soil survey for this site? Yes  no

title/date: **Soil Survey of Middlesex County, Massachusetts  
(Survey Area Data: Version 15, September 28, 2015)**

map number: **Not determined. Data retrieved from Web Soil Survey.**

soil type mapped: **71B Ridgebury fine sandy loam, 3 to 8 percent  
slopes, extremely stony**

hydric soil inclusions: **N/A**

Are field observations consistent with soil survey? Yes  no   
Remarks:

#### 2. Soil Description

Horizon	Depth (In.)	Matrix Color	Redox. Features
<b>A</b>	<b>0-6</b>	<b>10YR 2/1</b>	<b>N/A</b>
<b>B</b>	<b>6-13</b>	<b>10YR 4/4</b>	<b>Loamy</b>
<b>C</b>	<b>13-18</b>	<b>10YR6/6</b>	

Remarks: **Refusal at 18".**

3. Other: **N/A**

Conclusion: Is soil hydric? Yes  No

### Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: \_\_\_\_\_
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in WL: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: \_\_\_\_\_

### Vegetation and Hydrology Conclusion

	yes	no
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wetland hydrology present:		
Hydric soil present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other indicators of hydrology present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Sample location is in wetland</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Observation Plot Number: WET  
Transect Number: 4-G



## Wetland Delineation Field Data Form

Applicant: Boy Scouts of America Prepared by: Lucas Environmental, LLC Project Location: 1 Nobscot Road, Sudbury/Framingham

Check all that apply:

- Vegetation alone presumed adequate to delineate wetland boundary: fill out Section I only  
 Vegetation and other indicators of hydrology used to delineate wetland boundary: fill out Sections I and II  
 Method other than dominance test used (attach additional information)

**Section I. Vegetation** Observation Plot Number: WET Transect Number: 4 @ Flag WFG-8 Date of Data Form: 04/16/2016

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<b>Tree</b>				
Red maple ( <i>Acer rubrum</i> )	38	39.3%	Yes	FAC*
Sweet birch ( <i>Betula lenta</i> )	20.5	21.2%	Yes	FACU
Eastern hemlock ( <i>Tsuga Canadensis</i> )	38	39.3%	Yes	FACU
<b>Saplings</b>				
none				
<b>Shrub</b>				
Northern spicebush ( <i>Lindera benzoin</i> )	63	85.7%	Yes	FACW-*
Wych elm ( <i>Ulmus glabra</i> )	10.5	14.3%	No	
<b>Herbaceous</b>				
Skunk cabbage ( <i>Symplocarpus foetidus</i> )	38	100%	Yes	OBL*
<b>Vines</b>				
None				

\* Use an asterisk to mark indicator plants: plant species listed in the wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

<b>Vegetation conclusion:</b>
Number of dominant wetland indicator plants: <b>3</b> Number of non-wetland indicator plants: <b>2</b>
Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants:    yes <input checked="" type="checkbox"/> no <input type="checkbox"/>

If vegetation alone is presumed adequate to delineate the wetland boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

Observation Plot Number: WET  
Transect Number: 4-G



## Section II. Indicators of Hydrology

### Hydric Soil Interpretation

#### 1. Soil Survey

Is there a published soil survey for this site? Yes  no

title/date: **Soil Survey of Middlesex County, Massachusetts  
(Survey Area Data: Version 15, September 28, 2015)**

map number: **Not determined. Data retrieved from Web Soil Survey.**

soil type mapped: **103D – Charlton-Hollis-Rock outcrop complex 15 to  
25 percent slopes**

hydric soil inclusions: **N/A**

Are field observations consistent with soil survey? Yes  no   
Remarks:

#### 2. Soil Description

Horizon	Depth (In.)	Matrix Color	Redox. Features
<b>A</b>	<b>0-14+</b>	<b>10YR 2/1</b>	<b>Mucky Mineral</b>

Remarks:

3. Other: **N/A**

Conclusion: Is soil hydric? Yes  No

### Other Indicators of Hydrology: (check all that apply and describe)

Site inundated: \_\_\_\_\_

Depth to free water in observation hole: \_\_\_\_\_

Depth to soil saturation in observation hole: **4"**

Water marks: \_\_\_\_\_

Drift lines: \_\_\_\_\_

Sediment deposits: \_\_\_\_\_

Drainage patterns in WL: \_\_\_\_\_

Oxidized rhizospheres: \_\_\_\_\_

Water-stained leaves: \_\_\_\_\_

Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_

Other: **Buttressed tree roots**

### Vegetation and Hydrology Conclusion

	yes	no
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Wetland hydrology present:		
Hydric soil present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other indicators of hydrology present	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Sample location is in wetland</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Observation Plot Number: UPL  
Transect Number: 4G



## Wetland Delineation Field Data Form

Applicant: Boy Scouts of America Prepared by: Lucas Environmental, LLC Project Location: 1 Nobscot Road, Sudbury/Framingham

Check all that apply:

- Vegetation alone presumed adequate to delineate wetland boundary: fill out Section I only  
 Vegetation and other indicators of hydrology used to delineate wetland boundary: fill out Sections I and II  
 Method other than dominance test used (attach additional information)

**Section I. Vegetation** Observation Plot Number: UPL Transect Number: 4 @ Flag WFG-8 Date of Data Form: 04/16/2016

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<b>Tree</b>				
Red oak ( <i>Quercus rubra</i> )	38	46.9%	Yes	FACU-
Red maple ( <i>Acer rubrum</i> )	38	46.9%	Yes	FAC*
Slippery elm ( <i>Ulmus rubra</i> )	5	6.1%	No	
<b>Saplings</b>				
none				
<b>Shrub</b>				
Black cherry ( <i>Prunus serotina</i> )	38	78.3%	Yes	FACU
Northern spicebush ( <i>Lindera benzoin</i> )	10.5	21.6%	Yes	FACW-
<b>Herbaceous</b>				
Canada mayflower ( <i>Maianthemum canadense</i> )	5	100%	Yes	FAC-
<b>Vines</b>				
none				

\* Use an asterisk to mark indicator plants: plant species listed in the wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

<b>Vegetation conclusion:</b>
Number of dominant wetland indicator plants: <b>2</b> Number of non-wetland indicator plants: <b>3</b>
Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants:    yes <input type="checkbox"/> no <input checked="" type="checkbox"/>

If vegetation alone is presumed adequate to delineate the wetland boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

Observation Plot Number: UPL  
 Transect Number: 4G



## Section II. Indicators of Hydrology

### Hydric Soil Interpretation

#### 1. Soil Survey

Is there a published soil survey for this site? Yes  no

title/date: **Soil Survey of Middlesex County, Massachusetts  
 (Survey Area Data: Version 15, September 28, 2015)**

map number: **Not determined. Data retrieved from Web Soil Survey.**

soil type mapped: **103D – Charlton-Hollis-Rock outcrop complex 15 to  
 25 percent slopes**

hydric soil inclusions: **N/A**

Are field observations consistent with soil survey? Yes  no

Remarks:

#### 2. Soil Description

Horizon	Depth (In.)	Matrix Color	Redox. Features
<b>A</b>	<b>0-8</b>	<b>10YR 3/2</b>	<b>N/A</b>
<b>B</b>	<b>8-15</b>	<b>7.5YR 4/6</b>	<b>Loamy</b>

Remarks:

3. Other: **N/A**

Conclusion: Is soil hydric? Yes  No

### Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: \_\_\_\_\_
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in WL: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: \_\_\_\_\_

<b>Vegetation and Hydrology Conclusion</b>		yes	no
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Wetland hydrology present:			
Hydric soil present	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other indicators of hydrology present	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Sample location is in wetland</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Observation Plot Number: WET  
 Transect Number: 5-K



## Wetland Delineation Field Data Form

Applicant: Boy Scouts of America Prepared by: Lucas Environmental, LLC Project Location: 1 Nobscot Road, Sudbury/Framingham

Check all that apply:

- Vegetation alone presumed adequate to delineate wetland boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate wetland boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

**Section I. Vegetation** Observation Plot Number: WET Transect Number: 5 @ Flag WFK-125 Date of Data Form: 04/16/2016

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<b>Tree</b>				
Red maple ( <i>Acer rubrum</i> )	63	62.3%	Yes	FAC*
Eastern white pine ( <i>Pinus strobus</i> )	38	37.6%	Yes	FACU
<b>Saplings</b>				
none				
<b>Shrub</b>				
Tartarian honeysuckle ( <i>Lonicera tatarica</i> )	10.5	18.6%	No	
Wych elm ( <i>Ulmus glabra</i> )	20.5	36.3%	Yes	FACU
Red maple ( <i>Acer rubrum</i> )	5	8.8%	No	
Glossy buckthorn ( <i>Rhamnus frangula</i> )	20.5	36.3%	Yes	FAC*
<b>Herbaceous</b>				
Poison ivy ( <i>Toxicodendron radicans</i> )	38	100%	Yes	FAC*
Sphagnum moss ( <i>Sphagnum sp.</i> )	Trace	-	-	
Canada mayflower ( <i>Maianthemum canadense</i> )	Trace	-	-	
<b>Vines</b>				
American bittersweet ( <i>Celastrus scandens</i> )	38	64.9%		FACU-
New England blackberry ( <i>Rubus semisetosus</i> )	20.5	35%		FAC*

\* Use an asterisk to mark indicator plants: plant species listed in the wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

**Vegetation conclusion:**  
 Number of dominant wetland indicator plants: **4**                      Number of non-wetland indicator plants: **3**  
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants:    yes                       no

*If vegetation alone is presumed adequate to delineate the wetland boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.*



Observation Plot Number: WET  
Transect Number: 5-K



## Section II. Indicators of Hydrology

### Hydric Soil Interpretation

#### 1. Soil Survey

Is there a published soil survey for this site? Yes  no

title/date: **Soil Survey of Middlesex County, Massachusetts  
(Survey Area Data: Version 15, September 28, 2015)**

map number: **Not determined. Data retrieved from Web Soil Survey.**

soil type mapped: **255B – Windsor loamy sand, 3 to 8 percent slopes**

hydric soil inclusions: **N/A**

Are field observations consistent with soil survey? Yes  no   
Remarks:

#### 2. Soil Description

Horizon	Depth (In.)	Matrix Color	Redox. Features
<b>A</b>	<b>0-12"</b>	<b>10YR 3/2</b>	
<b>B</b>	<b>12-16"</b>	<b>10YR4/3</b>	

Remarks:

#### 3. Other: N/A

Conclusion: Is soil hydric? Yes  No

### Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: **8"**
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in WL: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: **Buttressed tree roots**

### Vegetation and Hydrology Conclusion

	yes	no
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wetland hydrology present:		
Hydric soil present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other indicators of hydrology present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Sample location is in wetland</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Observation Plot Number: UPL  
Transect Number: 5K



## Wetland Delineation Field Data Form

Applicant: Boy Scouts of America Prepared by: Lucas Environmental, LLC Project Location: 1 Nobscot Road, Sudbury/Framingham

Check all that apply:

- Vegetation alone presumed adequate to delineate wetland boundary: fill out Section I only  
 Vegetation and other indicators of hydrology used to delineate wetland boundary: fill out Sections I and II  
 Method other than dominance test used (attach additional information)

**Section I. Vegetation** Observation Plot Number: UPL Transect Number: 5 @ Flag WFK-127 Date of Data Form: 04/16/2016

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<b>Tree</b>				
White oak ( <i>Quercus alba</i> )	38	37.6%	Yes	FACU-
Eastern white pine ( <i>Pinus strobus</i> )	63	62.4%	Yes	FACU
<b>Saplings</b>				
Shagbark hickory ( <i>Carya ovata</i> )	5	100%	Yes	FACU-
<b>Shrub</b>				
Eastern burning-bush ( <i>Euonymus atropurpureus</i> )	63	85.7%	Yes	FACU
Highbush blueberry ( <i>Vaccinium corymbosum</i> )	10.5	14.3%	Yes	FACW-*
<b>Herbaceous</b>				
none				
<b>Vines</b>				
American bittersweet ( <i>Celastrus scandens</i> )	38	100%	Yes	FACU-

\* Use an asterisk to mark indicator plants: plant species listed in the wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

<b>Vegetation conclusion:</b>
Number of dominant wetland indicator plants: <b>1</b> Number of non-wetland indicator plants: <b>5</b>
Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants:    yes <input type="checkbox"/> no <input checked="" type="checkbox"/>

If vegetation alone is presumed adequate to delineate the wetland boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

Observation Plot Number: UPL  
Transect Number: 5K



## Section II. Indicators of Hydrology

### Hydric Soil Interpretation

#### 1. Soil Survey

Is there a published soil survey for this site? Yes  no

title/date: **Soil Survey of Middlesex County, Massachusetts  
(Survey Area Data: Version 15, September 28, 2015)**

map number: **Not determined. Data retrieved from Web Soil Survey.**

soil type mapped: **255B – Windsor loamy sand, 3 to 8 percent slopes**

hydric soil inclusions: **N/A**

Are field observations consistent with soil survey? Yes  no   
Remarks:

#### 2. Soil Description

Horizon	Depth (In.)	Matrix Color	Redox. Features
<b>A</b>	<b>0-12+</b>	<b>10YR 3/3</b>	<b>N/A</b>

Remarks: **met resistance at 12"**

#### 3. Other: **N/A**

Conclusion: Is soil hydric? Yes  No

### Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: \_\_\_\_\_
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in WL: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: \_\_\_\_\_

### Vegetation and Hydrology Conclusion

	yes	no
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wetland hydrology present:		
Hydric soil present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other indicators of hydrology present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Sample location is in wetland</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>





## WETLAND DELINEATION FIELD DATA FORM

Observation Plot Number: WFE-410

Transect Number: WET-6

Applicant: Boy Scouts of America Prepared by: Lucas Environmental, LLC Project Location: 1 Nobscot Road, Sudbury/Framingham

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

### SECTION I. VEGETATION

Date of Delineation: March 16, 2022

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<b><u>Tree</u></b>				
Red Maple ( <i>Acer rubrum</i> )	63.0	85.7%	YES	FAC*
Eastern White Pine ( <i>Pinus strobus</i> )	10.5	14.3%	NO	FACU
<b><u>Saplings</u></b>				
Eastern White Pine ( <i>Pinus strobus</i> )	10.5	100%	YES	FACU
<b><u>Shrubs</u></b>				
Common Winterberry ( <i>Ilex verticillata</i> )	20.5	50%	YES	FACW*
Yellow Birch ( <i>Betula alleghaniensis</i> )	20.5	50%	YES	FAC*
<b><u>Herbaceous</u></b>				
Cinnamon Fern ( <i>Osmunda cinnamomea</i> )	63.0	100%	YES	FACW*
<b><u>Vines</u></b>				
None				

\* Use an asterisk to mark indicator plants: plant species listed in the wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

**Vegetation conclusion:**  
 Number of dominant wetland indicator plants: **4**                      Number of dominant non-wetland indicator plants: **1**  
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants:    YES                       NO



# WETLAND DELINEATION FIELD DATA FORM

Observation Plot Number: WFE-410

Transect Number: WET-6

## SECTION II. INDICATORS OF HYDROLOGY

### Hydric Soil Interpretation

#### 1. Soil Survey

Is there a published soil survey for this site? YES  NO

Title/Date: **Custom Soil Resource Report for Middlesex County, Massachusetts. (GIS Data from the Soil Survey Geographic - SSURGO data base produced by the USDA, NRCS) Accessed online March 14, 2022**

Map Number/Soil Type Mapped:  
**71B—Ridgebury fine sandy loam, 3 to 8% slopes, extremely stony**

Hydric Soil Inclusions: **No, mapped soil in this location is hydric.**

Are field observations consistent with soil survey? YES  NO   
Remarks:

#### 2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
Litter	1-0"		
Oe	0-2"	Black	
A	2-12"	10YR 3/1	7.5YR 4/6
<b>Refusal at 12"</b>			

Remarks: **Sandy loam**

#### 3. Other:

Conclusion: Is soil hydric? YES  NO

### Other Indicators of Hydrology:

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: **Saturated to surface**
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in BVW: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: **Buttressed tree roots, mossy tree trunks**

Vegetation and Hydrology Conclusion	YES	NO
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hydric soils present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other indicators of hydrology present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Sample location is in BVW</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



## WETLAND DELINEATION FIELD DATA FORM

Observation Plot Number: WFE-410

Transect Number: UPL-6

Applicant: Boy Scouts of America Prepared by: Lucas Environmental, LLC Project Location: 1 Nobscot Road, Sudbury/Framingham

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

### SECTION I. VEGETATION

Date of Delineation: March 16, 2022

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<b><u>Tree</u></b>				
Red Oak ( <i>Quercus rubra</i> )	85.5	80.6%	YES	FACU
Black Birch ( <i>Betula lenta</i> )	20.5	19.3%	NO	FACU
<b><u>Saplings</u></b>				
None	-	-	-	-
<b><u>Shrubs</u></b>				
Eastern White Pine ( <i>Pinus strobus</i> )	20.5	100%	YES	FACU
<b><u>Herbaceous</u></b>				
Tree-clubmoss ( <i>Lycopodium dendroideum</i> )	20.5	49.4%	YES	FACU
Eastern White Pine ( <i>Pinus strobus</i> )	10.5	25.3%	YES	FACU
Black Huckleberry ( <i>Gaylussacia baccata</i> )	10.5	25.3%	YES	FACU
<b><u>Vines</u></b>				
None				

\* Use an asterisk to mark indicator plants: plant species listed in the wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

**Vegetation conclusion:**  
 Number of dominant wetland indicator plants: **0**                      Number of non-wetland indicator plants: **5**  
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants:    YES                       NO





# WETLAND DELINEATION FIELD DATA FORM

Observation Plot Number: WFE-410

Transect Number: UPL-6

## SECTION II. INDICATORS OF HYDROLOGY

### Hydric Soil Interpretation

#### 1. Soil Survey

Is there a published soil survey for this site? YES  NO

Title/Date: **Custom Soil Resource Report for Middlesex County, Massachusetts. (GIS Data from the Soil Survey Geographic - SSURGO data base produced by the USDA, NRCS) Accessed online March 14, 2022**

Map Number/Soil Type Mapped:

Hydric Soil Inclusions: **No, mapped soil in this location is hydric.**

Are field observations consistent with soil survey? YES  NO

Remarks:

#### 2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
<b>A</b>	<b>0-4"</b>	<b>10YR 2/1</b>	
<b>B1</b>	<b>4-8"</b>	<b>7.5YR 5/3</b>	
<b>B2</b>	<b>8-12"+</b>	<b>10YR 6/8</b>	

Remarks: **Sandy and fine sandy loam**

#### 3. Other:

Conclusion: Is soil hydric? YES  NO

### Other Indicators of Hydrology:

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: \_\_\_\_\_
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in BVW: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: \_\_\_\_\_

Vegetation and Hydrology Conclusion	YES	NO
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hydric soils present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other indicators of hydrology present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Sample location is in BVW</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



## WETLAND DELINEATION FIELD DATA FORM

Observation Plot Number: WFL-203

Transect Number: WET-7

Applicant: Boy Scouts of America Prepared by: Lucas Environmental, LLC Project Location: 1 Nobscot Road, Sudbury/Framingham

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

### SECTION I. VEGETATION

Date of Delineation: March 16, 2022

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<b><u>Tree</u></b>				
Red Maple ( <i>Acer rubrum</i> )	63.0	67.0%	YES	FAC*
Yellow Birch ( <i>Betula alleghaniensis</i> )	20.5	21.8%	NO	FAC*
Black Birch ( <i>Betula lenta</i> )	10.5	11.2%	NO	FACU
<b><u>Saplings</u></b>				
None	-	-	-	-
<b><u>Shrubs</u></b>				
Common Winterberry ( <i>Ilex verticillata</i> )	20.5	50%	YES	FACW*
Yellow Birch ( <i>Betula alleghaniensis</i> )	20.5	50%	YES	FAC*
<b><u>Herbaceous</u></b>				
Cinnamon Fern ( <i>Osmunda cinnamomea</i> )	85.5	89.1%	YES	FACW*
Eastern White Pine ( <i>Pinus strobus</i> )	10.5	10.9%	NO	FACU
<b><u>Vines</u></b>				
None	-	-	-	-

\* Use an asterisk to mark indicator plants: plant species listed in the wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

**Vegetation conclusion:**  
 Number of dominant wetland indicator plants: **4**                      Number of dominant non-wetland indicator plants: **0**  
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants:    YES                       NO



## WETLAND DELINEATION FIELD DATA FORM

Observation Plot Number: WFL-203

Transect Number: WET-7

### SECTION II. INDICATORS OF HYDROLOGY

#### Hydric Soil Interpretation

##### 1. Soil Survey

Is there a published soil survey for this site? YES  NO

Title/Date: **Custom Soil Resource Report for Middlesex County, Massachusetts. (GIS Data from the Soil Survey Geographic - SSURGO data base produced by the USDA, NRCS) Accessed online March 14, 2022**

Map Number/Soil Type Mapped:  
**71B—Ridgebury fine sandy loam, 3 to 8% slopes, extremely stony**

Hydric Soil Inclusions: **Mapped soil in this location is hydric.**

Are field observations consistent with soil survey? YES  NO   
Remarks:

##### 2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
Litter	1-0"		
Oa	0-6"	Black	
A	6-16"	10YR 5/2	10YR 6/1 10YR 4/6

Remarks: **Sandy loam**

##### 3. Other:

Conclusion: Is soil hydric? YES  NO

#### Other Indicators of Hydrology:

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: **Saturated to surface**
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in BVW: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: **Buttressed tree roots, mossy tree trunks**

#### Vegetation and Hydrology Conclusion

	YES	NO
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hydric soils present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other indicators of hydrology present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Sample location is in BVW</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>





## WETLAND DELINEATION FIELD DATA FORM

Observation Plot Number: WFL-203

Transect Number: UPL-7

Applicant: Boy Scouts of America Prepared by: Lucas Environmental, LLC Project Location: 1 Nobscot Road, Sudbury/Framingham

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

### SECTION I. VEGETATION

Date of Delineation: March 16, 2022

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<b><u>Tree</u></b>				
Red Oak ( <i>Quercus rubra</i> )	63.0	62.4%	YES	FACU
Yellow Birch ( <i>Betula alleghaniensis</i> )	38.0	37.6%	NO	FAC*
<b><u>Saplings</u></b>				
Eastern White Pine ( <i>Pinus strobus</i> )	10.5	100%	YES	FACU
<b><u>Shrubs</u></b>				
American Witch-hazel ( <i>Hamamelis virginiana</i> )	20.5	100%	YES	FACU
<b><u>Herbaceous</u></b>				
Interrupted Fern ( <i>Osmunda claytoniana</i> )	20.5	66.1%	YES	FAC*
Partidgeberry ( <i>Mitchella repens</i> )	10.5	33.4%	NO	FACU
<b><u>Vines</u></b>				
None	-	-	-	-

\* Use an asterisk to mark indicator plants: plant species listed in the wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

**Vegetation conclusion:**  
 Number of dominant wetland indicator plants: **1**                      Number of non-wetland indicator plants: **3**  
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants:    YES                       NO



## WETLAND DELINEATION FIELD DATA FORM

Observation Plot Number: WFL-203

Transect Number: UPL-7

### SECTION II. INDICATORS OF HYDROLOGY

#### Hydric Soil Interpretation

##### 1. Soil Survey

Is there a published soil survey for this site? YES  NO

Title/Date: **Custom Soil Resource Report for Middlesex County, Massachusetts. (GIS Data from the Soil Survey Geographic - SSURGO data base produced by the USDA, NRCS) Accessed online March 14, 2022**

Map Number/Soil Type Mapped:

Hydric Soil Inclusions: **Mapped soil in this location is hydric.**

Are field observations consistent with soil survey? YES  NO

Remarks:

##### 2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
A	0-1"	10YR 4/2	
B1	1-6"	7.5YR 5/4	
B2	6-12"	7.5YR 5/8	
<b>Refusal at 12"</b>			

Remarks: **Sandy loam**

##### 3. Other:

Conclusion: Is soil hydric? YES  NO

#### Other Indicators of Hydrology:

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: \_\_\_\_\_
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in BVW: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: \_\_\_\_\_

#### Vegetation and Hydrology Conclusion

	YES	NO
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hydric soils present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other indicators of hydrology present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Sample location is in BVW</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DRAINAGE SUMMARY**





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To: Town of Sudbury Conservation Commission,  
Town of Framingham Conservation Commission.

DATE: 8/1/2022

FROM: James Downing

HSH PROJECT NO.: 2016033.01

SUBJECT: Nobscot Scout Reservation Trail – Sudbury/Framingham – Drainage Summary

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## Introduction

The project includes improvements along Ellis Land Trail, Monson Trail, White Ridge Trail, General John Nixon Trail, Ghost Trail, and Nipmuc Trail and Sisson Nature Trail located at 1 Nobscot Road in Sudbury & Framingham Massachusetts. The property is used by the Boy Scouts and is open to the public for hiking throughout the year. The property consists of forested uplands, rock ledges and outcrops, meadows, streams and wetlands. The existing trails are approximately 8-ft to 11-ft wide with an unpaved/gravel surface.

The project's scope involves placing 6-inches or less of gravel/crushed stone on the existing trails to remove rutting and to re-establish an accessible trail to allow for maintenance and emergency access. Water bars are being installed to aid in the stormwater management and prevent erosion. Three existing timber foot bridges will be replaced in kind. The project also includes making improvements around some of the existing cabins on site. These improvements include regrading area around cabins to improve access and to prevent ponding of stormwater around the cabins. Tree stumps will also be removed and grinding. Unpermitted swales that were dug along side of the trails in two areas will also be regraded, check dams added and seeded.

The Soil Map available from the National Resources Conservation Service indicates that the soils within the property include Charlton-Hollis-Rock outcrop complex (8%-15%) & Hollis-Rock outcrop-Charlton complex, (15%-25%) (attached). The majority of the soils within the property have a hydrologic soil group B classification.

## Disposition of Existing Nobscot Trails & Cabins

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The existing conditions of the unpaved trails within the reservation have deteriorated over time and evidence of rutting, erosion and depressions can be seen at low points along the trails. There are no catch basin or manholes structures located along the trails or parking lots. There are seven locations



where the trails cross intermittent streams. The existing seven culverts vary in size from 8"-24" RCP. The existing trails are not crowned and follow the natural slopes of the surrounding topography.

Ponding around the Legion cabin has resulted in basement flooding through the basement windows. There are no stormwater controls for roof runoff.

## Proposed Drainage Condition

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The proposed project will address the swales that were roughly graded last year. The swales will be regraded and included check dams. The swales will be hydroseeded, and erosion control measure such as straw mats fixed in position will be used to establish growth in swales.

The existing unpaved/gravel trails will be improved by remove existing rutting and local depressions. Approximately 6-inch or less of gravel/crushed stone will be added to the trails. The new finish grade of the trails will match the existing and maintain country drainage. The trails will not be crowned with the intent of not concentrating stormwater. Water bars will be used to slow stormwater runoff and promote infiltration within the existing gravel/crushed stone trails. Two sections of drainage pipe will be installed, (1) on Muske Trail to allow for vehicle to transit the area, and (2) in White Ridge Trail to connect to swales to that access to a pedestrian trail can be maintained.

Improvements around the cabins will include limited grading and stump removal. The existing stormwater runoff patterns will remain the same. A stone drip edge will be installed along the front of the Legion cabin to promote infiltration of roof runoff. No impervious surfaces are being proposed.


Erosion control measures will be added on both side of the trails within wetland resource areas and on down gradient slopes. A stormwater checklist is attached to this memo.





## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

### Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

### Water Features



Streams and Canals

### Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

### Background



Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:25,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Middlesex County, Massachusetts

Survey Area Data: Version 16, Sep 14, 2016

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 12, 2014—Sep 28, 2014

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



## Map Unit Legend

Middlesex County, Massachusetts (MA017)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
6A	Scarboro mucky fine sandy loam, 0 to 3 percent slopes	18.0	1.0%
30B	Raynham silt loam, 0 to 5 percent slopes	28.6	1.5%
32B	Wareham loamy fine sand, 0 to 5 percent slopes	20.2	1.1%
33B	Raypol silt loam, 0 to 5 percent slopes	11.8	0.6%
36A	Saco mucky silt loam, 0 to 1 percent slopes	27.3	1.5%
44A	Birdsall mucky silt loam, 0 to 1 percent slopes	1.2	0.1%
51A	Swansea muck, 0 to 1 percent slopes	16.0	0.9%
52A	Freetown muck, 0 to 1 percent slopes	35.7	1.9%
71B	Ridgebury fine sandy loam, 3 to 8 percent slopes, extremely stony	29.6	1.6%
73B	Whitman fine sandy loam, 0 to 3 percent slopes, extremely stony	62.2	3.4%
103B	Charlton-Hollis-Rock outcrop complex, 3 to 8 percent slopes	79.9	4.3%
103C	Charlton-Hollis-Rock outcrop complex, 8 to 15 percent slopes	143.4	7.8%
103D	Charlton-Hollis-Rock outcrop complex, 15 to 25 percent slopes	83.4	4.5%
104C	Hollis-Rock outcrop-Charlton complex, 0 to 15 percent slopes	84.4	4.6%
104D	Hollis-Rock outcrop-Charlton complex, 15 to 25 percent slopes	120.9	6.5%
105E	Rock outcrop-Hollis complex, 3 to 35 percent slopes	18.5	1.0%
106C	Narragansett-Hollis-Rock outcrop complex, 3 to 15 percent slopes	96.2	5.2%
106D	Narragansett-Hollis-Rock outcrop complex, 15 to 25 percent slopes	36.2	2.0%

Middlesex County, Massachusetts (MA017)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
223A	Scio very fine sandy loam, 0 to 3 percent slopes	38.0	2.1%
251B	Haven silt loam, 3 to 8 percent slopes	14.9	0.8%
253B	Hinckley loamy sand, 3 to 8 percent slopes	28.4	1.5%
253C	Hinckley loamy sand, 8 to 15 percent slopes	15.5	0.8%
253D	Hinckley loamy sand, 15 to 25 percent slopes	1.4	0.1%
254A	Merrimac fine sandy loam, 0 to 3 percent slopes	8.9	0.5%
254B	Merrimac fine sandy loam, 3 to 8 percent slopes	11.3	0.6%
254C	Merrimac fine sandy loam, 8 to 15 percent slopes	12.4	0.7%
255A	Windsor loamy sand, 0 to 3 percent slopes	1.3	0.1%
255B	Windsor loamy sand, 3 to 8 percent slopes	62.6	3.4%
255C	Windsor loamy sand, 8 to 15 percent slopes	36.9	2.0%
256A	Deerfield loamy sand, 0 to 3 percent slopes	50.4	2.7%
256B	Deerfield loamy sand, 3 to 8 percent slopes	3.3	0.2%
260B	Sudbury fine sandy loam, 3 to 8 percent slopes	1.9	0.1%
261A	Tisbury silt loam, 0 to 3 percent slopes	23.3	1.3%
261B	Tisbury silt loam, 3 to 8 percent slopes	1.1	0.1%
315B	Scituate fine sandy loam, 3 to 8 percent slopes	17.8	1.0%
317B	Scituate fine sandy loam, 3 to 8 percent slopes, extremely stony	20.3	1.1%
320B	Birchwood fine sandy loam, 3 to 8 percent slopes	6.7	0.4%
336B	Rainbow silt loam, 3 to 8 percent slopes, very stony	7.2	0.4%
340B	Broadbrook very fine sandy loam, 3 to 8 percent slopes	4.8	0.3%
340D	Broadbrook very fine sandy loam, 8 to 25 percent slopes	41.2	2.2%
341B	Broadbrook very fine sandy loam, 3 to 8 percent slopes, very stony	24.0	1.3%

<b>Middlesex County, Massachusetts (MA017)</b>			
<b>Map Unit Symbol</b>	<b>Map Unit Name</b>	<b>Acres in AOI</b>	<b>Percent of AOI</b>
341C	Broadbrook very fine sandy loam, 8 to 15 percent slopes, very stony	35.7	1.9%
341D	Broadbrook very fine sandy loam, 15 to 25 percent slopes, very stony	65.6	3.6%
405B	Charlton fine sandy loam, 3 to 8 percent slopes	7.6	0.4%
415B	Narragansett silt loam, 3 to 8 percent slopes	51.5	2.8%
415C	Narragansett silt loam, 8 to 15 percent slopes	11.1	0.6%
415D	Narragansett silt loam, 15 to 25 percent slopes	53.4	2.9%
416C	Narragansett silt loam, 8 to 15 percent slopes, very stony	41.1	2.2%
416D	Narragansett silt loam, 15 to 25 percent slopes, very stony	62.0	3.4%
622C	Paxton-Urban land complex, 3 to 15 percent slopes	7.3	0.4%
624B	Haven-Urban land complex, 0 to 8 percent slopes	6.1	0.3%
626B	Merrimac-Urban land complex, 0 to 8 percent slopes	128.7	7.0%
656	Udorthents-Urban land complex	30.5	1.6%
<b>Totals for Area of Interest</b>		<b>1,847.6</b>	<b>100.0%</b>

**Illicit Discharge Compliance Statement**

**Project Name:** 1 Nobscot Road, Sudbury, MA

By signing this statement, I confirm that no illicit discharges (as defined in Section 40 CFR 122.34(b)(3) of the Phase II Stormwater Regulations under the Clean Water Act) are proposed to enter the stormwater system at 1 Nobscot Road, Sudbury. Illicit discharge detection and elimination procedures will be implemented routinely by visual inspections to prevent illicit discharges into the stormwater system. All personnel working at 1 Nobscot Road will be informed of the illicit discharge detection and elimination procedures and that no illicit discharges are allowed to enter the stormwater system.

Signature: 

Title: Camping and Program Director

Date: 7/29/22

Company: Mayflower Council Boy Scouts of America

Address:  
1 Nobscot Road, Sudbury, MA

Telephone Number: (508) 217 4618

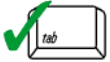




# Checklist for Stormwater Report

## A. Introduction

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A Stormwater Report must be submitted with the Notice of Intent permit application to document compliance with the Stormwater Management Standards. The following checklist is NOT a substitute for the Stormwater Report (which should provide more substantive and detailed information) but is offered here as a tool to help the applicant organize their Stormwater Management documentation for their Report and for the reviewer to assess this information in a consistent format. As noted in the Checklist, the Stormwater Report must contain the engineering computations and supporting information set forth in Volume 3 of the [Massachusetts Stormwater Handbook](#). The Stormwater Report must be prepared and certified by a Registered Professional Engineer (RPE) licensed in the Commonwealth.

The Stormwater Report must include:

- The Stormwater Checklist completed and stamped by a Registered Professional Engineer (see page 2) that certifies that the Stormwater Report contains all required submittals.<sup>1</sup> This Checklist is to be used as the cover for the completed Stormwater Report.
- Applicant/Project Name
- Project Address
- Name of Firm and Registered Professional Engineer that prepared the Report
- Long-Term Pollution Prevention Plan required by Standards 4-6
- Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan required by Standard 8<sup>2</sup>
- Operation and Maintenance Plan required by Standard 9

In addition to all plans and supporting information, the Stormwater Report must include a brief narrative describing stormwater management practices, including environmentally sensitive site design and LID techniques, along with a diagram depicting runoff through the proposed BMP treatment train. Plans are required to show existing and proposed conditions, identify all wetland resource areas, NRCS soil types, critical areas, Land Uses with Higher Potential Pollutant Loads (LUHPPL), and any areas on the site where infiltration rate is greater than 2.4 inches per hour. The Plans shall identify the drainage areas for both existing and proposed conditions at a scale that enables verification of supporting calculations.

As noted in the Checklist, the Stormwater Management Report shall document compliance with each of the Stormwater Management Standards as provided in the Massachusetts Stormwater Handbook. The soils evaluation and calculations shall be done using the methodologies set forth in Volume 3 of the Massachusetts Stormwater Handbook.

To ensure that the Stormwater Report is complete, applicants are required to fill in the Stormwater Report Checklist by checking the box to indicate that the specified information has been included in the Stormwater Report. If any of the information specified in the checklist has not been submitted, the applicant must provide an explanation. The completed Stormwater Report Checklist and Certification must be submitted with the Stormwater Report.

<sup>1</sup> The Stormwater Report may also include the Illicit Discharge Compliance Statement required by Standard 10. If not included in the Stormwater Report, the Illicit Discharge Compliance Statement must be submitted prior to the discharge of stormwater runoff to the post-construction best management practices.

<sup>2</sup> For some complex projects, it may not be possible to include the Construction Period Erosion and Sedimentation Control Plan in the Stormwater Report. In that event, the issuing authority has the discretion to issue an Order of Conditions that approves the project and includes a condition requiring the proponent to submit the Construction Period Erosion and Sedimentation Control Plan before commencing any land disturbance activity on the site.



# Checklist for Stormwater Report

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## B. Stormwater Checklist and Certification

The following checklist is intended to serve as a guide for applicants as to the elements that ordinarily need to be addressed in a complete Stormwater Report. The checklist is also intended to provide conservation commissions and other reviewing authorities with a summary of the components necessary for a comprehensive Stormwater Report that addresses the ten Stormwater Standards.

*Note:* Because stormwater requirements vary from project to project, it is possible that a complete Stormwater Report may not include information on some of the subjects specified in the Checklist. If it is determined that a specific item does not apply to the project under review, please note that the item is not applicable (N.A.) and provide the reasons for that determination.

A complete checklist must include the Certification set forth below signed by the Registered Professional Engineer who prepared the Stormwater Report.

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### Registered Professional Engineer's Certification

I have reviewed the Stormwater Report, including the soil evaluation, computations, Long-term Pollution Prevention Plan, the Construction Period Erosion and Sedimentation Control Plan (if included), the Long-term Post-Construction Operation and Maintenance Plan, the Illicit Discharge Compliance Statement (if included) and the plans showing the stormwater management system, and have determined that they have been prepared in accordance with the requirements of the Stormwater Management Standards as further elaborated by the Massachusetts Stormwater Handbook. I have also determined that the information presented in the Stormwater Checklist is accurate and that the information presented in the Stormwater Report accurately reflects conditions at the site as of the date of this permit application.

Registered Professional Engineer Block and Signature



07/29/2022

Signature and Date

---

## Checklist

**Project Type:** Is the application for new development, redevelopment, or a mix of new and redevelopment?

- New development
- Redevelopment
- Mix of New Development and Redevelopment



# Checklist for Stormwater Report

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## Checklist (continued)

**LID Measures:** Stormwater Standards require LID measures to be considered. Document what environmentally sensitive design and LID Techniques were considered during the planning and design of the project:

- No disturbance to any Wetland Resource Areas
- Site Design Practices (e.g. clustered development, reduced frontage setbacks)
- Reduced Impervious Area (Redevelopment Only)
- Minimizing disturbance to existing trees and shrubs
- LID Site Design Credit Requested:
  - Credit 1
  - Credit 2
  - Credit 3
- Use of “country drainage” versus curb and gutter conveyance and pipe
- Bioretention Cells (includes Rain Gardens)
- Constructed Stormwater Wetlands (includes Gravel Wetlands designs)
- Treebox Filter
- Water Quality Swale
- Grass Channel
- Green Roof
- Other (describe): \_\_\_\_\_

### Standard 1: No New Untreated Discharges

- No new untreated discharges
- Outlets have been designed so there is no erosion or scour to wetlands and waters of the Commonwealth
- Supporting calculations specified in Volume 3 of the Massachusetts Stormwater Handbook included.



# Checklist for Stormwater Report

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## Checklist (continued)

### Standard 2: Peak Rate Attenuation

- Standard 2 waiver requested because the project is located in land subject to coastal storm flowage and stormwater discharge is to a wetland subject to coastal flooding.
- Evaluation provided to determine whether off-site flooding increases during the 100-year 24-hour storm.
- Calculations provided to show that post-development peak discharge rates do not exceed pre-development rates for the 2-year and 10-year 24-hour storms. If evaluation shows that off-site flooding increases during the 100-year 24-hour storm, calculations are also provided to show that post-development peak discharge rates do not exceed pre-development rates for the 100-year 24-hour storm.

### Standard 3: Recharge

- Soil Analysis provided.
- Required Recharge Volume calculation provided.
- Required Recharge volume reduced through use of the LID site Design Credits.
- Sizing the infiltration, BMPs is based on the following method: Check the method used.
  - Static
  - Simple Dynamic
  - Dynamic Field<sup>1</sup>
- Runoff from all impervious areas at the site discharging to the infiltration BMP.
- Runoff from all impervious areas at the site is *not* discharging to the infiltration BMP and calculations are provided showing that the drainage area contributing runoff to the infiltration BMPs is sufficient to generate the required recharge volume.
- Recharge BMPs have been sized to infiltrate the Required Recharge Volume.
- Recharge BMPs have been sized to infiltrate the Required Recharge Volume *only* to the maximum extent practicable for the following reason:
  - Site is comprised solely of C and D soils and/or bedrock at the land surface
  - M.G.L. c. 21E sites pursuant to 310 CMR 40.0000
  - Solid Waste Landfill pursuant to 310 CMR 19.000
  - Project is otherwise subject to Stormwater Management Standards only to the maximum extent practicable.
- Calculations showing that the infiltration BMPs will drain in 72 hours are provided.
- Property includes a M.G.L. c. 21E site or a solid waste landfill and a mounding analysis is included.

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<sup>1</sup> 80% TSS removal is required prior to discharge to infiltration BMP if Dynamic Field method is used.





# Checklist for Stormwater Report

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## Checklist (continued)

### Standard 3: Recharge (continued)

- The infiltration BMP is used to attenuate peak flows during storms greater than or equal to the 10-year 24-hour storm and separation to seasonal high groundwater is less than 4 feet and a mounding analysis is provided.
- Documentation is provided showing that infiltration BMPs do not adversely impact nearby wetland resource areas.

### Standard 4: Water Quality

The Long-Term Pollution Prevention Plan typically includes the following:

- Good housekeeping practices;
  - Provisions for storing materials and waste products inside or under cover;
  - Vehicle washing controls;
  - Requirements for routine inspections and maintenance of stormwater BMPs;
  - Spill prevention and response plans;
  - Provisions for maintenance of lawns, gardens, and other landscaped areas;
  - Requirements for storage and use of fertilizers, herbicides, and pesticides;
  - Pet waste management provisions;
  - Provisions for operation and management of septic systems;
  - Provisions for solid waste management;
  - Snow disposal and plowing plans relative to Wetland Resource Areas;
  - Winter Road Salt and/or Sand Use and Storage restrictions;
  - Street sweeping schedules;
  - Provisions for prevention of illicit discharges to the stormwater management system;
  - Documentation that Stormwater BMPs are designed to provide for shutdown and containment in the event of a spill or discharges to or near critical areas or from LUHPPL;
  - Training for staff or personnel involved with implementing Long-Term Pollution Prevention Plan;
  - List of Emergency contacts for implementing Long-Term Pollution Prevention Plan.
- A Long-Term Pollution Prevention Plan is attached to Stormwater Report and is included as an attachment to the Wetlands Notice of Intent.
  - Treatment BMPs subject to the 44% TSS removal pretreatment requirement and the one inch rule for calculating the water quality volume are included, and discharge:
    - is within the Zone II or Interim Wellhead Protection Area
    - is near or to other critical areas
    - is within soils with a rapid infiltration rate (greater than 2.4 inches per hour)
    - involves runoff from land uses with higher potential pollutant loads.
  - The Required Water Quality Volume is reduced through use of the LID site Design Credits.
  - Calculations documenting that the treatment train meets the 80% TSS removal requirement and, if applicable, the 44% TSS removal pretreatment requirement, are provided.



# Checklist for Stormwater Report

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## Checklist (continued)

### Standard 4: Water Quality (continued)

- The BMP is sized (and calculations provided) based on:
  - The ½" or 1" Water Quality Volume or
  - The equivalent flow rate associated with the Water Quality Volume and documentation is provided showing that the BMP treats the required water quality volume.
- The applicant proposes to use proprietary BMPs, and documentation supporting use of proprietary BMP and proposed TSS removal rate is provided. This documentation may be in the form of the propriety BMP checklist found in Volume 2, Chapter 4 of the Massachusetts Stormwater Handbook and submitting copies of the TARP Report, STEP Report, and/or other third party studies verifying performance of the proprietary BMPs.
- A TMDL exists that indicates a need to reduce pollutants other than TSS and documentation showing that the BMPs selected are consistent with the TMDL is provided.

### Standard 5: Land Uses With Higher Potential Pollutant Loads (LUHPPLs)

- The NPDES Multi-Sector General Permit covers the land use and the Stormwater Pollution Prevention Plan (SWPPP) has been included with the Stormwater Report.
- The NPDES Multi-Sector General Permit covers the land use and the SWPPP will be submitted **prior to** the discharge of stormwater to the post-construction stormwater BMPs.
- The NPDES Multi-Sector General Permit does **not** cover the land use.
- LUHPPLs are located at the site and industry specific source control and pollution prevention measures have been proposed to reduce or eliminate the exposure of LUHPPLs to rain, snow, snow melt and runoff, and been included in the long term Pollution Prevention Plan.
- All exposure has been eliminated.
- All exposure has **not** been eliminated and all BMPs selected are on MassDEP LUHPPL list.
- The LUHPPL has the potential to generate runoff with moderate to higher concentrations of oil and grease (e.g. all parking lots with >1000 vehicle trips per day) and the treatment train includes an oil grit separator, a filtering bioretention area, a sand filter or equivalent.

### Standard 6: Critical Areas

- The discharge is near or to a critical area and the treatment train includes only BMPs that MassDEP has approved for stormwater discharges to or near that particular class of critical area.
- Critical areas and BMPs are identified in the Stormwater Report.



# Checklist for Stormwater Report

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## Checklist (continued)

### Standard 7: Redevelopments and Other Projects Subject to the Standards only to the maximum extent practicable

- The project is subject to the Stormwater Management Standards only to the maximum Extent Practicable as a:
  - Limited Project
  - Small Residential Projects: 5-9 single family houses or 5-9 units in a multi-family development provided there is no discharge that may potentially affect a critical area.
  - Small Residential Projects: 2-4 single family houses or 2-4 units in a multi-family development with a discharge to a critical area
  - Marina and/or boatyard provided the hull painting, service and maintenance areas are protected from exposure to rain, snow, snow melt and runoff
  - Bike Path and/or Foot Path
- Redevelopment Project
- Redevelopment portion of mix of new and redevelopment.
- Certain standards are not fully met (Standard No. 1, 8, 9, and 10 must always be fully met) and an explanation of why these standards are not met is contained in the Stormwater Report.
- The project involves redevelopment and a description of all measures that have been taken to improve existing conditions is provided in the Stormwater Report. The redevelopment checklist found in Volume 2 Chapter 3 of the Massachusetts Stormwater Handbook may be used to document that the proposed stormwater management system (a) complies with Standards 2, 3 and the pretreatment and structural BMP requirements of Standards 4-6 to the maximum extent practicable and (b) improves existing conditions.

### Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control

A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan must include the following information:

- Narrative;
  - Construction Period Operation and Maintenance Plan;
  - Names of Persons or Entity Responsible for Plan Compliance;
  - Construction Period Pollution Prevention Measures;
  - Erosion and Sedimentation Control Plan Drawings;
  - Detail drawings and specifications for erosion control BMPs, including sizing calculations;
  - Vegetation Planning;
  - Site Development Plan;
  - Construction Sequencing Plan;
  - Sequencing of Erosion and Sedimentation Controls;
  - Operation and Maintenance of Erosion and Sedimentation Controls;
  - Inspection Schedule;
  - Maintenance Schedule;
  - Inspection and Maintenance Log Form.
- A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan containing the information set forth above has been included in the Stormwater Report.



# Checklist for Stormwater Report

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## Checklist (continued)

### Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control (continued)

- The project is highly complex and information is included in the Stormwater Report that explains why it is not possible to submit the Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan with the application. A Construction Period Pollution Prevention and Erosion and Sedimentation Control has **not** been included in the Stormwater Report but will be submitted **before** land disturbance begins.
- The project is **not** covered by a NPDES Construction General Permit.
- The project is covered by a NPDES Construction General Permit and a copy of the SWPPP is in the Stormwater Report.
- The project is covered by a NPDES Construction General Permit but no SWPPP been submitted. The SWPPP will be submitted BEFORE land disturbance begins.

### Standard 9: Operation and Maintenance Plan

- The Post Construction Operation and Maintenance Plan is included in the Stormwater Report and includes the following information:
  - Name of the stormwater management system owners;
  - Party responsible for operation and maintenance;
  - Schedule for implementation of routine and non-routine maintenance tasks;
  - Plan showing the location of all stormwater BMPs maintenance access areas;
  - Description and delineation of public safety features;
  - Estimated operation and maintenance budget; and
  - Operation and Maintenance Log Form.
- The responsible party is **not** the owner of the parcel where the BMP is located and the Stormwater Report includes the following submissions:
  - A copy of the legal instrument (deed, homeowner's association, utility trust or other legal entity) that establishes the terms of and legal responsibility for the operation and maintenance of the project site stormwater BMPs;
  - A plan and easement deed that allows site access for the legal entity to operate and maintain BMP functions.

### Standard 10: Prohibition of Illicit Discharges

- The Long-Term Pollution Prevention Plan includes measures to prevent illicit discharges;
- An Illicit Discharge Compliance Statement is attached;
- NO Illicit Discharge Compliance Statement is attached but will be submitted **prior to** the discharge of any stormwater to post-construction BMPs.



**KNOX TRAIL COUNCIL  
CONSERVATION RESTRICTION**

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OK  
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**KNOX TRAIL COUNCIL CONSERVATION RESTRICTION  
TO  
SUDBURY VALLEY TRUSTEES, INC. AND TOWN OF SUDBURY, MASSACHUSETTS**

**NOVEMBER 12, 2008**

**I. GRANTOR CLAUSE:**

**KNOX TRAIL COUNCIL, INC.**, Boy Scouts of America, a Massachusetts non-profit corporation with a mailing address of 490 Union Avenue, Framingham, Massachusetts, 01701 (the "**Grantor**", which expression includes its successors and legal assigns), in consideration of Eight Million Six Hundred Thousand Dollars (\$8,600,000.00), the sufficiency of which is hereby acknowledged, acting pursuant to Sections 31, 32 and 33 of Chapter 184 of the General Laws, hereby grants to **SUDBURY VALLEY TRUSTEES, INC.**, a Massachusetts non-profit corporation with a mailing address of 18 Wolbach Road, Sudbury, Massachusetts, 01776 and the **TOWN OF SUDBURY**, a municipal corporation with an address of Town Hall, 322 Concord Road, Sudbury, Massachusetts 01776 acting by and through its Conservation Commission by authority of MGL c. 184, sec. 32 (the "**Grantees**", which expression includes its successors and permitted legal assigns), in perpetuity and exclusively for conservation purposes in accordance with Massachusetts General law Chapter 40, Section 8C and with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts the following described Conservation Restriction on a parcel of land located off Nobscot Road in the Town of Sudbury, Middlesex County, Massachusetts, said parcel being described as "Conservation Restriction Area" (hereinafter referred to as the "Restricted Premises") shown on a Plan of Land in Sudbury entitled "Conservation Restriction Plan, Nobscot Scout Reservation Sudbury, MA" dated September 2, 2008 prepared by Beals and Thomas, Inc., 144 Turnpike Road, Southborough, MA 01772, containing 4 sheets, recorded herewith as Plan No. \_\_\_\_\_ of 2008, in Book \_\_\_\_\_, Page \_\_\_\_\_ (the "Plan"), constituting approximately 303.8 of 315.1 acres (which includes two areas of land not subject to this Conservation Restriction shown as "Unrestricted Area A, 233,620 +/- S.F. or 5.363 AC." and "Unrestricted Area B, 255,544 +/- S.F. or 5.866 AC." on the Plan) and further described in Exhibit A attached hereto.

: urthermore, the following described Conservation Restriction shall specifically apply only to those portions of said parcels as shown as "**Program Zone**" and "**Open Space Zone**" (hereinafter collectively referred to as the "**Restricted Premises**" unless otherwise specified) on the Plan.

For title see Exhibit A.

RETURN TO:  
Office of Town Counsel  
278 Old Sudbury Rd.  
Sudbury, MA 01776

13183

565

Property Address: 0 Nobscot Road, Sudbury, Massachusetts 01776

SEE PLAN NO. 1031 OF 2008

**II. PURPOSES:**

This Conservation Restriction is granted pursuant to Section 31 of Chapter 184 of the Massachusetts General Laws. The purposes of this Conservation Restriction are to assure the Restricted Premises will be retained in perpetuity in its natural, scenic, and open condition for fish and wildlife conservation, natural habitat protection, passive recreational uses, and other conservation uses consistent with the spirit and intent of Massachusetts General Laws Chapter 40 Section 8c and Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, to prevent any use of the Restricted Premises that will significantly impair or interfere with the conservation values thereof, and to allow public access for the enjoyment of the open space resources of the Restricted Premises as specifically provided for herein, and to allow the continuation of the Grantor's programs in accordance with section II.D, below, and uses as allowed herein. The conservation and permanent protection of the Restricted Premises will yield a significant public benefit as follows:

- A. **Protection of Wildlife Habitat.** Approximately 303 acres of varied woodlands, meadows, wetlands, vernal pools, and streams, providing quality wildlife habitat, river and watershed protection, flood prevention and pollution mitigation. Areas of Estimated Habitat of Rare Wildlife and Priority Habitat of Rare Species as identified by the Massachusetts Division of Fisheries and Wildlife's Natural Heritage and Endangered Species Program are located on the Restricted Premises and include two state-listed species.
- B. **Open Space Preservation.** Protection of the Restricted Premises will enhance at least 800 acres of adjacent conservation land owned by the Town of Sudbury, the Town of Framingham, and the Commonwealth of Massachusetts and add to their significance.
- C. **Public Use and Enjoyment.** The Massachusetts Bay Circuit (also known as the "Bay Circuit Trail"), established by Chapter 631 of the Acts of 1956 (a system of privately and publicly owned open spaces surrounding Metropolitan Boston), and connecting trails, cross the Restricted Premises and provide access to the Restricted Premises by the general public on a regular basis. The Restricted Premises are to be used at the discretion and consent of the Grantor by a variety of groups and organizations for a wide variety of educational and passive recreational activities.
- D. **Continuation of Nobscot Reservation.** This Conservation Restriction will also ensure that the Restricted Premises will remain available for the conduct of programs consistent with this Conservation Restriction. The Grantor has operated a Boy Scout camp on its Nobscot property including the Restricted Premises since 1928, and its permanent protection as open space will enable the continued operation of these programs and activities in accordance with standards promulgated by the Boy Scouts of America and in accordance with this Conservation Restriction, and all applicable laws, by-laws, ordinances, rules and regulations. Furthermore, the Grantor and the Grantees agree that the provisions of this Conservation Restriction constitute an appropriate balance between (a) the continued growth and development of the Grantor's programs, (b)

enjoyment of access to the natural environment of the Restricted Premises by members of the public, and (c) protection of the natural environment of the Restricted Premises from development except as otherwise provided for herein, damage and overuse.

**III. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES:**

A. Prohibited Acts and Uses. Subject to the exceptions set forth in Paragraph B below, the Grantor will neither perform, nor allow others to perform the following acts and uses which are prohibited on, above and below the Restricted Premises:

1. Constructing or placing of any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, fences, asphalt or concrete pavement, sign, billboard or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure, utility, or facility on, under, or above the Restricted Premises.
2. Mining, excavating, dredging or removing from the Restricted Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit except as necessary for proper soil conservation and then only in a manner which does not impair the purposes of this Conservation Restriction and subject to the approval of the Grantees.
3. Placing, filling, storing or dumping on the Restricted Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever or the installation of underground storage tanks.
4. Cutting, removing or otherwise destroying trees, shrubs, grasses or other vegetation, including leaf litter, except for removal of invasive species.
5. The purposeful introduction of any invasive exotic plant species identified as such on lists maintained by the Massachusetts Division of Fisheries and Wildlife's Natural Heritage and Endangered Species Program or its successor agencies.
6. The conveyance of a part or portion of the Restricted Premises alone, or the division or subdivision of the Restricted Premises (as compared to the conveyance of the Restricted Premises in its entirety which shall be permitted), provided that no portion of the premises may be used towards building or development requirements on this or any other land, and further provided that the Restricted Premises may be used where applicable to meet front and side yard as well as setback requirements of the Grantor's adjacent premises, but not to satisfy density or open space requirements on the Grantor's remaining premises under any cluster zoning or similar requirements. Grantor understands that no disturbance of any kind may occur on the Restricted Premises in connection with construction on the Grantor's adjacent premises.



7. The use of automobiles, trucks, motorcycles, motorized trail bikes, all-terrain vehicles and snowmobiles, or any other motorized or power-driven vehicles, except as required for property maintenance, emergency purposes or handicapped accessibility.
8. Any commercial, industrial, or institutional use inconsistent with the purposes of this Conservation Restriction.
9. Any other activity on or use of the Restricted Premises that is inconsistent with the purposes of this Conservation Restriction, unless it is a Reserved Right as set forth in Paragraph B below.
10. Activities detrimental to wildlife habitat, drainage, flood control, water conservation, water quality, erosion control or soil conservation.

B. Reserved Rights: Notwithstanding any provisions of Paragraph A above, the Grantor reserves to itself and its successors and assigns the right to conduct or permit the following activities on and uses of the Restricted Premises in a manner that is not inconsistent with the purposes of this Conservation Restriction. All activities of the Grantor shall be conducted in accordance with federal, state and local laws and regulations.

1. Subject to the provisions of Section III B.2 below, the operation of youth and adult development camps and programs and other activities on the Restricted Premises consistent with the mission of the Grantor, including, without limitation, all of the traditional uses and activities of the Grantor, the continuation of which are recognized in this Conservation Restriction as being of public benefit; and to use the Restricted Premises, including all existing and any new permanent structures, buildings and facilities permitted to be located in the Program Zone for such uses, activities, and purposes allowed in this Section III.B, (collectively the "Program Purposes").
2. Exclusively within the "Program Zone" as shown on the Plan:
  - (a) Use of existing structures for Program Purposes, together with routine maintenance, minor repairs and renovations of said structures without limitation. Expansion or replacement of said existing structures, or the construction of similar new facilities, shall be subject to Notice and Approval as outlined in Section IV below except as otherwise provided in this Section III.
  - (b) Subject to Notice and Approval under Section IV, and in accordance with all federal, state and local laws and permits, removal of vegetation in the area labeled "Future Field Area" shown on the Plan for the creation of natural surface recreational play fields, which shall not include any pavement or impervious surface or other permanent structural components. The total aggregate area of the field(s) is limited to not more than 25,000 square feet, as located from time to time within the "Future Field Area".
  - (c) Subject to Notice under Section IV, the Grantor shall have the right to replace,

construct, repair, rehabilitate, demolish, reconstruct, modify, move, use, own, and occupy existing and additional buildings and structures within the Program Zone, subject to the restrictions herein. The total building area measured from the outside of exterior walls of permanent structures (including porches and decks), new or existing, (as opposed to temporary structures referred to in Section III(B)(2)(d)), is limited to not more than 28,000 aggregate gross square feet, without the approval of the Grantees, and no single structure shall exceed 3,000 square feet.

- (d) The repair, maintenance, modification, replacement and use of no more than twenty five (25) temporary structures (defined herein as a structure containing less than 400 square feet as opposed to permanent structures referred to in Section III(B)(2)(c) within the Program Zone), said temporary structures to include climbing towers, lean-to's and camping platforms, including those currently existing and those authorized below in this paragraph. Construction of tent platforms, lean-to's or other similar temporary structures related to the Grantor's programs will be permitted, subject to prior written notification to the Grantees, in the Program Zone, provided no single structure exceeds 400 square feet, without the approval of the Grantees. Periodic relocation of all such temporary structures within the Program Zone to avoid overuse and other detrimental impact on the scenic landscape or ecological integrity of the Restricted Premises shall be permitted, subject to prior written notification to the Grantees.
- (e) The installation, use, maintenance, repair, or replacement of utility infrastructure including pipes, pumps and other utilities incidental to electric supply, water supply, or sewage disposal requirements for structures, uses, and activities permitted in this Section III.B on the Restricted Premises including the construction, use, maintenance, repair and replacement of fences and gates as needed to maintain the integrity of said infrastructure, provided, however, that such fences and gates do not interfere with the passage of wildlife to and from the Restricted Premises or with public access to the Bay Circuit Trail and Tippling Rock Spur Trail as is described in Section VI below.
- (f) Digging of wells for use solely on the Restricted Premises or adjacent property of the Grantor shown as Unrestricted Area A and Unrestricted Area B on the Plan and on other adjacent land of the Grantor shown as "Framingham North Parcel" and "Framingham South Parcel" as shown on the Plan only for uses consistent with uses allowed in the Program Zone as described in this Conservation Restriction.
- (g) The maintenance of existing, unpaved roadways for management and use of the Program Zone without limitation, approximately as shown on Exhibit B.
- (h) Subject to Notice and Approval as outlined in Section IV below, the construction of new, unpaved roadway for management and use of the Program

Zone, including but not limited to turn-around areas and associated drainage structures, so long as the aggregate length of such new roadway does not exceed 3,000 total linear feet. Such new roadway (including any turn-around areas) shall be sufficiently wide to conform to safety needs. Routine maintenance of said road (such as filling pot holes, or plowing for winter access, or other activities that preserve public health and safety) shall be allowed without Notice and Approval as outlined in Section IV.

- (i) Subject to Notice and Approval under Section IV, and in accordance with all federal, state and local laws and permits, limited paving of roadway for public safety emergency response or handicap accessibility, provided however that all other remedies for alternative access and programming have been explored and eliminated. Any paving shall be limited to serve existing structures and program areas as of the date of this Conservation Restriction, and pavement shall be limited to the minimum extent necessary to address the public safety concerns and handicap accessibility issues. All work shall be constructed to acceptable standards of the Town of Sudbury Public Works and Public Safety Departments.
- (j) Subject to Notice under Section IV, the placement or construction of facilities for the development and utilization of renewable energy resources, including but not limited to wind, solar, hydroelectric, methane, and wood alcohol, for use primarily on the Restricted Premises or on other adjacent land of the Grantor shown on the Plan for uses consistent with this Conservation Restriction. Such facilities shall be designed for sufficient capacity to service the Restricted Premises, but sale of excess energy to outside sources shall be permitted.
- (k) The excavation and removal from or the import and placement to the Program Zone of soil, gravel or other mineral resource or natural deposit as may be incidental to the construction, use, maintenance, repair, or replacement of said structures, facilities, road, and utility infrastructure as permitted in this Section III.B and herein described, provided that such activities follow generally accepted soil conservation and good drainage practices and that disturbed areas are re-vegetated with plants not considered to be invasive by any agency of the Massachusetts Executive Office of Energy and Environmental Affairs or its successors.
- (l) Pruning, clearing, mowing, or planting of vegetation required for the construction, use, installation, repair, maintenance, or replacement of said structures, facilities, road, and utility infrastructure as herein described, provided that disturbed areas are re-vegetated with plants not considered to be invasive by any agency of the Massachusetts Executive Office of Energy and Environmental Affairs or its successors.
- (m) Agricultural or animal husbandry activities for educational purposes only, including the grazing and pasturing of livestock; the planting, maintenance, and

harvest of crops or fruit- or nut-bearing trees, including the plowing of agricultural fields and the spreading of livestock manure and compost; and the use and storage of fertilizers, pesticides, herbicides, and fungicides in accordance with all applicable laws. Further, clearing in excess of one (1) acre for such purposes is subject to Notice and Approval as outlined in Section IV below.

- (n) Woodland and forestry operations exclusively within the Program Zone, including but not limited to the selective cutting and planting of trees (provided, however, that trees planted are not considered to be invasive by any agency of the Massachusetts Executive Office of Energy and Environmental Affairs or its successors), conducted in a manner consistent with a forest management plan prepared by a licensed forester and in accordance with sound forest management practices. Grantor shall provide Grantees with a copy of said forest management plan upon Grantees' request.
  - (o) Overnight camping and activities related thereto.
3. Passive, non-motorized outdoor recreation, youth development, and/or educational activities including but not limited to walking and hiking, cross-country skiing, snowshoeing, and nature observation.
  4. Overnight camping substantially consistent with *The Principles of Leave No Trace* (Boy Scouts of America, 2002), a copy of which is attached hereto as Exhibit C.
  5. Activities necessary to the maintenance of the existing ponds, brooks and wetlands, including the removal of silt, earth, clay, loam, debris or invasive exotic species from the ponds.
  6. Pruning, clearing, burning, planting, or seeding of vegetation (provided, however, that planted or seeded vegetation is not considered to be invasive by any agency of the Massachusetts Executive Office of Energy and Environmental Affairs or its successors), or application of herbicides by a licensed applicator incidental to (a) forest fire prevention or management, (b) control or prevention of an imminent hazard to structure or life, (c) control or prevention of a grave or formidable disease, (d) control and removal of invasive or exotic species, (e) trail and road maintenance or establishment, (f) maintaining vistas and views from Tippling Rock, (g) preserving the present condition of the Restricted Premises, or (h) control and removal of poisonous or noxious vegetation; (i) otherwise enhancing or promoting the purposes of this Conservation Restriction.
  7. Excavation and removal from or the import to and placement on the Restricted Premises of soil, gravel or other mineral resource or natural deposit as may be incidental to the maintenance of good drainage or soil conservation practices or to other permissible use of the Restricted Premises, provided that such activities follow generally accepted soil conservation practices and that disturbed areas are re-



vegetated with plants not considered to be invasive by any agency of the Massachusetts Executive Office of Energy and Environmental Affairs or its successors.

8. The storage and/or composting of biodegradable materials such as leaf or brush piles, provided that such materials originated from the Restricted Premises.
9. The construction, use, maintenance, repair, and replacement of fences, gates and trails as needed to maintain the integrity of the Restricted Premises and the uses, structures, facilities, road, and infrastructure allowed therein, provided, however, that such fences and gates do not interfere with the passage of wildlife to and from the Restricted Premises or with the public access to the "Bay Circuit Trail" and "Nobscot Mountain Spur Trail", as described below in Section VI of this Conservation Restriction.
10. Demolition of the existing structure at site #57 as shown on the Plan, and construction of no more than one (1) temporary structure in this location.
11. The construction, erection, use, replacement, and maintenance of signage and kiosks for displaying the rules and regulations regarding the use of the Restricted Premises, communicating information about trail locations, natural and historical features, flora and fauna, or similar educational purposes.
12. Archaeological activities, including without limitation survey, excavation and artifact retrieval, following submission of an archaeological field investigation plan and its approval by the Grantees and any required Massachusetts agencies.
13. The right to use motorized vehicles and equipment necessary for conducting activities and maintenance permitted by the provisions of the Conservation Restriction, or for emergency purposes.
14. The maintenance of presently existing unpaved trails and cart paths located on the Restricted Premises substantially in their present location and condition, as shown on Exhibit B, or as reasonably necessary for the uses permitted herein. Existing trails and cart paths may be expanded and new unpaved cart paths may be installed with Notice and Approval as outlined in Section IV below.
15. Other uses and activities consistent with Section II. D above and not inconsistent with the purposes of this Conservation Restriction, including but not limited to temporary use of the structures and Restricted Premises by groups not affiliated with the Grantor.
16. Subject to Notice under Section IV, all activities reasonably necessary for the exercise of the explicitly permitted acts and uses allowed by Section III(B).

C. Permitted Acts and Uses:

All acts and uses not permitted by Section III Paragraph B are prohibited unless otherwise approved as described in Section IV below.

IV. NOTICE AND APPROVAL:

A. Notice of Intention to Undertake Certain Permitted Actions

Grantor and Grantees agree to notify one another in writing before exercising any right described as a permitted use or activity contemplated herein that explicitly requires notification to the other party. The purpose of said notification is to afford the reviewing party an adequate opportunity to monitor the activities in question and to ensure that they are designed and carried out in a manner that is consistent with the purposes of this Conservation Restriction. Notices in accordance with Section XV(H) below shall be given not less than forty five (45) days prior to the date the notifying party intends to undertake the activity in question. Notices shall describe the nature, scope, design, location, timetable, and any other material aspect of the proposed activity in sufficient detail to permit the reviewing party to make an informed judgment as to its consistency with the provisions of this Conservation Restriction and the Reserved Rights of the Grantor.

B. Approval of Proposed Actions

Before exercising any right described as a permitted use or activity contemplated herein that explicitly requires the approval of the reviewing party in accordance with Section XV(H), said reviewing party shall grant or deny its approval within forty five (45) days from the effective date of the notice described in Section IV Paragraph A above. Approval or denial by the reviewing party shall be in accordance with Section XV Paragraph H. Failure of the reviewing party to respond within said period shall be deemed to constitute approval of the request as submitted, so long as the request sets forth the provisions of this paragraph relating to deemed approval after the passage of time. Approval of the reviewing party may be withheld only upon a reasonable determination by said reviewing party that the action as proposed would materially impair the purposes of the provisions of this Conservation Restriction and/or not authorized as Reserved Rights of the Grantor. Approval of an unreserved prohibited use shall require amendment of this Conservation Restriction in accordance with the provisions of Section XVI.

C. Emergencies.

In the event the activity proposed by Grantor is necessary to address an emergency situation, either to avert environmental degradation, ecological damage or risk to public health and safety, Grantor may act forthwith, and shall provide notice of such action as soon thereafter as reasonably practical.

D. Update of Documentation.

When the notifying party has completed the activity for which reviewing party's approval or notification is required, the notifying party shall provide notification in accordance with Section XV(H) to the reviewing party so that it may update its documentation of the condition of the Restricted Premises.

E. Waiver Before Deadline

Either the notifying party or the reviewing party may extend any time limits by which the other party is to act as set forth in this Section IV and such time limits shall be deemed waived if the notifying party receives the reviewing party's written approval or consent to any action proposed by the notifying party.

V. LEGAL REMEDIES OF THE GRANTEES:

A. Cooperative Dispute Resolution

In the event of a violation of the terms of this Conservation Restriction by any party, except when such violation will cause immediate irreparable harm (in which event the party seeking to enforce the terms of this Conservation Restriction may seek injunctive relief in connection therewith as described in Section V Paragraph C below), such party shall give notice of such alleged violation in accordance with Section XV(H) to the other party, including such particulars as will reasonably permit the party against which enforcement is sought to respond, and request the other party to remedy such violation. If the parties cannot agree within a reasonable period of time, the parties agree to negotiate in good faith to attempt to resolve any dispute making themselves available on a reasonable basis to permit at least two face-to-face meetings.

B. Mediation

If such dispute shall not be resolved by agreement within thirty (30) days of the second such face-to-face meeting, then either party may refer the dispute to mediation by written notification to the other as outlined in Section IV above. Within thirty (30) days of the receipt of such notification, the parties shall select a single trained and impartial mediator. If the parties are unable to agree on the selection of a single mediator, then the Grantor and Grantees shall each name a mediator and these two, within thirty (30) days, shall select a third trained and impartial mediator who shall act as the mediator hereunder. Mediation shall then proceed in accordance with the following guidelines:

1. *Purpose.* The purpose of the mediation is to: (i) promote discussion between the parties; (ii) assist the parties to develop and exchange pertinent information concerning the issues in dispute; and (iii) assist the parties to develop proposals which will enable them to arrive at a mutually acceptable resolution of the controversy, subject to the provisions of Article 97 of the Amendments to the

Constitution of the Commonwealth of Massachusetts and the purposes of this Conservation Restriction.

2. Participation. The mediator may meet with the parties and their counsel jointly or *ex parte*. The parties agree that they will participate in the mediation process in good faith and expeditiously, attending all sessions scheduled by the mediator. Representatives of the parties with settlement authority will attend mediation sessions as requested by the mediator.
3. Confidentiality. Except as may be required by applicable law, all information presented to the mediator shall be deemed confidential and shall be disclosed by the mediator only with the consent of the parties or their respective counsel. The mediator shall not be subject to subpoena by any party. No statements made or documents prepared for mediation sessions shall be disclosed in any subsequent proceeding or construed as an admission of a party.
4. Time Period. Neither party shall be obligated to continue the mediation process beyond a period of ninety (90) days from the date of receipt of the initial request or if the mediator concludes that there is no reasonable likelihood that continuing mediation will result in a mutually agreeable resolution of the dispute.
5. Costs. The costs of the mediator shall be borne equally by Grantor and Grantees; the parties shall bear their own expenses, including attorneys' fees, individually.

C. Legal and Injunctive Relief

1. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Restricted Premises to its condition prior to the time of the injury complained of (it being agreed that the Grantor or Grantees may have no adequate remedy at law), subject to the provisions of Paragraph V(A) and (B).
2. If the violation is not remedied within a reasonable time after such mediation is completed or abandoned, the party seeking enforcement of the terms of this Conservation Restriction may enforce this Conservation Restriction by appropriate legal proceedings, including, without limitation, obtaining injunctive or other equitable relief against any violations, including without limitation relief requiring restoration of the Restricted Premises to its condition prior to any such violation (it being agreed that the Grantor or Grantees may have no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to either party. Enforcement of the terms of this Conservation Restriction shall be at the discretion of either party, and any forbearance by either party to exercise its rights under this Conservation Restriction shall not be deemed or construed to be a waiver.



D. Severability Clause

In case any provision of this Conservation Restriction shall be invalid, illegal or otherwise unenforceable, then such provision shall be modified, if at all possible, so as to carry out, as closely as possible, the intention of the provision as originally contained herein and retain its validity, legality and enforceability. If such modification is not possible, then the remainder of this Conservation Restriction shall continue in full force and effect provided that the absence or modification of the offending provision does not materially alter the rights of any of the parties to or the purposes of this Conservation Restriction. If the absence of the offending provision should result in a material change in the rights and/or obligations of any of the parties to this Conservation Restriction, then this Conservation Restriction shall be modified in such a manner as will most closely restore the parties to their position prior to the removal of such offending provision in a manner that does not materially impair the purposes of this Conservation Restriction.

If any section or provision of this instrument is ambiguous, it shall be interpreted in accordance with the Purposes of this Conservation Restriction, as described in Section II hereof, and the policies expressed in Chapter 184 sections 31-33 of the General Laws.

E. Non-Waiver

Any election by either party as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

VI. ACCESS:

The Grantor shall allow access to the Restricted Premises to the public for hiking, walking, nature observation, snowshoeing, cross-country skiing and such other passive activities on marked trails, subject to the terms and provisions of this Conservation Restriction and subject to the Grantor's sole discretion to restrict access as set forth below.

The Conservation Restriction hereby conveyed does not grant to the general public or to any other person any right to enter upon the Restricted Premises except as set forth in Paragraphs A, B, and C under this Section VI. Approval of this Conservation Restriction pursuant to M.G.L. Chapter 184, Section 32 by any municipal official and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any other rights of the public in and to the Restricted Premises and no public rights are granted by this Conservation Restriction except those specifically included under this Conservation Restriction.

The Grantor has permitted access to the Restricted Premises by members of the public for hiking and other passive uses, including use of those trails on the Restricted Premises which constitute a portion of the Bay Circuit Trail. The Grantor shall at all times retain the right to

temporarily restrict or deny access to the public on any occasion when, in Grantor's sole discretion, such use would conflict with Grantor's use of the Restricted Premises or when necessary for health or safety reasons, or to protect the conservation interests as described in Section II of this Conservation Restriction that are the subject of this Conservation Restriction except as provided below in Section VI.B below. The Grantor shall have no obligation to undertake any measures to ensure compliance with the Americans with Disabilities Act (ADA) which are triggered solely by the granting of such limited public access.

#### A. Limitations

The Restricted Premises shall generally be available for public access during daylight hours a majority of the time which shall include periods of time designated by the Grantor during all seasons. Access shall be subject to the Rules and Regulations as currently established by the Grantor and contained in Exhibit D attached hereto (the "Rules and Regulations"). Future changes to said rules and regulations shall be subject to the Notice and Approval of the Grantees as described in Section IV above, which approval shall not be unreasonably withheld, delayed or conditioned. The Grantor, in its sole discretion, shall have the right to terminate the right of access of any persons who, or groups which, disregard the established Rules and Regulations. The Grantor agrees to inform the Grantees of any such action taken reasonably promptly after such action is taken. Organized groups, including but not limited to schools and school groups, non-profit organizations, corporations, and activity clubs as well as any private group of ten (10) or more individuals, are required to pre-register with Grantor. The Grantor may, in its sole discretion, charge fees for use of the Restricted Premises, but shall not charge any fees for use of the Open Space Zone or the Bay Circuit or Nobscot Mountain Spur Trails without the consent and approval of the Grantees, which approval may be withheld by either Grantee in its sole discretion. The Grantor shall have no obligation to undertake any measures to ensure compliance with the ADA or any other law or provision as a result of granting such limited public access nor shall the Restricted Premises be required to be modified in any way or account thereof. Any area for which compliance with the ADA or any other law or provision is required in order to remain open to public access may, at Grantor's sole and absolute discretion, be closed to public access until such time as such requirement is satisfied. Subject to the approval of the Grantor, the Grantees, or either of them, may, but shall not be obligated to, take such actions as may be required to make such area comply with the ADA or any other applicable law or provision at the sole cost and expense of the Grantees or such Grantee, as the case may be.

The Grantor has the right to provide appropriate management of public access and use but the Grantor shall have no obligation to provide management or supervision of the public.

The Grantor reserves unto itself and in its sole discretion the right to close the Restricted Premises to public access from time to time to facilitate its own use of the Restricted Premises, or when necessary for health or safety reasons, or otherwise to protect the purposes of this Conservation Restriction, provided, however, that the Restricted

Premises is accessible to the public a majority of the time during all seasons. The Grantor also reserves the right to close specific and limited areas of the Restricted Premises for indefinite periods of time when such areas or activities within them constitute a public safety hazard or otherwise to protect the purposes of this Conservation Restriction or to protect improvements of the Grantor. The Grantor shall notify the Grantees of any property closures contemplated herein as described herein. Grantor shall post notices regarding use of the restricted area at its property entrance on Nobscot Road.

**B. Bay Circuit Trail and Nobscot Mountain Spur Trail; and other Trails**

Notwithstanding the foregoing, access to the "Bay Circuit Trail" in its present location and the "Nobscot Mountain Spur Trail" all as shown on the Plan shall not be subject to such closures described above in Section VI(A), other than temporary closures, when the Grantor reasonably believes that the safety or security of persons is in jeopardy and may remain accessible by the public during daylight hours at all times from the Town of Sudbury Nobscot Conservation Land off Brimstone Lane and the Town of Sudbury Tippling Rock Conservation Land off Route 20 as indicated on the Plan. The Grantor, in its sole discretion, shall have the right to terminate this right of access to any person or group who or which disregards the established Rules and Regulations. Trails other than the "Bay Circuit Trail" and the "Nobscot Mountain Spur Trail" within the Restricted Premises may be closed or re-routed by the Grantor. The Bay Circuit Trail and the Nobscot Mountain Spur Trail may be relocated by the Grantor subject to the approval of the Grantees as provided for herein. The Grantees, its successors and assigns are hereby granted the right to maintain the "Bay Circuit Trail" and the "Nobscot Mountain Spur Trail" within the Restricted Premises subject to prior Notice and Approval of the Grantor as described in Section IV but shall have no obligation to do so. Subject to the approval of the Grantor, the Grantees or its successors or assigns shall install and/or maintain appropriate signage marking the location and direction of the "Bay Circuit Trail" through the Restricted Premises.

**C. Grantees' Access**

The Grantees and their representatives are also granted the right to enter the Restricted Premises at reasonable times and in a reasonable manner for the purpose of inspecting the compliance with the terms of this Conservation Restriction, provided that persons conducting such activities provide written notice to Grantor at least forty-eight (48) hours prior to entering the Restricted Premises, except in the event of an emergency.

Nothing contained herein shall be construed to grant any rights of access to any land of the Grantor other than the Restricted Premises, whether by implication or otherwise.

**VII. EXTINGUISHMENT:**

**A. Grantees' Receipt of Property and Development Rights**

The Grantor and the Grantees agree that the grant of this Conservation Restriction gives rise for purposes of this paragraph to a real property right, immediately vested in the Grantees, with a fair market value that is equal to the proportionate value that this Conservation Restriction, determined at the time of this grant to be seventy three percent (73%), bears to the value of the Restricted Premises unencumbered by this Conservation Restriction, and represents all development rights associated with the Restricted Premises which are not specifically reserved elsewhere to the Grantor; provided, however, that in the event of a taking by eminent domain or other extinguishment of the Conservation Restriction, the Grantor shall be entitled to the "Building Award" as hereinafter defined, and the Grantor or Grantees, as the case may be, shall be entitled to such additional sums as may be provided for under applicable law, including but not limited to M. G. L. Chapter 184, Section 32, as the same may be amended from time to time. As used herein, the "Building Award" shall be that part of the award which shall be specifically attributable to any buildings, structures and improvements by the taking authority, or, if not so attributed by the taking authority, as shall be determined by agreement of the parties or by Mediation pursuant to the provisions of Article V hereof to be attributable to such buildings, structures and improvements. If the taking authority shall not have separately awarded a Building Award, then the percentage allocation between the Grantor and Grantees, as set forth in this Paragraph VII (A), shall be calculated after deducting the Building Award.

**B. Value of Grantees' Property Right**

Such proportionate value of the Grantees' property right, set forth in Section VII (A) as seventy-three percent (73%), shall remain constant as between the Grantor and the Grantees.

**C. Right of Grantor and Grantees to Recover Proportional Value at Disposition**

If any occurrence ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then the Grantees, on a subsequent sale, exchange or involuntary conversion of the Restricted Premises, shall be entitled to a portion of the proceeds equal to such proportionate value, subject, however, to any applicable law which expressly provides for a different disposition of proceeds, and further subject to the Building Award provisions set forth in Section VII (A). If the conservation interests herein protected are unaffected by such action and the only interest paid for by public authority is the Grantor's interest awarded on the basis of the value of the Restricted Premises as restricted by this Conservation Restriction, then the proceeds from such taking shall be payable in their entirety to Grantor.

**D. Grantor/Grantees Cooperation Regarding Public Action**

Whenever all or any part of the Restricted Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantees shall cooperate in recovering the full value of all direct and consequential damages resulting from such action.



**E. Allocation of Expenses upon Disposition**

All related expenses incurred by the Grantors and the Grantees shall first be paid out of any recovered proceeds, such expenses to be paid by the parties in shares equal to the proportionate values set forth in Section VII (A) above, and the remaining proceeds shall be distributed between the Grantor and Grantees in the manner stated in this Section VII.

**F. Apportionment between Grantees**

As between the Grantees, Sudbury Valley Trustees, Inc. and the Town of Sudbury, the Grantees agree that all proceeds and expenses allocated to the Grantees collectively under this Section VII shall be apportioned as follows as between the Grantees individually:

Sudbury Valley Trustees, Inc.:	Thirteen percent (13%) of the allocation
Town of Sudbury:	Eighty seven percent (87%) of the allocation

This apportionment of allocations to the Grantees shall remain constant throughout the term of this Conservation Restriction.

The Grantees shall use their shares of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant to the extent required by law.

**VIII. ASSIGNABILITY:**

**A. Running of the Burden**

The burdens of this Conservation Restriction shall run with the Restricted Premises in perpetuity, and shall be enforceable against the Grantor and its successors and assigns holding any interest in the Restricted Premises.

**B. Running of the Benefit**

The benefits of this Conservation Restriction shall be perpetual, in gross and shall not be assignable by the Grantees nor may the identification of the Managing Agent in Section XIV be changed or further assigned, except in the following instances and from time to time:

1. As a condition of any assignment or change, the Grantees require that the purpose of this Conservation Restriction continue to be carried out; and
2. The assignee, at the time of assignment or change, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations

thereunder, and under Section 32 of Chapter 184 of the General Laws as an eligible donee to receive this Conservation Restriction directly;

3. Grantees comply with the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable; and
4. Grantor is notified and approves of such assignment or change in accordance with Section IV above, which approval shall not be unreasonably withheld, conditioned, or delayed except that within the first ten (10) years after the Effective Date of this Conservation Restriction the Grantor shall have the sole and absolute discretion to withhold such approval.

Furthermore, if the Grantees ever cease to exist or no longer qualify under Section 170(h) of the Internal Revenue Code of 1986, under M.G.L. chapter 184, section 32 or applicable state law, a court of competent jurisdiction shall transfer this Conservation Restriction to another qualified organization having similar purposes that agrees to assume the responsibilities imposed by this Conservation Restriction. In such event, the Grantor shall be entitled as an interested party to participate in such adjudication to assure the conditions (1) through (4) shall apply to the extent reasonably possible; Grantor shall not be considered as an assignee as contemplated herein.

#### **IX. SUBSEQUENT TRANSFERS:**

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which the Grantor divests itself of any interest in all or a portion of the Restricted Premises, including, without limitation, a leasehold interest. The Grantor further agrees to give notice pursuant to Section XV Paragraph H to Grantees of the transfer of any interest at least twenty (20) days prior to the date of such transfer. Failure of the Grantor to do so shall not impair the validity of this Conservation Restriction or limit its enforceability in any way nor affect the validity of the transfer of such interest.

Furthermore, the Grantor and Grantees agree that the terms of this Conservation Restriction shall not be construed to impair the ability of the Grantor to use the Restricted Premises as collateral for future indebtedness, or for the Grantor to use the Restricted Premises as front, side and rear yard and setback requirements, for the purpose of developing the Grantor's remaining land or portions thereof provided that the land sought to be developed and the Restricted Premises are held in common ownership, but not for the purpose of satisfying any density or open space requirement under any cluster or similar zoning requirements. All such present (if any) and future liens and encumbrances shall be subordinate to this Conservation Restriction.

#### **X. ESTOPPEL CERTIFICATES:**

Upon request by the Grantor, the Grantees shall within twenty (20) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance with any obligation of the Grantor contained in this Conservation Restriction.

**XI. EFFECTIVE DATE:**

This Conservation Restriction shall be effective when the Grantor and the Grantees have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded, or if registered land, it has been registered.

**XII. RECORDATION:**

The Grantees shall record this instrument in timely fashion in the Middlesex South District Registry of Deeds.

**XIII. TERMINATION OF RIGHTS AND OBLIGATIONS:**

Notwithstanding anything to the contrary contained herein, the rights and obligations under this Conservation Restriction of any party holding any interest in the Restricted Premises terminate upon and to the extent of such party's transfer of its interest, except that liability for acts or omissions occurring prior to transfer, and liability for the transfer itself if the transfer is in violation of this Conservation Restriction, shall survive the transfer.

**XIV. MANAGING AGENT:**

For purposes of this Agreement, the Managing Agent under this Conservation Restriction shall be Sudbury Valley Trustees, Inc., (its successors and permitted assigns as established herein) a Massachusetts non-profit corporation with a mailing address of 18 Wolbach Road, Sudbury, Massachusetts 01776 (the "Managing Agent"). Wherever reference is made to actions and rights and responsibilities of the Grantees herein including but not limited to the Notice and Approval provisions of Paragraph IV, the Legal Remedies of the Grantees in Paragraph V, such reference shall as the context permits, be exercisable by the Managing Agent after approval by the Town of Sudbury, by and through its Board of Selectmen. It is intended hereby that provisions of Paragraph VIII relating to Assignability also apply fully to the Managing Agent as well as to the Grantor and Grantees. It is specifically intended that reference to the Managing Agent herein, include the delegation of management as is contemplated under provisions of Massachusetts General Laws, Chapter 44B, Section 12, which may include the Town of Sudbury.

**XV. MISCELLANEOUS:**

**A. Grantees' Liability, Property Condition**

By their acceptance of this Conservation Restriction, the Grantees do not undertake any liability or obligation relating to the condition of the Restricted Premises, including with

respect to compliance with hazardous materials or other environmental laws and regulations not caused by Grantees or their agents.

**B. Controlling Law**

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

**C. Liberal Construction**

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to affect the Purposes of this Conservation Restriction and the policy and purpose of Massachusetts General Laws Chapter 184, Sections 31-33. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the Purposes of this Conservation Restriction as set forth in Section II that would render the provision valid shall be favored over any interpretation that would render it invalid.

**D. Entire Agreement**

This instrument sets forth the entire agreement of the parties with respect to the Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.

**E. Joint Obligation**

The obligations imposed by this Conservation Restriction upon the parties that together may in the future comprise "Grantor" or, alternatively, that together may in the future comprise the "Grantees", shall be joint and several.

**F. Captions**

The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

**G. Compliance with Applicable Law**

The exercise of any right reserved under this Conservation Restriction by the Grantor or its successors and assigns shall be in compliance with applicable federal, state, and local law.

**H. Notices**



Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage prepaid certified mail or other regularly overnight accepted delivery services, in all cases with evidence of receipt, and notices shall be effective upon such personal delivery, or if mailed or sent by delivery service upon the date of receipt as shown on the return receipt, addressed as follows:

To Grantors:           Knox Trail Council, Inc.  
                            Boy Scouts of America  
                            490 Union Avenue, 3<sup>rd</sup> Floor  
                            Framingham, MA 01702  
                            Attn: Scout Executive

To Grantee:             Sudbury Valley Trustees, Inc.  
                            18 Wolbach Road  
                            Sudbury, MA 01776

To Grantee:             Town of Sudbury  
                            Board of Selectmen  
                            Flynn Building  
                            278 Old Sudbury Road  
                            Sudbury, MA 01776

With a Copy to:       Sudbury Conservation Commission  
                            275 Old Lancaster Road  
                            Sudbury, MA 01776

Both the Grantor and the Grantees may designate a different address for notice purposes by serving notice of such address change pursuant to this Paragraph. If a party shall send a notice to any other party which is returned to the party giving notice because it is undeliverable as addressed, the party giving notice shall use reasonable efforts to ascertain the then current address of the party to whom notice is to be given.

I. Consideration.

Notwithstanding anything contained herein to the contrary, it is expressly understood and agreed that of the \$8,600,000.00 consideration referred to in Paragraph I, the sum of \$6,600,000.00 has been paid by the Grantees to the Grantor upon delivery of this Conservation Restriction, and \$2,000,000.00 is to be paid by the Town of Sudbury to the Grantor no later than June 30, 2011, time being of the essence. The Grantees herein, by acceptance of this Conservation Restriction, and in consideration therefor, unconditionally agree to deliver such sums to the Grantor, and agree that such payments are due and will be made without condition, reduction, or offset of any nature or amount.

**XVI. AMENDMENT OF CONSERVATION RESTRICTION.**

Although it is expected that the provisions of this Conservation Restriction shall remain relatively unchanged over a long period of time (and may never be changed), the Grantor and the Grantees recognize and explicitly agree (and by his/her acceptance of this Conservation Restriction the Secretary of Energy and Environmental Affairs recognizes and agrees) that because of the perpetual duration of this Conservation Restriction and the intent to provide public access in close coordination with ongoing educational programs as well as other activities of the Grantor and/or its successors, it may be necessary to the effective implementation of the purposes for which this Conservation Restriction is granted for the Grantor and the Grantees to modify or amend this Conservation Restriction to more effectively describe the then current agreement of the Grantor and the Grantees with the approval of the Secretary, in a manner which is no less protective of the conservation values for which this Conservation Restriction has been established. Any amendment shall be recorded with the Middlesex South District Registry of Deeds.

The Grantor and the Grantees agree that the provisions of this Conservation Restriction constitute an appropriate balance between (a) the continued growth and development of the Grantor's programs, (b) enjoyment of access to the natural environment of the Restricted Premises by members of the public, and (c) protection of the natural environment of the Restricted Premises from damage and overuse, or degradation of the Purposes of this Conservation Restriction. The Grantor and the Grantees agree that any modification of this Section proposed or adopted shall not materially adversely affect such continued growth and development of Grantor's programs or the protection of the natural environment of the Restricted Premises from damage and overuse.

Executed under seal this 20 day of November, 2008

KNOX TRAIL COUNCIL, INC.,  
BOY SCOUTS OF AMERICA

by: Paul J. Sliney  
Paul J. Sliney

Its: President  
Hereunto duly authorized

COMMONWEALTH OF MASSACHUSETTS, Middlesex County, ss.

On this 20<sup>th</sup> day of November 2008, before me, the undersigned notary public, personally appeared Paul J. Sliney, President of the Knox Trail Council, proved to me through satisfactory evidence of identification, being (check whichever applies):  driver's license or other state or federal governmental document bearing a photographic image,  oath or affirmation of a credible witness known to me who knows the above signatory, or  my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him voluntarily for its stated purpose as President of the Knox Trail Council, Inc., Boy Scouts of America, a corporation

Kathleen Lee Prefontaine  
Notary Public  
My Commission Expires: 10-15-10



ACCEPTANCE OF GRANT: (SUDBURY VALLEY TRUSTEES, INC.)

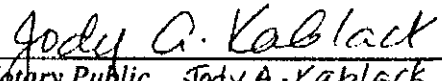
Sudbury Valley Trustees, Inc. accepts the above Conservation Restriction this 18<sup>th</sup> day of November, 2008, by:

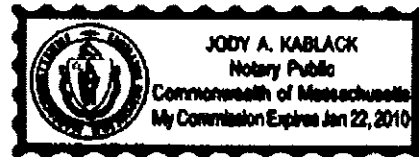
SUDBURY VALLEY TRUSTEES, INC.

by:   
Ronald N. McAdow  
Its Executive Director

COMMONWEALTH OF MASSACHUSETTS, MIDDLESEX County, ss.

On this 18<sup>th</sup> day of November, 2008, before me, the undersigned Notary Public, personally appeared the above-named Ronald N. McAdow, Executive Director of Sudbury Valley Trustees, Inc., proved to me by satisfactory evidence of identification, being (check whichever applies):  driver's license or other state or federal governmental document bearing a photographic image,  oath or affirmation of a credible witness known to me who knows the above signatory, or  my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him voluntarily for its stated purpose.

  
Notary Public Jody A. Kablack  
My Commission Expires: 1/22/2010





ACCEPTANCE OF GRANT: (TOWN OF SUDBURY CONSERVATION COMMISSION)

Town of Sudbury Conservation Commission accepts the above Conservation Restriction this

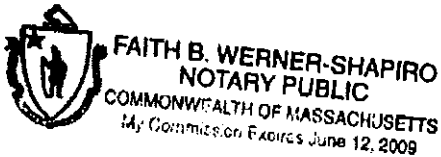
17<sup>th</sup> day of November, 2008, by:

John Sklenak  
Ethan H Jessup  
Richard O. Bell  
Parker Coddington

COMMONWEALTH OF MASSACHUSETTS, MIDDLESEX County, ss.

On this 17<sup>th</sup> day of November, 2008, before me, the undersigned Notary Public, personally appeared the above-named John Sklenak, Ethan H. Jessup, Richard O. Bell, Parker Coddington, Members of the Town of Sudbury Conservation Commission, proved to me by satisfactory evidence of identification, being (check whichever applies):  driver's license(s) or other state or federal governmental document(s) bearing a photographic image,  oath or affirmation of a credible witness known to me who knows the above signatories, or  my own personal knowledge of the identity of the signatories, to be the people whose names are signed above, and acknowledged the foregoing to be signed by them voluntarily for its stated purpose.

Faith B. Werner Shapiro  
 Notary Public  
 My Commission Expires: 6/12/09



**APPROVAL BY SUDBURY BOARD OF SELECTMEN:**

We, the undersigned, being a majority of the Board of Selectmen of the Town of Sudbury, Massachusetts, hereby certify that at a meeting duly held on November 12, 2008 the Selectmen voted to approve the foregoing Conservation Restriction to SUDBURY VALLEY TRUSTEES, INC. pursuant to Massachusetts General Laws Chapter 184, Sections 31-33.

Selectmen:

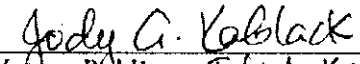
  
\_\_\_\_\_  
Lawrence W. O'Brien

  
\_\_\_\_\_  
John C. Drobinski

  
\_\_\_\_\_  
William J. Keller, Jr.

COMMONWEALTH OF MASSACHUSETTS, Middlesex County, ss.

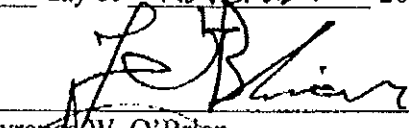
On this 12<sup>th</sup> day of November 2008, before me, the undersigned Notary Public, personally appeared the above-named Lawrence W. O'Brien, John C. Drobinski and William J. Keller, Jr., Selectmen of the Town of Sudbury, proved to me by satisfactory evidence of identification, being (check whichever applies):  driver's license(s) or other state or federal governmental document(s) bearing a photographic image,  oath or affirmation of a credible witness known to me who knows the above signatories, or  my own personal knowledge of the identity of the signatories, to be the people whose names are signed above, and acknowledged the foregoing to be signed by them voluntarily for its stated purpose.


  
\_\_\_\_\_  
Notary Public Jody A. Kablack  
My Commission Expires: 1/22/2010

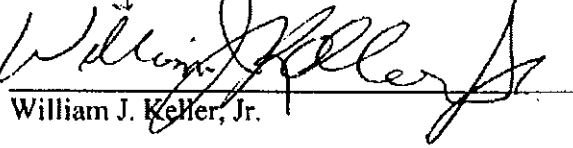


APPROVAL OF GRANT: TOWN OF SUDBURY BOARD OF SELECTMEN:

The Board of Selectmen of the Town of Sudbury approves the above Conservation Restriction to the Conservation Commission this 12<sup>th</sup> day of November 2008; by:

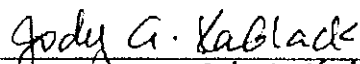
  
\_\_\_\_\_  
Lawrence W. O'Brien

  
\_\_\_\_\_  
John C. Drohinski

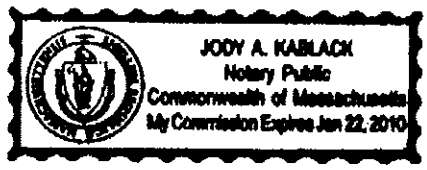
  
\_\_\_\_\_  
William J. Keller, Jr.

COMMONWEALTH OF MASSACHUSETTS, Middlesex County, ss.

On this 12<sup>th</sup> day of November, 2008, before me, the undersigned Notary Public, personally appeared the above-named Lawrence W. O'Brien, John C. Drohinski and William J. Keller, Jr., Selectmen of the Town of Sudbury, proved to me by satisfactory evidence of identification, being (check whichever applies):  driver's license(s) or other state or federal governmental document(s) bearing a photographic image,  oath or affirmation of a credible witness known to me who knows the above signatories, or  my own personal knowledge of the identity of the signatories, to be the people whose names are signed above, and acknowledged the foregoing to be signed by them voluntarily for its stated purpose.

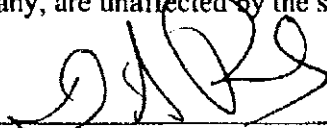
  
\_\_\_\_\_  
Notary Public Jody A. Kablack

My Commission Expires: 1/22/2010



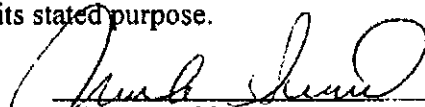
**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS,  
COMMONWEALTH OF MASSACHUSETTS:**

The undersigned, Secretary of the Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction to SUDBURY VALLEY TRUSTEES, INC. and THE TOWN OF SUDBURY acting by and through its Conservation Commission has been approved in the public interest pursuant to Massachusetts General Laws Chapter 184, Sections 31-33. The approval of this Conservation Restriction does not constitute a representation by the Secretary as to the existence or non-existence of public rights, if any, and any public rights, if any, are unaffected by the signing of this Conservation Restriction.

  
\_\_\_\_\_  
*Ian Bowles, Secretary of Energy and  
Environmental Affairs*  
12/2/08  
\_\_\_\_\_  
Date

COMMONWEALTH OF MASSACHUSETTS, Suffolk County, ss.

On this 2<sup>nd</sup> day of Dec., 2008 before me, the undersigned Notary Public, personally appeared the above-named Ian Bowles, Secretary of the Massachusetts Executive Office of Energy and Environmental Affairs, proved to me by satisfactory evidence of identification, being (check whichever applies):  driver's license or other state or federal governmental document bearing a photographic image,  oath or affirmation of a credible witness known to me who knows the above signatory, or  my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him/her voluntarily for its stated purpose.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 12/15/2011



**EXHIBIT A**

A certain parcel of land in Sudbury, Middlesex County, Massachusetts shown as "Conservation Restriction Area" on a plan entitled "Conservation Restriction Plan, Nobscot Scout Reservation, Sudbury, MA (Middlesex County)" dated September 2, 2008, by Beals and Thomas, Inc. The Conservation Restriction Area is more particularly bounded and described according to said plan as follows:

- SOUTHEASTERLY** by Nobscot Road on two courses, 249.08 feet on a curve with a radius of 1254.45 feet and 861.77 feet;
- SOUTHWESTERLY** by other land of the Grantor shown as "Unrestricted Area B", 522.69 feet;
- SOUTHEASTERLY** by Unrestricted Area B, 551.35 feet;
- SOUTHWESTERLY** by other land of the Grantor shown as now or formerly Norumbega Council, Inc. Boy Scouts of America, on two courses, 2058.94 feet and 515.55 feet;
- NORTHWESTERLY** by land now or formerly of the Town of Sudbury shown as "Existing Conservation Land Off Brimstone Lane", on seven courses, 87.24 feet, 122.18 feet, 150.74 feet, 410.46 feet, 175.43 feet, 121.42 feet and 131.08 feet;
- SOUTHERLY** by said land now or formerly of the Town of Sudbury on five courses, 205.33 feet, 208.03 feet, 147.44 feet, 153.80 feet and 212.53 feet;
- WESTERLY** by land now or formerly of Fairbairn and land now or formerly of Lawlor, on two courses, 190.22 feet and 291.48 feet;
- SOUTHEASTERLY** by said land now or formerly of Lawlor on two courses, 188.43 feet and 125.24 feet;
- EASTERLY** by said land now or formerly of Lawlor 36.19 feet;
- SOUTHWESTERLY** by said land now or formerly of Lawlor 258.03 feet;
- WESTERLY** by land now or formerly of Ashiku and Chen and land now or formerly of Mallard Real Estate Trust 967.67 feet;
- SOUTHERLY** by said land now or formerly of Mallard Real Estate Trust 33.03 feet;
- SOUTHWESTERLY** by said land now or formerly of Mallard Real Estate Trust 1292.90 feet;
- NORTHEASTERLY** by land now or formerly of Drumlin Development, LLC on three courses, 334.22 feet, 296.07 feet and 220.13 feet
- NORTHWESTERLY** by said land now or formerly of Drumlin Development, LLC 460.13 feet;
- NORTHEASTERLY** by Boston Post Road 25.02 feet;
- SOUTHEASTERLY** by land of various owners 458.77 feet;
- NORTHEASTERLY** by land of various owners on two courses, 656.49 feet and 787.04 feet;
- NORTHERLY** by land now or formerly of GPT-Longfellow Glen, LLC 951.46 feet ;

NORTHEASTERLY by said land now or formerly of GPT-Longfellow Glen, LLC  
214.00 feet;  
SOUTHEASTERLY and EASTERLY by land now or formerly of the Town of Sudbury shown  
as "Existing Tippling Rock Conservation Land" on two courses,  
1095.24 feet and 250.00 feet;  
NORTHEASTERLY by said land now or formerly of the Town of Sudbury 629.58 feet;  
NORTHWESTERLY by said land now or formerly of the Town of Sudbury 371.70 feet;  
NORTHEASTERLY by land now or formerly of the Town of Sudbury 742.62 feet;  
NORTHWESTERLY and NORTHERLY by land now or formerly of Jane A. Levin on five  
courses, 52.53 feet, 115.50 feet, 106.92 feet, 91.22 feet and 211.73 feet;  
NORTHEASTERLY by land of various owners on four courses, 5.41 feet, 100.68 feet,  
235.05 feet and 136.95 feet;  
SOUTHEASTERLY by other land of the Grantor shown as "Unrestricted Area A"  
719.47 feet; and  
NORTHEASTERLY by said other land of the Grantor shown as "Unrestricted Area A"  
496.44 feet.

The Conservation Restriction Area consists of an "Open Space Zone" with an area of 159.739  
acres, more or less and a "Program Zone" with an area of 144.058 acres, more or less.  
The Conservation Restriction Area does not include the land shown on said plan as now or  
formerly of Newbridge Farm Trust.

For title see the following deeds to Norumbega Council, Inc. Boy Scouts of America recorded  
with the Middlesex South District Registry of Deeds:

Deed from Horace W. Orr dated October 5, 1928, and recorded in Book 5339, Page 281;  
Deed from Gordon H. Wilson dated February 15, 1938 and recorded in Book 6210, Page 510;  
Deed from Gertrude D. Hudson dated January 8, 1945, and recorded in Book 6830, Page 563;  
Deed from Ruth B. Dickson dated May 7, 1951, and recorded in Book 7741, Page 307;  
Deed from S. Winthrop St. Clair et ux dated August 22, 1951, and recorded in Book 7788, Page  
450;  
Deed from John P. Goodnow dated April 10, 1952, and recorded in Book 7916, Page 69;  
Deed from John F. Goodnow dated April 10, 1952, and recorded in Book 7916, Page 70;  
Deed from Chester E. Fay and Alice R. Fay dated December 15, 1952, and recorded in Book  
8011, Page 121;  
Deed from Mary Goodnow Cutler dated May 11, 1953, and recorded in Book 8073, Page 326;  
Deed from Frances Thumin dated July 23, 1953, and recorded in Book 8161, Page 75;  
Deed from Frank S. Goodnow and George P. Davis, Administrators of the Estate of John F.  
Goodnow dated August 10, 1953, and recorded in Book 8161, Page 75;  
Deed from Charles F. Goodnow 3<sup>rd</sup> dated April 3, 1954, and recorded in Book 8236, Page 474;  
Deed from James J. Wilson et al dated December 21, 1971, and recorded in Book 12134, Page  
420;  
Deed from Algonquin Council, Inc. Boy Scouts of America dated August 14, 1973, and recorded  
in Book 12573, Page 110;

Deed from Albert M. Goodnow dated January 28, 1977, recorded in Book 13134, Page 623;  
Deed from Julie Hudson dated August 14, 1979, and recorded in Book 13783, Page 565.

See Certificate of Consolidation of Norumbega Council, Inc. Boy Scouts of America and  
Algonquin Council, Inc. Boy Scouts of America into New Council, Inc. Boy Scouts of America  
in Book 27114, Page 488 and Certificate of Name Change from New Council, Inc. Boy Scouts  
of America to Knox Trail Council, Inc. Boy Scouts of America in Book 45589, Page 64.

EXHIBIT B

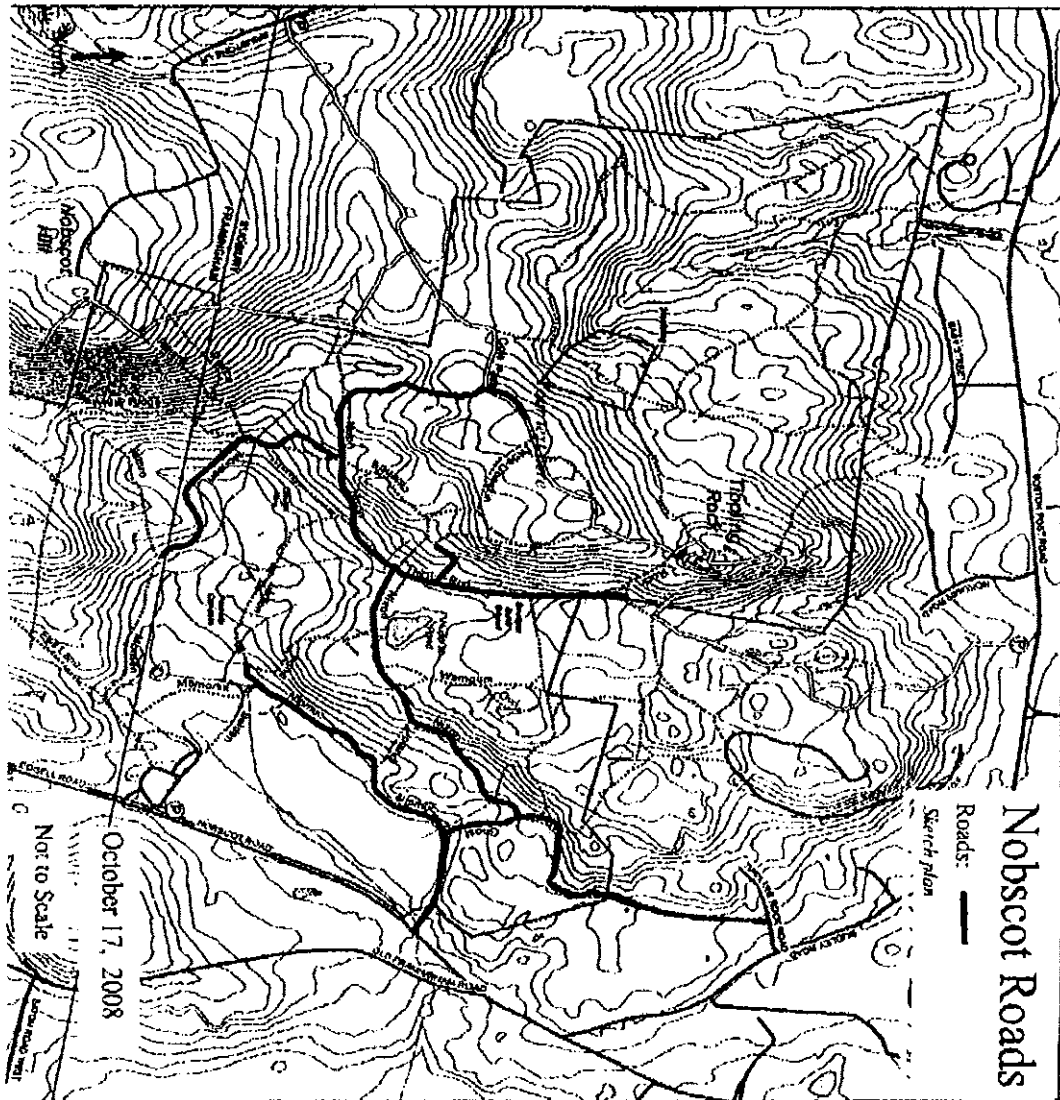




EXHIBIT C





1. Plan Assessment and Progress



...the assessment of the project's progress... the assessment of the project's progress... the assessment of the project's progress...

2. Travel and Campaign Duration Estimates



...the assessment of the project's progress... the assessment of the project's progress... the assessment of the project's progress...

3. Disposal of Waste Property



...the assessment of the project's progress... the assessment of the project's progress... the assessment of the project's progress...

4. Disposal of Waste Property



...the assessment of the project's progress... the assessment of the project's progress... the assessment of the project's progress...

5. Learn What You Find



...the assessment of the project's progress... the assessment of the project's progress... the assessment of the project's progress...

6. Minimize Campaign Impacts



...the assessment of the project's progress... the assessment of the project's progress... the assessment of the project's progress...

7. Report Results



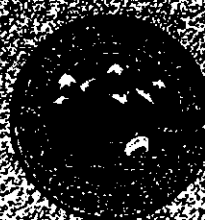
...the assessment of the project's progress... the assessment of the project's progress... the assessment of the project's progress...

8. The Consideration of Other Values



...the assessment of the project's progress... the assessment of the project's progress... the assessment of the project's progress...

# APPLICATION FOR



## Leave No Trace Awareness Award

(Submit this application to your local council service center.)

Local council name \_\_\_\_\_ Headquarters city/state \_\_\_\_\_

Unit type and No. \_\_\_\_\_

Troop, team, pack, crew

Number of awards: Youth \_\_\_\_\_ Adult \_\_\_\_\_

Unit leader's name \_\_\_\_\_ Phone No. \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Names of Scouts or Venturers \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Names of Scouters or Venturing leaders \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The Scouts, Scouters, and/or Venturing leaders indicated above have fulfilled the requirements for the Leave No Trace Awareness patch, No. 8630.

Unit leader's signature \_\_\_\_\_ Date \_\_\_\_\_

### SCOUT AND VENTURER REQUIREMENTS

1. Define and explain the principles of Leave No Trace.
2. Prepare separate camping packs for the members of your unit and practice the principles of Leave No Trace.
3. Plan the camping and environmental science or merit badges (Boy Scouts) or complete No. 8630 for the Scouters and Venturing leader requirements (Venturers).
4. Participate in a Leave No Trace-related activity.
5. Give a 10-minute presentation on a Leave No Trace topic and verify with Scoutmaster.
6. Draw a poster or build a model to demonstrate the principles of how we camp or travel in the outdoors (provide a list).

### SCOUTER AND VENTURING LEADER REQUIREMENTS

1. Define and explain the principles of Leave No Trace.
2. OR three separate camping packs and three merit badges and practice the principles of Leave No Trace.
3. Share with another Scout or Venturing leader your understanding and importance of the camping and environmental management badge in supplies.
4. Attend a Leave No Trace training course and general silver or gold level training, planning, organizing and leading a Leave No Trace project related to Leave No Trace.
5. Act as a minimum of two Scouts in earning the Leave No Trace Awareness Award.
6. Plan and conduct a Leave No Trace awareness program for Scouts, Venturers, Scouters, or other interested groups outside Scouts.



EXHIBIT  
D

**WELCOME TO THE  
NOBSCOT SCOUT RESERVATION**

This Property is Privately Owned and Operated by the Knox Trail Council,  
Boy Scouts of America. All questions should be directed to 490 Union Ave.,  
Framingham, Massachusetts 01702

**“A Scout is Courteous”**

For everyone's enjoyment we ask that you use and observe these courtesies;

- Persons using this facility do so at their own risk and must observe any request of the attendant on duty, or any other authorized personnel.
- All persons using this facility are required to sign-in and/or register with the attendant on duty or at the designated area.
- Hiking/walking is permitted only on designated trails and only during daylight hours. Please stay away from all buildings, facilities & campsites. All other usage of facilities must be reserved and authorized in advance through the Knox Trail Council, B.S.A.
- All pets must be leashed at all times. Animals must not be left unattended. Animals are not permitted in any buildings, except guide dogs.
- No swimming or wading permitted.
- No hunting, trapping or fishing permitted.
- No horseback riding permitted.
- No bicycles permitted.
- No ATV's or snowmobiles permitted.
- No Fires without permit.
- No Public Picnicking.
- Disorderly conduct, obscene or indecent language is prohibited. No firearms, fireworks, illegal substances, or alcoholic beverages allowed. Smoking is only allowed in designated smoking areas.
- Vehicles are allowed only in designated parking areas. No overnight parking except for those participating in approved programs. Vehicles not in compliance may be towed at the owner's expense.
- The Knox Trail Council, B.S.A. reserves the right to close the facility for any reason and to limit its use and access for its own programs and purposes.

Non-compliance with any of these regulations may result in dismissal from the property and/or notification of state and local authorities. A set of regulations is available from the Knox Trail Council, Boy Scouts of America

**KNOX TRAIL COUNCIL, Inc.  
BOY SCOUTS OF AMERICA**



# STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

## Nobscot Scout Reservation Trail Project 1 Nobscot Road Sudbury, MA



SWPPP Prepared for  
**Boy Scouts of America**  
**Mayflower Council**  
83 Cedar Street  
Milford, MA 01757  
(508) 872-6551

SWPPP Prepared by  
**Howard Stein Hudson**  
11 Beacon Street, Suite 1010  
Boston, MA 02108  
(617) 482-7080

SWPPP Preparation Date  
**August 2022**

Estimated Project Construction Dates:  
**Project Start Date:** September 2022  
**Project Completion Date:** November 2023



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**SWPPP APPENDICES**

- Appendix A – Site Plans (Under Separate Cover)*
- Appendix B – Copy of 2022 CGP*
- Appendix C – NOI and EPA Authorization Email*
- Appendix D – 2022 CGP Inspection Form*
- Appendix E – 2022 CGP Corrective Action Form*
- Appendix F – SWPPP Amendment Log*
- Appendix G – Subcontractor Certifications/Agreements*
- Appendix H – Grading and Stabilization Activities Log*
- Appendix I – Training Log*
- Appendix J – Delegation of Authority*
- Appendix K – Endangered Species Documentation*





**SECTION 1: CONTACT INFORMATION/RESPONSIBLE PARTIES**

**1.1 Operator(s) / Subcontractor(s)**

**Operators:**

Boy Scouts of America  
Mayflower Council Volunteers  
83 Cedar Street  
Milford, MA 01757  
T: (508) 872-6551

**Subcontractor(s):**

TBD

**Emergency 24-Hour Contact:**

Pete Lane – Boys Scouts of America (Mayflower Council)  
122 Quincy Shore Drive, Quincy, MA 02171  
T: (617) 908-5565  
cpennie@leekennedy.com

**1.2 Stormwater Team**

**Stormwater Team**

Name and/or Position, and Contact	Responsibilities	I Have Completed Training Required by CGP Part 6.2	I Have Read the CGP and Understand the Applicable Requirements
<a href="#">Pete Lane</a> <a href="#">(774) 249-9649</a> <a href="mailto:pete.lane@comcast.net">pete.lane@comcast.net</a>	<a href="#">Supervision of installation and compliance with plan.</a> Examples: Installation Corrective Action	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes Date: <a href="#">Click here to enter a date.</a>
TBD	TBD	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes Date: <a href="#">Click here to enter a date.</a>



**Stormwater Team Members Who Conduct Inspections Pursuant to CGP Part 4**

Name and/or Position and Contact	Training(s) Received	Date Training(s) Completed	If Training is a Non-EPA Training, Confirm that it Satisfies the Minimum Elements of CGP Part 6.3.b
TBD	TBD	Date: <a href="#">Click here to enter a date.</a>	<input type="checkbox"/> Principles and practices of erosion and sediment control and pollution prevention practices at construction sites <input type="checkbox"/> Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites <input type="checkbox"/> Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4

*[Insert or delete rows as necessary.]*



## SECTION 2: SITE EVALUATION, ASSESSMENT, AND PLANNING

### 2.1 Project/Site Information

#### Project Name and Address

Project/Site Name: Nobscot Scout Trail Reservation Project

Project Street/Location: 1 Nobscot Road

City: Sudbury/Framingham

State: Massachusetts

ZIP Code: 01776/01701

County or Similar Subdivision: Middlesex

#### Project Latitude/Longitude

Latitude:

42° 20' 54.22" N

Longitude:

71° 26' 37.19" W

Method for determining latitude/longitude:

USGS topographic map (specify scale: )

EPA Web site

GPS

Other (please specify): MassMapper, powered by MassGIS.

Horizontal Reference Datum:

NAD 27

NAD 83 or WGS 84

Unknown

#### Additional Project Information

Is the project/site located on Indian country lands, or located on a property of religious or cultural significance to an Indian tribe?  Yes  No

If yes, provide the name of the Indian tribe associated with the area of Indian country (including the name of Indian reservation if applicable), or if not in Indian country, provide the name of the Indian tribe associated with the property: N/A

If you are conducting earth-disturbing activities in response to a public emergency, document the cause of the public emergency (e.g., *natural disaster, extreme flooding conditions*), information substantiating its occurrence (e.g., *state disaster declaration*), and a description of the construction necessary to reestablish effective public services: N/A

Are you applying for permit coverage as a "federal operator" as defined in Appendix A of the 2022 CGP?  Yes  No



**2.2 Discharge Information**

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)?

Yes     No

Are there any waters of the U.S. within 50 feet of your project's earth disturbances?

Yes     No





For each point of discharge, provide a point of discharge ID (a unique 3-digit ID, e.g., 001, 002), the name of the first receiving water that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to, and the following receiving water information, if applicable:

Point of Discharge ID	Name of receiving water that receives stormwater discharge:	Is the receiving water impaired (on the CWA 303(d) list)?	If yes, list the pollutants that are causing the impairment:	Has a TMDL been completed for this receiving waterbody?	If yes, list TMDL Name and ID:	Pollutant(s) for which there is a TMDL:	Is this receiving water designated as a Tier 2, Tier 2.5, or Tier 3 water?	If yes, specify which Tier (2, 2.5, or 3)?
[001]	Concord SuAsCo Allowance Brook (Waterbody ID MA82A-37)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A	N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A
[002]	Concord SuAsCo Hop Brook (Waterbody ID MA82A-05)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nutrients; Organic Enrichment/Low DO; Suspended Solids; Noxious aquatic plants	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Outlet of Carding Millpond to confluence with Landham Brook, Sudbury (ID: MA82A-05_2002)	Phosphorus	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A

[Include additional rows or delete as necessary.]



## 2.3 Nature of the Construction Activity

### General Description of Project

This SWPPP has been prepared for the proposed construction of trail improvements at the Nobscot Scout Reservation in Sudbury & Framingham, Massachusetts. The project site is comprised of three parcels of land in Framingham and seven in Sudbury totaling 461.2± acres of land bounded by Edgell Road/Nobscot Road to the East, and state park lands to the West, North, and South. The property consists of forested uplands, rock ledges and outcrops, meadows, streams and wetlands. Numerous hiking trails, cart paths, cabins, campsites, shelters, latrines, and outdoor amphitheaters are interspersed throughout the Reservation. The property is used by Boy Scouts for weekend camping and outdoor education and is open to the public for hiking throughout the year.

The Project consists of improvements to approximately 1.2 miles of trail system. These improvements consist of minor grading and swale stabilization, a new 12" culvert, removal of large rocks, resurfacing of low areas with up to 6" of gravel or crushed stone, wood platform bog bridge crossings, wood platform bridge replacements on concrete footings, and cabin improvements mostly consisting of soil/stump/rock removal.

The improvements described will not have any adverse impacts to stormwater conditions. All trail resurfacing will consist of permeable gravel or crushed stone allowing for continued infiltration and attenuated runoff rates. There is no anticipated increase in off-site runoff and no connections to municipal utilities required.

Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for Middlesex County, the project site is located entirely outside of Flood Zone AE, the "100 Year Flood Zone" (See Figure 4. Flood Insurance Rate Map).

In general, any excavated material will be re-purposed on site but any to be removed from the site will be disposed of in accordance with all Massachusetts Department of Environmental Protection standards and regulations. Any temporary stockpiles located on-site will be surrounded by a temporary erosion control barrier at all times and covered by 6-mil polyethylene sheeting. Erosion and sediment controls will be installed and maintained to prevent construction-related impacts to wetland resource areas. Silt fences will be installed to prevent erosion and sedimentation into adjacent wetland resource areas as well as to prevent the movement of turtles into construction areas.

This SWPPP includes the elements necessary to comply with the Storm Water General Permit issued by the EPA. This SWPPP must be implemented at the start of construction.



**Size of Construction Project**

Size of Property	461.2± Acres
Total Area Expected to be Disturbed by Construction Activities	1.8± Acres
Maximum Area Expected to be Disturbed at Any One Time	1.8 Acres

**Type of Construction Site** (*check all that apply*):

- Single-Family Residential   
  Multi-Family Residential   
  Commercial   
  Industrial  
 Institutional   
  Highway or Road   
  Utility   
 Other Reservation Trail System

Will there be demolition of any structure built or renovated before January 1, 1980?     Yes     No

If yes, do any of the structures being demolished have at least 10,000 square feet of floor space?     Yes     No     N/A

Was the pre-development land use used for agriculture (see [Appendix A](#) for definition of “agricultural land”)?     Yes     No

**Pollutant-Generating Activities**

List and describe all pollutant-generating activities and indicate for each activity the type of pollutant that will be generated. Consider where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed during construction.

<b>Pollutant-Generating Activity</b> (e.g., paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations)	<b>Pollutants or Pollutant Constituents</b> (e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels)
Grading and excavation	Sediment
Staging area	Minor fueling activities and equipment maintenance
Materials storage	General landscaping materials including fertilizers, pesticides, etc.

**2.4 Sequence and Estimated Dates of Construction Activities**

Construction will be carried in phases, as much as possible, so that the timing of land-disturbing activities and the installation of BMP measures are coordinated. Construction phasing involves disturbing only part of the site at a time to prevent erosion from dormant parts. Grading activities and construction will be completed, and soils will be effectively stabilized on inactive parts of the site before grading and construction commence on another part.



### Construction Schedule

Approx. Start Date: September 2022

Approx. End Date: November 2023

#### Phase I (*September 2022 – October 2022*)

- All wetland restoration and repair to all of the existing swales constructed as of August 2022 along Ellis Land Trail, Monson Trail, and White Ridge Trail.
- Trail Improvements to Monson Trail, White Ridge Trail, and General John Nixon Trail.

#### Phase II (*October 2022 – November 2022*)

- Cabin and trail improvements along Thirty Rod Road and General John Nixon Trail.
- Installation of the wood platform “bog” bridges.
- Trail improvements along Sisson Trail.

#### Phase III (*October 2022 – February 2023*)

- Cabin and trail improvements along Ghost Trail and Nipmuc Trail.
- Replacement of existing wood platform foot bridges with precast concrete footings over Big Sachem Brook & Small Sachem Brook.

#### Phase IV (*November 2022 – February 2023*)

- Replacement of existing wood platform foot bridge with precast concrete footings at the Belden Trail.
- Trail improvements along Ghost Trail and Nipmuc Trail.

The BMPs listed in this SWPPP are associated with all phases of the construction. The critical periods of construction where this SWPPP must be implemented includes the periods prior to and during the following activities:

- Any initial site clearing and grubbing
- Earthwork (cuts and fills)
- Site construction, including rough and fine grading
- Resurfacing of trails and cart paths
- Finish landscaping, including loam, seed, and plantings
- Remove temporary erosion and sediment control measures within 30 days of the stabilization.
- Timing of the implementation of these measures will be determined by project construction progress. Down slope protective measures must always be in place before soil is disturbed.





## 2.5 Authorized Non-Stormwater Discharges

### List of Authorized Non-Stormwater Discharges Present at the Site

Authorized Non-Stormwater Discharge	Will or May Occur at Your Site?	
Discharges from emergency fire-fighting activities	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Fire hydrant flushing	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Landscape irrigation	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Waters used to wash vehicles and equipment	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Water used to control dust	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Potable water including uncontaminated water line flushing	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Routine external building wash down	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Pavement wash waters	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Uncontaminated air conditioning or compressor condensate	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Uncontaminated, non-turbid discharges of ground water or spring water	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Foundation or footing drains	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Construction dewatering water	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

## 2.6 Site Maps

Site maps are included in Appendix A



## SECTION 3: DOCUMENTATION OF COMPLIANCE WITH OTHER FEDERAL REQUIREMENTS

### 3.1 Endangered Species Protection

#### Eligibility Criterion

Following the process outlined in Appendix D, under which criterion are you eligible for coverage under this permit?

- 
- Criterion A:** No ESA-listed species and/or designated critical habitat present in action area. Using the process outlined in Appendix D of the CGP, you certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of the CGP. *Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.*
- Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D (Note: reliance on State resources is not acceptable; see CGP Appendix D).
- 
- Criterion B:** Eligibility requirements met by another operator under the 2022 CGP. The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your "action area" under eligibility Criterion A, C, D, E, or F of the 2022 CGP and you have confirmed that no additional ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS not considered in the that certification may be present or located in the "action area." To certify your eligibility under this criterion, there must be no lapse of NPDES permit coverage in the other CGP operator's certification. By certifying eligibility under this criterion, you agree to comply with any conditions upon which the other CGP operator's certification was based. You must include in your NOI the NPDES ID from the other 2022 CGP operator's notification of authorization under this permit and list any measures that you must comply with. If your certification is based on another 2022 CGP operator's certification under criterion C, you must provide EPA with the relevant supporting information required of existing dischargers in Criterion C.
- Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D.



- Criterion C:** Discharges not likely to result in any short- or long-term adverse effects to ESA-listed species and/or designated critical habitat. ESA-listed species and/or designated critical habitat(s) under the jurisdiction of the USFWS and/or NMFS are likely to occur in or near your site's "action area," and you certify to EPA that your site's discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects to ESA-listed threatened or endangered species and/or designated critical habitat. This certification may include consideration of any stormwater controls and/or management practices you will adopt to ensure that your discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects to ESA-listed species and/or designated critical habitat. To certify your eligibility under this criterion, indicate 1) the ESA-listed species and/or designated habitat located in your "action area" using the process outlined in Appendix D of this permit; 2) the distance between the site and the listed species and/or designated critical habitat in the action area (in miles); and 3) a rationale describing specifically how short- or long-term adverse effects to ESA-listed species will be avoided from the discharges and discharge-related activities. (Note: You must include a copy of your site map from your SWPPP showing the upland and in-water extent of your "action area" with your NOI.)
- Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D.

**Documentation:** [USFW IPaC Tool, reporting provided in Appendix K.](#)

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- Criterion D:** Coordination with USFWS and/or NMFS has successfully concluded. Coordination between you and the USFWS and/or NMFS has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS, and resulted in a written confirmation from USFWS and/or NMFS that the effects of your site's discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects. By certifying eligibility under this criterion, you agree to comply with any conditions you must meet for your site's discharges and discharge-related activities to not likely result in any short- or long-term adverse effects. You must include copies of the correspondence with the participating agencies in your SWPPP and this NOI.



- Criterion E:** ESA Section 7 consultation has successfully concluded. Consultation between a Federal agency and the USFWS and/or NMFS under section 7 of the ESA has concluded. Consultations can be either formal or informal, and would have occurred only as a result of a separate Federal action (e.g., during application for an individual wastewater discharge permit or the issuance of a wetlands dredge and fill permit), and the consultation must have addressed the effects of your construction activity's discharges and discharge-related activities on all ESA-listed threatened or endangered species and all designated critical habitat under the jurisdiction of each Service, as appropriate, in your action area. The result of this consultation must be either:
- i. A biological opinion currently in effect that determined that the action in question (taking into account the effects of your facility's discharges and discharge-related activities) is likely to adversely affect, but is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The biological opinion must have included the effects of your facility's discharges and discharge-related activities on all the listed species and designated critical habitat in your action area under the jurisdiction of each Service, as appropriate. To be eligible under (i), any reasonable and prudent measures specified in the incidental take statement must be implemented;
  - ii. Written concurrence (e.g., letter of concurrence) from the applicable Service(s) with a determination that your facility's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. The concurrence letter must have included the effects of your facility's discharges and discharge-related activities on all the ESA-listed species and/or designated critical habitat on your species list(s) acquired from USFWS and/or NMFS as part of this worksheet.

The consultation does not warrant reinitiation under 50 CFR §402.16; or, if reinitiation of consultation is required (e.g., due to a new species listing, critical habitat designation, or new information), the Federal action agency has reinitiated the consultation and the result of the consultation is consistent with the statements above. (Note: you must include any reinitiation documentation from the Services or consulting Federal agency with your NOI.) -

- Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D.

- Criterion F:** Issuance of section 10 permit. Potential take is authorized through the issuance of a permit under section 10 of the ESA by the USFWS and/or NMFS, and this authorization addresses the effects of the site's discharges and discharge-related activities on ESA-listed species and designated critical habitat. You must include copies of the correspondence between yourself and the participating agencies in your SWPPP and your NOI.

- Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D.





### 3.2 Historic Preservation

#### Appendix E, Step 1

Do you plan on installing any of the following stormwater controls at your site? Check all that apply below, and proceed to Appendix E, Step 2.

- Dike
- Berm
- Catch Basin
- Pond
- Stormwater Conveyance Channel (e.g., ditch, trench, perimeter drain, swale, etc.)
- Culvert
- Infiltration Chamber

#### Appendix E, Step 2

If you answered yes in Step 1, have prior surveys or evaluations conducted on the site already determined that historic properties do not exist, or that prior disturbances at the site have precluded the existence of historic properties?  YES  NO

Based on an online search of the Massachusetts Historical Commission's (MHC) online database, there are no historic properties within the project limits and therefore been determined that the project is unlikely to affect significant historic or archaeological resources.

### 3.3 Safe Drinking Water Act Underground Injection Control Requirements

Do you plan to install any of the following controls? Check all that apply below.

- Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)
- Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow
- Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)



## SECTION 4: EROSION AND SEDIMENT CONTROLS

A variety of storm water pollutant controls (Best Management Practices) are recommended for this project. These controls are reflected in the Erosion Control Plans, Construction Plans and Details enclosed herein as Appendix A. Some controls are intended to function temporarily and will be used as needed for pollutant control during the construction period. These include temporary erosion control barriers such as silt fencing, a stabilized construction entrance, and storm drain inlet protection measures.

### 4.1 Natural Buffers or Equivalent Sediment Controls

#### Buffer Compliance Alternatives

Are there any surface waters within 50 feet of your project's earth disturbances?  YES  NO

### 4.2 Perimeter Controls

#### General

- Silt fencing will be installed around the perimeter of phased construction areas that will receive stormwater from earth disturbing activities.

#### Specific Perimeter Controls

##### Silt Fence

A silt fence barrier will be installed around the perimeter of phased construction areas that will receive stormwater from earth disturbing activities.

##### Installation

- The silt fence barrier will be installed before construction begins.

##### Maintenance Requirements

- The silt fence will be inspected weekly and immediately after storm events to ensure, they are intact and that there are no gaps or tears. Accumulated sediment must be removed before it has accumulated to one-third the above-ground height of the silt fence or straw waddle.

### 4.3 Sediment Track-Out

#### General

- John Deere tractors and ATVs will be used to distribute construction materials throughout the trail system and will not exit the property. Track-out controls will not be required.



#### 4.4 Stockpiled Sediment or Soil

##### General

- If necessary, excavated soil will be stockpiled in designated areas. The stockpile will be stabilized if it will not be used within a 14 day period. It shall be stabilized with temporary seeding and mulching or provided with a tarp to prevent blowing dust and transport of sediments. Hay bales or silt fence may be placed around the perimeter of the stockpiles to contain sediments. Steep slopes will be stabilized against erosion by the use of a temporary vegetative cover.

##### Specific Stockpile Controls

###### Stockpiled Sediment/Soil Control Description

- Temporary hydroseeding will be performed in sloped areas of exposed soils where construction will cease for more than fourteen (14) days. Hydroseeding will consist of wood fibers, fertilizer, and stabilizing emulsion.

###### Installation

- Temporary hydroseeding will be performed in sloped areas of exposed soils where construction activities temporarily cease for more than fourteen (14) days.

###### Maintenance Requirements

- Stabilized areas will be inspected weekly and after storm events until a dense cover of vegetation has been established. If failure is noticed, the area will be re-graded (if needed) and re-seeded immediately.

#### 4.5 Minimize Dust

##### General

- Dust control must be provided by the general contractor and in compliance with applicable local and state dust control regulations. After construction, the site will be stabilized (as described elsewhere), which will reduce the potential for dust generation.

##### Specific Dust Controls

###### Dust Control Description

- Dust from the site will be controlled by spraying potable water by a mobile pressure-type distribution truck as conditions warrant.

###### Installation

- Dust control will be implemented as needed once site grading has been initiated and during windy conditions (forecasted or actual wind conditions of 20 mph or greater) while site grading is occurring.

###### Maintenance Requirements

- The mobile spray truck will be equipped with a positive shutoff valve to prevent over watering of the disturbed areas.



#### 4.6 Minimize the Disturbance of Steep Slopes

##### General

- Stabilization measures will be provided on slopes 2:1 and greater and any other problematic slopes. Erosion control blankets or jute netting will be used for temporary slope protection. Final condition of the slopes will be grass or vegetation.

#### 4.7 Topsoil

##### General

- Topsoil will be re-purposed on-site and stockpiles will be minimized to the extent practicable.

#### 4.8 Soil Compaction

##### General

- Soil compaction should be minimized where final vegetative stabilization will occur. Compacted soil is undesirable for root production and grass growth.

##### Specific Soil Compaction Controls

###### Soil Compaction Control Description

- Special care should be taken to areas where temporary erosion control measures are placed as it may lead to compacted soils.
- Areas to be returned to natural vegetated stated should be restricted to construction vehicles and machinery.

###### Installation

- Revegetate as soon as possible after construction. A delay in seeding can lead to erosion of the fine soil particles from the surface leaving a "pavement" of coarser material that is more difficult to revegetate.

###### Maintenance Requirements

- The area will be inspected weekly for erosion and after storm events. Any areas of erosion on or around the stockpile will be stabilized immediately with erosion controls.

#### 4.9 Storm Drain Inlets

##### General

- There are no storm drain inlets within the project area.

#### 4.10 Constructed Stormwater Conveyance Channels

##### General

- Erosion control will be installed around all Constructed Stormwater Conveyance Channels are that will receive stormwater from the construction areas.

##### Specific Stormwater Conveyance Channel Controls

###### Existing Stormwater Conveyance Channel Control

Silt Fence



- A silt fence barrier will be installed around the perimeter of existing stormwater conveyance channels to prevent erosion and sedimentation into these areas during construction and prior to stabilization.

**Installation**

- Before construction begins, a silt fence barrier will be installed around the perimeter of existing stormwater conveyance channels.

**Maintenance Requirements**

- Leaf litter and existing roots to be removed from stormwater conveyance channels.
- Surrounding silt fences will be inspected weekly and immediately after storm events to ensure, they are intact and that there are no gaps or tears. Accumulated sediment must be removed before it has accumulated to one-third the above-ground height of the silt fence or straw waddle.

**4.11 Sediment Basins**

**General**

- Sediment basins are not anticipated to be used for this project, but if some spot location dewatering is needed, sediment will be removed.

**4.12 Chemical Treatment**

**General**

- There will be no use of Chemical treatment on this project.

**4.13 Dewatering Practices**

**General**

- Dewatering practices are not expected to be used for this project.

**4.14 Other Stormwater Controls**

**General**

- There are no other stormwater control devices anticipated for use on this project.

**4.15 Site Stabilization**

**Site Stabilization Practice** (only use this if you are not located in an arid, semi-arid, or drought-stricken area)

- Vegetative*     *Non-Vegetative*  
 *Temporary*     *Permanent*

**Description of Practice**

- Temporary hydroseeding will be performed in sloped areas of exposed soils where construction will cease for more than fourteen (14) days. Hydroseeding will consist of wood fibers, fertilizer, and stabilizing emulsion.





Installation

- Temporary hydroseeding is to be completed as soon as practicable but no later than seven (7) calendar days after construction work has ceased.

Maintenance Requirements

- Stabilized areas will be inspected weekly and after storm events until a dense cover of vegetation has been established. If failure is noticed, the area will be re-graded (if needed) and re-seeded immediately.

- Vegetative*     *Non-Vegetative*  
 *Temporary*     *Permanent*

Description of Practice

- Place 6-inch of loam and seed to provide permanent soil stabilization.

Installation

- After fine grading and trail re-surfacing.

Maintenance Requirements

- Stabilized areas will be inspected weekly and after storm events until a dense cover of vegetation has been established. If failure is noticed, the area will be re-graded (if needed) and re-seeded immediately.



**SECTION 5: POLLUTION PREVENTION STANDARDS**

**5.1 Potential Sources of Pollution**

**Construction Site Pollutants**

<b>Pollutant-Generating Activity</b>	<b>Pollutants or Pollutant Constituents</b> (that could be discharged if exposed to stormwater)	<b>Location on Site</b> (or reference SWPPP site map where this is shown)
Vehicle/machinery refueling	Petroleum products	Staging area

Additional pollutants will be added if required through the project.

**5.2 Spill Prevention and Response**

Spill Prevention and Control Plan

- Manufacturers’ recommended spill control methods will be posted and site personnel will be made aware of the requirements
- Cleanup supplies will be kept onsite in a materials storage area. This equipment will include: goggles, brooms, dustpans, mops, rags, gloves, oil absorbent, plastic and/or metal trash cans, and other materials and supplies specifically designated for cleanup.
- All spills will be immediately cleaned up after discovery.
- The spill area will be well ventilated.
- Cleanup personnel will wear suitable protective clothing.
- Spills of toxic and/or hazardous materials will be reported to local, state and federal authorities as required by law. Spills shall also be reported immediately to the owner.
- A spill incident report will be filed detailing the amount and extent of the spill, material(s) involved, and effectiveness of the cleanup. This report will be on file at the Contractor’s office, as well kept onsite in the field office.
- The Contractor will designate someone onsite that will serve as the Spill Cleanup Coordinator. At least two other personnel will be designated as alternate spill coordinators. All spill control personnel will be trained in spill prevention, control, and cleanup. The names of the responsible personnel will be posted at the jobsite office of the Contractor.
- A spill kit shall be kept onsite and shall, at a minimum, contain gloves, absorbent mats, and drip pans.



### 5.3 Fueling and Maintenance of Equipment or Vehicles

#### General

- Minor vehicle and equipment maintenance can occur onsite. Major vehicle and equipment maintenance must be performed offsite. Equipment/vehicle storage areas and any onsite fuel tanks will be inspected weekly and after storm events. Equipment and vehicles will be inspected on each day of use. Provide drip pans or absorbents under or around leaky vehicles. Any leaks will be repaired immediately, or the equipment/vehicle will be removed from the site.
- Do not clean surface by hosing down areas.

#### Fueling and Maintenance of Equipment or Vehicles Pollution Prevention Practices

##### Description

- Staff training will be conducted at project start-up and when there are changes in project site equipment, materials, or workers.
- Major vehicles and equipment will be maintained off-site. All vehicles and equipment will be checked for leaking oil and fluids.
- Hazardous materials will be stored in accordance with federal and municipal regulations.
- Spill kits will be stored within the materials storage area and concrete washout areas. Equipment and materials will include but are not limited to absorbent mats, brooms, dust pans, mops, rags, gloves, goggles, sand, and plastic and metal trash containers.
- All spills will be cleaned up immediately upon discovery. Used absorbent materials and rags will be hauled off-site for disposal immediately after the spill is cleaned up.
- All workers will be directed to inform the on-site supervisor in the event of a spill. The supervisor will assess the incident and initiate containment procedures. Workers should avoid direct contact with the spilled material during containment procedures.
- Primary notification of a spill should be made to the local Fire and Police Departments. Secondary notification will be to a certified cleanup contractor, if deemed necessary. The third level of notification is to the MA Department of Environmental Protection, the local Board of Health, and the local Conservation Commission.
- Spills large enough to discharge to surface water will be reported to the National Response Center at 1-800-424-8802 and MA DEP at 617-792-7653.
- Material safety data sheets, materials inventory, and emergency contact information will be maintained at the on-site project trailer.

##### Installation

- The spill prevention and control procedures will be implemented once construction begins on-site.

##### Maintenance Requirements

- All personnel will be instructed on proper procedures via training sessions. Notices that state the spill prevention and control procedures will be posted in the office trailer.

### 5.4 Washing of Equipment and Vehicles

#### General

- Washout areas are not anticipated for use on this project. The only concrete products used will be pre-cast.



## 5.5 Storage, Handling, and Disposal of Construction Products, Materials, and Wastes

### 5.5.1 Building Products

#### General

- Any building materials required to be stored onsite will be stored at a combined staging and materials storage area. Larger items, such as framing materials, will be elevated by appropriate methods to minimize contact with runoff. The storage area will be inspected weekly and after storm events. It will be kept clean, organized and equipped with appropriate cleaning supplies.

#### Building Products Pollution Prevention Practices

##### Description

- All waste materials will be collected and disposed of into metal trash dumpsters in the staging areas. Dumpsters will be placed away from stormwater conveyances and drains, and meet all local and state solid-waste management regulations. Only trash and construction debris from the site will be deposited in the dumpsters. Notices that state the correct procedure for disposal of trash and construction debris will be posted in the office trailer.

##### Installation

- Trash dumpsters will be installed once the staging areas have been established.

##### Maintenance Requirements

- The dumpsters will be inspected weekly and immediately after storm events. Dumpsters will be emptied as required, so that trash and construction debris will not exceed the dumpsters' capacities.

### 5.5.2 Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials

#### General

- Fertilizers will be used at the application rates called for in the specifications for the project.
- Once applied, fertilizer will be worked into the soil to minimize wash off from irrigation and storm water.

#### Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials Pollution Prevention Practices

##### Description

- Any landscaping materials required to be stored onsite will be stored at a combined staging and materials storage area. Storage areas should be provided with cover (e.g. plastic sheeting, temporary roof) to prevent contact with rainwater.

##### Installation

- Once the staging areas has been established.

##### Maintenance Requirements

- All personnel will be instructed on proper procedures via training sessions. Notices that state the spill prevention and control procedures will be posted in the office trailer.



### **5.5.3 Diesel Fuel, Oil, Hydraulic Fluids, Other Petroleum Products, and Other Chemicals**

#### **General**

- Only skilled personnel in a designated area will perform fueling of vehicles onsite.
- Vehicles used onsite will be monitored for fuel and oil leaks.
- Vehicles used onsite will be maintained in good working order.
- Asphalt substances will be applied in accordance with manufacturers' recommendations.
- The use of petroleum products as a release agent for asphalt transport trucks is prohibited.
- Store in water-tight containers under cover to prevent contact with rainwater or other similarly effective means, such as secondary containment, to prevent the discharge of pollutants.

#### **Diesel Fuel, Oil, Hydraulic Fluids, Other Petroleum Products, and Other Chemicals Pollution Prevention Practices**

##### Description

- Staff training will be conducted at project start-up and when there are changes in project site equipment, materials, or workers.
- Vehicles and equipment will be maintained off-site. All vehicles and equipment will be checked for leaking oil and fluids.
- Hazardous materials will be stored as described in accordance with federal and municipal regulations.
- Spill kits will be stored within the materials storage area and concrete washout areas. Equipment and materials will include but are not limited to absorbent mats, brooms, dust pans, mops, rags, gloves, goggles, sand, and plastic and metal trash containers.
- All spills will be cleaned up immediately upon discovery. Used absorbent materials and rags will be hauled off-site for disposal immediately after the spill is cleaned up.
- All workers will be directed to inform the on-site supervisor in the event of a spill. The supervisor will assess the incident and initiate containment procedures. Workers should avoid direct contact with the spilled material during containment procedures.
- Primary notification of a spill should be made to the local Fire and Police Departments. Secondary notification will be to a certified cleanup contractor, if deemed necessary. The third level of notification is to the MA Department of Environmental Protection, the local Board of Health, and the local Conservation Commission.
- Spills large enough to discharge to surface water will be reported to the National Response Center at 1-800-424-8802 and MADEP at 617-792-7653.
- Material safety data sheets, materials inventory, and emergency contact information will be maintained at the on-site project trailer. The spill prevention and control procedures will be implemented once construction begins on-site.

##### Installation

- The spill prevention and control procedures will be implemented once construction begins on-site.

##### Maintenance Requirements

- All personnel will be instructed on proper procedures via tailgate training sessions. Notices that state the spill prevention and control procedures will be posted in the office trailer.





#### **5.5.4 Hazardous or Toxic Waste**

##### **General**

- Keep products in their original containers.
- Container labels should be clearly visible.
- Material safety data sheets will be kept onsite and be available.
- Follow all state, local and federal regulations concerning the handling, use, storage and disposal of hazardous material.
- Minimize exposure to storm water.
- Containers stored outside shall have an appropriately sized secondary containment system (e.g. spill berm) to prevent spills from being discharge or provide similarly effective means (e.g. spill kit) to prevent discharge of pollutants.
- All paint containers will be tightly sealed when not in use.
- Remove excess paint in original labeled containers for the jobsite.
- Paint will be legally disposed of offsite.

##### **Hazardous or Toxic Waste Pollution Prevention Practices**

###### **Description**

- All hazardous waste materials such as oil filters, petroleum products, paint, and equipment maintenance fluids will be stored in structurally sound and sealed shipping containers in the hazardous-materials storage area. Secondary containment will be provided for all materials in the hazardous materials storage area and will consist of commercially available spill pallets, which will be covered (by shed or tarp) to prevent accumulation of rainwater. All hazardous materials will be disposed of in accordance with federal, state, and municipal regulations. Hazardous waste materials will not be disposed of in onsite dumpsters. Notices that state proper disposal procedures will be posted in the office trailer.

###### **Installation**

- Shipping containers for storage of hazardous waste materials will be installed once the materials storage area has been installed onsite.

###### **Maintenance Requirements**

- The hazardous materials storage areas will be inspected weekly and immediately after storm events. The storage areas will be kept clean, well-organized, and equipped with ample cleaning supplies as appropriate. Material safety data sheets, material inventory, and emergency contact numbers will be maintained in the office trailer.

#### **5.5.5 Construction and Domestic Waste**

##### **General**

- All waste materials will be collected and disposed of into metal trash dumpsters in the staging areas. Dumpsters will have a secure watertight lid, be placed away from stormwater conveyances and drains, and meet all local and state solid-waste management regulations.



## Construction and Domestic Waste Pollution Prevention Practices

### Description

- Only trash and construction debris from the site will be deposited in the dumpsters. Notices that state the correct procedure for disposal of trash and construction debris will be posted in the office trailer.

### Installation

- Trash dumpsters will be installed once the staging areas have been established.

### Maintenance Requirements

- The dumpsters will be inspected weekly and immediately after storm events. Dumpsters will be emptied as required, so that trash and construction debris will not exceed the dumpsters' capacities.

### 5.5.6 Sanitary Waste

#### General

- Permanent sanitary facilities will be maintained at the site. No temporary measures are anticipated for use on this project.

### 5.6 Washing of Applicators and Containers

A designated, temporary, above-grade washout area shall be constructed as needed for washing of paint, stucco, concrete or other non-hazardous construction materials. The washout area shall be leak-proof with sufficient volume to contain all liquid and waste generated by washout operations.

### 5.7 Fertilizers

#### General

- Fertilizers will be used at the application rates called for in the specifications for the project.
- Once applied, fertilizer will be worked into the soil to minimize wash off from irrigation and storm water.

## Fertilizers Pollution Prevention Practices

### Description

- Applications will only be applied during the appropriate time of year for maximum vegetation uptake and growth.
- Fertilizers will not be applied before heavy rains.
- Fertilizers will not be applied to stormwater swales or in any area of flowing water.

### 5.8 Other Pollution Prevention Practices

#### General

- Snow shall not be plowed beyond the parking lot where it could melt and flow untreated into the surrounding stormwater system.



## SECTION 6: INSPECTION AND CORRECTIVE ACTION

### 6.1 Inspection Personnel and Procedures

#### Personnel Responsible for Inspections

Inspections will be conducted by qualified personnel provided by the Operator. “Qualified personnel” is someone knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer (P.E.), a Certified Professional in Erosion and Sediment Control (C.P.E.S.C.), or other knowledgeable person, who possesses the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of any erosion and sediment control measure selected for this site.

#### Inspection Schedule

##### Specific Inspection Frequency

Inspections shall be conducted at least once every seven (7) days and within 24 hours of the end of a storm event of one-quarter inch (0.25”) or greater; or a discharge caused by snowmelt from a storm event that produces 3.25 inches or more of snow within a 24-hour period. The inspections shall verify that all BMPs required in Sections 4 and 5 are implemented, maintained, and effectively minimizing pollutants in the stormwater runoff from the project site. Inspections will be conducted for all areas of the site disturbed by construction activity and areas used for materials storage. Detailed inspection procedures are included in Sections 4 and 5.

In areas that are stabilized and where work has ceased, inspection frequency may be reduced to twice per month, no more than fourteen (14) calendar days apart, then once per month in any area of your site where the stabilization steps in 2.2.14a have been completed. The frequency of inspections may be reduced or the requirement of inspections may be waived, if the conditions in Parts 4.B. and 4.C. of the General Permit are met, which are as follows:

- B. Inspection frequency may be reduced to at least once every month if:*
- *The entire site is temporarily stabilized,*
  - *Runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), or*
  - *Construction is occurring during seasonal arid periods in arid areas and semi-arid areas.*
- C. A waiver of the inspection requirements is available until one month before thawing conditions are expected to result in a discharge if all of the following requirements are met:*
- *The project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month);*
  - *Land disturbance activities have been suspended; and*
  - *The beginning and ending dates of the waiver period are documented in the SWPPP.*

For each inspection, an inspection report will be completed as described in Part 4 of the NPDES General Permit. Records of these inspection reports will be retained for at least three years from the date that the General Permit coverage expires or is terminated. The inspection reports will be kept in a binder and be available for review. The Inspection Report Form is included in the Appendices.

#### Inspection Report Forms

Inspection forms can be found in Appendix D.

#### Dewatering Inspection Schedule

Once per day on which the discharge of dewatering water occurs.



## 6.2 Corrective Action

If corrective actions are identified during an inspection, the inspector will notify and submit a copy of the Inspection Report to the Construction Site Operator. The Construction Site Operator will be responsible for initiating the corrective action within 24 hours of the report and completing maintenance as soon as possible or before the next storm event.

Corrective actions include repair, modify or replace any stormwater control used at the site; cleanup and properly dispose of spills, releases, or other deposits; or remedy a permit violation.

Personnel Responsible for Corrective Actions

Company: Boy Scouts of America (Mayflower Council)

Name: Pete Lane

Position: Head Volunteer

### Corrective Action Forms

**The corrective action forms can be found in Appendix E.**

### Requirements for Taking Corrective Action

You must complete the following corrective actions in accordance with the deadlines specified in this Part. In all circumstances, you must immediately take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events.

For any of the following conditions on your site, you must install a new or modified control and make it operational, or complete the repair, by no later than 7 calendar days from the time of discovery. If it is infeasible to complete the installation or repair within 7 calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-calendar day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as practicable after the 7-day timeframe.

- A. A required stormwater control was never installed, was installed incorrectly, or not in accordance with the requirements of the CGP; or
- B. You become aware that the stormwater controls you have installed and are maintaining are not effective enough for the discharge to meet applicable water quality standards. In this case, you must notify your EPA Regional Office by the end of the next workday. You are required to submit your notification through EPA's electronic NOI system, or "eNOI", at [www.epa.gov/npdes/cgpenoi](http://www.epa.gov/npdes/cgpenoi); or
- C. A prohibited discharge is occurring or has occurred. Prohibited discharges include:
  1. Wastewater from washout of concrete, unless managed by an appropriate control
  2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials, unless managed by an appropriate control.
  3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
  4. Soaps, solvents, or detergents used in vehicle and equipment washing



5. Toxic or hazardous substances from a spill or other release.

Where your corrective actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within 7 calendar days of completing corrective action work.

#### **Corrective Action Required by EPA**

You must comply with any corrective actions required by EPA as a result of permit violations found during an inspection by EPA.

#### **Corrective Action Report**

For each corrective action taken in accordance with this Part, you must complete a corrective action report, which includes the applicable information in Parts A and B below. Note that these reports must be maintained in your records but do not need to be provided to EPA except upon request.

- A. Within 24 hours of discovering the occurrence of one of the triggering conditions that require immediate action at your site, you must complete a report of the following:
  1. Which condition was identified at your site;
  2. The nature of the condition identified; and
  3. The date and time of the condition identified and how it was identified.
- B. Within 7 calendar days of discovering the occurrence of one of the triggering conditions that require corrective action within 7 calendar days, you must complete a report of the following:
  1. Any follow-up actions taken to review the design, installation, and maintenance of stormwater controls, including the dates such actions occurred;
  2. A summary of stormwater control modifications taken or to be taken, including a schedule of activities necessary to implement changes, and the date the modifications are completed or expected to be completed; and
  3. Notice of whether SWPPP modifications are required as a result of the condition identified or corrective action.

Each corrective action report must be signed and certified in accordance with Appendix I, Part I.11 of the CGP

#### **Recordkeeping Requirements**

You are required to keep a current copy of all corrective action reports at the site or at an easily accessible location, so that it can be made available at the time of an onsite inspection or upon request by EPA. For purposes of this permit, your corrective action reports may be kept electronically if the records are:

- A. In a format that can be read in a similar manner as a paper record;
- B. Legally dependable with no less evidentiary value than their paper equivalent; and
- C. Accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form.
- D. All corrective action reports completed for this Part must be retained for at least 3 years from the date that your permit coverage expires or is terminated.





**6.3 Delegation of Authority**

**Duly Authorized Representative(s) or Position(s):**

Company: Boy Scouts of America (Mayflower Council)

Name: Hunter J McCormick

Position: Camping & Program Director

Address: 83 Cedar Street, Milford, MA

Mobile: 508-217-4618

Email: Hunter.McCormick@scouting.org



**SECTION 7: TRAINING**

The following personnel, at a minimum, must receive training and should be documented as having completed training.

- Responsible for the design, installation, maintenance and/or repair of stormwater controls (including pollution prevention measures)
- Responsible for the application and storage of treatment chemicals (if applicable)
- Responsible for conducting inspections
- Responsible for taking corrective actions

Personnel must be trained to understand the following if related to the scope of their responsibilities:

- The location of all stormwater controls on the site required by the CGP, and how they are to be maintained.
- The proper procedures to follow with respect to the permit’s pollution prevention requirements
- When and how to conduct inspections, record applicable findings, and take corrective actions.

**Table 7-1: Documentation for Completion of Training**

Name	Date Training Completed

**SECTION 8: CERTIFICATION AND NOTIFICATION****Instructions (CGP Appendix G, Part G.11.2):**

- The following certification statement must be signed and dated by a person who meets the requirements of Appendix G, Part G.11.2.
- This certification must be re-signed in the event of a SWPPP Modification.

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.

Name: Hunter McCormick Title: Camping & Program Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**Appendix A – Site Plans**



**Appendix B – 2022 CGP**



**National Pollutant Discharge Elimination System (NPDES)  
Construction General Permit (CGP) for Stormwater Discharges from  
Construction Activities**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. § 1251 et. seq., (hereafter CWA), as amended by the Water Quality Act of 1987, P.L. 100-4, "operators" of construction activities (defined in Appendix A) that meet the requirements of Part 1.1 of this National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP), are authorized to discharge pollutants in accordance with the effluent limitations and conditions set forth herein. Permit coverage is required from the "commencement of construction activities" (see Appendix A) until one of the conditions for terminating CGP coverage has been met (see Part 8.2).

This permit becomes effective on 12:00 am, February 17, 2022.

This permit and the authorization to discharge expire at 11:59pm, February 16, 2027.

Signed and issued this 18 day of January 2022

**DEBORAH SZARO** Digitally signed by DEBORAH SZARO  
Date: 2022.01.18 08:31:14 -05'00'

Deborah Szaro,  
Acting Regional Administrator, EPA Region 1.

Signed and issued this 18 day of January 2022

**JAVIER LAUREANO** Digitally signed by JAVIER LAUREANO  
Date: 2022.01.18 11:21:16 -05'00'

Javier Laureano,  
Director, Water Division, EPA Region 2.

Signed and issued this 18 day of January 2022

**CARMEN GUERRERO PEREZ** Digitally signed by CARMEN GUERRERO PEREZ  
Date: 2022.01.18 10:19:51 -04'00'

Carmen Guerrero-Perez,  
Director, Caribbean Environmental Protection Division, EPA Region 2.

Signed and issued this 18 day of January 2022

**CATHERINE LIBERTZ** Digitally signed by CATHERINE LIBERTZ  
Date: 2022.01.18 12:05:24 -05'00'

Catherine A. Libertz,  
Director, Water Division, EPA Region 3.

Signed and issued this 18 day of January 2022

**JEANEANNE GETTLE** Digitally signed by JEANEANNE GETTLE  
Date: 2022.01.18 13:09:48 -05'00'

Jeaneanne Gettle,  
Director, Water Division, EPA Region 4.

Signed and issued this 18 day of January 2022

 Digitally signed by TERA FONG  
Date: 2022.01.18 13:03:49 -06'00'

Tera Fong,  
Director, Water Division, EPA Region 5.

Signed and issued this 18 day of January 2022

**CHARLES MAGUIRE** Digitally signed by CHARLES MAGUIRE  
DN: cn=US, o=U.S. Government, ou=Environmental Protection Agency, cn=CHARLES MAGUIRE, o.9.2342.19200300.100.1.1+68001003650036  
Date: 2022.01.18 14:06:55 -06'00'

Charles W. Maguire,  
Director, Water Division, EPA Region 6.

Signed and issued this 18 day of January 2022

**JEFFERY ROBICHAUD** Digitally signed by JEFFERY ROBICHAUD  
Date: 2022.01.18 14:41:37 -06'00'

Jeffery Robichaud,  
Director, Water Division, EPA Region 7.

Signed and issued this 18 day of January 2022

**DARCY OCONNOR** Digitally signed by DARCY OCONNOR  
Date: 2022.01.18 14:00:05 -07'00'

Darcy O'Connor,  
Director, Water Division, EPA Region 8.

Signed and issued this 18 day of January 2022

**TOMAS TORRES** Digitally signed by TOMAS TORRES  
Date: 2022.01.18 13:30:16 -08'00'

Tomás Torres,  
Director, Water Division, EPA Region 9.

Signed and issued this 18 day of January 2022

**DANIEL OPALSKI** Digitally signed by DANIEL OPALSKI  
Date: 2022.01.18 15:10:20 -08'00'

Daniel D. Opalski,  
Director, Water Division, EPA Region 10.

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## 1 HOW TO OBTAIN COVERAGE UNDER THE CONSTRUCTION GENERAL PERMIT (CGP)

To be covered under this permit, you must meet the eligibility conditions and follow the requirements for obtaining permit coverage in this Part.

### 1.1 ELIGIBILITY CONDITIONS

**1.1.1** You are an “operator” of a construction site for which discharges will be covered under this permit. For the purposes of this permit and in the context of stormwater discharges associated with construction activity, an “operator” is any party associated with a construction project that meets either of the following two criteria:

- a.** The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
- b.** The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

Where there are multiple operators associated with the same project, all operators must obtain permit coverage.<sup>1</sup> Subcontractors generally are not considered operators for the purposes of this permit.

#### 1.1.2 Your site’s construction activities:

- a.** Will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale (as defined in Appendix A) that will ultimately disturb one or more acres of land; or
- b.** Have been designated by EPA as needing permit coverage under 40 CFR § 122.26(a)(1)(v) or 40 CFR § 122.26(b)(15)(ii);

**1.1.3** Your site is located in an area where EPA is the permitting authority and where coverage under this permit is available (see Appendix B);

#### 1.1.4 Discharges from your site are not:

- a.** Already covered by a different NPDES permit for the same discharge; or
- b.** In the process of having coverage under a different NPDES permit for the same discharge denied, terminated, or revoked.<sup>2, 3</sup>

**1.1.5** You can demonstrate you meet one of the criteria in the Endangered Species Protection section of the Notice of Intent (NOI) that you submit for coverage under this permit, per Part 1.4, with respect to the protection of Federally listed endangered or threatened species and Federally designated critical habitat under the Endangered Species Act

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<sup>1</sup> If the operator of a “construction support activity” (see Part 1.2.1c) is different than the operator of the main site, that operator must also obtain permit coverage. See Part 7.1 for clarification on the sharing of permit-related functions between and among operators on the same site and for conditions that apply to developing a SWPPP for multiple operators associated with the same site.

<sup>2</sup> Parts 1.1.4a and 1.1.4b do not include sites currently covered under the 2017 CGP that are in the process of obtaining coverage under this permit, nor sites covered under this permit that are transferring coverage to a different operator.

<sup>3</sup> Notwithstanding a site being made ineligible for coverage under this permit because it falls under the description of Parts 1.1.4a or 1.1.4b, above, EPA may waive the applicable eligibility requirement after specific review if it determines that coverage under this permit is appropriate.

(ESA). If the EPA Regional Office grants you a waiver from electronic reporting per Part 1.4.2, you must complete the ESA worksheet in Appendix D to demonstrate you meet one of the criteria and submit it with your paper NOI (Appendix I).

- 1.1.6** You have completed the screening process in Appendix E relating to the protection of historic properties; and
- 1.1.7** You have complied with all requirements in Part 9 imposed by the applicable State, Indian Tribe, or Territory in which your construction activities and/or discharge will occur.
- 1.1.8** For “new sources” (as defined in Appendix A) only:
- a.** EPA has not, prior to authorization under this permit, determined that discharges from your site will not meet applicable water quality standards. Where such a determination is made prior to authorization, EPA may notify you that an individual permit application is necessary. However, EPA may authorize your coverage under this permit after you have included appropriate controls and implementation procedures designed to bring your discharge into compliance with this permit, specifically the requirement to meet water quality standards. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3, will result in discharges that meet applicable water quality standards.
  - b.** Discharges from your site to a Tier 2, Tier 2.5, or Tier 3 water<sup>4</sup> will not lower the water quality of the applicable water. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3.2, will result in discharges that will not lower the water quality of such waters.
- 1.1.9** If you plan to add “cationic treatment chemicals” (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, you may not submit your NOI until you notify your applicable EPA Regional Office (see Appendix J) in advance and the EPA Regional Office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will result in discharges that meet applicable water quality standards.

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<sup>4</sup> Note: Your site will be considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first receiving water to which you discharge is identified by a State, Tribe, or EPA as a Tier 2, Tier 2.5, or Tier 3 water. For discharges that enter a storm sewer system prior to discharge, the first receiving water to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system. The current list of Tier 2, Tier 2.5, and Tier 3 waters located in the areas eligible for coverage under this permit can be found at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>. You can also use EPA's Discharge Mapping Tool (<https://www.epa.gov/npdes/epas-stormwater-discharge-mapping-tools>) to assist you in identifying whether any receiving waters to which you discharge are listed as impaired (and the pollutant for which it is impaired) and whether an approved total maximum daily load (TMDL) exists for that waterbody.



**1.2 TYPES OF DISCHARGES AUTHORIZED<sup>5</sup>**

- 1.2.1** The following stormwater discharges are authorized under this permit provided that appropriate stormwater controls are designed, installed, and maintained (see Parts 2 and 3):
- a.** Stormwater discharges, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity under 40 CFR § 122.26(b)(14) or § 122.26(b)(15)(i);
  - b.** Stormwater discharges designated by EPA as needing a permit under 40 CFR §122.26(a)(1)(v) or § 122.26(b)(15)(ii);
  - c.** Stormwater discharges from on or off-site construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that:
    - i.** The support activity is directly related to the construction site required to have permit coverage for stormwater discharges;
    - ii.** The support activity is not a commercial operation, nor does it serve multiple unrelated construction sites;
    - iii.** The support activity does not continue to operate beyond the completion of the construction activity at the site it supports; and
    - iv.** Stormwater controls are implemented in accordance with Part 2 and Part 3 for discharges from the support activity areas; and
  - d.** Stormwater discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining.
- 1.2.2** The following non-stormwater discharges associated with your construction activity are authorized under this permit provided that, with the exception of water used to control dust and to irrigate vegetation in stabilized areas, these discharges are not routed to areas of exposed soil on your site and you comply with any applicable requirements for these discharges in Parts 2 and 3:
- a.** Discharges from emergency fire-fighting activities;
  - b.** Fire hydrant flushings;
  - c.** Landscape irrigation;
  - d.** Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
  - e.** Water used to control dust;
  - f.** Potable water including uncontaminated water line flushings;

---

<sup>5</sup> See "Discharge" as defined in Appendix A. Note: Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA Section 402(k) by disclosure to EPA, State, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the SWPPP, or during an inspection.

- g.** External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances (as defined in Appendix A) (e.g., paint or caulk containing polychlorinated biphenyls (PCBs));
  - h.** Pavement wash waters, provided spills or leaks of toxic or hazardous substances have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used. You are prohibited from directing pavement wash waters directly into any receiving water, storm drain inlet, or constructed or natural site drainage features, unless the feature is connected to a sediment basin, sediment trap, or similarly effective control;
  - i.** Uncontaminated air conditioning or compressor condensate;
  - j.** Uncontaminated, non-turbid discharges of ground water or spring water;
  - k.** Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and
  - l.** Uncontaminated construction dewatering water<sup>6</sup> discharged in accordance with Part 2.4.
- 1.2.3** Also authorized under this permit are discharges of stormwater listed above in Part 1.2.1, or authorized non-stormwater discharges listed above in Part 1.2.2, commingled with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

### **1.3 PROHIBITED DISCHARGES<sup>7</sup>**

The discharges listed in this Part are prohibited outright or authorized only under the identified conditions. To prevent the discharges in Parts 1.3.1 through 1.3.5, operators must comply with the applicable pollution prevention requirements in Part 2.3 or ensure the discharge is authorized by another NPDES permit consistent with Part 1.2.3 for commingled discharges.

- 1.3.1** Wastewater from washout of concrete, unless managed by an appropriate control as described in Part 2.3.4;
- 1.3.2** Wastewater from washout and/or cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
- 1.3.3** Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
- 1.3.4** Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; and
- 1.3.5** Toxic or hazardous substances from a spill or other release.

<sup>6</sup> EPA notes that operators may need to comply with additional procedures to verify that the dewatering discharge is uncontaminated. Operators should review Part 9 to determine if any of these requirements apply to their discharge and should ensure that they have complied with any State, Tribal, or local dewatering requirements that apply.

<sup>7</sup> EPA includes these prohibited non-stormwater discharges here as a reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2. Any unauthorized non-stormwater discharges must be covered under an individual permit or alternative general permit.

## 1.4 SUBMITTING YOUR NOTICE OF INTENT (NOI)

All “operators” (as defined in Appendix A) associated with your construction site who meet the Part 1.1 eligibility conditions, and who seek coverage under this permit, must submit to EPA a complete and accurate NOI in accordance with the deadlines in Table 1 prior to commencement of construction activities (as defined in Appendix A).

**Exception:** If you are conducting construction activities in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services, you may discharge on the condition that a complete and accurate NOI is submitted within 30 calendar days after commencing construction activities (see Table 1) establishing that you are eligible for coverage under this permit. You must also provide documentation in your Stormwater Pollution Prevention Plan (SWPPP) to substantiate the occurrence of the public emergency pursuant to Part 7.2.3i.

### 1.4.1 Prerequisite for Submitting Your NOI

You must develop a SWPPP consistent with Part 7 before submitting your NOI for coverage under this permit.

### 1.4.2 How to Submit Your NOI

You must use EPA’s NPDES eReporting Tool (NeT) to electronically prepare and submit your NOI for coverage under the 2022 CGP unless you received a waiver from your applicable EPA Regional Office.

To access NeT, go to <https://cdx.epa.gov/cdx>.

Waivers from electronic reporting may be granted based on one of the following conditions:

- a. If your operational headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or
- b. If you have limitations regarding available computer access or computer capability.

If the EPA Regional Office grants you approval to use a paper NOI, and you elect to use it, you must complete the form in Appendix H.

### 1.4.3 Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage

Table 1 provides the deadlines for submitting your NOI and the official start date of your permit coverage, which differ depending on when you commence construction activities.

**Table 1 NOI Submittal Deadlines and Official Start Date for Permit Coverage.**

Type of Operator	NOI Submittal Deadline <sup>8</sup>	Permit Authorization Date <sup>9</sup>
<b>Operator of a new site</b> (i.e., a site where construction activities commence on or after February 17, 2022)	At least 14 calendar days before commencing construction activities.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.
<b>Operator of an existing site</b> (i.e., a site with 2017 CGP coverage where construction activities commenced prior to February 17, 2022)	No later than May 18, 2022.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.  Provided you submit your NOI no later than May 18, 2022, your authorization under the 2017 CGP is automatically continued until you have been granted coverage under this permit or an alternative NPDES permit, or coverage is otherwise terminated.
<b>New operator of a permitted site</b> (i.e., an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site that is either a “new site” or an “existing site”)	At least 14 calendar days before the date the transfer to the new operator will take place.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.
<b>Operator of an “emergency-related project”</b> (i.e., a project initiated in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services)	No later than 30 calendar days after commencing construction activities.	You are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered 14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.

<sup>8</sup> If you miss the deadline to submit your NOI, any and all discharges from your construction activities will continue to be unauthorized under the CWA until they are covered by this or a different NPDES permit. EPA may take enforcement action for any unpermitted discharges that occur between the commencement of construction activities and discharge authorization.

<sup>9</sup> Discharges are not authorized if your NOI is incomplete or inaccurate or if you are not eligible for permit coverage.

#### 1.4.4 Modifying your NOI

If after submitting your NOI you need to correct or update any fields, you may do so by submitting a "Change NOI" form using NeT. Waivers from electronic reporting may be granted as specified in Part 1.4.2. If the EPA Regional Office has granted you approval to submit a paper NOI modification, you may indicate any NOI changes on the same NOI form in Appendix H.

When there is a change to the site's operator, the new operator must submit a new NOI, and the previous operator must submit a Notice of Termination (NOT) form as specified in Part 8.3.

The following modifications to an NOI form will result in a 14-day review process:

- Changes to the name of the operator;
- Changes to the project or site name;
- Changes to the estimated area to be disturbed;
- Changes to the name of the receiving water<sup>10</sup>, or additions to the applicable receiving waters;
- Changes to eligibility information related to endangered species protection or historic preservation;
- Changes to information provided related to the use of chemical treatment at your site; and
- Changes to answers provided regarding the demolition of structures over 10,000 square feet of floor space built or renovated before January 1, 1980.

During the 14-day review process, you may continue to operate based on the information provided in your original NOI, but you must wait until the review period has ended before you may commence or continue activities on any portion of your site that would be affected by any of the above modifications, unless EPA notifies you that the authorization is delayed or denied.

#### 1.4.5 Your Official End Date of Permit Coverage

Once covered under this permit, your coverage will last until the date that:

- a. You terminate permit coverage consistent with Part 8; or
- b. You receive permit coverage under a different NPDES permit or a reissued or replacement version of this permit after expiring on February 16, 2027; or
- c. You fail to submit an NOI for coverage under a reissued or replacement version of this permit before the deadline for existing construction sites where construction activities continue after this permit has expired.

#### 1.5 REQUIREMENT TO POST A NOTICE OF YOUR PERMIT COVERAGE

You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so it is visible from the public road that is nearest to the active part of the construction

---

<sup>10</sup> As defined in Appendix A, a "receiving water" is "a "Water of the United States" as defined in 40 CFR §122.2 into which the regulated stormwater discharges.



site, and it must use a font large enough to be readily viewed from a public right-of-way.<sup>11</sup> At a minimum, the notice must include:

- a. The NPDES ID (i.e., permit tracking number assigned to your NOI and the EPA webpage where a copy of the NOI can be found (<https://permitsearch.epa.gov/epermit-search/ui/search>));
- b. A contact name and phone number for obtaining additional construction site information;
- c. The Uniform Resource Locator (URL) for the SWPPP (if available), or the following statement: "If you would like to obtain a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this site, contact the EPA Regional Office at [include the appropriate CGP Regional Office contact information found at <https://www.epa.gov/npdes/contact-us-stormwater#regional>];" and
- d. The following statement "If you observe indicators of stormwater pollutants in the discharge or in the receiving water, contact the EPA through the following website: <https://www.epa.gov/enforcement/report-environmental-violations>."

## 2 TECHNOLOGY-BASED EFFLUENT LIMITATIONS

You must comply with the following technology-based effluent limitations in this Part for all authorized discharges.<sup>12</sup>

### 2.1 GENERAL STORMWATER CONTROL DESIGN, INSTALLATION, AND MAINTENANCE REQUIREMENTS

You must design, install, and maintain stormwater controls required in Parts 2.2, 2.3, and 2.4 to minimize the discharge of pollutants in stormwater from construction activities.<sup>13</sup> To meet this requirement, you must:

#### 2.1.1 Account for the following factors in designing your stormwater controls:

- a. The expected amount, frequency, intensity, and duration of precipitation;<sup>14</sup>
- b. The nature of stormwater runoff (i.e., flow) and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. You must design stormwater controls to control stormwater volume, velocity, and peak flow rates to minimize discharges of pollutants in stormwater and to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points; and
- c. The soil type and range of soil particle sizes expected to be present on the site.

<sup>11</sup> If the active part of the construction site is not visible from a public road, then place the notice of permit coverage in a position that is visible from the nearest public road and as close as possible to the construction site.

<sup>12</sup> For each of the effluent limits in Part 2, as applicable to your site, you must include in your SWPPP (1) a description of the specific control(s) to be implemented to meet the effluent limit; (2) any applicable design specifications; (3) routine maintenance specifications; and (4) the projected schedule for installation/implementation. See Part 7.2.6.

<sup>13</sup> The permit does not recommend or endorse specific products or vendors.

<sup>14</sup> Stormwater controls must be designed using the most recent data available to account for recent precipitation patterns and trends.

If your site is exposed to or has previously experienced major storms, such as hurricanes, storm surge, extreme/heavy precipitation, and flood events, you should also include consideration of and contingencies for whether implementing structural improvements, enhanced/resilient stormwater controls, and other mitigation measures may help minimize impacts from stormwater discharges from such major storm events.

**2.1.2 Design and install all stormwater controls in accordance with good engineering practices, including applicable design specifications.<sup>15</sup>**

**2.1.3 Complete installation of stormwater controls by the time each phase of construction activities has begun.**

- a. By the time construction activity in any given portion of the site begins, install and make operational any downgradient sediment controls (e.g., buffers, perimeter controls, exit point controls, storm drain inlet protection) that control discharges from the initial site clearing, grading, excavating, and other earth-disturbing activities.<sup>16</sup>
- b. Following the installation of these initial controls, install and make operational all stormwater controls needed to control discharges prior to subsequent earth-disturbing activities.

**2.1.4 Ensure all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.**

- a. Comply with any specific maintenance requirements for the stormwater controls listed in this permit, as well as any recommended by the manufacturer.<sup>17</sup>
- b. If at any time you find that a stormwater control needs routine maintenance (i.e., minor repairs or other upkeep performed to ensure the site's stormwater controls remain in effective operating condition, not including significant repairs or the need to install a new or replacement control), you must immediately initiate the needed work, and complete such work by the close of the next business day. If it is infeasible to complete the routine maintenance by the close of the next business day, you must document why this is the case and why the repair or other upkeep to be performed should still be considered routine maintenance in your inspection report under Part 4.7.1c and complete such work no later than seven (7) calendar days from the time of discovery of the condition requiring maintenance.
- c. If you must repeatedly (i.e., three (3) or more times) make the same routine maintenance fixes to the same control at the same location, even if the fix can be completed by the close of the next business day, you must either:
  - i. Complete work to fix any subsequent repeat occurrences of this same problem under the corrective action procedures in Part 5, including keeping any records

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<sup>15</sup> Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practices and must be explained in your SWPPP. You must also comply with any additional design and installation requirements specified for the effluent limits in Parts 2.2, 2.3, and 2.4.

<sup>16</sup> Note that the requirement to install stormwater controls prior to each phase of construction activities for the site does not apply to the earth disturbance associated with the actual installation of these controls. Operators should take all reasonable actions to minimize the discharges of pollutants during the installation of stormwater controls.

<sup>17</sup> Any departures from such maintenance recommendations made by the manufacturer must reflect good engineering practices and must be explained in your SWPPP.

of the condition and how it was corrected under Part 5.4; or

- ii. Document in your inspection report under Part 4.7.1c why the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under this Part.<sup>18</sup>
- d. If at any time you find that a stormwater control needs a significant repair or that a new or replacement control is needed, you must comply with the corrective action deadlines for completing such work in in Part 5.2.1c.

## 2.2 EROSION AND SEDIMENT CONTROL REQUIREMENTS

You must implement erosion and sediment controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater from construction activities.

### 2.2.1 Provide and maintain natural buffers and/or equivalent erosion and sediment controls for discharges to any receiving waters that is located within 50 feet of the site's earth disturbances.

- a. **Compliance Alternatives.** For any discharges to receiving waters located within 50 feet of your site's earth disturbances, you must comply with one of the following alternatives:
  - i. Provide and maintain a 50-foot undisturbed natural buffer; or
  - ii. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or
  - iii. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

See Appendix F, Part F.2 for additional conditions applicable to each compliance alternative.

- b. **Exceptions.** See Appendix F, Part F.2 for exceptions to the compliance alternatives.

### 2.2.2 Direct stormwater to vegetated areas and maximize stormwater infiltration and filtering to reduce pollutant discharges, unless infiltration would be inadvisable due to the underlying geology (e.g., karst topography) and ground water contamination concerns, or infeasible due to site conditions.<sup>19</sup>

<sup>18</sup> Such documentation could include, for example, that minor repairs completed within the required timeframe are all that is necessary to ensure that the stormwater control continues to operate as designed and installed and that the stormwater control remains appropriate for the flow reaching it.

<sup>19</sup> Operators should consider whether factors such as specific contaminant concerns from the construction site, the underlying soils or geology, hydrology, depth to the ground water table, or proximity to source water or wellhead protection area(s) make the site unsuitable for infiltrating construction stormwater. Site conditions that may be of particular concern include proximity to: a current or future drinking water aquifer; a drinking water well or spring (including private/household wells); highly conductive geology such as karst; known pollutant hot spots, such as hazardous waste sites, landfills, gas stations, brownfields; an on-site sewage system or underground storage tank; or soils that do not allow for infiltration. Operators may find it helpful to consult EPA's [Drinking Water Mapping Application to Protect Source Waters \(DWMAPS\)](#). DWMAPS is an online mapping tool that can be used to locate drinking water providers, potential sources of contamination, polluted waterways, and information on protection initiatives in the site area.

### 2.2.3 Install sediment controls along any perimeter areas of the site that are downslope from any exposed soil or other disturbed areas.<sup>20</sup>

- a. The perimeter control must be installed upgradient of any natural buffers established under Part 2.2.1, unless the control is being implemented pursuant to Part 2.2.1a.ii-iii;
- b. To prevent stormwater from circumventing the edge of the perimeter control, install the perimeter control on the contour of the slope and extend both ends of the control up slope (e.g., at 45 degrees) forming a crescent rather than a straight line;
- c. After installation, to ensure that perimeter controls continue to work effectively:
  - i. Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control; and
  - ii. After a storm event, if there is evidence of stormwater circumventing or undercutting the perimeter control, extend controls and/or repair undercut areas to fix the problem.
- d. **Exception.** For areas at “linear construction sites” (as defined in Appendix A) where perimeter controls are infeasible (e.g., due to a limited or restricted right-of-way), implement other practices as necessary to minimize pollutant discharges to perimeter areas of the site.

### 2.2.4 Minimize sediment track-out.

- a. Restrict vehicle use to properly designated exit points;
- b. Use appropriate stabilization techniques<sup>21</sup> at all points that exit onto paved roads;
  - i. **Exception:** Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls<sup>22</sup> are implemented to minimize sediment track-out;
- c. Implement additional track-out controls<sup>23</sup> as necessary to ensure that sediment removal occurs prior to vehicle exit; and
- d. Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out

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<sup>20</sup> Examples of perimeter controls include filter berms; different types of silt fence such as wire-backed silt fence, super silt fence, or multi-layer geotextile silt fence; compost filter socks; gravel barriers; and temporary diversion dikes.

<sup>21</sup> Examples of appropriate stabilization techniques include the use of aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats.

<sup>22</sup> Examples of other exit point controls include preventing the use of exit points during wet periods; minimizing exit point use by keeping vehicles on site to the extent possible; limiting exit point size to the width needed for vehicle and equipment usage; using scarifying and compaction techniques on the soil; and avoiding establishing exit points in environmentally sensitive areas (e.g., karst areas; steep slopes).

<sup>23</sup> Examples of additional track-out controls include the use of wheel washing, rumble strips, and rattle plates.

sediment into any constructed or natural site drainage feature, storm drain inlet, or receiving water.<sup>24</sup>

**2.2.5 Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil:**<sup>25</sup>

- a.** Locate the piles outside of any natural buffers established under Part 2.2.1 and away from any constructed or natural site drainage features, storm drain inlets, and areas where stormwater flow is concentrated;
- b.** Install a sediment barrier along all downgradient perimeter areas of stockpiled soil or land clearing debris piles;<sup>26</sup>
- c.** For piles that will be unused for 14 or more days, provide cover<sup>27</sup> or appropriate temporary stabilization (consistent with Part 2.2.14);
- d.** You are prohibited from hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any constructed or natural site drainage feature, storm drain inlet, or receiving water.

**2.2.6 Minimize dust.** On areas of exposed soil, minimize dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged in stormwater from the site.

**2.2.7 Minimize steep slope disturbances.** Minimize the disturbance of “steep slopes” (as defined in Appendix A).<sup>28</sup>

**2.2.8 Preserve native topsoil, unless infeasible.**<sup>29</sup>

**2.2.9 Minimize soil compaction.**<sup>30</sup> In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed:

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<sup>24</sup> Fine grains that remain visible (e.g., staining) on the surfaces of off-site streets, other paved areas, and sidewalks after you have implemented sediment removal practices are not a violation of Part 2.2.4.

<sup>25</sup> The requirements in Part 2.2.5 do not apply to the storage of rock, such as rip rap, landscape rock, pipe bedding gravel, and boulders. Refer to Part 2.3.3a for the requirements that apply to these types of materials.

<sup>26</sup> Examples of sediment barriers include berms, dikes, fiber rolls, silt fences, sandbags, gravel bags, or straw bale.

<sup>27</sup> Examples of cover include tarps, blown straw and hydroseeding.

<sup>28</sup> Where disturbance to steep slopes cannot be avoided, operators should consider implementing controls suitable for steep slope disturbances that are effective at minimizing erosion and sediment discharge (e.g., preservation of existing vegetation, hydraulic mulch, geotextiles and mats, compost blankets, earth dikes or drainage swales, terraces, velocity dissipation devices). To identify slopes and soil types that are of comparatively higher risk for sediment discharge in areas of the country where the CGP is in effect, operators can use the tables in Appendix F (see Tables F-2 thru F-6).

<sup>29</sup> Stockpiling topsoil at off-site locations, or transferring topsoil to other locations, is an example of a practice that is consistent with the requirements in Part 2.2.8. Preserving native topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. For example, some sites may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain, or may not have space to stockpile native topsoil on site for later use, in which case it may not be feasible to preserve topsoil.

<sup>30</sup> Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.



- a. Restrict vehicle and equipment use in these locations to avoid soil compaction; and
- b. Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.

**2.2.10 Protect storm drain inlets.**

- a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater from your site to a receiving water, provided you have authority to access the storm drain inlet.<sup>31</sup> Inlet protection measures are not required for storm drain inlets that are conveyed to a sediment basin, sediment trap, or similarly effective control; and
- b. Clean, or remove and replace, the inlet protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.

**2.2.11 Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.<sup>32</sup>**

**2.2.12 If you install a sediment basin or similar impoundment:**

- a. Situate the basin or impoundment outside of any receiving water, and any natural buffers established under Part 2.2.1;
- b. Design the basin or impoundment to avoid collecting water from wetlands;
- c. Design the basin or impoundment to provide storage for either:
  - i. The calculated volume of runoff from a 2-year, 24-hour storm;<sup>33</sup> or
  - ii. 3,600 cubic feet per acre drained.
- d. Utilize outlet structures that withdraw water from the surface of the sediment basin or similar impoundment, unless infeasible;<sup>34</sup>
- e. Use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets; and

<sup>31</sup> Inlet protection measures can be removed in the event of flood conditions or to prevent erosion.

<sup>32</sup> Examples of stormwater controls that can be used to comply with this requirement include the use of erosion controls and/or velocity dissipation devices (e.g., check dams, sediment traps), within and along the length of a constructed site drainage feature and at the outfall to slow down stormwater.

<sup>33</sup> Operators may refer to <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates> for guidance on determining the volume of precipitation associated with their site's local 2-year, 24-hour storm event.

<sup>34</sup> The circumstances in which it is infeasible to design outlet structures in this manner are rare. Exceptions may include areas with extended cold weather, where using surface outlets may not be feasible during certain time periods (although they must be used during other periods). If you determine that it is infeasible to meet this requirement, you must provide documentation in your SWPPP to support your determination, including the specific conditions or time periods when this exception will apply.

- f. Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition.

**2.2.13 If using treatment chemicals (e.g., polymers, flocculants, coagulants):**

- a. **Use conventional erosion and sediment controls before and after the application of treatment chemicals.** Chemicals may only be applied where treated stormwater is directed to a sediment control (e.g., *sediment basin, perimeter control*) before discharge.
- b. **Select appropriate treatment chemicals.** Chemicals must be appropriately suited to the types of soils likely to be exposed during construction and present in the discharges being treated (i.e., *the expected turbidity, pH, and flow rate of stormwater flowing into the chemical treatment system or area*).
- c. **Minimize discharge risk from stored chemicals.** Store all treatment chemicals in leak-proof containers that are kept under storm-resistant cover and surrounded by secondary containment structures (e.g., *spill berms, dikes, spill containment pallets*), or provide equivalent measures designed and maintained to minimize the potential discharge of treatment chemicals in stormwater or by any other means (e.g., *storing chemicals in a covered area, having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill*).
- d. **Comply with State/local requirements.** Comply with applicable State and local requirements regarding the use of treatment chemicals.
- e. **Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier.** Use treatment chemicals and chemical treatment systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document in your SWPPP specific departures from these specifications and how they reflect good engineering practice.
- f. **Ensure proper training.** Ensure all persons who handle and use treatment chemicals at the construction site are provided with appropriate, product-specific training prior to beginning application of treatment chemicals. Among other things, the training must cover proper dosing requirements.
- g. **Perform additional measures specified by the EPA Regional Office for the authorized use of cationic chemicals.** If you have been authorized to use cationic chemicals at your site pursuant to Part 1.1.9, you must perform all additional measures as conditioned by your authorization to ensure the use of such chemicals will not result in discharges that do not meet water quality standards.

**2.2.14 Stabilize exposed portions of the site.** Implement and maintain stabilization measures (e.g., *seeding protected by erosion controls until vegetation is established*,<sup>35</sup> *sodding, mulching, erosion control blankets, hydromulch, gravel*) that minimize erosion from any areas of exposed soil on the site in accordance with Part.

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<sup>35</sup> If you will be evaluating the use of some type of erosion control netting to the site as part of your site stabilization, EPA encourages you to consider employing products that have been shown to minimize

**a. Stabilization Deadlines:**<sup>36</sup>

**Table 2 Deadlines for Initiating and Completing Site Stabilization.**

Total Amount of Land Disturbance Occurring At Any One Time <sup>37</sup>	Deadline
<p><b>i. Five acres or less (≤5.0)</b></p> <p><b>Note: this includes sites disturbing more than five acres (&gt;5.0) total over the course of a project, but that limit disturbance at any one time (i.e., phase the disturbance) to five acres or less (≤5.0)</b></p>	<ul style="list-style-type: none"> <li>• Initiate the installation of stabilization measures immediately<sup>38</sup> in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;<sup>39</sup> and</li> <li>• Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days</li> </ul>

impacts on wildlife. For instance, the U.S. Fish & Wildlife Service provides recommendations on the type of netting practices that are considered “wildlife friendly,” including those that use natural fiber or 100 percent biodegradable materials and that use a loose weave with a non-welded, movable jointed netting, as well as those products that are not wildlife friendly including square plastic netting that are degradable (e.g., photodegradable, UV-degradable, oxo-degradable), netting made from polypropylene, nylon, polyethylene, or polyester. Other recommendations include removing the netting product when it is no longer needed. See [https://www.fws.gov/midwest/eastlansing/library/pdf/WildlifeFriendlyErosionControlProducts\\_revised.pdf](https://www.fws.gov/midwest/eastlansing/library/pdf/WildlifeFriendlyErosionControlProducts_revised.pdf) for further information. There also may be State, Tribal, or local requirements about using wildlife friendly erosion control products.

<sup>36</sup> EPA may determine, based on an inspection carried out under Part 4.8 and corrective actions required under Part 5.3, that the level of sediment discharge on the site makes it necessary to require a faster schedule for completing stabilization. For instance, if sediment discharges from an area of exposed soil that is required to be stabilized are compromising the performance of existing stormwater controls, EPA may require stabilization to correct this problem.

<sup>37</sup> Limiting disturbances to five (5) acres or less at any one time means that at no time during the project do the cumulative earth disturbances exceed five (5) acres. The following examples would qualify as limiting disturbances at any one time to five (5) acres or less:

1. The total area of disturbance for a project is five (5) acres or less.
2. The total area of disturbance for a project will exceed five (5) acres, but the operator ensures that no more than five (5) acres will be disturbed at any one time through implementation of stabilization measures. In this way, site stabilization can be used to “free up” land that can be disturbed without exceeding the five (5)-acre cap to qualify for the 14-day stabilization deadline. For instance, if an operator completes stabilization of two (2) acres of land on a five (5)-acre disturbance, then two (2) additional acres could be disturbed while still qualifying for the longer 14-day stabilization deadline.

<sup>38</sup> The following are examples of activities that would constitute the immediate initiation of stabilization:

1. Prepping the soil for vegetative or non-vegetative stabilization as long as seeding, planting, and/or installation of non-vegetative stabilization products takes place as soon as practicable, but no later than one (1) calendar day of completing soil preparation;
2. Applying mulch or other non-vegetative product to the exposed area;
3. Seeding or planting the exposed area;
4. Starting any of the activities in # 1 – 3 on a portion of the entire area that will be stabilized; and
5. Finalizing arrangements to have stabilization product fully installed in compliance with the deadlines for completing stabilization.

<sup>39</sup> The requirement to initiate stabilization immediately is triggered as soon as you know that construction work on a portion of the site is temporarily ceased and will not resume for 14 or more days, or as soon as you know that construction work is permanently ceased. In the context of this provision, “immediately” means as soon as practicable, but no later than the end of the next business day, following the day when the construction activities have temporarily or permanently ceased.

Total Amount of Land Disturbance Occurring At Any One Time <sup>37</sup>	Deadline
	after stabilization has been initiated. <sup>40</sup>
ii. More than five acres (>5.0)	<ul style="list-style-type: none"> <li>• Initiate the installation of stabilization measures immediately<sup>41</sup> in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;<sup>42</sup> and</li> <li>• Complete the installation of stabilization measures as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.<sup>43</sup></li> </ul>

**b. Exceptions:**

- i. Arid, semi-arid, and drought-stricken areas** (as defined in Appendix A). If it is the seasonally dry period (as defined in Appendix A)<sup>44</sup> or a period in which drought is occurring, and vegetative stabilization measures are being used:
- (a) Immediately initiate and, within 14 calendar days of temporary or permanent cessation of work in any portion of your site, complete the installation of temporary non-vegetative stabilization measures to the extent necessary to prevent erosion;
  - (b) As soon as practicable, given conditions or circumstances on the site, complete all activities necessary to seed or plant the area to be stabilized; and
  - (c) If construction is occurring during the seasonally dry period, indicate in your SWPPP the beginning and ending dates of the seasonally dry period and your site conditions. Also include the schedule you will follow for initiating and completing vegetative stabilization.
- ii. Unforeseen circumstances.** Operators that are affected by unforeseen circumstances<sup>45</sup> that delay the initiation and/or completion of vegetative stabilization:

<sup>40</sup> If vegetative stabilization measures are being implemented, stabilization is considered “installed” when all activities necessary to seed or plant the area are completed, including the application of any non-vegetative protective cover (e.g., mulch, erosion control blanket), if applicable. If non-vegetative stabilization measures are being implemented, stabilization is considered “installed” when all such measures are implemented or applied.

<sup>41</sup> See footnote 38.

<sup>42</sup> See footnote 39.

<sup>43</sup> See footnote 40.

<sup>44</sup> The term “seasonally dry period” as defined in Appendix A refers to a month in which the long-term average total precipitation is less than or equal to 0.5 inches. Refer to EPA’s Seasonally Dry Period Locator Tool at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates> and supporting maps for assistance in determining whether a site is operating during a seasonally dry period for the area.

<sup>45</sup> Examples include problems with the supply of seed stock or with the availability of specialized equipment and unsuitability of soil conditions due to excessive precipitation and/or flooding.

- (a) Immediately initiate and, within 14 calendar days, complete the installation of temporary non-vegetative stabilization measures to prevent erosion;
  - (b) Complete all soil conditioning, seeding, watering or irrigation installation, mulching, and other required activities related to the planting and initial establishment of vegetation as soon as conditions or circumstances allow it on your site; and
  - (c) Document in the SWPPP the circumstances that prevent you from meeting the deadlines in Part 2.2.14a and the schedule you will follow for initiating and completing stabilization.
- iii. Discharges to a sediment- or nutrient-impaired water or to a water that is identified by your State, Tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes.** Complete stabilization as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.
- c. Final Stabilization Criteria** (for any areas not covered by permanent structures):
- i.** Establish uniform, perennial vegetation (i.e., *evenly distributed, without large bare areas*) to provide 70 percent or more of the vegetative cover native to local undisturbed areas; and/or
  - ii.** Implement permanent non-vegetative stabilization measures<sup>46</sup> to provide effective cover of any areas of exposed soil.
  - iii. Exceptions:**
    - (a) **Arid, semi-arid, and drought-stricken areas** (as defined in Appendix A). Final stabilization is met if the area has been seeded or planted to establish vegetation that provides 70 percent or more of the vegetative cover native to local undisturbed areas within three (3) years and, to the extent necessary to prevent erosion on the seeded or planted area, non-vegetative erosion controls have been applied to provide cover for at least three years without active maintenance.
    - (b) **Disturbed areas on agricultural land that are restored to their preconstruction agricultural use.** The Part 2.2.14c final stabilization criteria do not apply.
    - (c) **Areas that need to remain disturbed.** In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed, and only the minimum area needed remains disturbed (e.g., *dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, materials*).

## 2.3 POLLUTION PREVENTION REQUIREMENTS<sup>47</sup>

You must implement pollution prevention controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater and to prevent the discharge of pollutants from spilled or leaked materials from construction activities.

<sup>46</sup> Examples of permanent non-vegetative stabilization measures include riprap, gravel, gabions, and geotextiles.

<sup>47</sup> Under this permit, you are not required to minimize exposure for any products or materials where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).



**2.3.1 For equipment and vehicle fueling and maintenance:**

- a. Provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuels and oils, from these activities;<sup>48</sup>
- b. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR part 112 and Section 311 of the CWA;
- c. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;
- d. Use drip pans and absorbents under or around leaky vehicles;
- e. Dispose of or recycle oil and oily wastes in accordance with other Federal, State, Tribal, or local requirements; and
- f. Clean up spills or contaminated surfaces immediately, using dry clean up measures (do not clean contaminated surfaces by hosing the area down), and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

**2.3.2 For equipment and vehicle washing:**

- a. Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of wash waters;<sup>49</sup>
- b. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water; and
- c. For storage of soaps, detergents, or solvents, provide either (1) cover (e.g., *plastic sheeting, temporary roofs*) to minimize the exposure of these detergents to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

**2.3.3 For storage, handling, and disposal of building products, materials, and wastes:<sup>50</sup>**

- a. *For building materials and building products,*<sup>51</sup> provide either (1) cover (e.g., *plastic sheeting, temporary roofs*) to minimize the exposure of these products to

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<sup>48</sup> Examples of effective means include:

- Locating activities away from receiving waters, storm drain inlets, and constructed or natural site drainage feature so that stormwater coming into contact with these activities cannot reach waters of the U.S.;
- Providing secondary containment (e.g., *spill berms, dikes, spill containment pallets*) and cover where appropriate; and
- Having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill.

<sup>49</sup> Examples of effective means include locating activities away from receiving waters and storm drain inlets or constructed or natural site drainage features and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls.

<sup>50</sup> Compliance with the requirements of this permit does not relieve compliance requirements with respect to Federal, State, or local laws and regulations governing the storage, handling, and disposal of solid, hazardous, or toxic wastes and materials.

<sup>51</sup> Examples of building materials and building products typically present at construction sites include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.

precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

Exception: Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

- b.** *For pesticides, herbicides, insecticides, fertilizers, and landscape materials:*
- i.** In storage areas, provide either (1) cover (e.g., *plastic sheeting, temporary roofs*) to minimize the exposure of these chemicals to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas; and
  - ii.** Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label (see also Part 2.3.5).
- c.** *For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals:* The following requirements apply to the storage and handling of chemicals on your site. If you are already implementing controls as part of an SPCC or other spill prevention plan that meet or exceed the requirements of this Part, you may continue to do so and be considered in compliance with these provisions provided you reference the applicable parts of the SPCC or other plans in your SWPPP as required in Part 7.2.6b.viii.
- i.** If any chemical container has a storage capacity of less than 55 gallons:
    - (a) The containers must be water-tight, and must be kept closed, sealed, and secured when not being actively used;
    - (b) If stored outside, use a spill containment pallet or similar device to capture small leaks or spills; and
    - (c) Have a spill kit available on site that is in good working condition (i.e., not damaged, expired, or used up) and ensure personnel are available to respond immediately in the event of a leak or spill.
  - ii.** If any chemical container has a storage capacity of 55 gallons or more:
    - (a) The containers must be water-tight, and must be kept closed, sealed, and secured when not being actively used;
    - (b) Store containers a minimum of 50 feet from receiving waters, constructed or natural site drainage features, and storm drain inlets. If infeasible due to site constraints, store containers as far away from these features as the site permits. If site constraints prevent you from storing containers 50 feet away from receiving waters or the other features identified, you must document in your SWPPP the specific reasons why the 50-foot setback is infeasible, and how you will store containers as far away as the site permits;
    - (c) Provide either (1) cover (e.g., temporary roofs) to minimize the exposure of these containers to precipitation and to stormwater, or (2) secondary containment (e.g., curbing, spill berms, dikes, spill containment pallets, double-wall, above-ground storage tank); and
    - (d) Have a spill kit available on site that is in good working condition (i.e., not

damaged, expired, or used up) and ensure personnel are available to respond immediately in the event of a leak or spill. Additional secondary containment measures are listed at 40 CFR § 112.7(c)(1).

- iii. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.
- d. *For hazardous or toxic wastes:*<sup>52</sup>
  - i. Separate hazardous or toxic waste from construction and domestic waste;
  - ii. Store waste in sealed containers, constructed of suitable materials to prevent leakage and corrosion, and labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable Federal, State, Tribal, or local requirements;
  - iii. Store all outside containers within appropriately-sized secondary containment (e.g., *spill berms, dikes, spill containment pallets*) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., *storing chemicals in a covered area, having a spill kit available on site*);
  - iv. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with Federal, State, Tribal, and local requirements;
  - v. Clean up spills immediately, using dry clean-up methods, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and
  - vi. Follow all other Federal, State, Tribal, and local requirements regarding hazardous or toxic waste.
- e. *For construction and domestic wastes:*<sup>53</sup>
  - i. Provide waste containers (e.g., *dumpster, trash receptacle*) of sufficient size and number to contain construction and domestic wastes;
    - (a) For waste containers with lids, keep waste container lids closed when not in use, and close lids at the end of the business day and during storm events. For waste containers without lids, provide either (1) cover (e.g., *a tarp, plastic sheeting, temporary roof*) to minimize exposure of wastes to precipitation, or (2) a similarly effective means designed to minimize the discharge of pollutants (e.g., *secondary containment*);
    - (b) On business days, clean up and dispose of waste in designated waste

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<sup>52</sup> Examples of hazardous or toxic waste that may be present at construction sites include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.

<sup>53</sup> Examples of construction and domestic wastes include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, demolition debris; and other trash or discarded materials.

containers; and

(c) Clean up immediately if containers overflow, and if there is litter elsewhere on the site from escaped trash.

ii. Waste containers are not required for the waste remnant or unused portions of construction materials or final products that are covered by the exception in Part 2.2.3a provided that:

(a) These wastes are stored separately from other construction or domestic wastes addressed by Part 2.3.3e.i (i.e., wastes not covered by the exception in Part 2.3.3a). If the wastes are mixed, they must be stored in waste containers as required in Part 2.3.3e.i; and

(b) These wastes are stored in designated areas of the site, the wastes are described in the SWPPP (see Part 7.2.6b.ix), and identified in the site plan (see Part 7.2.4i).

f. *For sanitary waste*, position portable toilets so they are secure and will not be tipped or knocked over, and are located away from receiving waters, storm drain inlets, and constructed or natural site drainage features.

**2.3.4 For washing applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials:**

a. Direct wash water into a leak-proof container or leak-proof and lined pit designed so no overflows can occur due to inadequate sizing or precipitation;

b. Handle washout or cleanout wastes as follows:

i. For liquid wastes:

(a) Do not dump liquid wastes or allow them to enter into constructed or natural site drainage features, storm inlets, or receiving waters;

(b) Do not allow liquid wastes to be disposed of through infiltration or to otherwise be disposed of on the ground;

(c) Comply with applicable State, Tribal, or local requirements for disposal

ii. Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part 2.3.3e; and

c. Locate any washout or cleanout activities as far away as possible from receiving waters, constructed or natural site drainage features, and storm drain inlets, and, to the extent feasible, designate areas to be used for these activities and conduct such activities only in these areas.

**2.3.5 For the application of fertilizers:**

a. Apply at a rate and in amounts consistent with manufacturer's specifications, or document in the SWPPP departures from the manufacturer specifications where appropriate in accordance with Part 7.2.6b.x;

b. Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;

- c. Avoid applying before heavy rains that could cause excess nutrients to be discharged;
- d. Never apply to frozen ground;
- e. Never apply to constructed or natural site drainage features; and
- f. Follow all other Federal, State, Tribal, and local requirements regarding fertilizer application.

### 2.3.6 Emergency Spill Notification Requirements

Discharges of toxic or hazardous substances from a spill or other release are prohibited, consistent with Part 1.3.5. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR part 110, 40 CFR part 117, or 40 CFR part 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR part 110, 40 CFR part 117, and 40 CFR part 302 as soon as you have knowledge of the release. You must also, within seven (7) calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. State, Tribal, or local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

## 2.4 CONSTRUCTION DEWATERING REQUIREMENTS

Comply with the following requirements to minimize the discharge of pollutants from dewatering<sup>54</sup> operations.

- 2.4.1 Route dewatering water through a sediment control (e.g., sediment trap or basin, pumped water filter bag) designed to prevent discharges with visual turbidity;<sup>55</sup>
- 2.4.2 Do not discharge visible floating solids or foam;
- 2.4.3 The discharge must not cause the formation of a visible sheen on the water surface, or visible oily deposits on the bottom or shoreline of the receiving water. Use an oil-water separator or suitable filtration device (such as a cartridge filter) designed to remove oil, grease, or other products if dewatering water is found to or expected to contain these materials;
- 2.4.4 To the extent feasible, use well-vegetated (e.g., grassy or wooded), upland areas of the site to infiltrate dewatering water before discharge.<sup>56</sup> You are prohibited from using receiving waters as part of the treatment area;
- 2.4.5 To prevent dewatering-related erosion and related sediment discharges:
  - a. Use stable, erosion-resistant surfaces (e.g., well-vegetated grassy areas, clean filter stone, geotextile underlayment) to discharge from dewatering controls;

<sup>54</sup> "Dewatering" is defined in Appendix A as "the act of draining accumulated stormwater and/or ground water from building foundations, vaults, and trenches, or other similar points of accumulation."

<sup>55</sup> For the purposes of this permit, visual turbidity is present where there is a sediment plume in the discharge or the discharge appears cloudy, or opaque, or has a visible contrast that can be identified by an observer.

<sup>56</sup> See footnote 19.



- b. Do not place dewatering controls, such as pumped water filter bags, on steep slopes (as defined in Appendix A); and
  - c. At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part 2.2.11.
- 2.4.6 For backwash water, either haul it away for disposal or return it to the beginning of the treatment process;
- 2.4.7 Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications; and
- 2.4.8 Comply with dewatering-specific inspection requirements in Part 4.

### 3 WATER QUALITY-BASED EFFLUENT LIMITATIONS

#### 3.1 GENERAL EFFLUENT LIMITATION TO MEET APPLICABLE WATER QUALITY STANDARDS

Discharges must be controlled as necessary to meet applicable water quality standards. Discharges must also comply with any additional State or Tribal requirements that are in Part 9.

In the absence of information demonstrating otherwise, EPA expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that discharges are not being controlled as necessary to meet applicable water quality standards, you must take corrective action as required in Parts 5.1 and 5.2, and document the corrective actions as required in Part 5.4.

EPA may insist that you install additional controls (to meet the narrative water quality-based effluent limit above) on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards. This includes situations where additional controls are necessary to comply with a wasteload allocation in an EPA-established or approved TMDL.

If during your coverage under a previous permit, you were required to install and maintain stormwater controls specifically to meet the assumptions and requirements of an EPA-approved or established TMDL (for any parameter) or to otherwise control your discharge to meet water quality standards, you must continue to implement such controls as part of your coverage under this permit.

#### 3.2 WATER QUALITY-BASED CONDITIONS FOR SITES DISCHARGING TO CERTAIN IMPAIRED AND HIGH QUALITY RECEIVING WATERS

For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your State, Tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes,<sup>57</sup> you must comply with the inspection frequency specified in Part 4.3 and you must comply with the stabilization deadline specified in Part 2.2.14b.iii.<sup>58</sup>

<sup>57</sup> Refer to Appendix A for definitions of "impaired water" and "Tier 2," "Tier 2.5," and "Tier 3" waters. For assistance in determining whether your site discharges to impaired waters, EPA has developed a tool that is available at <https://www.epa.gov/npdes/epas-stormwater-discharge-mapping-tools>. For assistance in determining whether your site discharges to a Tier 2, 2.5, or 3 water, refer to the list of such waters at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>.

<sup>58</sup> If you qualify for any of the reduced inspection frequencies in Part 4.4, you may conduct inspections in

If you discharge to a water that is impaired for a parameter other than a sediment-related parameter or nutrients, EPA will inform you if any additional controls are necessary for your discharge to be controlled as necessary to meet water quality standards. These controls might include those necessary for your discharge to be consistent with the assumptions of any available wasteload allocation in any applicable TMDL. In addition, EPA may require you to apply for and obtain coverage under an individual NPDES permit.

In addition, on a case-by-case basis, EPA may notify operators of new sites or operators of existing sites with increased discharges that additional analyses, stormwater controls, and/or other measures are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary.

If you discharge to a water that is impaired for polychlorinated biphenyls (PCBs) and are engaging in demolition of any structure with at least 10,000 square feet of floor space built or renovated before January 1, 1980, you must:

- a. Implement controls<sup>59</sup> to minimize the exposure of PCB-containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures, to precipitation and to stormwater; and
- b. Ensure that disposal of such materials is performed in compliance with applicable State, Federal, and local laws.

### 3.3 TURBIDITY BENCHMARK MONITORING FOR SITES DISCHARGING DEWATERING WATER TO PROTECT THE WATER QUALITY OF SENSITIVE WATERS

For sites discharging dewatering water to “sensitive waters” (i.e., receiving waters listed as impaired for sediment or a sediment-related parameter (as defined in Appendix A), or receiving waters designated as a Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes) you are required to comply with the benchmark monitoring requirements in this Part and document the procedures you will use at your site in your SWPPP pursuant to Part 7.2.8. A summary of these requirements is included in Table 1.

EPA notes that the benchmark threshold is not an effluent limitation, rather it is an indicator that the dewatering controls may not be working to protect water quality, which the operator must investigate and correct as appropriate. A benchmark exceedance is not a permit violation. However, if a benchmark exceedance triggers corrective action in Part 5.1.5a, failure to conduct any required action is a permit violation.

Where there are multiple operators associated with the same site, the operators may coordinate with one another to carry out the monitoring requirements of this Part in order to avoid duplicating efforts. Such coordinating arrangements must be described in the SWPPP consistent with Part 7.2.8. Regardless of how the operators divide the

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accordance with Part 4.4 for any portion of your site that discharges to a sensitive water.

<sup>59</sup> Examples of controls to minimize exposure of PCBs to precipitation and stormwater include separating work areas from non-work areas and selecting appropriate personal protective equipment and tools, constructing a containment area so that all dust or debris generated by the work remains within the protected area, and using tools that minimize dust and heat (<212°F). For additional information, refer to Part 2.3.3 of the CGP Fact Sheet.

responsibilities for monitoring and reporting, each operator remains responsible for compliance with these requirements.<sup>60</sup>

### 3.3.1 Turbidity monitoring requirements<sup>61</sup>

- a. Sampling frequency.** You must collect at least one turbidity sample from your dewatering discharge each day a discharge occurs.
- b. Sampling location.** Samples must be taken at all points where dewatering water is discharged. Samples must be taken after the dewatering water has been treated by installed treatment devices pursuant to Parts 2.4.1 and 2.4.3 and prior to its discharge off site into a receiving water, constructed or natural site drainage feature, or storm drain inlet.
- c. Representative samples.** Samples taken must be representative of the dewatering discharge for any given day as required in Appendix G (standard permit conditions), Part G.10.2.
- d. Test methods.** Samples must be measured using a turbidity meter that reports results in nephelometric turbidity units (NTUs) and conforms with a Part 136-approved method (e.g., methods 180.1 and 2130). You are required to use the meter, and conduct a calibration verification prior to each day's use, consistent with the manufacturer's instructions.

### 3.3.2 Turbidity benchmark

- a.** The benchmark threshold for turbidity for this permit is 50 NTUs (referred to elsewhere in this permit as the "standard 50 NTU benchmark") unless EPA has authorized the use of an alternate benchmark in accordance with Part 3.3.2b.
- b. Request for alternate benchmark threshold.**
  - i.** At any time prior to or during your coverage under this permit, you may request that EPA approve a benchmark for your site that is higher than 50 NTUs if you have information demonstrating the higher number is the same as your receiving water's water quality standard for turbidity. Unless EPA approves an alternate benchmark, you will be required to use the standard 50 NTU benchmark. To request approval of an alternate benchmark, you must submit the following information to your applicable EPA Regional Office (see Appendix K):
    - (a) The current turbidity water quality standard that applies to your receiving

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<sup>60</sup> For instance, if Operator A relies on Operator B to meet the Part 3.3.1 turbidity monitoring requirements, the Part 3.3.4 reporting and recordkeeping requirements, and the Part 5.2.2 corrective action provisions when applicable, Operator A does not have to duplicate these same functions if Operator B is implementing them for both operators to be in compliance with the permit. However, Operator A remains responsible for complying with these permit requirements if Operator B fails to take actions that were necessary for Operator A to comply with the permit. See also footnote 83. EPA notes that both Operator A and B are required to submit turbidity monitoring reports as required under Part 3.3.4, however, Operator A's report does not need to include the data collected by Operator B as long as Operator B submits the required data and Operator A's report indicates that it is relying on Operator B to report the data. See Part 3.3.4a.

<sup>61</sup> Operators may find it useful to consult EPA's *Monitoring and Inspection Guide for Construction Dewatering*, available at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>, which provides guidelines on how to correctly monitor for turbidity, determine if the weekly average exceeds the benchmark, and, if so, how to proceed with corrective action.

water and the source/citation.<sup>62</sup>

(b) If the applicable turbidity water quality standard requires information on natural or background turbidity levels (e.g., “no more than 10 NTU above natural turbidity levels”) to determine the specific standard for the receiving water, include available data that can be used to establish the natural turbidity levels of your receiving water (including literature studies or Federal, State, Tribal, or local government data). Data must be representative of the natural turbidity levels of your specific receiving water. Identify the source(s) of all data provided, including if the data are from samples you collected of the receiving water.

- ii. EPA will inform you of its decision on whether to approve the requested alternate benchmark within 30 days. EPA may approve your request, request additional time (e.g., if additional information is needed to substantiate the data you provided), or deny your request. Unless and until EPA approves your request to use an alternate benchmark, you are required to use the standard benchmark of 50 NTUs and take any required corrective actions if an exceedance occurs.

**3.3.3 Comparison of turbidity samples to benchmark.** Compare the weekly average<sup>63</sup> of your turbidity monitoring results to the standard 50 NTU benchmark, or alternate benchmark if approved by EPA.

- a. If the weekly average of your turbidity monitoring results exceeds the standard benchmark (or your approved alternate benchmark), you are required to conduct follow-up corrective action in accordance with Part 5.2.2 and document any corrective action taken in your corrective action log in accordance with Part 5.4.
- b. For averaging purposes, a “monitoring week” starts with a Monday and ends on Sunday. Once a new monitoring week starts, you will need to calculate a new average for that week of turbidity monitoring results.<sup>64</sup> A weekly average may consist of one or more turbidity monitoring results.
- c. Although you are not required to collect and analyze more than one turbidity sample per day from your dewatering discharge, if you do collect and analyze more than one sample on any given day, you must include any additional results in the

<sup>62</sup> For instance, if your site is located in Washington, DC, and you are discharging to a Class B water, for which the water quality standard is that turbidity may not increase above ambient levels by more than 20 percent, you would reference “Water Quality Standards for the District of Columbia, Chapter 11, Section 1104.8.”

<sup>63</sup> A “weekly average” is defined as the sum of all of the turbidity samples taken during a “monitoring week” divided by the number of samples measured during that week. Average values should be calculated to the nearest whole number.

<sup>64</sup> For example, if turbidity samples from your dewatering discharge in week 1 result in values of 30 NTU on Tuesday, 40 NTU on Wednesday, and 45 NTU on Thursday, your weekly average turbidity value would be 38.33 NTU  $((30+40+45) \div 3 = 38 \text{ NTU})$ . If in week 2, your turbidity samples resulted in values of 45 NTU on Monday, 30 NTU on Tuesday, 25 NTU on Wednesday, and 15 NTU on Thursday, you would calculate a new average for that week, which would yield an average turbidity value of 28.75 NTU  $((45+30+25+15) \div 4 = 29 \text{ NTU})$ . By comparison, if your samples on consecutive days from Friday to Monday were 60 NTU, 45 NTU, 40 NTU, and 43 NTU, respectively, and there are no other dewatering discharges for the remainder of the week, you would calculate one weekly average for the Friday to Sunday to be 48 NTU  $((60+45+40) \div 3 = 48 \text{ NTU})$ , and a separate weekly average for the one Monday to be 43 NTU  $(43 \div 1 = 43 \text{ NTU})$ .

calculation of your weekly average (i.e., add all individual results for that monitoring week and divide by the total number of samples).<sup>65</sup>

- d. If you are conducting turbidity monitoring for more than one dewatering discharge point, you must calculate a weekly average turbidity value for each discharge point and compare each to the turbidity benchmark.

**3.3.4 Reporting and recordkeeping.**

- a. You must submit reports of your weekly average turbidity data to EPA no later than 30 days following the end of each monitoring quarter. If there are monitoring weeks in which there was no dewatering discharge, or if there is a monitoring quarter with no dewatering discharge, indicate this in your turbidity monitoring report. If another operator associated with your same site is conducting turbidity monitoring on your behalf pursuant to Part 3.3, indicate this in your turbidity monitoring report.
- b. For the purposes of this permit, the following monitoring quarters and reporting deadlines apply:

**Table 3. Monitoring Quarters and Deadlines for Reporting Turbidity Benchmark Monitoring Data.**

Monitoring Quarter #	Months	Reporting Deadline (no later than 30 days after end of the monitoring quarter)
1	January 1 – March 31	April 30
2	April 1 – June 30	July 30
3	July 1 – September 30	October 30
4	October 1 – December 31	January 30

- c. You must use EPA’s NPDES eReporting Tool (NeT) to electronically submit your quarterly turbidity data, unless, consistent with Part 1.4.2, you received a waiver from your applicable EPA Regional Office. If the EPA Regional Office grants you approval to use a paper turbidity monitoring report form, and you elect to use it, you must complete the form in Appendix K. If EPA approves of your request to use an alternate turbidity benchmark pursuant to Part 3.3.2b, EPA will substitute the alternate benchmark in your NeT account.
- d. For each day in which you are required to monitor, you must record the monitoring information required by Appendix G, Parts G.10.2 and G.10.3 and retain all such information for a period of at least three years from the date this permit expires or from the date your authorization is terminated.

<sup>65</sup> For example, if during a monitoring week you take two turbidity samples on Tuesday with a value of 30 NTU and 35 NTU, three samples on Wednesday with a value of 40 NTU, 45 NTU, and 48 NTU, and one sample on Thursday with a value of 45 NTU, your weekly average turbidity value for this week would be 41 NTU  $((30+35+40+45+48+45) \div 6 = 41 \text{ NTU})$ .



**Table 4. Summary of Turbidity Benchmark Monitoring Requirements.**

Applicability	Sampling Requirement	Turbidity Benchmark	Corrective Action	Reporting
Sites discharging dewatering water to a sediment-impaired water or to a water designated as a Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes.	Collect at least one turbidity sample per day, from each discharge point, on any day there is a dewatering discharge.  Use turbidity sampling procedures specified in Part 3.3.1.	Compare the weekly average of your turbidity monitoring results to the 50 NTU benchmark (or alternate benchmark if approved by EPA).	If the weekly average of turbidity monitoring results exceeds the 50 NTU turbidity benchmark (or alternate benchmark if approved by EPA), you are required to take follow-up corrective action in accordance with Part 5.2.2.	Report all weekly average turbidity monitoring results on a quarterly basis via NeT-CGP (unless use of the paper monitoring form in Appendix K is approved by EPA) no later than 30 days following the end of each monitoring quarter.

**4 INSPECTION REQUIREMENTS**

**4.1 PERSON(S) RESPONSIBLE FOR CONDUCTING SITE AND DEWATERING INSPECTIONS**

The person(s) inspecting your site may be a person on your staff or a third party you hire to conduct such inspections. You are responsible for ensuring that any person conducting inspections pursuant to this Part is a “qualified person.” A qualified person is someone who has completed the training required by Part 6.3.

**4.2 FREQUENCY OF INSPECTIONS.<sup>66</sup>**

At a minimum, you must conduct a site inspection in accordance with one of the two schedules listed below, unless you are subject to the Part 4.3 site inspection frequency for discharges to sediment or nutrient-impaired or high quality waters, or qualify for a Part 4.4 reduction in the inspection frequency:

**4.2.1** At least once every seven (7) calendar days; *or*

**4.2.2** Once every 14 calendar days *and* within 24 hours<sup>67</sup> of the occurrence of:

- a.** A storm event that produces 0.25 inches or more of rain within a 24-hour period.
  - i.** If a storm event produces 0.25 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.25 inches but together produce 0.25 inches or more in 24 hours), you are required to conduct one inspection within 24 hours of when 0.25 inches of rain or more has fallen.

<sup>66</sup> Inspections are only required during the site’s normal working hours.

<sup>67</sup> For the purposes of the inspection requirements in this Part, conducting an inspection “within 24 hours” means that once either of the two conditions in Parts 4.2.2a or 4.2.2b are met you have 24 hours from that time to conduct an inspection. For clarification, the 24 hours is counted as a continuous passage of time, and not counted by business hours (e.g., 3 business days of 8 hours each). When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.

- ii. If a storm event produces 0.25 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.25 inches or more of rain on subsequent days, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.25 inches or more of rain (i.e., only two inspections would be required for such a storm event).<sup>68</sup>
  - b. A discharge caused by snowmelt from a storm event that produces 3.25 inches<sup>69</sup> or more of snow within a 24-hour period. You are required to conduct one inspection once the discharge of snowmelt from a 3.25-inch or more snow accumulation occurs. Additional snowmelt inspections are only required if following the discharge from the first snowmelt, there is a discharge from a separate storm event that produces 3.25 inches or more of snow.
- 4.2.3** To determine whether a storm event meets either of the thresholds in Parts 4.2.2a or 4.2.2b:
- a. For rain, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any 24-hour period during which there is 0.25 inches or more of rainfall, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.
  - b. For snow, you must either take measurements of snowfall at your site,<sup>70</sup> or rely on similar information from a local weather forecasting provider that is representative of your location.

#### **4.3 INCREASE IN INSPECTION FREQUENCY FOR CERTAIN SITES.**

The increased inspection frequencies established in this Part take the place of the Part 4.2 inspection frequencies for the portion of the site affected.

- 4.3.1 For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your State, Tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes (see Part 3.2), you must conduct an once every seven (7) calendar days and within 24 hours of the occurrence of a storm event that produces 0.25 inches or more of rain within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period.**

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<sup>68</sup> For example, if 0.30 inches of rain falls on Day 1, 0.25 inches of rain falls on Day 2, and 0.10 inches of rain fall on Day 3, you would be required to conduct a first inspection within 24 hours of the Day 1 rainfall and a second inspection within 24 hours of the Day 2 rainfall, but a third inspection would not be required within 24 hours of the Day 3 rainfall.

<sup>69</sup> This is the amount of snow that is equivalent to 0.25 inches of rain, based on information from the National Oceanic and Atmospheric Administration (NOAA) indicating that 13 inches of snow is, on average, equivalent to 1 inch of rain. See <https://www.nssl.noaa.gov/education/svrwx101/winter/faq/>.

<sup>70</sup> For snowfall measurements, EPA suggests use of NOAA's National Weather Service guidelines at [https://www.weather.gov/jkl/snow\\_measurement](https://www.weather.gov/jkl/snow_measurement). These guidelines recommend use of a "snowboard" (a piece of wood about 16 inches by 16 inches) that is placed in an unobstructed part of the site on a hard surface.

Refer to Parts 4.2.3a and 4.2.3b for the requirements to determine if a storm event produces enough rain or snow to trigger the inspection requirement.

- 4.3.2 For sites discharging dewatering water**, you must conduct an inspection in accordance with Part 4.6.3 during the discharge once per day on which the discharge occurs. The Part 4.2 inspection frequency still applies to all other portions of the site, unless the site is affected by either the increased frequency in Part 4.3.1 or the reduced frequency in Part 4.4.

#### 4.4 REDUCTIONS IN INSPECTION FREQUENCY

##### 4.4.1 Stabilized areas.

- a.** You may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, then once per month until permit coverage is terminated consistent with Part 8 in any area of your site where the stabilization steps in Part 2.2.14a have been completed. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Parts 4.2 and 4.3, as applicable. You must document the beginning and ending dates of this period in your SWPPP.
- b. Exception.** For “linear construction sites” (as defined in Appendix A) where disturbed portions have undergone final stabilization at the same time active construction continues on others, you may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, in any area of your site where the stabilization steps in Part 2.2.14a have been completed. After the first month, inspect once more within 24 hours of the occurrence of a storm event that produces 0.25 inches of rain or more within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period. If there are no issues or evidence of stabilization problems, you may suspend further inspections. If “wash-out” of stabilization materials and/or sediment is observed, following re-stabilization, inspections must resume at the inspection frequency required in Part 4.4.1a. Inspections must continue until final stabilization is visually confirmed following a storm event that produces 0.25 inches of rain or more within a 24-hour period.

- 4.4.2 Arid, semi-arid, or drought-stricken areas** (as defined in Appendix A). If it is the seasonally dry period<sup>71</sup> or a period in which drought is occurring, you may reduce the frequency of inspections to once per month and within 24 hours of the occurrence of a storm event that produces 0.25 inches of rain or more within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period. You must document that you are using this reduced schedule and the beginning and ending dates of the seasonally dry period in your SWPPP. Follow the procedures in Part 4.2.3a and 4.2.3b, accordingly, to determine if a storm event occurs that produces 0.25 inches or more of rain or 3.25 inches or more of snow within a 24-hour period. For any 24-hour period during which there is 0.25 inches or more of rainfall, or 3.25 inches or more of snow, you must record the total rainfall or snow measured for that day in accordance with Part 4.7.1d.

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<sup>71</sup> See footnote 44.

**4.4.3 Frozen conditions:**

- a.** If you are suspending construction activities due to frozen conditions, you may temporarily suspend inspections on your site until thawing conditions (as defined in Appendix A) begin to occur if:
  - i.** Discharges are unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages.<sup>72</sup> If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable;
  - ii.** Land disturbances have been suspended; and
  - iii.** All disturbed areas of the site have been stabilized in accordance with Part 2.2.14a.
- b.** If you are still conducting construction activities during frozen conditions, you may reduce your inspection frequency to once per month if:
  - i.** Discharges are unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable; and
  - ii.** Except for areas in which you are actively conducting construction activities, disturbed areas of the site have been stabilized in accordance with Part 2.2.14a.

You must document the beginning and ending dates of this period in your SWPPP.

**4.5 AREAS THAT MUST BE INSPECTED**

During your site inspection, you must at a minimum inspect the following areas of your site:

- 4.5.1** All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part 2.2.14a;
- 4.5.2** All stormwater controls, including pollution prevention controls, installed at the site to comply with this permit;<sup>73</sup>
- 4.5.3** Material, waste, borrow, and equipment storage and maintenance areas that are covered by this permit;
- 4.5.4** All areas where stormwater typically flows within the site, including constructed or natural site drainage features designed to divert, convey, and/or treat stormwater;
- 4.5.5** All areas where construction dewatering is taking place, including controls to treat the dewatering discharge and any channelized flow of water to and from those controls;

<sup>72</sup> Use data sets that include the most recent data available to account for recent precipitation patterns and trends.

<sup>73</sup> This includes the requirement to inspect for sediment that has been tracked out from the site onto paved roads, sidewalks, or other paved areas consistent with Part 2.2.4.

4.5.6 All points of discharge from the site; and

4.5.7 All locations where stabilization measures have been implemented.

You are not required to inspect areas that, at the time of the inspection, are considered unsafe to your inspection personnel.

#### 4.6 REQUIREMENTS FOR INSPECTIONS

4.6.1 During each site inspection, you must at a minimum:

- a. Check whether all stormwater controls (i.e., *erosion and sediment controls and pollution prevention controls*) are properly installed, appear to be operational, and are working as intended to minimize pollutant discharges.
- b. Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site.
- c. Identify any locations where new or modified stormwater controls are necessary to meet the requirements of Parts 2 and/or 3.
- d. Check for signs of visible erosion and sedimentation (i.e., *sediment deposits*) that have occurred and are attributable to your discharge at points of discharge and, if applicable, on the banks of any receiving waters flowing within or immediately adjacent to the site;
- e. Check for signs of sediment deposition that are visible from your site and attributable to your discharge (e.g., sand bars with no vegetation growing on top in receiving waters or in other constructed or natural site drainage features, or the buildup of sediment deposits on nearby streets, curbs, or open conveyance channels).
- f. Identify any incidents of noncompliance observed.

4.6.2 If a discharge is occurring during your inspection:

- a. Identify all discharge points at the site; and
- b. Observe and document the visual quality of the discharge, and take note of the characteristics of the stormwater discharge, including color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of stormwater pollutants. Check also for signs of these same pollutant characteristics that are visible from your site and attributable to your discharge in receiving waters or in other constructed or natural site drainage features.

4.6.3 For dewatering inspections conducted pursuant to Parts 4.3.2, record the following in a report within 24 hours of completing the inspection:

- a. The inspection date;
- b. Names and titles of personnel making the inspection;
- c. Approximate times that the dewatering discharge began and ended on the day of inspection;<sup>74</sup>
- d. Estimates of the rate (in gallons per day) of discharge on the day of inspection;

<sup>74</sup> If the dewatering discharge is a continuous discharge that continues after normal business hours, indicate that the discharge is continuous.



- e. Whether or not any of the following indications of pollutant discharge were observed at the point of discharge to any receiving waters flowing through or immediately adjacent to the site and/or to constructed or natural site drainage features or storm drain inlets:<sup>75</sup>
  - i. a sediment plume, suspended solids, unusual color, presence of odor, decreased clarity, or presence of foam; and/or
  - ii. a visible sheen on the water surface or visible oily deposits on the bottom or shoreline of the receiving water; and
- f. Photographs of (1) the dewatering water prior to treatment by a dewatering control(s) and the final discharge after treatment; (2) the dewatering control(s); and (3) the point of discharge to any receiving waters flowing through or immediately adjacent to the site and/or to constructed or natural site drainage features, storm drain inlets, and other conveyances to receiving waters.

You must also comply with the Part 4.7.2, 4.7.3, and 4.7.4 requirements for signing the reports, keeping them available on site, and retaining copies.

**4.6.4** Based on the results of your inspection:

- a. Complete any necessary maintenance repairs or replacements under Part 2.1.4 or under Part 5, whichever applies; and
- b. Modify your SWPPP site map in accordance with Part 7.4.1 to reflect changes to your stormwater controls that are no longer accurately reflected on the current site map.

**4.7 INSPECTION REPORT**

**4.7.1** You must complete an inspection report within 24 hours of completing any site inspection. Each inspection report (except for dewatering inspection reports, which are covered in Part 4.6.3) must include the following:

- a. The inspection date;
- b. Names and titles of personnel making the inspection;
- c. A summary of your inspection findings, covering at a minimum the observations you made in accordance with Part 4.6, including any problems found during your inspection that make it necessary to perform routine maintenance pursuant to Part 2.1.4b or corrective action pursuant to Part 5. Include also any documentation as to why the corrective action procedures under Part 5 are unnecessary to fix a problem that repeatedly occurs as described in Part 2.1.4c;
- d. If you are inspecting your site at the frequency specified in Part 4.2.2, Part 4.3, or Part 4.4.1b, and you conducted an inspection because of a storm event that produced rainfall measuring 0.25 inches or more within a 24-hour period, you must include the applicable rain gauge or weather station readings that triggered the inspection. Similarly, if you conducted an inspection because of a snowmelt discharge from a storm event that produced 3.25 inches or more of snow within a 24-hour period, you must include any measurements taken of snowfall at your site, or weather station information you relied on; and

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<sup>75</sup> If the operator observes any of these indicators of pollutant discharge, corrective action is required consistent with Parts 5.1.5b and 5.2.2.

- e. If you determined that it is unsafe to inspect a portion of your site, you must describe the reason you found it to be unsafe and specify the locations to which this condition applies.
- 4.7.2 Each inspection report must be signed by the operator's signatory in accordance with Appendix G, Part G.11 of this permit.
- 4.7.3 You must keep a copy of all inspection reports at the site or at an easily accessible location, so that it can be made immediately available at the time of an on-site inspection or upon request by EPA.<sup>76</sup>
- 4.7.4 You must retain all inspection reports completed for this Part for at least three (3) years from the date that your permit coverage expires or is terminated.

#### 4.8 INSPECTIONS BY EPA

You must allow EPA, or an authorized representative of EPA, to conduct the following activities at reasonable times. To the extent that you are utilizing shared controls, that are not on site, to comply with this permit, you must make arrangements for EPA to have access at all reasonable times to those areas where the shared controls are located.

- 4.8.1 Enter onto all areas of the site, including any construction support activity areas covered by this permit, any off-site areas where shared controls are utilized to comply with this permit, discharge locations, adjoining waterbodies, and locations where records are kept under the conditions of this permit;
- 4.8.2 Access and copy any records that must be kept under the conditions of this permit;
- 4.8.3 Inspect your construction site, including any construction support activity areas covered by this permit (see Part 1.2.1c), any stormwater controls installed and maintained at the site, and any off-site shared controls utilized to comply with this permit; and
- 4.8.4 Sample or monitor for the purpose of ensuring compliance.

### 5 CORRECTIVE ACTIONS

#### 5.1 CONDITIONS TRIGGERING CORRECTIVE ACTION.

You must take corrective action to address any of the following conditions identified at your site:

- 5.1.1 A stormwater control needs a significant repair or a new or replacement control is needed, or, in accordance with Part 2.1.4c, you find it necessary to repeatedly (i.e., three (3) or more times) conduct the same routine maintenance fix to the same control at the same location (unless you document in your inspection report under Part 4.7.1c that the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under Part 2.1.4); or
- 5.1.2 A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or

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<sup>76</sup> Inspection reports may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of inspection report records, refer to the Fact Sheet discussion related to Part 4.7.3.

- 5.1.3 Your discharges are not meeting applicable water quality standards;
- 5.1.4 A prohibited discharge has occurred (see Part 1.3); or
- 5.1.5 During discharge from site dewatering activities:
  - a. The weekly average of your turbidity monitoring results exceeds the 50 NTU benchmark (or alternate benchmark if approved by EPA pursuant to Part 3.3.2b); or
  - b. You observe or you are informed by EPA, State, or local authorities of the presence of the conditions specified in Part 4.6.3e.

## 5.2 CORRECTIVE ACTION DEADLINES

- 5.2.1 If responding to any of the Part 5.1.1, 5.1.2, 5.1.3, or 5.1.4 triggering conditions, you must:
  - a. Immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events; and
  - b. When the problem does not require a new or replacement control or significant repair, the corrective action must be completed by the close of the next business day; or
  - c. When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 7-day timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven (7) calendar days of completing this work.
- 5.2.2 If responding to either of the Part 5.1.5 triggering conditions related to site dewatering activities, you must:
  - a. Immediately take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a solution, including shutting off the dewatering discharge as soon as possible depending on the severity of the condition<sup>77</sup> taking safety considerations into account;
  - b. Determine whether the dewatering controls are operating effectively and whether they are causing the conditions; and
  - c. Make any necessary adjustments, repairs, or replacements to the dewatering controls to lower the turbidity levels below the benchmark or remove the visible plume or sheen.

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<sup>77</sup> For instance, if the weekly average of your turbidity monitoring results or a single sample is extremely high (e.g., a single turbidity sample results in 355 NTUs or higher), you should take action to safely shut off the discharge so that you can evaluate the cause of the high turbidity. Note: A single turbidity sample of 355 NTUs or higher means that the weekly average turbidity value will exceed 50 NTU regardless of the turbidity values the other days during the week.

When you have completed these steps and made any changes deemed necessary, you may resume discharging from your dewatering activities.

### 5.3 CORRECTIVE ACTION REQUIRED BY EPA

You must comply with any corrective actions required by EPA as a result of permit violations found during an inspection carried out under Part 4.8.

### 5.4 CORRECTIVE ACTION LOG

5.4.1 For each corrective action taken in accordance with this Part, you must record the following in a corrective action log:

- a. Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time it was identified.
- b. Within 24 hours of completing the corrective action (in accordance with the deadlines in Part 5.2), document the actions taken to address the condition, including whether any SWPPP modifications are required.

5.4.2 Each entry into the corrective action log, consisting of the information required by both Parts 5.4.1a and 5.4.1b, must be signed by the operator's signatory in accordance with Appendix G, Part G.11.2 of this permit.

5.4.3 You must keep a copy of the corrective action log at the site or at an easily accessible location, so that it can be made immediately available at the time of an on-site inspection or upon request by EPA.<sup>78</sup>

5.4.4 You must retain the corrective action log for at least three (3) years from the date that your permit coverage expires or is terminated.

## 6 STORMWATER TEAM FORMATION/STAFF TRAINING REQUIREMENTS

### 6.1 STORMWATER TEAM

Each operator, or group of multiple operators, must assemble a "stormwater team" that will be responsible for carrying out activities necessary to comply with this permit. The stormwater team must include the following people:

- a. Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls);
- b. Personnel responsible for the application and storage of treatment chemicals (if applicable);
- c. Personnel who are responsible for conducting inspections as required in Part 4.1; and
- d. Personnel who are responsible for taking corrective actions as required in Part 5.

Members of the stormwater team must be identified in the SWPPP pursuant to Part 7.2.2.

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<sup>78</sup> The corrective action log may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of corrective action log records, refer to the Fact Sheet discussion related to Part 4.7.3.

## 6.2 GENERAL TRAINING REQUIREMENTS FOR STORMWATER TEAM MEMBERS

Prior to the commencement of construction activities, you must ensure that all persons<sup>79</sup> assigned to the stormwater team understand the requirements of this permit and their specific responsibilities with respect to those requirements, including the following related to the scope of their job duties:

- a. The permit requirements and deadlines associated with installation, maintenance, and removal of stormwater controls, as well as site stabilization;
- b. The location of all stormwater controls on the site required by this permit and how they are to be maintained;
- c. The proper procedures to follow with respect to the permit's pollution prevention requirements; and
- d. When and how to conduct inspections, record applicable findings, and take corrective actions. Specific training requirements for persons conducting site inspections are included in Part 6.3.

You are responsible for ensuring that all activities on the site comply with the requirements of this permit. You are not required to provide or document formal training for subcontractors or other outside service providers (unless the subcontractors or outside service providers are responsible for conducting the inspections required in Part 4, in which case you must provide such documentation consistent with Part 7.2.2), but you must ensure that such personnel understand any requirements of this permit that may be affected by the work they are subcontracted to perform.

## 6.3 TRAINING REQUIREMENTS FOR PERSONS CONDUCTING INSPECTIONS

For projects that receive coverage under this permit on or after February 17, 2023, to be considered a qualified person under Part 4.1 for conducting inspections under Part 4, you must, at a minimum, either:

- a. Have completed the EPA construction inspection course developed for this permit and have passed the exam; or
- b. Hold a current valid construction inspection certification or license from a program that, at a minimum, covers the following:<sup>80</sup>
  - i. Principles and practices of erosion and sediment control and pollution prevention practices at construction sites;
  - ii. Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites; and
  - iii. Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4.

<sup>79</sup> If the person requiring training is a new employee who starts after you commence construction activities, you must ensure that this person has the proper understanding as required above prior to assuming particular responsibilities related to compliance with this permit. For emergency-related projects, the requirement to train personnel prior to commencement of construction activities does not apply, however, such personnel must have the required training prior to NOI submission.

<sup>80</sup> If one of the following topics (e.g., installation and maintenance of pollution prevention practices) is not covered by the non-EPA training program, you may consider supplementing the training with the analogous module of the EPA course (e.g., Module 4) that covers the missing topic.



For projects that receive coverage under this permit prior to February 17, 2023, any personnel conducting site inspections pursuant to Part 4 on your site must, at a minimum, be a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.<sup>81</sup>

#### 6.4 STORMWATER TEAM'S ACCESS TO PERMIT DOCUMENTS

Each member of the stormwater team must have easy access to an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

### 7 STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

#### 7.1 GENERAL REQUIREMENTS

All operators associated with a construction site under this permit must develop a SWPPP consistent with the requirements in Part 7 prior to their submittal of the NOI.<sup>82, 83, 84</sup> The SWPPP must be kept up-to-date throughout coverage under this permit.

If a SWPPP was prepared under a previous version of this permit, the operator must review and update the SWPPP to ensure that this permit's requirements are addressed prior to submitting an NOI for coverage under this permit.

#### 7.2 SWPPP CONTENTS

At a minimum, the SWPPP must include the information specified in this Part and as specified in other parts of this permit.

##### 7.2.1 All Site Operators. Include a list of all other operators who will be engaged in construction activities at the site, and the areas of the site over which each operator has control.

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<sup>81</sup> If you receive coverage for a project prior to February 17, 2023, and construction activities for the same project will continue after February 17, 2023, the personnel conducting inspections do not need to take the additional training specified in Parts 6.3a and 6.3b for inspections conducted on the project site. If the same operator obtains coverage for a different project on or after February 17, 2023, personnel conducting inspections would be required to meet the requirements for a qualified person by completing the training in either Part 6.3a or Part 6.3b.

<sup>82</sup> The SWPPP does not establish the effluent limits and/or other permit terms and conditions that apply to your site's discharges; these limits, terms, and conditions are established in this permit.

<sup>83</sup> Where there are multiple operators associated with the same site, they may develop a group SWPPP instead of multiple individual SWPPPs. Regardless of whether there is a group SWPPP or multiple individual SWPPPs, each operator is responsible for compliance with the permit's terms and conditions. In other words, if Operator A relies on Operator B to satisfy its permit obligations, Operator A does not have to duplicate those permit-related functions if Operator B is implementing them such that both operators are in compliance with the permit. However, Operator A remains responsible for permit compliance if Operator B fails to take actions necessary for Operator A to comply with the permit. In addition, all operators must ensure, either directly or through coordination with other operators, that their activities do not cause a violation or compromise any other operators' controls and/or any shared controls. See also footnote 60.

<sup>84</sup> There are a number of commercially available products to assist operators in developing the SWPPP, as well as companies that can be hired to help develop a site-specific SWPPP. The permit does not state which are recommended, nor does EPA endorse any specific products or vendors. Where operators choose to rely on these products or services, the choice of which ones to use to comply with the requirements of this Part is a decision for the operator alone.

- 7.2.2 Stormwater Team.** Identify the personnel (by name and position) that you have made part of the stormwater team pursuant to Part 6.1, as well as their individual responsibilities, including which members are responsible for conducting inspections.

Include verification that each member of the stormwater team has received the training required by Part 6.2. Include documentation that members of the stormwater team responsible for conducting inspections pursuant to Part 4 have received the training required by Part 6.3. If personnel on your team elect to complete the EPA inspector training program pursuant to Part 6.3a, you must include copies of the certificate showing that the relevant personnel have completed the training and passed the exam. If personnel on your team elect to complete a non-EPA inspector training program pursuant to Part 6.3b, you must include documentation showing that these persons have successfully completed the program and their certification or license is still current. You must also confirm that the non-EPA inspector training program satisfies the minimum elements for such programs in Part 6.3b.

- 7.2.3 Nature of Construction Activities.** Include the following:

- a. A description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition;
- b. The size of the property (in acres or length in miles if a linear construction site);
- c. The total area expected to be disturbed by the construction activities (to the nearest quarter acre or nearest quarter mile if a linear construction site);
- d. A description of any on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c);
- e. The maximum area expected to be disturbed at any one time, including on-site and off-site construction support activity areas;
- f. A description and projected schedule for the following:<sup>85</sup>
  - i. Commencement of construction activities in each portion of the site, including clearing and grubbing, mass grading, demolition activities, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;
  - ii. Temporary or permanent cessation of construction activities in each portion of the site;
  - iii. Temporary or final stabilization of exposed areas for each portion of the site; and
  - iv. Removal of temporary stormwater controls and construction equipment or vehicles, and the cessation of construction-related pollutant-generating activities.

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<sup>85</sup> If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant to “lock in” the operator to meeting these dates. When departures from initial projections are necessary, this should be documented in the SWPPP itself, or in associated records, as appropriate.

- g.** A list and description of all pollutant-generating activities<sup>86</sup> on the site. For each pollutant-generating activity, include an inventory of pollutants or pollutant constituents (e.g., *sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels*) associated with that activity, which could be discharged in stormwater from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed or removed during construction;
  - h.** Business days and hours for the project;
  - i.** If you are conducting construction activities in response to a public emergency (see Part 1.4), a description of the cause of the public emergency (e.g., *mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services*), information substantiating its occurrence (e.g., *State disaster declaration or similar State or local declaration*), and a description of the construction necessary to reestablish affected public services.
- 7.2.4 Site Map.** Include a legible map, or series of maps, showing the following features of the site:
- a.** Boundaries of the property;
  - b.** Locations where construction activities will occur, including:
    - i.** Locations where earth-disturbing activities will occur (note any phasing), including any demolition activities;
    - ii.** Approximate slopes before and after major grading activities (note any steep slopes (as defined in Appendix A));
    - iii.** Locations where sediment, soil, or other construction materials will be stockpiled;
    - iv.** Any receiving water crossings;
    - v.** Designated points where vehicles will exit onto paved roads;
    - vi.** Locations of structures and other impervious surfaces upon completion of construction; and
    - vii.** Locations of on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c).
  - c.** Locations of any receiving waters within the site and all receiving waters within one mile downstream of the site's discharge point(s). Also identify if any of these receiving waters are listed as impaired or are identified as a Tier 2, Tier 2.5, or Tier 3 water;
  - d.** Any areas of Federally listed critical habitat within the action area of the site as defined in Appendix A;
  - e.** Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures);
  - f.** Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities;

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<sup>86</sup> Examples of pollutant-generating activities include paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering activities.

- g.** Stormwater and authorized non-stormwater discharge locations, including:
  - i.** Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets, including a notation of whether the inlet conveys stormwater to a sediment basin, sediment trap, or similarly effective control;<sup>87</sup>
  - ii.** Locations where stormwater or authorized non-stormwater will be discharged directly to receiving waters (i.e., not via a storm drain inlet); and
  - iii.** Locations where turbidity benchmark monitoring will take place to comply with Part 3.3, if applicable to your site.
- h.** Locations of all potential pollutant-generating activities identified in Part 7.2.3g;
- i.** Designated areas where construction wastes that are covered by the exception in Part 2.3.3e.ii because they are not pollutant-generating will be stored;
- j.** Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit; and
- k.** Locations where polymers, flocculants, or other treatment chemicals will be used and stored.

**7.2.5 Non-Stormwater Discharges.** Identify all authorized non-stormwater discharges in Part 1.2.2 that will or may occur.

**7.2.6 Description of Stormwater Controls.**

- a.** For each of the Part 2.2 erosion and sediment control requirements, Part 2.3 pollution prevention requirements, and Part 2.4 construction dewatering requirements, as applicable to your site, you must include the following:
  - i.** A description of the specific control(s) to be implemented to meet these requirements;
  - ii.** The design specifications for controls described in Part 7.2.6a.i (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon);<sup>88</sup>
  - iii.** Routine stormwater control maintenance specifications; and
  - iv.** The projected schedule for stormwater control installation/implementation.
- b.** You must also include any of the following additional information as applicable.
  - i. Natural buffers and/or equivalent sediment controls** (see Part 2.2.1 and Appendix F). You must include the following:
    - (a) The compliance alternative to be implemented;
    - (b) If complying with alternative 2, the width of natural buffer retained;

<sup>87</sup> The requirement to show storm drain inlets in the immediate vicinity of the site on your site map only applies to those inlets that are easily identifiable from your site or from a publicly accessible area immediately adjacent to your site.

<sup>88</sup> Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practice and must be explained in the SWPPP.

- (c) If complying with alternative 2 or 3, the erosion and sediment control(s) you will use to achieve an equivalent sediment reduction, and any information you relied upon to demonstrate the equivalency;
  - (d) If complying with alternative 3, a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size;
  - (e) For “linear construction sites” where it is infeasible to implement compliance alternative 1, 2, or 3, a rationale for this determination, and a description of any buffer width retained and/or supplemental erosion and sediment controls installed; and
  - (f) A description of any disturbances that are exempt under Part 2.2.1 that occur within 50 feet of a receiving water.
- ii. Perimeter controls for a “linear construction site”** (see Part 2.2.3d). For areas where perimeter controls are not feasible, include documentation to support this determination and a description of the other practices that will be implemented to minimize discharges of pollutants in stormwater associated with construction activities.
- Note: Routine maintenance specifications for perimeter controls documented in the SWPPP must include the Part 2.2.3c.i requirement that sediment be removed before it has accumulated to one-half of the above-ground height of any perimeter control.
- iii. Sediment track-out controls** (see Parts 2.2.4b and 2.2.4c). Document the specific stabilization techniques and/or controls that will be implemented to remove sediment prior to vehicle exit.
- iv. Inlet protection measures** (see Part 2.2.10a). Where inlet protection measures are not required because the storm drain inlets to which your site discharges are conveyed to a sediment basin, sediment trap, or similarly effective control, include a short description of the control that receives the stormwater flow from the site.
- v. Sediment basins** (see Part 2.2.12). In circumstances where it is infeasible to utilize outlet structures that withdraw water from the surface, include documentation to support this determination, including the specific conditions or time periods when this exception will apply.
- vi. Treatment chemicals** (see Part 2.2.13), you must include the following:
- (a) A listing of the soil types that are expected to be exposed during construction in areas of the project that will drain to chemical treatment systems. Also include a listing of soil types expected to be found in fill material to be used in these same areas, to the extent you have this information prior to construction;
  - (b) A listing of all treatment chemicals to be used at the site and why the selection of these chemicals is suited to the soil characteristics of your site;
  - (c) If the applicable EPA Regional Office authorized you to use cationic treatment chemicals for sediment control, include the specific controls and implementation procedures designed to ensure that your use of cationic



treatment chemicals will not lead to a discharge that does not meet water quality standards;

- (d) The dosage of all treatment chemicals to be used at the site or the methodology to be used to determine dosage;
- (e) Information from any applicable Safety Data Sheet (SDS);
- (f) Schematic drawings of any chemically enhanced stormwater controls or chemical treatment systems to be used for application of the treatment chemicals;
- (g) A description of how chemicals will be stored consistent with Part 2.2.13c;
- (h) References to applicable State or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems; and
- (i) A description of the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to use of the treatment chemicals at your site.

**vii. Stabilization measures** (see Part 2.2.14). You must include the following:

- (a) The specific vegetative and/or non-vegetative practices that will be used;
- (b) The stabilization deadline that will be met in accordance with Part 2.2.14;
- (c) If complying with the deadlines for sites in arid, semi-arid, or drought-stricken areas, the beginning and ending dates of the seasonally dry period (as defined in Appendix A)<sup>89</sup> and the schedule you will follow for initiating and completing vegetative stabilization; and
- (d) If complying with deadlines for sites affected by unforeseen circumstances that delay the initiation and/or completion of vegetative stabilization, document the circumstances and the schedule for initiating and completing stabilization.

**viii. Spill prevention and response procedures** (see Parts 1.3.5, 2.3.3c, 2.3.3d, and 2.3.6). You must include the following:

- (a) Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for detection and response of spills or leaks; and
- (b) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 2.3.6 and established under either 40 CFR part 110, 40 CFR part 117, or 40 CFR part 302, occurs

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<sup>89</sup> See footnote 44.

during a 24-hour period. Contact information must be in locations that are readily accessible and available to all employees.

You may also reference the existence of SPCC plans developed for the construction activity under Section 311 of the CWA, or spill control programs otherwise required by an NPDES permit for the construction activity, provided that you keep a copy of that other plan on site.<sup>90</sup>

- ix. Waste management procedures** (see Part 2.3.3). Describe the procedures you will follow for handling, storing, and disposing of all wastes generated at your site consistent with all applicable Federal, State, Tribal, and local requirements, including clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste. You must also include the following additional information:

    - (a) If site constraints prevent you from storing chemical containers 50 feet away from receiving waters or the other site drainage features as required in Part 2.3.3c.ii(b), document in your SWPPP the specific reasons why the 50-foot setback is not feasible, and how you will store containers as far away as the site permits; and
    - (b) If there are construction wastes that are subject to the exception in Part 2.3.3e.ii, describe the specific wastes that will be stored on your site.
  - x. Application of fertilizers** (see Part 2.3.5). Document any departures from the manufacturer specifications where appropriate.
- 7.2.7 Procedures for Inspection, Maintenance, and Corrective Action.** Describe the procedures you will follow for maintaining your stormwater controls, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Part 2.1.4, Part 4, and Part 5 of this permit, accordingly. Also include:
- a.** The inspection schedule you will follow, which is based on whether your site is subject to Part 4.2 or Part 4.3, or whether your site qualifies for any of the reduced inspection frequencies in Part 4.4;
  - b.** If you will be conducting inspections in accordance with the inspection schedule in Part 4.2.2, Part 4.3, or Part 4.4.1b, the location of the rain gauge or the address of the weather station you will be using to obtain rainfall data;
  - c.** If you will be reducing your inspection frequency in accordance with Part 4.4.1b, the beginning and ending dates of the seasonally defined arid period for your area or the valid period of drought;
  - d.** If you will be reducing your inspection frequency in accordance with Part 4.4.3, the beginning and ending dates of frozen conditions on your site; and
  - e.** Any maintenance or inspection checklists or other forms that will be used.
- 7.2.8 Procedures for Turbidity Benchmark Monitoring from Dewatering Discharges (if applicable).** If you are required to comply with the Part 3.3 turbidity benchmark

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<sup>90</sup> Even if you already have an SPCC or other spill prevention plan in existence, your plans will only be considered adequate if they meet all of the requirements of this Part, either as part of your existing plan or supplemented as part of the SWPPP.

monitoring requirements, describe the procedures you will follow to collect and evaluate samples, report results to EPA and keep records of monitoring information, and take corrective action when necessary. Include the specific type of turbidity meter you will use for monitoring, as well as any manuals or manufacturer instructions on how to operate and calibrate the meter. Describe any coordinating arrangement you may have with any other permitted operators on the same site with respect to compliance with the turbidity monitoring requirements, including which parties are tasked with specific responsibilities. If EPA has approved of an alternate turbidity benchmark pursuant to Part 3.3.2b, include any data and other documentation you relied on to request use of the specific alternative benchmark.

#### 7.2.9 Compliance with Other Requirements.

- a. Threatened and Endangered Species Protection.** Include documentation required in the Endangered Species Protection section of the NOI in NeT, or the ESA worksheet in Appendix D, supporting your eligibility with regard to the protection of threatened and endangered species and designated critical habitat.
- b. Historic Properties.** Include documentation required in Appendix E supporting your eligibility with regard to the protection of historic properties.
- c. Safe Drinking Water Act Underground Injection Control (UIC) Requirements for Certain Subsurface Stormwater Controls.** If you are using any of the following stormwater controls at your site, document any contact you have had with the applicable State agency<sup>91</sup> or EPA Regional Office responsible for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing regulations at 40 CFR § 144 -147. Such controls would generally be considered Class V UIC wells:
  - i.** Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system);
  - ii.** Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow; and
  - iii.** Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system).

**7.2.10 SWPPP Certification.** Your signatory must sign and date your SWPPP in accordance with Appendix G, Part G.11.

**7.2.11 Post-Authorization Additions to the SWPPP.** Once you are authorized for coverage under this permit, you must include the following documents as part of your SWPPP:

- a.** A copy of your NOI submitted to EPA along with any correspondence exchanged between you and EPA related to coverage under this permit;
- b.** A copy of the acknowledgment letter you receive from NeT assigning your NPDES ID (i.e., *permit tracking number*);

<sup>91</sup> For State UIC program contacts, refer to the following EPA website: <https://www.epa.gov/uic>.

- c. A copy of this permit (an electronic copy easily available to the stormwater team is also acceptable).

### 7.3 ON-SITE AVAILABILITY OF YOUR SWPPP

You must keep a current copy of your SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by EPA; a State, Tribal, or local agency approving stormwater management plans; the operator of a storm sewer system receiving discharges from the site; or representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).<sup>92</sup>

EPA may provide access to portions of your SWPPP to a member of the public upon request. Confidential Business Information (CBI) will be withheld from the public, but may not be withheld from EPA, USFWS, or NMFS.<sup>93</sup>

If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of your construction site.

### 7.4 SWPPP MODIFICATIONS

- 7.4.1 You must modify your SWPPP, including the site map(s), within seven (7) days of any of the following conditions:

- a. Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions triggered under Part 5. You do not need to modify your SWPPP if the estimated dates in Part 7.2.3f change during the course of construction;
- b. To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;
- c. If inspections or investigations by EPA or its authorized representatives determine that SWPPP modifications are necessary for compliance with this permit;
- d. Where EPA determines it is necessary to install and/or implement additional controls at your site in order to meet the requirements of this permit, the following must be included in your SWPPP:
  - i. A copy of any correspondence describing such measures and requirements; and

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<sup>92</sup> The SWPPP may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of the SWPPP, refer to the Fact Sheet discussion related to Part 4.7.3.

<sup>93</sup> Information covered by a claim of confidentiality will be disclosed by EPA only to the extent of, and by means of, the procedures set forth in 40 CFR part 2, Subpart B. In general, submitted information protected by a business confidentiality claim may be disclosed to other employees, officers, or authorized representatives of the United States concerned with implementing the CWA. The authorized representatives, including employees of other executive branch agencies, may review CBI during the course of reviewing draft regulations.

- ii. A description of the controls that will be used to meet such requirements.
  - e. To reflect any revisions to applicable Federal, State, Tribal, or local requirements that affect the stormwater controls implemented at the site; and
  - f. If applicable, if a change in chemical treatment systems or chemically enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application.
- 7.4.2 You must maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part 7.2.9 above) and a brief summary of all changes.
- 7.4.3 All modifications made to the SWPPP consistent with Part 7.4 must be authorized by a person identified in Appendix G, Part G.11.b.
- 7.4.4 Upon determining that a modification to your SWPPP is required, if there are multiple operators covered under this permit, you must immediately notify any operators who may be impacted by the change to the SWPPP.

## 8 HOW TO TERMINATE COVERAGE

Until you terminate coverage under this permit, you must comply with all conditions and effluent limitations in the permit. To terminate permit coverage, you must submit to EPA a complete and accurate Notice of Termination (NOT), which certifies that you have met the requirements for terminating in Part 8.

### 8.1 MINIMUM INFORMATION REQUIRED IN NOT

- 8.1.1 NPDES ID (i.e., *permit tracking number*) provided by EPA when you received coverage under this permit;
- 8.1.2 Basis for submission of the NOT (see Part 8.2);
- 8.1.3 Operator contact information;
- 8.1.4 Name of site and address (or a description of location if no street address is available); and
- 8.1.5 NOT certification.

### 8.2 CONDITIONS FOR TERMINATING CGP COVERAGE

You may terminate CGP coverage only if one or more of the conditions in Parts 8.2.1, 8.2.2, or 8.2.3 has occurred. Until your termination is effective consistent with Part 8.5, you must continue to comply with the conditions of this permit.

- 8.2.1 You have completed all construction activities at your site and, if applicable, construction support activities covered by this permit (see Part 1.2.1c), and you have met all of the following requirements:
- a. For any areas that (1) were disturbed during construction, (2) are not covered by permanent structures, and (3) over which you had control during the construction activities, you have met the requirements for final vegetative or non-vegetative stabilization in Part 2.2.14c.

To document that you have met these stabilization requirements, you must take either ground or aerial photographs that show your site's compliance with the Part 2.2.14 stabilization requirements and submit them with your NOT. If any portion of your



site is covered by one of the exceptions in Part 2.2.14c.iii, indicate which exception applies and include a supplementary explanation with your photographs that provides the necessary context for why this portion of the site is in compliance with the final stabilization criteria even though it appears to be unstabilized. You are not required to take photographs of every distinct part of your site that is being stabilized, however, the conditions of the site portrayed in any photographs that are submitted must be substantially similar<sup>94</sup> to those of the areas that are not photographed. You must also comply with the following related to these photographs:

- i. Take photographs both before and after the site has met the final stabilization criteria in Part 2.2.14c;
  - ii. All photographs must be clear and in focus, and in the original format and resolution; and
  - iii. Include the date each photograph was taken, and a brief description of the area of the site captured by the photograph (e.g., photo shows application of seed and erosion control mats to remaining exposed surfaces on northeast corner of site).
- b. You have removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long-term use following your termination of permit coverage;
  - c. You have removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following your termination of permit coverage or those that are biodegradable (as defined in Appendix A); and
  - d. You have removed all potential pollutants and pollutant-generating activities associated with construction, unless needed for long-term use following your termination of permit coverage; or
- 8.2.2** You have transferred control of all areas of the site for which you are responsible under this permit to another operator, and that operator has submitted an NOI and obtained coverage under this permit; or
- 8.2.3** Coverage under an individual or alternative general NPDES permit has been obtained.
- 8.3 HOW TO SUBMIT YOUR NOT**

You must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit an NOT for the 2022 CGP.

To access NeT, go to <https://cdx.epa.gov/cdx>.

Waivers from electronic reporting may be granted as specified in Part 1.4.2. If the EPA Regional Office grants you approval to use a paper NOT, and you elect to use it, you must complete the form in Appendix I.

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<sup>94</sup> Stabilization conditions that are substantially similar would include areas that are using the same type of stabilization measures and that have similar slopes, soils, and topography, and have achieved the same level of stabilization.

**8.4 DEADLINE FOR SUBMITTING THE NOT**

You must submit an NOT within 30 calendar days after any one of the conditions in Part 8.2 occurs.

**8.5 EFFECTIVE DATE OF TERMINATION OF COVERAGE**

Your authorization to discharge under this permit terminates at midnight of the calendar day that a complete NOT is submitted to EPA.

**9 PERMIT CONDITIONS APPLICABLE TO SPECIFIC STATES, INDIAN COUNTRY LANDS, OR TERRITORIES**

The provisions in this Part provide additions to the applicable conditions of this permit to reflect specific additional conditions required as part of the State or Tribal CWA Section 401 certification process, or the Coastal Zone Management Act (CZMA) certification process, or as otherwise established by the permitting authority. The specific additional revisions and requirements only apply to activities in those specific States, Indian country, and areas in certain States with Federal Facilities or areas subject to construction projects by Federal Operators. States, Indian country, and other areas not included in this Part do not have any additions to the applicable conditions of this permit.

**9.1 EPA REGION 1****9.1.1 NHR100000 State of New Hampshire**

- a.** Should the permit coverage for an individual applicant be insufficient to achieve water quality standards, the New Hampshire Department of Environmental Services (NHDES) may prepare additional 401 certification conditions for that applicant. Any additional 401 certification conditions will follow all required NHDES public participation requirements.
- b.** If you disturb 100,000 square feet or more of contiguous area, you must also comply with RSA 485-A:17 and Env-Wq 1500, and, unless exempt, apply for an Alteration of Terrain (AoT) permit from NHDES. This requirement also applies to a lower disturbance threshold of 50,000 square feet or more when construction occurs within the protected shoreline under the Shoreland Water Quality Protection Act (see RSA 483-B and Env-Wq 1400). A permit application must also be filed if your project disturbs an area of greater than 2,500 square feet, is within 50 feet of any surface water, and has a flow path of 50 feet or longer disturbing a grade of 25 percent or greater. Project sites with disturbances smaller than those discussed above, that have the potential to adversely affect state surface waters, are subject to the conditions of an AoT General Permit by Rule (Env-Wq 1503.03).
- c.** You must determine that any excavation dewatering discharges are not contaminated before they will be authorized as an allowable non-stormwater discharge under this permit (see Part 1.2.2 of the Construction General Permit or CGP). In the absence of information demonstrating otherwise, the water is considered uncontaminated if there is no groundwater contamination within 1,000 feet of the groundwater dewatering location. Information on groundwater contamination can be generated over the Internet via the NHDES web site <http://des.nh.gov/> by using the One Stop Data Mapper. For a toxic substance included in the New Hampshire surface water quality standards, see Env-Wq 1703.21 (see <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/Env-Wg>

1700.pdf). If it is determined that the groundwater to be dewatered is near a remediation or other waste site, you must apply for the Remediation General Permit (see <https://www3.epa.gov/region1/npdes/rgp.html>)

- d. As a minimum, you must treat any uncontaminated excavation "dewatering" discharges and "stormwater" discharges, as those terms are defined in Appendix A of the CGP, as necessary, to remove suspended solids and turbidity so that the surface waters receiving the construction discharges<sup>95</sup> meet New Hampshire surface water quality standards for turbidity (Env-Wq 1703.11 and Env-Wq 1703.03(c)(1)c), benthic deposits (Env-Wq 1703.03(c)(1)a), and Env-Wq 1703.08) and foam, debris, scum or other visible substances (i.e., plumes or visual turbidity)<sup>96</sup> (Env-Wq 1703.03(c)(1)b).

- i. For all Construction Activities covered under this CGP, the following shall apply to ensure compliance with the aforementioned regulations for turbidity, benthic deposits and visible substances:

Unless otherwise specified, site inspection requirements shall comply with Part 4 of the CGP. As a minimum site inspection frequency shall be in accordance with Part 4.2.2 of the CGP (and Part 4.3.2 of the CGP for sites discharging dewatering water). Site inspection frequency may be reduced in accordance with Part 4.4 of the CGP (Reductions in Inspection Frequency). Monitoring of the receiving water for visible turbidity and benthic sediment deposits shall be conducted each site inspection and results reported in the Inspection Report required in Part 4.7 of the CGP. Should visible turbidity or benthic sediment deposits attributable or partly attributable to your construction activities be present in the receiving water, the "Corrective Actions" specified in Part 5 shall be immediately implemented to correct the water quality standard violations. In addition, daily monitoring (including photographs) of the receiving water shall be conducted until there is no visible turbidity or benthic deposits. Inspection Reports required in Part 4.7 of the CGP shall include, but not be limited to, the distance downstream and the percent of the river width<sup>97</sup> where visible turbidity was observed, and the period of time that the visible turbidity persisted. A copy of the Inspection Report(s) shall be made available to NHDES within 24 hours of receiving a written request from NHDES.

- ii. For Construction Activities, disturbing 5 acres or more of land at any one time (excluding areas that have been completely stabilized in accordance with the final stabilization criteria specified in Part 2.2.14.c of the CGP), the following shall

<sup>95</sup> Construction Discharges include uncontaminated "dewatering" and "stormwater" discharges as those terms are defined in Appendix A of the CGP. Controlled construction discharges are construction discharges where the rate of flow can be regulated such as from a construction settling basin or NHDES approved flocculation system.

<sup>96</sup> For the definition of visual turbidity, see the definition for "Non-Turbid" in Appendix A of the CGP, which states the following: "Non-Turbid" - a discharge that is free from visual turbidity. For the purposes of this permit, visual turbidity refers to a sediment plume or other cloudiness in the water caused by sediment that can be identified by an observer." [EPA interprets the text of this footnote as intending to reference the Appendix A definitions of "visual turbidity" and "non-turbid" in the final permit.]

<sup>97</sup> The distance downstream and the percent of river width where visible turbidity (i.e., plume) is observed is required to determine the extent of the river affected and to determine if there was a "zone of passage" (i.e., a portion of the receiving water where there was no visible turbidity where mobile organisms could pass without being adversely impacted). The percent of river width affected is equal 100 multiplied by the width of the plume (in feet) divided by the width of the receiving water (in feet).

apply to ensure compliance with the aforementioned regulations for turbidity, benthic deposits and visible substances.

Item 9.1.1.d.i) above shall apply to all construction discharges and the minimum site inspection frequency shall comply with Part 4.3.1 of the CGP (and Part 4.3.2 of the CGP for sites discharging dewatering water). Site inspection frequency may be reduced in accordance with Part 4.4 of the CGP (Reductions in Inspection Frequency).

With regards to controlled construction discharges, if there is no visible turbidity (i.e., plumes) or benthic deposits, and, in the absence of information demonstrating otherwise, turbidity measurements of less than or equal to 50 nephelometric turbidity units (NTU) in the controlled construction discharges at the outlet prior to mixing with the receiving surface waters, shall be presumed to meet New Hampshire surface water quality standards for the parameters listed above. As a minimum, the controlled construction discharges must be sampled at each site inspection.

If any controlled construction discharge exceeds 50 NTU, or if visible turbidity or benthic sediment deposits attributable or partly attributable to any construction discharge are observed in the receiving water, then the "Corrective Actions" specified in Part 5 of the CGP shall be immediately implemented.

In addition, should such violation occur, and, in order to determine compliance with surface water quality standards for turbidity (Env-Wq 1703.11 and Env-Wq 1703.03(c)(1)c), benthic deposits (Env-Wq 1703.03(c)(1)a), and Env-Wq 1703.08) and foam, debris, scum or other visible substances (Env-Wq 1703.03(c)(1)b)), turbidity monitoring shall be immediately implemented as specified below:

Turbidity samples of the receiving water shall be immediately taken in the receiving water upstream and beyond the influence of the construction activity, and, unless a mixing zone<sup>98</sup> is approved by NHDES, no more than 75 feet downstream of each controlled construction discharge that exceeded 50 NTU and no more than 75 feet downstream of each construction discharge that caused visible turbidity.

Downstream samples shall be taken at locations in the receiving water that are most likely influenced by the discharge (e.g., if visible turbidity (i.e., a plume) is present, the sample shall be taken in the plume). Samples shall be collected a minimum of 2 times per day during the daylight hours at times when construction activities are most likely to cause turbidity in the receiving water and shall continue until the turbidity water quality standards are met in the receiving water (i.e., the difference between the upstream and downstream turbidity level is no greater than 10 NTU).

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<sup>98</sup> Permittees may request a distance greater than 75 feet downstream of a construction discharge for determining compliance with turbidity standards in Class B surface waters, by submitting a mixing zone request to NHDES that complies with Env-Wq 1707.02. If a mixing zone is approved, NHDES is required to include conditions to ensure that the criteria on which the approval is based are met (Env-Wq 1707.03).

If water quality standards are not met during daylight hours on any day, sampling shall resume the next day and continue no fewer than 2 times per day until water quality standards are met. The date, time, location and results of turbidity measurements, as well as a summary identifying the cause of the violations, corrective actions that were implemented, the period of time that the receiving water exceeded turbidity standards and the distance downstream and the percent of the river width where visible turbidity was observed, and the period of time that the visible turbidity persisted, shall be recorded and included in the Inspection Report required in Part 4.7 of the CGP. Turbidity measurements shall be conducted via a field meter in accordance with the requirements for turbidity specified in Table 1B in 40 CFR 136.3 (see 40 CFR §136.3 Identification of test procedures - Code of Federal Regulations ecfrio). Field meters shall be calibrated every day sampling is conducted and prior to the first sample.

- e. Construction site owners and operators are encouraged to consider opportunities for post- construction groundwater recharge using infiltration best management practices (BMPs) during site design and preparation of the SWPPP in order to assure compliance with Env-Wq 1703.03 and Env-Wq 1703.11. If your construction site is in a town that is required to obtain coverage under the NPDES General Permit for discharges from Municipal Separate Storm Sewer Systems (MS4) you may be required to use such practices. The SWPPP must include a description of any on-site infiltration that will be installed as a post-construction stormwater management measure or reasons for not employing such measures such as 1) The facility is located in a wellhead protection area as defined in RSA 485- C:2; or 2) The facility is located in an area where groundwater has been reclassified to GAA, GA1 or GA2 pursuant to RSA 485-C and Env-DW 901; or 3) Any areas that would be exempt from the groundwater recharge requirements contained in Env-Wq 1507.04, including all land uses or activities considered to be a "High-load Area" (see Env-Wq 1502.30). For design considerations for infiltration measures see Env-Wq 1508.06. Note that there may be additional local requirements that fall under the NH MS4 permittee's Authorization to Discharge Permit for those regulated areas.
- f. Appendix F of the CGP contains information regarding Tier 2, or high quality waters in the various states. **[EPA notes that this information has now been moved to <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>]** Although there is no official list of tier 2 waters for New Hampshire, it can be assumed that all New Hampshire surface waters are tier 2 for turbidity unless 1) the surface water that you are proposing to discharge into is listed as impaired for turbidity in the states listing of impaired waters (see <https://nhdes-surface-water-quality-assessment-site-nhdes.hub.arcgis.com/>) or 2) sampling upstream of the proposed discharge location shows turbidity values greater than 10 NTU (Env-Wq 1703.11). A single grab sample collected during dry weather (no precipitation within 48 hours) is acceptable.
- g. To ensure compliance with RSA 485-C, RSA 485-A, RSA 485-A:13, I(a), Env-Wq 1700 and Env-Wq 302, the following information may be requested by NHDES. This information must be kept on site unless you receive a written request from NHDES that it be sent to the address shown below in 9.1.1.h.



- i. A list of all non-stormwater discharges that occur at the facility, including their source locations and the control measures being used (see Part 1.2.2 of the CGP).
  - ii. Records of sampling and analysis required for construction dewatering and stormwater discharges (see 9.1.1.d above).
- h.** All required or requested documents must be sent to: NH Department of Environmental Services, Watershed Management Bureau, P.O. Box 95 Concord, NH 03302-0095.

**9.1.2 MAR100000 Commonwealth of Massachusetts (except Indian country)**

- a.** All discharges covered by the Construction General Permit shall comply with the provisions pursuant to 314 CMR 3.00, 314 CMR 4.00, 314 CMR 9.00, including applicable construction stormwater standards and 310 CMR 10.00.
- b.** Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, permittees are prohibited from discharging dewatering water under the CGP from sites that are designated as Superfund/CERCLA or RCRA, and must make accommodations to dispose of the dewatering discharges appropriately, such as coverage under the Remediation General Permit (RGP).
- c.** Pursuant to 314 CMR 3.11 (2)(a), and in accordance with MassDEP's obligation to protect Outstanding Resource Waters under 314 CMR 4.04(3), applicants seeking coverage under the 2022 CGP that propose to carry out construction activities near Outstanding Resource Waters as identified in 314 CMR 4.06, shall submit to MassDEP for review:
- i. a copy of the Stormwater Pollution Prevention Plan (SWPPP),
  - ii. a copy of the EPA NOI, and
  - iii. MassDEP's Stormwater BMP Checklist.

For purposes of this review, the permittee shall submit these documents to MassDEP at the same time they are submitted to EPA. Instructions on how to submit these documents to MassDEP and where to find the MassDEP Stormwater BMP Checklist and obtain authorization to discharge can be found here: <https://www.mass.gov/how-to/wm-15-npdes-general-permit-notice-of-intent>.

- d.** Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, applicants that propose to dewater under the 2022 CGP and plan to discharge to certain waters as described below, shall determine that any dewatering discharges are not contaminated by testing the proposed discharge as described below as part of the application for WM15 authorization. Unless otherwise specified, testing described in this section should be conducted using the methods in 40 CFR 136.
- i. Applicants for sites that plan to discharge to Outstanding Resource Waters as identified in 314 CMR 4.06 shall test one sample of the proposed dewatering discharge water for pH, E. Coli (for discharges to freshwater), fecal coliform (for

discharges to salt water), Enterococci (for discharges to salt water), total suspended solids, oil and grease, total nitrogen, total phosphorus, and all parameters with numeric criteria listed in the Massachusetts Surface Water Quality Standards at 314 CMR 4.05(e). Results shall be reported to MassDEP as part of the WM15 application. To determine if the dewatering discharge could be covered under the 2022 CGP, the effluent at zero dilution must meet numeric water quality criteria. If the effluent does not meet numeric water quality criteria, the applicant shall contact EPA Region 1 to discuss coverage under the Remediation General Permit.

- ii. Applicants for sites that propose to discharge to Public Water Supplies (314 CMR 4.06(1)(d)1) shall also test one sample of the proposed dewatering discharge water for per- and polyfluoroalkyl substances (PFAS), as outlined in the table below. Results shall be reported to MassDEP as part of the WM15 application. If any PFAS compounds are detected, the applicant shall apply for coverage under the NPDES Remediation General Permit for Massachusetts if required.

<b>PFAS Testing Parameters for Discharges to Public Drinking Water Supplies<sup>99</sup></b>	
Perfluorohexanesulfonic acid (PFHxS), grab	Report ng/L
Perfluoroheptanoic acid (PFHpA), grab	Report ng/L
Perfluorononanoic acid (PFNA), grab	Report ng/L
Perfluorooctanesulfonic acid (PFOS), grab	Report ng/L
Perfluorooctanoic acid (PFOA), grab	Report ng/L
Perfluorodecanoic acid (PFDA), grab	Report ng/L

- iii. Applicants for sites that propose to discharge to an impaired water as identified in the most recent final Massachusetts Integrated List of Waters, shall test one sample of the proposed dewatering discharge water for the parameter(s) for which the waterbody is impaired. To determine if the dewatering discharge could be covered under the 2022 CGP, the effluent at zero dilution must meet numeric water quality criteria. If the effluent does not meet numeric water quality criteria, the applicant shall contact EPA Region 1 to discuss coverage under the Remediation General Permit and shall apply for RGP coverage if required.
- iv. For dewatering discharges to all other waters, if any pollutants are known or believed present in the proposed dewatering discharge water, the applicant shall apply for coverage under the NPDES Remediation General Permit for Massachusetts if required. For the purposes of this condition, a pollutant is “known present” if measured above the analytical detection limit using a sufficiently sensitive test method in an environmental sample, and “believed present” if a pollutant has not been measured in an environmental sample but will be added or generated prior to discharge, such as through a treatment process. Consequently, a pollutant is “known absent” if measured as non-detect relative to the analytical detection limit using a sufficiently sensitive test method in an environmental sample, and “believed absent” if a pollutant has not been measured in an environmental sample but will not be added or generated prior to discharge and is not a parameter that applies to the applicable activity category for a site. If any pollutants are known or believed present in the

<sup>99</sup> PFAS testing shall follow established EPA methods 537 or 537.1 for drinking water until EPA Method 3512 for non-potable water becomes available.

proposed dewatering discharge water, the applicant shall test one sample of the proposed dewatering discharge water for the pollutants known or believed to be present. To determine if the dewatering discharge could be covered under the 2022 CGP, the effluent at zero dilution must meet numeric water quality criteria. If the effluent does not meet numeric water quality criteria, the applicant shall contact EPA Region 1 to discuss coverage under the Remediation General Permit.

- e. Pursuant to 314 CMR 3.11 (2)(a), and in accordance with MassDEP's obligation to protect Outstanding Resource Waters under 314 CMR 4.04(3), applicants that propose to dewater under the 2022 CGP and discharge to Outstanding Resource Waters as identified in 314 CMR 4.06, shall submit the SWPPP and associated documents to MassDEP to review. MassDEP shall complete review within 30 days of receipt.
- f. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05 to maintain surface waters free from color and turbidity in concentrations or combinations that are aesthetically objectionable or would impair any use assigned to the waterbody, permittees that have been authorized to dewater under the 2022 CGP and that discharge to Outstanding Resource Waters as identified in 314 CMR 4.06 shall carry out daily benchmark monitoring for turbidity<sup>100</sup> for the duration of dewatering. Permittees shall compare the weekly average of the turbidity monitoring results with the established benchmark turbidity value of 25 Nephelometric Turbidity Units (NTU). If a permittee's weekly average turbidity results exceed the benchmark, the operator shall conduct follow-up corrective action to determine the source of the problem and to make any necessary repairs or upgrades to the dewatering controls to lower the turbidity levels. The permittee shall document any corrective action taken in its corrective action log. Furthermore, permittees at these sites shall carry out inspections at higher frequency, specifically, daily inspections of the dewatering discharge treatment for the duration of the discharge. The permittee shall inspect the site for sediment plume or whether a hydrocarbon sheen is visible at the point of discharge, estimate the flow rate at the point of discharge, and inspect the site downstream to assess whether sedimentation is attributable to the dewatering discharges.
- g. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05 to maintain surface waters free from color and turbidity in concentrations or combinations that are aesthetically objectionable or would impair any use assigned to the waterbody, permittees shall store materials outside the Base Flood Elevation<sup>101</sup> when feasible to prevent displacing runoff and erosion.
- h. Pursuant to 314 CMR 3.11 (2)(a), and in accordance with MassDEP's obligation to maintain surface waters free from nutrients in concentrations that would cause or contribute to impairment of existing or designated uses under 314 CMR 4.05(5)(c), all applicants who apply for coverage under the 2022 CGP shall follow guidelines on fertilizer application, including use of fertilizer containing no phosphorus, in accordance with 330 CMR 31.00 Plant Nutrient Application Requirements for

<sup>100</sup> Applicants shall follow EPA Method 180.1 to monitor for turbidity

<sup>101</sup> Base Flood Elevation (BFE) is the elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30 and VE. (Source: <https://www.fema.gov/node/404233>).

Agricultural Land and Non-Agricultural Turf and Lawns. Further, fertilizer shall never be applied to a site when a rain event greater than 0.5 inches is forecast in the next 48 hours.

- i. Pursuant to 314 CMR 3.11 (2)(a), all applicants who apply for coverage under the 2022 CGP and elect to carry out site inspections every 14 days shall also inspect sites within 24 hours of 0.25 inches of precipitation events or greater over 24 hours, or within 24 hours of a discharge that occurred due to snowmelt from 3.25 inches or greater of snow accumulation.<sup>102</sup> During the high flow periods in spring (i.e., months of April to June), inspection frequency shall be increased to once per week for all sites.
  - i. To determine whether 3.25 inches or greater of snow accumulation has occurred at a site, snowfall measurements can be taken at the site,<sup>103</sup> or the operator can rely on similar information from a local weather forecast.
- j. Implementing structural improvements, enhanced/resilient pollution prevention measures, and other mitigation measures can help to minimize impacts from stormwater discharges from major storm events such as hurricanes, storm surge, extreme/heavy precipitation,<sup>104</sup> and flood events. Pursuant to 314 CMR 3.11 (2)(a), if such stormwater control measures are already in place due to existing requirements mandated by other state, local or federal agencies, the SWPPP shall include a brief description of the controls and a reference to the existing requirement(s). If the site may be exposed to or has previously experienced such major storm events<sup>105</sup>, additional stormwater control measures that may be considered, and implemented as necessary, include, but are not limited to:
  - i. Reinforce materials storage structures to withstand flooding and additional exertion of force;
  - ii. Prevent floating of semi-stationary structures by elevating to the Base Flood Elevation (BFE) level or securing with non-corrosive device;
  - iii. When a delivery of exposed materials is expected, and a storm is anticipated within 48 hours, delay delivery until after the storm or store materials as appropriate (refer to emergency procedures);

<sup>102</sup> This is the amount of snow that is equivalent to 0.25 inches of rain, based on information from the National Oceanic and Atmospheric Administration (NOAA) indicating that 13 inches of snow is, on average, equivalent to 1 inch of rain. See <https://www.nssl.noaa.gov/education/svrwx101/winter/faq/>.

<sup>103</sup> NOAA's National Weather Service has guidelines on snowfall measurements at [https://www.weather.gov/jkl/snow\\_measurement](https://www.weather.gov/jkl/snow_measurement). These guidelines recommend use of a "snowboard" (a piece of wood about 16 inches by 16 inches) that is placed in an unobstructed part of the site on a hard surface.

<sup>104</sup> Heavy precipitation refers to instances during which the amount of rain or snow experienced in a location substantially exceeds what is normal. What constitutes a period of heavy precipitation varies according to location and season. Heavy precipitation does not necessarily mean the total amount of precipitation at a location has increased— just that precipitation is occurring in more intense or more frequent events.

<sup>105</sup> To determine if your facility is susceptible to an increased frequency of major storm events that could impact the discharge of pollutants in stormwater, you may reference FEMA, NOAA, or USGS flood map products at [https://www.usgs.gov/faqs/where-can-i-find-flood-maps?qt-news\\_science\\_products=0#qtnews\\_science\\_products](https://www.usgs.gov/faqs/where-can-i-find-flood-maps?qt-news_science_products=0#qtnews_science_products).

- iv. Temporarily store materials and waste above the Base Flood Elevation [*EPA notes that it has deleted a footnote reference to the term "Base Flood Elevation" since the same footnote is already included in Part 9.1.2.g, above.*] level;
  - v. Temporarily reduce or eliminate outdoor storage;
  - vi. Temporarily relocate any mobile vehicles and equipment to higher ground;
  - vii. Develop scenario-based emergency procedures for major storms that are complementary to regular stormwater pollution prevention planning and identify emergency contacts for staff and contractors; and
  - viii. Conduct staff training for implementing your emergency procedures at regular intervals.
- k. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, permittees who seek coverage under the 2022 CGP and anticipate to carry out dust control shall limit their dust control methodology to using water only and specifically avoid using other techniques, such as solutions containing calcium chloride.
  - l. If MassDEP requests a copy of the Stormwater Pollution Prevention Plan (SWPPP) for any construction site at any time, the permittee shall submit the SWPPP to MassDEP within 14 days of such a request. MassDEP may conduct an inspection of any site covered by this permit to ensure compliance with state law requirements, including state water quality standards.

**9.1.3 MTR10F000 Areas in the State of Vermont located at a federal facility**

- a. Earth disturbance at any one time is limited to five acres.
- b. All areas of earth disturbance must have temporary or final stabilization within 14 days of the initial disturbance. After this time, disturbed areas must be temporarily or permanently stabilized in advance of any runoff producing event. A runoff producing event is an event that produces runoff from the construction site. Temporary stabilization is not required if precipitation is not forecast and work is to continue in the next 24-hours or if the work is occurring in a self-contained excavation (i.e. no outlet) with a depth of two feet or greater (e.g. house foundation excavation, utility trenches). Areas of a construction site that drain to sediment basins are not considered eligible for this exemption, and the exemption applies only to the excavated area itself.
- c. Site inspections on active construction sites shall be conducted daily during the period from October 15 through April 15.
- d. The use of chemical treatments (e.g. polymers, flocculants, and coagulants) for the settling and/or removal of sediment from stormwater runoff associated with construction and construction-related activities requires prior written approval and an approved site and project-specific plan, from the Vermont Agency of Natural Resources. In addition, the use of cationic polymers is prohibited unless approved by the Vermont Agency of Natural Resources under a site and project-specific plan.
- e. Any applicant under EPA's CGP shall allow authorized Vermont Agency of Natural Resources representatives, at reasonable times and upon presentation of credentials, to enter upon the project site for purposes of inspecting the project and determining



compliance with this Certification.

- f. The Vermont Agency of Natural Resources may reopen and alter or amend the conditions of this Certification over the life of the EPA 2022 Construction General Permit when such action is necessary to assure compliance with the VWQS.

## 9.2 EPA REGION 2

### 9.2.1 NYR10I000 Indian country within the State of New York

#### a. Saint Regis Mohawk Tribe

- i. Any Responsible-Person/Decision-Maker required under the CGP to submit a Notice of Intent (NOI) to EPA for coverage under the CGP, must concurrently submit an electronic copy of the NOI to the SRMT Environmental Division, Water Resource Program Manager. Additionally, an electronic copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be electronically provided to the following addresses:

Mr. Tieman W. Smith

Water Resources Program Manager Saint Regis Mohawk Tribe

449 Frogtown Road

Akwesasne, NY 13655 Tiernan.Smith@srmt-nsn.gov 518.358.2272 ext. 5073

- ii. Any Responsible-Person/Decision-Maker that is required as part of the CGP to prepare a Discharge Management Plan (OMP) or Storm Water Management Plan (SWMP) and/or Storm Water Pollution Prevention Plan (SWPPP) must submit an electronic copy of the DMP, SWMP and/or SWPPP to the SRMT Environment Division, Water Resources Program Manager IO business days prior to the start of construction of any work to be conducted under the CGP. The applicable documents must be provided to the electronic address listed above.
- iii. Any Responsible-Person/Decision-Maker that is required under the CGP to submit an annual report to EPA must submit an electronic copy of the annual report concurrently to the SRMT Water Resource Program. Additionally, any correspondences between the applicant and EPA related to analytical data, written reports, corrective action, enforcement, monitoring, or an adverse incident must likewise be routed to the SRMT Water Resources Program at the above electronic address.
- iv. An "Authorization to Proceed Letter" with site-specific mitigation requirements may be sent out to the permittee when a review of the NOI and OMP, SWMP and /or SWPPP on a case-by-case basis, is completed by the SRMT Environment Division, Water Resource Program. This approval will allow the application to proceed if all mitigation requirements are met.

#### b. Seneca Nation

- i. Under Part 1.1.5 of the CGP, the Seneca Nation requests that an applicant must demonstrate that they meet the eligibility criteria listed in Appendix D (certify in your Notice of Intent (NOI) that you meet one of the eligibility criteria [Criterion A-F]) as well as species and critical habitats that are listed under the Seneca Nation's "Fishing and Conservation Laws" and the "Seneca Nation of Indians Comprehensive Conservation Law".

- ii. The Tribal Historic Preservation Office (THPO) was established in 2000 after the Seneca Nation received a recognition letter from the National Park Service (NPS); therefore under Part 1.1.6 of the CGP (Appendix E) and prior to submitting a Notice of Intent (NOI) operators must complete the Nation's THPO, Project Review Form (<https://sni.org/media/246603/sni-thpo-project-review-form.pdf>) and submit the completed form with associated information to the Tribal Historic Preservation Officer at 90 Ohi:yo' Way, Salamanca, NY 14779. Federal agencies engaging in construction activities must provide for construction review by a certified construction reviewer in accordance with 7 Del. C. §§4010 & 4013 and 7 DE Admin. Code 5101, subsection 6.1.6.
- iii. Under Part 1.2 of the CGP, discharges must also follow the Section 13 of the Guide for Construction (Seneca Nation of Indians Source Water Code) and respectively, Council Resolution, dated April 13, 2013 (CN: R-04-13-13-11) to ensure that the health, safety and welfare of the citizens of the Seneca Nation, and all other within the Lands and Territories of the Seneca Nation of Indians, and to facilitate the adequate provisions of water through the elimination or prevention of ground water contamination in the vicinity of wells that supply drinking water for the Nation. The area is known as the Source Water Protection Area (SWPA) and specified activities are regulated within this SWPA, as cited in Section 13 of the Guide for Construction and Section VI, of CN: R-04-13-13-11.
- iv. Under Part 1.4, any operator who seeks coverage of the CGP, and is required to submit a notice of intent NOI and Notice of Termination (NOT) (as necessary) to the EPA for coverage, under Part 1.4.2 must also submit a copy of the NOI to the Seneca Nation's Environmental Protection Department (EPD) within three business days of submittal to the EPA, (address shown below). Respectively, a copy of the NOT (as described under Part 8.3 of the CGP), which certifies that you have met the requirements of Part 8, must be provided within three business days after electronic confirmation is received from the EPA that the NOT has been accepted. In addition to a NOI and NOT, the Seneca Nation (Environmental Protection Department [EPD]) would require an Environmental Impact Assessment (EA) (Long Form), as shown in Section 2 of the Seneca Nation of Indians Laws, Ordinances & Policies (Guide for Construction), to be completed and submitted to the EPD prior to any project to determine whether the impacts from a project would create significant and detrimental effects to the Nation's lands, water (violate WQS), and environment. The NOI, NOT, and EA must be submitted electronically to [epd@sni.org](mailto:epd@sni.org) and provided to the following address:
  - Seneca Nation
  - Environmental Protection Department (EPD) Attn: Director of EPD
  - 12837 Route 438
  - Irving, NY 14081
- v. Under Part 3.0 of the CGP, discharges must be controlled as necessary to meet applicable WQS. The Seneca Nation is working actively towards finalizing and implementing the; therefore, the EPD would require an applicant to submit or grant access to the permit to obtain information on the impact of effluents on receiving waters, including the capability of receiving waters to support future designated uses and achieve the WQS of the Nation; and to advise prospective dischargers of discharge requirements, and coordinate with the appropriate

permitting agencies. As stated in the Decision Document, under Section 303(c) of the CWA, 33 U.S.C. § 1313(c), states develop, review, and revise (as appropriate) water quality standards for surface waters of the United States. At a minimum, such standards are to include designated water uses, water quality criteria to protect such uses, and an antidegradation policy. 40 C.F.R. § 131.6. In addition, under Section 401 of the CWA states may grant, condition, or deny "certification" for federally permitted or licensed activities that may result in a discharge to the waters of the United States 33 U.S.C. § 1341.

- vi. Under Part 7.2.8(a)(b)(c) and for Part 9 of the CGP, the following Sections of the Seneca Nation's Guide for Construction shall be considered, in conjunction with the CGP:
  - (a) Section 1. Executive Order - To Establish a Policy for Governing Access to Nation Territories and Facilities by Officials of Foreign Government, dated March 31, 2011
  - (b) Section 3. Natural Resources Committee, Sand and Gravel Law (CN: R-06-24-05-08)
  - (c) Section 4. Fishing and Conservation Laws - Part 1.1.5 of the CGP
  - (d) Section 5. Seneca Nation of Indians Comprehensive Conservation Law, adopted January 14, 2012
  - (e) Section 9. Food is Our Medicine (FIOM) Program/Native Planting Policy (CN: R-03-08-14-14)
  - (f) Section 10. Forestry Management Plan (CN: R-08-14-10-23)
  - (g) Section 11. Timber Ordinance #411-092, dated May 8, 1982
  - (h) Section 14. Flood Damage Prevention Local Law, dated September 27, 1988
  - (i) Section 16. Utilities Ordinance No. 87-100
  - (j) Authorizing Emergency Action and Contingency Plan to Restrain Pollution of Nations Waters, (Council Resolution: R-03-01-18-10), dated March 10, 2018  
Seneca Nation of Indians Permit Application for Construction within Waterways Permit, Form NR98-01.00

### 9.3 EPA REGION 3

#### 9.3.1 DCR100000 District of Columbia

- a. Discharges authorized by this permit shall comply with the District of Columbia Water Pollution Control Act of 1984, as amended (DC Official Code § 8-103.01 and § 8-103.06, et seq.) to ensure that District of Columbia waters, waters in adjacent and downstream states, and the beneficial uses of these waters will not be harmed or degraded by the discharges.
- b. Discharges authorized by this permit must comply with §§ 1104.1 and 1104.8 of Chapter 11 and the provisions of Chapter 19 of Title 21 of District of Columbia Municipal Regulations in order to attain and maintain designated uses of the District of Columbia waters.

- c. The permittee shall comply with the District of Columbia Stormwater Management and Soil Erosion and Sediment Control regulations in Chapter 5 of Title 21 of the District of Columbia Municipal Regulations.
- d. The permittee shall comply with the District of Columbia Flood Management Control regulations in Chapter 31 of Title 20 of the District of Columbia Municipal Regulations.
- e. The permittee shall submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Regulatory Review Division, Department of Energy & Environment, Government of the District of Columbia, 1200 First Street, NE, 5th Floor, Washington, DC 20002, during the review and approval of the permittee's DOEE Erosion and Sediment Control Plan in accordance with the provisions of Chapter 542 of Title 21 of the District of Columbia Municipal Regulations.
- f. Upon request, the permittee shall submit all inspection and monitoring reports as required by this permit and 40 CFR § 122.41 to the Associate Director, Inspection and Enforcement Division, Department of Energy & Environment, Government of the District of Columbia, 1200 First Street, NE, 5th Floor, Washington, DC 20002; telephone (202) 535-2226, or by email at Joshua.Rodriguez@dc.gov.
- g. In the event the permittee intends to discharge dewatering water, groundwater, or groundwater comingled with stormwater from a known contaminated site, the permittee shall contact the Regulatory Review Division, Department of Energy & Environment, Government of the District of Columbia, 1200 First Street, NE, 5th Floor, Washington, DC 20002; telephone (202) 535-2600, or by email at MS4DischargeAuthorization@dc.gov to request authorization to discharge dewatering water, groundwater, or groundwater comingled with stormwater to the District's Municipal Separate Storm Sewer System (MS4) or to a surface water body pursuant to §§ 8-103.02, 8-103.06, and 8-103.07 of the District of Columbia Water Pollution Control Act of 1984, as amended.

**9.3.2 DER10F000 Areas in the State of Delaware located at a federal facility (as defined in Appendix A)**

- a. Federal agencies must submit a sediment and stormwater management plan (SSMP) and receive Department approval prior to undertaking any land clearing, soil movement or construction activity unless conducting an exempt activity.
- b. Federal construction activities are required to have a third-party Certified Construction Reviewer (CCR) perform weekly reviews to ensure the adequacy of construction activities pursuant to the approved SSMP and regulations. Implementation of approved SSMPs requires the daily oversight of construction activity by certified responsible personnel.
- c. Implementation of approved SSMPs requires the daily oversight of construction activity by certified responsible personnel.
- d. A current copy of the SSMP must be maintained at the construction site.
- e. Unless authorized by the Department, not more than 20 acres may be disturbed at any one time.

**9.4 EPA REGION 4**

No additional conditions

## 9.5 EPA REGION 5

### 9.5.1 MIR10I000 Indian country within the State of Minnesota

#### a. Fond du Lac Reservation

- i. New dischargers wishing to discharge to an Outstanding Reservation Resource Water (ORRW)<sup>106</sup> must obtain an individual permit from EPA for storm water discharges from large and small construction activities.
- ii. A copy of the Storm Water Pollution Prevention Plan (SWPPP) must be submitted to the Office of Water Protection at least fifteen (15) days in advance of sending the Notice of Intent to EPA. The SWPPP can be submitted electronically to richardgitar@FDLREZ.com or by hardcopy sent to:
 

Fond du Lac Reservation  
Office of Water Protection  
1720 Big Lake Road  
Cloquet, MN 55720
- iii. Copies of the Notice of Intent (NOI) and the Notice of Termination (NOT) must be sent to the Fond du Lac Office of Water Protection at the same time they are submitted to EPA. [The condition helps the Office of Water Protection keep track of when a project is about to start and when it has ended. FDL Water Quality Certification Ordinance, Section 204 (a) (2)].
- iv. If the project will entail a discharge to any watercourse or open water body, the turbidity limit shall NOT exceed 10% of natural background within the receiving water(s) as determined by Office of Water Protection staff. For such discharges, turbidity sampling must take place within 24 hours of a ½-inch or greater rainfall event. The results of the sampling must be reported to the Office of Water Protection within 7 days of the sample collection. All sample reporting must include the date and time, location (GPS: UTM/Zone 15), and NTU. CGP applicants are encouraged to work with the Office of Water Protection in determining the most appropriate location(s) for sampling. [This condition helps both the Office of Water Protection and the project proponent in knowing whether or not their erosion control efforts are effective. FDL Water Quality Certification, Section 204 (b) (1)].
- v. Receiving waters with open water must be sampled for turbidity prior to any authorized discharge as determined by Office of Water Protection staff. This requirement only applies to receiving waters which no ambient turbidity data exists. [This condition allows the Office of Water Protection to obtain a baseline turbidity sample in which to compare to other samples. FDL Water Quality Certification Ordinance, Section 204 (b) (2)].
- vi. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in the Water Quality Standards of the Fond du Lac Reservation, Ordinance #12/98, as amended. This includes, but is not limited to, the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of water of the Fond du Lac

<sup>106</sup> Although additional waters may be designated in the future, currently Perch Lake, Rice Portage Lake, Miller Lake, Deadfish Lake, and Jaskari Lake are designated as ORRWs.

Reservation for any of the uses designated in the Water Quality Standards of the Fond du Lac Reservation. These uses include wildlife, aquatic life, warm water fisheries, cold water fisheries, subsistence fishing (netting), primary contact recreation, secondary contact recreation, cultural, wild rice areas, aesthetic waters, agriculture, navigation, commercial and wetlands. It also includes the designated uses of wetlands including, but not limited to, baseflow discharge, cultural opportunities, flood flow attenuation, groundwater recharge, indigenous floral and fauna) diversity and abundance, nutrient cycling, organic carbon export/cycling, protection of downstream water quality, recreation, resilience against climactic effects, sediment/shoreline stabilization, surface water storage, wild rice, and water dependent wildlife. [In addition to listing the designated uses of waters of the Fond du Lac Reservation, this condition also limits the project proponent to discharges that will not violate our Water Quality Standards. FDL Water Quality Certification Ordinance, Section 204 (a) (7)).

- vii.** Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the Fond du Lac Reservation. All spills must be reported to the appropriate emergency management Agency (National Response Center AND the State Duty Officer), and measures shall be taken immediately to prevent the pollution of waters of the Fond du Lac Reservation, including groundwater. The Fond du Lac Office of Water Protection must also be notified immediately of any spill regardless of size. [This condition helps protect water quality and also reminds project proponents of their responsibility in reporting spill events. FDL Water Quality Certification Ordinance, Section 204 (b) (3)).
- viii.** All seed mixes, whether used for temporary stabilization or permanent seeding, shall NOT contain any annual ryegrass (*Lolium* species). Wild rye (*Elymus* species) or Oats (*Avena* species) may be used as a replacement in seed mixes. [This condition prevents the use of annual ryegrass on the Reservation. Annual ryegrass is allelopathic, which means it produces biochemical in its roots that inhibit the growth of native plants. If used in seed mixes, annual ryegrass could contribute to erosion, especially on slopes. However, the condition also specifies substitute grasses that germinate almost as fast as annual ryegrass for use as a cover crop to help prevent erosion. FDL Water Quality Certification Ordinance, Section 204 (t) (1)).
- ix.** To prevent the introduction of invasive species, ALL contractors and subcontractors MUST disclose information stating prior equipment location(s) and ALL known invasive species potentially being transported from said location(s). All equipment MUST undergo a high pressure wash (including any equipment mats) BEFORE ENTERING the Fond du Lac Reservation. Personal equipment such as work boots, gloves, vest, etc. MUST be clean of debris, dirt and plant and animal material BEFORE ENTERING the Fond du Lac Reservation. Equipment being transported from known infested areas MUST undergo a high pressure wash as soon as possible after leaving the infested site and again BEFORE ENTERING the Fond du Lac Reservation, to avoid transport of invasive species into areas surrounding the Reservation. Written certification of equipment cleaning MUST be provided to the Fond du Lac Office of Water Protection. Upon arrival, ALL contractor and subcontractor equipment will be inspected by appointed Fond du Lac staff. If equipment is deemed unsatisfactory, the equipment MUST



undergo a high pressure washing until the equipment is cleared by the inspector, until such time, minimal travel will be allowed through the Reservation. The contractor shall be held responsible for the control of any invasive species introduced as a result of their project. [This condition requires the project proponent to prevent the inadvertent introduction of invasive species by taking an active role in cleaning all vehicles, equipment, and equipment mats before entering the Reservation. This condition has been placed in certifications since 2012, due to the introduction of Wild Parsnip in 2011 from a pipeline contractor. It is much easier to prevent the introduction of an invasive species than it is to eradicate it once it has been introduced. Many invasive plant species form monocultures, preventing native plants from growing. This situation often leads to cases of erosion, which in turn effects water quality. FOL Water Quality Certification Ordinance, Section 204 (g) (1)].

- x. A copy of this certification MUST be kept by the contractor on-site at all times and be available for viewing by all personnel, including inspectors. [This condition ensures that the information contained in the certification, especially the conditions, is readily available onsite for reference. FOL Water Quality Certification Ordinance, Section 204 (a) (9)].
- b. The Grand Portage Band of Lake Superior Chippewa**
- i. The CGP authorization is for construction activities that may occur within the exterior boundaries of the Grand Portage Reservation in accordance to the Grand Portage Land Use Ordinance. The CGP regulates stormwater discharges associated with construction sites of one acre or more in size. Only those activities specifically authorized by the CGP are authorized by this certification (the "Certification").
  - ii. All construction stormwater discharges authorized by the CGP must comply with the Water Quality Standards and Water Resources Ordinance, as well as Applicable Federal Standards (as defined in the Water Resources Ordinance).
  - iii. All appropriate steps must be taken to ensure that petroleum products or other chemical pollutants are prevented from entering the Waters of the Reservation. All spills must be reported to the appropriate emergency-management agency, and measures must be taken to prevent the pollution of the Waters of the Reservation, including groundwater.
  - iv. The 2022 CGP requires inspections and monitoring reports of the construction site stormwater discharges by a qualified person. Monitoring and inspection reports must comply with the minimum requirements contained in the 2022 CGP. The monitoring plan must be prepared and incorporated into the Storm Water Pollution Prevention Plan (the "SWPP"). A copy of the SWPP must be submitted to the Board at least 30 days in advance of sending the requisite Notice of Intent to EPA. The SWPP should be sent to:
    - Grand Portage Environmental Resources Board
    - P.O. Box 428
    - Grand Portage, MN 55605

Copies of the Notice of Intent and Notice of Termination required under the General Permit must be submitted to the Board at the address above at the same time they are submitted to the EPA.

- v. If requested by the Grand Portage Environmental Department, the permittee must provide additional information necessary for a case-by-case eligibility determination to assure compliance with the Water Quality Standards and any Applicable Federal Standards. The burden is on the applicant to demonstrate compliance with the Water Quality Standards, the Water Resources Ordinance, and Applicable Federal Standards whether or not the application is ultimately eligible for the CGP.
  - vi. CGP discharges must not cause nuisance conditions as defined in Grand Portage Water Quality Standards.
  - vii. The Board retains full authority to ensure compliance with and to enforce the provisions of the Water Resource Ordinance and Water Quality Standards, Applicable Federal Standards, and these Certification conditions. Nothing herein affects the scope or applicability of other controlling tribal or federal requirements, including but not limited to impacts to cultural, historical, or archeological features or sites, or properties that may be eligible for listing on the National Register of Historic Places under the National Historic Preservation Act, 54 U.S.C. §§ 300101 et seq.
  - viii. Appeals related to Board actions taken in accordance with any of the preceding conditions may be heard by the Grand Portage Tribal Court.
- c. Leech Lake Band of Ojibwe**
- i. The water quality standards that apply to the construction site are the standards at the time the operator submits its Notice of Intent (NOI) to EPA and the LLBO WRP (see conditions # 2 and # 3).
  - ii. A copy of the Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the LLBO WRP at least 30 days in advance of sending the NOI for the project to EPA. See attached LLBO 401 Water Quality Certification Ordinance. Section 304(a)(1). The SWPPP should be submitted electronically to [Jeff.Harper@llojibwe.net](mailto:Jeff.Harper@llojibwe.net) and by hardcopy sent to:  
Leech Lake Band of Ojibwe  
ATTN: Water Resources Program - 401 Cert  
Division of Resource Management  
190 Sailstar Drive NW  
Cass Lake, Minnesota 56633
  - iii. Copies of the NOI and the Notice of Termination (NOT) must be submitted to the LLBO WRP at the same time they are submitted to EPA. See attached LLBO 401 Water Quality Certification Ordinance, Section 304(a)(2). The NOI and NOT should be submitted electronically to [Jeff.Harper@llojibwe.net](mailto:Jeff.Harper@llojibwe.net) and sent by hardcopy to the address cited in condition # 2.
  - iv. Any and all other conditions listed in Section 304 of the attached LLBO 401 Water Quality Certification Ordinance shall be observed unless the LLBO WRP deems that certain conditions therein are not applicable to the project in need of a permit under this certification.
  - v. A copy of this certification MUST be kept by the contractor on-site at all times and be available for viewing by all personnel, including inspectors.

- vi. Upon consideration of the NOI, if the LLBO WRP finds that the discharge will not be controlled as necessary to meet applicable water quality standards, the LLBO WRP may insist, consistent with Part 3.1 of the CGP, that additional controls are installed to meet applicable water quality standards, or recommend to EPA that the operator obtain coverage under an individual permit.
- 9.5.2 WIR10I000 Indian country within the State of Wisconsin**
- a. Bad River Band of Lake Superior Tribe of Chippewa Indians**
- i. Only those activities specifically authorized by the CGP are authorized by this Certification. This Certification does not authorize impacts to cultural properties, or historical sites, or properties that may be eligible for listing as such.
  - ii. All projects which are eligible for coverage under the CGP and are located within the exterior boundaries of the Bad River Reservation shall be implemented in such a manner that is consistent with the Tribe's Water Quality Standards (WQS). The Tribe's WQS can be viewed at: [http://www.badriver-nsn.gov/wp-content/uploads/2020/01/NRD\\_WaterQualityStandards\\_2011.pdf](http://www.badriver-nsn.gov/wp-content/uploads/2020/01/NRD_WaterQualityStandards_2011.pdf)
  - iii. Operators are not eligible to obtain authorization under the CGP for all new discharges to an Outstanding Tribal Resource Water (OTRW or Tier 3 water). OTRWs, or Tier 3 waters, include the following: Kakagon Slough and the lower wetland reaches of its tributaries that support wild rice, Kakagon River, Bad River Slough, Honest John Lake, Bog Lake, a portion of Bad River, from where it enters the Reservation through the confluence with the White River, and Potato River. OTRWs can be viewed at: <https://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c7c7c5>
  - iv. An operator proposing to discharge to an Outstanding Resource Water (ORW or Tier 2.5 water) under the CGP must comply with the antidegradation provisions of the Tribe's WQS. ORWs, or Tier 2.5 waters, include the following: a portion of Bad River, from downstream the confluence with the White River to Lake Superior, White River, Marengo River, Graveyard Creek, Bear Trap Creek, Wood Creek, Brunsweller River, Tyler Forks, Bell Creek, and Vaughn Creek. ORWs can be viewed at: <https://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c7c7c5>. The antidegradation demonstration materials described in provision E.4.iii., and included on the antidegradation demonstration template found at: <https://www.badriver-nsn.gov/natural-resources/projectreviews/>, must be submitted to the following address:
 

Bad River Tribe's Natural Resources Department  
Attn: Water Regulatory Specialist  
P.O. Box 39 Odanah, WI 54861  
[WaterReg@badriver-nsn.gov](mailto:WaterReg@badriver-nsn.gov)
  - v. An operator proposing to discharge to an Exceptional Resource Water (ERW or Tier 2 water) under the CGP must comply with the antidegradation provisions of the Tribe's WQS. ERWs, or Tier 2 waters, include the following: any surface water within the exterior boundaries of the Reservation that is not specifically classified as an Outstanding Resource Water (Tier 2.5 water) or an Outstanding Tribal Resource Water (Tier 3 water). ERWs can be viewed at:

<https://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c7c7c5>. The antidegradation demonstration materials described in provision E.4.ii., and included on the antidegradation demonstration template found at: <https://www.badriver-nsn.gov/natural-resources/projectreviews/>, must be submitted to the following address:

Bad River Tribe's Natural Resources Department  
Attn: Water Regulatory Specialist  
P.O. Box 39 Odanah, WI 54861  
[WaterReg@badriver-nsn.gov](mailto:WaterReg@badriver-nsn.gov)

- vi.** Projects utilizing cationic treatment chemicals within the Bad River Reservation boundaries are not eligible for coverage under the CGP.
- vii.** A discharge to a surface water within the Bad River Reservation boundaries shall not cause or contribute to an exceedance of the turbidity criterion included in the Tribe's WQS, which states: Turbidity shall not exceed 5 NTU over natural background turbidity when the background turbidity is 50 NTU or less, or turbidity shall not increase more than 10% when the background turbidity is more than 50 NTU.
- viii.** All projects which are eligible for coverage under the CGP within the exterior boundaries of the Bad River Reservation must comply with the Bad River Reservation Wetland and Watercourse Protection Ordinance, or Chapter 323 of the Bad River Tribal Ordinances, including the erosion and sedimentation control, natural buffer, and stabilization requirements. Questions regarding Chapter 323 and requests for permit applications can be directed to the Wetlands Specialist in the Tribe's Natural Resources Department at (715) 682-7123 or [wetlands@badriver-nsn.gov](mailto:wetlands@badriver-nsn.gov).
- ix.** An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must notify the Tribe prior to the commencing earth-disturbing activities. The operator must submit a copy of the Notice of Intent (NOI) to the following addresses at the same time it is submitted to the U.S. EPA:

Bad River Tribe's Natural Resources Department  
Attn: Water Regulatory Specialist  
P.O. Box 39 Odanah, WI 54861  
[WaterReg@badriver-nsn.gov](mailto:WaterReg@badriver-nsn.gov)

Bad River Tribe's Natural Resources Department  
Attn: Tribal Historic Preservation Officer (THPO)  
P.O. Box 39 Odanah, WI 54861  
[THPO@badriver-nsn.gov](mailto:THPO@badriver-nsn.gov)

The operator must also submit a copy of the Notice of Termination (NOT) to the above addresses at the same time it is submitted to the U.S. EPA. Photographs showing the current site conditions must be included as part of the NOT to document the stabilization requirements have been met.

- x.** The THPO must be provided 30 days to comment on the project.

- xi.** The operator must obtain THPO concurrence in writing. This written concurrence will outline measures to be taken to prevent or mitigate effects to historic properties. For more information regarding the specifics of the cultural resources process, see 36 CFR Part 800. A best practice for an operator is to consult with the THPO during the planning stages of an undertaking.
- xii.** An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the following address at the same time as submitting the NOI:
  - Bad River Tribe's Natural Resources Department
  - Attn: Water Regulatory Specialist
  - P.O. Box 39 Odanah, WI 54861
  - [WaterReg@badriver-nsn.gov](mailto:WaterReg@badriver-nsn.gov)
- xiii.** Any corrective action reports that are required under the CGP must be submitted to the following address within one (1) working day of the report completion:
  - Bad River Tribe's Natural Resources Department
  - P.O. Box 39 Odanah, WI 54861
  - [WaterReg@badriver-nsn.gov](mailto:WaterReg@badriver-nsn.gov)
- xiv.** An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must submit a copies of the inspection reports (including photographs) to the following address within 24 hours of completing any site inspection required:
  - Bad River Tribe's Natural Resources Department Attn: Water Regulatory Specialist
  - P.O. Box 39 Odanah, WI 54861
  - [WaterReg@badriver-nsn.gov](mailto:WaterReg@badriver-nsn.gov)
- xv.** An operator shall be responsible for meeting any additional permit requirements imposed by the U.S. EPA necessary to comply with the Tribe's antidegradation policies if the discharge point is located upstream of waters designated by the Tribe.

## 9.6 EPA REGION 6

### 9.6.1 NMR100000 State of New Mexico, except Indian country

- a.** In Outstanding National Resource Waters (ONRWs) in New Mexico, no degradation is permitted except in limited, specifically defined instances. Therefore, Operators are not eligible to obtain authorization under this general permit for stormwater discharges to waters classified as ONRWs listed in Paragraph D of 20.6.4.9 New Mexico Administrative Code (NMAC), also referred to as "Tier 3 waters" as defined in Appendix A of this permit. Exception: When construction activities are in response to a public emergency (e.g., wildfire, extreme flooding, etc.) and the related work requires immediate authorization to avoid a threat to public health or safety.
  - i.** Operators who conduct construction activities in response to a public emergency to mitigate an immediate threat to public health or safety shall





Source of Potential Contamination or Pollutants*	Constituents likely to be required for testing*
Within 0.5 mile of an open Leaking Underground Storage Tank (LUST) site	BTEX (Benzene, Toluene, Ethylbenzene, and Xylene) plus additional parameters depending on site conditions**
Within 0.5 mile of an open Voluntary Remediation site	All applicable parameters or pollutants listed in 20.6.4.13, 20.6.4.52, 20.6.4.54, 20.6.4.97 thru 20.6.4.99, 20.6.4.101 through 20.6.4.899, and 20.6.4.900 NMAC (or an alternate list approved by the NMED-SWQB)*
Within 0.5 mile of an open RCRA Corrective Action Site	
Within 0.5 mile of an open Abatement Site	
Within 0.5 mile of an open Brownfield Site	
Within 1.0 mile or more of a Superfund site or National Priorities List (NPL) site with associated groundwater contamination.	
Construction activity contaminants and/or natural water pollutants	Additional parameters depending on site activities and conditions (Contact NMED- SWQB for an alternate list)*

\*For further assistance determining whether dewatering may encounter contaminated sources, please contact the NMED Ground Water Quality Bureau at 505-827-2965 or NMED Surface Water Quality Bureau (SWQB) at 505-827-0187.

\*\* EPA approved sufficiently sensitive methods must be used. For known PCB sources and analysis, EPA Method 1668C must be used (see <https://www.epa.gov/cwa-methods>).

2. If dewatering activities are anticipated, information on the flow rate and potential to encounter contaminated groundwater, subsurface water, spring water, or dewatering water must be provided directly to NMED at the following address:

NMED Surface Water Quality Bureau  
 Program Manager, Point Source Regulation  
 Section PO Box 5469, Santa Fe, NM 87502

*Please call the SWQB to obtain the appropriate email address (505-827-0187).*

3. In addition, the Operator/Permittee must characterize the quality of the groundwater and subsurface water, spring water, or dewatering water being considered for discharge according to the table above and including dissolved hardness and pH. Considering the contaminant sources listed in the table above, water quality data may already be available. For further assistance, contact the



loss prediction tools). Qualifications of the preparer (e.g., professional certifications, description of appropriate training) must be documented in the SWPPP. The Operator(s) must design, implement, and maintain BMPs in the manner specified in the SWPPP.

NMED supports the use of EPA's small residential lot template if a site qualifies to use it as explained in the permit, as long as it is consistent with the above requirements. NMED's requirement does not preclude small residential sites from using the template, but it may require an additional short paragraph to justify the selection of specific BMPs for the site.

- d. Operators must notify NMED when discharges of toxic or hazardous substances or oil from a spill or other release occurs - see Emergency Spill Notification Requirements, Part 2.3.6 of the permit. For emergencies, Operators can call 505-827-9329 at any time. For non-emergencies, Operators can call 866-428-6535 (voice mail 24-hours per day) or 505-476-6000 during business hours from 8am-5pm, Monday through Friday. Operators can also call the NMED Surface Water Quality Bureau directly at 505-827-0187.
- e. Operators of small construction activities (i.e., 1-5 acres) are not eligible to qualify for a waiver in lieu of needing to obtain coverage under this general permit based on Item C.3 of Appendix C (Equivalent Analysis Waiver) in the State of New Mexico.

**9.6.2 NMR10I000 Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR10000I and Ute Mountain Reservation Lands that are covered under Colorado permit COR10000I.**

**a. Nambe Pueblo**

- i. The operator must provide a copy of the Notice of Intent (NOI) and Notice of Termination (NOT) to the Nambe Pueblo Governor's Office at the same time it is provided to the US Environmental Protection Agency. The NOI and NOT should be provided to the following address:
  - Office of the Governor Nambe Pueblo
  - ISA NPI02 WEST
  - Nambe Pueblo, New Mexico 87506
- ii. The operator must provide a copy of the Storm Water Pollution Prevention Plan (SWPPP) to Nambe Pueblo at the same time it is submitted to the EPA, either by email to [governor@nambepueblo.org](mailto:governor@nambepueblo.org) or mailed to the above address.
- iii. The operator must provide copies of inspection reports, a copy of the corrective action log, and modifications made to the SWPPP as a result of inspection findings, upon request by the Nambe Pueblo Department of Environmental and Natural Resources or Nam be Governor.

**b. Ohkay Owingeh Tribe**

- i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Ohkay Owingeh Office of Environmental Affairs, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be provided to the following address:

Naomi L. Archuleta - Environmental Programs Manager Ohkay Owingeh  
Office of Environmental Affairs  
P.O. Box 717  
Ohkay Owingeh, NM 87566  
[naomi.archuleta@ohkay.org](mailto:naomi.archuleta@ohkay.org)

Noah Kaniatobe - Environmental Specialist Ohkay Owingeh, Office of  
Environmental Affairs  
P.O. Box 717  
Ohkay Owingeh, NM 87566  
[noah.kaniatohe@ohkay.org](mailto:noah.kaniatohe@ohkay.org)

- ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Storm Water Pollution Prevention Plan (SWPPP) to Ohkay Owingeh Office of Environmental Affairs at the same time that the NOI is submitted to the tribe (see contact information listed above).
- iii. Following each incident where the operator takes a corrective action the operator must provide the corrective action log to the Ohkay Owingeh Office of Environmental Affairs.
- iv. The operator must notify Ohkay Owingeh Office of Environmental Affairs within 24 hours, in the event of an emergency spill in addition to the notification requirements at Part 2.3.6 of the CGP. Please contact: Ohkay Owingeh Tribal Police Department at 505.852.2757.

*Please contact:  
Ohkay Owingeh  
Tribal Police Department  
505.852.2757*

**c. Pueblo of Isleta**

- i. All operators obtaining permit coverage under the EPA CGP must submit a copy of the certified Notice of Intent (NOI) to the Pueblo of Isleta at the same time it is submitted to EPA for projects occurring within the exterior boundaries of the Pueblo of Isleta. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The Notices must be provided to the following address:  
Water Quality Control Officer Pueblo of Isleta  
Environment Department PO Box 1270  
Isleta NM 87022  
505-869-7565  
[WQCO@isletapueblo.com](mailto:WQCO@isletapueblo.com)
- ii. The operator must notify the Pueblo of Isleta's Dispatch at 505-869-3030 as soon as possible and the Pueblo of Isleta Water Quality Control Officer within 10 hours, in the event of a spill of hazardous or toxic substances or if health or the

environment become endangered in addition to the notification requirements at Part 2.3.6 and at I.12.6.1 of the CGP.

- iii. All operators obtaining permit coverage under the EPA CGP must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo of Isleta Water Quality Control Officer at the above address, 30 days prior to submitting the certified NOI to EPA. If the electronic file is too large to send through e-mail, a zip file or flash drive may be submitted.
  - iv. All operators obtaining permit coverage under the EPA CGP must give 2 days advance notice to the Pueblo of Isleta Water Quality Control Officer of any planned changes in the permitted activity which may result in noncompliance with permit requirements.
  - v. All operators obtaining permit coverage under the EPA CGP must post a sign or other notice of permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so that it is visible from the public road or tribal road that is nearest to the active part of the construction site. The sign must be maintained on-site from the time construction activities begin until final stabilization is met.
  - vi. Erosion and sediment controls shall be designed to retain sediment on-site and project-generated waste materials that have the potential to discharge pollutants shall not be placed on open soil or on a surface that is not stabilized. Volumes of sediment over five (5) cubic yards must be removed from the active construction site; additionally, if sediment is placed for disposal within the exterior boundaries of the Pueblo of Isleta, disposal must be within a tribally approved sediment disposal site.
- d. Pueblo of Laguna**
- i. All operators obtaining permit coverage under the EPA CGP must submit an electronic copy of the certified (signed) Notice of Intent (NOI) to the Pueblo of Laguna's Environmental & Natural Resources Department (ENRD) within three business days of submittal to the EPA. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after the EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be electronically submitted to [info.environmental@pol-nsn.gov](mailto:info.environmental@pol-nsn.gov).
  - ii. All operators obtaining permit coverage under the EPA CGP must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo of Laguna's ENRD 14 days prior to the submittal of the NOI (see contact information listed above).
  - iii. The operator must provide copies of corrective actions logs and modifications made to the SWPPP as a result of inspection findings to the Pueblo of Laguna ENRD (see contact information above).
  - iv. In addition to the notification requirements of Part 2.3.6 of the CPG **[EPA interprets this intending to refer to the CGP]**, the operator must notify the Pueblo of Laguna ENRD at 505-552-7512 in the event of an emergency spill as soon as possible.
- e. Pueblo of Sandia. The following conditions apply only to discharges on the Pueblo of Sandia Reservation:**





provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be provided to the following address:

Regular U.S. Delivery Mail:

Pueblo of Santa Ana  
Department of Natural Resources Water Resources Division  
Attn: Andrew Sweetman 02 Dove Rd  
Santa Ana Pueblo, NM 87004

Electronically:

Andrew Sweetman  
Water Resources Division Manager Andrew.Sweetman@santaana-nsn.gov  
Tammy Montoya Hydrologist  
Tammy.Montoya@santaana-nsn.gov

- ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo's Department of Natural Resources at the same time that the NOI is submitted to the tribe (see contact information listed above).
- iii. The operator must provide copies of inspection reports, a copy of the corrective action log, and modifications made to the SWPPP as a result of inspection findings, upon request by the Pueblo's Department of Natural Resources.
- iv. The operator must notify the Pueblo's Department of Natural Resources within 24 hours in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the CGP.

**g. Pueblo of Taos**

- i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Taos Pueblo Environmental Office and Taos Pueblo Governor's Office within three business days of submittal to EPA. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be provided to the following addresses:  

Honorable Governor of Taos Pueblo PO Box 1846  
Taos, New Mexico 87571

Taos Pueblo Environmental Office PO Box 1846  
Taos, New Mexico 87571
- ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Taos Pueblo Environmental Office when the NOI is submitted to the tribe. Electronic copy of SWPPP downloaded on flash drive may be sent to the above address for the Taos Pueblo Environmental Office.
- iii. The operator must provide a copy of the corrective action log following each corrective action undertaken and modifications made to the SWPPP as a result of

a corrective action to the Taos Pueblo Environmental Office at address listed above.

**h. Pueblo of Tesuque.**

- i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Pueblo of Tesuque Department of Environment and Natural Resources (DENR) and the Pueblo's Governor within three business days of submittal to EPA. Additionally, a copy of any NOI modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be provided to the following address:

Governor Mark Mitchell Pueblo of Tesuque  
20 TP 828  
Santa Fe, NM 87506 governor@pueblooftesuque.org

Sage Mountain.flower Pueblo of Tesuque  
Department of Environment and Natural Resources Director  
20 TP 828

- ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to Pueblo of Tesuque DENR and the Pueblo's Governor at the same time that the NOI is submitted to the EPA (see contact information listed above).
- iii. The operator must provide a copy of the corrective action log, and any modifications made to the SWPPP as a result of inspection findings, or upon request by the Pueblo of Tesuque DENR.
- iv. The operator must notify the Pueblo of Tesuque DENR within 24 hours in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the CGP (see contact information listed above).

**i. Santa Clara Indian Pueblo.**

- i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Santa Clara Pueblo Office of Environmental Affairs at the same time the NOI is submitted to the U.S. EPA. Additionally, a copy of the NOI modifications and the Notice of Termination (NOT), must be provided at the same time after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT shall be provided to the following address in electronic format:

Dino Chavarria,  
Santa Clara Pueblo  
Office of Environmental Affairs  
dinoc@santaclarapueblo.org

- ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Stormwater Pollution Prevention Plan to the Santa Clara Pueblo Office of Environmental Affairs at the same time the NOI is submitted to the U.S. EPA (see contact information listed above).

- iii. The operator must notify the Santa Clara Pueblo Office of Environmental Affairs at the address above within 24 hours, in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the CGP

**9.6.3 OKR10I000 Indian country within the State of Oklahoma, except areas of Indian country covered by an extension of state program authority pursuant to Section 10211 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA).**

- a. **Pawnee Nation. The following conditions apply only to discharges within Pawnee Indian country:**
  - i. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Pawnee Nation at the same time it is submitted to the Environmental Protection Agency to the following address:
    - Pawnee Nation Department of Environmental Conservation and Safety
    - P.O. Box 470
    - Pawnee, OK 74058
    - Or email to [dners@pawneenation.org](mailto:dners@pawneenation.org)
  - ii. An electronic copy of the Storm Water Pollution Prevention Plan (SWPPP) must be submitted to the Pawnee Nation Department of Environmental Conservation and Safety at the same time the NOI is submitted.
  - iii. The operator must provide access to the site for inspections and for copies of inspection reports, copy of the corrective action log and modifications, made to the SWPPP because of inspection findings, upon request by the Pawnee Nation DECS.
  - iv. The Pawnee Nation Department of Environmental Conservation and Safety must be notified at 918.762.3655 immediately upon discovery of any noncompliance with any provision of the permit conditions.

**9.6.4 OKR10F000 Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, or the Oklahoma Department of Agriculture and Forestry including activities associated with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).**

- a. For activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Lee Creek or any water or watershed designated "ORW" in Oklahoma's Water Quality Standards, this permit may only be used to authorize discharges from temporary construction activities. Certification is denied for any on-going activities such as sand and gravel mining or any other mineral mining.
- b. For activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Lee Creek or any water or watershed designated "ORW" in Oklahoma's Water Quality Standards, certification is denied for any discharges originating from support activities, including, but not limited to, concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, or borrow areas.

- c. Dewatering discharges into sediment or nutrient-impaired waters, and waters identified as Tier 2, Tier 2.5, or Tier 3 (OAC 785:46-13) shall be controlled to meet water quality standards for turbidity in those waters as follows:
  - i. Cool Water Aquatic Community/Trout Fisheries: 10 NTUs (OAC 785: 45-5-12(f)(7)(A)(i))
  - ii. Lakes: 25 NTUs (OAC 785: 45-5-12(f)(7)(A)(ii))
  - iii. In waters where background turbidity exceeds these values, turbidity from dewatering discharges should be restricted to not exceed ambient levels (OAC 785: 45-5-12(f)(7)(B))

## 9.7 EPA REGION 7

No additional conditions.

## 9.8 EPA REGION 8

### 9.8.1 MTR10I000 Indian country within the State of Montana

#### a. Blackfeet Nation.

- i. The Applicant and applicants for projects authorized under the NWP's should obtain all other permits, licenses, and certifications that may be required by federal, state, or tribal authority. Primary relevant tribal permit will be ALPO (Ordinance 117). Others may apply. It is the applicant's responsibility to know the tribal and local ordinances and complete all necessary permissions before they can commence work.
- ii. If a project is unable to meet the enclosed conditions, or if certification is denied for an applicable NWP, the Applicant may request an individual certification from Blackfeet. An individual certification request must follow the requirements outlined in 40 CFR 121.5 of EPA's CWA § 401 Certification Rule, effective September 11, 2020.
- iii. Copies of this certification should be kept on the job site and readily available for reference.
- iv. If the project is constructed and/or operated in a manner not consistent with the applicable NWP, general conditions, or regional conditions, the permittee may be in violation of this certification.
- v. Blackfeet and EPA representatives may inspect the authorized activity and any mitigation areas to determine compliance with the terms and conditions of the NWP.
- vi. This NWP Reissuance does not reduce Tribal authority under any other rule.
- vii. The project, including any stream relocations and restoration, must be built as shown and as otherwise described in the application, the construction plans, cross sections, mitigation plans and other supporting documents submitted to this office. Impacts to aquatic systems and restoration efforts will be monitored by an appropriate aquatic resource professional to ensure that disturbed areas are restored to at least their original condition.
- viii. All existing water uses will be fully maintained during and after the completion of the project. (If applicable)

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- ix.** Where practicable, perform all in-channel and wetland work during periods of low flow or drawn—down or when dry
  - x.** Equipment staging areas must be located out of all delineated wetlands
  - xi.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during and immediately after construction, and all exposed soil and other fills, as well as any work below the ordinary high-water mark or in a wetland, must be permanently stabilized as soon as possible
  - xii.** Materials such as piling, culverts, sandbags, fabric, mats, timbers used for temporary facilities in wetlands or below the high- water mark of Waters of the US must be free from oil, gas, excess dirt, loose paint and other pollutants.
  - xiii.** Equipment staging areas in wetlands or in stream or river channels must be placed on mats, or other measures must be taken to minimize soil disturbance and compaction.
  - xiv.** Clearing of riparian or wetland vegetation for the sole purpose of constructing work bridges, detours, staging areas or other temporary facilities must be limited to the absolute minimum necessary. When temporary impacts to native riparian or wetland vegetation are unavoidable, it must be mowed or cut above ground with the topsoil and root mass left intact.
  - xv.** Remove all temporary fills and structures in the entirety when they are no longer needed. Restore affected areas to the appropriate original and planned contours where possible. Re-vegetate disturbed areas with appropriate native species when native species are impacted.
  - xvi.** Construction methods and best management practices (BMPs) must minimize aquatic resource impacts to the maximum extent possible. Any BMPs described in the Joint Application must be followed. BMPs should include installation and maintenance of sediment control measures; separation, storage and reuse of any topsoil; and recovery of all disturbed areas where possible. All best management practices must in place prior to the onset of construction or as soon as practicable during the construction process.
  - xvii.** Best available technology and/or best management practices must be utilized to protect existing water uses and maintain turbidity and sedimentation at the lowest practical level.
  - xviii.** Applicant/contractor should manage disturbed streambank topsoil in a manner that optimizes plant establishment for the site.
  - xix.** When operating equipment or otherwise undertaking construction in wetlands and water bodies the following conditions apply:
    - (a) Work should be done in dry conditions if possible.
    - (b) All equipment is to be inspected for oil, gas, diesel, anti-freeze, hydraulic fluid or other petroleum leaks. All such leaks will be properly repaired and equipment cleaned prior to being allowed on the project site. Leaks that occur after the equipment is moved to the project site will be fixed the same day or the next day or removed from the project area. The equipment is not allowed to continue operation once a leak is discovered.

- (c) All equipment is to be inspected and cleaned before and after use to minimize the spread or introduction of invasive or undesirable species.
  - (d) Construction equipment shall not operate below the existing water surface except as follows:
    - Impacts from construction should be minimized through the use of best management practices submitted in the permit application.
    - Essential work below the waterline shall be done in a manner to minimize impacts to aquatic system and water quality.
  - (e) Containment booms and/or absorbent material must be available onsite. Any spills of petroleum products must be reported to the Army Corps, Blackfeet Nation BEO Office and the US EPA within 24 hours.
- xx.** Upland, riparian and in-stream vegetation should be protected except where its removal is necessary for completion of work. Revegetation should be completed as soon as possible. Applicant/contractor should revegetate disturbed soil in a manner that optimizes plant establishment for the site. Revegetation must include topsoil replacement, planting, seeding, fertilization, liming and weed-free mulching as necessary. Applicant must use native plant material and soils where appropriate and feasible. This certification does not allow for the introduction of non-native flora and fauna. All disturbed surface areas must be restored to pre-construction contours and elevation.
- xxi.** Spoils piles should not be placed or stored within the delineated wetlands or streams unless protected by a temporary structure designed to divert and handle high flows that can be anticipated during permit activity. Spoils piles should be placed on landscaping fabric or some other material to separate spoils material and allow retrieval of spoils material with minimal impact.
- xxii.** Impacts to wetlands shall not exceed 4.92 acres.
- xxiii.** Any unexpected and additional impacts to waters of the US should be reported to the
- xxiv.** Army Corps, Blackfeet Environmental Office Water Quality Coordinator and the US EPA.
- xxv.** All instream and stream channel reconstruction work must be completed before the stream is diverted into the new channel.
- xxvi.** Any temporary crossings, bridge supports, cofferdams, or other structures that are necessary during permit activity should be designed to handle high flows that can be anticipated during permit activity. All temporary structures should be completely removed from the water body at the conclusion of the permitted activity and the area restored to a natural function and appearance.
- xxvii.** The certification does not authorize any unconfined discharge of liquid cement into the waters of the United States. Grouting riprap must occur under dry conditions with no exposure of wet concrete to the water body.
- xxviii.** BMPs shall include application of certified weed-free straw or hay across all disturbed wetland areas that are temporarily impacted; installation and maintenance of sediment control measures during construction and if necessary, after construction is completed; use of heavy mud mats if necessary; separation,



storage and reuse of all streambank topsoil and wetland topsoil, as appropriate; and recovery of all disturbed wetland and streambank areas where possible. All conditions set by the Blackfeet Tribe and US Army Corps must be followed.

- xxix.** All applicants, including federal agencies, must notify EPA and the Blackfeet Environmental Office of the use of all NWP's for which certification has been granted prior to commencing work on the project. Notifications must include:
- (a) project location (lat. Long., exact point on map);
  - (b) NWP that will be used and the specific activity that will be authorized under the NWP;
  - (c) amount of permanent and temporary fills;
  - (d) a short summary of the proposed activity, and all other federal, state, tribal or local permits or licenses required for the project;
  - (e) complete contact information of both the applicant and contractor (name, name of the company or property if applicable, telephone, mobile, and email); and,
  - (f) Summary of best management practices that will be used.
  - (g) A summary of communications with the affected Tribe's water quality staff regarding the project, including any concerns or issues.
  - (h) Notify Blackfeet and EPA at least 7 days before the completion of construction and operations begin.
- xxx.** Point source discharges may not occur: (1) in fens, bogs or other peatlands; (2) within 100 feet of the point of discharge of a known natural spring source; or (3) hanging gardens.
- xxx.i.** Except as specified in the application, no debris, silt, sand, cement, concrete, oil or petroleum, organic material, or other construction related materials or wastes shall be allowed to enter into or be stored where it may enter into waters of the U.S.
- xxxii.** Silt fences, straw wattles, and other techniques shall be employed as appropriate to protect waters of the U.S. from sedimentation and other pollutants.
- xxxiii.** Water used in dust suppression shall not contain contaminants that could violate water quality standards.
- xxxiv.** Erosion control matting that is either biodegradable blankets or loose-weave mesh must be used to the maximum extent practicable.
- xxxv.** All equipment used in waters of the U.S. must be inspected for fluid leaks and invasive species prior to use on a project. All fluid leaks shall be repaired and cleaned prior to use or when discovered, or if the fluid leak can't be repaired, the equipment shall not be used on site. Equipment used in waters with the possibility of aquatic nuisance species infestation must be thoroughly cleaned and effectively decontaminated before they are used on the project.

- xxxvi.** Vegetation should be protected except where its removal is necessary for completion of the work. Locations disturbed by construction activities should be revegetated with appropriate native vegetation in a manner that optimizes plant establishment for the specific site.
- xxxvii.** Revegetation may include topsoil replacement, planting, seeding, fertilization, liming, and weed-free mulching, as necessary. Where practical, stockpile weed- seed-free topsoil and replace it on disturbed areas. All revegetation materials, including plants and plant seed shall be on site or scheduled for delivery prior to or upon completion of the earth moving activities.
- xxxviii.** Activities may not result in any unconfined discharge of liquid cement into waters of the U.S. Grouting riprap must occur under dry conditions with no exposure of wet concrete to the waterbody.
- xxxix.** Activities that may result in a point source discharge shall occur during seasonal low flow or no flow periods to the extent practicable.
- xl.** The placement of material (discharge) for the construction of new dams is not certified, except for stream restoration projects.
- xli.** Any decision-maker that is required under 7.0 of the CGP to prepare a Stormwater Pollution Prevention Plan (SWPPP), must submit an electronic copy of the SWPPP to the Blackfeet Environmental Office at least 30 days before construction starts for review and approval. Any modifications to the SWPPP should be submitted to the Blackfeet Environmental Office.
- xlii.** Any Decision-maker required under Part 1.4 of the CGP to submit a Notice of Intent (NOI) to EPA for coverage under the CGP, must submit a copy of the NOI to the Blackfeet Environmental Office within three business days of submittal to EPA. Additionally, a copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be provided to the following address Gerald Wagner, Blackfeet Environmental Office Director.  
62 Hospital Drive, Browning, MT 59417  
[beo.director@gmail.com](mailto:beo.director@gmail.com)
- b. Fort Peck Tribes.**
- i.** Any Decision-maker required under Part 1.4 of the CGP to submit a Notice of Intent (NOI) to EPA for coverage under the CGP, must submit a copy of the NOI to the Fort Peck Tribes Office of Environmental Protection within three business days of submittal to EPA. Additionally, a copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be provided to the following address:  
Martina Wilson, Office of Environmental Protection Director  
501 Medicine Bear Rd Poplar, MT 59255  
martinawilson@fortpecktribes.net
- ii.** Any Decision-maker that is required under Part 7.0 of the CGP to prepare a Stormwater Pollution Prevention Plan (SWPPP), must submit an electronic copy of the SWPPP to the Fort Peck Tribes Office of Environmental Protection at least 30 days before construction starts for review and approval. Any modifications to the

SWPPP should be submitted to the Fort Peck Tribes Office of Environmental Protection.

- iii. Any Decision-maker that is required under Part 8.0 of the CGP to submit a weekly, bi-weekly, and/or annual report to EPA, must submit an electronic copy of the annual report to the Fort Peck Tribes Office of Environmental Protection within three business days after submittal to EPA.

## 9.9 EPA REGION 9

### 9.9.1 CAR10I000 Indian country within the State of California

#### a. Morongo Band of Mission Indians

- i. A copy of the Stormwater Pollution Prevention Plan (SWPPP) must be submitted (either mailed or electronically) to the MEPD no less than thirty (30) days before commencing construction activities:
  - Morongo Band of Mission Indians
  - Environmental Protection Department
  - 12700 Pumarra Road
  - Banning, CA 92220
  - Email: epd@morongo-nsn.gov
- ii. Copies of the Notice of Intent (NOI) and the Notice of Termination (NOT) must be sent to the MEPD at the same time they are submitted to EPA.
- iii. Operators of an "emergency-related project" must submit notice to the MEPD within twenty- four (24) hours after commencing construction activities.
- iv. Spills, leaks, or unpermitted discharges must be reported to the MEPD within twenty-four (24) hours of the incident, in addition to the reporting requirements of the CGP.
- v. Projects utilizing cationic treatment chemicals (as defined in Appendix A of the CGP) within the Morongo Reservation are not eligible for coverage under this certification of the CGP.
- vi. Facilities covered under the CGP will be subject to compliance inspections by MEPD staff, including compliance with final site stabilization criteria prior to submitting an NOI **[EPA assumes this intended to refer to an NOT]**.

### 9.9.2 GUR100000 Island of Guam

- a. For purposes of this Order, the term "Project Proponent" shall mean U.S. Environmental Protection Agency, and its agents, assignees, and contractors.
- b. For purposes of this Order, the permit "Operator" shall mean any party associated with a construction project that meets either of the following two criteria:
  - i. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g. in most cases this is the owner of the site); or
  - ii. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit; in most cases this is the general contractor of the project).

Subcontractors generally are not considered operators for the purposes of this permit.

- c.** The Project Proponent shall enforce the proposed 2022 CGP and ensure that the Operator complies with the conditions of the permit at all times.<sup>107</sup> (40 CFR §121.11(c))
- d.** All submittals required by this Order shall be sent to the Guam Environmental Protection Agency Attn: 401 Federal Permit Manager, Non-Point Source Program, EMAS Division, 3304 Mariner Avenue, Bldg. 17-3304, Barrigada, Guam 96913, AND via email to jesse.cruz@epa.guam.gov. The submittals shall be identified with WQC Order #2021- 04 and include the COP Permit Number, certifying representative's name, title, mailing address and phone number. (§51060)(4) 2017 GWQS)
- e.** A copy of the Operator's signed Stormwater Pollution Prevention Plan (SWPPP) and signed Notice of Intent (NOI) and Notice of Termination (NOT) submitted to EPA for review and approval, shall concurrently be submitted to Guam EPA, consistent with condition A4. Coordination with Guam EPA is encouraged when the receiving water(s) for the proposed discharge is/are being identified. (§10105.B.5.d.) GSESCR; (§51060)(4) 2017 GWQS)
- f.** The Operator must comply with the conditions and requirements set forth in 22 GAR 10, Guam Soil Erosion and Sediment Control Regulations (GSESCR).
- g.** Before submitting the NOT to EPA, Operators shall comply with GSESCR regulations at §10105.B10. (Stabilization of Affected Areas) and §10107.B. (Final Inspection and Approval)
- h.** All operators/owners shall comply with the general design criteria for best management practices (BMPs) acceptable for meeting the Construction and Post-construction stormwater criteria in the 2006 CNMI and Guam Stormwater Management Manual. (E.O. 2012-02)
- i.** Operating reports and monitoring and analytical data (e.g. Discharge Monitoring Reports (DMRs), follow-up monitoring reports, Exceedance Reports for Numerical Effluent Limits, etc.) submitted to EPA shall be concurrently submitted to Guam EPA, consistent with condition A4. §51060)(4) 2017 GWQS
- j.** The Operators who install a sediment basin or similar impoundment shall maintain the storage capacity of five thousand cubic feet (5,000 cu. ft.) per acre of project area tributary to the basin. (§10105.B.5.i.) GSESCR
- k.** (1) This Order does not authorize EPA to qualify Rainfall Erosivity Waivers to stormwater discharges associated with small construction activities (i.e. 1-5 acres). Operators are required to apply for an NOI for those projects eligible for coverage under the proposed 2022 CGP. An Erosion and Sediment Control Plan is required for every site that would be covered by the proposed 2022 CGP. (22 GAR §10104) The average annual rainfall for Guam and the CNMI exceeds 100 inches per year in many locations. These climatic conditions combined with the region's unique limestone, volcanic geologic formations, sensitive water resources and significant land

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<sup>107</sup> By incorporating this condition into the permit, EPA acknowledges receipt of Guam's certification conditions.

development forces make stormwater discharges a very significant environmental and economic issue. (2006 CNMJ/Guam Stormwater Management Manual) E.O. 2012-02

(2) This Order does not authorize EPA to approve a Sediment TMDL Waiver for the Ugum River. Operators of construction activities eligible for a TMDL Waiver in lieu of coverage under the proposed 2022 CGP, shall submit a complete and accurate waiver certification as described in C.2., Appendix C - (Small Construction Waivers) to Guam EPA per condition A4., prior to notifying EPA of its intention to obtain a waiver. §51060)(4) 2017 GWQS

- l.** The Project Proponent shall submit to Guam EPA a signed Statement of Understanding of Water Quality Certification Conditions.<sup>108</sup> (see Attachment A for an example) per condition A4. §51060)(4) 2017 GWQS
- m.** The Operator shall comply with applicable provisions of the Guam Pesticides Act of 2007 (10 GCA Chapter 50) and implementing regulations at Title 22 GAR Chapter 15 for any use and application of pesticides.
- n.** Point source discharge(s) to waterbodies under the jurisdiction of Guam EPA must be consistent with the antidegradation policy in 22 GAR §510I(b).
- o.** The operator shall carry out construction activities in such a manner that will not violate Guam Water Quality Standards (GWQS). Proposed 2022 CGP discharges are prohibited as follows:
  - i.** In Marine Waters, Category M-1 Excellent 22 GAR Chapter 5 §5102(b)(I); and
  - ii.** In Surface Waters, Category S-1 High 22 GAR Chapter 5 §5102(c)(I)
- p.** In addition to complying with construction dewatering requirements in Part 2.4 and site inspection requirements for all areas where construction dewatering is taking place in Part 4 of the proposed 2022 CGP, Operators shall comply with all dewatering conditions and requirements set forth in 22 GAR 7, Water Resources Development and Operating Regulations, to include securing Guam EPA permits prior to any dewatering activities.
- q.** The Operator shall develop and implement a Spill Prevention and Containment Plan.
- r.** The Operator shall have adequate and appropriate spill response materials on hand to respond to emergency release of oil, petroleum or any other material into waters of the territory.
- s.** Any unpermitted discharge into territorial waters or onto land with a potential for entry into territorial waters, is prohibited. If this occurs, the Operator shall immediately take the following actions:
  - i.** Cease operations at the location of the violation or spill.
  - ii.** Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
  - iii.** Notify Guam EPA of the failure to comply. All petroleum spills shall be reported immediately to:

<sup>108</sup> By incorporating this condition into the permit, EPA acknowledges receipt of Guam's certification conditions.

- (a) Guam's Emergency 911 system
  - (b) Guam EPA's 24-Hour Spill Response Team at (671) 888-6488 or during working hours (671) 300-4751
  - (c) US Coast Guard Sector Guam (671) 355-4824
  - (d) National Response Center 1-800-424-8802
- iv.** Submit a detailed written report to Guam EPA within five days of noncompliance that describes the nature of the event corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
- f.** Compliance with this condition does not relieve the Operator from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.
- u.** Submittal or reporting of any of this information does not provide relief from any subsequent enforcement actions for unpermitted discharges to waters of the United States.
- v.** This Order is valid for five (5) Years from Date of Certification, unless otherwise approved by the Guam EPA Administrator.
- w.** The Operator shall be required to adhere to the current Guam Coral Spawning Moratorium dates for both hard and soft corals where in-water activities and/or construction activity in close proximity with marine waters may impair water quality. These dates can be obtained from the Guam Department of Agriculture, Division of Aquatic and Wildlife Resources, or the NOAA NMFS Pacific Islands Regional Office Habitat Conservation Division.
- x.** The Operator shall provide notice to Guam EPA consistent with Condition A4:
- (a) Immediately upon discovery of noncompliance with the provisions of this Order.
- y.** A Notice of Violation/Work Stop Order will be issued if certification conditions are not adhered to or when significant or sustained water quality degradation occurs. Work or discharge shall be suspended or halted until the Operator addresses environmental problems/concerns to Guam EPA's satisfaction. Guam EPA may also levy penalties and fines (10 GCA §47111). Invalidity or enforceability of one or more provisions of this certification shall not affect any other provision of this certification.

## **9.10 EPA REGION 10**

### **9.10.1 IDR10I000 Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)**

#### **a. Shoshone-Bannock Tribes**

- i.** Copies of the following information must be sent to the SBT-WRD:
  - (a) Notice of Intents (NOI)

The Notice of Intent shall be forwarded to the SBT-WRD within thirty (30) days of receipt of submitting NOI to the USEPA.



Shoshone-Bannock Tribes Water Resources Department  
 PO Box 306 Pima Drive  
 Fort Hall, ID 83203 Phone: (208) 239-4582  
 Fax: (208) 239-4592  
 Or Email [ctanaka@sbtribes.com](mailto:ctanaka@sbtribes.com)

- b. If requested by the SBT-WRD, the permittee must submit a copy of the SWPPP to SBT-WRD within fourteen (14) days of the request.

**9.10.2 ORR10I000 Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9)**

**a. Confederated Tribes of Coos, Lower Umpqua, and Siuslaw**

- i. No activities allowed under the CGP shall result in the degradation of any Tribal waters or affect resident aquatic communities or resident or migratory wildlife species at any life stage.
- ii. The operator shall be responsible for achieving compliance with CTCLUSI Water Quality Standards and all other tribal codes, regulations, and laws as they exist at the time that the permit is submitted.
- iii. The operator shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to the CTCLUSI Water Quality Program before, or at the same time as, it is submitted to EPA.
- iv. The operator shall be responsible for submitting all Stormwater Pollution Prevention Plans (SWPPP) required under this general permit to the CTCLUSI Water Quality Program for review and determination that the SWPPP is sufficient to meet Tribal Water Quality Standards, prior to the beginning of any discharge activities taking place.
- v. The operator shall be responsible for reporting an exceedance to Tribal Water Quality Standards to the CTCLUSI Water Quality Program at the same time it is reported to EPA.
- vi. The THPO will be provided 30 days to comment on the APE as defined in the permit application.
- vii. If the project is an undertaking, a cultural resource assessment must occur. All fieldwork must be permitted by the THPO (as appropriate), conducted by qualified personnel (as outlined by the Secretary of Interior's Standards and Guidelines; [http://www.nps.gov/history/local-law/arch\\_stnds\\_O.htm](http://www.nps.gov/history/local-law/arch_stnds_O.htm)) and documented according to Oregon Reporting Standards (Reporting\_Guidelines.pdf) ([oregon.gov](http://oregon.gov)). The resulting report must be submitted to the THPO and the THPO must concur with the finding of effect and recommendations before any ground disturbing work can occur. The THPO requires 30 days to review all reports.
- viii. The operator must obtain THPO concurrence in writing. If historic properties are present, this written concurrence will outline measures to be taken to prevent or mitigate adverse effects to historic properties.

**b. Confederated Tribes of the Umatilla Indian Reservation**

- i. The operator shall be responsible for achieving compliance with the

Confederated Tribes of the Umatilla Indian Reservation's (CTUIR) Water Quality Standards.

- ii. The operator shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to the CTUIR Water Resources Program at the address below, at the same time it is submitted to EPA.
- iii. The operator shall be responsible for submitting all Stormwater Pollution Prevention Plans (SWPPP) required under this general permit to the CTUIR Water Resources Program for review and determination that the SWPPP is sufficient to meet Tribal Water Quality Standards, prior to the beginning of any discharge activities taking place.
- iv. The operator shall be responsible for reporting an exceedance to Tribal Water Quality Standards to the CTUIR Water Resources Program at the same time it is reported to EPA.

Confederated Tribes of the Umatilla Indian Reservation  
Water Resources Program  
46411 Timine Way  
Pendleton, OR 97801  
(541) 429-7200

- v. The THPO will be provided 30 days to comment on the APE as defined in the permit application.
- vi. If the project is an undertaking, a cultural resource assessment must occur. All fieldwork must be permitted by the Tribal Historic Preservation Office (as appropriate), conducted by qualified personnel (as outlined by the Secretary of Interior's Standards and Guidelines; [http://www.nps.gov/history/local-law/arch\\_stnds\\_0.htm](http://www.nps.gov/history/local-law/arch_stnds_0.htm)) and documented according to Oregon Reporting Standards (Reporting\_Guidelines.pdf (oregon.gov)). The resulting report must be submitted to the THPO and the THPO must concur with the finding of effect and recommendations before any ground disturbing work can occur. The THPO requires 30 days to review all reports.
- vii. The operator must obtain THPO concurrence in writing. If historic properties are present, this written concurrence will outline measures to be taken to prevent or mitigate adverse effects to historic properties.

**9.10.3 WAR10F000 Areas in the State of Washington, except those located on Indian country, subject to construction activity by a Federal Operator**

- a. For purposes of this Order, the term "Project Proponent" shall mean those that are seeking coverage under this permit, and its agents, assignees and contractors.
- b. The Federal Agency shall mean the US Environmental Protection Agency. The Federal Agency shall enforce the permit and ensure that the Project Proponent complies with the conditions of the permits at all times.
- c. Failure of any person or entity to comply with this Certification may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Certification.
- d. The Certification conditions within this Order must be incorporated into EPA's final NPDES permit. Per 40 CFR 121.10(a), all certification conditions herein that satisfy the

- requirements of 40 CFR 121.7(d) must be incorporated into the permit. Per 40 CFR 121.10(b), the permit must clearly identify all certification conditions.
- e. This Certification does not authorize exceedances of water quality standards established in chapter 173-201A WAC.
  - f. Discharges from construction activity must not cause or contribute to violations of the Water Quality Standards for Surface Water of the State of Washington (chapter 173-201A WAC), Ground Water Quality Standards (chapter 173-200 WAC), Sediment Management Standards (chapter 173-204 WAC), and standards in the EPA's Revision of certain Federal water quality criteria applicable to Washington (40 CFR 131.45). Discharges that do not comply with these standards are prohibited.
  - g. Prior to discharge of stormwater and non-stormwater to waters of the State, the Permittee must apply all known, available, and reasonable methods of prevention, control, and treatment (AKART). This includes the preparation and implementation of an adequate Stormwater Pollution Prevention Plan (SWPPP), with all appropriate Best Management Practices (BMPs) installed and maintained in accordance with the SWPPP and the terms and conditions of the permit.
    - i. BMPs must be consistent with:
      - (a) The Stormwater Management Manual for Western Washington (most current approved edition at the time this permit was issued), for sites west of the crest of the Cascade Mountains; or
      - (b) The Stormwater Management Manual for Eastern Washington (most current approved edition at the time this permit was issued), for sites east of the crest of the Cascade Mountains; or
      - (c) Revisions to either manual, or other stormwater management guidance documents or manuals which provide equivalent level of pollution prevention, that are approved by Ecology and incorporated into this permit in accordance with the permit modification requirements of WAC 173-226-230. (For purposes of this section, the stormwater manuals listed in Appendix 10 of the Phase I Municipal Stormwater Permit are approved by Ecology); or
      - (d) Documentation in the SWPPP that the BMPs selected provided an equivalent level of pollution prevention, compared to the applicable stormwater management manuals, including:
        - The technical basis for the selection of all stormwater BMPs (scientific, technical studies, and/or modeling) that support the performance claims for the BMPs being selected.
        - An assessment of how the selected BMP will satisfy AKART requirements and the applicable federal technology-based treatment requirements under 40 CFR part 125.3.
  - ii. An adequate SWPPP must include a narrative and drawings. All BMPs must be clearly referenced in the narrative and marked on the drawings. The SWPPP

The Stormwater Management Manuals for Eastern and Western Washington can be found at: <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Stormwater-manuals>.

narrative must include documentation to explain and justify the pollution prevention decisions made for the project. Documentation must include:

- (a) Information about existing site conditions (topography, drainage, soils, vegetation, etc.).
- (b) Potential erosion problem areas.
- (c) The 13 elements of a SWPPP, including BMPs used to address each element. Unless site conditions render the element unnecessary and the exemption is clearly justified in the SWPPP, the 13 elements are as follows:
  - Preserve Vegetation/Mark Clearing Limits
  - Establish Construction Access
  - Control Flow Rates
  - Install Sediment Controls
  - Stabilize Soils
  - Protect Slopes
  - Protect Drain Inlets
  - Stabilize Channels and Outlets
  - Control Pollutants
  - Control Dewatering
  - Maintain BMPs
  - Manage the Project
  - Protect Low Impact Development (LID) BMPs

**h.** Discharges of stormwater and authorized non-stormwater must be monitored for turbidity (or transparency) and, in the event of significant concrete work or engineered soils, pH must also be monitored. As applicable based on project specifics, monitoring, benchmarks, and reporting requirements contained in Condition S.4. (pp.10-16) of the Washington State Construction Stormwater General Permit, effective January 1, 2021, shall apply.

**i.** Discharges to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, phosphorus, or pH must comply with the following numeric effluent limits:

Parameter identified in 303(d) listing	Parameter Sampled	Unit	Analytical Method	Numeric Effluent Limit
<ul style="list-style-type: none"> <li>• Turbidity</li> <li>• Fine Sediment</li> <li>• Phosphorus</li> </ul>	Turbidity	NTU	SM2130	25 NTUs at the point where the stormwater is discharged from the site.
High pH	pH	su	pH meter	In the range of 6.5 – 8.5

All references and requirements associated with Section 303(d) of the Clean Water Act mean the most current EPA-approved listing of impaired waters that exists on the

effective date of the permit, or the date when the operator's complete permit application is received by EPA, whichever is later.

The EPA approved WQ Assessment can be found at: <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d>

- j.** Discharges to a waterbody that is subject to a Total Maximum Daily Load (TMDL) for turbidity, fine sediment, high pH, or phosphorus must be consistent with the TMDL.
  - i.** Where an applicable TMDL sets specific waste load allocations or requirements for discharges covered by this permit, discharges shall be consistent with any specific waste load allocations or requirements established by the applicable TMDL.
  - ii.** Where an applicable TMDL has established a general waste load allocation for construction stormwater discharges, but no specific requirements have been identified, compliance with this permit will be assumed to be consistent with the approved TMDL.
  - iii.** Where an applicable TMDL has not specified a waste load allocation for construction stormwater discharges, but has not excluded these discharges, compliance with this permit will be assumed to be consistent with the approved TMDL.
  - iv.** Where an applicable TMDL specifically precludes or prohibits discharges from construction activity, the operator is not eligible for coverage under this permit.

Applicable TMDL means a TMDL for turbidity, fine sediment, high pH, or phosphorus which has been completed and approved by EPA as of the effective date of the permit, or prior to the date of the operator's complete application for permit coverage is received by EPA, whichever is later.

- k.** Discharges to waters of the state from the following activities are prohibited:
  - i.** Concrete wastewater.
  - ii.** Wastewater from washout and clean-up of stucco, paint, form release oils, curing compounds and other construction materials.
  - iii.** Process wastewater as defined by 40 Code of Federal Regulations (CFR) 122.2.
  - iv.** Slurry materials and waste from shaft drilling, including process wastewater from shaft drilling for construction of building, road, and bridge foundations unless managed to prevent discharge to surface water.
  - v.** Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
  - vi.** Soaps or solvents used in vehicle and equipment washing.
  - vii.** Wheel wash wastewater, unless managed to prevent discharge to surface water.
  - viii.** Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed according to appropriate controls described within the permit.
- l.** This Certification is valid until the expiration date including any administrative extension or termination date of the NPDES 2022 Construction General Permit. (40 CFR § 122.46)

- m. The Federal Agency shall enforce and the Project Proponent must comply with all the reporting and notification conditions of the NPDES 2022 Construction General Permit in order to comply with this Order and the certification conditions herein (40 CFR § 121.11).
- n. You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person (see addresses below). E-mail is not accepted.

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

**ADDRESS AND LOCATION INFORMATION**

Street Addresses	Mailing Addresses
<p><b>Department of Ecology</b>                      Attn: Appeals Processing Desk                      300 Desmond Drive SE                      Lacey, WA 98503</p> <p><b>Pollution Control Hearings Board</b>                      1111 Israel RD SW                      STE 301                      Tumwater, WA 98501</p>	<p><b>Department of Ecology</b>                      Attn: Appeals Processing Desk                      PO Box 47608                      Olympia, WA 98504-7608</p> <p><b>Pollution Control Hearings Board</b>                      PO Box 40903                      Olympia, WA 98504-0903</p>

**CONTACT INFORMATION**

Please direct all questions about this Order to:

Noel Tamboer  
 Department of Ecology  
 P.O. Box 47600  
 Olympia, WA 98503-7600  
 (360) 701-6171  
[noel.tamboer@ecy.wa.gov](mailto:noel.tamboer@ecy.wa.gov)

**9.10.4 WAR10I000 Indian country within the State of Washington**

**a. Lummi Nation**



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- i. This certification does not exempt and is provisional upon compliance with other applicable statutes and codes administered by federal and Lummi tribal agencies. Pursuant to Lummi Code of Laws (LCL) 17.05.020(a), the operator must also obtain a land use permit from the Lummi Planning Department as provided in Title 15 of the Lummi Code of Laws and regulations adopted thereunder.
  - ii. Pursuant to LCL 17.05.020(a), each operator shall develop and submit a Storm Water Pollution Prevention Plan to the Lummi Water Resources Division for review and approval by the Water Resources Manager prior to beginning any discharge activities.
  - iii. Pursuant to LCL Title 17, each operator shall be responsible for achieving compliance with the Water Quality Standards for Surface Waters of the Lummi
  - iv. Indian Reservation (Lummi Administrative Regulations [LAR] 17 LAR 07.010 through 17 LAR 07.210 together with supplements and amendments thereto).
  - v. Each operator shall submit a signed copy of the Notice of Intent (NOI) to the Lummi Water Resources Division at the same time it is submitted electronically to the Environmental Protection Agency (EPA) and shall provide the Lummi Water Resources Division the acknowledgement of receipt of the NOI from the EPA and the associated NPDES tracking number provided by the EPA within 7 calendar days of receipt from the EPA.
  - vi. Each operator shall submit a signed copy of the Notice of Termination (NOT) to the Lummi Water Resources Division at the same time it is submitted electronically to the EPA and shall provide the Lummi Water Resources Division the EPA acknowledgement of receipt of the NOT.
  - vii. Storm Water Pollution Prevention Plans, Notice of Intent, Notice of Termination and associated correspondence with the EPA shall be submitted to:
    - Lummi Natural Resources Department
    - ATTN: Water Resources Manager 2665 Kwina Road
    - Bellingham, WA 98226-9298
- b. Port Gamble S'Klallam Tribe**
- i. No discharge from the project site shall cause exceedances of Port Gamble S'Klallam Surface Water Quality Standards narrative or numeric criteria in Tribal waters. This includes activities outside of Tribal lands that occur upstream of Tribal waters.
    - (a) If any exceedance of these water quality standards occurred, the Natural Resources Department shall be notified immediately.
      - The Department shall additionally be provided a complete draft of the proposed corrective action within a reasonable timeframe and its approval will be required before any corrective action may be taken.
  - ii. Operators performing activities under the CGP that may affect Tribal waters will require a permit and shall submit their plans to the Port Gamble S'Klallam Natural Resources Department for review.
    - The Department has the right to require conditions outside of this Water Quality Certification prior to permit approval.

- iii. No activities allowed under the CGP shall result in the degradation of any Tribal waters or change in designated uses.
  - iv. No activities allowed under the CGP shall affect resident aquatic communities or resident/migratory wildlife species at any life stage.
    - Biological assessment methods used to determine the effect of an activity allowed under the CGP shall be approved by the PGST Natural Resources Department.
  - v. No activities allowed under the CGP shall be conducted within wetland and stream buffer zones, nor shall said activities affect in any way wetland or stream buffers, as defined by *PGST Law and Order Code 24.08.01(c)*.
  - vi. Concentrations for substances listed within the table in *Water Quality Standards for Surface Waters* sec. 7(7) shall not be exceeded by activities allowed under the CGP.
- c. Spokane Tribe of Indians**
- i. Pursuant to Tribal Law and Order Code (TLOC) Chapter 30 each operator shall be responsible for achieving compliance with the Surface Water Quality Standards of the Spokane Tribe. The operator shall notify the Spokane Tribe, Water Control Board (WCB) of any spills of hazardous material and;
  - ii. Each operator shall submit a signed hard copy of the Notice of Intent (NOI) to the WCB at the same time it is submitted to EPA.
  - iii. The permittee shall allow the Tribal Water Control Board or its designee to inspect and sample at the construction site as needed.
  - iv. Each operator shall submit a signed copy of the Notice of Termination (NOT) to the WCB at the same time it is submitted to EPA
- The correspondence address for the Spokane Tribe Water Control Board is:
- Water Control Board c/o Brian Crossley PO Box 480  
Wellpinit WA 99040  
(509)626-4409  
crossley@spokanetribe.com
- d. Swinomish Tribe**
- i. Owners and operators seeking coverage under this permit must submit a copy of the Notice of Intent (NOI) to the DEP at the same time the NOI is submitted to EPA.
  - ii. Owners and operators must also submit to the DEP changes in NOI and/or Notices of Termination at the same time they are submitted to EPA.
  - iii. Owners and operators seeking coverage under this permit must also submit a Stormwater Pollution Prevention Plan to the DEP for review and approval by DEP prior to beginning any discharge activities.
- e. Tulalip Tribes**
- i. Submission of NOI: Copies of the Notice of Intent (NOI), Certification shall be submitted to the Tribe's Natural Resources Department to notify the Tribes of the

pending project and in order for the Tribes to review the projects potential impacts to endangered or threatened species.

- ii. Submission of SWPPP: A copy of the Stormwater Pollution Plans (SWPPPs) shall be submitted to the Tribe's Natural Resources Department along with the NOI during the 30 day waiting period.
- iii. Submission of Monitoring Data and Reports: The results of any monitoring required by this permit and reports must be sent to the Tribe's Natural Resources Department,
- iv. The Tulalip Tribes are federally recognized successors in the interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.
- v. including a description of the corrective actions required and undertaken to meet effluent limits or benchmarks (as applicable).
- vi. Authorization to Inspect: The Tribe's Natural Resources Department may conduct an inspection of any facility covered by this permit to ensure compliance with tribal water quality standards. The Department may enforce its certification conditions.
- vii. Submission of Inspection Reports: Inspection reports must be sent to the Tribe's Natural Resources Department, including a description of the corrective actions required and undertaken to meet effluent limits or benchmarks (as applicable).
- viii. Permits on-site: A copy of the permit shall be kept on the job site and readily available for reference by the construction supervisor, construction managers and foreman, and Tribal inspectors.
- ix. Project Management: The applicant shall ensure that project managers, construction managers and foreman, and other responsible parties have read and understand conditions of the permit, this certification, and other relevant documents, to avoid violations or noncompliance with this certification.
- x. Emergency Spill Notification Requirements: In the event of a spill or the contractor shall immediately take action to stop the violation and correct the problem, and immediately report spill to the Tulalip Tribes Police Department (425) 508-1565. Compliance with this condition does not relieve the applicant from responsibility to maintain continuous compliance with the terms and conditions of this certification or the resulting liability from failure to comply.
- xi. Discharges to CERCLA Sites: This permit does not authorize direct stormwater discharges to certain sites undergoing remedial cleanup actions pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) unless first approved by the appropriate EPA Regional office. In the case of the Tulalip Landfill site (WAD980639256), the Tulalip Tribes also requests notification by the facility and consultation with EPA prior to discharge. Contaminants at this site may include but are not limited to: dioxins, furans, arsenic, copper, lead, zinc, 4-methyl-phenol, Hex-CB, HPAHs, PCBs, PCE, cadmium, mercury, and LPAHs.
- xii. Discharge-related Activities that have Potential to Cause an Adverse Effect on Historic Properties: Installation of stormwater controls that involve subsurface disturbances may potentially have an adverse impact on historic properties.

- xiii.** Procedures detailed in the permit shall be completed. Richard Young, of the Tulalip Tribe's Cultural Resources Department shall be contacted prior to initiating discharge-related activities that may have an impact on historic properties. His contact information is (360) 716-2652, ryoung@tulaliptribes-nsn.gov.
  - xiv.** Invalidation: This certification will cease to be valid if the project is constructed and/or operated in a manner not consistent with the project description contained in
  - xv.** the permit. This certification will also cease to be valid and the applicant must reapply with an updated application if information contained in the permit is voided by subsequent submittals.
  - xvi.** Modification: Nothing in this certification waives the Tulalip Tribes of Washington's authority to issue modifications to this certification if additional impacts due to operational changes are identified, or if additional conditions are necessary to protect water quality or further protect the Tribal Communities interest.
  - xvii.** incorporation by reference: This certification does not exempt the applicant from compliance with other statutes and codes administered by the Tribes, county, state and federal agencies.
  - xviii.** Compliance with Tribe's 1996 Water Quality Standards: Each permittee shall be responsible for controlling discharges and achieving compliance with the Tribe's Water Quality Standards.
  - xix.** Compliant with Tulalip Tribes Tidelands Management Policy: Permittee shall be responsible for achieving compliance with applicable sections of the Tulalip Tribe's Tidelands Management Policy. (Tulalip Tribal Code Title 8 Chapter 8.30).
  - xx.** Compliant with Tulalip Tribes Environmental Infractions: Permittee shall be responsible for achieving compliance with applicable sections of the Tulalip Tribe's Environmental Infractions. (Tulalip Tribal Code Title 8 Chapter 8.20).
  - xxi.** Where to Submit information and for further Coordination: All requested documents should be sent to the: Tulalip Tribes Natural Resources Environmental Department c/o Kurt Nelson and Valerie Streeter, 6704 Marine Drive, Tulalip, Washington 98271. For further 401 Certification coordination with the Tulalip Tribes Natural Resources Department, please contact Mr. Kurt Nelson (360) 716-4617 knelson@tulaliptribes-nsn.gov. 6406 Marine Dr., Tulalip WA 98271.
- f. Makah Tribe**
- i.** The permittee shall be responsible for meeting any additional permit requirements imposed by EPA necessary to comply with the Makah Tribe's Water Quality Standards if the discharge point is located within the Makah's U&A treaty reserved areas.
  - ii.** Each permittee shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to Makah Fisheries Management, Water Quality Department at the address listed below at the same time it is submitted to the EPA.
    - Makah Water Quality
    - Makah Fisheries Management (MFM)
    - ray.colby@makah.com

PO Box 115  
Neah bay, WA 98357

- iii. All supporting documentation and certifications in the NOI related to coverage under the general permit for Endangered Species Act purposes shall be submitted to the Tribe's Habitat programs for their review.
  - iv. If EPA requires coverage under an individual or alternative permit, the permittee shall submit a copy of the permit to Assistant Fisheries Director, [ray.colby@makah.com](mailto:ray.colby@makah.com).
  - v. The permittee shall submit all Stormwater Pollution Prevention plan (SWPP) to MFM for review and approval prior to beginning any activities resulting in a discharge to Makah tribal waters.
  - vi. The permittee shall notify Ray Colby, [ray.colby@makah.com](mailto:ray.colby@makah.com) (360) 645-3150 prior to conducting inspections at construction sites generating stormwater discharges to tribal waters.
  - vii. The operator shall treat dewatering discharges with controls necessary to minimize discharges of pollutants to surface waters, or ground waters, and from stormwater runoff onsite from excavations, trenches, foundations, or storage areas. To the extent feasible, at all points where dewatering is discharged, comply with the velocity dissipation using check dams, sediment traps, and grouted outlets.
- g. Puyallup Tribe of Indians**
- i. The permittee shall be responsible for meeting any additional permit requirements imposed by EPA necessary to comply with the Puyallup Tribe's antidegradation procedures.
  - ii. Each permittee shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to Char Naylor, Tribal Water Quality Manager at the following e-mail address: ([char.naylor@puyalluptribe-nsn.gov](mailto:char.naylor@puyalluptribe-nsn.gov)) at the same time it is submitted to EPA.
  - iii. All supporting documentation and certifications in the NOI related to coverage under the general permit for Endangered Species Act purposes shall be submitted to Char Naylor, Tribal Water Quality Manager/Assistant Fisheries Director ([char.naylor@puyalluptribe-nsn.gov](mailto:char.naylor@puyalluptribe-nsn.gov)) for review.
  - iv. If EPA requires coverage under an individual or alternative permit, the permittee shall submit a copy of the permit to Char Naylor at the email address listed above.
  - v. The permittee shall submit all stormwater pollution prevention plans to Char Naylor for review and approval prior to beginning any activities resulting in a discharge to Puyallup tribal waters.
  - vi. The permittee shall contact Brandon Reynon ([Brandon.reynon@puyalluptribe-nsn.gov](mailto:Brandon.reynon@puyalluptribe-nsn.gov)), Tribe's Historic Preservation Officer or Jennifer Keating ([Jennifer.keating@puyalluptribe-nsn.gov](mailto:Jennifer.keating@puyalluptribe-nsn.gov)), Tribe's Assistant Historic Preservation Officer regarding historic properties and cultural resources.
  - vii. To minimize the discharge of pollutants to groundwater or surface waters from stormwater that is removed from excavations, trenches, foundations, vaults, or

other storage areas, treat dewatering discharges with controls necessary to minimize discharges of pollutants. Examples of appropriate controls include sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, and filtration systems (e.g., bag or sand filters) that are designed to remove sediment.

To the extent feasible, utilize vegetated, upland areas of the site to infiltrate dewatering water before discharge. At all points where dewatering water is discharged, utilize velocity dissipation controls. Examples of velocity dissipation devices include check dams, sediment traps, riprap, and grouted riprap at outlets.

- viii.** The permittee shall provide and maintain natural buffers to the maximum extent possible (and/or equivalent erosion and sediment controls) when tribal waters are located within 100 feet of the boundaries. If infeasible to provide and maintain an undisturbed 100 foot natural buffer, erosion and sediment controls to achieve the sediment load reduction equivalent to a 100-foot undisturbed natural buffer shall be required.



## Appendix A - Definitions and Acronyms

### 1. Definitions

"Action Area" – all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action. See 50 CFR 402. For the purposes of this permit and for application of the threatened and endangered species protection eligibility requirements, the following areas are included in the definition of action area:

- The areas on the construction site where stormwater discharges originate and flow toward the point of discharge into the receiving waters. This includes:
  - areas on the construction site where excavation, site development, or other ground disturbance activities occur, and
  - areas where stormwater controls will be constructed and operated, including any areas where stormwater flows to and from the stormwater controls.
- The areas in the vicinity of the construction site where stormwater discharges flow from the construction site to one or more points of discharge into receiving waters. (Example: Where stormwater flows into an off-site ditch, swale, or gully that leads to receiving waters.
- The extent of the receiving water potentially affected by stormwater discharges from your construction site through alteration of water chemistry, turbidity, temperature, or bank structure (i.e., erosive flow), regardless of whether the construction site is adjacent to the receiving water.

"Agricultural Land" - cropland, grassland, rangeland, pasture, and other agricultural land, on which agricultural and forest-related products or livestock are produced and resource concerns may be addressed. Agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of agricultural land used for the production of livestock.

"Antidegradation Policy" or "Antidegradation Requirements" - the water quality standards regulation that requires States and Tribes to establish a three-tiered antidegradation program:

1. Tier 1 maintains and protects existing uses and water quality conditions necessary to support such uses. An existing use can be established by demonstrating that fishing, swimming, or other uses have actually occurred since November 28, 1975, or that the water quality is suitable to allow such uses to occur. Where an existing use is established, it must be protected even if it is not listed in the water quality standards as a designated use. Tier 1 requirements are applicable to all surface waters.
2. Tier 2 maintains and protects "high quality" waters -- waterbodies where existing conditions are better than necessary to support CWA § 101(a)(2) "fishable/swimmable" uses. Water quality can be lowered in such waters. However, State and Tribal Tier 2 programs identify procedures that must be followed and questions that must be answered before a reduction in water quality can be allowed. In no case may water quality be lowered to a level which would interfere with existing or designated uses.
3. Tier 3 maintains and protects water quality in outstanding national resource waters (ONRWs). Except for certain temporary changes, water quality cannot be lowered in such waters. ONRWs generally include the highest quality waters of the United States. However, the ONRW classification also offers special protection for waters of exceptional ecological significance, i.e., those which are important, unique, or sensitive ecologically.

Decisions regarding which water bodies qualify to be ONRWs are made by States and authorized Indian Tribes.

"Arid Areas" – areas with an average annual rainfall of 0 to 10 inches. For assistance in determining average annual rainfall in specific locations, refer to the NOAA National Mapping webpage (<https://www.ncdc.noaa.gov/cag/national/mapping>), the PRISM Climate Group's Time Series Values for individual locations (<https://prism.oregonstate.edu/explorer/>), or EPA's US EPA EnviroAtlas (<https://www.epa.gov/enviroatlas>).

"Bank" (e.g., stream bank or river bank) – the rising ground bordering the channel of a water of the U.S.

"Biodegradable" – capable of decomposing under ambient soil conditions into naturally occurring materials over a period of time (e.g., one year).

"Bluff" – a steep headland, promontory, riverbank, or cliff.

"Borrow Areas" – the areas where materials are dug for use as fill, either onsite or off-site.

"Business day" – for the purposes of this permit, a business day is a calendar day on which construction activities will take place.

"Bypass" – the intentional diversion of waste streams from any portion of a treatment facility. See 40 CFR 122.41(m)(1)(i).

"Cationic Treatment Chemical" – polymers, flocculants, or other chemicals that contain an overall positive charge. Among other things, they are used to reduce turbidity in stormwater discharges by chemically bonding to the overall negative charge of suspended silts and other soil materials and causing them to bind together and settle out. Common examples of cationic treatment chemicals are chitosan and cationic PAM.

"Commencement of Construction Activities" – the initial disturbance of soils (or 'breaking ground') associated with clearing, grading, or excavating activities or other construction-related activities (e.g., grubbing; stockpiling of fill material; placement of raw materials at the site).

"Common Plan of Development or Sale" – A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. The "common plan" of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

"Construction Activities" – earth-disturbing activities, such as the clearing, grading, and excavation of land, and other construction-related activities (e.g., grubbing; stockpiling of fill material; placement of raw materials at the site) that could lead to the generation of pollutants. Some of the types of pollutants that are typically found at construction sites are:

- sediment;
- nutrients;
- heavy metals;
- pesticides and herbicides;
- oil and grease;
- bacteria and viruses;
- trash, debris, and solids;

- treatment polymers; and
- any other toxic chemicals.

“Construction and Development Effluent Limitations and New Source Performance Standards” (C&D Rule) – as published in 40 CFR § 450, the regulation requiring effluent limitations guidelines (ELGs) and new source performance standards (NSPS) for controlling the discharge of pollutants from construction sites.

“Construction Site” or “Site” – the land or water area where construction activities will occur and where stormwater controls will be installed and maintained. The construction site includes construction support activities, which may be located at a different part of the property from where the primary construction activity will take place, or on a different piece of property altogether.

“Construction Support Activity” – a construction-related activity that specifically supports the construction activity and involves earth disturbance or pollutant-generating activities of its own, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.

“Construction Waste” – discarded material (such as packaging materials; scrap construction materials; masonry products; timber, steel, pipe, and electrical cuttings; plastics; and styrofoam).

“Conveyance Channel” – a temporary or permanent waterway designed and installed to safely convey stormwater flow within and out of a construction site.

“Critical Habitat” – as defined in the Endangered Species Act at 16 U.S.C. 1531 for a threatened or endangered species, (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

“CWA” – the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

“Dewatering” – the act of draining accumulated stormwater and/or ground water from building foundations, vaults, and trenches, or other similar points of accumulation. Examples can include, but are not limited to:

- Surface area dewatering: water pumped from disturbed surface areas (e.g., trenches, sumps, excavation pits, or other excavations associated with construction where sediment-laden ground water or surface water/storm inflow must be removed) or from sediment basins or similar impoundments for maintenance or decommissioning purposes.
- Ground water dewatering: water discharged from well development, well pump tests, or pumping of ground water from a construction area. Common methods of ground water dewatering from a construction area include sumps and wells, generally described as follows:
  - Sumps: lowers ground water levels near the construction area. Dewatering using sumps consists of pumping ground water out of a lower collection point(s) typically gravity-fed by local ground water.
  - Wells: drilled wells, including bored/augured, driven, or jetted, which use vacuum or pumping to lower the ground water at greater depths than sumps. The two most common types of wells used for dewatering ground water are:

- Wellpoints: small-diameter shallow wells which are connected via a header pipe. A pump creates a vacuum in the header pipe.
- Deep Wells: larger-diameter holes, drilled relatively deep (typically greater than 10 feet), pumped by submersible electric pumps.

"Dewatering Water" – as used in this permit, water discharged from dewatering operations.

"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," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. See 40 CFR 122.2.

"Discharge Point" – for the purposes of this permit, the location where collected and concentrated stormwater flows or dewatering water are discharged from the construction site.

"Discharge-Related Activity" – activities that cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction, and operation of stormwater controls to control, reduce, or prevent pollutants from being discharged.

"Discharge to an Impaired Water" – for the purposes of this permit, a discharge to an impaired water occurs if the first water of the U.S. to which you discharge is identified by a State, Tribe, or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting an applicable water quality standard and (1) requires development of a total maximum daily load (TMDL) (pursuant to section 303(d) of the CWA; or (2) is addressed by an EPA-approved or established TMDL; or (3) is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1). For discharges that enter a storm sewer system prior to discharge, the water of the U.S. to which you discharge is the first water of the U.S. that receives the stormwater discharge from the storm sewer system.

"Domestic Waste" – for the purposes of this permit, typical household trash, garbage or rubbish items generated by construction activities.

"Drainageway" – an open linear depression, whether constructed or natural, that functions for the collection and drainage of surface water.

"Drought-Stricken Area" – for the purposes of this permit, an area in which the National Oceanic and Atmospheric Administration's U.S. Seasonal Drought Outlook indicates for the period during which the construction will occur that any of the following conditions are likely: (1) "Drought to persist or intensify", (2) "Drought ongoing, some improvement", (3) "Drought likely to improve, impacts ease", or (4) "Drought development likely". See [http://www.cpc.ncep.noaa.gov/products/expert\\_assessment/sdo\\_summary.php](http://www.cpc.ncep.noaa.gov/products/expert_assessment/sdo_summary.php).

"Earth-Disturbing Activity" – actions taken to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, grubbing, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

"Earth-Disturbing Activities Conducted Prior to Active Mining Activities" – Consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities:

- a. activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on any areas where active mining

activities have not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and

b. construction of staging areas to prepare for erecting structures such as to house project personnel and equipment, mill buildings, etc., and construction of access roads.

Note: only earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining (see (b) above) are considered to be "construction" and therefore stormwater discharges from these activities are eligible for coverage under this permit. See Part 1.2.1.b. The activities described in (a) above are not considered to be "construction" and therefore stormwater discharges associated with this activity are not eligible for coverage under this permit.

"Effective Operating Condition" – for the purposes of this permit, a stormwater control is kept in effective operating condition if it has been implemented and maintained in such a manner that it is working as designed to minimize pollutant discharges.

"Effluent Limitations" – for the purposes of this permit, any of the Part 2 or Part 3 requirements.

"Effluent Limitations Guideline" (ELG) – defined in 40 CFR § 122.2 as a regulation published by the Administrator under section 304(b) of the CWA to adopt or revise effluent limitations.

"Eligible" – for the purposes of this permit, refers to stormwater and allowable non-stormwater discharges that are authorized for coverage under this general permit.

"Emergency-Related Project" – a project initiated in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services.

"Endangered Species" – defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man.

"Excursion" – a measured value that exceeds a specified limit.

"Existing Site" – a site where construction activities commenced prior to February 16, 2017.

"Exit Points" – any points of egress from the construction site to be used by vehicles and equipment during construction activities.

"Exposed Soils" – for the purposes of this permit, soils that as a result of earth-disturbing activities are left open to the elements.

"Federal Facility" – any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by, or constructed or manufactured for the purpose of leasing to, the Federal government.

"Federal Operator" – an entity that meets the definition of "Operator" in this permit and is either any department, agency or instrumentality of the executive, legislative, and judicial branches of the Federal government of the United States, or another entity, such as a private contractor, performing construction activity for any such department, agency, or instrumentality.

"Final Stabilization" – on areas not covered by permanent structures, either (1) uniform, perennial vegetation (e.g., *evenly distributed, without large bare areas*) has been established, or for arid or semi-arid areas, will be established that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas, and/or (2) permanent non-

vegetative stabilization measures (e.g., riprap, gravel, gabions, and geotextiles) have been implemented to provide effective cover for exposed portions of the site

“General Contractor” – for the purposes of this permit, the primary individual or company solely accountable to perform a contract. The general contractor typically supervises activities, coordinates the use of subcontractors, and is authorized to direct workers at a site to carry out activities required by the permit.

“Hazardous Substances” or “Hazardous or Toxic Waste” – for the purposes of this permit, any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See also 40 CFR §261.2.

“Historic Property” – as defined in the National Historic Preservation Act regulations, means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian Tribe or Native Hawaiian organization and that meet the National Register criteria.

“Impaired Water” – a water identified by the State, Tribe, or EPA as not meeting an applicable water quality standard and (1) requires development of a TMDL (pursuant to section 303(d) of the CWA; or (2) is addressed by an EPA-approved or established TMDL; or (3) is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1).

“Impervious Surface” – for the purpose of this permit, any land surface with a low or no capacity for soil infiltration including, but not limited to, pavement, sidewalks, parking areas and driveways, packed gravel or soil, or rooftops.

“Indian Country” or “Indian Country Lands” – defined at 40 CFR §122.2 as:

1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
2. All dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a State; and
3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.

“Infeasible” – for the purpose of this permit, infeasible means not technologically possible or not economically practicable and achievable in light of best industry practices. EPA notes that it does not intend for any permit requirement to conflict with State water rights law.

“Install” or “Installation” – when used in connection with stormwater controls, to connect or set in position stormwater controls to make them operational.

“Jar test” – a test designed to simulate full-scale coagulation/flocculation/sedimentation water treatment processes by taking into account the possible conditions.

“Landward” – positioned or located away from a waterbody, and towards the land.

“Large Construction Activity” – defined at 40 CFR § 122.26(b)(14)(x) and incorporated here by reference. Large construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres. Large construction activity does



not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

“Linear Construction Site” – includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.

“Minimize” – to reduce and/or eliminate to the extent achievable using stormwater controls that are technologically available and economically practicable and achievable in light of best industry practices.

“Mining Activity” – for the purposes of this permit, includes mining-related construction activities defined at 40 CFR 122.26(b)(14)(x) and 122.26(b)(15)(i), and active mining activities defined at 40 CFR 122.26(b)(14)(iii). Both of these sub categories of activities include earth-disturbing activities, with the latter also including such activities as: extraction, removal or recovery, and beneficiation of mined material from the earth; removal of overburden and waste rock to expose mineable material; and site reclamation and closure activities.

“Mining Operations” – for the purposes of this permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each: 1) earth-disturbing activities conducted prior to active mining activities; and 2) active mining activities, which includes reclamation.

“Municipal Separate Storm Sewer System” or “MS4” – defined at 40 CFR §122.26(b)(8) as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned and operated by a State, city, 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;
2. Designed or used for collecting or conveying stormwater;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

“National Pollutant Discharge Elimination System” (NPDES) – defined at 40 CFR §122.2 as the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA. The term includes an ‘approved program.’

“Native Topsoil” – the uppermost layer of naturally occurring soil for a particular area, and is often rich in organic matter, biological activity, and nutrients.

“Natural Buffer” – for the purposes of this permit, an area of undisturbed natural cover surrounding waters of the United States within which construction activities are restricted. Natural cover includes the vegetation, exposed rock, or barren ground that exists prior to commencement of earth-disturbing activities.

“Natural Vegetation” – vegetation that occurs spontaneously without regular management, maintenance, or species introductions or removals, and that generally has a strong component of native species..

“New Operator of a Permitted Site” – an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site that is either a “new site” or an “existing site”.

“New Site” – a site where construction activities commenced on or after February 16, 2017.

“New Source” – for the purposes of this permit, a construction project that commenced construction activities after February 1, 2010.

“New Source Performance Standards (NSPS)” – for the purposes of this permit, NSPS are technology-based standards that apply to construction sites that are new sources under 40 CFR 450.24.

“Non-Stormwater Discharges” – discharges that do not originate from storm events. They can include, but are not limited to, discharges of process water, air conditioner condensate, non-contact cooling water, vehicle wash water, sanitary wastes, concrete washout water, paint wash water, irrigation water, or pipe testing water.

“Non-Turbid” – a discharge that is free from visual turbidity.

“Notice of Intent” (NOI) – the form (electronic or paper) required for authorization of coverage under the Construction General Permit.

“Notice of Termination” (NOT) – the form (electronic or paper) required for terminating coverage under the Construction General Permit.

“NPDES eReporting Tool” (NeT) – EPA’s online system for submitting electronic Construction General Permit forms.

“Operational” – for the purposes of this permit, stormwater controls are made “operational” when they have been installed and implemented, are functioning as designed, and are properly maintained.

“Operator” – for the purposes of this permit and in the context of stormwater discharges associated with construction activity, any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g. *in most cases this is the owner of the site*); or
2. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., *they are authorized to direct workers at a site to carry out activities required by the permit; in most cases this is the general contractor of the project*).

This definition is provided to inform permittees of EPA’s interpretation of how the regulatory definitions of “owner or operator” and “facility or activity” are applied to discharges of stormwater associated with construction activity. Subcontractors generally are not considered operators for the purposes of this permit.

“Ordinary High Water Mark” – the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris.

“Permitting Authority” – for the purposes of this permit, EPA, a Regional Administrator of EPA, or an authorized representative.

“Point(s) of Discharge” – see “Discharge Point.”

“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” – defined at 40 CFR §122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

“Pollution Prevention Controls” – stormwater controls designed to reduce or eliminate the addition of pollutants to construction site discharges through analysis of pollutant sources, implementation of proper handling/disposal practices, employee education, and other actions.

“Polymers” – for the purposes of this permit, coagulants and flocculants used to control erosion on soil or to enhance the sediment removal capabilities of sediment traps or basins. Common construction site polymers include polyacrylamide (PAM), chitosan, alum, polyaluminum chloride, and gypsum.

“Prohibited Discharges” – discharges that are not allowed under this permit, including:

1. Wastewater from washout of concrete;
2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
4. Soaps or solvents used in vehicle and equipment washing;
5. Toxic or hazardous substances from a spill or other release; and
6. Waste, garbage, floatable debris, construction debris, and sanitary waste.

“Provisionally Covered Under this Permit” – for the purposes of this permit, EPA provides temporary coverage under this permit for emergency-related projects prior to receipt of a complete and accurate NOI. Discharges from earth-disturbing activities associated with the emergency-related projects are subject to the terms and conditions of the permit during the period of temporary coverage.

“Qualified Person” – a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.

“Receiving Water” – a “Water of the United States” as defined in 40 CFR §122.2 into which the regulated stormwater discharges.

“Run-On” – sources of stormwater that drain from land located upslope or upstream from the regulated site in question.

“Seasonally Dry Period” – a month in which the long-term average total precipitation is less than or equal to 0.5 inches. Refer to EPA’s Seasonally Dry Period Locator and supporting maps for assistance in determining whether a site is operating during a seasonally dry period for the area, located at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>.

“Sediment-Related parameter” – for the purposes of this permit, a pollutant parameter that is closely related to sediment such as turbidity, total suspended solids (TSS), total suspended sediment, transparency, sedimentation, and siltation.

“Semi-Arid Areas” – areas with an average annual rainfall of 10 to 20 inches. For assistance in determining average annual rainfall in specific locations, refer to the NOAA National Mapping webpage (<https://www.ncdc.noaa.gov/cag/national/mapping>), the PRISM Climate Group’s Time Series Values for individual locations (<https://prism.oregonstate.edu/explorer/>), or EPA’s US EPA EnviroAtlas (<https://www.epa.gov/enviroatlas>).

“Shared Control” - for the purposes of this permit, a stormwater control, such as a sediment basin or pond, used by two or more operators that is installed and maintained for the purpose of minimizing and controlling pollutant discharges from a construction site with multiple operators associated with a common plan of development or sale. Any operators that are contributing stormwater from their construction activities to a shared control are considered to rely upon a shared control.

“Small Construction Activity” – defined at 40 CFR §122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

“Small Residential Lot” – for the purpose of this permit, a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.

“Snowmelt” – the conversion of snow into overland stormwater and ground water flow as a result of warmer temperatures.

“Spill” – for the purpose of this permit, the release of a hazardous or toxic substance from its container or containment.

“Stabilization” – the use of vegetative and/or non-vegetative cover to prevent erosion and sediment loss in areas exposed through the construction process.

“Steep Slopes” – where a State, Tribe, local government, or industry technical manual (e.g., stormwater BMP manual) has defined what is to be considered a “steep slope”, this permit’s definition automatically adopts that definition. Where no such definition exists, steep slopes are automatically defined as those that are 15 percent or greater in grade.

“Storm Sewer System” – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) designed or used for collecting or conveying stormwater.

“Stormwater” – stormwater runoff, snowmelt runoff, and surface runoff and drainage.

“Stormwater Control” - refers to any best management practice or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

“Stormwater Discharge Associated with Construction Activity” – as used in this permit, a discharge of pollutants in stormwater to waters of the United States from areas where earth-disturbing activities (e.g., clearing, grubbing, grading, or excavation) occur, or where construction materials or equipment storage or maintenance (e.g., fill piles, borrow area,

concrete truck chute washdown, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants), are located.

“Stormwater Inlet” – a structure placed below grade to conduct water used to collect stormwater runoff for conveyance purposes.

“Stormwater Team” – the group of individuals responsible for oversight of the development and modifications of the SWPPP, and oversight of compliance with the permit requirements. The individuals on the “Stormwater Team” must be identified in the SWPPP.

“Storm Event” – a precipitation event that results in a measurable amount of precipitation.

“Storm Sewer” – a system of pipes (separate from sanitary sewers) that carries stormwater runoff from buildings and land surfaces.

“Subcontractor” – for the purposes of this permit, an individual or company that takes a portion of a contract from the general contractor or from another subcontractor.

“SWPPP” (Stormwater Pollution Prevention Plan) – a site-specific, written document that, among other things: (1) identifies potential sources of stormwater pollution at the construction site; (2) describes stormwater controls to reduce or eliminate pollutants in stormwater discharges from the construction site; and (3) identifies procedures the operator will implement to comply with the terms and conditions of this general permit.

“Temporary Stabilization” – a condition where exposed soils or disturbed areas are provided temporary vegetative and/or non-vegetative protective cover to prevent erosion and sediment loss. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb this area.

“Thawing Conditions” – for the purposes of this permit, thawing conditions are expected based on the historical likelihood of two or more days with daytime temperatures greater than 32°F. This date can be determined by looking at historical weather data. Note: the estimation of thawing conditions is for planning purposes only. During construction the permittee will be required to conduct site inspections based upon actual conditions (i.e., if thawing conditions occur sooner than expected, the permittee will be required to conduct inspections at the regular frequency).

“Threatened Species” – defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

“Tier 2 Waters” – for antidegradation purposes, pursuant to 40 CFR 131.12(a)(2), those waters that are characterized as having water quality that exceeds the levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.

“Tier 2.5 Waters” – for antidegradation purposes, those waters designated by States or Tribes as requiring a level of protection equal to and above that given to Tier 2 waters, but less than that given Tier 3 waters. Some States have special requirements for these waters.

“Tier 3 Waters” – for antidegradation purposes, pursuant to 40 CFR 131.12(a)(3), Tier 3 waters are identified by States as having high quality waters constituting an Outstanding National Resource Water (ONRW), such as waters of National Parks and State Parks, wildlife refuges, and waters of exceptional recreational or ecological significance.

“Total Maximum Daily Load” or “TMDL” – the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources,

tributaries, or adjacent segments. TMDLs can be expressed in terms of mass per time, toxicity, or other appropriate measure.

“Toxic Waste” – see “Hazardous Substances.”

“Treatment Chemicals” – polymers, flocculants, or other chemicals used to reduce turbidity in stormwater.

“Turbidity” – a condition of water quality characterized by the presence of suspended solids and/or organic material.

“Uncontaminated Discharge” – in the context of authorized non-stormwater discharges, a discharge that meets applicable water quality standards.

“Upland” – the dry land area above and ‘landward’ of the ordinary high water mark.

“Upset” – Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See 40 CFR 122.41(n)(1).

“Visual Turbidity” – for the purposes of this permit, visual turbidity is present when there is a sediment plume in the discharge or the discharge appears cloudy, opaque, or has a visible contrast that can be visually identified by an observer.

“Water-Dependent Structures” – structures or facilities that are required to be located directly adjacent to a waterbody or wetland, such as a marina, pier, boat ramp, etc.

“Water Quality Standards” – defined in 40 CFR § 131.3, and are provisions of State (including Tribal) or Federal law which consist of a designated use or uses for the waters of the United States, water quality criteria for such waters based upon such uses, and an antidegradation policy to protect high-quality waters. Water quality standards protect the public health or welfare, enhance the quality of water and serve the purposes of the Act.

“Waters of the United States” – see definition at 40 CFR 122.2.

“Wetland” – those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. On-site evaluations are typically required to confirm the presence and boundaries of wetlands.

## **2. Acronyms**

ACHP – Advisory Council on Historic Preservation

BMP – Best Management Practice

CBI – Confidential Business Information

CGP – Construction General Permit

CFR – Code of Federal Regulations

CWA – Clean Water Act

CZMA – Coastal Zone Management Act

ECHO – EPA Enforcement and Compliance History Online

ELG – Effluent Limitations Guideline



EPA – United States Environmental Protection Agency  
ESA – Endangered Species Act  
FR – Federal Register  
MS4 – Municipal Separate Storm Sewer System  
MSGP – Multi-Sector General Permit  
NEPA – National Environmental Policy Act  
NeT – NPDES eReporting Tool  
NTU - Nephelometric turbidity units  
NHPA – National Historic Preservation Act  
NMFS – United States National Marine Fisheries Service  
NPDES – National Pollutant Discharge Elimination System  
NOI – Notice of Intent  
NOT – Notice of Termination  
NPDES – National Pollutant Discharge Elimination System  
NRC – National Response Center  
NRCS – National Resources Conservation Service  
NSPS – New Source Performance Standards  
ONRW – Outstanding National Resource Water  
PAM – Polyacrylamide  
POTW – Publicly Owned Treatment Works  
RUSLE – Revised Universal Soil Loss Equation  
SDS – Safety Data Sheet  
SHPO – State Historic Preservation Office  
SPCC – Spill Prevention Control and Countermeasure  
SWPPP – Stormwater Pollution Prevention Plan  
THPO – Tribal Historic Preservation Office  
TMDL – Total Maximum Daily Load  
TSS – Total Suspended Solids  
UIC – Underground Injection Control  
USDA – United States Department of Agriculture  
USFWS – United States Fish and Wildlife Service  
USGS – United States Geological Survey  
WQS – Water Quality Standard

## Appendix B - Permit Areas Eligible for Coverage and EPA Regional Addresses

Permit coverage for stormwater discharges from construction activity occurring within the following areas is provided by legally separate and distinctly numbered permits. For assistance in determining whether your construction activities are located within Indian country, refer to the Bureau of Indian Affairs' digital map of the land areas of Federally-recognized Tribes at <https://biamaps.doi.gov/indianlands/#>.

### B.1 EPA Region 1

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 1:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
CTR10I000	Indian country within the State of Connecticut
MAR100000	Commonwealth of Massachusetts (except Indian country)
MAR10I000	Indian country within the State of Massachusetts
NHR100000	State of New Hampshire
RIR10I000	Indian country within the State of Rhode Island
VTR10F000	Areas in the State of Vermont located at a Federal Facility (as defined in Appendix A)
1R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 1 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

#### EPA Region 1 Address:

U.S. EPA Region 1  
Office of Ecosystem Protection  
Stormwater and Construction Permits Section  
5 Post Office Square, Suite 100  
(OEP 06-1)  
Boston, MA 02109-3912

### B.2 EPA Region 2

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 2:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
NYR10I000	Indian country within the State of New York
PRR100000	Commonwealth of Puerto Rico
02R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 2 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

**EPA Region 2 Address:**

*For Puerto Rico:*

U.S. EPA Region 2  
Caribbean Environmental Protection Division  
NPDES Stormwater Program  
City View Plaza II – Suite 7000  
48 Rd. 165 Km 1.2  
Guaynabo, PR 00968-8069

*For New York:*

U.S. EPA Region 2  
NPDES Stormwater Program  
290 Broadway, 24th Floor  
New York, NY 10007-1866

**B.3 EPA Region 3**

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 3:

<b>Permit No.</b>	<b>Areas of Coverage/Where EPA is Permitting Authority</b>
<b>DCR100000</b>	District of Columbia
<b>DER10F000</b>	Areas in the State of Delaware located at a Federal Facility (as defined in Appendix A)
<b>VAR10I000</b>	Indian country within the State of Virginia
<b>03R10I000</b>	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 3 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

**EPA Region 3 Address:**

U.S. EPA Region 3  
Office of NPDES Permits and Enforcement  
NPDES Permits Branch, Mailcode 3WP41  
1650 Arch Street  
Philadelphia, PA 19103

**B.4 EPA Region 4**

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 4:

<b>Permit No.</b>	<b>Areas of Coverage/Where EPA is Permitting Authority</b>
<b>ALR10I000</b>	Indian country within the State of Alabama
<b>FLR10I00E</b>	Indian country within the State of Florida
<b>MSR10I000</b>	Indian country within the State of Mississippi
<b>NCR10I000</b>	Indian country within the State of North Carolina
<b>04R10I000</b>	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country (except Catawba lands in South Carolina)

For stormwater discharges in EPA Region 4 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

**EPA Region 4 Address:**

U.S. EPA Region 4  
 Water Protection Division  
 NPDES Stormwater Program  
 Atlanta Federal Center  
 61 Forsyth Street SW  
 Atlanta, GA 30303-3104

**B.5 EPA Region 5**

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 5:

<b>Permit No.</b>	<b>Areas of Coverage/Where EPA is Permitting Authority</b>
<b>MIR10I000</b>	Indian country within the State of Michigan, except the L'Anse Reservation of the Keweenaw Bay Indian Community
<b>MNR10I000</b>	Indian country within the State of Minnesota, except sites located in the Fond du Lac Reservation discharging to Outstanding Reservation Resources Waters (ORRWs) <sup>1</sup>
<b>WIR10I000</b>	Indian country within the State of Wisconsin, except sites located in the Bad River Band of Lake Superior Tribe of Chippewa Indians discharging to Outstanding Tribal Resource Waters (OTRWs) or Tier 3 waters <sup>2</sup>
<b>05R10I000</b>	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

<sup>1</sup> The Tribe has identified Perch Lake, Rice Portage Lake, Miller Lake, Deadfish Lake, and Jaskari Lake as ORRWs.

<sup>2</sup> The Tribe has identified the following as OTRWs or Tier 3 waters: Kakagon Slough and the lower wetland reaches of its tributaries that support wild rice, Kakagon River, Bad River Slough, Honest John Lake, Bog Lake, a portion of Bad River, from where it enters the Reservation through the confluence with the White River, and Potato River.

For stormwater discharges in EPA Region 5 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

**EPA Region 5 Address:**

U.S. EPA Region 5  
NPDES Program Branch  
77 W. Jackson Blvd.  
Mail Code WN16J  
Chicago, IL 60604-3507

**B.6 EPA Region 6**

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 6:

<b>Permit No.</b>	<b>Areas of Coverage/Where EPA is Permitting Authority</b>
<b>LAR10I000</b>	Indian country within the State of Louisiana
<b>NMR100000</b>	State of New Mexico, except Indian country
<b>NMR10I000</b>	Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR10000I and Ute Mountain Reservation Lands that are covered under Colorado permit COR10000I.
<b>OKR10I000</b>	Indian country within the State of Oklahoma, except areas of Indian country covered by an extension of state program authority pursuant to Section 10211 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA).
<b>OKR10F000</b>	Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, or the Oklahoma Department of Agriculture and Forestry including activities associated with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).
<b>TXR10I000</b>	Indian country within the State of Texas
<b>06R10I000</b>	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 6 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

**EPA Region 6 Address:**

U.S. EPA Region 6  
NPDES Stormwater Program (WQ-PP)  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

**B.7 EPA Region 7**

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 7:

<b>Permit No.</b>	<b>Areas of Coverage/Where EPA is Permitting Authority</b>
<b>IAR10I000</b>	Indian country within the State of Iowa
<b>KSR10I000</b>	Indian country within the State of Kansas
<b>NER10I000</b>	Indian country within the State of Nebraska, except Pine Ridge Reservation lands (see Region 8)
<b>07R10I000</b>	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 7 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

**EPA Region 7 Address:**

U.S. EPA Region 7  
 NPDES Stormwater Program  
 11201 Renner Blvd  
 Lenexa, KS 66219

**B.8 EPA Region 8**

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 8:

<b>Permit No.</b>	<b>Areas of Coverage/Where EPA is Permitting Authority</b>
<b>COR10F000</b>	Areas in the State of Colorado located at a Federal Facility (as defined in Appendix A), except those located on Indian country
<b>COR10I000</b>	Indian country within the State of Colorado, as well as the portion of the Ute Mountain Reservation located in New Mexico
<b>MTR10I000</b>	Indian country within the State of Montana
<b>NDR10I000</b>	Indian country within the State of North Dakota, as well as that portion of the Standing Rock Reservation located in South Dakota (except for the portion of the lands within the former boundaries of the Lake Traverse Reservation which is covered under South Dakota permit SDR10000I listed below)
<b>SDR10I000</b>	Indian country within the State of South Dakota, as well as the portion of the Pine Ridge Reservation located in Nebraska and the portion of the lands within the former boundaries of the Lake Traverse Reservation located in North Dakota (except for the Standing Rock Reservation which is covered under North Dakota permit NDR10000I listed above)
<b>UTR10I000</b>	Indian country within the State of Utah, except Goshute and Navajo Reservation lands (see Region 9)
<b>WYR10I000</b>	Indian country within the State of Wyoming
<b>08R10I000</b>	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country



For stormwater discharges in EPA Region 8 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

**EPA Region 8 Address:**

EPA Region 8 Storm Water Program  
 Mailcode: 8P-W-WW  
 1595 Wynkoop Street  
 Denver, CO 80202-1129

**B.9 EPA Region 9**

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 9:

<b>Permit No.</b>	<b>Areas of Coverage/Where EPA is Permitting Authority</b>
<b>ASR100000</b>	Island of American Samoa
<b>AZR10I000</b>	Indian country within the State of Arizona, as well as Navajo Reservation lands in New Mexico and Utah
<b>CAR10I000</b>	Indian country within the State of California
<b>GUR100000</b>	Island of Guam
<b>JAR100000</b>	Johnston Atoll
<b>MPR100000</b>	Commonwealth of the Northern Mariana Islands
<b>MWR100000</b>	Midway Island and Wake Island
<b>NVR10000I</b>	Indian country within the State of Nevada, as well as the Duck Valley Reservation in Idaho, the Fort McDermitt Reservation in Oregon and the Goshute Reservation in Utah
<b>09R10I000</b>	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 9 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

**EPA Region 9 Address:**

U.S. EPA Region 9  
 Water Division  
 NPDES Stormwater Program (WTR-2-3)  
 75 Hawthorne Street  
 San Francisco, CA 94105-3901

**B.10 EPA Region 10**

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 10:

<b>Permit No.</b>	<b>Areas of Coverage/Where EPA is Permitting Authority</b>
<b>AKR10I000</b>	Indian country lands as defined in 18 U.S.C. 1151 within the State of Alaska
<b>AKR10F000</b>	Denali National Park and Preserve
<b>IDR10I000</b>	Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)
<b>ORR10I000</b>	Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9)
<b>WAR10F000</b>	Areas in the State of Washington, except those located on Indian country, subject to construction activity by a Federal Operator
<b>WAR10I000</b>	Indian country within the State of Washington
<b>010R10I000</b>	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 10 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

**EPA Region 10 Address:**

U.S. EPA Region 10  
 NPDES Stormwater Program  
 1200 6th Avenue (OWW-191)  
 Seattle, WA 98101-3140

## Appendix C - Small Construction Waivers and Instructions

These waivers are only available to stormwater discharges associated with small construction activities (i.e., 1-5 acres). As the operator of a small construction activity, you may be able to qualify for a waiver in lieu of needing to obtain coverage under this general permit based on: (A) a low rainfall erosivity factor, (B) a TMDL analysis, or (C) an equivalent analysis that determines allocations for small construction sites are not needed. Each operator, otherwise needing permit coverage, must notify EPA of its intention for a waiver. It is the responsibility of those individuals wishing to obtain a waiver from coverage under this general permit to submit a complete and accurate waiver certification as described below. Where the operator changes or another is added during the construction project, the new operator must also submit a waiver certification to be waived.

### C.1 Rainfall Erosivity Waiver

Under this scenario the small construction project's rainfall erosivity factor calculation ("R" in the Revised Universal Soil Loss Equation) is less than five during the period of construction activity. The operator must certify to EPA that construction activity will occur only when the rainfall erosivity factor is less than five. The period of construction activity begins at initial earth disturbance and ends with final stabilization. Where vegetation will be used for final stabilization, the date of installation of a stabilization practice that will provide interim non-vegetative stabilization can be used for the end of the construction period, provided the operator commits (as a condition of waiver eligibility) to periodically inspect and properly maintain the area until the criteria for final stabilization as defined in the CGP have been met. If use of this interim stabilization eligibility condition was relied on to qualify for the waiver, signature on the waiver with its certification statement constitutes acceptance of and commitment to complete the final stabilization process. The operator must submit a waiver certification to EPA prior to commencing construction activities.

*Note: The rainfall erosivity factor "R" is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE), pages 21–64, dated January 1997; United States Department of Agriculture (USDA), Agricultural Research Service.*

EPA has developed an online rainfall erosivity calculator to help small construction sites determine potential eligibility for the rainfall erosivity waiver. You can access the calculator from EPA's website at: <https://www.epa.gov/npdes/rainfall-erosivity-factor-calculator-small-construction-sites>. The R factor can easily be calculated by using the construction site latitude/longitude or address and estimated start and end dates of construction. This calculator may also be useful in determining the time periods during which construction activity could be waived from permit coverage. You may find that moving your construction activity by a few weeks or expediting site stabilization will allow you to qualify for the waiver. Use this online calculator or the Construction Rainfall Erosivity Waiver Fact Sheet (<https://www.epa.gov/sites/production/files/2015-10/documents/fact3-1.pdf>) to assist in determining the R Factor for your small construction site.

If you are the operator of the construction activity and eligible for a waiver based on low erosivity potential, you can submit a rainfall erosivity waiver electronically via EPA's NPDES eReporting Tool (NeT) (<https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting>), unless you received a waiver from your EPA Regional Office (see Part 1.4.1 of the CGP for information about receiving a waiver from electronic reporting).

*Note: If the R factor is five or greater, you do not qualify for the rainfall erosivity waiver, and must obtain coverage under an NPDES permit (e.g., the CGP), unless you qualify for the Water Quality Waiver as described in section B below.*

If your small construction project continues beyond the projected completion date given on the waiver certification, you must recalculate the rainfall erosivity factor for the new project duration. If the R factor is below five, you must update all applicable information on the waiver certification and retain a copy of the revised waiver as part of your records. The new waiver certification must be submitted prior to the projected completion date listed on the original waiver form to assure your exemption from permitting requirements is uninterrupted. If the new R factor is five or above, you must obtain NPDES permit coverage.

## **C.2 TMDL Waiver**

This waiver is available if EPA has established or approved a TMDL that addresses the pollutant(s) of concern for the impaired water and has determined that controls on stormwater discharges from small construction activity are not needed to protect water quality. The pollutant(s) of concern include sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any waterbody that will receive a discharge from the construction activity. Information on TMDLs that have been established or approved by EPA is available from EPA online at <https://www.epa.gov/tmdl> and from State and Tribal water quality agencies.

If you are the operator of the construction activity and eligible for a waiver based on compliance with an EPA-established or approved TMDL, you must provide the following information in order to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator(s);
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the waterbody(s) that would be receiving stormwater discharges from your construction project;
5. The name and approval date of the TMDL;
6. A statement, signed and dated by an authorized representative as provided in Appendix G, Subsection G.11, that certifies that the construction activity will take place and that the stormwater discharges will occur, within the drainage area addressed by the TMDL.

## **C.3 Equivalent Analysis Waiver**

This waiver is available for discharges to non-impaired waters only. The operator can develop an equivalent analysis that determines allocations for his/her small construction site for the pollutant(s) of concern or determines that such allocations are not needed to protect water quality. This waiver requires a small construction operator to develop an equivalent analysis based on existing in-stream concentrations, expected growth in pollutant concentrations from all sources, and a margin of safety.

If you are a construction operator who wants to use this waiver, you must develop your equivalent analysis and provide the following information to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator(s);

2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the waterbody(s) that would be receiving stormwater discharges from your construction project;
5. Your equivalent analysis;
6. A statement, signed and dated by an authorized representative as provided in Appendix G, Subsection G.11, that certifies that the construction activity will take place and that the stormwater discharges will occur, within the drainage area addressed by the equivalent analysis.

#### **C.4 Waiver Deadlines and Submissions**

1. Waiver certifications must be submitted prior to commencement of construction activities.
2. If you submit a TMDL or equivalent analysis waiver request, you are not waived until EPA approves your request. As such, you may not commence construction activities until receipt of approval from EPA.
3. Late Notifications: Operators are not prohibited from submitting waiver certifications after initiating clearing, grading, excavation activities, or other construction activities. The Agency reserves the right to take enforcement for any unpermitted discharges that occur between the time construction commenced and waiver authorization is granted.

Submittal of a waiver certification is an optional alternative to obtaining permit coverage for discharges of stormwater associated with small construction activity, provided you qualify for the waiver. Any discharge of stormwater associated with small construction activity not covered by either a permit or a waiver may be considered an unpermitted discharge under the Clean Water Act. As mentioned above, EPA reserves the right to take enforcement for any unpermitted discharges that occur between the time construction commenced and either discharge authorization is granted or a complete and accurate waiver certification is submitted. EPA may notify any operator covered by a waiver that they must obtain NPDES permit coverage. EPA may notify any operator who has been in non-compliance with a waiver that they may no longer use the waiver for future projects. Any member of the public may petition EPA to take action under this provision by submitting written notice along with supporting justification.

Complete and accurate TMDL or equivalent analysis waiver requests must be sent to the applicable EPA Regional Office address specified in Appendix B.

## Appendix D - Eligibility Worksheet Relating to Threatened and Endangered Species Protection

### D.1 Introduction

This appendix provides a printable worksheet that can be helpful in selecting and documenting your eligibility criteria with respect to the protection of Federally listed threatened or endangered species and Federally designated "critical habitat" under the Endangered Species Act (ESA) [hereinafter "ESA-listed species and designated critical habitat(s)"] from discharges and discharge-related activities authorized under this permit. This is important because Section 9 of the ESA prohibits all persons and agencies from "taking" threatened and endangered species (16 U.S.C. § 1532(19)).

While coordination between you and the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) (together, referred to as the "Services") may not be required in all cases, EPA encourages you to coordinate with the Services, to document that coordination, and to do so early in the planning process prior to submitting your NOI.

### D.2 Certifying ESA Eligibility Criterion for the CGP

To be eligible for coverage under the CGP, you must certify that you meet one of the criteria listed in this worksheet (Section D.5), which is then submitted with your NOI for coverage under this permit. If you do not meet one of the ESA eligibility criteria outlined in the worksheet below, you are not eligible for coverage under this permit. These criteria ensure that coverage is available only for discharges and discharge-related activities that (1) avoid or eliminate any short- or long-term adverse effects to ESA-listed species and designated critical habitat(s), or (2) may result in any short- or long-term adverse effects that result in incidental take addressed under the incidental take statement of a biological opinion or permit for take issued under Section 10 of the ESA.

As part of your determination of eligibility, EPA has developed a worksheet that assists operators in arriving at the correct criterion. The following requirements apply to the completion of the worksheet depending on how you are submitting your NOI for permit coverage:

1. If the EPA Regional Office grants you a waiver from electronic reporting, in accordance with Part 1.1.5 of the CGP, you must complete the worksheet in section D.4 of this appendix to provide all information as required on your NOI that supports the eligibility criterion you qualify under per Part 1.1.5 of the permit. **You must submit the worksheet with your NOI. If you do not submit the worksheet with your NOI, your NOI will be considered incomplete.**
2. If you do not have a waiver from electronic reporting, you must **complete your eligibility criteria selection outlined in the Endangered Species Protection section of the NOI in the NPDES eReporting Tool (NeT-CGP)** and provide all information as required on your NOI that supports the eligibility criterion you qualify under per Part 1.1.5 of the permit. The printable worksheet in this appendix may be helpful to you in preparing to submit your NOI, but you do not have to use it.

### D.3 What to Expect Once you Submit your NOI

After you submit your NOI and before your NOI is authorized, EPA may notify you if any additional controls are necessary to ensure your discharges are not likely to result in any short- or long-term adverse effects on ESA-listed species and critical habitat.



The Services have the opportunity, within 14 days of submission of the NOI, to advise EPA whether either agency believes the planned discharges meet the selected eligibility criterion; whether the eligibility criterion could be met with additional conditions; or whether the eligibility criterion is not met. With respect to ESA issues, EPA recognizes the Services' expertise and will carefully consider their conclusion(s) in identifying eligibility for authorization, either with or without additional conditions. In the event EPA has placed a hold on your NOI based on NMFS or USFWS' recommendation, EPA will notify you as to whether your discharges are authorized or whether an individual permit will be required. If you do not hear from EPA within 14 days, you may assume that your discharge is authorized without further conditions.

#### **D.4 Worksheet Instructions**

Follow the instructions within the worksheet below to determine which criterion you are eligible for coverage under this permit. Check only 1 criterion, answer the required questions, and include the required information.

Please keep the following in mind as you complete the worksheet:

- The worksheet requires that you answer questions in a sequential order so that you can select the correct eligibility criterion. The worksheet does not go through each criterion alphabetically, but rather is organized in a way that allows you to eliminate those criteria that do not apply to your site. For instance, Step 1 of the worksheet requires you to determine whether criterion B, E, or F applies first, in that order, before proceeding to determining whether criterion A applies in Step 2.
- You must consider ESA-listed species and/or designated critical habitat(s) under the jurisdiction of both the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) and select the criterion that best applies to your site. You must comply with any applicable terms, conditions, or other requirements developed in the process of meeting one of the eligibility criteria in this section to remain eligible for coverage under this permit.
- When evaluating the potential effects of your activities, you must consider effects to listed species or critical habitats within the "action area" of your construction activity, as identified by the USFWS IPaC and/or the NOAA website resources on page D-10 through D-11 of this appendix. Please Note: *NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.* The definition of "action area," which is contained in Appendix A, is repeated below for convenience.

"Action Area" – all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. See 50 CFR part 402. For the purposes of this permit and for application of the Endangered Species Act requirements, the following areas are included in the definition of action area:

- **The areas on the construction site** where stormwater discharges originate and flow toward the point of discharge into the receiving waters. This includes:
  - areas on the construction site where excavation, site development, or other ground disturbance activities occur, and
  - areas where stormwater controls will be constructed and operated, including any areas where stormwater flows to and from the stormwater controls.
- **The areas in the vicinity of the construction site** where stormwater discharges flow from the construction site to one or more points of discharge into receiving waters. (Example: Where stormwater flows into an off-site ditch, swale, or gully that leads to receiving waters.)
- **The extent of the receiving water** potentially affected by stormwater discharges from your construction site through alteration of water chemistry, turbidity, temperature, or bank structure (i.e., erosive flow), regardless of whether the construction site is adjacent to the receiving water.

D.5 Worksheet**Step 1 – Determine if You Meet the Eligibility Requirements of Criterion B, E, or F***Instructions*



- First determine whether you are eligible under Criterion B by reviewing the eligibility requirements below.
- If you determine that your facility does not meet Criterion B (e.g., due to difference in action area described, lack of analysis of appropriate effects, new listings or designation of critical habitat), proceed to check if you meet the requirements for Criterion E or F.

**Criterion B Eligibility Requirements**

**If your discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility under the current 2022 CGP that included your action area** (e.g., a general contractor or developer may have completed and filed an NOI for the entire action area with the necessary ESA certifications (Criterion A, C, D, E, or F)), you may be eligible under Criterion B. In order to be eligible for coverage, you must confirm that **all** three of the following are true (**check all that apply**):

- I have confirmed that the other operator's certification of eligibility accounted for my action area and that the eligibility certification was valid.
- There has been no lapse of NPDES permit coverage in the other operator's certification.
- I will comply with all measures that formed the basis of the other operator's valid certification of eligibility.

*Instructions*

- **If all three of the above are true, you may check Criterion B below and answer questions B1-B5, and if applicable, B6-B7.** 
- **If any of the above are not true** (for example, if there are any listed species in your action area that were not addressed in the other operator's certification, you are not eligible under Criterion B), **you may not select Criterion B and must proceed to check if you meet the requirements for Criterion E or F.** 

**B Eligibility requirements met by another operator under the 2022 CGP.** The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your "action area" under eligibility Criterion A, C, D, E, or F of the 2022 CGP and you have confirmed that no additional ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS not considered in the

that certification may be present or located in the "action area." To certify your eligibility under this criterion, there must be no lapse of NPDES permit coverage in the other CGP operator's certification. By certifying eligibility under this criterion, you agree to comply with any conditions upon which the other CGP operator's certification was based. You must include below the NPDES ID from the other 2022 CGP operator's notification of authorization under this permit and list any measures that you must comply with). If your certification is based on another 2022 CGP operator's certification under Criterion C, you must provide EPA with the relevant supporting information required of existing dischargers in Criterion C.

**B1.** Provide the NPDES ID from the other CGP operator's NOI authorized under this permit:

\_\_\_\_\_

**B2.** Identify the eligibility criterion of the other CGP operator's NOI? (check only one)

A  C  D  E  F

**B3.** Provide the authorization date of the other CGP operator's NOI (MM/DD/YYYY):

\_\_\_ / \_\_\_ / \_\_\_\_\_

By certifying eligibility under Criterion B, you must comply with any terms and conditions imposed under the eligibility requirements of the criterion for which the other operator has established eligibility (either Criterion A, C, D, E, or F) to ensure that your discharges and discharge-related activities are protective of listed species and/or critical habitat. *Note: If you are unable to meet these eligibility requirements, then you may either establish eligibility under one of the other criteria, or you may consider applying to EPA for an individual permit.*

**B4.** List any measures that formed the basis of the other operator's valid certification of eligibility that you will comply with (or enter "N/A" if none exist):

**B5.** Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion B, including any of the terms and conditions, as well as the other operator's basis for establishing eligibility. Yes

**If your certification is based on another operator's certification under Criterion C, you must provide the following:**

**B6.** What Federally listed species and/or designated habitat are located in your “action area”? (attached separate sheet if necessary)

**B7.** What is the distance between your site and the listed species or designated critical habitat (in miles)? \_\_\_\_\_

*Instructions*

- If you selected Criterion B above and answered questions B1-B5, and if applicable, B6-B7, you are done with this worksheet. If you are *not* filing electronically, you must submit this worksheet with your NOI.
- If you are not eligible under Criterion B, proceed to check if you meet the requirements for Criterion E or F.



**Criterion E Eligibility Requirements**

If consultation under ESA section 7 has concluded, you may be eligible for coverage under Criterion E. In order to be eligible for coverage under Criterion E, **you must confirm that both of the following are true (check all that apply):**

- A consultation between a Federal agency and USFWS and/or the NMFS under section 7 of the ESA has concluded. Consultations can be either formal or informal, and would have occurred only as a result of a separate Federal action (e.g., during application for an individual wastewater discharge permit or the issuance of a wetlands dredge and fill permit), and the consultation must have addressed the effects of your construction activity's discharges and discharge-related activities on all ESA-listed threatened or endangered species and all designated critical habitat under the jurisdiction of each Service, as appropriate, in your action area. The result of this consultation must be either:
  - i. A biological opinion currently in effect that determined that the action in question (taking into account the effects of your facility's discharges and discharge-related activities) is likely to adversely affect, but is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The biological opinion must have included the effects of your facility's discharges<sup>1</sup> and discharge-related activities on all the listed species and designated


<sup>1</sup> Effects of discharge include, but are not limited to, the analysis of the hydrological, chemical, and biological effects of the discharge on listed species, their prey, and their habitat, as well as critical habitat, where designated. For example, the

critical habitat in your action area under the jurisdiction of each Service, as appropriate. To be eligible under (i), any reasonable and prudent measures specified in the incidental take statement must be implemented;


- ii. Written concurrence (e.g., letter of concurrence) from the applicable Service(s) with a determination that your facility's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. The concurrence letter must have included the effects of your facility's discharges and discharge-related activities on all the ESA-listed species and/or designated critical habitat on your species list(s) acquired from USFWS and/or NMFS as part of this worksheet.

The consultation does not warrant reinitiation under 50 CFR §402.16; or, if reinitiation of consultation is required (e.g., due to a new species listing, critical habitat designation, or new information), the Federal action agency has reinitiated the consultation and the result of the consultation is consistent with the statements above. Include any reinitiation documentation from the Services or consulting Federal agency with your NOI.

#### Instructions

- **If both of the above are true, you may check Criterion E below and answer questions E1-E6.** 

- For more information on section 7 consultation, see 50 CFR part 402. If you receive a "jeopardy opinion," you may continue to work with USFWS and/or NMFS and your permitting authority to modify your project so that it will not jeopardize listed species or designated critical habitat.
- Note that most consultations are accomplished through informal consultation. When conducting informal ESA section 7 consultation as a non-Federal representative, you must follow the procedures found in 50 CFR Part 402 of the ESA regulations. You must notify the Services of your intention and agreement to conduct consultation as a non-Federal representative.
- Consultation may also occur in the context of another Federal action at the construction site (e.g., where ESA section 7 consultation was performed for issuance of a wetlands dredge and fill permit for the project or where a NEPA review is performed for the project that incorporates a section 7 consultation).
- Any terms and conditions developed through consultations to protect listed species and critical habitat must be incorporated into the SWPPP. As noted above, a Federal operator may, if they wish, initiate consultation with the Services at Step Four. Non-Federal operators may seek technical assistance from the Services at Step 5.
- Whether ESA section 7 consultation must be performed with either USFWS, NMFS, or both Services depends on the listed species that may be affected by the operator's stormwater discharges. In general, NMFS has jurisdiction over marine, estuarine, and anadromous species. Operators should also be aware that while formal section 7 consultation provides protection from incidental takings liability, informal consultation does not.

- **If not, proceed to check if you meet the requirements for Criterion F.** 

effects analysis would have evaluated whether the various pollutants in the discharge (e.g., TSS, metals) would adversely affect listed species through exposure to the pollutants, or to their prey or habitat. Effects that look only at short-term effects unrelated to the stormwater discharge effects to listed species are not sufficient for these purposes.

**E ESA Section 7 consultation has successfully concluded.** Consultation between a Federal Agency and the USFWS and/or NMFS under section 7 of the ESA has concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS. To certify eligibility under this criterion, **Indicate the result of the consultation:**

Biological opinion and/or conference opinion and incidental take statement currently in effect currently in effect from USFWS and/or NMFS that concludes that the action in question (taking into account the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of ESA-listed species, nor the destruction or adverse modification of critical habitat;

Or

Written concurrence from USFWS and/or NMFS with a finding that the site's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat.

**E1.** Identify the federal action agency or agencies involved:

**E2.** Identify the Service(s) field or regional offices providing the consultation:

**E3.** Identify any tracking numbers associated with the consultation (e.g., IPaC number, ECO number):

**E4.** What is the date the consultation was completed? (MM/DD/YYYY) \_\_ \_\_ / \_\_ \_\_ / \_\_\_\_ \_\_

**E5.** Check to confirm that correspondence with USFWS and/or NMFS documenting the Biological Opinion, conference opinion (IPaC or ECO tracking number) or concurrence is attached. Yes

**E6.** Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion E, including copies of the correspondence between yourself and the Services. Yes



*Instructions*

- **If you selected Criterion E above and answered questions E1-E6, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.**
- If you are not eligible under Criterion E, proceed to check if you meet the requirements for Criterion F.

**Criterion F Eligibility Requirements**

If your construction activities are the subject of a permit under ESA section 10, and this authorization addresses the effects of your site's discharges and discharge-related activities on ESA-listed species and designated critical habitat in your action area, you may be eligible for coverage under Criterion F. In order to be eligible for coverage under Criterion F, **you must confirm that the following is true:**

- A permit or permits issued under section 10 of the ESA specifically address the effects of your facility's discharges and discharge-related activities (if applicable) on all federally-listed species and designated critical habitat in your action area.

Note: You must follow USFWS and/or NMFS procedures when applying for an ESA section 10 permit (see 50 CFR §17.22(b)(1) for USFWS and §222.22 for NMFS). Application instructions for section 10 permits can be obtained from <http://www.fws.gov> and <http://www.nmfs.noaa.gov> or by contacting the appropriate Service office.

*Instructions*

- **If the above is true, you may check Criterion F below and answer questions F1-F6.**
- If you are not eligible under criterion F, proceed to Step 2.



- F Issuance of section 10 permit.** Potential take is authorized through the issuance of a permit under section 10 of the ESA by the USFWS and/or NMFS, and this authorization addresses the effects of the site's discharges and discharge-related activities on ESA-listed species and designated critical habitat. You must include copies of the correspondence between yourself and the participating agencies in your SWPPP and your NOI.

**F1.** Which Service provided the section 10 permit? (check all that apply)

USFWS  NMFS

**F2.** Identify the field or regional offices providing the permit(s):

**F3.** Identify any tracking numbers associated with the consultation (e.g., IPaC number, ECO number):

**F4.** What is the date the permit(s) was granted? (MM/DD/YYYY) \_\_\_ / \_\_\_ / \_\_\_\_\_  
(2<sup>nd</sup> permit date, if applicable: \_\_\_ / \_\_\_ / \_\_\_\_\_)

**F5.** Check to confirm that correspondence with USFWS and/or NMFS and a copy of the section 10 permit or relevant tracking number(s) (IPaC and/or ECO number) is attached. Yes

**F6.** Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion F, including a copy of the section 10 permit and copies of the correspondence between yourself and the Services. Yes

#### Instructions

- **If you selected Criterion F above and answered questions F1-F6, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.**
- If you are not eligible under Criterion F, proceed to Step 2.



## Step 2 – Determine if Listed Threatened or Endangered Species or their Designated Critical Habitat(s) are Likely to Occur in your Site’s Action Area

#### Instructions

- **First, determine the extent of your action area.** You must determine whether species listed as either threatened or endangered, or their critical habitat(s) are located in your site's action area (i.e., all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action, including areas beyond the footprint of the site that are likely to be affected by stormwater discharges, discharge-related activities, and authorized non-stormwater discharges).

You must consider the following in determining the action area for your site, and **confirm that all the following are true:**

In determining my “action area”, I have considered that discharges of pollutants from the project site can expand the action area well beyond the footprint of my site and the discharge point(s). I have taken into account the controls I will be implementing to minimize pollutants and the receiving waterbody characteristics (e.g., perennial, intermittent, ephemeral) in determining the extent of physical, chemical, and/or biotic effects of the

discharges. I confirm that all receiving waterbodies that could receive pollutants from my site are included in my action area.

In determining my "action area", I have considered that discharge-related activities must also be accounted for in determining my action area. I understand that discharge-related activities are any activities that cause, contribute to, or result in stormwater and authorized non-stormwater point source discharges, and measures such as the siting, construction, timing,<sup>2</sup> and operation of stormwater controls to control, reduce, or prevent pollutants from being discharged. I understand that any new or modified stormwater controls that will have noise or other similar effects, and any disturbances associated with construction of controls, are part of my action area.

If you have any questions about determining the extent of your action area, you may contact EPA or the Services for assistance. <https://www.epa.gov/npdes/contact-us-stormwater#regional>

#### Instructions

- **Next, you must identify, to the best of your ability, any species listed as either threatened or endangered, or their critical habitat(s), that are located in your site's action area (see definitions of these terms in Appendix A).** You must follow the instructions on the <https://www.epa.gov/npdes/construction-general-permit-threatened-and-endangered-species> to obtain lists of any ESA-protected species and/or critical habitat that are expected to exist in your county, township, or the receiving water for your discharge.
- If ESA-protected resources occur within your action area, keep a copy of the species and critical habitat list(s) from the Service(s) with your SWPPP and use the list(s) to complete your NOI. For USFWS species, attach to this worksheet the full printout from your IPaC query/Official Species List. You can include the map from your IPaC query. For NMFS species, attach to this worksheet the full printout of the report from your query of the mapping resource you used (either the National or Greater Atlantic Region Mapper). The printed report from NMFS mappers will include a map of your query.

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<sup>2</sup> Timing considerations could be related to, for example, a time of the year where a migratory bird species is present in the action area and the operator might want to consider that in terms of their construction sequencing; there are other times of the year where this consideration might not be relevant.

*Instructions*


- **After completing Step 2 above, if there are no listed species and no critical habitat areas in your action area, you may be eligible for criterion A.**

**Criterion A Eligibility Requirements**

In order to be eligible for coverage under criterion A, you must confirm that all the following are true (**check all that apply**):

- I confirm that I have used the species location resources of **BOTH** NMFS and USFWS to identify any ESA-listed species within my action area.
- I have confirmed there to be no ESA-listed species and no critical habitat in my action area.

*Instructions*

- **If all of the above are true, you may check criterion A below and answer questions A1-A5.** 
- **If any of the above is not true, you may not select criterion A and must proceed to Step 3 to determine if you can become eligible under criterion C.**

Note: For existing dischargers that have previously obtained coverage under criterion A, you must verify whether ESA-protected species and/or critical habitat are expected to exist in your action area, as described above. Please note that if you now find that your action area overlaps with ESA-protected species or critical habitat, you must proceed to Step 3.

- A No ESA-listed species and/or designated critical habitat present in action area.** You certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of this permit.. *Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.*

**A1. USFWS information sources used (reliance on State resources is not acceptable):**

Note: If your Official Species List from USFWS indicated no species or critical habitat were present in your action area, include the full consultation tracking code at the top of your Official Species List in your NOI in the basis statement for Criterion A. If an Official Species List was not available on IPaC, list the contact date and name of the Service staff with whom you corresponded to verify no USFWS species or critical habitat were present in your action area.



**A2.** NMFS information sources used (reliance on State resources is not acceptable):

**A3.** I confirm that aerial image(s) of the site is attached. Yes

**A4.** I confirm that a printout of the species' list(s) showing no ESA-listed species or critical habitat in my action area is attached. Yes

**A5.** Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion A. For USFWS species, include the full printout from your IPaC query/Official Species List. You can include the map from your IPaC query. For NMFS species, include the full printout from the appropriate NMFS website resources on page X with the correct Region selected. Yes

#### Instructions

- **If you selected Criterion A above and answered questions A1-A5, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.** 
  - **If listed species and/or critical habitat may exist in your action area, you must do one or more of the following:** 
    - **Conduct visual inspections.** This method may be particularly suitable for construction sites that are smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat, or for construction activities that discharge directly into municipal stormwater collection systems.
    - **Conduct a formal biological survey.** In some cases, particularly for larger construction sites with extensive stormwater discharges, biological surveys may be an appropriate way to assess whether species are located in the action area and whether there are likely to be short- or long-term adverse effects to such species. Biological surveys are frequently performed by environmental consulting firms.
    - **If required, conduct an environmental assessment under the National Environmental Policy Act (NEPA).** Some construction activities might require review under NEPA for specific reasons, such as Federal funding or other Federal involvement in the project. Note: Coverage under the CGP does not trigger such a review for individual projects/sites. EPA has complied with NEPA in the issuance of the CGP.
- and**
- **Follow the instructions in Steps 3 – 5 below, as applicable.** Note that many but not all measures imposed to protect listed species under these steps will also protect critical habitat. Thus, meeting the eligibility requirements of this CGP may require measures to protect critical habitat that are separate from those to protect listed species.

### Step 3 – Assess if the Construction Activity’s Discharges or Discharge-Related Activities Are Likely to Result in Short- or Long-Term Adverse Effects to Listed Threatened or Endangered Species or Designated Critical Habitat

#### Instructions



- If in Step 2 you identified that listed species and/or designated critical habitat could exist in your action area, **you must next assess whether your discharges or discharge-related activities are likely to result in short- or long-term adverse effects to ESA-listed threatened or endangered species or designated critical habitat.**

Potential short- or long-term adverse effects from discharges and discharge-related activities include:

- **Hydrological.** Stormwater discharges may cause siltation, sedimentation, or induce other changes in receiving waters such as temperature, salinity, or pH. These effects will vary with the amount of stormwater discharged and the volume and condition of the receiving water. Where a stormwater discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely. Construction activity itself may also alter drainage patterns on a site where construction occurs that can impact listed species or critical habitat.
- **Habitat.** Excavation, site development, grading, and other surface disturbance activities from construction activities, including the installation or placement of stormwater controls, may result in adverse effects to listed species or their habitat. Stormwater may drain or inundate listed species habitat.
- **Toxicity.** In some cases, pollutants in construction stormwater may have toxic effects on listed species. For example: Stormwater discharges from construction on or adjacent to agricultural property may contain pesticides. Stormwater discharges from projects involving pavement and roofing could include tar and asphalt.

The scope of effects to consider will vary with each site. If you are having difficulty determining whether your project is likely to result in short- or long-term adverse effects to listed species or critical habitat, or one of the Services has already raised concerns to you, you should contact the appropriate Services office for assistance.

#### Instructions

- **If any short- or long-term adverse effects to listed threatened or endangered species or their critical habitat are not likely, then you may check Criterion C below and answer questions C1-C8.** 
- **If any short- or long-term adverse effects to listed threatened or endangered species or their critical habitat are likely, you must follow Step 4 below.** You may still be eligible for Criterion C if you are able to install and implement appropriate measures to avoid the likelihood of adverse effects. 



**Criterion C Eligibility Requirements**

**C Discharges not likely to result in any short- or long-term adverse effects to ESA-listed species and/or designated critical habitat.** ESA-listed species and/or designated critical habitat(s) under the jurisdiction of the USFWS and/or NMFS are likely to occur in or near your site's "action area," and you certify to EPA that your site's discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects to ESA-listed threatened or endangered species and/or designated critical habitat. This certification may include consideration of any stormwater controls and/or management practices you will adopt to ensure that your discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects to ESA-listed species and/or designated critical habitat. To certify your eligibility under this criterion, you must indicate below 1) the ESA-listed species and/or designated habitat located in your "action area" using the process outlined in this Appendix; 2) the distance between the site and the listed species and/or designated critical habitat in the action area (in miles); and 3) a rationale describing specifically how short- or long-term adverse effects to ESA-listed species will be avoided from the discharges and discharge-related activities. You must also include a copy of your site map from your SWPPP showing the upland and in-water extent of your "action area" with your NOI.

**C1.** I confirm that both ESA-listed species and designated critical habitat under the jurisdiction of the USFWS and/or NMFS were considered in my evaluation. Yes

**C2.** Provide the USFWS information resources and expertise used to arrive at this criterion selection:

**C3.** Provide the NMFS information resources and expertise used to arrive at this criterion selection:

**C4.** What ESA-listed species and/or designated critical habitat are located in your “action area?” (or attach a printout of the species’ list(s))


**C5.** What is the distance between your site and the ESA-listed species and/or designated critical habitat within the action area (in miles, state “on site” if the ESA-listed species and/or designated critical habitat is within the area to be disturbed)? \_\_\_\_\_

**C6.** Provide the rationale describing specifically how any short- or long-term adverse effects to ESA-listed species will be avoided from the discharge and discharge-related activities.

**C7.** I confirm that a site map from my SWPPP showing the upland and in-water extent of my “action area” is attached. Yes

**C8.** Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion C. Yes

*Instructions*

- > **If you selected Criterion C above and answered questions C1-C8, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.**
- > If not, please proceed to step 4. 





## Step 4 - Determine if Measures Can Be Implemented to Avoid Adverse Effects

*Instructions*

If you make a preliminary decision in Step 3 that short- or long-term adverse effects from your construction activity's discharges or discharge-related activities are likely to occur, you can still receive coverage under eligibility Criterion C of the CGP if appropriate measures are undertaken to avoid or eliminate the likelihood of short- or long-term adverse effects prior to applying for CGP coverage.



These measures may involve relatively simple changes to construction activities such as re-routing a stormwater discharge to bypass an area where species are located, relocating stormwater controls, or by modifying the "footprint" of the construction activity. If you are unable to ascertain which measures to implement to avoid the likelihood of short- or long-term adverse effects, you must coordinate with USFWS and/or NMFS, in which case you would not be eligible for coverage under eligibility Criterion C, but may instead be eligible for coverage under eligibility criterion D (described in more detail in Step 5).

- **If you are able to install and implement appropriate measures to avoid the likelihood of short- or long-term adverse effects, then you may go back and check eligibility Criterion C above and answer questions C1-C8 above, and C9-C10 below.** The measures you adopt to avoid or eliminate short- or long-term adverse effects must be implemented for the duration of the construction project and your coverage under the CGP. 
- **If you cannot ascertain which measures to implement to avoid the likelihood of adverse effects,** you must follow the procedures in Step 5. 

**C9.** I confirm that I have or will install and implement appropriate measures to avoid the likelihood of any short- or long-term adverse effects to ESA-listed threatened or endangered species or their critical habitat. Yes


**C10.** Provide a description of the measures installed/to be installed and implemented to avoid likelihood of any short- or long-term adverse effects.

*Instructions*

- **If you selected Criterion C above and answered questions C1-C10, you are done with this worksheet. If you are not filing you NOI electronically, you must submit this worksheet with your NOI.** 
- If you are not eligible for Criterion C, please proceed to step 5. 

## Step 5 - Determine if the Eligibility Requirements of Criterion D Can Be Met

### Instructions

- If in Step 4 you cannot ascertain which measures to implement to avoid the likelihood of short- or long-term adverse effects, you must contact USFWS and/or NMFS. You may still be eligible for CGP coverage if likely adverse effects can be addressed through meeting criterion D.
- If you meet the requirements of criterion D, **then you may check criterion D below and answer questions D1-D5.** 

### Criterion D Eligibility Requirements

**D** Coordination with USFWS and/or NMFS has successfully concluded. Coordination between you and the USFWS and/or NMFS has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS, and resulted in a written confirmation from USFWS and/or NMFS that the effects of your site's discharges and discharge-related activities are not likely to result in short- or long-term adverse effects for ESA-listed species and/or designated critical habitat in your action area. By certifying eligibility under this criterion, you agree to comply with any conditions you must meet for your site's discharges and discharge-related activities to not likely result in any short- or long-term adverse effects. You must include copies of the correspondence with the participating agencies in your SWPPP and your NOI.

**D1.** Which Service participated in coordination? (check all that apply) USFWS  NMFS

**D2.** Identify the field and/or regional office(s) that provided the coordination?

**D3.** What is the date the coordination concluded? (MM/DD/YYYY) \_\_\_ / \_\_\_ / \_\_\_\_\_

**D4.** Check to confirm that correspondence with USFWS and/or NMFS documenting concurrence is attached. Yes

**D5.** Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion D, including copies of the correspondence between yourself and the Services. Yes

*Instructions*

- > **If you selected Criterion D above and answered questions D1-D5, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.**



**Paperwork Reduction Act Notice**

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2040-0305). Responses to this collection of information are mandatory (40 CFR 122.26). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to be 3.3 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

## Appendix E – Historic Property Screening Process

### Background

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of Federal “undertakings”, such as the issuance of this permit, on historic properties that are either listed on, or eligible for listing on, the National Register of Historic Places. To address any issues relating to historic properties in connection with the issuance of this permit, EPA developed the screening process in this appendix that enables construction operators to appropriately consider the potential impacts, if any, of their installation of stormwater controls on historic properties and to determine whether actions can be taken, if applicable, to mitigate any such impacts. Although the coverages of individual construction sites under this permit do not constitute separate Federal undertakings, the screening process in this appendix provides an appropriate site-specific means of addressing historic property issues in connection with EPA’s issuance of the permit.

#### Key Terms

**Historic property**- prehistoric or historic districts, sites, buildings, structures, or objects that are included in or eligible for inclusion in the National Register of Historic Places, including artifacts, records, and remains that are related to and located within such properties

**SHPO** – The State Historic Preservation Officer for a particular State

**THPO or Tribal representative** – The Tribal Historic Preservation Officer for a particular Tribe or, if there is no THPO, the representative designated by such Tribe for NHPA purposes

### Instructions for All Construction Operators

You are required to follow the screening process in this appendix to determine if your installation of stormwater controls on your site has the potential to cause effects to historic properties, and whether or not you need to contact your SHPO, THPO, or other Tribal representative for further information. **You may not submit your NOI until you have completed this screening process.** The following four steps describe how applicants can meet the historic property requirements under this permit:

Step 1      *Are you installing any stormwater controls that require subsurface earth disturbance?*<sup>1</sup>

The first step of the screening process is to determine if you will install stormwater controls that cause subsurface earth disturbance. The installation of the following types of stormwater controls require subsurface earth disturbance:<sup>2</sup>

- Dikes
- Berms
- Catch Basins
- Ponds
- Ditches
- Trenches
- Culverts
- Channels

<sup>1</sup> You are only required to consider earth-disturbing activities related to the installation of stormwater controls in the NHPA screening process. You are not required to consider other earth-disturbing activities at the site. If you are installing one of the above stormwater controls or another type of control that requires subsurface earth disturbance, your stormwater controls have the potential to have an effect on historic properties. If this is the case, then you must proceed to Step 2.

<sup>2</sup> This list is not intended to be exhaustive. Other stormwater controls that are not on this list may involve earth-disturbing activities and must also be examined for the potential to affect historic properties.



- Perimeter Drains
- Swales

If you are not installing one of the above stormwater controls or another type of control that requires subsurface earth disturbance, then you may indicate this on your NOI, and no further screening is necessary. During the 14-day waiting period after submitting your NOI, the SHPO, THPO, or other Tribal representative may request that EPA hold up authorization based on concerns about potential adverse effects to historic properties. EPA will evaluate any such request and notify you if any additional controls to address adverse effects to historic properties are necessary.

Step 2            *Have prior professional cultural resource surveys or other evaluations determined that historic properties do not exist, or have prior disturbances precluded the existence of historic properties?*

If you are installing a stormwater control that requires subsurface earth disturbance, you must next determine if no historic properties exist on your site based on prior professional cultural resource surveys or other evaluations, or if the existence of historic properties has been precluded because of prior earth disturbances.

If prior to your project it has already been determined that no historic properties exist at your site based on available information, including information that may be provided by your applicable SHPO, THPO, or other Tribal representative, then you may indicate this on your NOI, and no further screening steps are necessary. Similarly, if prior earth disturbances have eliminated the possibility that historic properties exist on your site, you may indicate this on your NOI, and no further screening steps are necessary. After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, or other Tribal representative may request that EPA hold up authorization based on concerns about potential adverse effects to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse effects to historic properties are necessary.

If neither of these circumstances exists for your project, you must proceed to Step 3.

Step 3            *If you are installing any stormwater controls that require subsurface earth disturbance, you must determine if these activities will have an effect on historic properties.*

If your answer to the question in Step 2 is "no", then you must assess whether your earth-disturbing activities related to the installation of stormwater controls will have an effect on historic properties. This assessment may be based on historical sources, knowledge of the area, an assessment of the types of earth-disturbing activities you are engaging in, considerations of any controls and/or management practices you will adopt to ensure that your stormwater control-related earth-disturbing activities will not have an effect on historic properties, and any other relevant factors. If you determine based on this assessment that earth disturbances related to the installation of your stormwater controls will have no effect on historic properties, you may indicate this on your NOI, and document the basis for your determination in your SWPPP, and no further screening steps are necessary. After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, or other Tribal representative may request that EPA hold up authorization based on concerns about potential adverse effects to historic properties. EPA will evaluate any such request and notify you if any further processes are necessary including any additional measures to address adverse effects to historic properties are necessary.

If none of the circumstances in Steps 1 - 3 exist for your project, you must proceed to Step 4.

Step 4:            *If you are installing any stormwater controls that require subsurface earth disturbance and you have not satisfied the conditions in Steps 1 - 3, you must contact and consult with the appropriate historic preservation authorities.*

Where you are installing stormwater controls that require subsurface earth disturbance, and you cannot determine in Step 3 that these activities will have no effect on historic properties, then you must contact the relevant SHPO, THPO, or other Tribal representative to request their views as to the likelihood that historic properties are potentially present on your site and may be impacted by the installation of these controls.

*Note: Addresses for SHPOs may be found at <https://ncshpo.org/directory/>, and addresses for THPOs may be found at [https://grantsdev.cr.nps.gov/THPO\\_Review/index.cfm](https://grantsdev.cr.nps.gov/THPO_Review/index.cfm). If a Tribe does not have a THPO, you should contact the appropriate Tribal government office designated by the Tribe for this purpose.*

You must submit the following minimum information in order to properly initiate your request for information:

1. Project name (*i.e.*, the name or title most commonly associated with your project);
2. A narrative description of the project;
3. Name, address, phone and fax number, and email address (if available) of the operator;
4. Most recent U.S. Geological Survey (USGS) map section (7.5 minute quadrangle) showing actual project location and boundaries clearly indicated; and
5. Sections of the SWPPP site map (see Part 7.2.4) that show locations where stormwater controls that will cause subsurface earth disturbance will be installed (see Step 1).

Without submitting this minimum information, you will not have been considered to have properly initiated your request. You will need to provide the SHPO, THPO, or other Tribal representative **a minimum of 15 calendar days** after they receive these materials to respond to your request for information about your project.

If you do not receive a response within 15 calendar days after receipt by the SHPO, THPO, or other Tribal representative of your request, then you may indicate this on your NOI, and no further screening steps are necessary. Or, if the applicable SHPO, THPO, or other Tribal representative responds to your request with an indication that no historic properties will be affected by the installation of stormwater controls at your site, then you may indicate this on your NOI, and no further screening steps are necessary. After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, or other Tribal representative may request that EPA hold up authorization based on concerns about potential adverse effects to historic properties. EPA will evaluate any such request and notify you if any further processes are necessary including any additional measures to address adverse effects to historic properties are necessary.

If within 15 calendar days of receipt of your request the applicable SHPO, THPO, or other Tribal representative responds with a request for additional information or for further consultation regarding appropriate measures for treatment or mitigation of effects on historic properties caused by the installation of stormwater controls on your site, you must comply with this request and proceed to Step 5.

Step 5: Consultation with applicable consulting parties.

If, following your discussions with the appropriate historic preservation authorities in Step 4, the applicable SHPO, THPO, Tribal representative, or any other consulting party requests additional information or further consultation, you must respond with such information or consult to determine impacts to historic properties that may be caused by the installation of stormwater controls on your site and appropriate measures for treatment or mitigation of such impacts. If as a result of your discussions with the applicable SHPO, THPO, Tribal representative, or any other

consulting party, you enter into, and comply with, a written agreement regarding treatment and/or mitigation of impacts on your site, then you may indicate this on your NOI, and no further screening steps are necessary.

If, however, agreement on an appropriate treatment or mitigation plan cannot be reached between you and the SHPO, THPO, Tribal representative, or any other consulting party within 30 days of your response to the SHPO, THPO, Tribal representative, or any other consulting party's request for additional information or further consultation, you may submit your NOI, but you must indicate that you have not negotiated measures to avoid or mitigate such effects. You must also include in your SWPPP the following documentation:

1. Copies of any written correspondence between you and the SHPO, THPO, Tribal representative, or any other consulting party; and
2. A description of any significant remaining disagreements as to mitigation measures between you and the SHPO, THPO, Tribal representative, or any other consulting party.

After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, ACHP, Tribal representative, or any other consulting party may request that EPA place a hold on authorization based upon concerns regarding potential adverse effects to historic properties. EPA, in coordination with the ACHP, will evaluate any such request and notify you if any further processes are necessary including any additional measures to address adverse effects to historic properties are necessary.

**Appendix F – Buffer Requirements.**

The purpose of this appendix is to assist you in complying with the requirements in Part 2.2.1 of the permit regarding the establishment of natural buffers and/or equivalent sediment controls. This appendix is organized as follows:

F.1 SITES THAT ARE REQUIRED TO PROVIDE AND MAINTAIN NATURAL BUFFERS AND/OR EQUIVALENT EROSION AND SEDIMENT CONTROLS ..... 2

F.2 COMPLIANCE ALTERNATIVES AND EXCEPTIONS..... 3

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F.1 SITES THAT ARE REQUIRED TO PROVIDE AND MAINTAIN NATURAL BUFFERS AND/OR EQUIVALENT EROSION AND SEDIMENT CONTROLS

The requirement in Part 2.2.1 to provide and maintain natural buffers and/or equivalent erosion and sediment controls applies for any discharges to waters of the U.S. located within 50 feet of your site's earth disturbances. If the receiving water is not located within 50 feet of earth-disturbing activities, Part 2.2.1 does not apply. See Figure F - 1.

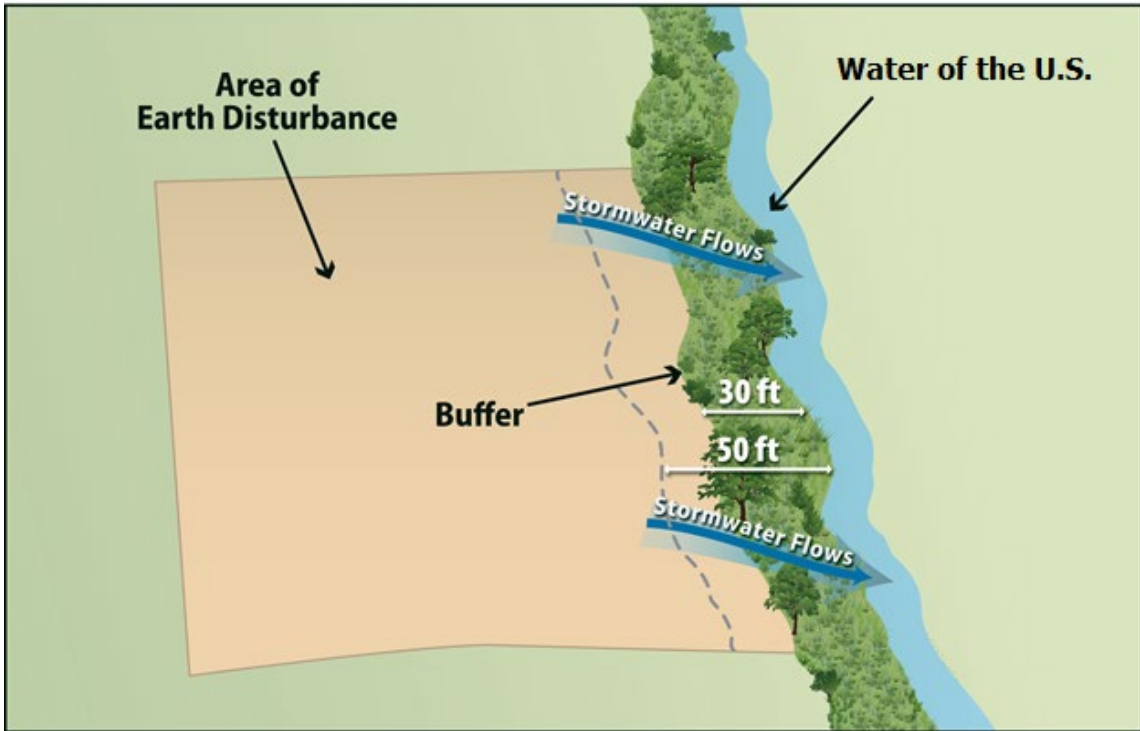


Figure F-1 Example of earth-disturbing activities within 50 feet of a water of the U.S.

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## F.2 COMPLIANCE ALTERNATIVES AND EXCEPTIONS

### F.2.1 Compliance Alternatives

If Part 2.2.1 applies to your site, you have three compliance alternatives from which you can choose, unless you qualify for any of the exceptions (see below and Part 2.2.1.a):

1. Provide and maintain a 50-foot undisturbed natural buffer; or
2. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or
3. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

The compliance alternative selected must be maintained throughout the duration of permit coverage.

See Part F.2.2 below for exceptions to the compliance alternatives.

See Part F.2.3 for requirements applicable to providing and maintaining natural buffers under compliance alternatives 1 and 2 above.

See Part F.2.4 for requirements applicable to providing erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer under compliance alternatives 2 and 3 above.

### F.2.2 Exceptions to the Compliance Alternatives

The following exceptions apply to the requirement to implement one of the Part 2.2.1.a compliance alternatives (see also Part 2.2.1.b):

- The following disturbances are exempt from the requirements Part 2.2.1 and this Appendix<sup>1</sup>:
  - Construction approved under a CWA Section 404 permit; or
  - Construction of a water-dependent structure or water access areas (*e.g., pier, boat ramp, trail*).
- If there is no discharge of stormwater to waters of the U.S. through the area between the disturbed portions of the site and any waters of the U.S. located within 50 feet of your site, you are not required to comply with the requirements in Part 2.2.1 and this Appendix. This includes situations where you have implemented controls measures, such as a berm or other barrier, that will prevent such discharges.
- Where no natural buffer exists due to preexisting development disturbances (*e.g., structures, impervious surfaces*) that occurred prior to the initiation of planning for the current development of the site, you are not required to comply with the requirements in Part 2.2.1 and this Appendix.  
Where some natural buffer exists but portions of the area within 50 feet of the receiving water are occupied by preexisting development disturbances, you are

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<sup>1</sup> This exemption does not apply, however, to disturbances within 50 feet of a receiving water that are adjacent to the disturbances listed here (i.e., construction permitted under CWA Section 404, or construction of a water-dependent structure or water access area) and that are covered by this permit.



required to comply with the requirements in Part 2.2.1 and this Appendix. For the purposes of calculating the sediment load reduction for either compliance alternative 2 or 3, you are not expected to compensate for the reduction in buffer function that would have resulted from the area covered by these preexisting disturbances. Clarity about how to implement the compliance alternatives for these situations is provided in F.2.3 and F.2.4 below.

If during your project, you will disturb any portion of these preexisting disturbances, the area removed will be deducted from the area treated as a "natural buffer."

- For "linear construction sites" (see Appendix A), you are not required to comply with this requirement if site constraints (*e.g., limited right-of-way*) make it infeasible to implement one of the Part 2.2.1.a compliance alternatives, provided that, to the extent feasible, you limit disturbances within 50 feet of any waters of the U.S. and/or you provide supplemental erosion and sediment controls to treat stormwater discharges from earth disturbances within 50 feet of the receiving water. You must also document in your SWPPP your rationale for why it is infeasible for you to implement one of the Part 2.2.1.a compliance alternatives, and describe any buffer width retained and supplemental erosion and sediment controls installed.
- For "small residential lot" construction (*i.e., a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre*), you have the option of complying with one of the "small residential lot" compliance alternatives in Part F.3 of this appendix.

Note that you must document in your SWPPP if any disturbances related to any of the above exceptions occurs within the buffer area on your site.

### **F.2.3 Requirements for Providing and Maintaining Natural Buffers**

This part of the appendix applies to you if you choose compliance alternative 1 (50-foot buffer), compliance alternative 2 (a buffer of < 50 feet supplemented by additional erosion and sediment controls that achieve the equivalent sediment load reduction as the 50-foot buffer), or if you are providing a buffer in compliance with one of the "small residential lot" compliance alternatives in Part F.3.

#### **Buffer Width Measurement**

Where you are retaining a buffer of any size, the buffer should be measured perpendicularly from any of the following points, whichever is further landward from the water:

1. The ordinary high water mark of the water body, defined as the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris; or
2. The edge of the stream or river bank, bluff, or cliff, whichever is applicable.

Refer to Figures F – 2 and F - 3. You may find that specifically measuring these points is challenging if the flow path of the receiving water changes frequently, thereby causing the measurement line for the buffer to fluctuate continuously along the path of the waterbody. Where this is the case, EPA suggests that rather than measuring each change or deviation along the water's edge, it may be easier to select regular intervals

from which to conduct your measurement. For instance, you may elect to conduct your buffer measurement every 5 to 10 feet along the length of the water.

Additionally, note that if earth-disturbing activities will take place on both sides of a receiving water that flows through your site, to the extent that you are establishing a buffer around this water, it must be established on both sides. For example, if you choose compliance alternative 1, and your project calls for disturbances on both sides of a small stream, you would need to retain the full 50 feet of buffer on both sides of the water. However, if your construction activities will only occur on one side of the stream, you would only need to retain the 50-foot buffer on the side of the stream where the earth-disturbance will occur.

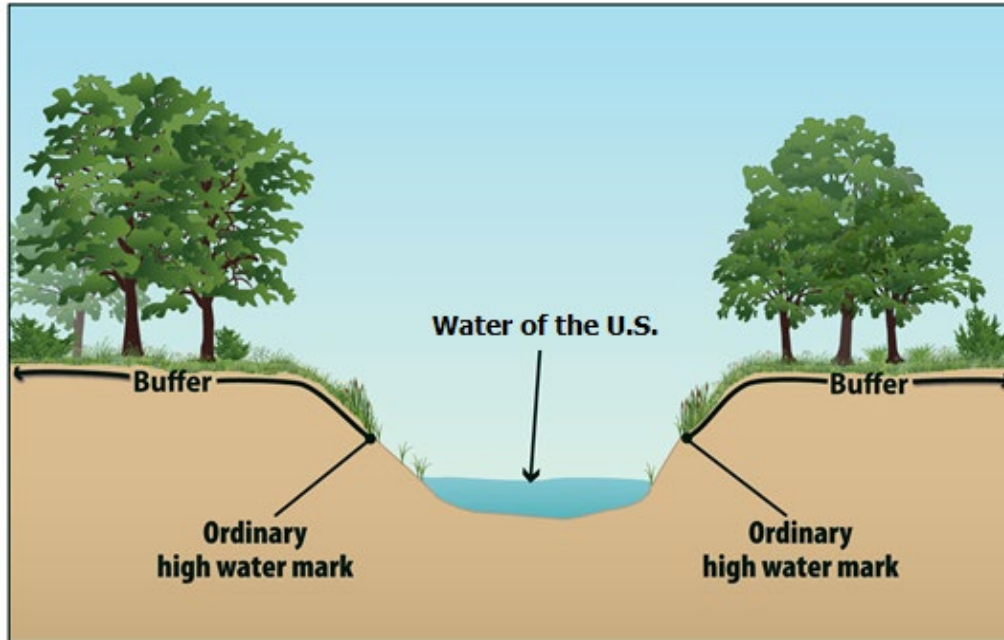


Figure F-2 Buffer measurement from the ordinary high water mark of the water body, as indicated by a clear natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, and/or the presence of litter/debris.

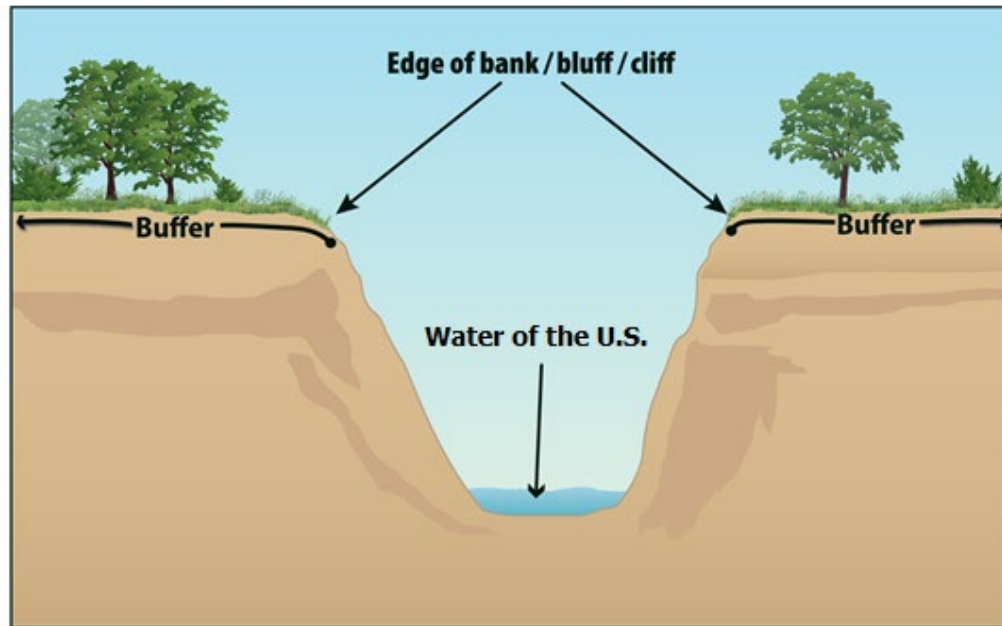


Figure F-3 Buffer measurement from the edge of the bank, bluff, or cliff, whichever is applicable.

#### Limits to Disturbance Within the Buffer

You are considered to be in compliance with the requirement to provide and maintain a natural buffer if you retain and protect from construction activities the natural buffer that existed prior to the commencement of construction. If the buffer area contains no vegetation prior to the commencement of construction (e.g., sand or rocky surface), you are not required to plant vegetation. As noted above, any preexisting structures or impervious surfaces may occur in the natural buffer provided you retain and protect from disturbance the buffer areas outside of the preexisting disturbance.

To ensure that the water quality protection benefits of the buffer are retained during construction, you are prohibited from conducting any earth-disturbing activities within the buffer during permit coverage. In furtherance of this requirement, **prior to commencing earth-disturbing activities on your site, you must delineate, and clearly mark off, with flags, tape, or a similar marking device, the buffer area on your site.** The purpose of this requirement is to make the buffer area clearly visible to the people working on your site so that unintended disturbances are avoided.

While you are not required to enhance the quality of the vegetation that already exists within the buffer, you are encouraged to do so where such improvements will enhance the water quality protection benefits of the buffer. (Note that any disturbances within the buffer related to buffer enhancement are permitted and do not constitute construction disturbances.) For instance, you may want to target plantings where limited vegetation exists, or replace existing vegetation where invasive or noxious plant species (see <http://plants.usda.gov/java/noxiousDriver>) have taken over. In the case of invasive or noxious species, you may want to remove and replace them with a diversity of native trees, shrubs, and herbaceous plants that are well-adapted to the climatic, soil, and hydrologic conditions on the site. You are also encouraged to limit the removal of naturally deposited leaf litter, woody debris, and other biomass, as this material contributes to the ability of the buffer to retain water and filter pollutants.

If a portion of the buffer area adjacent to the receiving water is owned by another party and is not under your control, you are only required to retain and protect from construction activities the portion of the buffer area that is under your control. For example, if you comply with compliance alternative 1 (provide and maintain a 50-foot buffer), but 10 feet of land immediately adjacent to the receiving water is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you must only retain and protect from construction activities the 40-foot buffer area that occurs adjacent to the property on which your construction activities are taking place. EPA would consider you to be in compliance with this requirement regardless of the activities that are taking place in the 10-foot area that is owned by a different party than the land on which your construction activities are taking place that you have no control over.

#### **Discharges to the Buffer**

**You must ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls** (for example, you must comply with the Part 2.2.3 requirement to install sediment controls along any perimeter areas of the site that will receive pollutant discharges), **and if necessary to prevent erosion caused by stormwater flows within the buffer, you must use velocity dissipation devices.** The purpose of this requirement is to decrease the rate of stormwater flow and encourage infiltration so that the pollutant filtering functions of the buffer will be achieved. To comply with this requirement, construction operators typically will use devices that physically dissipate stormwater flows so that the discharge entering the buffer is spread out and slowed down.

#### **SWPPP Documentation**

You are required to document in your SWPPP the natural buffer width that is retained. For example, if you are complying with alternative 1, you must specify in your SWPPP that you are providing a 50-foot buffer. Or, if you will be complying with alternative 2, you must document the reduced width of the buffer you will be retaining (and you must also describe the erosion and sediment controls you will use to achieve an equivalent sediment reduction, as required in Part F.2.4 below). Note that you must also show any buffers on your site map in your SWPPP consistent with Part 7.2.4.j. Additionally, if any disturbances related to the exceptions in Part F.2.2 occur within the buffer area, you must document this in the SWPPP.

#### **F.2.4 Guidance for Providing the Equivalent Sediment Reduction as a 50-foot Buffer**

This part of the appendix applies to you if you choose compliance alternative 2 (provide and maintain a buffer that is less than 50 feet that is supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot buffer) or compliance alternative 3 (implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot buffer).

#### **Determine Whether it is Feasible to Provide a Reduced Buffer**

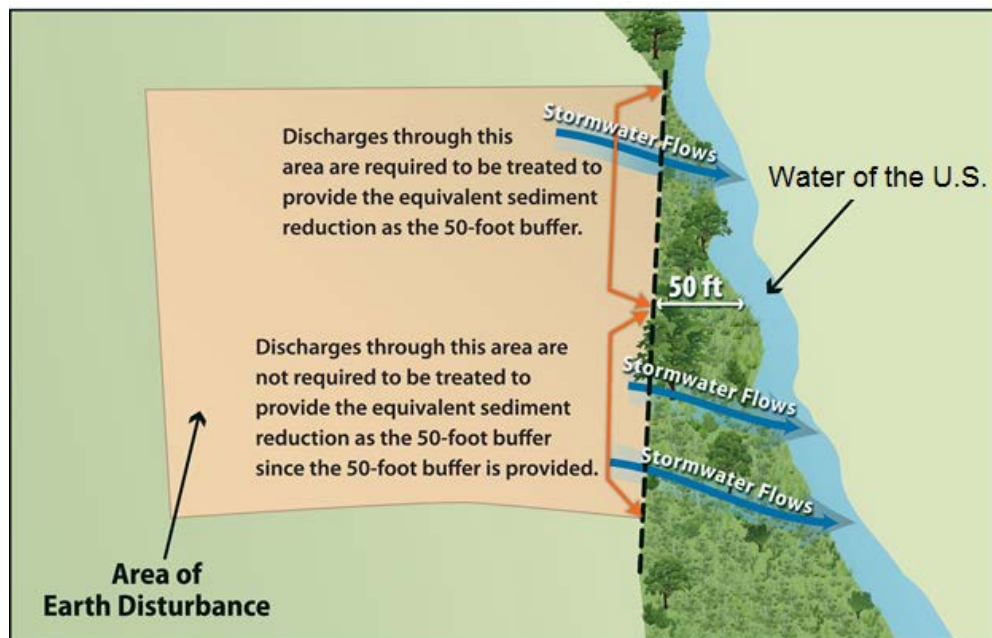
EPA recognizes that there will be a number of situations in which it will be infeasible to provide and maintain a buffer of any width. While some of these situations may exempt you from the buffer requirement entirely (see F.2.2), if you do not qualify for one of these exemptions, there still may be conditions or circumstances at your site that make it infeasible to provide a natural buffer. For example, there may be sites where a significant portion of the property on which the earth-disturbing activities will occur is located within the buffer area, thereby precluding the retention of natural buffer areas.

Therefore, you should choose compliance alternative 2 if it is feasible for you to retain some natural buffer on your site. (Note: For any buffer width retained, you are required to comply with the requirements in Part F.2.3, above, concerning the retention of vegetation and restricting earth disturbances.) Similarly, if you determine that it is infeasible to provide a natural buffer of any size during construction, you should choose alternative 3.

### Design Controls That Provide Equivalent Sediment Reduction as 50-foot Buffer

You must next determine what additional controls must be implemented on your site that, alone or in combination with any retained natural buffer, achieve a reduction in sediment equivalent to that achieved by a 50-foot buffer.

Note that if only a portion of the natural buffer is less than 50 feet, you are only required to implement erosion and sediment controls that achieve the sediment load reduction equivalent to the 50-foot buffer for discharges through that area. You would not be required to provide additional treatment of stormwater discharges that flow through 50 feet or more of natural buffer. See Figure F-4.



**Figure F-4 Example of how to comply with the requirement to provide the equivalent sediment reduction when only a portion of your earth-disturbances discharge to a buffer of less than 50-feet.**

Steps to help you meet compliance alternative 2 and 3 requirements are provided below.

#### **Step 1 - Estimate the Sediment Reduction from the 50-foot Buffer**

In order to design controls that match the sediment removal efficiency of a 50-foot buffer, you first need to know what this efficiency is for your site. The sediment removal efficiencies of natural buffers vary according to a number of site-specific factors, including precipitation, soil type, land cover, slope length, width, steepness, and the types of erosion and sediment controls used to reduce the discharge of sediment prior to the buffer. EPA has simplified this calculation by developing buffer performance tables covering a range of vegetation and soil types for the areas covered by the CGP. See

Attachment 1 of this Appendix, Tables F-8 through F-15. Note: buffer performance values in Tables F-8 through F-15 represent the percent of sediment captured through the use of perimeter controls (e.g., silt fences) and 50-foot buffers at disturbed sites of fixed proportions and slopes.<sup>2</sup>

Using Tables F-8 through F-15 (see Attachment 1 of this Appendix), you can determine the sediment removal efficiency of a 50-foot buffer for your geographic area by matching the vegetative cover type that best describes your buffer area and the type of soils that predominate at your site. For example, if your site is located in Massachusetts (Table F-9), and your buffer vegetation corresponds most closely with that of tall fescue grass, and the soil type at your site is best typified as sand, your site's sediment removal efficiency would be 81 percent.

In this step, you should choose the vegetation type in the tables that most closely matches the vegetation that would exist naturally in the buffer area on your site regardless of the condition of the buffer. However, because you are not required to plant any additional vegetation in the buffer area, in determining what controls are necessary to meet this sediment removal equivalency in Step 2 below, you will be able to take credit for this area as a fully vegetated "natural buffer."

Similarly, if a portion of the buffer area adjacent to the receiving water is owned by another party and is not under your control, you can treat the area of land not under your control as having the equivalent vegetative cover and soil type that predominates on the portion of the property on which your construction activities are occurring.

*For example, if your earth-disturbances occur within 50 feet of a receiving water, but the 10 feet of land immediately adjacent to the receiving water is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you can treat the 10 foot area adjacent to the stream as having the equivalent soil and vegetation type that predominates in*

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<sup>2</sup> EPA used the following when developing the buffer performance tables:

- The sediment removal efficiencies are based on the U.S. Department of Agriculture's RUSLE2 ("Revised Universal Soil Loss Equation 2") model for slope profiles using a 100-foot long denuded slopes.
- Sediment removal was defined as the annual sediment delivered at the downstream end of the 50-foot natural buffer (tons/yr/acre) divided by the annual yield from denuded area (tons/yr/acre).
- As perimeter controls are also required by the CGP, sediment removal is in part a function of the reduction due to a perimeter control (i.e., silt fence) located between the disturbed portion of the site and the upstream edge of the natural buffer and flow traveling through a 50-foot buffer of undisturbed natural vegetation.
- It was assumed that construction sites have a relatively uniform slope without topographic features that accelerate the concentration for erosive flows.
- It was assumed that vegetation has been removed from the disturbed portion of the site and a combination of cuts and fills have resulted in a smooth soil surface with limited retention of near-surface root mass.

To represent the influence of soil, EPA analyzed 11 general soil texture classifications in its evaluation of buffer performance. To represent different types of buffer vegetation, EPA evaluated 4 or more common vegetative types for each State/Territory covered under the permit. For each vegetation type evaluated, EPA considered only permanent, non-grazed, and non-harvested vegetation, on the assumption that a natural buffer adjacent to the receiving water will typically be undisturbed. EPA also evaluated slope steepness and found that sediment removal efficiencies present in Tables G-8 through G-15 are achievable for slopes that are less than nine percent.



*the 40 foot area under your control. You would then make the same assumption in Step 2 for purposes of determining the equivalent sediment removal.*

Alternatively, you may do your own calculation of the effectiveness of the 50-foot buffer based upon your site-specific conditions, and may use this number as your sediment removal equivalency standard to meet instead of using Tables F-8 through F-15. This calculation must be documented in your SWPPP.

### **Step 2 - Design Controls That Match the Sediment Removal Efficiency of the 50-foot Buffer**

Once you determine the estimated sediment removal efficiency of a 50-foot buffer for your site in Step 1, you must next select stormwater controls that will provide an equivalent sediment load reduction. These controls can include the installation of a single control, such as a sediment pond or additional perimeter controls, or a combination of stormwater controls. Whichever control(s) you select, you must demonstrate in your SWPPP that the controls will provide at a minimum the same sediment removal capabilities as a 50-foot natural buffer (Step 1). You may take credit for the removal efficiencies of your required perimeter controls in your calculation of equivalency, because these were included in calculating the buffer removal efficiencies in Tables F-8 through F-15. (Note: You are reminded that the controls must be kept in effective operating condition until you complete final stabilization on the disturbed portions of the site discharging to the receiving water)

To make the determination that your controls and/or buffer area achieve an equivalent sediment load reduction as a 50-foot buffer, you should use a model or other type of calculation. As mentioned above, there are a variety of models available that can be used to support your calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other models. A couple of examples are provided in Attachment 3 to help illustrate how this determination could be made.

If you retain a buffer of less than 50 feet, you may take credit for the removal that will occur from the reduced buffer and only need to provide additional controls to make up the difference between the removal efficiency of a 50 foot buffer and the removal efficiency of the narrower buffer. For example, if you retain a 30 foot buffer, you can account for the sediment removal provided by the 30 foot buffer retained, and you will only need to design controls to make up for the additional removal provided by the 20 feet of buffer that is not being provided. To do this, you would plug the width of the buffer that is retained into RUSLE or another model, along with other stormwater controls that will together achieve a sediment reduction equivalent to a natural 50-foot buffer.

As described in Step 1 above, you can take credit for the area you retained as a "natural buffer" as being fully vegetated, regardless of the condition of the buffer area.

*For example, if your earth-disturbances occur 30 feet from a receiving water, but the 10 feet of land immediately adjacent to the receiving water is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you can treat the 10-foot area as a natural buffer, regardless of the activities that are taking place in the area. Therefore, you can assume (for purposes of your equivalency calculation) that your site is providing the sediment removal equivalent of a 30-foot buffer, and you will only need to design controls to make up for the additional removal provided by the 20-foot of buffer that is not being provided.*

**Step 3 - Document How Site-Specific Controls Will Achieve the Sediment Removal Efficiency of the 50-foot Buffer**

In Steps 1 and 2, you determined both the expected sediment removal efficiency of a 50-foot buffer at your site, and you used this number as a performance standard to design controls to be installed at your site, which alone or in combination with any retained natural buffer, achieves the expected sediment removal efficiency of a 50-foot buffer at your site. The final step is to document in your SWPPP the information you relied on to calculate the equivalent sediment reduction as an undisturbed natural buffer.

EPA will consider your documentation to be sufficient if it generally meets the following:

- For Step 1, refer to the table in Attachment 1 that you used to derive your estimated 50-foot buffer sediment removal efficiency performance. Include information about the buffer vegetation and soil type that predominate at your site, which you used to select the sediment load reduction value in Tables F-8 through F-15. Or, if you conducted a site-specific calculation for sediment removal efficiency, provide the specific removal efficiency, and the information you relied on to make your site-specific calculation.
- For Step 2, (1) Specify the model you used to estimate sediment load reductions from your site; and (2) the results of calculations showing how your controls will meet or exceed the sediment removal efficiency from Step 1.

If you choose compliance alternative 3, you must also include in your SWPPP a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size.

### F.3 SMALL RESIDENTIAL LOT COMPLIANCE ALTERNATIVES

EPA has developed two additional compliance alternatives applicable only to “small residential lots” that are unable to provide and maintain a 50 foot buffer.

A **small residential lot** is a lot or grouping of lots being developed for residential purposes that will disturb less than 1 acre of land, but that is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.

The following steps describe how a small residential lot operator would achieve compliance with one these 2 alternatives.

#### F.3.1 Small Residential Lot Compliance Alternative Eligibility

In order to be eligible for the small residential lot compliance alternatives, the following conditions must be met:

- a. The lot or grouping of lots meets the definition of “small residential lot”; and
- b. The operator must follow the guidance for providing and maintaining a natural buffer in Part F.2.3 of this Appendix, including:
  - i. Ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site’s erosion and sediment controls, and use velocity dissipation devices if necessary to prevent erosion caused by stormwater within the buffer;
  - ii. Document in the SWPPP the natural buffer width retained on the property, and show the buffer boundary on your site plan; and
  - iii. Delineate, and clearly mark off, with flags, tape, or other similar marking device, all natural buffer areas.

#### F.3.2 Small Residential Lot Compliance Alternatives

You must next choose from one of two small residential lot compliance alternatives and implement the stormwater control practices associated with that alternative.

*Note: The compliance alternatives provided below are not mandatory. Operators of small residential lots can alternatively choose to comply with the any of the options that are available to other sites in Part 2.2.1.a and F.2.1 of this Appendix.*

##### Small Residential Lot Compliance Alternative 1

Alternative 1 is a straightforward tiered-technology approach that specifies the controls that a small residential lot must implement based on the buffer width retained. To meet the requirements of small residential lot compliance alternative 1, you must implement the controls specified in Table F-1 based on the buffer width to be retained. See footnote 3, below, for a description of the controls you must implement.

*For example, if you are an operator of a small residential lot that will be retaining a 35-foot buffer and you choose Small Residential Lot Compliance Alternative 1, you must implement double perimeter controls between earth disturbances and the receiving water*

In addition to implementing the applicable control, you must also document in your SWPPP how you will comply with small residential lot compliance alternative 1.

Table F-1 Alternative 1 Requirements<sup>3</sup>

Retain 50-foot Buffer	Retain <50 and >30 foot Buffer	Retain ≤ 30 foot Buffer
No Additional Requirements	Double Perimeter Controls	Double Perimeter Controls and 7-Day Site Stabilization

### Small Residential Lot Compliance Alternative 2

Alternative 2 specifies the controls that a builder of a small residential lot must implement based on both the buffer width retained and the site's sediment discharge risk. By incorporating the sediment risk, this approach may result in the implementation of controls that are more appropriate for the site's specific conditions.

#### Step 1 – Determine Your Site's Sediment Risk Level

To meet the requirements of Alternative 2, you must first determine your site's sediment discharge "risk level" based on the site's slope, location, and soil type. To help you to determine your site's sediment risk level, EPA developed five different tables for different slope conditions. You should select the table that most closely corresponds to your site's average slope.

*For example, if your site's average slope is 7 percent, you should use Table G-4 to determine your site's sediment risk.*

After you determine which table applies to your site, you must then use the table to determine the "risk level" (e.g., "low", "moderate", or "high") that corresponds to your site's location and predominant soil type.<sup>4</sup>

*For example, based on Table F-3, a site located in New Hampshire with a 4 percent average slope and with predominately sandy clay loam soils would fall into the "moderate" risk level.*

### <sup>3</sup> Description of Additional Controls Applicable to Small Residential Lot Compliance Alternatives 1 and 2:

- **No Additional Requirements:** If you implement a buffer of 50 feet or greater, then you are not subject to any additional requirements. Note that you are required to install perimeter controls between the disturbed portions of your site and the buffer in accordance with Part 2.2.3.
- **Double Perimeter Control:** In addition to the reduced buffer width retained on your site, you must provide a double row of perimeter controls between the disturbed portion of your site and the receiving water spaced a minimum of 5 feet apart.
- **Double Perimeter Control and 7-Day Site Stabilization:** In addition to the reduced buffer width retained on your site and the perimeter control implemented in accordance with Part 2.2.3, you must provide a double row of perimeter controls between the disturbed portion of your site and the receiving water spaced a minimum of 5 feet apart, and you are required to complete the stabilization activities specified in Parts 2.2.14 within 7 calendar days of the temporary or permanent cessation of earth-disturbing activities.

<sup>4</sup> One source for determining your site's predominant soil type is the USDA's Web Soil Survey located at <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.

Table F-2 Risk Levels for Sites with Average Slopes of ≤ 3 Percent

Soil Type \ Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	Moderate	Moderate	Moderate	Moderate	High
Puerto Rico	Moderate	Moderate	Moderate	Moderate	High
Virgin Islands	Low	Moderate	Low	Moderate	Moderate
American Samoa	Moderate	Moderate	Moderate	Moderate	High
Massachusetts and New Hampshire	Low	Moderate	Low	Low	Moderate
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Low	Low	Low	Low
Washington D.C.	Low	Moderate	Low	Low	Moderate

Table F-3 Risk Levels for Sites with Average Slopes of > 3 Percent and ≤ 6 Percent

Soil Type \ Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	Moderate	Moderate	Moderate	Moderate	High
Puerto Rico	Moderate	Moderate	Moderate	Moderate	High
Virgin Islands	Moderate	Moderate	Moderate	Moderate	High
American Samoa	High	High	Moderate	High	High
Massachusetts and New Hampshire	Moderate	Moderate	Low	Moderate	High
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Low	Low	Low	Moderate
Washington D.C.	Moderate	Moderate	Moderate	Moderate	High

Table F-4 Risk Levels for Sites with Average Slopes of > 6 Percent and ≤ 9 Percent

Soil Type Location					
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	Moderate	High	Moderate	High	High
Puerto Rico	Moderate	High	Moderate	Moderate	High
Virgin Islands	Moderate	Moderate	Moderate	Moderate	High
American Samoa	High	High	High	High	High
Massachusetts and New Hampshire	Moderate	Moderate	Moderate	Moderate	High
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Low	Low	Low	Moderate
Washington D.C.	Moderate	Moderate	Moderate	Moderate	High

Table F-5 Risk Levels for Sites with Average Slopes of > 9 Percent and ≤ 15 Percent

Soil Type Location					
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	High	High	High	High	High
Puerto Rico	High	High	High	High	High
Virgin Islands	Moderate	High	Moderate	High	High
American Samoa	High	High	High	High	High
Massachusetts and New Hampshire	Moderate	Moderate	Moderate	Moderate	High
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Moderate	Low	Moderate	Moderate
Washington D.C.	Moderate	High	Moderate	Moderate	High



Table F-6 Risk Levels for Sites with Average Slopes of > 15 Percent

Soil Type Location	Silty Clay Loam or Clay- Loam		Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
	Clay	Loam			
CNMI / Guam	High	High	High	High	High
Puerto Rico	High	High	High	High	High
Virgin Islands	High	High	High	High	High
American Samoa	High	High	High	High	High
Massachusetts and New Hampshire	High	High	Moderate	High	High
Idaho	Low	Low	Low	Low	Moderate
New Mexico	Moderate	Moderate	Moderate	Moderate	High
Washington D.C.	High	High	Moderate	High	High

**Step 2 – Determine Which Additional Controls Apply**

Once you determine your site’s “risk level”, you must next determine the additional controls you need to implement on your site, based on the width of buffer you plan to retain. Table F-7 specifies the requirements that apply based on the “risk level” and buffer width retained. See footnote 3, above, for a description of the additional controls that are required.

*For example, if you are the operator of a small residential lot that falls into the “moderate” risk level, and you decide to retain a 20-foot buffer, using Table F-7 you would determine that you need to implement double perimeter controls to achieve compliance with small residential lot compliance alternative 2.*

You must also document in your SWPPP your compliance with small residential lot compliance alternative 2.

Table F-7. Alternative 2 Requirements<sup>2</sup>

Risk Level Based on Estimated Soil Erosion	Retain ≥ 50' Buffer	Retain <50' and >30' Buffer	Retain ≤30' and >10' Buffer	Retain ≤ 10' Buffer
Low Risk	No Additional Requirements	No Additional Requirements	Double Perimeter Control	Double Perimeter Control
Moderate Risk	No Additional Requirements	Double Perimeter Control	Double Perimeter Control	Double Perimeter Control and 7-Day Site Stabilization
High Risk	No Additional Requirements	Double Perimeter Control	Double Perimeter Control and 7-Day Site Stabilization	Double Perimeter Control and 7-Day Site Stabilization

## ATTACHMENT 1

Sediment Removal Efficiency Tables<sup>5</sup>

EPA recognizes that very high removal efficiencies, even where theoretically achievable by a 50-foot buffer, may be very difficult to achieve in practice using alternative controls. Therefore in the tables below, EPA has limited the removal efficiencies to a maximum of 90%. Efficiencies that were calculated at greater than 90% are shown as 90%, and this is the minimum percent removal that must be achieved by alternative controls.

**Table F-8 Estimated 50-foot Buffer Performance in Idaho\***

Type of Buffer Vegetation**	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Tall Fescue Grass	42	52	44	48	85
Medium-density Weeds	28	30	28	26	60
Low-density Warm-season Native Bunchgrass (i.e., Grama Grass)	25	26	24	24	55
Northern Mixed Prairie Grass	28	30	28	26	50
Northern Range Cold Desert Shrubs	28	28	24	26	50

\* Applicable for sites with less than nine percent slope

\*\* Characterization focuses on the under-story vegetation

**Table F-9 Estimated 50-foot Buffer Performance in Massachusetts and New Hampshire\***

Type of Buffer Vegetation**	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Warm-season Grass (i.e., Switchgrass, Lemongrass)	79	90	90	90	90
Cool-season Dense Grass (Kentucky Bluegrass, Smooth Bromegrass, Timothy)	78	90	90	90	90
Tall Fescue Grass	76	90	81	89	90
Medium-density Weeds	66	76	60	72	66

\* Applicable for sites with less than nine percent slope

\*\* Characterization focuses on the under-story vegetation

<sup>5</sup> The buffer performances were calculated based on a denuded slope upgradient of a 50-foot buffer and a perimeter controls, as perimeter controls are a standard requirement (see Part 2.2.3).

Table F-10 Estimated 50-foot Buffer Performance in New Mexico\*

Type of Buffer Vegetation **	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Tall Fescue grass	71	85	80	86	90
Medium-density Weeds	56	73	55	66	78
Low-density Warm-season Native Bunchgrass (i.e., Grama Grass)	53	70	51	62	67
Southern Mixed Prairie Grass	53	71	52	63	50
Southern Range Cold Desert Shrubs	56	73	55	65	53

\* Applicable for sites with less than nine percent slope

\*\* Characterization focuses on the under-story vegetation

Table F-11 Estimated 50-foot Buffer Performance in Washington, DC\*

Type of Buffer Vegetation **	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Warm-season Grass (i.e., Switchgrass, Lemongrass)	82	90	90	90	90
Cool-season Dense Grass (Kentucky Bluegrass, Smooth Bromegrass, Timothy)	81	90	90	90	90
Tall Fescue Grass	79	90	83	89	90
Medium-density Weeds	71	79	66	75	74

\* Applicable for sites with less than nine percent slope

\*\* Characterization focuses on the under-story vegetation

Table F-12 Estimated 50-foot Buffer Performance in American Samoa\*

Type of Buffer Vegetation **	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Bahiagrass (Permanent cover)	82	90	90	90	83
Warm-season Grass (i.e., Switchgrass, Lemongrass)	82	90	90	90	85
Dense Grass	82	90	90	90	83
Tall Fescue Grass	82	89	82	89	79
Medium-density Weeds	70	73	62	75	59

\* Applicable for sites with less than nine percent slope

\*\* Characterization focuses on the under-story vegetation

Table F-13 Estimated 50-foot Buffer Performance in CNMI and Guam\*

Type of Buffer Vegetation **	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Bahiagrass (Permanent cover)	80	90	90	90	89
Warm-season Grass (i.e., Switchgrass, Lemongrass)	80	90	90	90	90
Dense Grass	79	90	90	90	89
Tall Fescue Grass	76	90	80	88	87
Medium-density Weeds	63	73	53	68	61

\* Applicable for sites with less than nine percent slope

\*\* Characterization focuses on the under-story vegetation

Table F-14 Estimated 50-foot Buffer Performance in Puerto Rico\*

Type of Buffer Vegetation**	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Bahiagrass (Permanent cover)	83	90	90	90	90
Warm-season Grass (i.e., Switchgrass, Lemongrass)	83	90	90	90	90
Dense Grass	83	90	90	90	90
Tall Fescue Grass	82	90	84	90	89
Medium-density Weeds	72	78	65	76	64

\* Applicable for sites with less than nine percent slope

\*\* Characterization focuses on the under-story vegetation

Table F-15 Estimated 50-foot Buffer Performance in Virgin Islands\*

Type of Buffer Vegetation**	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Bahiagrass (Permanent cover)	85	90	90	90	90
Warm-season Grass (i.e., Switchgrass, Lemongrass)	86	90	90	90	90
Dense Grass	85	90	90	90	90
Tall Fescue Grass	85	90	88	90	89
Medium-density Weeds	75	77	71	78	63

\* Applicable for sites with less than nine percent slope

\*\* Characterization focuses on the under-story vegetation



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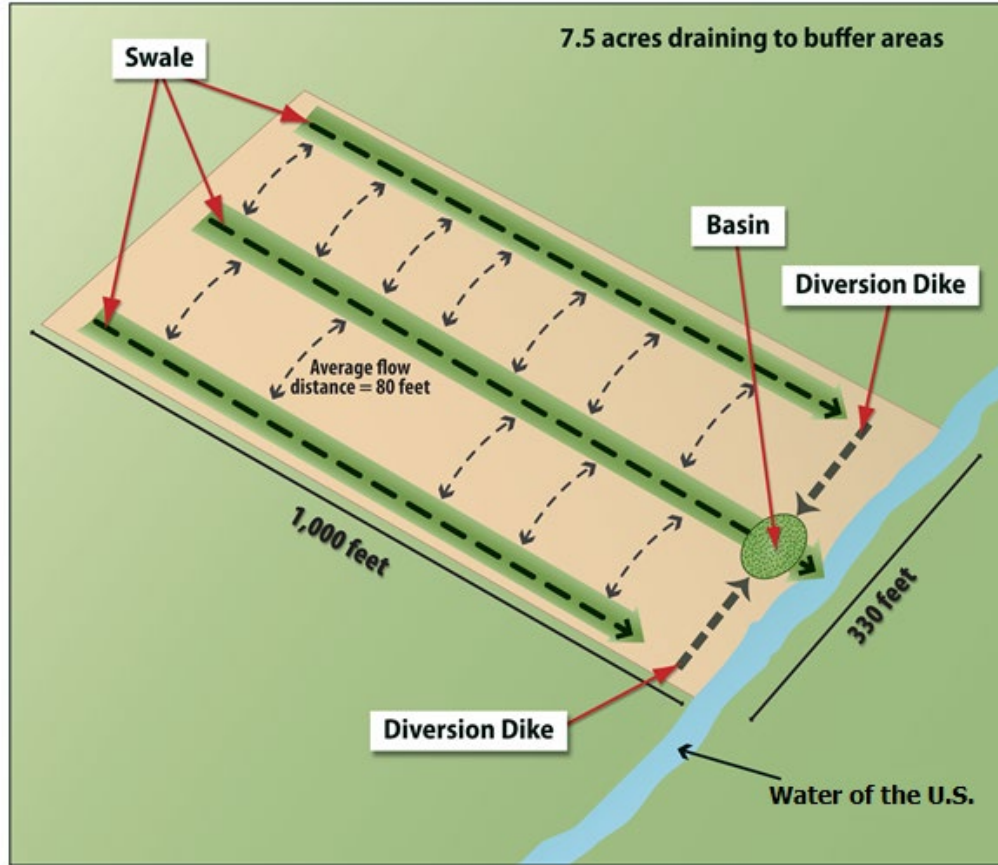
**ATTACHMENT 2**Using the Sediment Removal Efficiency Tables – Questions and Answers

- *What if my specific buffer vegetation is not represented in Tables F-8 through F-15?* Tables F-8 through F-15 provide a wide range of factors affecting buffer performance; however, there are likely instances where the specific buffer vegetation type on your site is not listed. If you do not see a description of the type of vegetation present at your site, you should choose the vegetation type that most closely matches the vegetation type on your site. You can contact your local Cooperative Extension Service Office (<http://nifa.usda.gov/partners-and-extension-map>) for assistance in determining the vegetation type in Tables F-8 through F-15 that most closely matches your site-specific vegetation.
- *What if there is high variability in local soils?* EPA recognizes that there may be a number of different soil type(s) on any given construction site. General soil information can be obtained from USDA soil survey reports (<http://websoilsurvey.nrcs.usda.gov>) or from individual site assessments performed by a certified soil expert. Tables F-8 through F-15 present eleven generic soil texture classes, grouping individual textures where EPA has determined that performance is similar. If your site contains different soil texture classes, you should use the soil type that best approximates the predominant soil type at your site.
- *What if my site slope is greater than 9 percent after final grade is reached?* As indicated in the buffer performance tables, the estimated sediment removal efficiencies are associated with disturbed slopes of up to 9 percent grade. Where your graded site has an average slope of greater than 9 percent, you should calculate a site-specific buffer performance.
- *How do I calculate my own estimates for sediment reduction at my specific site?* If you determine that it is necessary to calculate your own sediment removal efficiency using site-specific conditions (e.g., slopes at your site are greater than 9 percent), you can use a range of available models that are available to facilitate this calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other equivalent models.
- *What is my estimated buffer performance if my site location is not represented by Tables F-8 through F-15?* If your site is located in an area not represented by Tables F-8 through F-15, you should use the table that most closely approximates conditions at your site. You may instead choose to conduct a site-specific calculation of the buffer performance.
- *What if only a portion of my site drains to the buffer area?* If only a portion of your site drains to a receiving water, where that water is within 50 feet of your earth disturbances, you are only required to meet the equivalency requirement for the stormwater flows corresponding to those portions of the site. See Example 2 below for an example of how this is expected to work.

**ATTACHMENT 3**Examples of How to Use the Sediment Removal Efficiency Tables*Example 1. Comparatively Wet Location (7.5 acre site located in Massachusetts)*

The operator of a 7.5-acre construction site in Massachusetts has determined that it is infeasible to establish a buffer of any size on the site, and is now required to select and install controls that will achieve an equivalent sediment load reduction as that estimated in F-9 for their site conditions. The first step is to identify what percentage of eroded sediment is estimated to be retained from a 50-foot buffer. For this example, it is assumed that the site has a relatively uniform gentle slope (3 percent), so Table F-9 can be used to estimate the 50-foot buffer sediment load reduction. If the site's buffer vegetation is best typified by cool-season dense grass and the underlying soil is of a type best described as loamy sand, the 50-foot buffer is projected to capture 90 percent of eroded sediment from the construction site.

The second step is to determine what sediment controls can be selected and installed in combination with the perimeter controls already required to be implemented at the site (see Part 2.2.3), which will achieve the 90 percent sediment removal efficiency from Table F-9. For this example, using the RUSLE2 profile model, it was determined that installing a pair of shallow-sloped diversion ditches to convey runoff to a well-designed and maintained sediment basin provides 99 percent sediment removal. Because the estimated sediment reduction is greater than the required 90 percent that a 50-foot buffer provides, the operator will have met the buffer requirements. See Figure F-5. The operator could also choose a different set of controls, as long as they achieve at least a 90 percent sediment removal efficiency.



**Figure F-5 Example 1 – Equivalent Sediment Load Reductions at a 7.5 ac Site in MA.**

*Example 2. Arid Location With Pre-existing Disturbances in the Natural Buffer (6.5 acre site located in New Mexico)*

An operator of a site in New Mexico determines that it is not feasible to provide a 50-foot buffer, but a 28-foot buffer can be provided. Because the operator will provide a buffer that is less than 50 feet, the operator must determine which controls, in combination with the 28-foot buffer, achieve a sediment load reduction equivalent to the 50-foot buffer. In this example, the project will disturb 6.5 acres of land, but only 1.5 acres of the total disturbed area drains to the buffer area. Within the 28-foot buffer area is a preexisting concrete walkway. Similar to Example 1, the equivalence analysis starts with Step 1 in Part F.2.4 of this Appendix with a review of the New Mexico buffer performance (Table F-10). The operator determines that the predominate vegetation type in the buffer area is prairie grass, the soil type is similar to silt, and the site is of a uniform, shallow slope (e.g., 3 percent grade). Although the operator will take credit for the disturbance caused by the concrete walkway as a natural buffer in Step 2, here the operator can treat the entire buffer area as being naturally vegetated with prairie grass. Based on this information, the operator refers to Table F-10 to estimate that the 50-foot buffer would retain 50 percent of eroded soil.

The second step is to determine, based on the 50 percent sediment removal efficiency found in Table F-10, what sediment controls, in combination with the 28-foot buffer area, can be implemented to reduce sediment loads by 50 percent or more. The operator does not have to account the reduction in buffer function caused by the preexisting walkway, and can take credit for the entire 28-foot buffer being fully vegetated in the analysis. For this example, using the RUSLE2 profile model, the operator determined that installing a fiber roll barrier between the

silt fence (already required by Part 2.2.3) and the 28-foot buffer will achieve an estimated 84 percent sediment removal efficiency. See Figure F-6. Note that this operator is subject to the requirement in Part F.2.3 of this Appendix to ensure that discharges through the silt fence, fiber roll barrier, and 28-foot buffer do not cause erosion within the buffer. The estimated sediment reduction is greater than the required 50 percent; therefore the operator will have met the buffer alternative requirement.

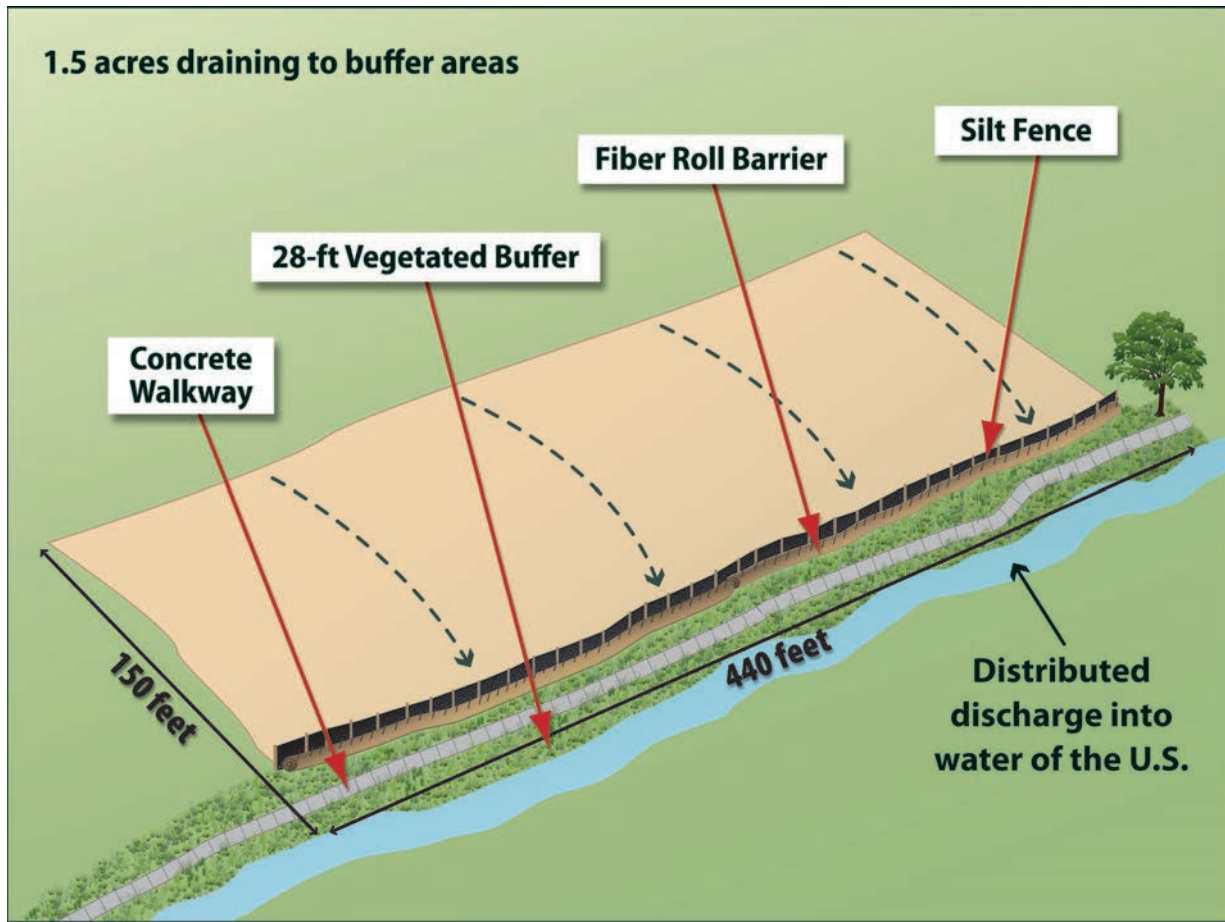


Figure F-6 Example 2 – Equivalent Sediment Load Reductions at a 6.5 ac Site in NM.

## Appendix G - Standard Permit Conditions

Standard permit conditions in Appendix G are consistent with the general permit provisions required under 40 CFR 122.41.

### G.1 Duty To Comply.

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**G.1.1** You must comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards, even if the permit has not yet been modified to incorporate the requirement.

**G.1.2** Penalties for Violations of Permit Conditions: EPA and other federal agencies are required to adjust their maximum and minimum statutory civil penalty amounts through rulemaking by January 15 each year to account for inflation. EPA's annual rulemaking adjustments, codified in 40 C.F.R. § 19.4, are mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended through the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note). As such, the civil penalty amounts below may change in the future due to inflation. See 40 C.F.R. § 19.4 for the most up-to-date civil penalty amounts.

#### G.1.2.1 *Criminal Penalties.*

- a. *Negligent Violations.* The CWA provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to criminal penalties of not less than \$2,500 nor more than \$25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation or by imprisonment of not more than two years, or both.
- b. *Knowing Violations.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
- c. *Knowing Endangerment.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he or she is placing another person in imminent danger of death or serious bodily injury shall upon conviction be subject to a fine of not more than \$250,000 or by imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

- d. *False Statement.* The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

G.1.2.2 *Civil Penalties.* The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed the maximum amount authorized by Section 309(d) of the Act, as adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

G.1.2.3 *Administrative Penalties.* The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

- a. *Class I Penalty.* Not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.
- b. *Class II Penalty.* Not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

## **G.2 Duty to Reapply.**

If you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply for and obtain authorization as required by the new permit once EPA issues it.

## **G.3 Need to Halt or Reduce Activity Not a Defense.**

It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

## **G.4 Duty to Mitigate.**

You must take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

## **G.5 Proper Operation and Maintenance.**

You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by you to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the



operation of backup or auxiliary facilities or similar systems which are installed by you only when the operation is necessary to achieve compliance with the conditions of this permit.

**G.6 Permit Actions.**

This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**G.7 Property Rights.**

This permit does not convey any property rights of any sort, or any exclusive privileges.

**G.8 Duty to Provide Information.**

You must furnish to EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), within a reasonable time, any information that EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. You must also furnish to EPA or an authorized representative upon request, copies of records required to be kept by this permit.

**G.9 Inspection and Entry.**

You must allow EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), upon presentation of credentials and other documents as may be required by law, to:

- G.9.1** Enter upon your premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- G.9.2** Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- G.9.3** Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- G.9.4** Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

**G.10 Monitoring and Records.**

- G.10.1** Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.
- G.10.2** You must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date the permit expires or the date the permittee's authorization is terminated. This period may be extended by request of EPA at any time.
- G.10.3** Records of monitoring information must include:
  - G.10.3.1 The date, exact place, and time of sampling or measurements;
  - G.10.3.2 The individual(s) who performed the sampling or measurements;
  - G.10.3.3 The date(s) analyses were performed

G.10.3.4 The individual(s) who performed the analyses;

G.10.3.5 The analytical techniques or methods used; and

G.10.3.6 The results of such analyses.

**G.10.4** Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.

**G.10.5** The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

**G.11 Signatory Requirements.**

**G.11.1** All applications, including NOIs and NOTs, must be signed as follows:

G.11.1.1 For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

G.11.1.2 For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

G.11.1.3 For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

**G.11.2** Your SWPPP (including changes to your SWPPP inspection reports), corrective action log, turbidity monitoring report, site inspection and dewatering inspection reports, and any other compliance documentation required under this permit, must be signed by a person described in Appendix G, Subsection G.11.1 above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

G.11.2.1 The authorization is made in writing by a person described in Appendix G, Subsection G.11.1;

G.11.2.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental

matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

G.11.2.3 The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.

**G.11.3** Changes to Authorization. If an authorization under this permit is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new NOI must be submitted to EPA. See Table 1 in Part 1.4.3 of the permit. However, if the only change that is occurring is a change in contact information or a change in the facility's address, the operator need only make a modification to the existing NOI submitted for authorization.

**G.11.4** Any person signing documents in accordance with Appendix G, Subsections G.11.1 or G.11.2 above must include the following 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 contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained 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."

**G.11.5** For persons signing NOIs electronically, in addition to meeting other applicable requirements in Appendix G, Subsection G.11, such signatures must meet the same signature, authentication, and identity-proofing standards set forth at 40 CFR § 3.2000(b) for electronic reports (including robust second-factor authentication).

**G.11.6** The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

## **G.12 Reporting Requirements.**

**G.12.1** Planned changes. You must give notice to EPA as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

G.12.1.1 The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

G.12.1.2 The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).

**G.12.2** Anticipated noncompliance. You must give advance notice to EPA of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

**G.12.3** Transfers. This permit is not transferable to any person except after notice to EPA. Where a facility wants to change the name of the permittee, the original permittee (the first owner or operators) must submit a Notice of Termination pursuant to Part 8. The new

owner or operator must submit a Notice of Intent in accordance with Part 1.4 and Table 1. See also requirements in Appendix G, Subsections G.11.1 and G.11.2.

**G.12.4** Monitoring reports. Monitoring results must be reported at the intervals specified elsewhere in this permit.

G.12.4.1 Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by EPA for reporting results of monitoring of sludge use or disposal practices.

G.12.4.2 If you monitor any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by EPA.

**G.12.5** Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

**G.12.6** Twenty-four hour reporting. In addition to reports required elsewhere in this permit:

G.12.6.1 You must report any noncompliance which may endanger health or the environment directly to the EPA Regional Office (see contacts at <https://www2.epa.gov/national-pollutant-discharge-elimination-system-npdes/contact-us-stormwater#regional>). Any information must be provided orally within 24 hours from the time you become aware of the circumstances. A written submission must also be provided within five days of the time you become aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

G.12.6.2 The following shall be included as information which must be reported within 24 hours under this paragraph.

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR 122.41(m)(3)(ii))
- b. Any upset which exceeds any effluent limitation in the permit
- c. Violation of a maximum daily discharge limit for any numeric effluent limitation. (See 40 CFR 122.44(g).)

G.12.6.3 EPA may waive the written report on a case-by-case basis for reports under Appendix G, Subsection G.12.6.2 if the oral report has been received within 24 hours.

**G.12.7** Other noncompliance. You must report all instances of noncompliance not reported under Appendix G, Subsections G.12.4, G.12.5, and G.12.6, at the time monitoring reports are submitted. The reports must contain the information listed in Appendix G, Subsection G.12.6.

**G.12.8** Other information. Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Permitting Authority, you must promptly submit such facts or information.

**G.13 Bypass.**

**G.13.1** Definitions.

G.13.1.1 Bypass means the intentional diversion of waste streams from any portion of a treatment facility See 40 CFR 122.41(m)(1)(i).

G.13.1.2 Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. See 40 CFR 122.41(m)(1)(ii).

**G.13.2** Bypass not exceeding limitations. You may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Appendix G, Subsections G.13.3 and G.13.4. See 40 CFR 122.41(m)(2).

**G.13.3** Notice.

G.13.3.1 Anticipated bypass. If you know in advance of the need for a bypass, you must submit prior notice, if possible at least ten days before the date of the bypass. See 40 CFR 122.41(m)(3)(i).

G.13.3.2 Unanticipated bypass. You must submit notice of an unanticipated bypass as required in Appendix G, Subsection G.12.6 (24-hour notice). See 40 CFR 122.41(m)(3)(ii).

**G.13.4** Prohibition of bypass. See 40 CFR 122.41(m)(4).

G.13.4.1 Bypass is prohibited, and EPA may take enforcement action against you for bypass, unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c. You submitted notices as required under Appendix G, Subsection G.13.3.

G.13.4.2 EPA may approve an anticipated bypass, after considering its adverse effects, if EPA determines that it will meet the three conditions listed above in Appendix G, Subsection G.13.4.1.

**G.14 Upset.**

**G.14.1** Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See 40 CFR 122.41(n)(1).

**G.14.2** Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Appendix G, Subsection G.14.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. See 40 CFR 122.41(n)(2).

**G.14.3** Conditions necessary for a demonstration of upset. See 40 CFR 122.41(n)(3). A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

G.14.3.1 An upset occurred and that you can identify the cause(s) of the upset;

G.14.3.2 The permitted facility was at the time being properly operated; and

G.14.3.3 You submitted notice of the upset as required in Appendix G, Subsection G.12.6.2.b (24 hour notice).

G.14.3.4 You complied with any remedial measures required under Appendix G, Subsection G.4.

**G.14.4** Burden of proof. In any enforcement proceeding, you, as the one seeking to establish the occurrence of an upset, have the burden of proof. See 40 CFR 122.41(n)(4).

**G.15 Retention of Records.**

Copies of the SWPPP and all documentation required by this permit, including records of all data used to complete the NOI to be covered by this permit, must be retained for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of EPA at any time.

**G.16 Reopener Clause.**

**G.16.1** Procedures for modification or revocation. Permit modification or revocation will be conducted according to 40 CFR §122.62, §122.63, §122.64 and §124.5.

**G.16.2** Water quality protection. If there is evidence indicating that the stormwater discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, you may be required to obtain an individual permit, or the permit may be modified to include different limitations and/or requirements.

**G.16.3** Timing of permit modification. EPA may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines that may be promulgated in the course of the current permit cycle.

**G.17 Severability.**

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. EPA's intent is that the permit is to remain in effect to the extent possible; in the event that any part of this permit is invalidated, EPA will advise the regulated community as to the effect of such invalidation.



## **Appendix H - Notice of Intent (NOI) Form and Instructions**

Part 1.4.1 requires you to use the NPDES eReporting Tool, or "Net" system, to prepare and submit your NOI electronically. However, if the EPA Regional Office grants you a waiver to use a paper NOI form, and you elect to use it, you must complete and submit the following form.

Submission of this Notice of Intent (NOI) constitutes notice that the operator identified in Section III of this form requests authorization to discharge pursuant to the NPDES Construction General Permit (CGP) permit number identified in Section II of this form. Submission of this NOI also constitutes notice that the operator identified in Section III of this form meets the eligibility requirements of Part 1.1 CGP for the project identified in Section IV of this form. Permit coverage is required prior to commencement of construction activity until you are eligible to terminate coverage as detailed in Part 8 of the CGP. To obtain authorization, you must submit a complete and accurate NOI form. Discharges are not authorized if your NOI is incomplete or inaccurate or if you were never eligible for permit coverage. Refer to the instructions at the end of this form.

**SECTION I. APPROVAL TO USE PAPER NOI FORM**

<b>Paper NOI Form</b>	Have you been granted a waiver from electronic reporting from the Regional Office*? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
	If yes, check which waiver you have been granted, the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:	
	Waiver granted: <input type="checkbox"/> The owner/operator's headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission. <input type="checkbox"/> The owner/operator has issues regarding available computer access or computer capability.	
	Name of EPA staff person that granted the waiver	Date approval obtained (MM/DD/YYYY)
	* Note: You are required to obtain approval from the applicable Regional Office prior to using this paper NOI form. If you have not obtained a waiver, you must file this form electronically using the NPDES eReporting Tool (NeT).	

**SECTION II. PERMIT INFORMATION**

<b>Permit</b>	NPDES ID (EPA Use Only)	Master Permit Number (see Appendix B of the CGP for the list of eligible permit numbers)
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**SECTION III. OPERATOR INFORMATION**

<b>Operator Information</b>	Operator Name		
	Are you requesting coverage under this NOI as a "Federal Operator" or for a "Federal Facility" as defined in Appendix A? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>		
	Mailing Address		
	Street		
	City	State	ZIP Code
	County or Similar Government Division		
	Operator Point of Contact Information:		
	First Name	Middle Initial	Last Name
	Title		
Phone Number	Email Address		

<b>NOI Preparer</b>	Complete if NOI was prepared by someone other than the certifier:		
	First Name	Middle Initial	Last Name
	Organization		
	Phone number	Email address	
<b>SECTION IV. PROJECT/SITE INFORMATION</b>			
<b>Project/Site Address</b>	Project/Site Name		
	Street/Location		
	City	State	ZIP Code
	County or Similar Government Division:		
	For the project/site you are seeking permit coverage, provide the following information:		
	Latitude (in decimal degrees to four decimal places):  ° N	Longitude (in decimal degrees to four decimal places):  ° W	
	Latitude/Longitude Data Source: <input type="checkbox"/> Map <input type="checkbox"/> GPS <input type="checkbox"/> Other (Specify):		
	Horizontal Reference Datum: <input type="checkbox"/> NAD 27 <input type="checkbox"/> NAD 83 <input type="checkbox"/> WGS 84		
<b>Site Information</b>	Is your site located in Indian country lands, or on a property of religious or cultural significance to an Indian Tribe? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	If yes, provide the name of the Indian Tribe associated with the area of Indian country (including name of Indian reservation, if applicable), or if not in Indian country, provide the name of the Indian Tribe associated with the property:		
<b>Project Information</b>	Estimated Project Start Date (MM/DD/YYYY)		Estimated Project Completion Date (MM/DD/YYYY)
	Estimated Area to be Disturbed (to the nearest quarter acre):		
	Type of Construction Site (check all that apply): <input type="checkbox"/> Single-Family Residential <input type="checkbox"/> Multi-Family Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Highway or Road <input type="checkbox"/> Utility <input type="checkbox"/> Other (Specify):		
	Was the pre-development land use used for agriculture (see Appendix A for definition of "agricultural land")? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Have earth-disturbing activities commenced on your project/site? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	If yes, is your project an "emergency-related project" (see Appendix A)? <input type="checkbox"/> Yes <input type="checkbox"/> No		

Project Information	Have stormwater discharges from your project/site been covered previously under an NPDES permit? <input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, provide the NPDES ID (if you had coverage under EPA's 2017 CGP) or the NPDES permit number (if you had coverage under an EPA individual permit): _____
	Are there other operators that are covered under this permit for the same project site? <input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, provide the NPDES ID number for all other operators at the site who have coverage under this permit: _____
Will there be demolition of any structure built or renovated before January 1, 1980? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	If yes, do any of the structures being demolished have at least 10,000 square feet of floor space? <input type="checkbox"/> Yes <input type="checkbox"/> No
Will you be discharging dewatering water from your site? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	If yes, will you be discharging dewatering water from a current or former Federal or State remediation site? <input type="checkbox"/> Yes <input type="checkbox"/> No

**SECTION V. DISCHARGE INFORMATION**

Project Information	By indicating "Yes," I confirm that I understand that the CGP only authorizes the allowable stormwater discharges in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2. Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, State, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the Stormwater Pollution Prevention Plan (SWPPP), during an inspection, etc. If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 will be discharged, they must be covered under another NPDES permit. <input type="checkbox"/> Yes
	Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Are there any waters of the U.S. within 50 feet of your project's earth disturbances? <input type="checkbox"/> Yes <input type="checkbox"/> No

For each point of discharge, provide the following receiving water information. (Attach a separate list if necessary)			
Point of Discharge ID	Provide the name of the first water of the U.S. that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to:	If the receiving water is impaired (on the CWA 303(d) list), list the pollutants that are causing the impairment:	If a TMDL been completed for this receiving waterbody, providing the following information:
			TMDL Name and ID:
			Pollutant(s) for which there is a TMDL:
			TMDL Name and ID:
			Pollutant(s) for which there is a TMDL:

For each point of discharge, provide the following receiving water information. (Attach a separate list if necessary)			
Point of Discharge ID	Provide the name of the first water of the U.S. that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to:	If the receiving water is impaired (on the CWA 303(d) list), list the pollutants that are causing the impairment:	If a TMDL been completed for this receiving waterbody, providing the following information:
			TMDL Name and ID:
			Pollutant(s) for which there is a TMDL:
			TMDL Name and ID:
			Pollutant(s) for which there is a TMDL:
			TMDL Name and ID:
			Pollutant(s) for which there is a TMDL:
			TMDL Name and ID:
			Pollutant(s) for which there is a TMDL:
Are any of the waters of the U.S. to which you discharge designated by the State or Tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water) or as a Tier 3 water (Outstanding National Resource Water)? (See Appendix F). <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, name(s) of receiving water(s) and its designation (Tier 2, Tier 2.5 or Tier 3):			

Receiving Waters Information

SECTION VI. CHEMICAL TREATMENT INFORMATION			
Chemical Treatment	Will you use polymers, flocculants, or other treatment chemicals at your construction site?		<input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, will you use cationic treatment chemicals at your construction site*?		<input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, have you been authorized to use cationic treatment chemicals by your applicable EPA Regional Office in advance of filing your NOI*?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If you have been authorized to use cationic treatment chemicals by your applicable EPA Regional Office, attach a copy of your authorization letter and include documentation of the appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.			
Please indicate the treatment chemicals that you will use:			
* Note: You are ineligible for coverage under this permit unless you notify your applicable EPA Regional Office in advance and the EPA office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.			
SECTION VII. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) AND PERSONNEL TRAINING INFORMATION			
SWPPP	Has the SWPPP been prepared in advance of filing this NOI, as required?		<input type="checkbox"/> Yes <input type="checkbox"/> No
	By indicating "Yes," I confirm that all required personnel, including those conducting inspections at your site, will meet the training requirements in Part 6 of this permit.		<input type="checkbox"/> Yes
SWPPP Contact Information	First Name	Middle Initial	Last Name
	Professional Title		
	Phone number	Email address	
SECTION VIII. ENDANGERED SPECIES PROTECTION			
Endangered Species Protection	In accordance with Part 1.1.5, if the EPA Regional Office grants you a waiver from electronic reporting, you must complete the worksheet in Appendix D to select your eligibility criteria with respect to the protection of Federally listed threatened or endangered species and Federally designated "critical habitat" under the Endangered Species Act (ESA) [hereinafter "ESA-listed species and designated critical habitat(s)"] from discharges and discharge-related activities authorized under this permit.		
	<p><b>You must submit the ESA worksheet and all required supporting documentation with this NOI. If you do not submit the worksheet and the required supporting documentation with your NOI, your NOI will be considered incomplete.</b> After you submit your NOI and before your NOI is authorized, EPA may notify you if any additional controls are necessary to ensure your discharges are not likely to result in any short- or long-term adverse effects on ESA-listed species and critical habitat.</p> <p>By indicating "Yes," I confirm that you have included the completed ESA worksheet from Appendix D and all required supporting information for your criterion selection with the submission of this NOI.</p>		

**SECTION IX. HISTORIC PRESERVATION**

<b>Historic Preservation</b>	Are you installing any stormwater controls as described in Appendix E that require subsurface earth disturbance? (Appendix E, Step 1)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	If yes, have prior surveys or evaluations conducted on the site have already determined historic properties do not exist, or that prior disturbances have precluded the existence of historic properties? (Appendix E, Step 2)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	If no, have you determined that your installation of subsurface earth-disturbing stormwater controls will have no effect on historic properties? (Appendix E, Step 3)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	If no, did the SHPO, THPO, or other Tribal representative (whichever applies) respond to you within the 15 calendar days to indicate whether the subsurface earth disturbances caused by the installation of stormwater controls affect historic properties? (Appendix E, Step 4)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	If yes, describe the nature of their response: <ul style="list-style-type: none"> <li><input type="checkbox"/> Written indication that no historic properties will be affected by the installation of stormwater controls.</li> <li><input type="checkbox"/> Written indication that adverse effects to historic properties from the installation of stormwater controls can be mitigated by agreed upon actions.</li> <li><input type="checkbox"/> No agreement has been reached regarding measures to mitigate effects to historic properties from the installation of stormwater controls.</li> <li><input type="checkbox"/> Other (Specify):</li> </ul>		

**SECTION X. CERTIFICATION INFORMATION**

<b>Certification Information</b>	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.		
	First Name	Middle Initial	Last Name
	Title		
	Signature		Date (MM/DD/YYYY)
	Email Address		



## Instructions for Completing EPA Form 3510-9

### Notice of Intent for the 2022 NPDES Construction General Permit

NPDES Form Date (02/22)

This Form Replaces Form 3510-9 (02/17)

Form Approved OMB No. 2040-0305

#### General Instructions

##### Who Must File an NOI Form?

Under the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et. seq.; the Act), Federal law prohibits stormwater discharges from certain construction activities to waters of the U.S. unless that discharge is covered under a National Pollutant Discharge Elimination System (NPDES) permit. Operators of construction sites where one or more acres are disturbed, smaller sites that are part of a larger common plan of development or sale where there is a cumulative disturbance of at least one acre, or any other site specifically designated by the Director, must obtain coverage under an NPDES general permit. For coverage under the 2022 CGP, each person, firm, public organization, or any other entity that meets either of the following criteria must file a Notice of Intent form: (1) they have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (2) they have day-to-day operational control of those activities at the project necessary to ensure compliance with the permit conditions. If you have questions about whether you need a NPDES stormwater permit, or if you need information to determine whether EPA or your State agency is the permitting authority, contact your EPA Regional Office.

##### Completing the Form

Obtain and read a copy of the 2022 CGP, viewable at <https://www.epa.gov/npdes/stormwater-discharges-construction-activities#cgp>. To complete this form, type or print uppercase letters, in the appropriate areas only. Please place each character between the marks (abbreviate if necessary to stay within the number of characters allowed for each item). Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions on this form, telephone EPA's NOI Processing Center at (866) 352-7755. **Please submit the original document with signature in ink - do not send a photocopied signature.**

##### Section I. Approval to Use Paper NOI Form

You must indicate whether you have been granted a waiver from electronic reporting from the EPA Regional Office. Note that you are not authorized to use this paper NOI form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA staff person who granted the waiver, and the date that approval was provided.

See <https://www.epa.gov/npdes/contact-us-stormwater#regional> for a list of EPA Regional Office contacts.

##### Section II. Permit Information

Provide the master permit number of the permit under which you are applying for coverage (see Appendix B of the general permit for the list of eligible master permit numbers)

##### Section III. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the project

described in this NOI. Refer to Appendix A of the permit for the definition of "operator".

Indicate whether you are seeking coverage under this permit as a "Federal Operator" or "Federal Facility" as defined in Appendix A.

Also provide a point of contact, the operator's mailing address, county, telephone number, and e-mail address (to be notified via e-mail of NOI approval when available). Correspondence for the NOI will be sent to this address.

If the NOI was prepared by someone other than the certifier (for example, if the NOI was prepared by the facility SWPPP contact or a consultant for the certifier's signature), include the full name, organization, phone number, and email address of the NOI preparer.

##### Section IV. Project/Site Information

Enter the official or legal name and complete street address, including city, State, ZIP code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for permit coverage to be granted.

Provide the latitude and longitude of your facility in decimal degrees format. The latitude and longitude of your facility can be determined in several different ways, including through the use of global positioning system (GPS) receivers, U.S. Geological Survey (U.S.G.S.) topographic or quadrangle maps, and web-based siting tools, among others. For consistency, EPA requests that measurements be taken from the approximate center of the construction site. For linear construction sites, the measurement should be taken midpoint of the site. If known, enter the horizontal reference datum for your latitude and longitude. The horizontal reference datum is shown on the bottom left corner of USGS topographic maps; it is also available for GPS receivers.

Indicate whether the project is in Indian country lands or located on a property of religious or cultural significance to an Indian Tribe, and if so, provide the name of the Indian Tribe associated with the area of Indian country (including name of Indian reservation, if applicable), or if not in Indian country, provide the name of the Indian Tribe associated with the property.

Enter the estimated construction start and completion dates using four digits for the year (i.e., 10/06/2012). Indicate to the nearest quarter acre the estimated area to be disturbed. Indicate the type of construction site.

Indicate whether the pre-development land use of the site was used for agriculture Appendix A defines "agricultural land" as cropland, grassland, rangeland, pasture, and other agricultural land, on which agricultural and forest-related products or livestock are produced and resource concerns may be addressed. Agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of agricultural land used for the production of livestock.

Indicate whether earth-disturbing activities have already commenced on your project/site. If earth-disturbing activities have commenced on your site because stormwater discharges from the site have been previously covered under a NPDES permit, you must provide the 2017 CGP NPDES ID or

the NPDES permit number if coverage was under an individual permit.

Indicate if demolition is occurring, and if so, if the structure has at least 10,000 square feet of floor space.

Indicate if there are other operators covered under this permit for the same project site. If there are multiple operators, provide the NPDES ID number for the other operators at the site who have coverage under this permit.

Indicate whether you will be discharging dewatering water, as defined in Appendix A, during the course of the project. If you will be discharging dewatering water, indicate whether the site from which you will be dewatering is located on a current or former Federal or State remediation site. Federal remediation sites include cleanups covered by Superfund (both National Priorities List (NPL) sites and non-NPL sites), Resource Conservation and Recovery Act (RCRA) corrective actions sites, cleanups at Federal Facilities, and Federal, State, or Tribal brownfields sites. State remediation sites could include, for instance, brownfield site cleanups funded by the State, State superfund sites, and petroleum tank release sites. Operators may use online mapping resources, such as EPA's Cleanups in My Community Map, to help determine if they are located on a remediation site. The Cleanups in My Community Map is viewable at:

<https://ordspub.epa.gov/ords/cimc/f?p=cimc:map:::71>

#### Section V. Discharge Information

You must confirm that you understand that the CGP only authorizes the allowable stormwater discharges listed in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2. Any discharges not expressly authorized under the CGP are not covered by the CGP or the permit shield provision of the CWA Section 402(k) and they cannot become authorized or shielded by disclosure to EPA, State, or local authorities via the NOI to be covered by the permit or by any other means (e.g., in the SWPPP or during an inspection). If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 will be discharged, they must either be eliminated or covered under another NPDES permit.

Indicate whether discharges from the site will enter into a municipal separate storm sewer system (MS4), as defined in Appendix A.

Also, indicate whether any waters of the U.S. exist within 50 feet from your site. Note that if "yes", you are required to comply with the requirement in Part 2.2.1 of the permit to provide natural buffers or equivalent erosion and sediment controls.

For each unique point of discharge you list, you must specify the name of the first water of the U.S. that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to. You must specify whether any waters of the U.S. that you discharge to are listed as "impaired" as defined in Appendix A, and the pollutants for which the water is impaired. You must identify any Total Maximum Daily Loads (TMDL) that have been completed for any of the waters of the U.S. that you discharge to. Operators may find it useful to use EPA's Discharge Mapping Tool to determine whether the water of the U.S. is impaired, the pollutant causing the impairment, and whether a TMDL exists for the water body. The Discharge Mapping Tool is viewable at <https://www.epa.gov/npdes/epas-stormwater-discharge-mapping-tools>.

Indicate whether discharges from the site will enter into a water of the U.S. that is designated as a Tier 2, Tier 2.5, or Tier

3 water. A list of Tier 2, 2.5, and 3 waters is provided at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>. If the answer is "yes", name all waters designated as Tier 2, Tier 2.5, or Tier 3 to which the site will discharge.

#### Section VI. Chemical Treatment Information

Indicate whether the site will use polymers, flocculants, or other treatment chemicals. Indicate whether the site will employ cationic treatment chemicals. If the answer is "yes" to either question, indicate which chemical(s) you will use. Note that you are not eligible for coverage under this permit to use cationic treatment chemicals unless you notify your applicable EPA Regional Office in advance and the EPA office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards. If you have been authorized to use cationic treatment chemicals by your applicable EPA Regional Office, attach a copy of your authorization letter and include documentation of the appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards. Examples of cationic treatment chemicals include, but are not limited to, cationic polyacrylamide (C-PAM), PolyDADMAC (POLY DIALLYL DIMETHYL AMMONIUM CHLORIDE), and chitosan.

#### Section VII. Stormwater Pollution Prevention Plan (SWPPP) and Personnel Training Information

All sites eligible for coverage under this permit are required to prepare a SWPPP in advance of filing the NOI, in accordance with Part 7. Indicate whether the SWPPP has been prepared in advance of filing the NOI.

Confirm that all required personnel, including those conducting inspections at your site, will meet the training requirements in Part 6 of this permit.

Indicate the street, city, State, and ZIP code where the SWPPP can be found. Indicate the contact information (name, organization, phone, and email) for the person who developed the SWPPP for this project.

#### Section VIII. Endangered Species Information

Confirm that you have included the completed ESA worksheet from Appendix D and all required supporting information for your criterion selection with the submission of this NOI.

#### Section IX. Historic Preservation

Use the instructions in Appendix E to complete the questions on the NOI form regarding historic preservation.

#### Section X. Certification Information

The NOI must be signed as follows:

*For a corporation:* By a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making

major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

*For a partnership or sole proprietorship:* By a general partner or the proprietor, respectively; or

*For a municipality, State, Federal, or other public agency:* By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA). Include the name and title of the person signing the form and the date of signing. An unsigned or undated NOI form will not be considered eligible for permit coverage.

#### **Modifying Your NOI**

If you have been granted a waiver from your Regional Office from electronic reporting, and if after submitting your NOI you need to correct or update any fields on this NOI form, you may do so by indicating changes on this same form.

#### **Paperwork Reduction Act Notice**

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2040-0305). Responses to this collection of information are mandatory (40 CFR 122.26). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to be 3.3 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

#### **Submitting Your Form**

Submit your NOI form by mail to one of the following addresses:

##### **For Regular U.S. Mail Delivery:**

Stormwater Notice Processing Center  
Mail Code 4203M, ATTN: 2022 CGP  
U.S. EPA  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

##### **For Overnight/Express Mail Delivery:**

Stormwater Notice Processing Center  
William Jefferson Clinton East Building - Room 7420  
ATTN: 2022 CGP  
U.S. EPA  
1201 Constitution Avenue, NW  
Washington, DC 20004

Visit this website for instructions on how to submit electronically:

<https://www.epa.gov/npdes/stormwater-discharges-construction-activities#reporting>

## **Appendix I - Notice of Termination (NOT) Form and Instructions**

Part 8.3 requires you to use the NPDES eReporting Tool, or "NeT" system, to prepare and submit your NOT electronically. However, if the EPA Regional Office grants you a waiver to use a paper NOT form, and you elect to use it, you must complete and submit the following form.

Submission of this Notice of Termination constitutes notice that the operator identified in Section III of this form is no longer authorized discharge pursuant to the NPDES Construction General Permit (CGP) from the site identified in Section IV of this form. All necessary information must be included on this form. Refer to the instructions at the end of this form.

**SECTION I. APPROVAL TO USE PAPER NOI FORM**

<b>Paper NOI Form</b>	Have you been granted a waiver from electronic reporting from the Regional Office*? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>		
	If yes, check which waiver you have been granted, the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:		
	Waiver granted: <ul style="list-style-type: none"> <li><input type="checkbox"/> The owner/operator's headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission.</li> <li><input type="checkbox"/> The owner/operator has issues regarding available computer access or computer capability.</li> </ul>		
	Name of EPA staff person that granted the waiver		Date approval obtained (MM/DD/YYYY)
	* Note: You are required to obtain approval from the applicable Regional Office prior to using this paper NOI form. If you have not obtained a waiver, you must file this form electronically using the NPDES eReporting Tool (NeT).		

**SECTION II. PERMIT INFORMATION**

<b>Permit</b>	NPDES ID		
	Reason for Termination (Check only one): <ul style="list-style-type: none"> <li><input type="checkbox"/> You have completed all construction activities at your site, and you have met all other requirements in Part 8.2.1.              Check this box to confirm that you have attached photographs as required by Part 8.2.1.a that document your compliance with the permit's final stabilization requirements.              Include the date each photograph was taken, and a brief description of the area of the site captured by the photograph (e.g., photo shows application of seed and erosion control mats to remaining exposed surfaces on northeast corner of site).</li> <li><input type="checkbox"/> Another operator has assumed control over all areas of the site and that operator has submitted an NOI and obtained coverage under the CGP.</li> <li><input type="checkbox"/> You have obtained coverage under an individual permit or another general NPDES permit addressing stormwater discharges from the construction site.</li> </ul>		

**SECTION III. OPERATOR INFORMATION**

<b>Operator Information</b>	Operator Name		
	Mailing Address		
	Street		
	City	State	ZIP Code
	County or Similar Government Division		
	Phone Number	Email Address	

**SECTION IV. PROJECT/SITE INFORMATION**

<b>Project/Site Address</b>	Project/Site Name		
	Street/Location		
	City	State	ZIP Code
	County or Similar Government Division:		

**SECTION V. CERTIFICATION INFORMATION**

<b>Certification Information</b>	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.		
	First Name	Middle Initial	Last Name
	Title		
	Signature		Date (MM/DD/YYYY)
	Email Address		

## Instructions for Completing EPA Form 3510-13

### Notice of Termination for the 2022 NPDES Construction General Permit

NPDES Form Date (02/22)

This Form Replaces Form 3510-13 (02/17)

Form Approved OMB No. 2040-0305

#### General Instructions

##### Who May File an NOT Form?

Permittees who are presently covered under the EPA-issued 2022 Construction General Permit (CGP) for Stormwater Discharges Associated with Construction Activity may submit an NOT form when: (1) earth-disturbing activities at the site are completed and the conditions in Parts 8.2.1.a through 8.2.1.b are met; or (2) the permittee has transferred all areas under its control to another operator, and that operator has submitted and obtained coverage under this permit; or (3) the permittee has obtained coverage under a different NPDES permit for the same discharges.

##### Completing the Form

Type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions about this form, refer to <https://www.epa.gov/npdes/stormwater-discharges-construction-activities#cgp> or telephone EPA's NOI Processing Center at (866) 352-7755. **Please submit original document with signature in ink - do not send a photocopied signature.**

##### Section I. Approval to Use Paper NOI Form

You must indicate whether you have been granted a waiver from electronic reporting from the EPA Regional Office. Note that you are not authorized to use this paper NOT form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA staff person who granted the waiver, and the date that approval was provided.

See <https://www.epa.gov/npdes/contact-us-stormwater#regional> for a list of EPA Regional Office contacts.

##### Section II. Permit Information

Enter the existing NPDES ID assigned to the project. If you do not know the NPDES ID number, or contact EPA's NOI Processing Center at (866) 352-7755.

Indicate your reason for submitting this Notice of Termination by checking the appropriate box. Check only one. If you selected the first box, confirm that you have attached photographs as required by Part 8.2.1.a. All submitted photographs must: (1) be taken both before and after the site has met the final stabilization criteria in Part 2.2.14.c; (2) be clear and in focus, and in the original format and resolution; and (3) include the date each photograph was taken, and a brief description of the area of the site captured by the photograph (e.g., photo shows application of seed and erosion control mats to remaining exposed surfaces on northeast corner of site).

If any portion of your site is covered by one of the Part 2.2.14.c.iii final stabilization exceptions, indicate which exception applies and provide an explanation with your

photographs that describes why this portion of the site is in compliance even though it may appear to be unstabilized.

##### Section III. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this NOT and is covered by the NPDES ID identified in Section II. Enter the complete mailing address, telephone number, and email address of the operator.

##### Section IV. Project/Site Information

Enter the official or legal name and complete street address, including city, State, ZIP code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for termination of permit coverage to be valid.

##### Section V. Certification Information

The NOT, must be signed as follows:

*For a corporation:* By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

*For a partnership or sole proprietorship:* By a general partner or the proprietor, respectively; or

*For a municipality, State, Federal, or other public agency:* By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

Include the name, title, and email address of the person signing the form and the date of signing. An unsigned or undated NOT form will not be considered valid termination of permit coverage.

##### Paperwork Reduction Act Notice

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2040-0305). Responses to this collection of information are mandatory (40 CFR 122.26). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a



currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to be 1.2 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

### **Submitting Your Form**

Submit your NOT form by mail to one of the following addresses:

For Regular U.S. Mail Delivery:  
Stormwater Notice Processing Center  
Mail Code 4203M, ATTN: 2022 CGP  
U.S. EPA  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460


For Overnight/Express Mail Delivery:  
Stormwater Notice Processing Center  
William Jefferson Clinton East Building - Room 7420  
ATTN: 2022 CGP  
U.S. EPA  
1201 Constitution Avenue, NW  
Washington, DC 20004

Visit this website for instructions on how to submit electronically:

<https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting>

## **Appendix J - Suggested Format for Request for Chemical Treatment**

If you plan to add "cationic treatment chemicals" (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, Part 1.1.9 requires you to notify your applicable EPA Regional Office in advance of submitting your NOI. The EPA Regional Office will authorize coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will result in discharges that meet applicable water quality standards. To notify your EPA Regional Office, you may use following form.

NPDES Form 6100-066		<p align="center"> <b>U.S. Environmental Protection Agency</b>          Washington, DC 20460       </p> <p align="center">         Suggested Form for Notifying EPA about Proposed Use of Cationic Treatment          Chemicals under the 2022 NPDES Construction General Permit       </p>	OMB No. 2040-0305 Exp. Date 01/31/2025
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Under Part 1.1.9 of the 2022 CGP, if you plan to add "cationic treatment chemicals" (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, you may not submit your Notice of Intent (NOI) until you notify your applicable EPA Regional Office in advance and the EPA Regional Office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will result in discharges that meet applicable water quality standards. You may use this suggested form to notify your EPA Regional Office about your proposed use of cationic treatment chemicals.

**SECTION I. OPERATOR INFORMATION**

Operator Information	Operator Name		
	Mailing Address		
	Street		
	City	State	ZIP Code
	County or Similar Government Division		
	Phone Number	Email Address	

**SECTION II. PROJECT/SITE INFORMATION**

Project/Site Information	Project/Site Name		
	Project/Site Address		
	Street/Location		
	City	State	ZIP Code
	County or Similar Government Division		
	Site Contact Information (if different from operator)		
	First Name	Middle Initial	Last Name
	Phone Number		
	Receiving Waterbodies		
Name(s) of Receiving Waterbodies:			

**SECTION III. MAP**

Map	Attach a map that illustrates the entire site including all of the below items. Include this map in your Stormwater Pollution Prevention Plan (SWPPP). <ul style="list-style-type: none"> <li>- All receiving waterbodies</li> <li>- All proposed location(s) of chemical treatment system(s)</li> <li>- All proposed point(s) of discharge to receiving waterbodies</li> <li>- All soil types within areas to be disturbed</li> <li>- All areas of earth disturbance</li> <li>- Sufficient indication of topography to indicate where stormwater flows</li> </ul>
	Attach a schematic drawing of the proposed treatment system(s). Include all components of the treatment train, sample points, and pipe configurations. In addition to sufficient holding capacity upstream of treatment, the system must have the capacity to hold water for testing and to re-treat water that does not meet water quality standards.

**SECTION IV. RESPONSIBLE PERSONNEL**

<b>Responsible Personnel</b>	Treatment System Operator or Company Name (if subcontracted out):		
	Street/Location		
	City	State	ZIP Code
	Responsible Personnel		
	List personnel who will be responsible for operating the chemical treatment systems and application of the chemicals.	Cite the training that the personnel have received in operation and maintenance of the treatment system(s) and use of the specific chemical(s) proposed.	

**SECTION V. PROPOSED TREATMENT**

<b>Proposed Treatment</b>	Check proposed treatment system to be used:	<input type="checkbox"/> Chitosan enhanced sand filtration with discharge to infiltration (ground water).
		<input type="checkbox"/> Chitosan enhanced sand filtration with discharge to temporary holding ponds (batch).
		<input type="checkbox"/> Chitosan enhanced sand filtration with discharge to surface waters (flow-through).
		<input type="checkbox"/> Other (describe below and submit documentation that the proposed system and chemical(s) demonstrate the ability to remove turbidity and produce non-toxic effluent/discharge):
	Check proposed cationic chemical(s) to be used:	<input type="checkbox"/> FloccClear™ (2% chitosan acetate solution).
		<input type="checkbox"/> StormKlear™ LiquiFloc™ (1% chitosan acetate solution).
		<input type="checkbox"/> ChitoVan™ (1% chitosan acetate solution).
<input type="checkbox"/> StormKlear™ LiquiFloc™ (3% chitosan acetate solution).		
<input type="checkbox"/> Other (Specify):		
Estimated Treatment Period Start Date (MM/DD/YYYY)		Estimated Treatment Period End Date (MM/DD/YYYY)
Describe sampling and recordkeeping schedule. Attach additional sheets as needed:		

<b>Proposed Treatment</b>	<p>Explain why you have selected this proposed treatment system and chemicals. Include an explanation of why the use of cationic treatment chemicals is necessary at the site. Reference how the soil types on your site influenced your choices. Describe or provide an illustration of how the site of the discharge will be stabilized and why the discharge location will not cause erosion of the discharge water's bank or bed (please note that a permit from the Corps and State agencies may be necessary to place rock in the water body for this stabilization). Attach as many additional sheets as needed for a full explanation. If you have a report from a chemical treatment contractor describing their recommended approach you may attach that.</p>
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**SECTION VI. CERTIFICATION INFORMATION**

<b>Certification Information</b>	<p>I have documented and hereby certify that the following information is correct and has been documented in the SWPPP for this project:</p> <ul style="list-style-type: none"> <li>• The SWPPP includes a complete site-specific description of the chemical treatment system herein proposed for use, including specifications, design, and Material Safety Data Sheets for all chemicals to be used.</li> <li>• The controls to be used on the site are compatible with the safe and effective use of cationic chemical treatment.</li> <li>• I verified through jar tests that the site soil is conducive to chemical treatment.</li> <li>• I verified that the chemical treatment system operators for this project received training.</li> <li>• I read, understand, and will follow all conditions and design criteria in the applicable use designation(s).</li> <li>• If the discharge is to Tribal waters, I notified the appropriate Tribal government of the intent to use chemical treatment on a site located within that jurisdiction.</li> <li>• I will keep the use level designation, operation and maintenance manual, and training certificate on site prior to and during use of chemical treatment.</li> <li>• A licensed engineer designed the system for this project including system sizing, pond sizing, and flow requirements.</li> <li>• I verify that the discharge will not adversely affect downstream conveyance systems or stream channels (e.g., cause erosion).</li> </ul> <p>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.</p>		
	Authorized Official		
	First Name	Middle Initial	Last Name
	Title		
	Signature		Date (MM/DD/YYYY)
	Email Address		

Suggested Form for Notifying EPA about Proposed Use of Cationic Treatment Chemicals under the 2022 NPDES Construction General Permit

NPDES Form Date (02/22)

Form Approved OMB No. 2040-0305

**Section I. Operator Information**

Provide the legal name of the person, firm, public organization, or any other entity that operates the project. Refer to Appendix A of the permit for the definition of "operator." Provide the operator's mailing address, county, telephone number, and e-mail address.

**Section II. Project/Site Information**

Enter the official or legal name and complete street address, including city, State, ZIP code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34).

Provide site contact information, if different from the operator.

Provide the name of the receiving waterbodies to which your site/project will discharge.

**Section III. Map**

Attach a map of the entire site that includes the identified items. Attach a schematic of the proposed treatment system(s) that includes the identified items.

**Section IV. Responsible Personnel**

Provide the legal name of the treatment system operator or company and complete street address, including city, State, including city, State, and ZIP code.

List personnel who will be responsible for operating the chemical treatment systems and application of the chemicals. For each personnel listed, cite the training that the personnel have received in operation and maintenance of the treatment system(s) and use of the specific chemical(s) proposed.

**Section V. Proposed Treatment**

Indicate the proposed treatment system and proposed cationic chemicals to be used. Indicate the estimated treatment start and end dates. Describe the sampling and recordkeeping schedule. Explain why you have selected the proposed treatment system and chemicals.

**Section VI. Certification Information**

The form must be signed as follows:

For a corporation: By a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations,

and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA). Include the name and title of the person signing the form and the date of signing.

**Submitting Your Form**


Submit this form to your applicable EPA Regional Office. Contact information can be found at:

<https://www.epa.gov/npdes/contact-us-stormwater#regional>

## **Appendix K – Turbidity Monitoring Report Form and Instructions**

Part 3.3 requires you to use the EPA NPDES eReporting Tool, or “NeT” system, to prepare and submit your report electronically. However, if the EPA Regional Office grants you a waiver to use a paper form, and you elect to use it, you must complete and submit the following form.



NPDES Form <b>6100-065</b>		<p align="center"><b>U.S. Environmental Protection Agency</b>          Washington, DC 20460</p> <p align="center">Turbidity Monitoring Report Form for Dewatering Discharges to Sensitive Waters Under the 2022 NPDES Construction General Permit</p>	OMB No. <b>2040-0305</b> Exp. Date <b>01/31/2025</b>
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**SECTION I. APPROVAL TO USE PAPER FORM**

<b>Paper Form</b>	Have you been granted a waiver from electronic reporting from the Regional Office*? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
	If yes, check which waiver you have been granted, and provide the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:	
	Waiver granted: <input type="checkbox"/> The owner/operator's headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission. <input type="checkbox"/> The owner/operator has issues regarding available computer access or computer capability.	
	Name of EPA staff person that granted the waiver	Date approval obtained (MM/DD/YYYY)
	* Note: You are required to obtain approval from the applicable Regional Office prior to using this paper form. If you have not obtained a waiver, you must file this form electronically using the NPDES eReporting Tool (NeT).	

**SECTION II. PERMIT INFORMATION**

<b>Permit</b>	NPDES ID
	Does this report fulfill turbidity monitoring report obligations of other operators that are covered under this permit for the same project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>  If yes, provide the NPDES ID number(s) for all other such operators at the same project site: _____

**SECTION III. OPERATOR INFORMATION**

<b>Operator Information</b>	Operator Name		
	Mailing Address		
	Street		
	City	State	ZIP Code
	County or Similar Government Division:		
	Phone Number	Email Address	
<b>Preparer</b>	Complete if form was prepared by someone other than the certifier:		
	First Name	Middle Initial	Last Name
	Organization		
	Phone Number	Email Address	

**SECTION IV. SITE INFORMATION**

<b>Site Address</b>	Site Name
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<b>Site Address</b>	Street/Location		
	City	State	ZIP Code
	County or Similar Government Division:		

**SECTION IV. MONITORING QUARTER**

<b>Monitoring Quarter</b>	Identify monitoring quarter (select only one):	<input type="checkbox"/> Quarter 1 (January 1 – March 31)	<input type="checkbox"/> Quarter 3 (July 1 – September 30)
		<input type="checkbox"/> Quarter 2 (April 1 – June 30)	<input type="checkbox"/> Quarter 4 (October 1 – December 31)

**SECTION IVI. TURBIDITY MONITORING DATA**

<b>Turbidity Monitoring Data</b>	Discharge Point Description/ Name:				
	Was dewatering water discharged during the monitoring quarter? <input type="checkbox"/> Yes (Enter the data below) <input type="checkbox"/> No (Skip to Section VII)				
	Specific Week within Monitoring Quarter <sup>1</sup>	Weekly Average (NTU) <sup>2</sup>	Benchmark Threshold (NTU)	Alternate Benchmark Threshold (NTU) <sup>3</sup>	Average exceeds Benchmark? <sup>4</sup>
	Week 1		50		<input type="checkbox"/> Yes <input type="checkbox"/> No
	Week 2		50		<input type="checkbox"/> Yes <input type="checkbox"/> No
	Week 3		50		<input type="checkbox"/> Yes <input type="checkbox"/> No
	Week 4		50		<input type="checkbox"/> Yes <input type="checkbox"/> No
	Week 5		50		<input type="checkbox"/> Yes <input type="checkbox"/> No
	Week 6		50		<input type="checkbox"/> Yes <input type="checkbox"/> No
	Week 7		50		<input type="checkbox"/> Yes <input type="checkbox"/> No
	Week 8		50		<input type="checkbox"/> Yes <input type="checkbox"/> No
	Week 9		50		<input type="checkbox"/> Yes <input type="checkbox"/> No
	Week 10		50		<input type="checkbox"/> Yes <input type="checkbox"/> No
	Week 11		50		<input type="checkbox"/> Yes <input type="checkbox"/> No
Week 12		50		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Week 13		50		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Week 14		50		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<sup>1</sup> Refer to Table K-1 to determine the specific monitoring week number for which you are reporting turbidity data for this quarter. <sup>2</sup> Report to the nearest whole number. Enter "N/A" if no dewatering discharge occurred during any particular week. <sup>3</sup> Prior approval from the EPA Regional Office is required pursuant to Part 3.3.2.b. Unless and until EPA approves your request to use an alternate benchmark, you are required to use the standard benchmark of 50 NTU and take any required corrective actions if an exceedance occurs. Enter "N/A" if you have not received approval for an alternate benchmark threshold. <sup>4</sup> If "Yes," the operator must conduct follow-up corrective action pursuant to Part 5.2.2 and document any corrective action taken in the corrective action log in accordance with Part 5.4.					

**VII. CERTIFICATION INFORMATION**

<b>Certification Information</b>	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.		
	First Name	Middle Initial	Last Name
	Title		
	Signature		Date (MM/DD/YYYY)
	Phone Number	Email Address	

## Instructions for Completing EPA Form 6100-065

### Turbidity Monitoring Report for Dewatering Discharges to Sensitive Waters Under the 2022 NPDES Construction General

Permit NPDES Form Date (02/22)

Form Approved OMB No. 2040-0305

#### General Instructions

##### Who Must Submit A Turbidity Monitoring Report to EPA?

Sites covered under the Construction General Permit (CGP or permit) that are required to monitor pursuant to Part 3.3 of the permit must submit Turbidity Monitoring Reports consistent with the reporting requirements specified in Part 3.3.4 of the permit.

##### When Must I Submit A Turbidity Monitoring Report to EPA?

You must submit your report to EPA no later than 30 days following the end of each monitoring quarter. Submit a form for every quarter the site is active.

Monitoring Quarter #	Months	Reporting Deadline
1	January 1 – March 31	April 30
2	April 1 – June 30	July 30
3	July 1 – September 30	October 30
4	October 1 – December 31	January 30

#### Completing the Form

Obtain and read a copy of the 2022 CGP, viewable at <https://www.epa.gov/npdes/stormwater-discharges-construction-activities#cgp>. To complete this form, type or print, using uppercase letters, in the appropriate areas only. Please submit the original document with signature in ink - do not send a photocopied signature. **Photocopy your form for your records before you send the completed original form to the appropriate address.**

#### Section I. Approval to Use Paper Form

You must indicate whether you have been granted a waiver from electronic reporting from the EPA Regional Office. Note that you are not authorized to use this paper form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA staff person who granted the waiver, and the date that approval was provided. See <https://www.epa.gov/npdes/contact-us-stormwater> for a list of EPA Regional Office contacts.

#### Section II. Permit Information

Provide the NPDES ID (i.e., NOI tracking number) assigned to the site for which this form is being submitted. Submit the form only for sites discharging dewatering water to a sediment-impaired water or a water designated as a Tier 2, Tier 2.5, or Tier 3 water.

Indicate whether this report fulfills turbidity monitoring report obligations of other operators that are covered under this permit for the same project site. If the answer is yes, provide all relevant NPDES ID numbers.

#### Section III. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that is considered the operator of the site. See Part 1.1.1 and Appendix A for the

definition of "operator." Provide the operator's mailing address, phone number, and e-mail. The operator information in this Section should match the operator information provided on your NOI form.

If this form was prepared by someone other than the certifier, include the name, organization, phone number, and email address of the person who prepared this form.

#### Section IV. Site Information

Enter the official or legal name and complete street address, including city, State, ZIP code, and county or similar government subdivision of the site. If the site lacks a street address, indicate the general location (e.g., Intersection of State Highways 61 and 34). The site information in this Section should match the site information provided on your NOI form.

#### Section V. Monitoring Quarter

Indicate the appropriate monitoring quarter (Quarter 1, 2, 3, or 4). The monitoring quarters are specified in the table in the section titled "When Must I Submit A Turbidity Monitoring Report to EPA." Select only one quarter.

#### Section VI. Turbidity Monitoring Data

Provide the discharge point description/name if you are discharging dewatering water from more than one point at the site. If you are discharging from only one point at the site, leave the spaces blank.

Submit Section VI data for each dewatering discharge point. For example, if you are discharging dewatering water from two points at the site, then submit two Section VIs (one for each discharge point).

Indicate whether dewatering occurred during the monitoring quarter. If "Yes" enter the data in the data table. If "No" skip to Section VII.

For averaging purposes, a monitoring week starts with a Monday and ends on Sunday. A numerical value is assigned for each week, which is called a Week Number (e.g., 1, 2, 3 etc.). The form includes a Week Number for each week of the year. Refer to Table K-1 for the dates that correspond with each Week Number.

Next, calculate the weekly average turbidity value for the corresponding monitoring week. The weekly average is calculated by adding all of the individual turbidity results for that monitoring week and dividing by the total number of samples. The calculation for the weekly average includes only those days when dewatering discharge occurred. Days when no dewatering discharge occurred, and therefore do not have turbidity data associated with them, are not included in the calculation of the weekly average. For example, if turbidity samples from your dewatering discharge in week 1 result in values of 30 NTU on Tuesday, 40 NTU on Wednesday, and 45 NTU on Thursday, your weekly average turbidity value would be 38 NTU  $((30+40+45) \div 3 = 38 \text{ NTU})$ . If in week 2, your turbidity samples resulted in values of 45 NTU on Monday, 30 NTU on Tuesday, 25 NTU on Wednesday, and 15 NTU on Thursday, you would calculate a new average for that week, which would yield an average turbidity value of 29 NTU  $((45+30+25+15) \div 4 = 29 \text{ NTU})$ . By comparison, if your samples on consecutive days from Friday to Monday were 60

NTU, 45 NTU, 40 NTU, and 43 NTU, respectively, and there are no other dewatering discharges for the remainder of the week, you would calculate one weekly average for the Friday to Sunday to be 48 NTU  $((60+45+40) \div 3 = 48 \text{ NTU})$ , and a separate weekly average for the one Monday to be 43 NTU  $(43 \div 1 = 43 \text{ NTU})$ .

If you collect and analyze more than one turbidity sample per day from your dewatering discharge, you must include any additional results in the calculation of your weekly average. For example, if during a monitoring week you take two turbidity samples on Tuesday with a value of 30 NTU and 35 NTU, three samples on Wednesday with a value of 40 NTU, 45 NTU, and 48 NTU, and one sample on Thursday with a value of 45 NTU, your weekly average turbidity value for this week would be 41 NTU  $((30+35+40+45+48+45) \div 6 = 41 \text{ NTU})$ .

Enter the weekly average turbidity values for the corresponding week into the table. Enter "N/A" into the table for the turbidity weekly average if no dewatering discharge occurred during the week.

The benchmark threshold for turbidity for this permit is 50 NTUs unless EPA has authorized the use of an alternate benchmark in accordance with Part 3.3.2.b. If you are using an alternate benchmark threshold, enter the number into the table for the corresponding week. Unless and until EPA approves your request to use an alternate benchmark, you are required to use the standard benchmark of 50 NTU and take any required corrective actions if an exceedance occurs. Enter "N/A" if you have not received approval for an alternate benchmark threshold.

For each week with a value for the weekly average, select "Yes" or "No" in the table to indicate whether the weekly average value exceeds the 50 NTU benchmark or the alternate turbidity benchmark (whichever is applicable). If "Yes", the operator must conduct follow-up corrective action pursuant to Part 5.2.2 and document any corrective action taken in the corrective action log in accordance with Part 5.4.

### Section VII. Certification Information

Forms must be signed by a person described below, or by a duly authorized representative of that person.

*For a corporation:* By a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

*For a partnership or sole proprietorship:* By a general partner or the proprietor, respectively; or

*For a municipality, State, Federal, or other public agency:* By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA). Include the name and title of the person signing the form and the date of signing.

A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above;
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and
3. The written authorization is submitted to the Director.

An unsigned or undated form will be considered incomplete.

### Submitting Your Form

If you have been granted a waiver from your Regional Office to submit a paper form, you must send your form by mail to one of the following addresses:

#### For Regular U.S. Mail Delivery:

Stormwater Notice Processing Center  
Mail Code 4203M, ATTN: 2022 CGP Reports  
U.S. EPA  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

#### For Overnight/Express Mail Delivery:

Stormwater Notice Processing Center  
William Jefferson Clinton East Building - Room 7420  
ATTN: 2022 CGP Reports  
U.S. EPA  
1201 Constitution Avenue, NW  
Washington, DC 20004

Visit this website for instructions on how to submit electronically:

<https://epanet.zendesk.com/hc/en-us/sections/115000949868-CGP-Training-Material>

### Revisions to a Submitted Form

If you have previously submitted a form with an error, submit a revised form with the correct information. After discovering the error, submit the revised form as soon as possible. Make a notation on the revised form where the correction was made.

### Paperwork Reduction Act Notice

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2040-0305). Responses to this collection of information are mandatory (40 CFR 122.26). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is

estimated to be 0.2 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

**Table K-1: 2022 CGP - Dates Corresponding to Monitoring Weeks for Each Monitoring Quarter**

2022				2023				2024				2025				2026				2027			
Monitoring Quarter	Week #	Monday	Sunday	Monitoring Quarter	Week #	Monday	Sunday	Monitoring Quarter	Week #	Monday	Sunday	Monitoring Quarter	Week #	Monday	Sunday	Monitoring Quarter	Week #	Monday	Sunday	Monitoring Quarter	Week #	Monday	Sunday
		Start Date	End Date			Start Date	End Date			Start Date	End Date			Start Date	End Date			Start Date	End Date			Start Date	End Date
1	1	1/18/22	1/23/22																				
	2	1/19/22	1/24/22																				
	3	1/17/22	1/23/22																				
	4	1/24/22	1/30/22																				
	5	1/31/22	2/6/22																				
	6	2/7/22	2/13/22																				
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	4	4/25/22	5/1/22																				
	5	5/2/22	5/8/22																				
	6	5/9/22	5/15/22																				
	7	5/16/22	5/22/22																				
	8	5/23/22	5/29/22																				
	9	5/30/22	6/5/22																				
	10	6/6/22	6/12/22																				
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	4	10/27/25	11/2/25																				
	5	11/3/25	11/9/25																				
	6	11/10/25	11/16/25																				
	7	11/17/25	11/23/25																				
	8	11/24/25	11/30/25																				
	9	12/1/25	12/7/25																				
	10	12/8/25	12/14/25																				
	11	12/15/25	12/21/25																				
	12	12/22/25	12/28/25																				
	13	12/29/25	1/4/26																				
1	1	1/5/26	1/11/26																				
	2	1/12/26	1/18/26																				
	3	1/19/26	1/25/26																				
	4	1/26/26	2/1/26																				
	5	2/2/26	2/8/26																				
	6	2/9/26	2/15/26																				
	7	2/16/26	2/22/26																				
	8	2/23/26	3/1/26																				
	9	3/2/26	3/8/26																				
	10	3/9/26	3/15/26																				
	11	3/16/26	3/22/26																				
	12	3/23/26	3/29/26																				
	13	3/30/26	4/5/26																				
2	1	4/6/26	4/12/26																				
	2	4/13/26	4/19/26																				
	3	4/20/26	4/26/26																				
	4	4/27/26	5/3/26																				
	5	5/4/26	5/10/26																				
	6	5/11/26	5/17/26																				
	7	5/18/26	5/24/26																				
	8	5/25/26	5/31/26																				
	9	6/1/26	6/7/26																				
	10	6/8/26	6/14/26																				
	11	6/15/26	6/21/26																				
	12	6/22/26	6/28/26																				
	13	6/29/26	7/5/26																				
3	1	7/6/26	7/12/26																				
	2	7/13/26	7/19/26																				
	3	7/20/26	7/26/26																				
	4	7/27/26	8/2/26																				
	5	8/3/26	8/9/26																				
	6	8/10/26	8/16/26																				
	7	8/17/26	8/23/26																				
	8	8/24/26	8/30/26																				
	9	8/31/26	9/6/26																				
	10	9/7/26	9/13/26																				
	11	9/14/26	9/20/26																				
	12	9/21/26	9/27/26																				
	13	9/28/26	10/4/26																				
4	1	10/5/26	10/11/26																				
	2	10/12/26	10/18/26																				
	3	10/19/26	10/25/26																				
	4	10/26/26	11/1/26																				
	5	11/2/26	11/8/26																				
	6	11/9/26	11/15/26																				
	7	11/16/26	11/22/26																				
	8	11/23/26	11/29/26																				
	9	11/30/26	12/6/26																				
	10	12/7/26	12/13/26																				
	11	12/14/26	12/20/26																				
	12	12/21/26	12/27/26																				
	13	12/28/26	1/3/27																				
1	1	1/4/27	1/10/27																				
	2	1/11/27	1/17/27																				
	3	1/18/27	1/24/27																				
	4	1/25/27	1/31/27																				
	5	2/1/27	2/7/27																				
	6	2/8/27	2/14/27																				
	7	2/15/27	2/21/27																				
	8	2/22/27	2/28/27																				
	9	3/1/27	3/7/27																				
	10	3/8/27	3/14/27																				
	11	3/15/27	3/21/27																				
	12	3/22/27	3/28/27																				
	13	3/29/27	4/4/27																				





**Appendix C – NOI and EPA Authorization email**



**Appendix D – 2022 CGP Inspection Form**

<b>Section A – General Information</b> (If necessary, complete additional inspection reports for each separate inspection location.)	
<b>Inspector Information</b>	
<b>Inspector Name:</b>	<b>Title:</b>
<b>Company Name:</b>	<b>Email:</b>
<b>Address:</b>	<b>Phone Number:</b>
<b>Inspection Details</b>	
<b>Inspection Date:</b>	<b>Inspection Location:</b>
<b>Inspection Start Time:</b>	<b>Inspection End Time:</b>
<b>Current Phase of Construction:</b>	<b>Weather Conditions During Inspection:</b>
<p><b>Did you determine that any portion of your site was unsafe for inspection per CGP Part 4.5?</b>   <input type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p><b>If “Yes,” provide the following information:</b></p> <p>Location of unsafe conditions:</p> <p>The conditions that prevented you inspecting this location:</p>	
<p><b>Indicate the required inspection frequency:</b> (Check all that apply. You may be subject to different inspection frequencies in different areas of the site.)</p>	
<p><b>Standard Frequency (CGP Part 4.2):</b></p> <p><input type="checkbox"/> At least once every 7 calendar days; <b>OR</b></p> <p><input type="checkbox"/> Once every 14 calendar days <i>and</i> within 24 hours of the occurrence of either:</p> <ul style="list-style-type: none"> <li>• A storm event that produces 0.25 inches or more of rain within a 24-hour period, or</li> <li>• A snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period</li> </ul>	
<p><b>Increased Frequency (CGP Part 4.3.1)</b> (If site discharges to sediment or nutrient-impaired waters or to waters designated as Tier 2, Tier 2.5, or Tier 3):</p> <p><input type="checkbox"/> Once every 7 calendar days <i>and</i> within 24 hours of the occurrence of either:</p> <ul style="list-style-type: none"> <li>• A storm event that produces 0.25 inches or more of rain within a 24-hour period, or</li> <li>• A snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period</li> </ul>	

**Reduced Frequency (CGP Part 4.4):**

- For stabilized areas: Twice during first month, no more than 14 calendar days apart; then once per month after first month until permit coverage is terminated
- For stabilized areas on "linear construction sites": Twice during first month, no more than 14 calendar days apart; then once more within 24 hours of the occurrence of either:
  - A storm event that produces 0.25 inches or more of rain within a 24-hour period, or
  - A snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period
- For arid, semi-arid, or drought-stricken areas during seasonally dry periods or during drought: Once per month and within 24 hours of the occurrence of either:
  - A storm event that produces 0.25 inches or more of rain within a 24-hour period, or
  - A snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period
- For frozen conditions where construction activities are being conducted: Once per month

**Was this inspection triggered by a storm event producing 0.25 inches or more of rain within a 24-hour period?**  Yes  No

**If "Yes," how did you determine whether the storm produced 0.25 inches or more of rain?**

- On-site rain gauge
- Weather station representative of site.  
Weather station location:

**Total rainfall amount that triggered the inspection (inches):**

**Was this inspection triggered by a snowmelt discharge from a storm event producing 3.25 inches or more of snow within a 24-hour period?**  Yes  No

**If "Yes," how did you determine whether the storm produced 3.25 inches or more of snow?**

- On-site rain gauge
- Weather station representative of site.  
Weather station location:

**Total snowfall amount that triggered the inspection (inches):**

Section B – Condition and Effectiveness of Erosion and Sediment (E&S) Controls (CGP Part 2.2) (Insert additional rows if needed)					
Type and Location of E&S Control	Conditions Requiring Routine Maintenance? <sup>1</sup>	If “Yes,” How Many Times (Including This Occurrence) Has This Condition Been Identified?	Conditions Requiring Corrective Action? <sup>2, 3</sup>	Date on Which Condition First Observed (If Applicable)?	Description of Conditions Observed
1.	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		
2.	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		
3.	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		
4.	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		
5.	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		
<p><b>If the same routine maintenance was found to be necessary three or more times for the same control at the same location (including this occurrence), follow the corrective action requirements and record the required information in your corrective action log, or describe here why you believe the specific condition should still be addressed as routine maintenance:</b></p>					

<sup>1</sup> Routine maintenance includes minor repairs or other upkeep performed to ensure that the site’s stormwater controls remain in effective operating condition, not including significant repairs or the need to install a new or replacement control. Routine maintenance is also required for specific conditions: (1) for perimeter controls, whenever sediment has accumulated to half or more the above-ground height of the control (CGP Part 2.2.3.c.i); (2) where sediment has been tracked-out from the site onto paved roads, sidewalks, or other paved areas (CGP Part 2.2.4.d); (3) for inlet protection measures, when sediment accumulates, the filter becomes clogged, and/or performance is compromised (CGP Part 2.2.10.b); and (4) for sediment basins, as necessary to maintain at least half of the design capacity of the basin (CGP Part 2.2.12.f)

<sup>2</sup> Corrective actions are triggered only for specific conditions (CGP Part 5.1):

1. A stormwater control needs a significant repair or a new or replacement control is needed, or, in accordance with Part 2.1.4.c, you find it necessary to repeatedly (i.e., three (3) or more times) conduct the same routine maintenance fix to the same control at the same location (unless you document in your inspection report under Part 4.7.1.c that the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under 2.1.4); or
2. A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or
3. Your discharges are not meeting applicable water quality standards; or
4. A prohibited discharge has occurred (see CGP Part 1.3); or
5. During the discharge from site dewatering activities:
  - a. The weekly average of your turbidity monitoring results exceeds the 50 NTU benchmark (or alternate benchmark if approved by EPA pursuant to Part 3.3.2.b); or
  - b. You observe or you are informed by EPA, State, or local authorities of the presence of the conditions specified in Part 4.6.3.e.

<sup>3</sup> If a condition on your site requires a corrective action, you must also fill out a corrective action log found at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>. See CGP Part 5.4 for more information.

Section C – Condition and Effectiveness of Pollution Prevention (P2) Practices and Controls (CGP Part 2.3)					
(Insert additional rows if needed)					
Type and Location of P2 Practices and Controls	Conditions Requiring Routine Maintenance? <sup>1</sup>	If “Yes,” How Many Times (Including This Occurrence) Has This Condition Been Identified?	Conditions Requiring Corrective Action? <sup>2, 3</sup>	Date on Which Condition First Observed (If Applicable)?	Description of Conditions Observed
1.	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		
2.	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		
3.	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		
4.	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		
5.	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		
<p>If the same routine maintenance was found to be necessary three or more times for the same control at the same location (including this occurrence), follow the corrective action requirements and record the required information in your corrective action log, or describe here why you believe the specific condition should still be addressed as routine maintenance:</p>					

Section D – Stabilization of Exposed Soil (CGP Part 2.2.14) (Insert additional rows if needed)					
Specific Location That Has Been or Will Be Stabilized	Stabilization Method and Applicable Deadline	Stabilization Initiated?	Final Stabilization Criteria Met?	Final Stabilization Photos Taken?	Notes
1.		<input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," date initiated:	<input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," date criteria met:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2.		<input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," date initiated:	<input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," date criteria met:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3.		<input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," date initiated:	<input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," date criteria met:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.		<input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," date initiated:	<input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," date criteria met:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5.		<input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," date initiated:	<input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," date criteria met:	<input type="checkbox"/> Yes <input type="checkbox"/> No	



<b>Section E – Description of Discharges (CGP Part 4.6.2)</b> (Insert additional rows if needed)	
<p><b>Was a discharge (not including dewatering) occurring from any part of your site at the time of the inspection?<sup>4</sup></b>    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><b>If “Yes,” for each point of discharge, document the following:</b></p> <ul style="list-style-type: none"> <li>• The visual quality of the discharge.</li> <li>• The characteristics of the discharge, including color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of stormwater pollutants.</li> <li>• Signs of the above pollutant characteristics that are visible from your site and attributable to your discharge in receiving waters or in other constructed or natural site drainage features.</li> </ul>	
Discharge Location	Observations
1.	
2.	
3.	
4.	
5.	

<sup>4</sup> If a dewatering discharge was occurring, you must conduct a dewatering inspection pursuant to CGP Part 4.3.2 and complete a separate dewatering inspection report.

**Section F – Signature and Certification (CGP Part 4.7.2)**

"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 contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained 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."

**MANDATORY: Signature of Operator or "Duly Authorized Representative:"**

<b>Signature:</b>	<b>Date:</b>
<b>Printed Name:</b>	<b>Affiliation:</b>

**OPTIONAL: Signature of Contractor or Subcontractor**

<b>Signature:</b>	<b>Date:</b>
<b>Printed Name:</b>	<b>Affiliation:</b>

## **General Tips for Using This Template**

This Site Inspection Report Template is provided to assist you in preparing site inspection reports for EPA's 2022 Construction General Permit (CGP). If you are covered under the 2022 CGP, you can use this template to create a site inspection report form that is customized to the specific circumstances of your site and that complies with the minimum reporting requirements of Part 4.7 of the permit. Note that the use of this form is optional; you may use your own site inspection report form provided it includes the minimum information required in Part 4.7 of the CGP.

This template does not address the CGP's inspection reporting requirements related to dewatering activities. A separate inspection template has been developed specifically for dewatering activities and is available at <https://www.epa.gov/npdcs/construction-general-permit-resources-tools-and-templates>.

Keep in mind that this document is a template and not an "off-the-shelf" inspection report that is ready to use without some modification. You must first customize this form to include the specifics of your project in order for it to be useable for your inspection reports. Once you have entered all of your site-specific information into the blank fields, you may use this form to complete inspection reports.

The following tips for using this template will help you ensure that the minimum permit requirements are met:

- **Review the inspection requirements.** Before you start developing your inspection report form, read the CGP's Part 4 inspection requirements. This will ensure that you have a working understanding of the permit's underlying inspection requirements.
- **Complete all required blank fields.** Fill out all blank fields. Only by filling out all fields will the template be compliant with the requirements of the permit. (Note: Where you do not need the number of rows provided in the template form for your inspection, you may delete these or cross them off as you see fit. Or, if you need more space to document your findings, you may insert additional rows in the electronic version of this form or use the bottom of the page in the field version of this form.)
- **Use your site map to document inspection findings.** In several places in the template, you are directed to specify the location of certain features of your site, including where stormwater controls are installed and where you will be stabilizing exposed soil. You are also asked to fill in location information for unsafe conditions and the locations of any discharges occurring during your inspections. Where you are asked for location information, EPA encourages you to reference the point on your SWPPP site map that corresponds to the requested location on the inspection form. Using the site map as a tool in this way will help you conduct efficient inspections, will assist you in evaluating problems found, and will ensure proper documentation.
- **Complete the inspection report within 24 hours of completing a site inspection.** You must complete an inspection report in accordance with Part 4.7.1 of the CGP.
- **Include the inspection form with your SWPPP.** Once your form is complete, make sure to include a copy of the inspection form in your SWPPP in accordance with Part 7.2.7.e of the CGP.
- **Retain copies of all inspection reports with your records.** You must also retain in your records copies of all inspection reports in accordance with the requirements in Part 4.7.3 of the CGP. These reports must be retained for at least 3 years from the date your permit coverage expires or is terminated in accordance with the requirements in Part 4.7.4 of the CGP.

## **Instructions for Section A**

### **Inspector Name**

Enter the name of the person that conducted the inspection. Include the person's contact information (title, affiliated company name, address, email, and phone number).

### **Inspection Date and Time**

Enter the date you performed the inspection and the time you started and ended the inspection.

### **Weather Conditions During Inspection**

Enter the weather conditions occurring during the inspection, e.g., sunny, overcast, light rain, heavy rain, snowing, icy, windy.

### **Current Phase of Construction**

If this project is being completed in more than one phase, indicate which phase it is currently in.

### **Inspection Location**

If your project has multiple locations where you conduct separate inspections, specify the location where this inspection is being conducted. If only one inspection is conducted for your entire project, enter "Entire Site." If necessary, complete additional inspection report forms for each separate inspection location.

### **Unsafe Conditions for Inspection (CGP Part 4.5.7)**

Inspections are not required where a portion of the site or the entire site is subject to unsafe conditions. These conditions should not regularly occur and should not be consistently present on a site. Generally, unsafe conditions are those that render the site (or a portion of it) inaccessible or that would pose a significant probability of injury to applicable personnel. Examples could include severe storm or flood conditions, high winds, and downed electrical wires.

If your site, or a portion of it, is affected by unsafe conditions during the time of your inspection, provide a description of the conditions that prevented you from conducting the inspection and what parts of the site were affected. If the entire site was considered unsafe, specify the location as "Entire Site."

### **Inspection Frequency**

Check all the inspection frequencies that apply to your project. Note that you may be subject to different inspection frequencies in different areas of your site.

### **Inspection Triggered by a Storm Event**

If you were required to conduct this inspection because of a storm event that produced 0.25 inches or more of rain within a 24-hour period, indicate whether you relied on an on-site rain gauge or a nearby weather station (and where the weather station is located). Also, specify the total amount of rainfall for this specific storm event.

If you were required to conduct this inspection because of a snowmelt discharge from a storm event that produced 3.25 inches or more of snow within a 24-hour period, then indicate whether you relied on an on-site measurement or a nearby weather station (and where the weather station is located). Also, specify the total amount of snowfall for this specific storm event.

## **Instructions for Section B**

### **Type and Location of Erosion and Sediment (E&S) Controls**

Provide a list of all erosion and sediment (E&S) controls that your SWPPP indicates will be installed and implemented at your site. This list must include at a minimum all E&S controls required by CGP Part 2.2. Include also any natural buffers established under CGP Part 2.2.1. Buffer requirements apply if your project's earth-disturbing activities will occur within 50 feet of a discharge to receiving water. You may group your E&S controls on your form if you have several of the same type of controls (e.g., you may group "Inlet Protection Measures," "Perimeter Controls," and "Stockpile Controls" together on one line), but if there are any problems with a specific control, you must separately identify the location of the control, whether routine maintenance or corrective action is necessary, and in the notes section you must describe the specifics about the problem you observed.

### **Conditions Requiring Routine Maintenance?**

Answer "Yes" if the E&S control requires routine maintenance as defined in footnote 1 of this template. Note that in many cases, "Yes" answers are expected and indicate a project with an active operation and maintenance program. You should also answer "Yes" if work to fix the problem is still ongoing from the previous inspection, though necessary work must be initiated immediately and completed by the end of the next business day or within seven calendar days if documented in accordance with CGP Part 2.1.4.b.

### **If "Yes," How Many Times (Including this Occurrence) Has this Condition Been Identified?**

Indicate how many times the routine maintenance has been required for the same control at the same location.

### **Conditions Requiring Corrective Action?**

Answer "Yes" if you found any of the conditions listed in footnote 2 in this template to be present during your inspection (CGP Part 5.1). If you answer "Yes," you must take corrective action and complete a corrective action log, found at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>. You should also answer "Yes" if work to fix the problem from a previous inspection is still ongoing, though the operator must comply with the corrective action deadlines in CGP Part 5.2.

### **Date on Which Condition First Observed (If Applicable)?**

Provide the date on which the condition that triggered the need for routine maintenance or corrective action was first identified. If the condition was just discovered during this inspection, enter the inspection date. If the condition is a carryover from a previous inspection, enter the original date of the condition's discovery.

### **Description of Conditions Observed**

For each E&S control and the area immediately surrounding it, describe whether the control is properly installed and whether it appears to be working to minimize sediment discharge. Indicate also whether a new or modified control is necessary to comply with the permit. Describe any problem condition(s) you observed such as the following:

1. Failure to install or to properly install a required E&S control
2. Damage or destruction to an E&S control caused by vehicles, equipment, or personnel, a storm event, or other event
3. Mud or sediment deposits found downslope from E&S controls, including in receiving waters, or on nearby streets, curbs, or open conveyance channels
4. Sediment tracked out onto paved areas by vehicles leaving construction site
5. Noticeable erosion or sedimentation at discharge outlets or at adjacent streambanks or channels
6. Erosion of the site's sloped areas (e.g., formation of rills or gullies)
7. E&S control is no longer working due to lack of maintenance
8. Other incidents of noncompliance

Describe also why you think the problem condition(s) occurred as well as actions (e.g., routine maintenance or corrective action) you will take or have taken to fix the problem.

For buffer areas, make note of whether they are marked off as required, whether there are signs of construction disturbance within the buffer, which is prohibited under the CGP, and whether there are visible signs of erosion resulting from discharges through the area.

If routine maintenance or corrective action is required, briefly note the reason. If routine maintenance or corrective action has been completed, make a note of the date it was completed and what was done. *If corrective action is required, note that you will need to complete a separate corrective action log describing the condition and your work to fix the problem.*

### **Routine Maintenance Need Has Been Found to be Necessary Three (3) or More Times for the Same Control at the Same Location (Including this Occurrence)**

If routine maintenance has been required three (3) or more times for the same control at the same location, the permit requires (CGP Part 2.1.4.c) you to fix the problem using the corrective action procedures in CGP Part 5 or to document why you believe the reoccurring problem can be addressed as a routine maintenance fix. If you believe the problem can continue to be fixed as routine maintenance, describe why you believe the specific condition should still be addressed as routine maintenance.

### **Instructions for Section C**

#### **Type and Location of Pollution Prevention (P2) Practices and Controls**

Provide a list of all pollution prevention (P2) practices and controls that are implemented at your site. This list must include all P2 practices and controls required by CGP Part 2.3 and those that are described in your SWPPP.

### **Conditions Requiring Routine Maintenance?**

Answer "Yes" if the P2 practice or control requires routine maintenance as defined in footnote 1 of this template. Note that in many cases, "Yes" answers are expected and indicate a project with an active operation and maintenance program. You should also answer "Yes" if work to fix the problem is still ongoing

from the previous inspection, though necessary work must be initiated immediately and completed by the end of the next business day or within seven calendar days if documented in accordance with CGP Part 2.1.4.b.

**If “Yes,” How Many Times (Including this Occurrence) Has this Condition Been Identified?**

Indicate how many times the routine maintenance has been required for the same practice or control at the same location.

**Conditions Requiring Corrective Action?**

Answer “Yes” if you found any of the conditions listed in footnote 2 in this template to be present during your inspection (CGP Part 5.1). If you answer “Yes,” you must take corrective action and complete a corrective action log, found at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>. You should also answer “Yes” if work to fix the problem from a previous inspection is still ongoing, though the operator must comply with the corrective action deadlines in CGP Part 5.2.

**Date on Which Condition First Observed (If Applicable)?**

Provide the date on which the condition that triggered the need for maintenance or corrective action was first identified. If the condition was just discovered during this inspection, enter the inspection date. If the condition is a carryover from a previous inspection, enter the original date of the condition’s discovery.

**Description of Conditions Observed**

For each P2 control and the area immediately surrounding it, describe whether the control is properly installed, and whether it appears to be working to minimize or eliminate pollutant discharges. Indicate also whether a new or modified control is necessary to comply with the permit. Describe any problem condition(s) you observed such as the following:

1. Failure to install or to properly install a required P2 control
2. Damage or destruction to a P2 control caused by vehicles, equipment, or personnel, or a storm event
3. Evidence of a spill, leak, or other type of pollutant discharge, or failure to have properly cleaned up a previous spill, leak, or other type of pollutant discharge
4. Spill response supplies are absent, insufficient, or not where they are supposed to be located
5. Improper storage, handling, or disposal of chemicals, building materials or products, fuels, or wastes
6. P2 control is no longer working due to lack of maintenance
7. Other incidents of noncompliance

Describe also why you think the problem condition(s) occurred as well as actions (e.g., routine maintenance or corrective action) you will take or have taken to fix the problem.

If routine maintenance or corrective action is required, briefly note the reason. If routine maintenance or corrective action has been completed, make a note of the date it was completed and what was done. *If corrective action is required, note that you will need to complete a separate corrective action log describing the condition and your work to fix the problem.*

**Routine Maintenance Need Was Found to be Necessary Three (3) or More Times for the Same Control at the Same Location (Including this Occurrence)**

If routine maintenance has been required three (3) or more times for the same control at the same location, the permit requires (CGP Part 2.1.4.c) you to fix the problem using the corrective action procedures in CGP Part 5 or to document why you believe the reoccurring problem can be addressed as a routine maintenance fix. If you believe the problem can continue to be fixed as routine maintenance, describe why you believe the specific condition should still be addressed as routine maintenance.

**Instructions for Section D**

**Specific Location That Has Been or Will Be Stabilized**

List all areas where soil stabilization is required to begin because construction work in that area has permanently stopped or temporarily stopped (i.e., work will stop for 14 or more days), and all areas where stabilization has been implemented (CGP Part 2.2.14).

**Stabilization Method and Applicable Deadline**

For each area, specify the method of stabilization (e.g., hydroseed, sod, planted vegetation, erosion control blanket, mulch, rock).

Specify also which of the following stabilization deadlines apply to this location:

1. 5 acres or less of land disturbance occurring at any one time at site: Complete no later than 14 calendar days after stabilization initiated.
2. More than 5 acres of land disturbance occurring at any one time at site: Complete no later than 7 calendar days after stabilization initiated.
3. Arid, semi-arid, and drought-stricken areas: See CGP Part 2.2.14.b.i.
4. Unforeseen circumstances: See CGP Part 2.2.14.b.ii.
5. Discharges to a sediment- or nutrient-impaired water or to a water identified as Tier 2, 2.5, or 3 for antidegradation purposes: Complete no later than 7 days after stabilization initiated.

**Stabilization Initiated?**

For each area, indicate whether stabilization has been initiated. If "Yes," then enter the date stabilization was initiated.

**Final Stabilization Criteria Met?**

For each area, indicate whether the final stabilization criteria in CGP Part 2.2.14.c have been met. If "Yes," then enter the date final stabilization criteria were met.

**Final Stabilization Photos Taken?**

Answer "Yes" if you have taken photos before and after meeting the stabilization criteria as required in CGP Part 8.2.1.a.

**Notes**

For each area where stabilization has been initiated, describe the progress that has been made and what additional actions are necessary to complete stabilization. Note the effectiveness of stabilization in preventing erosion. If stabilization has been initiated but not completed, make a note of the date it is to be completed. If stabilization has been completed, make a note of the date it was completed. If stabilization has not yet been initiated, make a note of the date it is to be initiated and the date it is to be completed.

**Instructions for Section E**

You are only required to complete this section if a discharge is occurring at the time of the inspection (CGP Part 4.6.2).

**Was a discharge (not including dewatering) occurring from any part of your site at the time of the inspection?**

During your inspection, examine all points of discharge from your site, and determine whether a discharge is occurring. If a dewatering discharge was occurring, you must conduct a dewatering inspection pursuant to CGP Part 4.3.2. If there is a discharge, answer "Yes" and complete the questions below regarding the specific discharge. If there is not a discharge, answer "No" and skip to the next page.

**Discharge Location** (Repeat as necessary if there are multiple points of discharge.)

Specify the location on your site where the discharge is occurring. The location may be an outlet from a stormwater control or constructed stormwater channel, a discharge into a storm sewer inlet, or a specific point on the site. Be as specific as possible; it is recommended that you refer to a precise point on your site map.

**Observations**

Document the visual quality of the discharge and take note of the characteristics of the stormwater discharge, including color; odor; floating, settled, or suspended solids; foam; oily sheen; and other indicators of stormwater pollutants. Also, document signs of these same pollutant characteristics that are visible from your site and attributable to your discharge in receiving waters or in other constructed or natural site drainage features.



## **Instructions for Section F**

Each inspection report must be signed and certified to be considered complete (CGP Part 4.7.2).

### **Operator or “Duly Authorized Representative” – MANDATORY** (CGP Appendix G Part G.11.2 and CGP Appendix H Section X)

At a minimum, the site inspection report must be signed by either (1) the person who signed the NOI, or (2) a duly authorized representative of that person. The following requirements apply:

If the signatory will be the person who signed the NOI for permit coverage, as a reminder, that person must be one of the following types of individuals:

- *For a corporation:* By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- *For a partnership or sole proprietorship:* By a general partner or the proprietor, respectively.
- *For a municipality, State, Federal, or other public agency:* By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

If the signatory will be a duly authorized representative, the following requirements must be met:

- The authorization is made in writing by the person who signed the NOI (see above);
- The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.

Sign, date and print your name and affiliation.

### **Contractor or Subcontractor - OPTIONAL**

Where you rely on a contractor or subcontractor to complete the site inspection report, you should consider requiring the individual(s) to sign and certify each report. Note that this does not relieve you, the permitted operator, of the requirement to sign and certify the site inspection report as well. If applicable, sign, date, and print your name and affiliation.

### **Note**

While EPA has made every effort to ensure the accuracy of all instructions contained in this template, it is the permit, not this template, that determines the actual obligations of regulated construction stormwater discharges. In the event of a conflict between this template and any corresponding provision of the CGP, you must abide by the requirements in the permit. EPA welcomes comments on this Site Inspection Report Template at any time and will consider those comments in any future revision. You may contact EPA for CGP-related inquiries at [cgp@epa.gov](mailto:cgp@epa.gov)



**Appendix E – 2022 CGP Corrective Action Form**

# 2022 CGP Corrective Action Log

Project Name: \_\_\_\_\_

NPDES ID Number: \_\_\_\_\_

Section A – Individual Completing this Log	
Name:	Title:
Company Name:	Email:
Address:	Phone Number:
Section B – Details of the Problem (CGP Part 5.4.1.a)	
Complete this section <u>within 24 hours</u> of discovering the condition that triggered corrective action.	
Date problem was first identified:	Time problem was first identified:
What site conditions triggered this corrective action? <i>(Check the box that applies. See instructions for a description of each triggering condition (1 thru 6).)</i>	
<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5a <input type="checkbox"/> 5b <input type="checkbox"/> 6	
Specific location where problem identified:	
Provide a description of the specific condition that triggered the need for corrective action and the cause (if identifiable):	
Section C – Corrective Action Completion (CGP Part 5.4.1.b)	
Complete this section <u>within 24 hours</u> after completing the corrective action.	
For site condition # 1, 2, 3, 4, or 6 (those not related to a dewatering discharge) confirm that you met the following deadlines (CGP Part 5.2.1):	
<input type="checkbox"/> Immediately took all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events. <b>AND</b>	
<input type="checkbox"/> Completed corrective action by the close of the next business day, unless a new or replacement control, or significant repair, was required. <b>OR</b>	
<input type="checkbox"/> Completed corrective action within seven (7) calendar days from the time of discovery because a new or replacement control, or significant repair, was necessary to complete the installation of the new or modified control or complete the repair. <b>OR</b>	
<input type="checkbox"/> It was infeasible to complete the installation or repair within 7 calendar days from the time of discovery. Provide the following additional information:  Explain why 7 calendar days was infeasible to complete the installation or repair:	

Provide your schedule for installing the stormwater control and making it operational as soon as feasible after the 7 calendar days:

**For site condition # 5a, 5b, or 6 (those related to a dewatering discharge), confirm that you met the following deadlines:**

- Immediately took all reasonable steps to minimize or prevent the discharge of pollutants until a solution could be implemented, including shutting off the dewatering discharge as soon as possible depending on the severity of the condition taking safety considerations into account.
- Determined whether the dewatering controls were operating effectively and whether they were causing the conditions.
- Made any necessary adjustments, repairs, or replacements to the dewatering controls to lower the turbidity levels below the benchmark or remove the visible plume or sheen.

Describe any modification(s) made as part of corrective action: (Insert additional rows below if applicable)	Date of completion:	SWPPP update necessary?	If yes, date SWPPP was updated:
1.		<input type="checkbox"/> Yes <input type="checkbox"/> No	
2.		<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Section D - Signature and Certification (CGP Part 5.4.2)**

"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 contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained 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."

**MANDATORY: Signature of Operator or "Duly Authorized Representative:"**

<b>Signature:</b>	<b>Date:</b>
<b>Printed Name:</b>	<b>Affiliation:</b>

**OPTIONAL: Signature of Contractor or Subcontractor**

<b>Signature:</b>	<b>Date:</b>
<b>Printed Name:</b>	<b>Affiliation:</b>

## **General Instructions**

This Corrective Action Log Template is provided to assist you creating a corrective action log that complies with the minimum reporting requirements of Part 5.4 of the EPA's Construction General Permit (CGP). For each triggering condition on your site, you will need to fill out a separate corrective action log.

The entire form must be completed to be compliant with the requirements of the permit. (Note: In Section C, if you do not need the number of rows provided in the corrective action log, you may delete these or cross them off. Alternatively, if you need more space to describe any modifications, you may insert additional rows in the electronic version of this form or use the bottom of the page in the field version of this form.)

If you are covered under a State CGP, this template may be helpful in developing a log that can be used for that permit; however, you will likely need to modify this form to meet the specific requirements of any State-issued permit. If your permitting authority requires you to use a specific corrective action log, you should not use this template.

## **Instructions for Section A**

**Individual completing this form** Enter the name of the person completing this log. Include the person's contact information (title, affiliated company name, address, email, and phone number).

## **Instructions for Section B**

You must complete Section B within 24 hours of discovering the condition that triggered corrective action. (CGP Part 5.4)

### **When was the problem first discovered?**

Specify the date and time when the triggering condition was first discovered.

### **What site conditions triggered this corrective action? (CGP Parts 5.1 and 5.3)**

Check the box corresponding to the numbered triggering condition below that applies to your site.

1. A stormwater control needs a significant repair or a new or replacement control is needed, or, in accordance with Part Error! Reference source not found., you find it necessary to repeatedly (i.e., 3 or more times) conduct the same routine maintenance fix to the same control at the same location (unless you document in your inspection report under Part Error! Reference source not found. that the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under Part Error! Reference source not found.);
2. A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly;
3. Your discharges are not meeting applicable water quality standards;
4. A prohibited discharge has occurred (see Part 1.3);
5. During discharge from site dewatering activities:
  - a. The weekly average of your turbidity monitoring results exceeds the 50 NTU benchmark (or alternate benchmark if approved by EPA pursuant to Part **Error! Reference source not found.**); or
  - b. You observe or you are informed by EPA, State, or local authorities of the presence of any of the following at the point of discharge to a receiving water flowing through or immediately adjacent to your site and/or to constructed or natural site drainage features or storm drain inlets:
    - sediment plume
    - suspended solids
    - unusual color
    - presence of odor
    - decreased clarity
    - presence of foam
    - visible sheen on the water surface or visible oily deposits on the bottom or shoreline of the receiving water
6. EPA requires corrective action as a result of permit violations found during an inspection carried out under Part 4.8.

**Provide a description of the problem (CGP Part 5.4.1.a)**

Provide a summary description of the condition you found that triggered corrective action, the cause of the problem (if identifiable), and the specific location where it was found. Be as specific as possible about the location; it is recommended that you refer to a precise point on your site map.

**Instructions for Section C**

You must complete Section C within 24 hours after completing the correction action. (CGP Part 5.4)

**Deadlines for completing corrective action for condition # 1, 2, 3, 4, or 6 (if not relating to a dewatering discharge) (CGP Part 5.2.1)**

Check the box to confirm that you met the deadlines that apply to each triggering condition. You are always required to check the first box (i.e., Immediately took all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events.). Only one of the next three boxes should be checked depending on the situation that applies to this corrective action.

Check the second box if the corrective action for this particular triggering condition does not require a new or replacement control, or a significant repair. These actions must be completed by the close of the next business day from the time of discovery of the condition.

Check the third box if the corrective action for this particular triggering condition requires a new or replacement control, or a significant repair. These actions must be completed by no later than seven calendar days from the time of discover of the condition.

Check the fourth box if the corrective action for this particular triggering condition requires a new or replacement control, or a significant repair, and if it is infeasible to complete the work within seven calendar days. Additionally, you will need to fill out the table below the checkbox that requires:

1. An explanation as to why it was infeasible to complete the installation or repair within seven calendar days of discovering the condition.
2. Provide the schedule you will adhere to for installing the stormwater control and making it operational as soon as feasible after the seventh day following discovery.

Note: Per Part 5.2.1.c, where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven calendar days of completing this work.

**Deadlines for completing corrective action for condition # 5a, 5b, or 6 related to a dewatering discharge (CGP Part 5.2.2)**

These deadlines apply to conditions relating to construction dewatering activities. Check the box to confirm that you met the deadlines that apply to each triggering condition. You are required to check all of the boxes in this section to indicate your compliance with the corrective action deadlines.

**List of modification(s) to correct problem**

Provide a list of modifications you completed to correct the problem.

**Date of completion**

Enter the date you completed the modification. The work must be completed by the deadline you indicated above.

**SWPPP update necessary?**

Check "Yes" or "No" to indicate if a SWPPP update is necessary consistent with Part 7.4.1.a in order to reflect changes implemented at your site. If "Yes," then enter the date you updated your SWPPP. The SWPPP updates must be made within seven calendar days of completing a corrective action. (CGP Part 5.2.1.c)

**Instructions for Section D**

Each corrective action log entry must be signed and certified following completion of Section D to be considered complete. (CGP Part 5.4.2)

**Operator or "Duly Authorized Representative" – MANDATORY (CGP Appendix G Part G.11.2 and CGP Appendix H Section X)**

At a minimum, the corrective action log must be signed by either (1) the person who signed the NOI, or (2) a duly authorized representative of that person. The following requirements apply:

If the signatory will be the person who signed the NOI for permit coverage, as a reminder, that person must be one of the following types of individuals:

- *For a corporation:* By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- *For a partnership or sole proprietorship:* By a general partner or the proprietor, respectively.
- *For a municipality, State, Federal, or other public agency:* By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

If the signatory will be a duly authorized representative, the following requirements must be met:

- The authorization is made in writing by the person who signed the NOI (see above);
- The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.

Sign, date and print your name and affiliation.

#### **Contractor or Subcontractor - OPTIONAL**

Where you rely on a contractor or subcontractor to complete this log and the associated corrective action, you should consider requiring the individual(s) to sign and certify each log entry. Note that this does not relieve you, the permitted operator, of the requirement to sign and certify the log as well. If applicable, sign, date, and print your name and affiliation.

#### **Recordkeeping**

Logs must be retained for at least 3 years from the date your permit coverage expires or is terminated. (CGP Part 5.4.4)

Keep copies of your signed corrective action log entries at the site or at an easily accessible location so that it can be made immediately available at the time of an on-site inspection or upon request by EPA. (CGP Part 5.4.3) Include a copy of the corrective action log in your SWPPP. (CGP Part 7.2.7.e)

#### **Note**

While EPA has made every effort to ensure the accuracy of all instructions contained in this template, it is the permit, not this template, that determines the actual obligations of regulated construction stormwater discharges. In the event of a conflict between this template and any corresponding provision of the CGP, you must abide by the requirements in the permit. EPA welcomes comments on this Corrective Action Log Template at any time and will consider those comments in any future revision. You may contact EPA for CGP-related inquiries at [cgp@epa.gov](mailto:cgp@epa.gov)





**Appendix F – SWPPP Amendment Log**

No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]



## Appendix G – Subcontractor Certifications/Agreements

### SUBCONTRACTOR CERTIFICATION STORMWATER POLLUTION PREVENTION PLAN

Project Number: \_\_\_\_\_

Project Title: Nobscot Scout Reservation Trail Project

Operator(s): Boy Scouts of America (Mayflower Council)

As a subcontractor, you are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that you perform on-site. Any person or group who violates any condition of the SWPPP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP. A copy of the SWPPP is available for your review at the office trailer.

Each subcontractor engaged in activities at the construction site that could impact stormwater must be identified and sign the following certification statement:

**I certify under the penalty of law that I have read and understand the terms and conditions of the SWPPP for the above designated project and agree to follow the practices described in the SWPPP.**

This certification is hereby signed in reference to the above-named project:

Company: Boy Scouts of America (Mayflower Council)

Address: 83 Cedar Street, Milford, MA

Telephone Number: (508) 872-6551

Type of construction service to be provided: Trail improvements, swale stabilization,

bridge construction/replacement, and cabin improvements.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_





**Appendix I – SWPPP Training Log**

**Stormwater Pollution Prevention Training Log**

Project Name: Nobscot Scout Trail Reservation Project

Project Location: 1 Nobscot Road, Sudbury, MA 01776

Instructor’s Name(s):

Instructor’s Title(s):

Course Location: \_\_\_\_\_ Date: \_\_\_\_\_

Course Length (hours): \_\_\_\_\_

Stormwater Training Topic: *(check as appropriate)*

- Sediment and Erosion Controls**
- Emergency Procedures**
- Stabilization Controls**
- Inspections/Corrective Actions**
- Pollution Prevention Measures**

Specific Training Objective: \_\_\_\_\_

Attendee Roster: *(attach additional pages as necessary)*

No.	Name of Attendee	Company
1		
2		
3		
4		
5		
6		
7		
8		



## Appendix J – Delegation of Authority Form

### Delegation of Authority

I, Hunter McCormick, hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the Construction General Permit, at the 1 Nobscot Road, Subbury, MA construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

Pete Lane  
Boy Scouts of America  
83 Cedar Street  
Milford, MA 01757  
Mobile: (774) 249-9649

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in Appendix I of EPA’s Construction General Permit (CGP), and that the designee above meets the definition of a “duly authorized representative” as set forth in Appendix I.

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.

**Name:** Hunter McCormick

**Company:** Boy Scouts of America (Mayflower Council)

**Title:** Camping & Program Director

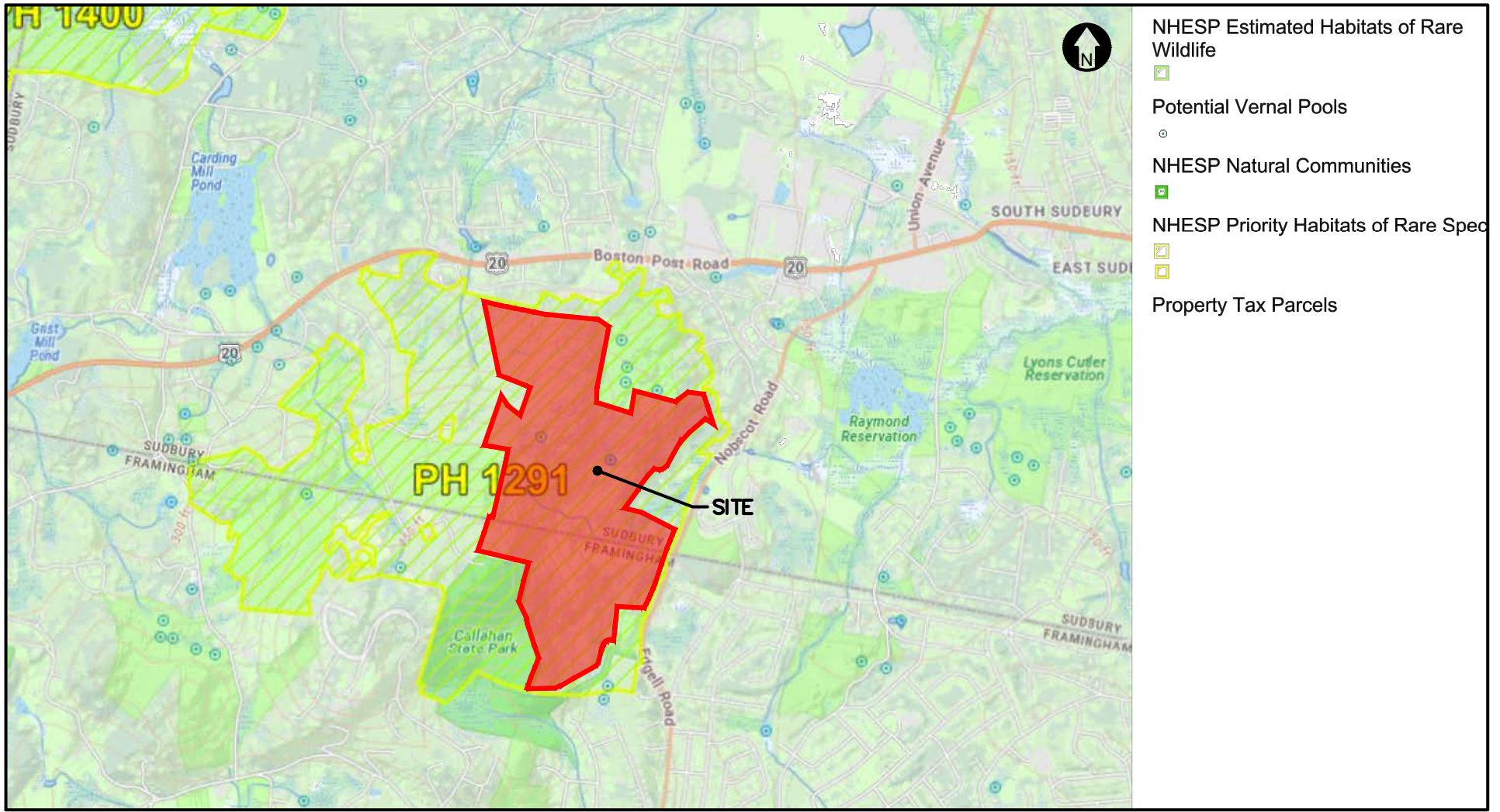
**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



**Appendix K – Endangered Species Documentation**

Figure 3. NHESP Map





# IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

## Location

Middlesex County, Massachusetts



# Local office

New England Ecological Services Field Office

☎ (603) 223-2541

📠 (603) 223-0104

70 Commercial Street, Suite 300

Concord, NH 03301-5094

NOT FOR CONSULTATION

# Endangered species

**This resource list is for informational purposes only and does not constitute an analysis of project level impacts.**

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species<sup>1</sup> and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>2</sup>).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [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.

The following species are potentially affected by activities in this location:

## Mammals

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

## Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> Wherever found No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

# Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

---

**Bald Eagle** *Haliaeetus leucocephalus*

Breeds Oct 15 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

**Black-billed Cuckoo** *Coccyzus erythrophthalmus*

Breeds May 15 to Oct 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9399>

**Blue-winged Warbler** *Vermivora pinus*

Breeds May 1 to Jun 30

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

**Bobolink** *Dolichonyx oryzivorus*

Breeds May 20 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Canada Warbler** *Cardellina canadensis*

Breeds May 20 to Aug 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Cerulean Warbler *Dendroica cerulea*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/2974>

Breeds Apr 29 to Jul 20

Chimney Swift *Chaetura pelagica*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Mar 15 to Aug 25

Eastern Whip-poor-will *Antrostomus vociferus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 1 to Aug 20

Kentucky Warbler *Oporornis formosus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Apr 20 to Aug 20

Lesser Yellowlegs *Tringa flavipes*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9679>

Breeds elsewhere

Prairie Warbler *Dendroica discolor*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 1 to Jul 31

Rusty Blackbird *Euphagus carolinus*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Breeds elsewhere



This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

## Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

### Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

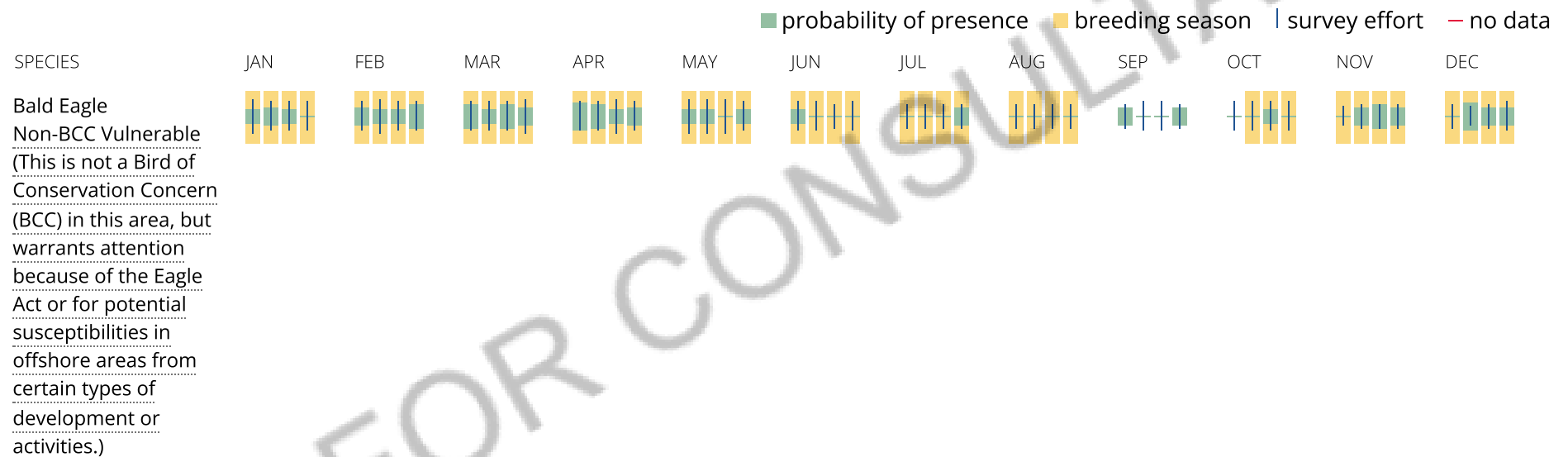
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

### No Data (-)

A week is marked as having no data if there were no survey events for that week.

### Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Black-billed Cuckoo  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the continental  
USA and Alaska.)



Blue-winged Warbler  
BCC - BCR (This is a Bird  
of Conservation  
Concern (BCC) only in  
particular Bird  
Conservation Regions  
(BCRs) in the  
continental USA)



Bobolink  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the continental  
USA and Alaska.)



Canada Warbler  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the continental  
USA and Alaska.)



Cerulean Warbler  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the continental  
USA and Alaska.)



NOT FOR CONSULTATION

Chimney Swift  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the continental  
USA and Alaska.)



Eastern Whip-poor-will  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the continental  
USA and Alaska.)



Kentucky Warbler  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the continental  
USA and Alaska.)



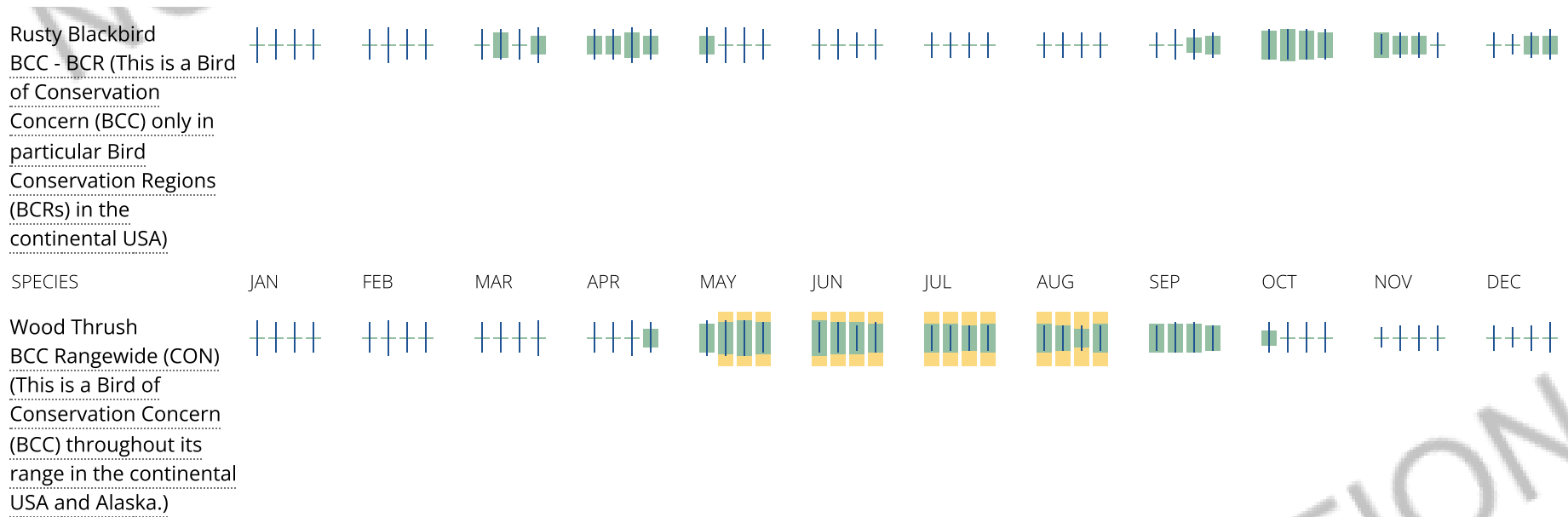
Lesser Yellowlegs  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the continental  
USA and Alaska.)



Prairie Warbler  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the continental  
USA and Alaska.)



NOT FOR CONSULTATION



**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

### **What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

### **How do I know if a bird is breeding, wintering or migrating in my area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

### **What are the levels of concern for migratory birds?**

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### **Details about birds that are potentially affected by offshore projects**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### **What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### **Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

## Coastal Barrier Resources System



Projects within the [John H. Chafee Coastal Barrier Resources System](#) (CBRS) may be subject to the restrictions on federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local [Ecological Services Field Office](#) or visit the [CBRA Consultations website](#). The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

THERE ARE NO KNOWN COASTAL BARRIERS AT THIS LOCATION.

#### Data limitations

The CBRS boundaries used in IPaC are representations of the controlling boundaries, which are depicted on the [official CBRS maps](#). The boundaries depicted in this layer are not to be considered authoritative for in/out determinations close to a CBRS boundary (i.e., within the "CBRS Buffer Zone" that appears as a hatched area on either side of the boundary). For projects that are very close to a CBRS boundary but do not clearly intersect a unit, you may contact the Service for an official determination by following the instructions here: <https://www.fws.gov/service/coastal-barrier-resources-system-property-documentation>

#### Data exclusions

CBRS units extend seaward out to either the 20- or 30-foot bathymetric contour (depending on the location of the unit). The true seaward extent of the units is not shown in the CBRS data, therefore projects in the offshore areas of units (e.g., dredging, breakwaters, offshore wind energy or oil and gas projects) may be subject to CBRA even if they do not intersect the CBRS data. For additional information, please contact [CBRA@fws.gov](mailto:CBRA@fws.gov).

## Facilities

## National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

# Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

## Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

WETLAND INFORMATION IS NOT AVAILABLE AT THIS TIME

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

### Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

### Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

#### **Data precautions**

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

NOT FOR CONSULTATION

# SITE PLAN FOR NOBSCOT SCOUT RESERVATION TRAIL PROJECT SUDBURY AND FRAMINGHAM, MA.

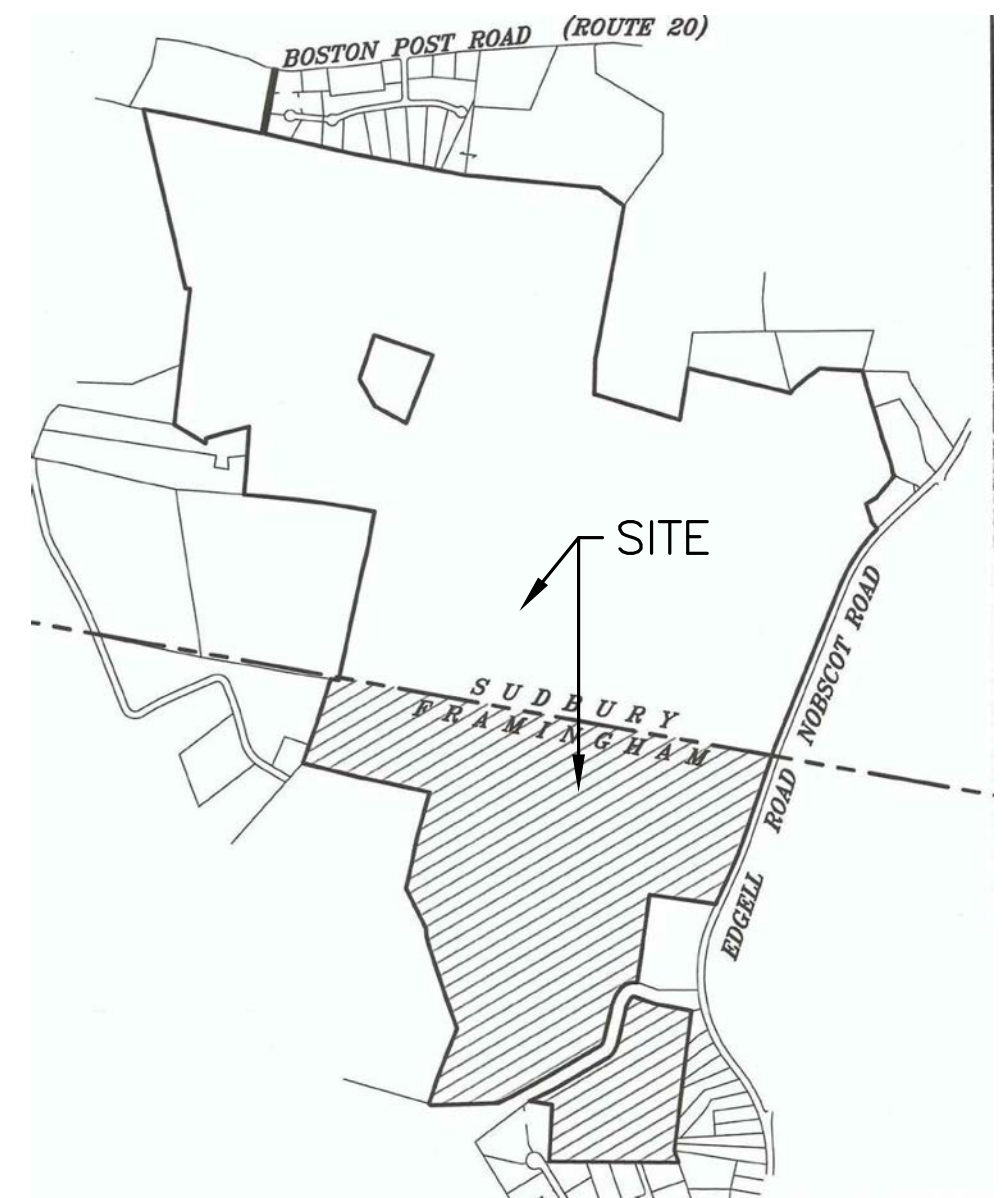
**HOWARD STEIN HUDSON**  
11 Beacon Street, Suite 1010  
Boston, MA 02108  
www.hshassoc.com

PREPARED FOR:  
BOY SCOUTS OF AMERICA  
MAYFLOWER COUNCIL  
83 CEDAR STREET  
MILFORD, MA 01757

NOBSCOT SCOUT  
RESERVATION TRAIL  
PROJECT  
FRAMINGHAM AND SUDBURY, MA  
WORCESTER COUNTY

**GENERAL NOTES:**

1. EXISTING PROPERTY LINE AND UTILITY INFORMATION SHOWN IS BASED ON AN EXISTING SURVEY CONDUCTED BY FELDMAN LAND SURVEYORS REVISED THROUGH 04-13-2022.
2. WETLAND DELINEATION COMPLETED BY LUCAS ENVIRONMENTAL, LLC UPDATED THROUGH MARCH 17, 2022.
3. "WF" SERIES REFER TO BORDERING VEGETATED WETLANDS, UNLESS OTHERWISE NOTED OR LABELED.
4. "BF" SERIES REFER TO INLAND BANK, UNLESS OTHERWISE NOTED OR LABELED.
5. THE 100-FOOT BUFFER ZONE IN THE TOWN OF SUDBURY IS DESIGNATED AS THE ADJACENT UPLAND RESOURCE AREA.
6. WF-J CONTAINS A CERTIFIED VERNAL POOL.
7. THE LIMIT OF WORK AREA IS LOCATED WITHIN ESTIMATED HABITAT FOR RARE WILDLIFE (EH 622) AND PRIORITY HABITAT FOR RARE SPECIES (PH 669).
8. THE ACCURACY AND COMPLETENESS OF THE UNDERGROUND UTILITIES AS SHOWN ON THE PLANS ARE NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXACT LOCATION, SIZE, TYPE, ETC. OF ALL UNDERGROUND UTILITIES THAT MAY BE AFFECTED BY THE WORK. AT LEAST 72 HOURS BEFORE EXCAVATION, THE CONTRACTOR SHALL BE REQUIRED TO CONTACT DIGSAFE AT 1-888-344-7233.
9. THE CONTRACTOR SHALL FIELD VERIFY CONDITIONS AND DIMENSIONS PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE ENGINEER.
10. WHERE AN EXISTING UTILITY IS FOUND TO CONFLICT WITH THE PROPOSED WORK, THE LOCATION, ELEVATION, AND SIZE OF THE UTILITY SHALL BE APPROPRIATELY DETERMINED WITHOUT DELAY BY THE CONTRACTOR AND THE INFORMATION FURNISHED TO THE ENGINEER FOR RESOLUTION.
11. ALL UTILITY COMPANIES, PUBLIC AND PRIVATE, MUST BE NOTIFIED, INCLUDING THOSE IN CONTROL OF UTILITIES NOT SHOWN ON THIS PLAN, PRIOR TO EXCAVATING, BLASTING, INSTALLING, BACKFILLING, GRADING, PAVEMENT RESTORATION OR REPAVING.
12. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES EXCEPT THOSE NOTED TO BE ABANDONED, REMOVED AND DISPOSED.
13. THE CONTRACTOR SHALL DISPOSE OF ALL WASTE MATERIAL IN ACCORDANCE WITH ALL FEDERAL, STATE, AND LOCAL REQUIREMENTS AT HIS/HER OWN EXPENSE, OUTSIDE OF THE PROJECT LIMITS.
14. THE SILT FENCE WILL BE INSTALLED AS CONSTRUCTION PROGRESSES IN AREAS SHOWN ON THE PLANS. IT WILL NOT BE INSTALLED SIMULTANEOUSLY THROUGHOUT THE SITE.
15. THE SILT FENCE IS TO BE USED AS THE TURTLE PROTECTION BARRIER IN ADDITION TO USE AS AN EROSION CONTROL DEVICE.
16. CONTRACTOR SHALL INSTALL A PLYWOOD CONSTRUCTION ACCESS BARRIER FOR TURTLE PROTECTION. THE BARRIER SHALL BE REMOVED AND REPLACED DAILY OR WHEN ACCESS IS NECESSARY.
17. GIS TOPOGRAPHIC INFORMATION PROVIDED FOR WOODED AREAS TO SUPPLEMENT THE SURVEY PROVIDED BY FELDMAN LAND SURVEYORS.



**LOCUS MAP  
NOT TO SCALE**

**OWNER**

BOY SCOUTS OF AMERICA  
MAYFLOWER COUNCIL  
83 CEDAR STREET  
MILFORD, MA 01757

**FRAMINGHAM ASSESSORS INFORMATION**

ASSESSORS MAP 008 BLOCK 01 LOT 2517  
ASSESSORS MAP 008 BLOCK 11 LOT 7059  
ASSESSORS MAP 015 BLOCK 19 LOT 6802

**SUDBURY ASSESSORS INFORMATION**

ASSESSORS MAP L BLOCK 05 LOT 0001  
ASSESSORS MAP L BLOCK 05 LOT 0003  
ASSESSORS MAP L BLOCK 05 LOT 0004  
ASSESSORS MAP L BLOCK 05 LOT 0005  
ASSESSORS MAP L BLOCK 05 LOT 0007  
ASSESSORS MAP L BLOCK 05 LOT 0200  
ASSESSORS MAP L BLOCK 06 LOT 0009

**REFERENCES**

1. EXISTING CONDITIONS SURVEY BY FELDMAN LAND SURVEYORS.

**SHEET INDEX**

SHEET 1	COVER SHEET
SHEET 2	KEY PLAN
SHEET 3-20	CONSTRUCTION PLANS
SHEET 21	DETAIL SHEET

**REVISIONS:**

NO	BY	DATE	DESCRIPTION

NOBSCOT SCOUT  
RESERVATION TRAIL  
PROJECT  
1 NOBSCOT ROAD  
SUDBURY MA 01776

NOTICE OF INTENT  
PERMIT SET

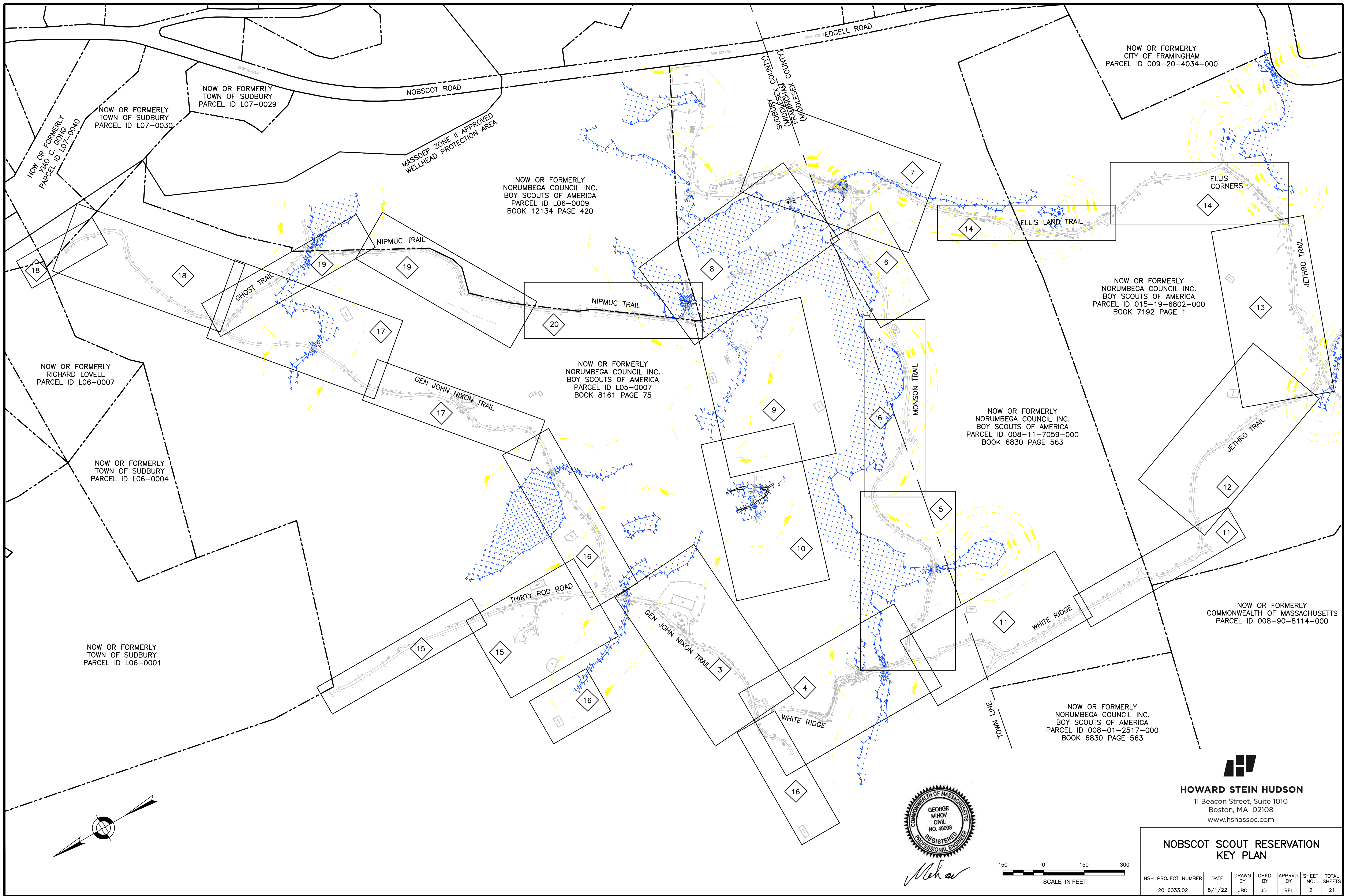
COVER  
SHEET



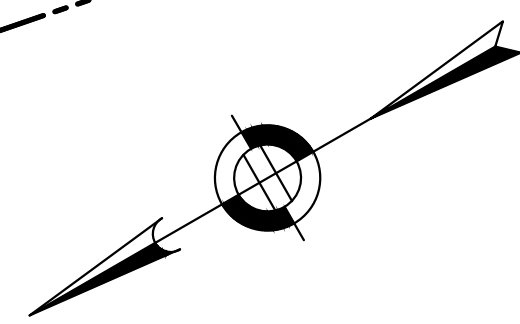
*George Mihov*

DATE:	08/01/2022
PROJECT NUMBER:	16033.02
DESIGNED BY:	JBC
DRAWN BY:	JBC
CHECKED BY:	REL





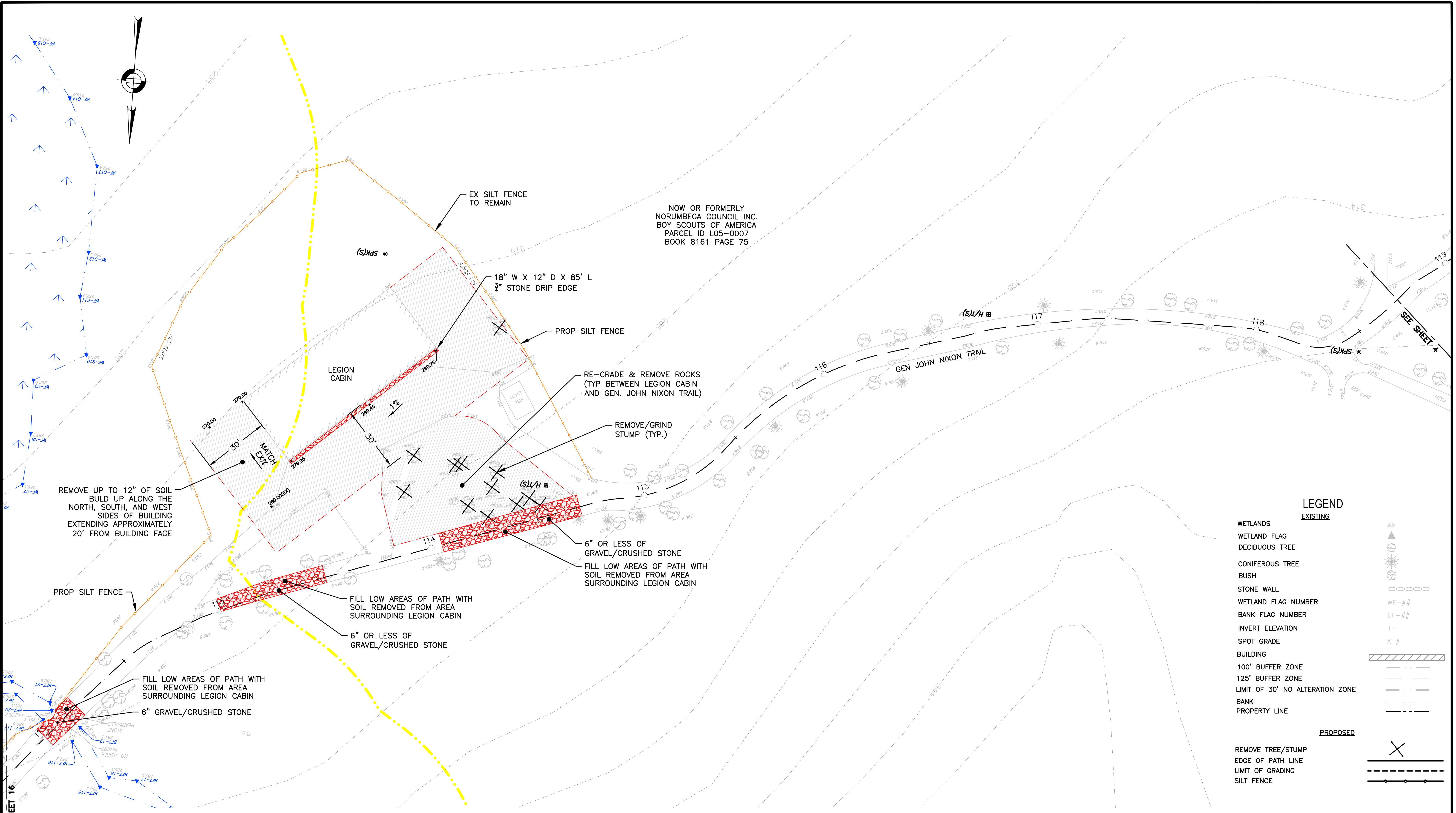
8/1/2022 L:\16033\CURRENT\CUTSHEETS\16033\_KEY\_PLAN.dwg Joseph Connolly



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 11 Beacon Street, Suite 1010  
 Boston, MA 02108  
 www.hshassoc.com

NOBSCOT SCOUT RESERVATION KEY PLAN							
SHS PROJECT NUMBER	DATE	DRAWN BY	CHKD. BY	APPRVD. BY	SHEET NO.	TOTAL SHEETS	
2016033.02	8/1/22	JBC	JD	REL	2	21	





NOW OR FORMERLY  
NORUMBEGA COUNCIL INC.  
BOY SCOUTS OF AMERICA  
PARCEL ID L05-0007  
BOOK 8161 PAGE 75

**LEGEND**  
EXISTING

- WETLANDS
- WETLAND FLAG
- DECIDUOUS TREE
- CONIFEROUS TREE
- BUSH
- STONE WALL
- WETLAND FLAG NUMBER
- BANK FLAG NUMBER
- INVERT ELEVATION
- SPOT GRADE
- BUILDING
- 100' BUFFER ZONE
- 125' BUFFER ZONE
- LIMIT OF 30' NO ALTERATION ZONE
- BANK
- PROPERTY LINE

PROPOSED

- REMOVE TREE/STUMP
- EDGE OF PATH LINE
- LIMIT OF GRADING
- SILT FENCE

DESCRIPTION OF DISTURBANCE	HATCH	AREA
PERMANENT UPLAND IMPACT	[Hatched]	0 SF
TEMPORARY UPLAND IMPACT	[Hatched]	10,485 SF
PERMANENT WETLAND IMPACT	[Blue]	0 SF
TEMPORARY WETLAND IMPACT	[Blue]	0 SF
PERMANENT BANK IMPACT	N/A	0 SF
TEMPORARY BANK IMPACT	N/A	0 LF
30' NO ALTERATION ZONE IMPACT	[Yellow]	N/A
50' NO BUILD ZONE IMPACT	[Yellow]	N/A
100' WETLAND BUFFER IMPACT	N/A	1,185 SF

STA 112+00-112+20 6" GRAVEL/CRUSHED STONE  
 STA 113+10-113+50 6" GRAVEL/CRUSHED STONE  
 STA 114+05-114+70 6" GRAVEL/CRUSHED STONE



*Mihov*



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 11 Beacon Street, Suite 1010  
 Boston, MA 02108  
 www.hshassoc.com

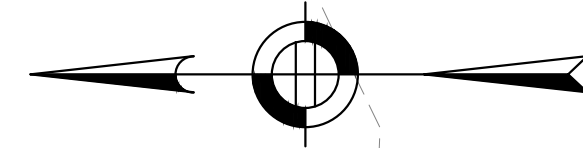
**NOBSCOT SCOUT RESERVATION  
 PERMITTING & CONSTRUCTION PLANS**

HSH PROJECT NUMBER	DATE	DRAWN BY	CHKD. BY	APPRVD. BY	SHEET NO.	TOTAL SHEETS
2016033.02	8/1/22	JBC	JD	REL	3	21

SEE SHEET 16

SEE SHEET 17

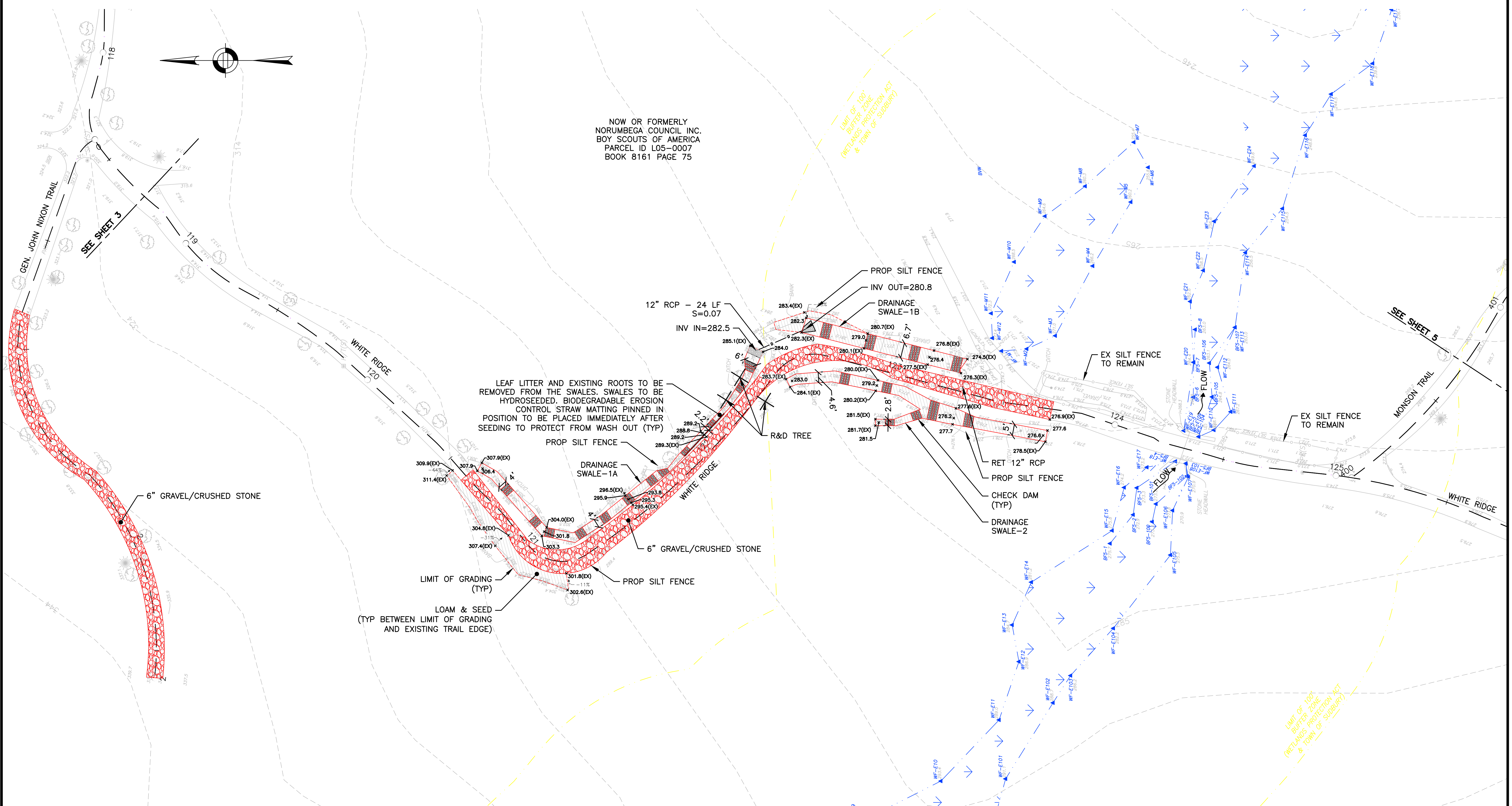




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BOY SCOUTS OF AMERICA  
PARCEL ID L05-0007  
BOOK 8161 PAGE 75

LIMIT OF 100'  
BUFFER ZONE  
(WETLANDS PROTECTION ACT  
& TOWN OF SUBURBY)

LIMIT OF 100'  
BUFFER ZONE  
(WETLANDS PROTECTION ACT  
& TOWN OF SUBURBY)



DESCRIPTION OF DISTURBANCE	HATCH	AREA
PERMANENT UPLAND IMPACT		0 SF
TEMPORARY UPLAND IMPACT		4,509 SF
PERMANENT WETLAND IMPACT		0 SF
TEMPORARY WETLAND IMPACT		0 SF
PERMANENT BANK IMPACT	N/A	0 SF
TEMPORARY BANK IMPACT	N/A	0 LF
30' NO ALTERATION ZONE IMPACT		N/A
50' NO BUILD ZONE IMPACT		N/A
100' WETLAND BUFFER IMPACT	N/A	2,254 SF

STA 0+85-2+35 6" GRAVEL/CRUSHED STONE  
STA 120+60-124+20 6" GRAVEL/CRUSHED STONE



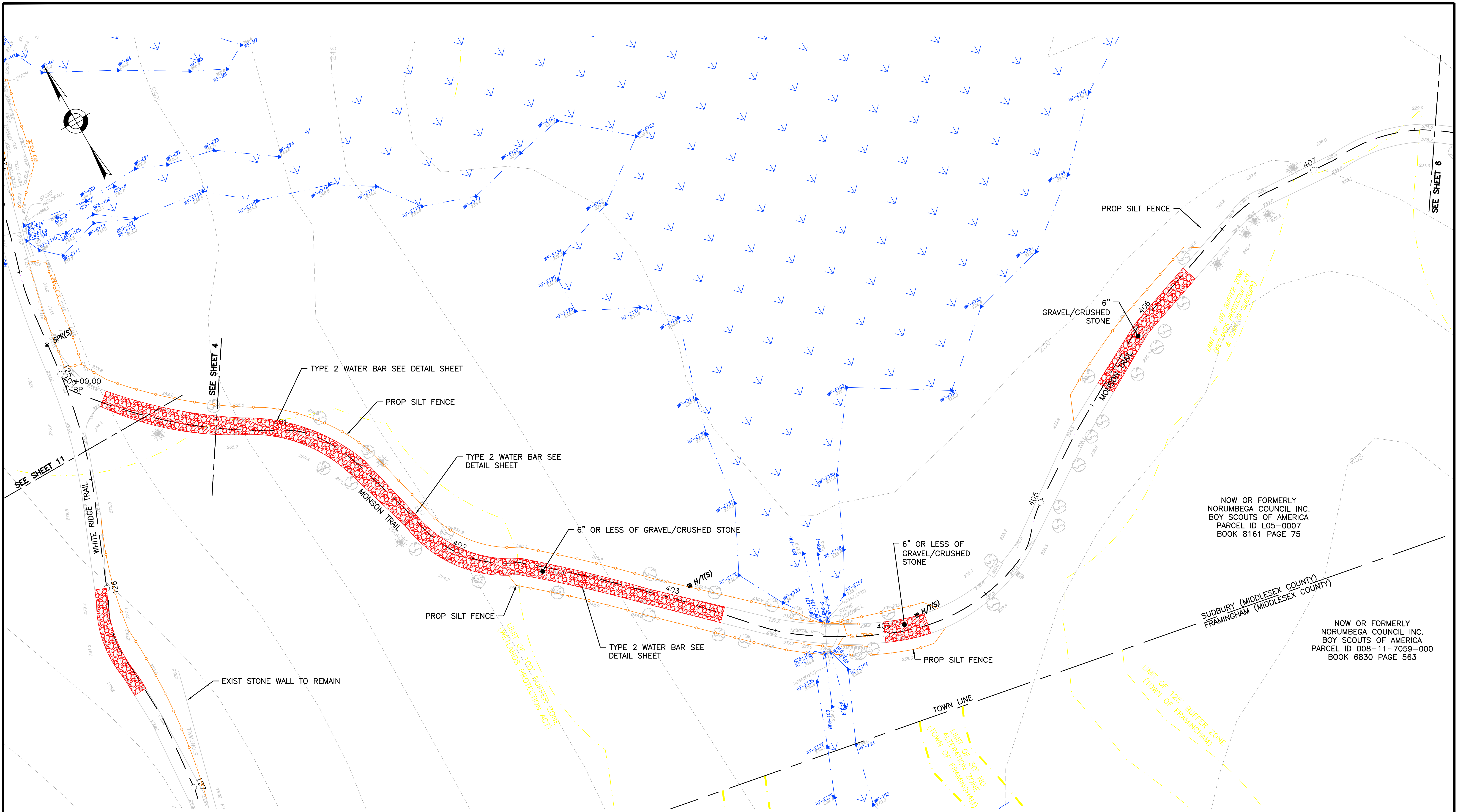
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**NOBSCOT SCOUT RESERVATION  
PERMITTING & CONSTRUCTION PLANS**

HSH PROJECT NUMBER	DATE	DRAWN BY	CHKD. BY	APPRVD. BY	SHEET NO.	TOTAL SHEETS
2016033.02	8/1/22	JBC	JD	REL	4	21

8/1/2022 L:\16033\CURRENT\OUTSHEETS\16033\_NOT PLANS\_SWALES.dwg Joseph Connolly





DESCRIPTION OF DISTURBANCE	HATCH	AREA
PERMANENT UPLAND IMPACT	[Solid Grey Hatch]	0 SF
TEMPORARY UPLAND IMPACT	[Diagonal Line Hatch]	3,327 SF
PERMANENT WETLAND IMPACT	[Blue Hatch]	0 SF
TEMPORARY WETLAND IMPACT	[Blue Diagonal Hatch]	0 SF
PERMANENT BANK IMPACT	N/A	0 SF
TEMPORARY BANK IMPACT	N/A	0 LF
30' NO ALTERATION ZONE IMPACT	[Yellow Hatch]	N/A
50' NO BUILD ZONE IMPACT	[Yellow Diagonal Hatch]	N/A
100' WETLAND BUFFER IMPACT	N/A	1,807 SF

STATION 400+17-403+25 - 6" GRAVEL/CRUSHED STONE  
 STATION 404+00-404+20 - 6" GRAVEL/CRUSHED STONE  
 STATION 405+60-406+25 - 6" GRAVEL/CRUSHED STONE



*Mihov*



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 PARCEL ID L05-0007  
 BOOK 8161 PAGE 75

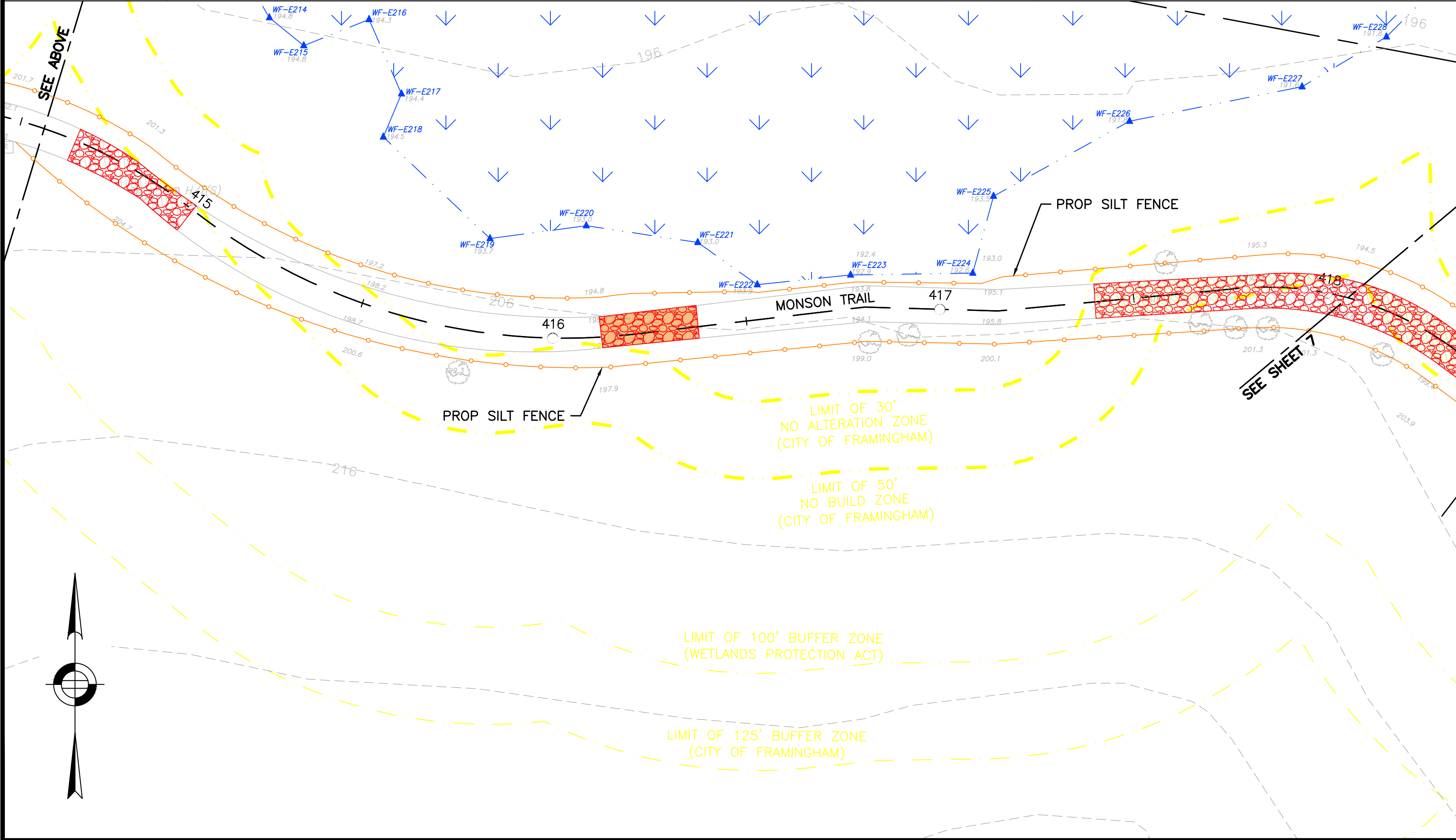
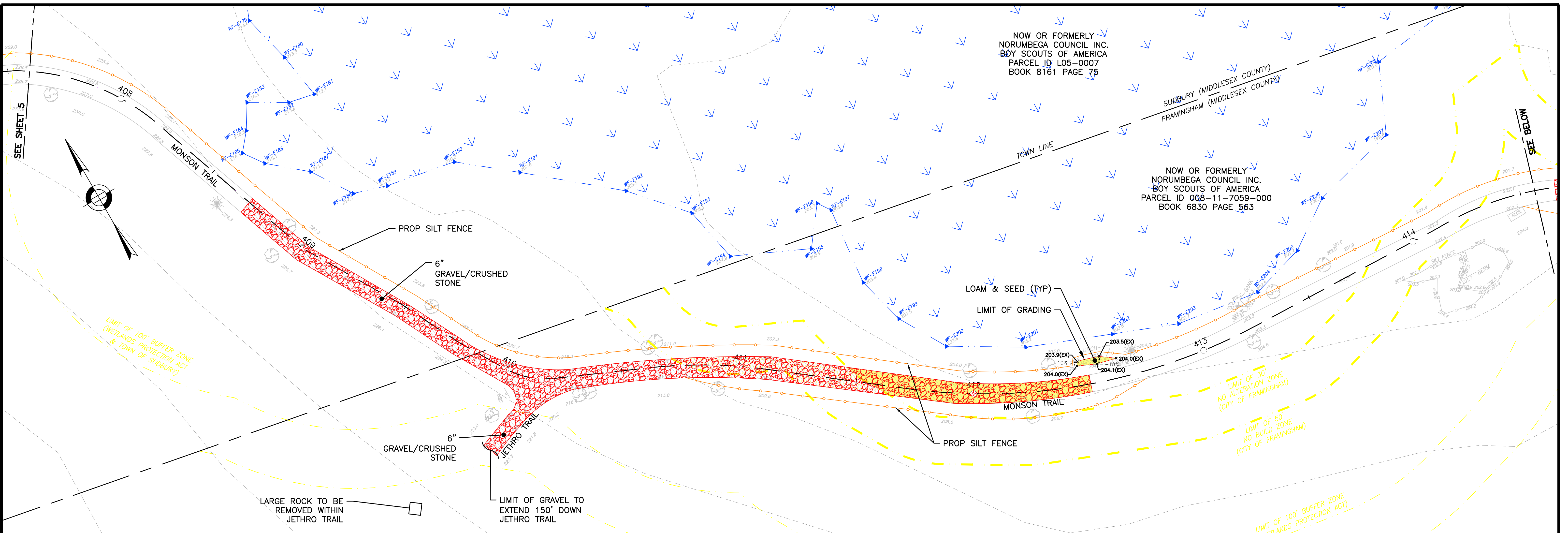
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 PARCEL ID 008-11-7059-000  
 BOOK 6830 PAGE 563

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HSH PROJECT NUMBER	DATE	DRAWN BY	CHKD. BY	APPRVD. BY	SHEET NO.	TOTAL SHEETS
2016033.02	8/1/22	JBC	JD	REL	5	21





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BOY SCOUTS OF AMERICA  
PARCEL ID L05-0007  
BOOK 8161 PAGE 75

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BOY SCOUTS OF AMERICA  
PARCEL ID 008-11-7059-000  
BOOK 6830 PAGE 563

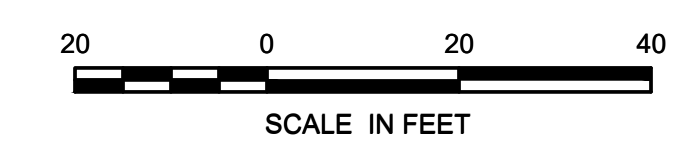
STA 408+70-412+50 6" GRAVEL/CRUSHED STONE  
STA 414+65-417+00 6" GRAVEL/CRUSHED STONE  
STA 416+13-416+38 6" GRAVEL/CRUSHED STONE  
STA 417+40-419+05 6" GRAVEL/CRUSHED STONE

DESCRIPTION OF DISTURBANCE	HATCH	AREA
PERMANENT UPLAND IMPACT	[Hatched Pattern]	0 SF
TEMPORARY UPLAND IMPACT	[Hatched Pattern]	5,567 SF
PERMANENT WETLAND IMPACT	[Blue Hatched Pattern]	0 SF
TEMPORARY WETLAND IMPACT	[Blue Hatched Pattern]	0 SF
PERMANENT BANK IMPACT	N/A	0 SF
TEMPORARY BANK IMPACT	N/A	0 LF
30' NO ALTERATION ZONE IMPACT	[Yellow Hatched Pattern]	1,046 SF
50' NO BUILD ZONE IMPACT	[Yellow Hatched Pattern]	592 SF
100' WETLAND BUFFER IMPACT	N/A	4,509 SF



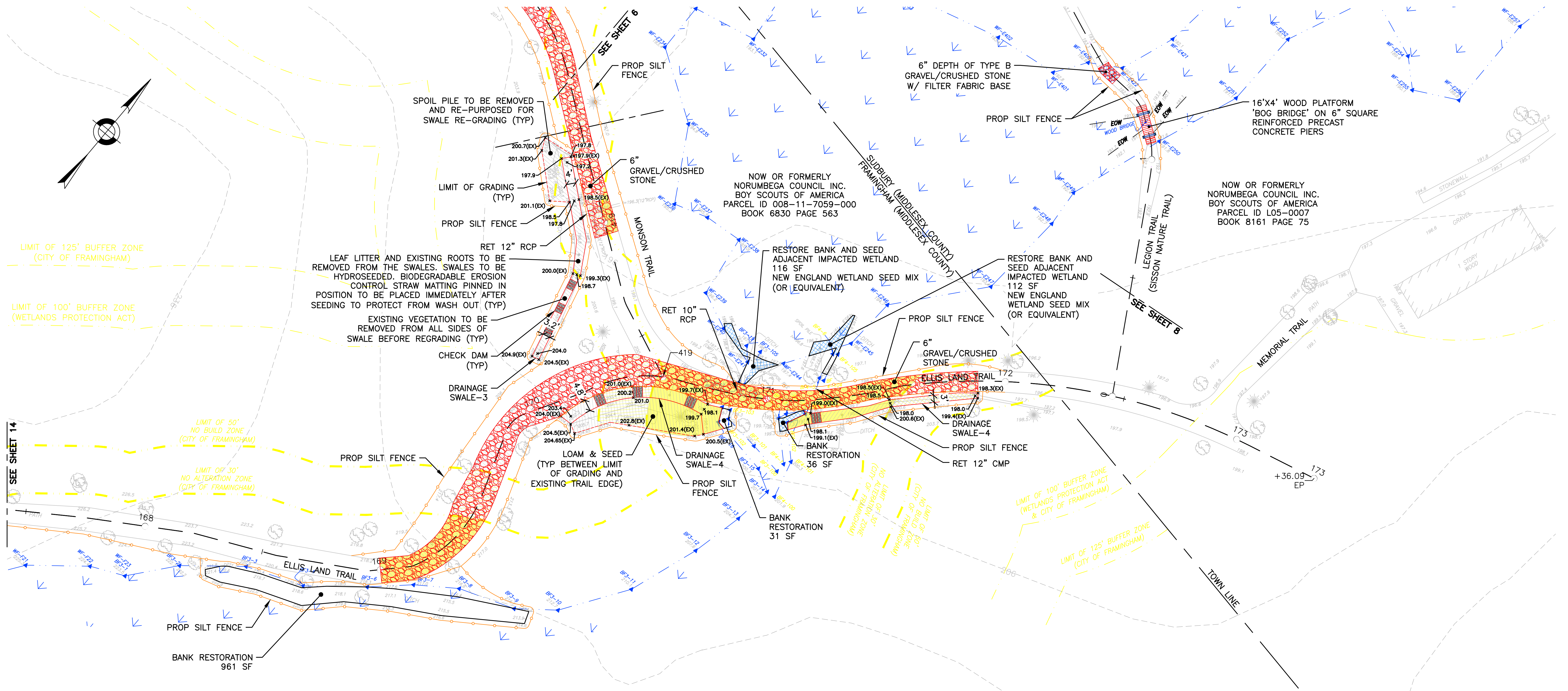
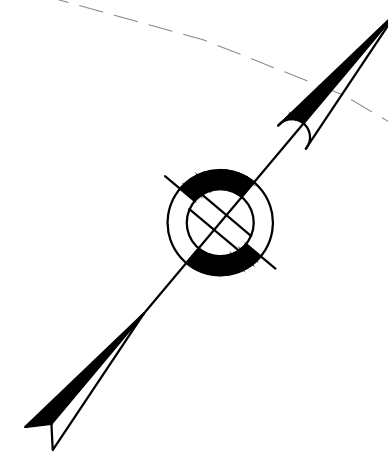
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HSH PROJECT NUMBER	DATE	DRAWN BY	CHKD. BY	APPRVD. BY	SHEET NO.	TOTAL SHEETS
2016033.01	6/22/22	JBC	JD	REL	6	21



6/1/2022 L:\16033\CURRENT\OUTSHEETS\16033\_NOT PLANS\_SWALES.dwg Joseph Connolly





DESCRIPTION OF DISTURBANCE	HATCH	AREA
PERMANENT UPLAND IMPACT	[Solid Grey Hatch]	0 SF
TEMPORARY UPLAND IMPACT	[Diagonal Line Hatch]	5,759 SF
PERMANENT WETLAND IMPACT	[Solid Blue Hatch]	11 SF
TEMPORARY WETLAND IMPACT	[Blue Diagonal Line Hatch]	211 SF
PERMANENT BANK IMPACT	N/A	0 SF
TEMPORARY BANK IMPACT	N/A	161 LF
30' NO ALTERATION ZONE IMPACT	[Yellow Diagonal Line Hatch]	2,146 SF
50' NO BUILD ZONE IMPACT	[Yellow Solid Hatch]	2,017 SF
100' WETLAND BUFFER IMPACT	N/A	7,064 SF

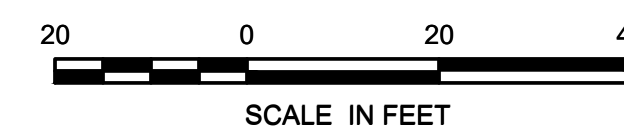
STA 169+00-171+90 6" GRAVEL/CRUSHED STONE  
 STA 1+38-1+46 6" TYPE B GRAVEL/CRUSHED STONE W/ FILTER FABRIC BASE  
 STA 4+86-4+98 6" TYPE B GRAVEL/CRUSHED STONE W/ FILTER FABRIC BASE



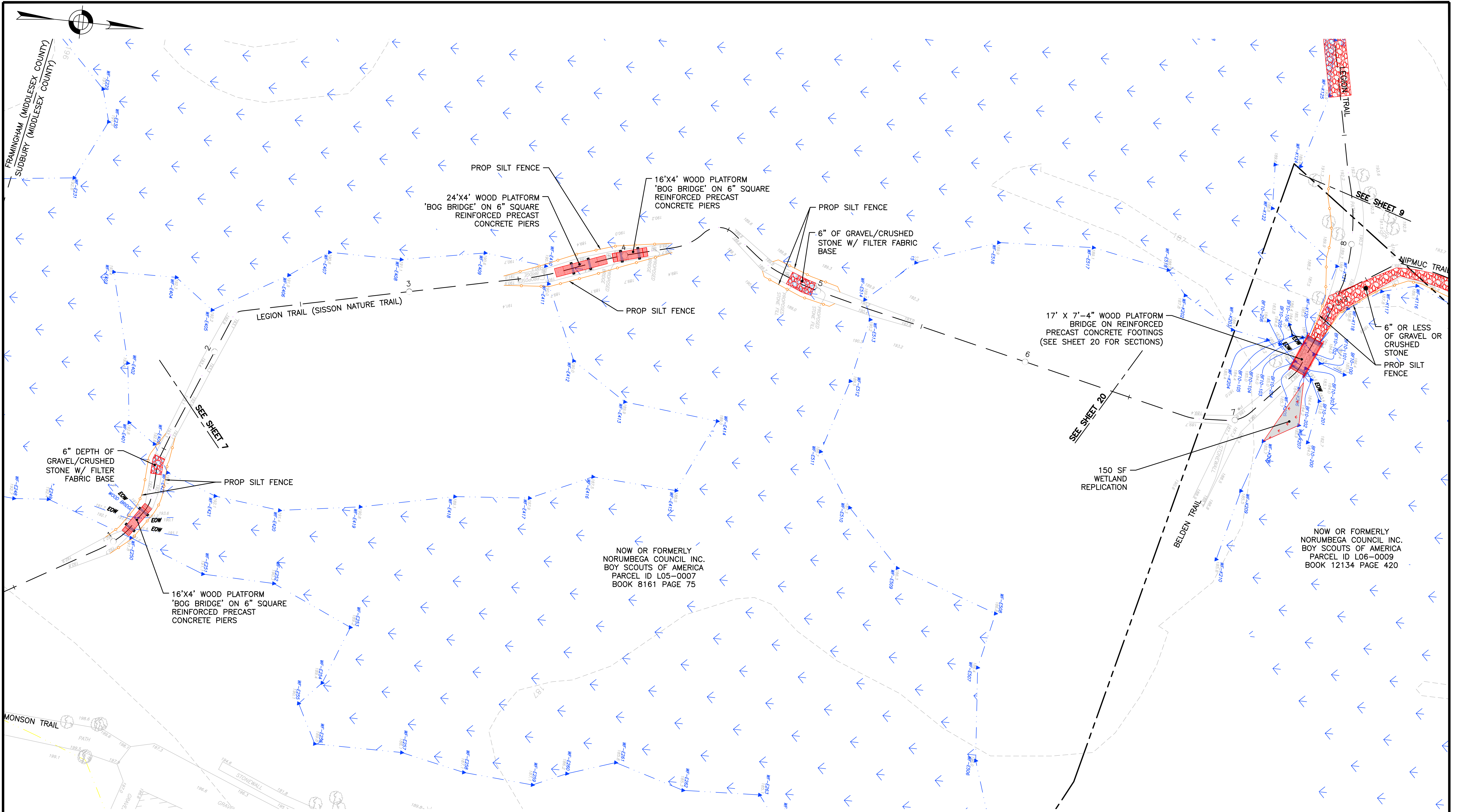
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HSH PROJECT NUMBER	DATE	DRAWN BY	CHKD. BY	APPRVD. BY	SHEET NO.	TOTAL SHEETS
2016033.02	8/1/22	JBC	JD	REL	7	21







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PARCEL ID L05-0007  
BOOK 8161 PAGE 75

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BOY SCOUTS OF AMERICA  
PARCEL ID L06-0009  
BOOK 12134 PAGE 420

DESCRIPTION OF DISTURBANCE	HATCH	AREA
PERMANENT UPLAND IMPACT	[Hatch]	121 SF
TEMPORARY UPLAND IMPACT	[Hatch]	0 SF
PERMANENT WETLAND IMPACT	[Hatch]	47 SF
TEMPORARY WETLAND IMPACT	[Hatch]	74 SF
PERMANENT BANK IMPACT	N/A	0 SF
TEMPORARY BANK IMPACT	N/A	0 LF
30' NO ALTERATION ZONE IMPACT	[Hatch]	N/A
50' NO BUILD ZONE IMPACT	[Hatch]	N/A
100' WETLAND BUFFER IMPACT	N/A	11 SF

STA 4+86-4+98 6" TYPE B GRAVEL/CRUSHED STONE W/ FILTER FABRIC BASE



*Mihov*

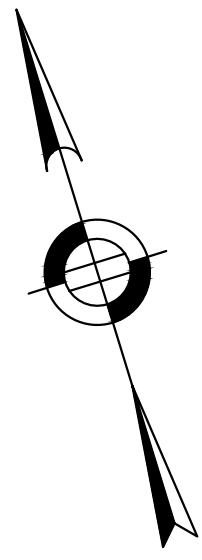


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HSH PROJECT NUMBER	DATE	DRAWN BY	CHKD. BY	APPRVD. BY	SHEET NO.	TOTAL SHEETS
2016033.02	8/1/22	JBC	JD	REL	8	21





LIMIT OF 100' BUFFER ZONE (WETLANDS PROTECTION ACT & TOWN OF SUDBURY)

SEE SHEET 10

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EXCAVATE LARGE ROCKS NORTH OF THE BUILDING  
PROP SILT FENCE  
LEVEL OUT HIGH POINTS WEST OF THE BUILDING

PROP SILT FENCE  
REMOVE 6" OF SOIL/SILT BUILD UP ALONG THE WEST SIDE AND NORTHWEST CORNER OF THE BUILDING EXTENDING APPROXIMATELY 10' FROM BUILDING FACE

6" OR LESS OF GRAVEL/CRUSHED STONE

LOAM & SEED (TYP BETWEEN LIMIT OF GRADING AND EXISTING TRAIL EDGE)

PROP SILT FENCE

12" RCP - 32 LF  
S=0.047

INV IN=204.00

6" OF GRAVEL/CRUSHED STONE

INV OUT=202.50

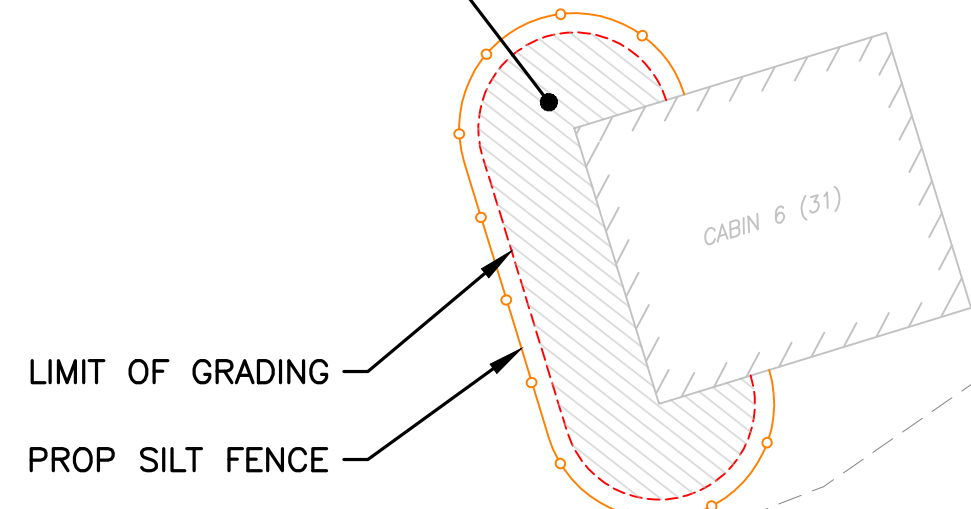
LIMIT OF GRADING

PROP SILT FENCE

MUSKIE TRAIL

STA 8+68-9+33 6" GRAVEL/CRUSHED STONE  
STA 9+89-10+37 6" GRAVEL/CRUSHED STONE

REMOVE 6" OF SOIL/SILT BUILD UP ALONG THE WEST SIDE, NORTHWEST CORNER, AND SOUTHWEST CORNER OF THE BUILDING EXTENDING APPROXIMATELY 10' FROM BUILDING FACE



LIMIT OF GRADING

PROP SILT FENCE

DESCRIPTION OF DISTURBANCE	HATCH	AREA
PERMANENT UPLAND IMPACT		0 SF
TEMPORARY UPLAND IMPACT		2,649 SF
PERMANENT WETLAND IMPACT		0 SF
TEMPORARY WETLAND IMPACT		565 SF
PERMANENT BANK IMPACT	N/A	0 SF
TEMPORARY BANK IMPACT	N/A	0 LF
30' NO ALTERATION ZONE IMPACT		N/A
50' NO BUILD ZONE IMPACT		N/A
100' WETLAND BUFFER IMPACT	N/A	2,649 SF



*George Mihov*

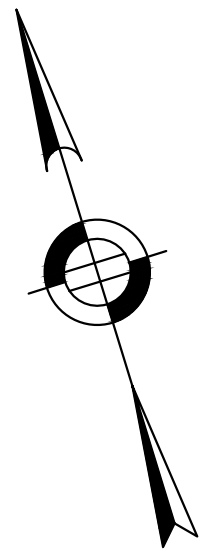
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HSH PROJECT NUMBER	DATE	DRAWN BY	CHKD. BY	APPRVD. BY	SHEET NO.	TOTAL SHEETS
2016033.02	8/1/22	JBC	JD	REL	9	21

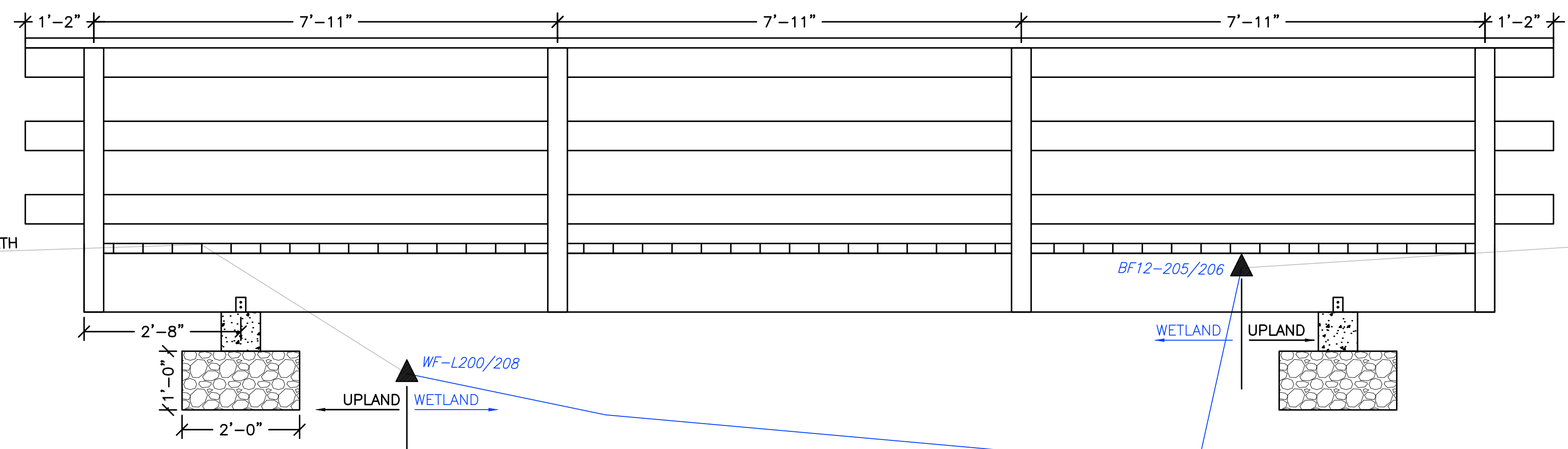
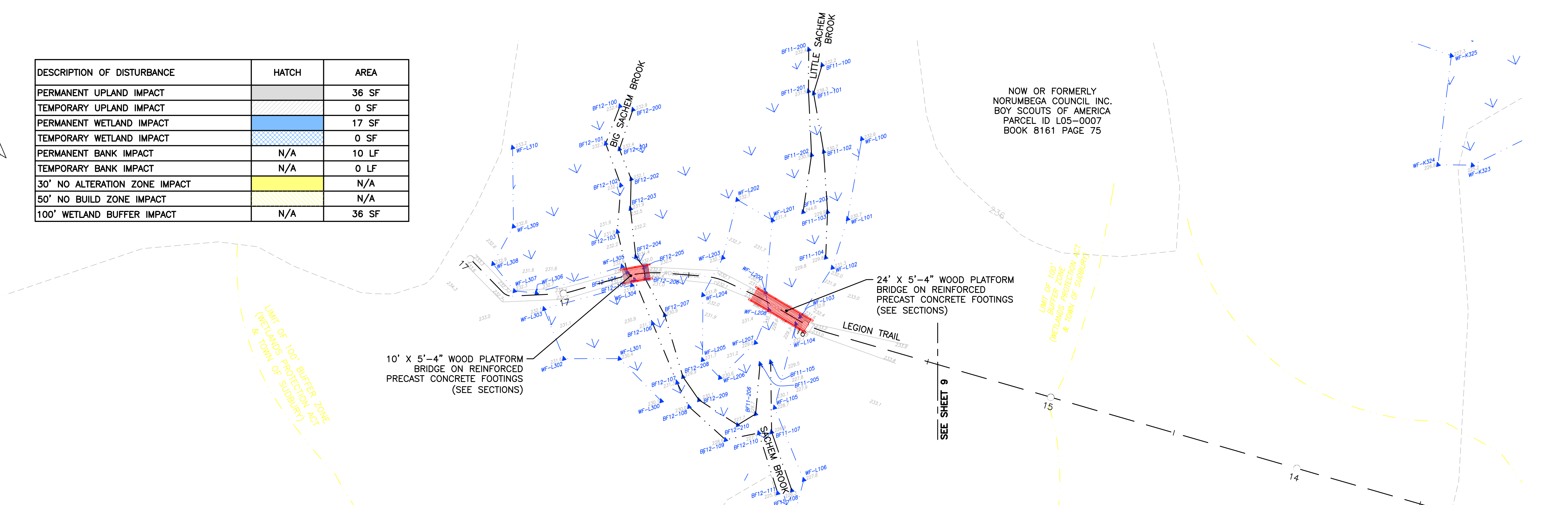




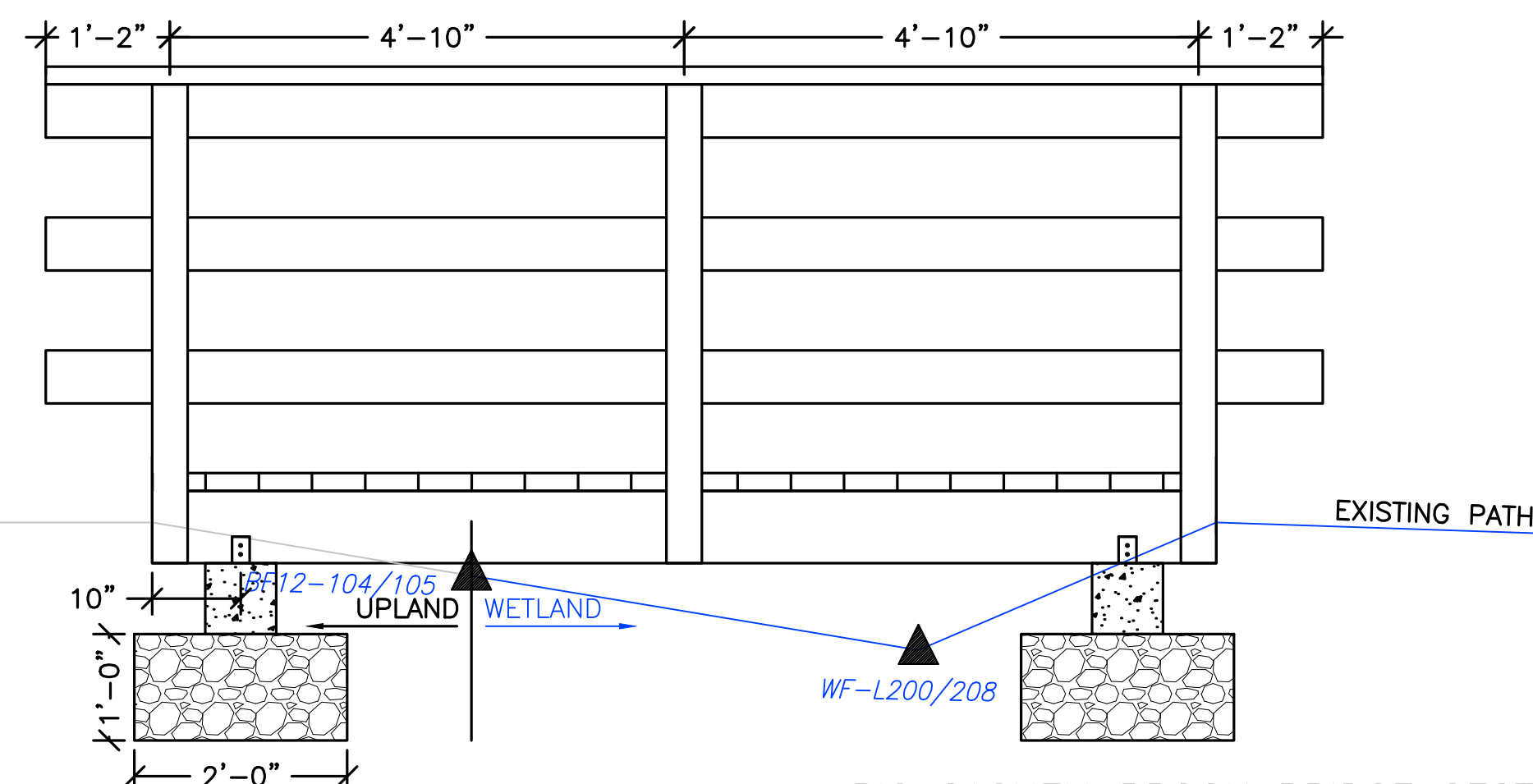
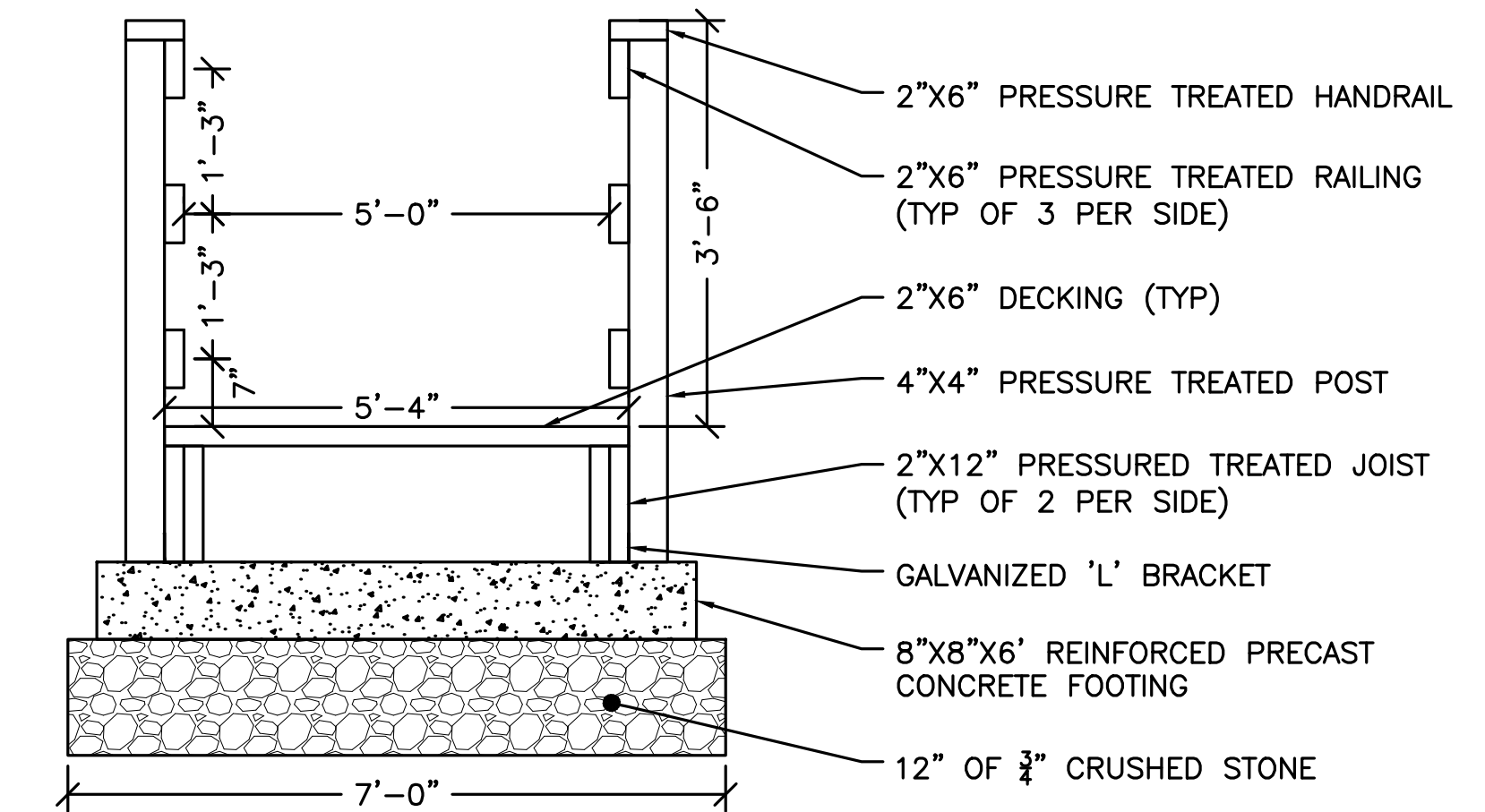


DESCRIPTION OF DISTURBANCE	HATCH	AREA
PERMANENT UPLAND IMPACT	[Hatched pattern]	36 SF
TEMPORARY UPLAND IMPACT	[Hatched pattern]	0 SF
PERMANENT WETLAND IMPACT	[Blue hatched pattern]	17 SF
TEMPORARY WETLAND IMPACT	[Blue hatched pattern]	0 SF
PERMANENT BANK IMPACT	N/A	10 LF
TEMPORARY BANK IMPACT	N/A	0 LF
30' NO ALTERATION ZONE IMPACT	[Yellow hatched pattern]	N/A
50' NO BUILD ZONE IMPACT	[Yellow hatched pattern]	N/A
100' WETLAND BUFFER IMPACT	N/A	36 SF

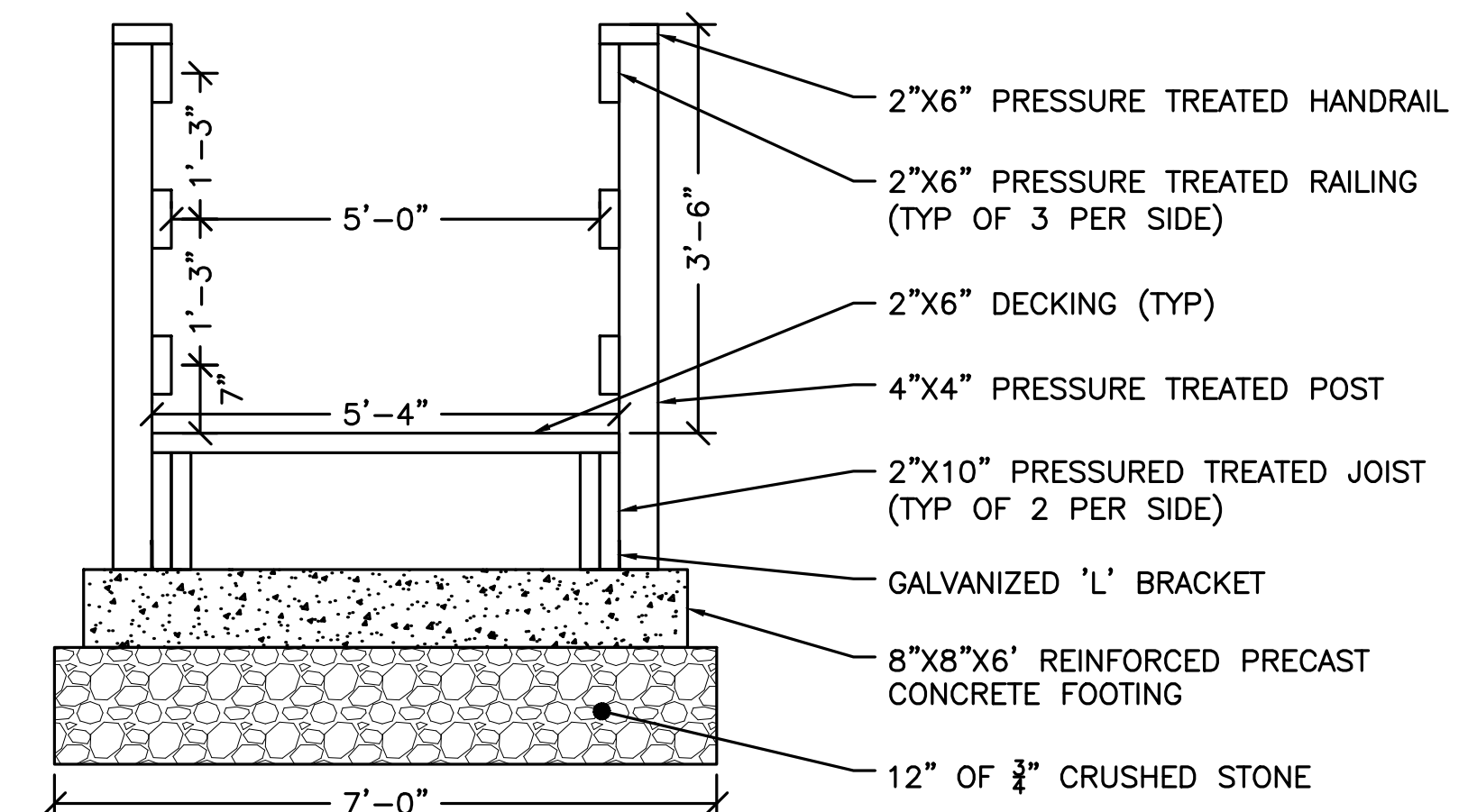
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BOOK 8161 PAGE 75



**LITTLE SACHEM BROOK BRIDGE SECTIONS**  
NOT TO SCALE



**BIG SACHEM BROOK BRIDGE SECTIONS**  
NOT TO SCALE



*Mihov*

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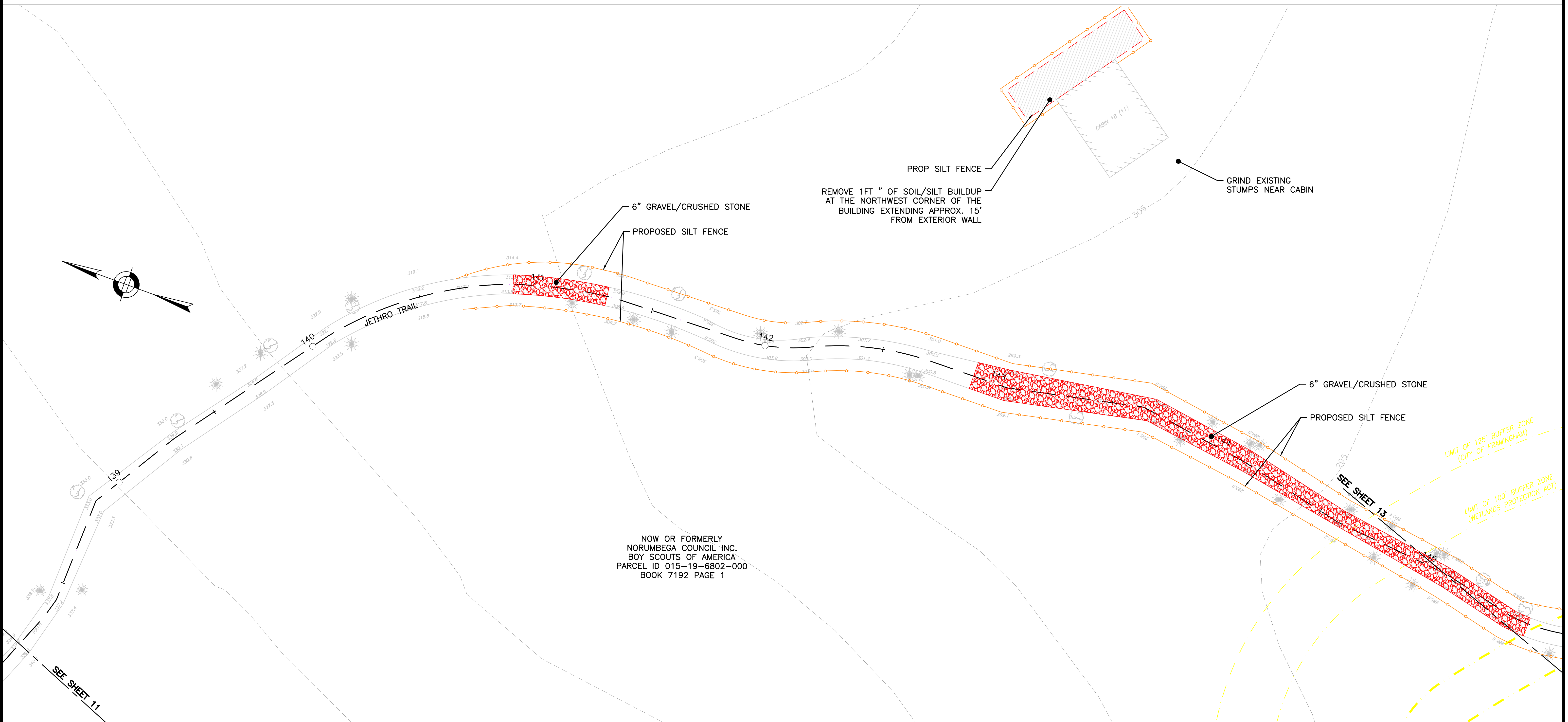
HSH PROJECT NUMBER	DATE	DRAWN BY	CHKD. BY	APPRVD. BY	SHEET NO.	TOTAL SHEETS
2016033.02	8/1/22	JBC	JD	REL	10	21





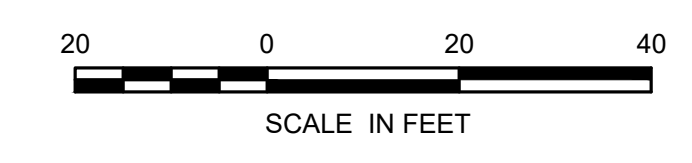
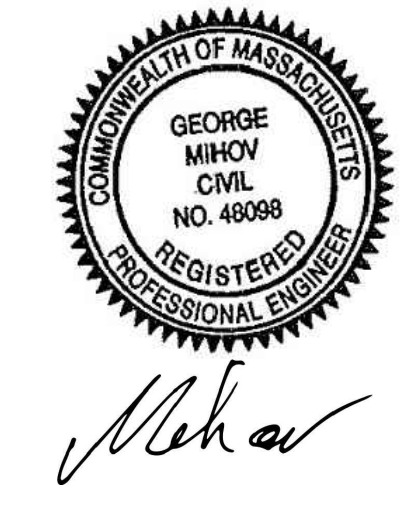






DESCRIPTION OF DISTURBANCE	HATCH	AREA
PERMANENT UPLAND IMPACT	[Hatched]	0 SF
TEMPORARY UPLAND IMPACT	[Hatched]	3,654 SF
PERMANENT WETLAND IMPACT	[Blue Hatched]	0 SF
TEMPORARY WETLAND IMPACT	[Blue Hatched]	0 SF
PERMANENT BANK IMPACT	N/A	0 LF
TEMPORARY BANK IMPACT	N/A	0 LF
30' NO ALTERATION ZONE IMPACT	[Yellow Hatched]	0 SF
50' NO BUILD ZONE IMPACT	[Yellow Hatched]	0 SF
100' WETLAND BUFFER IMPACT	N/A	2,528 SF

STATION 140+90-141+30 - 6" GRAVEL/CRUSHED STONE  
STATION 142+90-145+50 - 6" GRAVEL/CRUSHED STONE

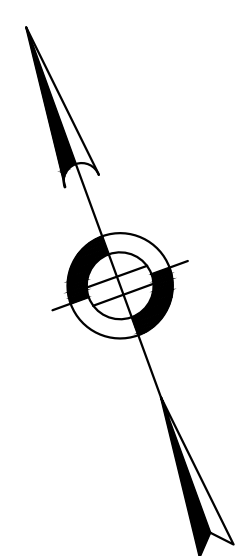
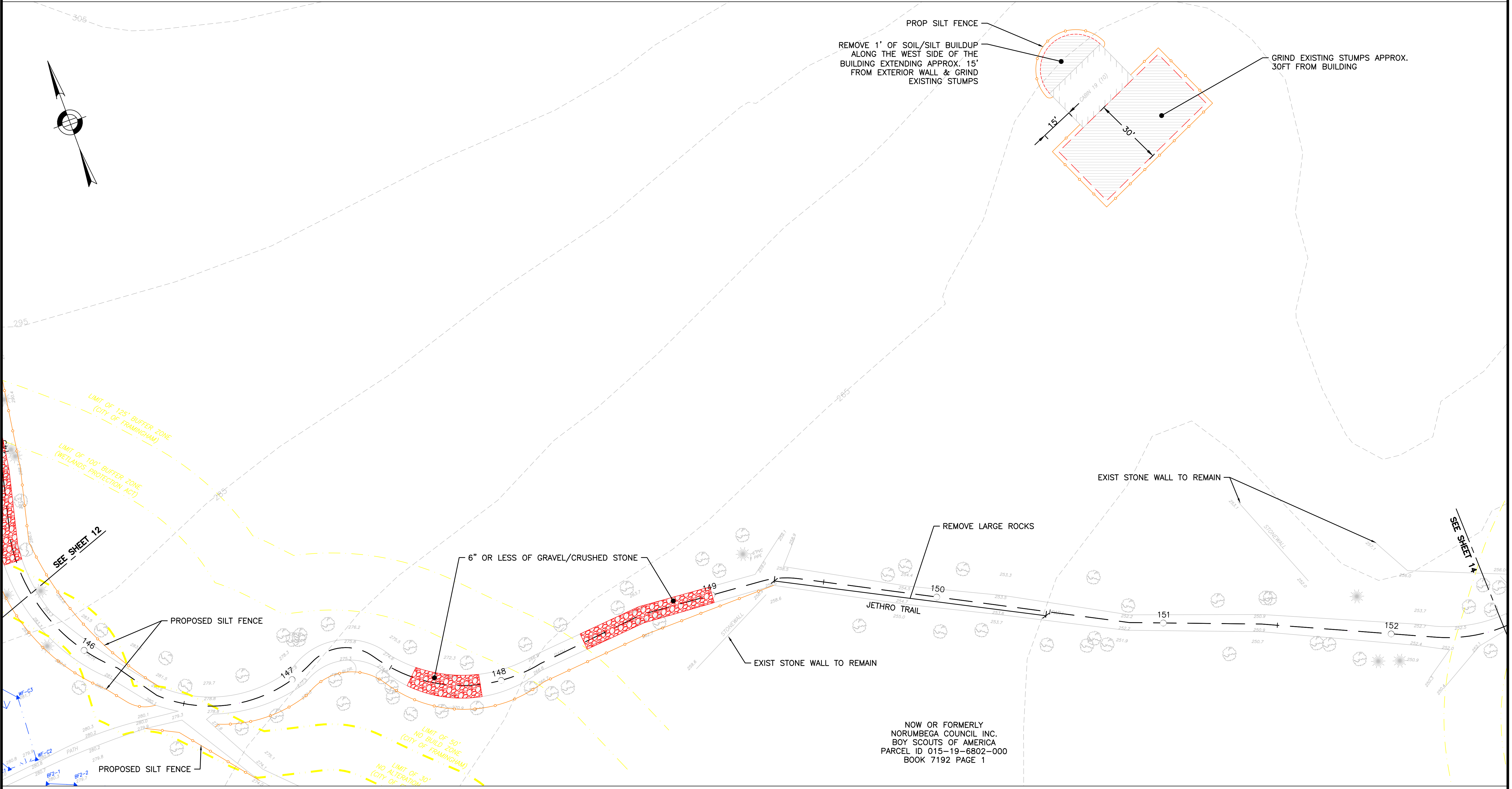


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HSH PROJECT NUMBER	DATE	DRAWN BY	CHKD. BY	APPRVD. BY	SHEET NO.	TOTAL SHEETS
2016033.02	8/1/22	JBC	JD	REL	12	21





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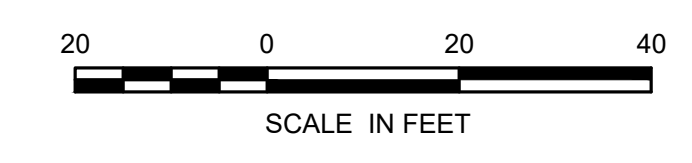
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DESCRIPTION OF DISTURBANCE	HATCH	AREA
PERMANENT UPLAND IMPACT	[Hatched Pattern]	0 SF
TEMPORARY UPLAND IMPACT	[Hatched Pattern]	2,902 SF
PERMANENT WETLAND IMPACT	[Hatched Pattern]	0 SF
TEMPORARY WETLAND IMPACT	[Hatched Pattern]	0 SF
PERMANENT BANK IMPACT	N/A	0 LF
TEMPORARY BANK IMPACT	N/A	0 LF
30' NO ALTERATION ZONE IMPACT	[Hatched Pattern]	0 SF
50' NO BUILD ZONE IMPACT	[Hatched Pattern]	0 SF
100' WETLAND BUFFER IMPACT	N/A	300 SF

STATION 147+60-147+90 - 6" GRAVEL/CRUSHED STONE  
 STATION 148+40-149+00 - 6" GRAVEL/CRUSHED STONE  
 STATION 149+30-150+50 - REMOVE LARGE ROCKS



*Mihov*

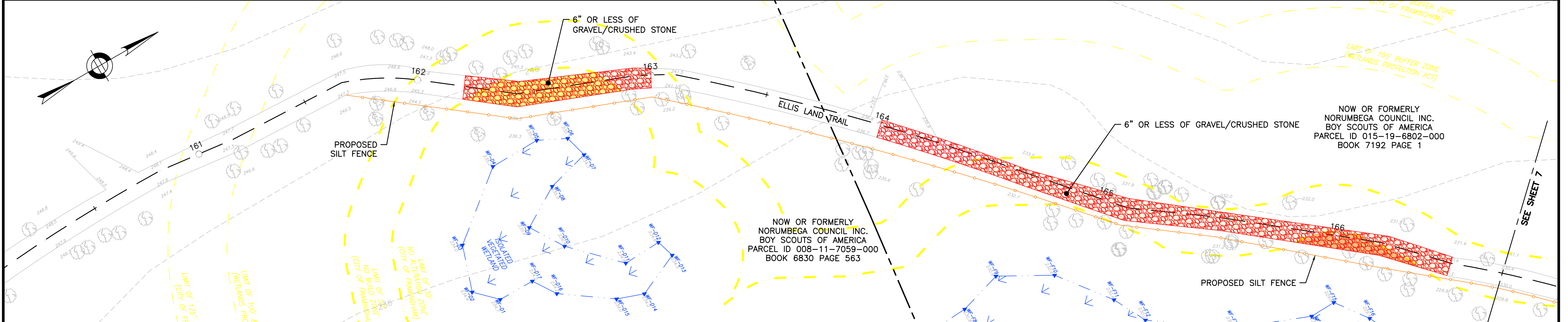
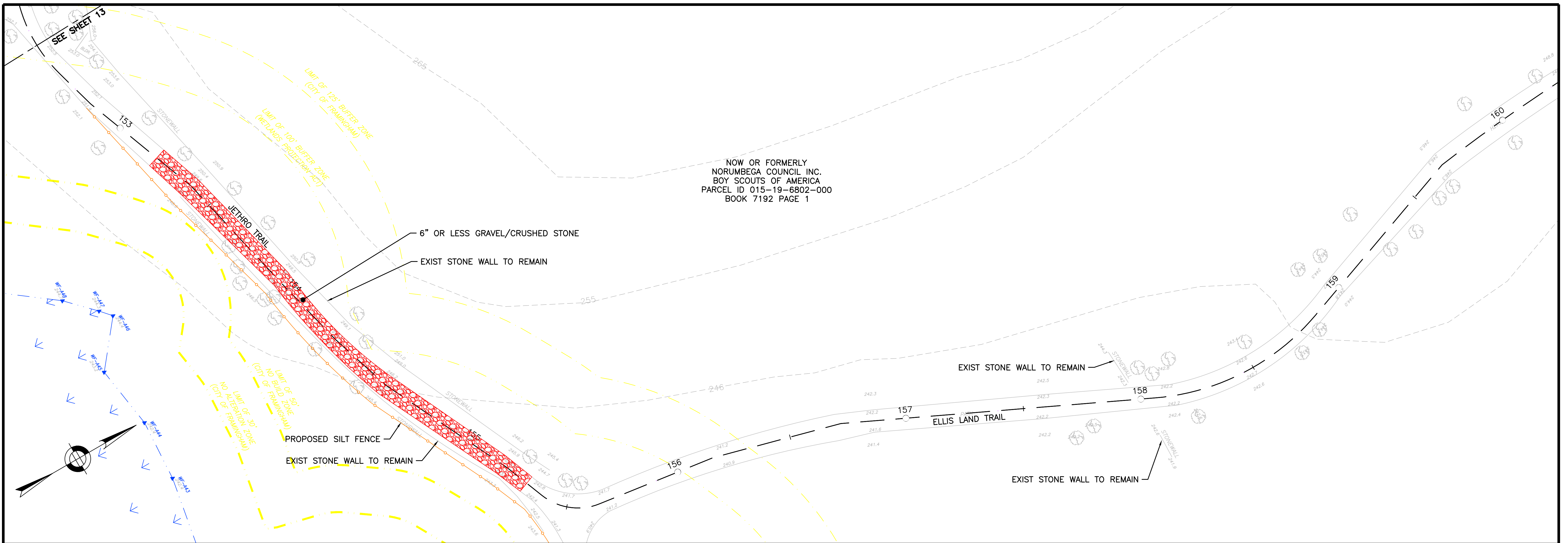


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**NOBSCOT SCOUT RESERVATION  
 PERMITTING & CONSTRUCTION PLANS**

HSH PROJECT NUMBER	DATE	DRAWN BY	CHKD. BY	APPRVD. BY	SHEET NO.	TOTAL SHEETS
2016033.02	8/1/22	JBC	JD	REL	13	21





DESCRIPTION OF DISTURBANCE	HATCH	AREA
PERMANENT UPLAND IMPACT	[Hatched Pattern]	0 SF
TEMPORARY UPLAND IMPACT	[Diagonal Line Pattern]	4,591 SF
PERMANENT WETLAND IMPACT	[Blue Hatched Pattern]	0 SF
TEMPORARY WETLAND IMPACT	[Blue Diagonal Line Pattern]	0 SF
PERMANENT BANK IMPACT	N/A	0 LF
TEMPORARY BANK IMPACT	N/A	0 LF
30' NO ALTERATION ZONE IMPACT	[Yellow Hatched Pattern]	782 SF
50' NO BUILD ZONE IMPACT	[Yellow Diagonal Line Pattern]	1,950 SF
100' WETLAND BUFFER IMPACT	N/A	4,591 SF

STATION 153+20-155+30 - 6" GRAVEL/CRUSHED STONE  
 STATION 162+20-163+00 - 6" GRAVEL/CRUSHED STONE  
 STATION 164+00-166+50 - 6" GRAVEL/CRUSHED STONE



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2016033.02	8/1/22	JBC	JD	REL	14	21





NOW OR FORMERLY  
TOWN OF SUDBURY  
PARCEL ID L06-0001

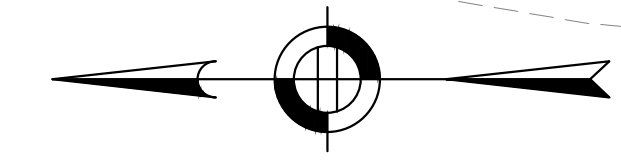
PROPOSED SILT FENCE

6" OR LESS OF GRAVEL/CRUSHED  
STONE

STA 102+35 REMOVE ROCKS IN TRAIL

LIMIT OF 100'  
BUFFER ZONE  
(WETLANDS PROTECTION ACT  
& TOWN OF SUDBURY)

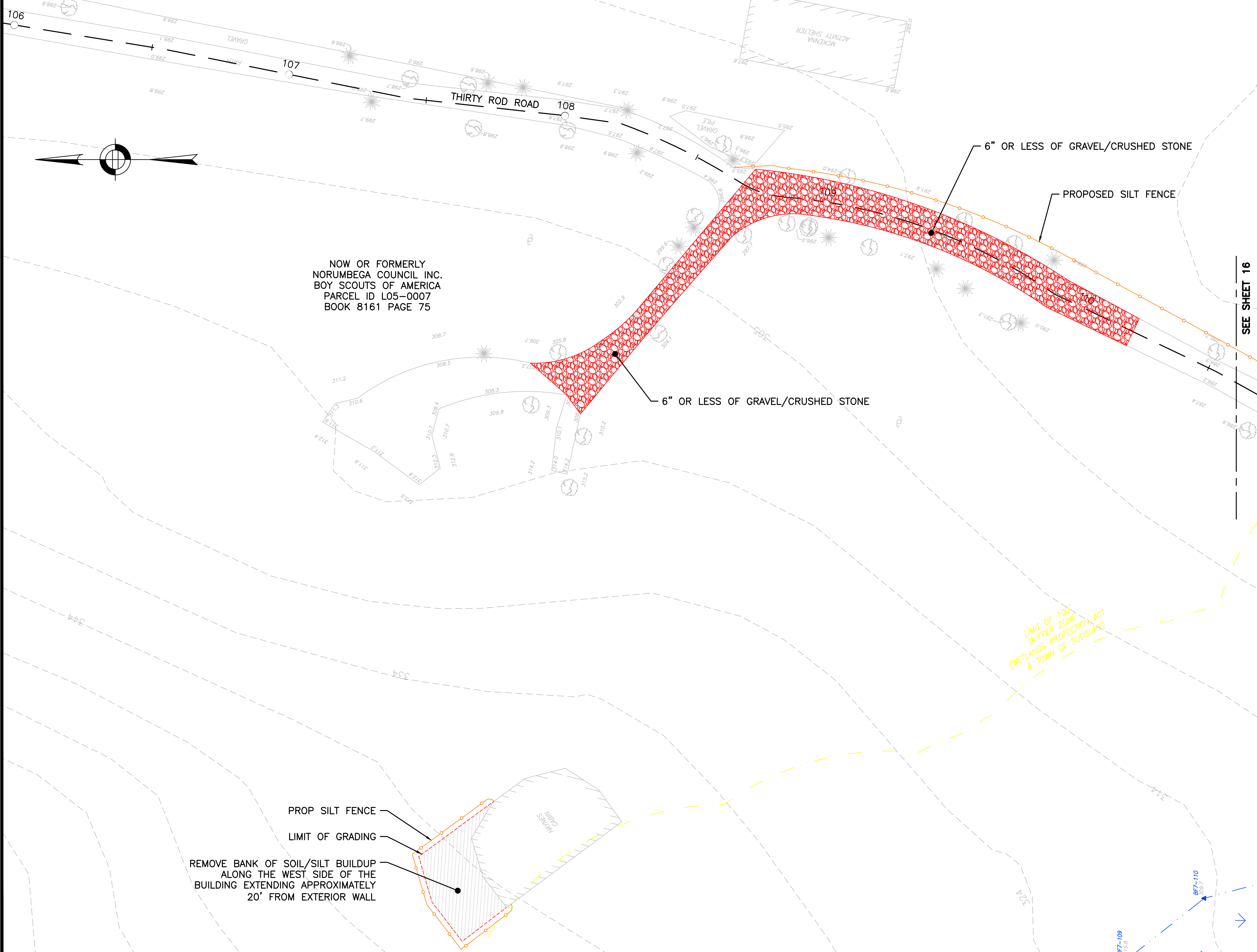
100+0.00  
BP



NOW OR FORMERLY  
NORUMBEGA COUNCIL INC.  
BOY SCOUTS OF AMERICA  
PARCEL ID L05-0007  
BOOK 8161 PAGE 75

THIRTY ROD ROAD

THIRTY ROD ROAD



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BOOK 8161 PAGE 75

6" OR LESS OF GRAVEL/CRUSHED  
STONE

PROPOSED SILT FENCE

6" OR LESS OF GRAVEL/CRUSHED  
STONE

STA 98+20-103+20 - 6" GRAVEL/CRUSHED STONE  
STA 108+70-110+20 - 6" GRAVEL/CRUSHED STONE

DESCRIPTION OF DISTURBANCE	HATCH	AREA
PERMANENT UPLAND IMPACT		0 SF
TEMPORARY UPLAND IMPACT		6,340 SF
PERMANENT WETLAND IMPACT		0 SF
TEMPORARY WETLAND IMPACT		0 SF
PERMANENT BANK IMPACT	N/A	0 LF
TEMPORARY BANK IMPACT	N/A	0 LF
30' NO ALTERATION ZONE IMPACT		N/A
50' NO BUILD ZONE IMPACT		N/A
100' WETLAND BUFFER IMPACT	N/A	0 SF

SEE SHEET 16

LIMIT OF 100'  
BUFFER ZONE  
(WETLANDS PROTECTION ACT  
& TOWN OF SUDBURY)

PROP SILT FENCE  
LIMIT OF GRADING  
REMOVE BANK OF SOIL/SILT BUILDUP  
ALONG THE WEST SIDE OF THE  
BUILDING EXTENDING APPROXIMATELY  
20' FROM EXTERIOR WALL

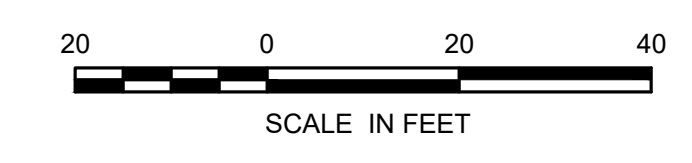


*George Mihov*



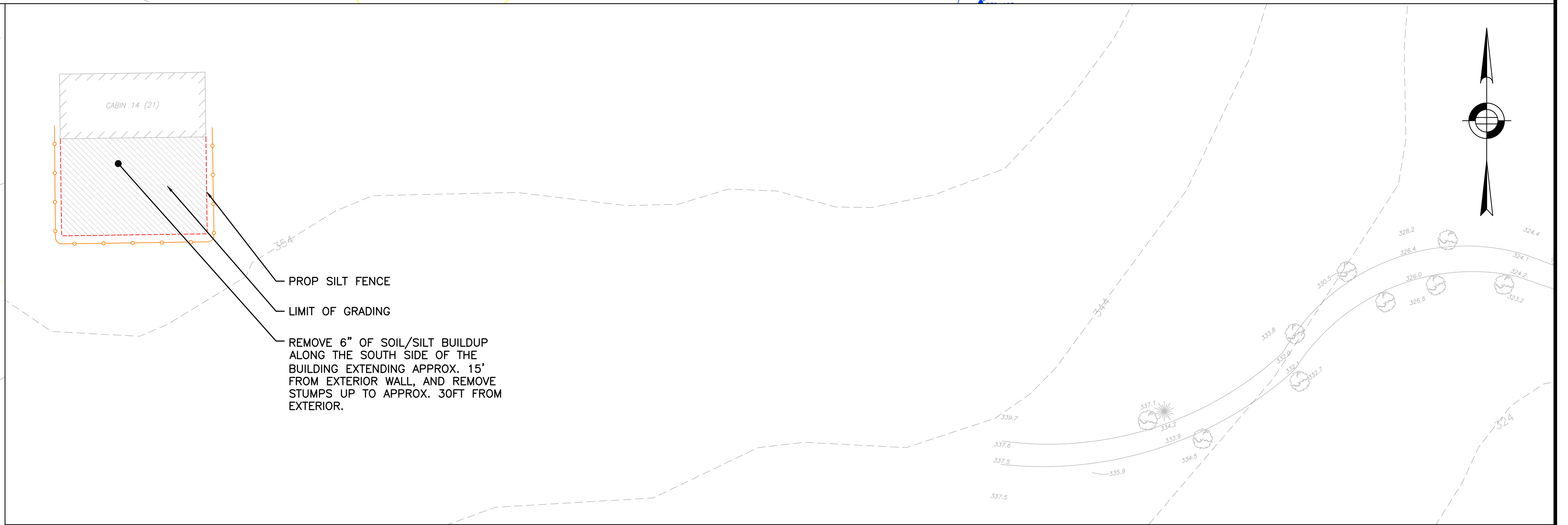
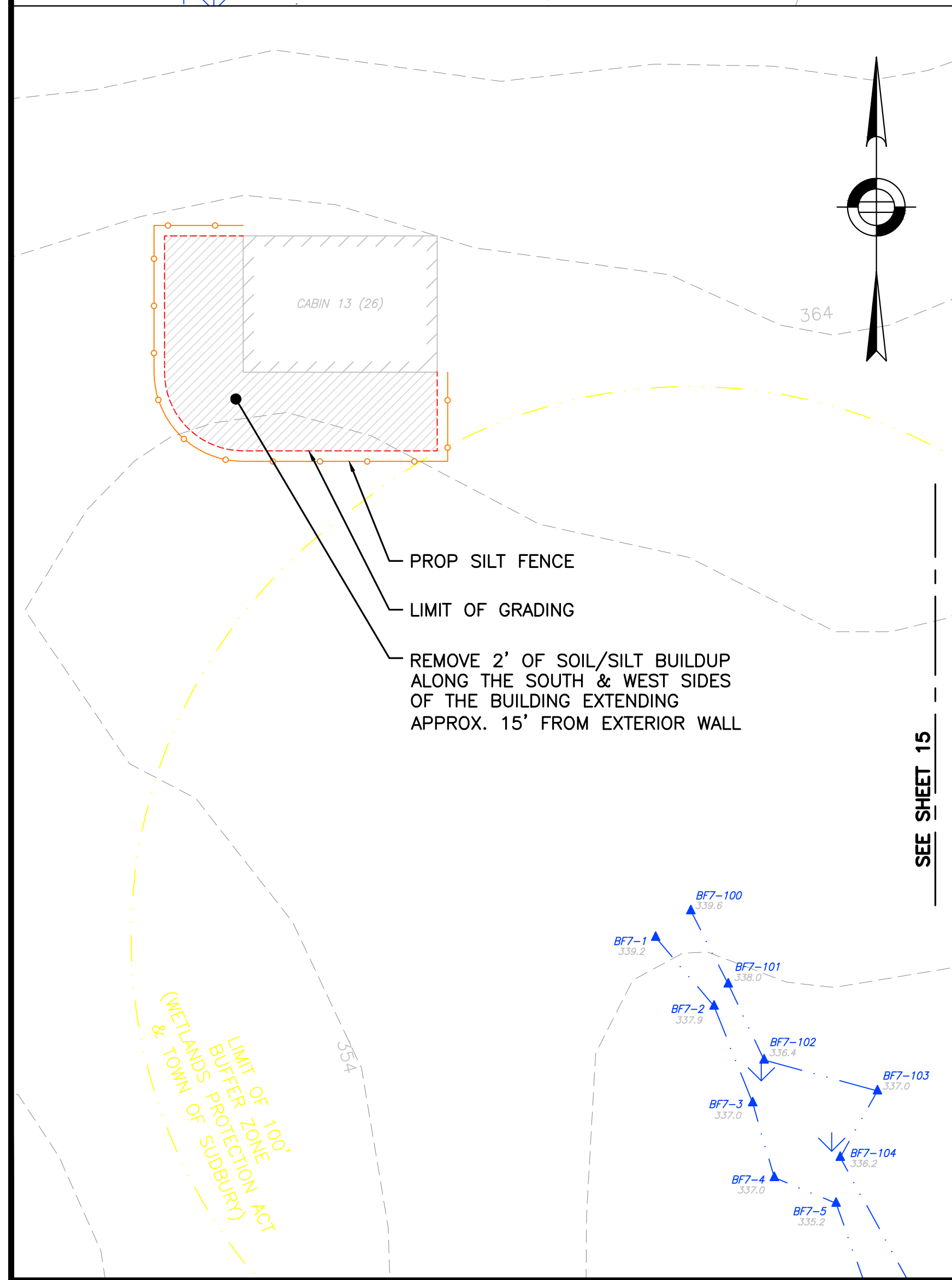
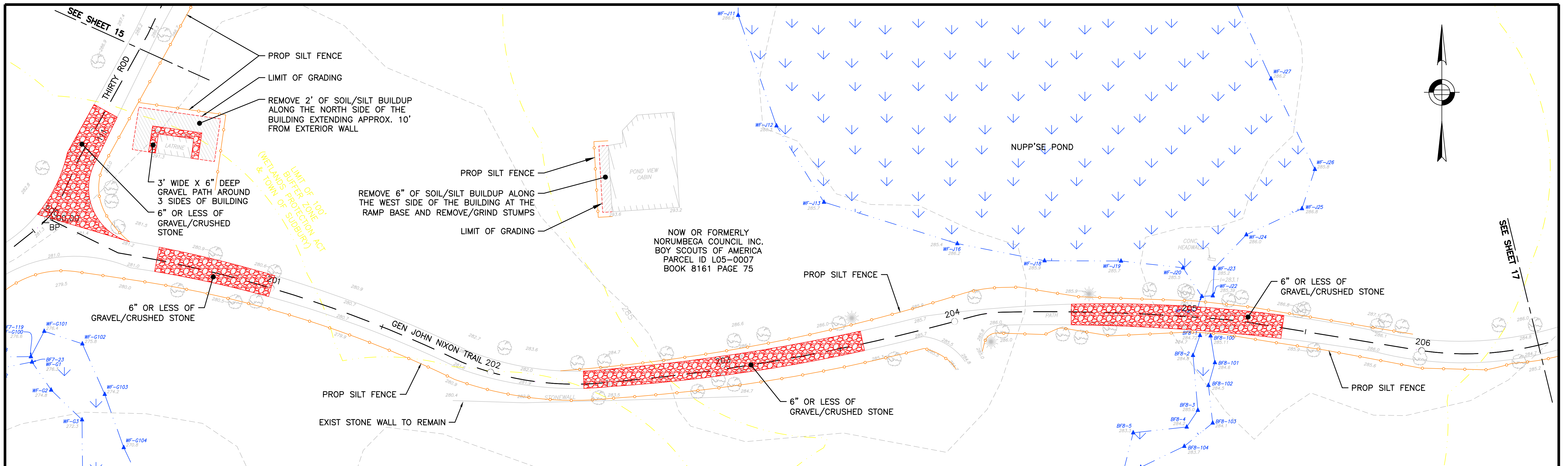
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PERMITTING & CONSTRUCTION PLANS**



HSH PROJECT NUMBER	DATE	DRAWN BY	CHKD. BY	APPRVD. BY	SHEET NO.	TOTAL SHEETS
2016033.02	8/1/22	JBC	JD	REL	15	21





DESCRIPTION OF DISTURBANCE	HATCH	AREA
PERMANENT UPLAND IMPACT	[Hatch]	0 SF
TEMPORARY UPLAND IMPACT	[Hatch]	6,185 SF
PERMANENT WETLAND IMPACT	[Hatch]	0 SF
TEMPORARY WETLAND IMPACT	[Hatch]	0 SF
PERMANENT BANK IMPACT	N/A	0 LF
TEMPORARY BANK IMPACT	N/A	0 LF
30' NO ALTERATION ZONE IMPACT	[Hatch]	N/A
50' NO BUILD ZONE IMPACT	[Hatch]	N/A
100' WETLAND BUFFER IMPACT	N/A	3,211 SF

STATION 110+90-111+40 - 6" GRAVEL/CRUSHED STONE  
 STATION 200+50-201+00 - 6" GRAVEL/CRUSHED STONE  
 STATION 202+40-203+60 - 6" GRAVEL/CRUSHED STONE  
 STATION 204+50-205+40 - 6" GRAVEL/CRUSHED STONE



*George Mihov*

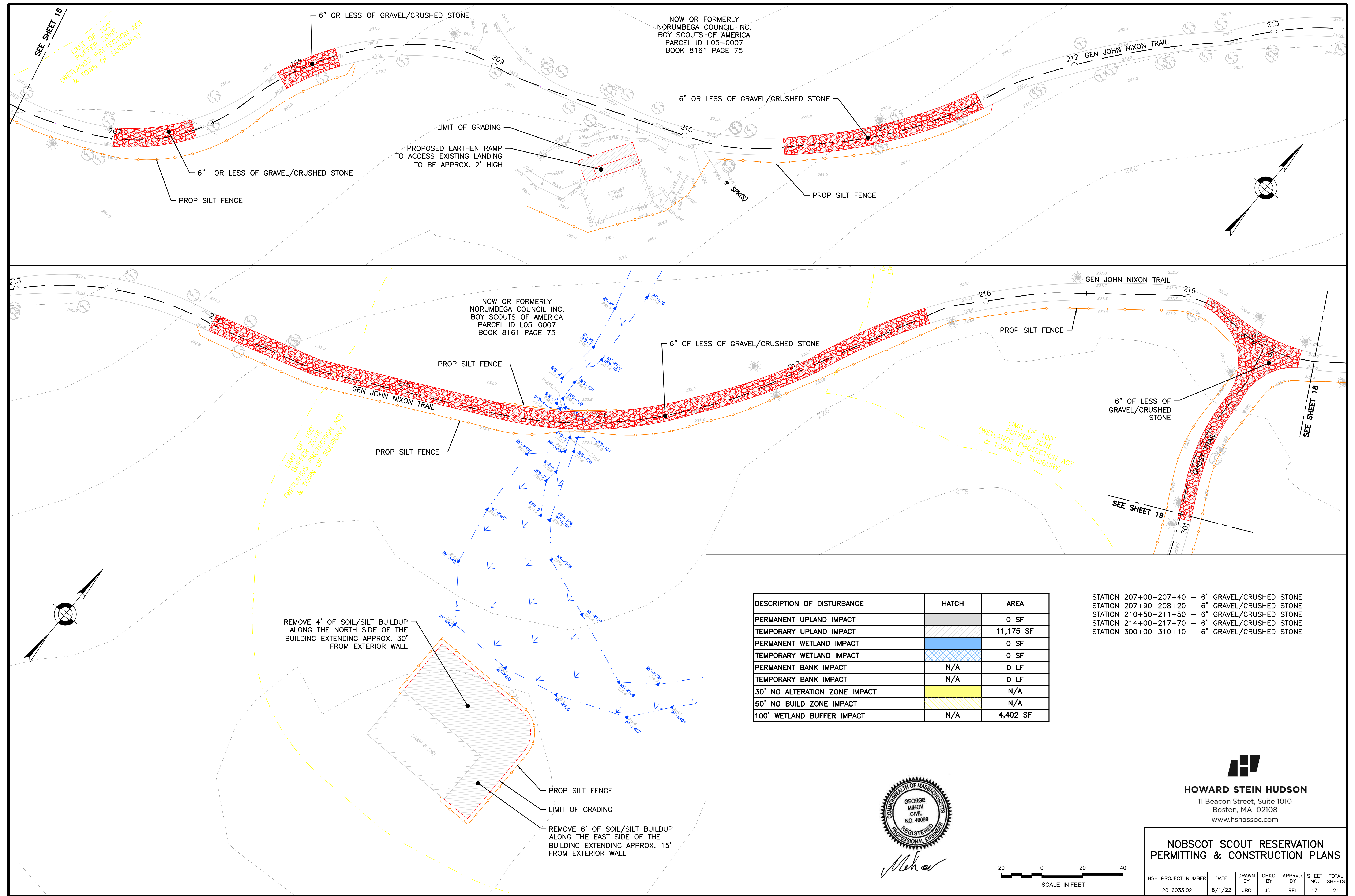
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HSH PROJECT NUMBER	DATE	DRAWN BY	CHKD. BY	APPRVD. BY	SHEET NO.	TOTAL SHEETS
2016033.02	8/1/22	JBC	JD	REL	16	21







NOW OR FORMERLY  
NORUMBEGA COUNCIL INC.  
BOY SCOUTS OF AMERICA  
PARCEL ID L05-0007  
BOOK 8161 PAGE 75

NOW OR FORMERLY  
NORUMBEGA COUNCIL INC.  
BOY SCOUTS OF AMERICA  
PARCEL ID L05-0007  
BOOK 8161 PAGE 75

DESCRIPTION OF DISTURBANCE	HATCH	AREA
PERMANENT UPLAND IMPACT	[Solid Grey]	0 SF
TEMPORARY UPLAND IMPACT	[Diagonal Lines]	11,175 SF
PERMANENT WETLAND IMPACT	[Blue Hatched]	0 SF
TEMPORARY WETLAND IMPACT	[Blue Dotted]	0 SF
PERMANENT BANK IMPACT	N/A	0 LF
TEMPORARY BANK IMPACT	N/A	0 LF
30' NO ALTERATION ZONE IMPACT	[Yellow Hatched]	N/A
50' NO BUILD ZONE IMPACT	[Yellow Dotted]	N/A
100' WETLAND BUFFER IMPACT	N/A	4,402 SF

STATION 207+00-207+40 - 6" GRAVEL/CRUSHED STONE  
 STATION 207+90-208+20 - 6" GRAVEL/CRUSHED STONE  
 STATION 210+50-211+50 - 6" GRAVEL/CRUSHED STONE  
 STATION 214+00-217+70 - 6" GRAVEL/CRUSHED STONE  
 STATION 300+00-310+10 - 6" GRAVEL/CRUSHED STONE



*Mihov*

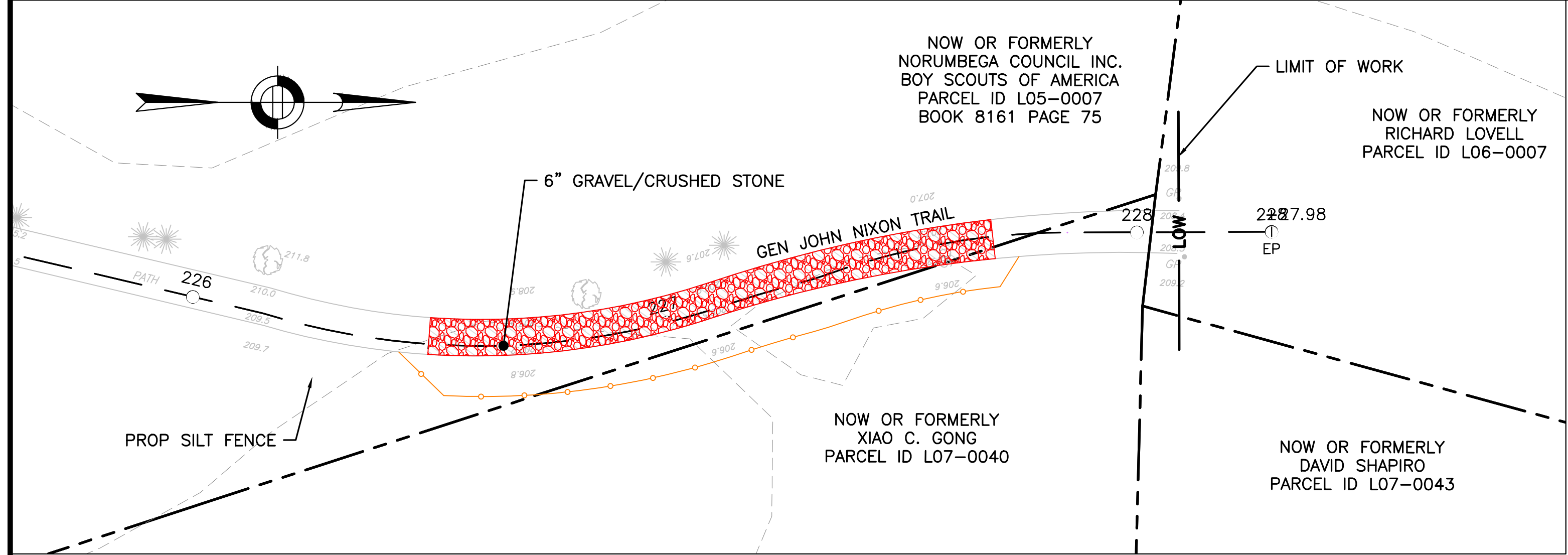
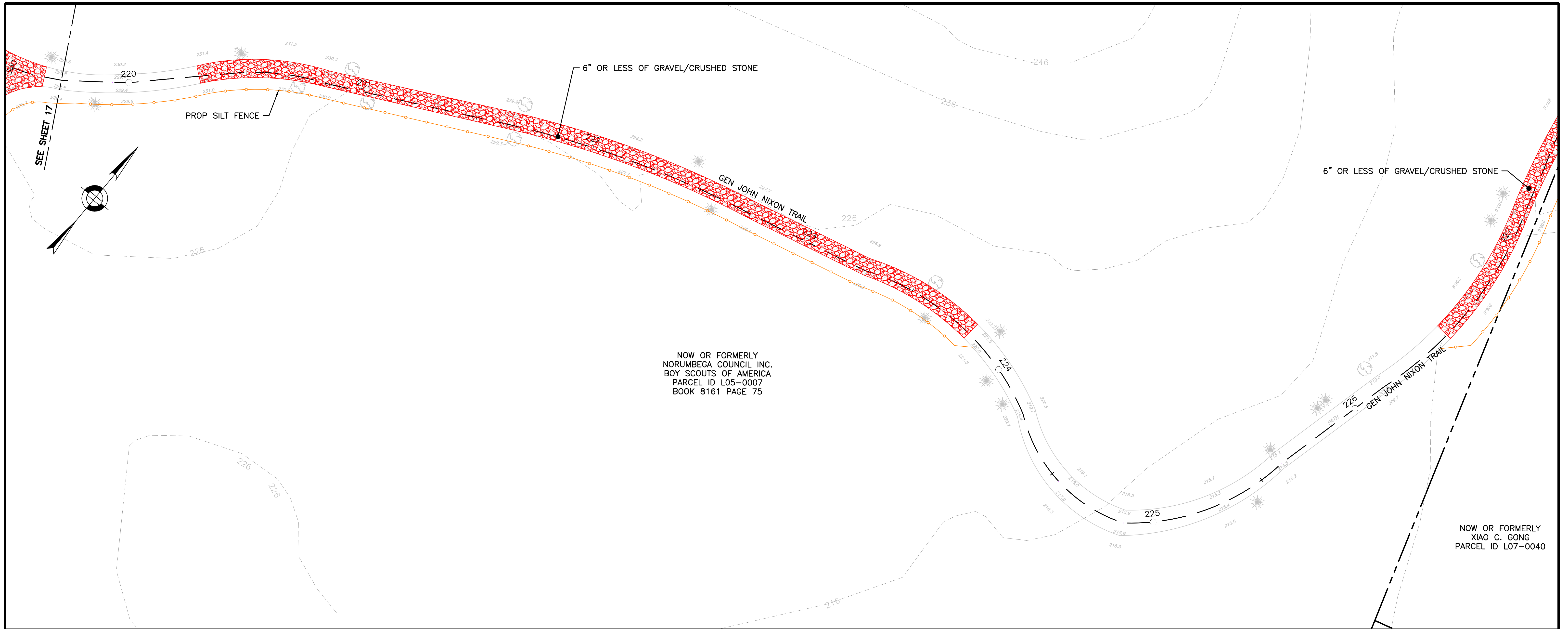
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 PERMITTING & CONSTRUCTION PLANS**

HSH PROJECT NUMBER	DATE	DRAWN BY	CHKD. BY	APPRVD. BY	SHEET NO.	TOTAL SHEETS
2016033.02	8/1/22	JBC	JD	REL	17	21

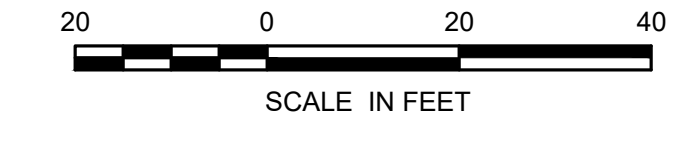
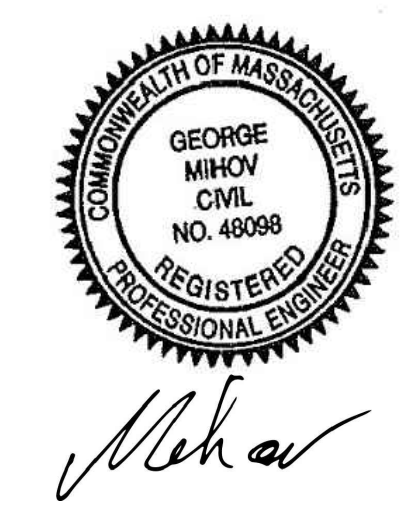






DESCRIPTION OF DISTURBANCE	HATCH	AREA
PERMANENT UPLAND IMPACT	[Hatch]	0 SF
TEMPORARY UPLAND IMPACT	[Hatch]	3,513 SF
PERMANENT WETLAND IMPACT	[Hatch]	0 SF
TEMPORARY WETLAND IMPACT	[Hatch]	0 SF
PERMANENT BANK IMPACT	N/A	0 LF
TEMPORARY BANK IMPACT	N/A	0 LF
30' NO ALTERATION ZONE IMPACT	[Hatch]	N/A
50' NO BUILD ZONE IMPACT	[Hatch]	N/A
100' WETLAND BUFFER IMPACT	N/A	0 SF

STATION 220+30-223+80 - 6" GRAVEL/CRUSHED STONE  
 STATION 226+50-227+70 - 6" GRAVEL/CRUSHED STONE



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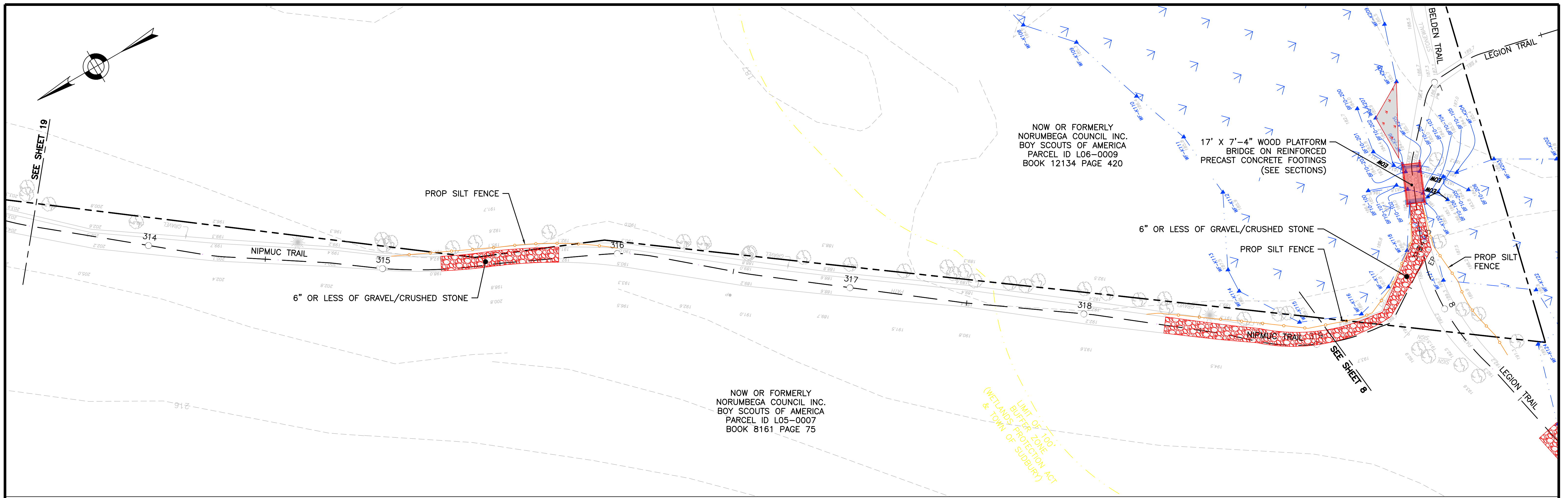
**NOBSCOT SCOUT RESERVATION  
 PERMITTING & CONSTRUCTION PLANS**

HSH PROJECT NUMBER	DATE	DRAWN BY	CHKD. BY	APPRVD. BY	SHEET NO.	TOTAL SHEETS
2016033.02	8/1/22	JBC	JD	REL	18	21



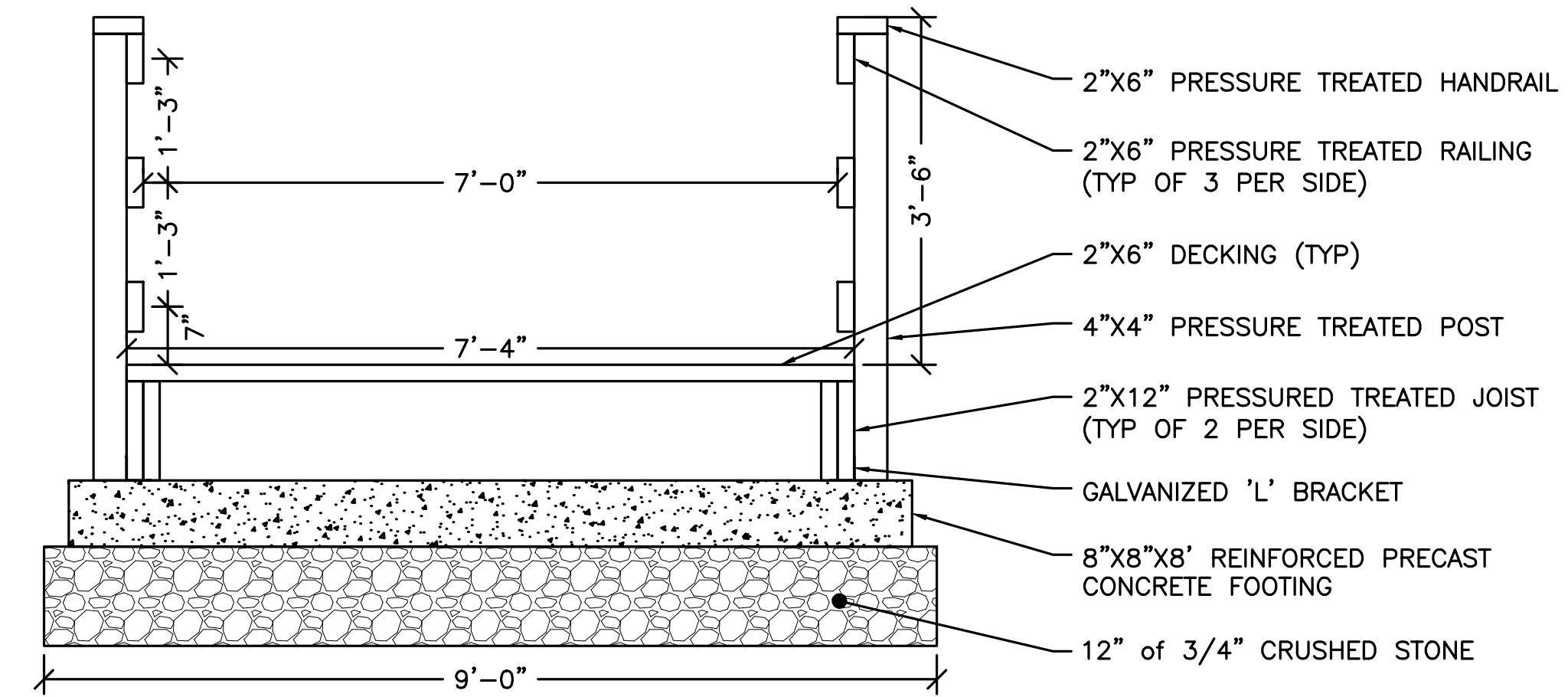
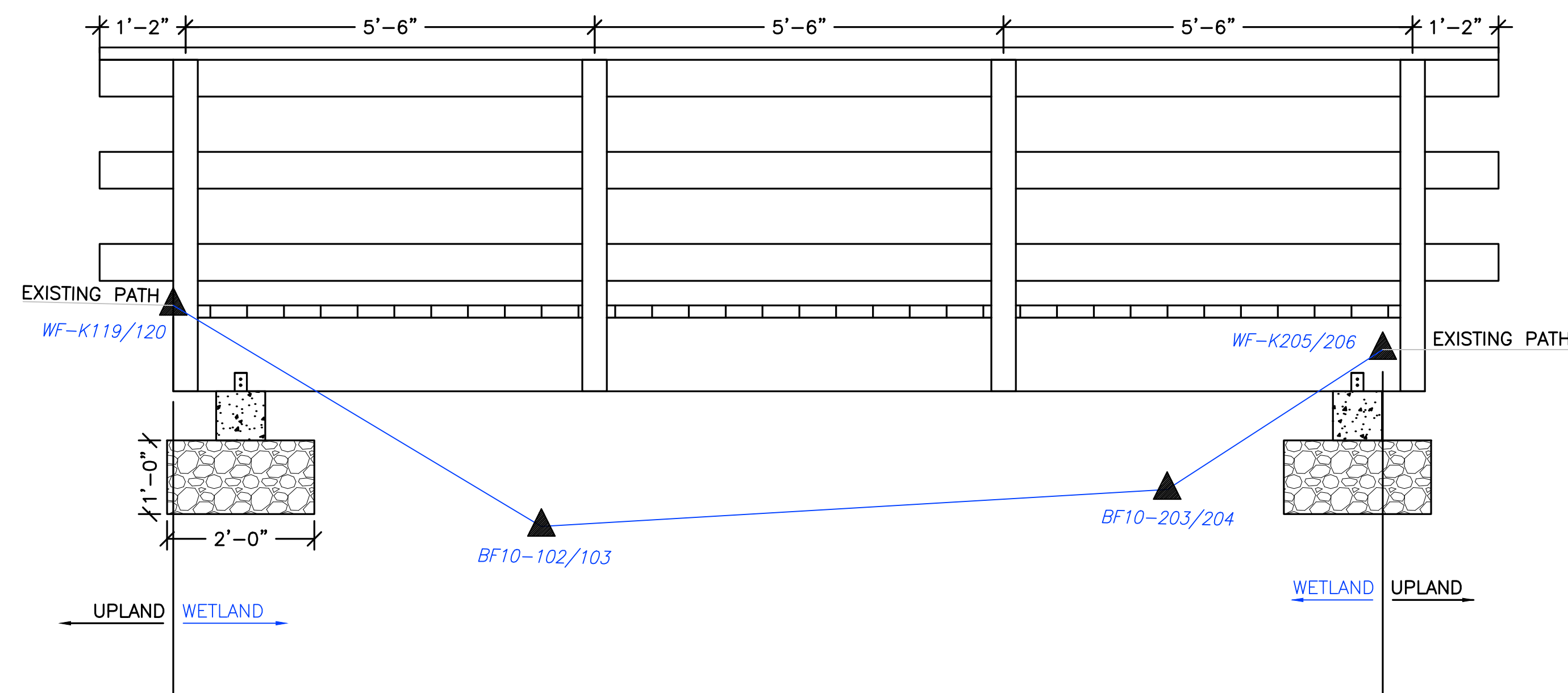






STATION 7+53-7+78 - 6" GRAVEL/CRUSHED STONE  
 STATION 315+25-315+75 - 6" GRAVEL/CRUSHED STONE  
 STATION 318+25-319+65 - 6" GRAVEL CRUSHED STONE

DESCRIPTION OF DISTURBANCE	HATCH	AREA
PERMANENT UPLAND IMPACT		0 SF
TEMPORARY UPLAND IMPACT		786 SF
PERMANENT WETLAND IMPACT		0 SF
TEMPORARY WETLAND IMPACT		0 SF
PERMANENT BANK IMPACT	N/A	0 LF
TEMPORARY BANK IMPACT	N/A	0 LF
30' NO ALTERATION ZONE IMPACT		N/A SF
50' NO BUILD ZONE IMPACT		N/A
100' WETLAND BUFFER IMPACT	N/A	470 SF



**BELDEN BRIDGE SECTIONS**  
NOT TO SCALE



*Mihov*

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2016033.02	8/1/22	JBC	JD	REL	20	21







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PREPARED FOR:

KNOX TRAIL COUNCIL  
 BOY SCOUTS OF AMERICA  
 490 UNION AVENUE  
 FRAMINGHAM, MA 01702

**NOBSCOT SCOUT  
 RESERVATION TRAIL  
 PROJECT**  
 FRAMINGHAM AND SUDBURY, MA  
 WORCESTER COUNTY

REVISIONS:

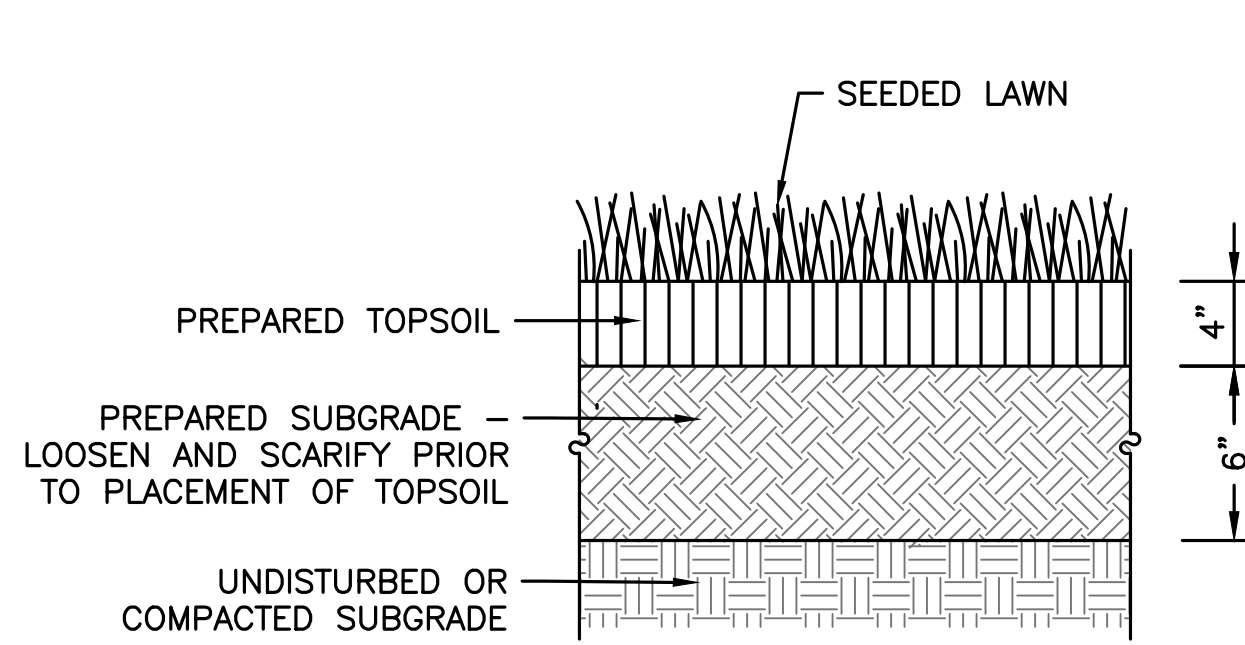
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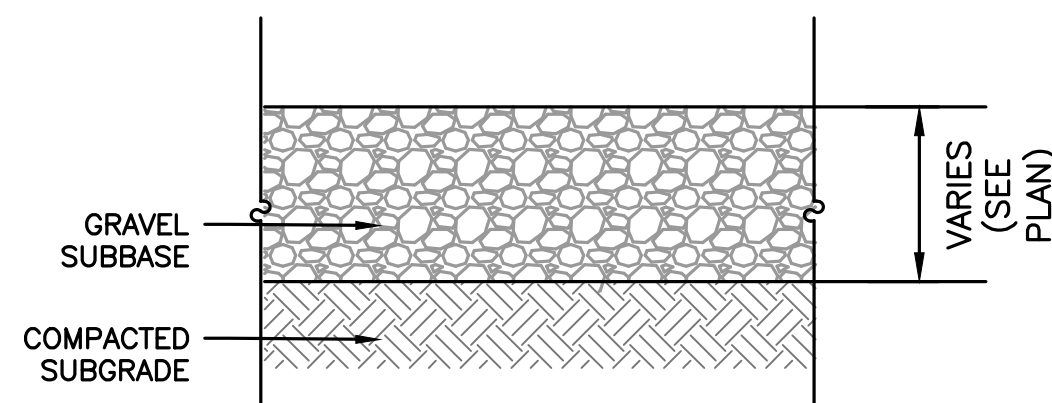
NOTICE OF INTENT  
 PERMIT SET

**DETAILS**

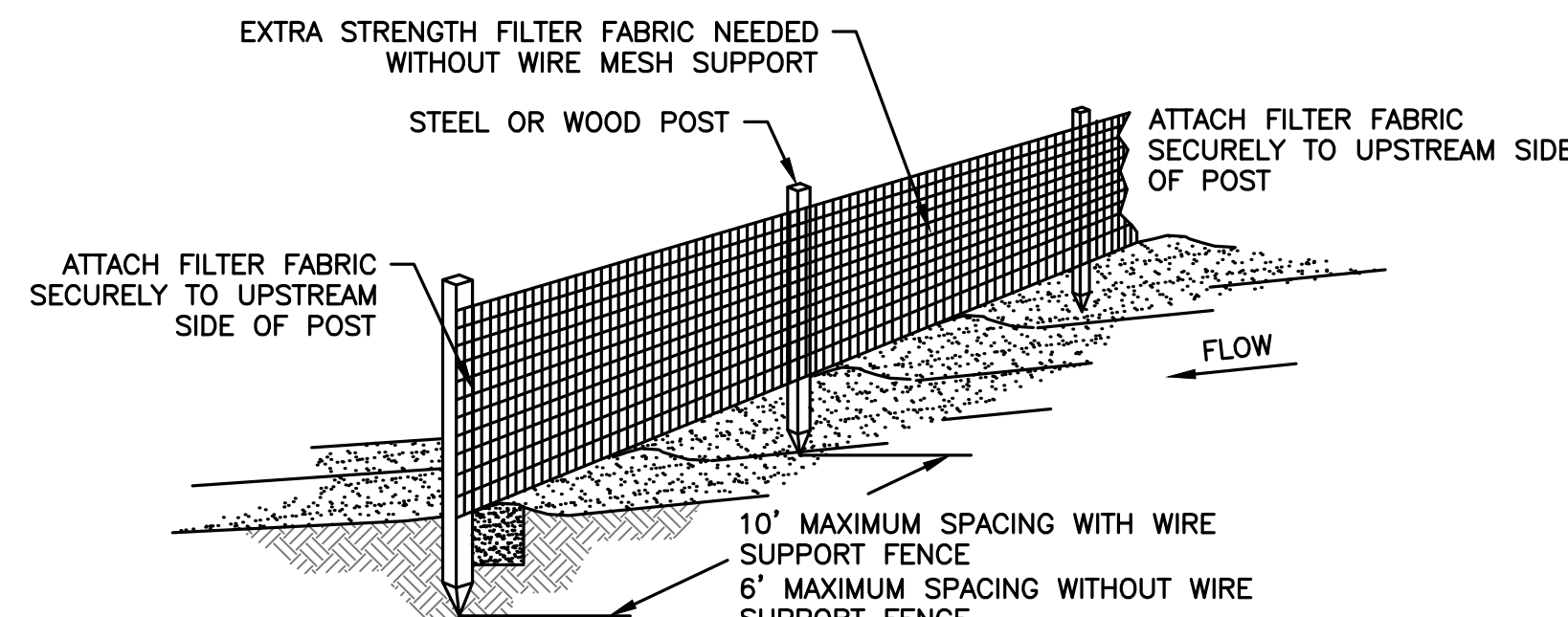
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DESIGNED BY:	JBC
DRAWN BY:	JBC
CHECKED BY:	REL



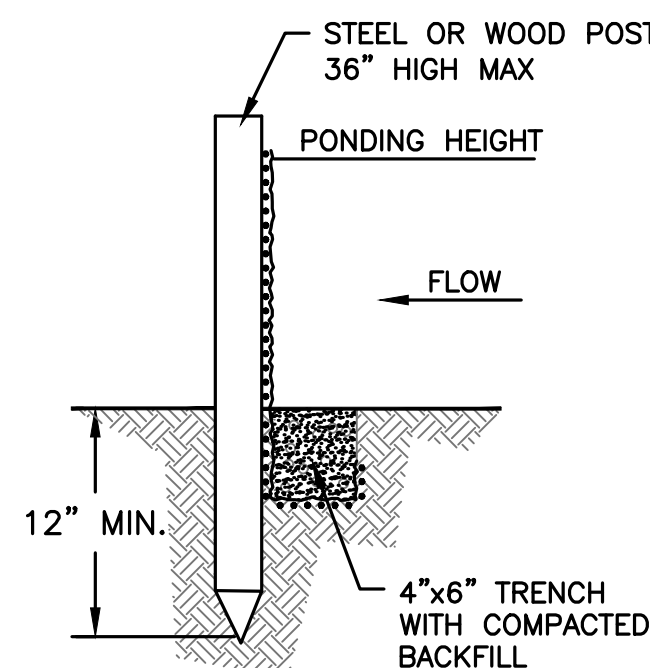
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**TRAIL SECTION DETAIL**  
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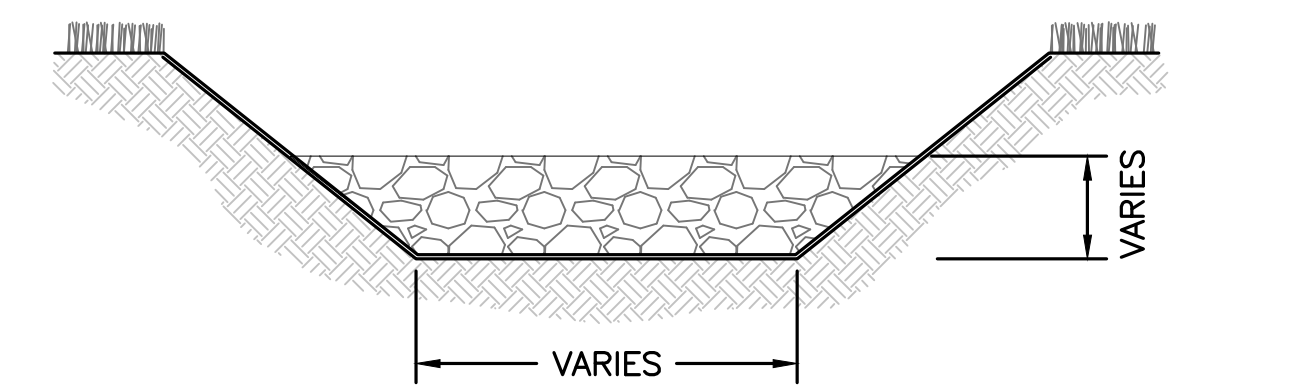


**SILT FENCE DETAIL**  
 NOT TO SCALE

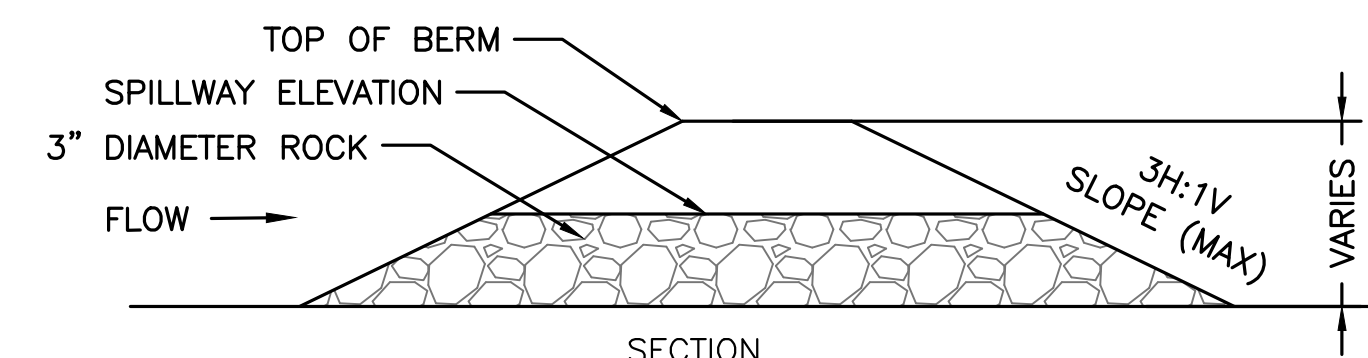


**TRENCH DETAIL**

- NOTES:**
1. ALL SILT FENCE SHALL BE ENTRENCHED PLACED AROUND ALL MATERIAL STOCKPILE AREAS AND MAINTAINED AT STAGING AREAS TO ASSURE NO SILTATION ONTO PUBLIC OR PRIVATE WAYS OR PROPERTY.

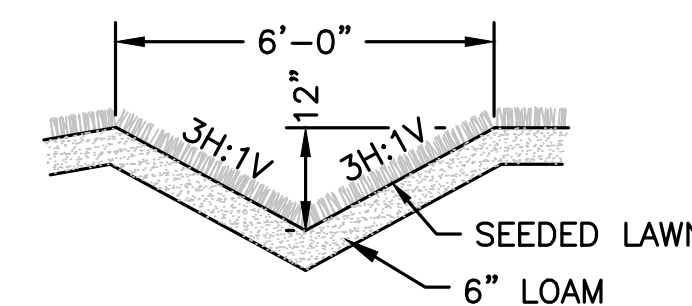


**ELEVATION**

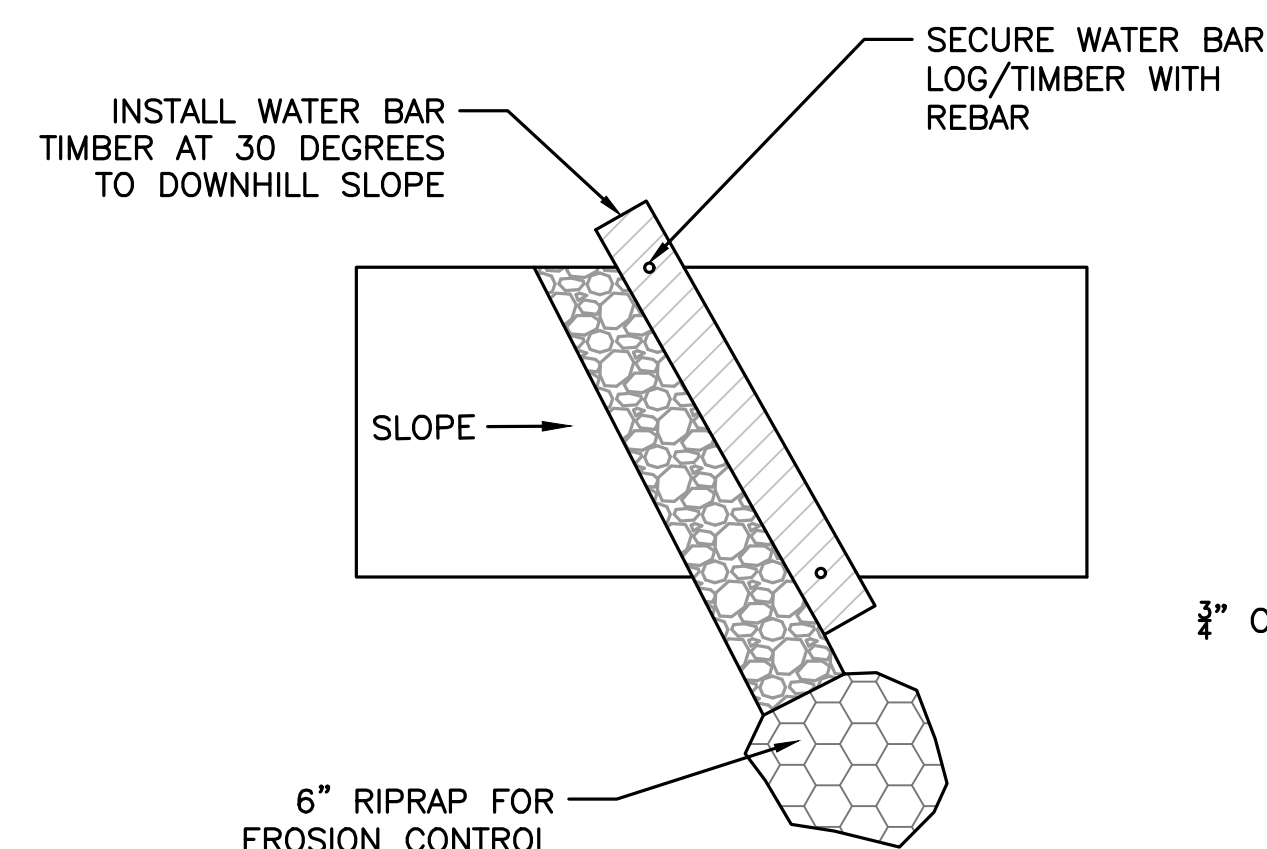


**SECTION**

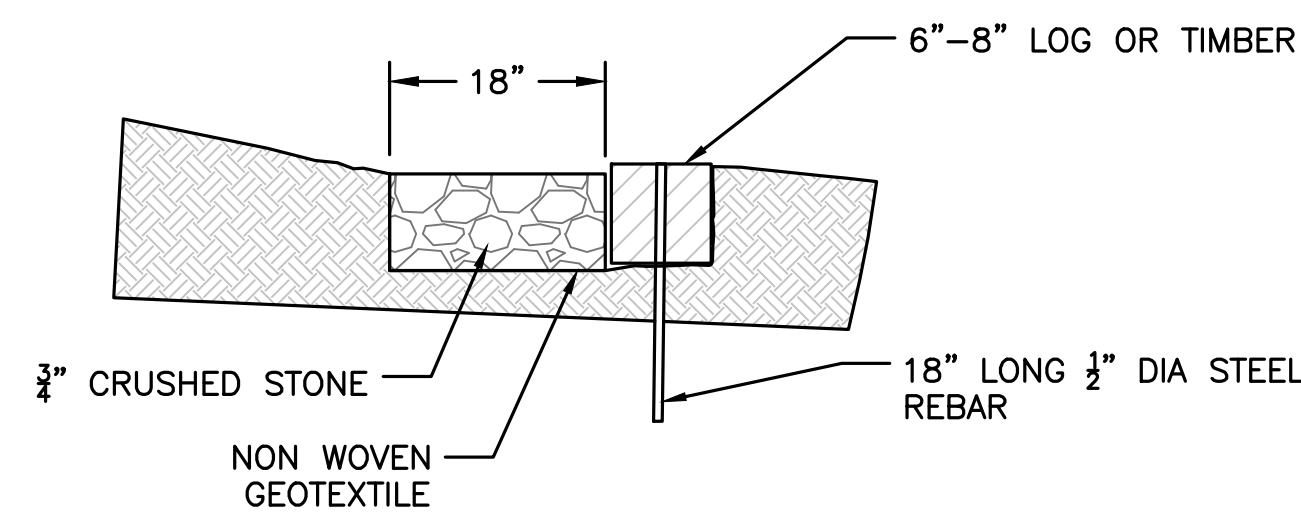
**CHECK DAM**  
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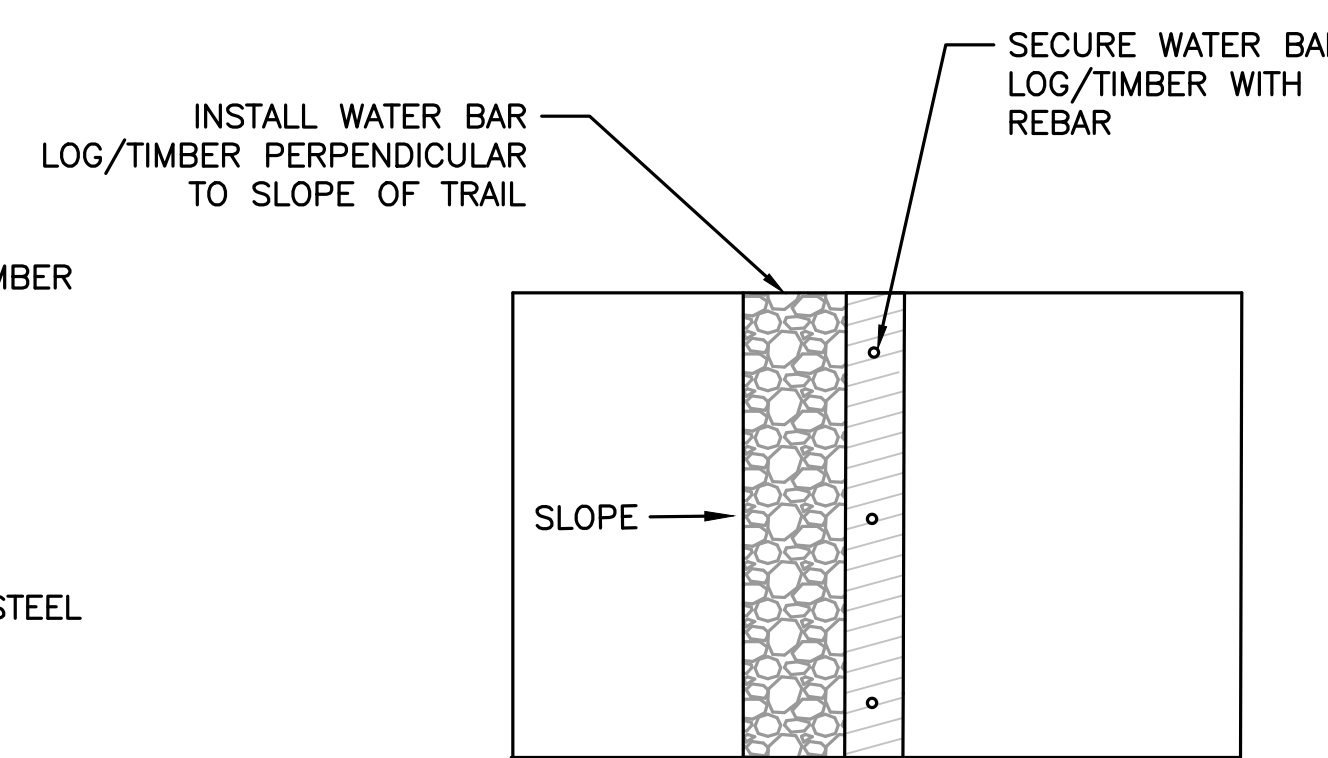
**V-SWALE**  
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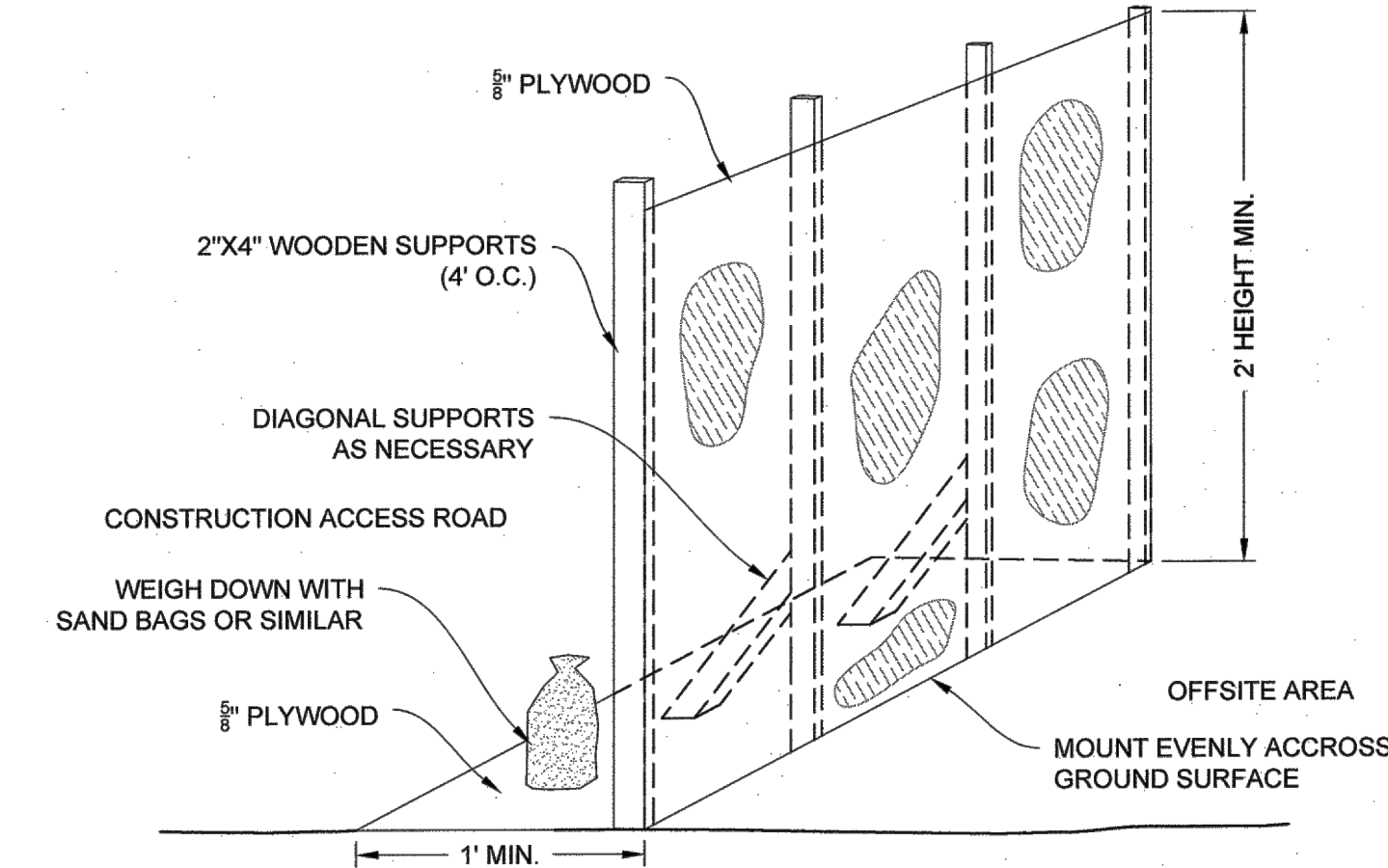
**ANGLED WATER BAR (TYPE 1) PLAN VIEW**  
 NOT TO SCALE



**WATER BAR SECTION DETAIL**  
 NOT TO SCALE



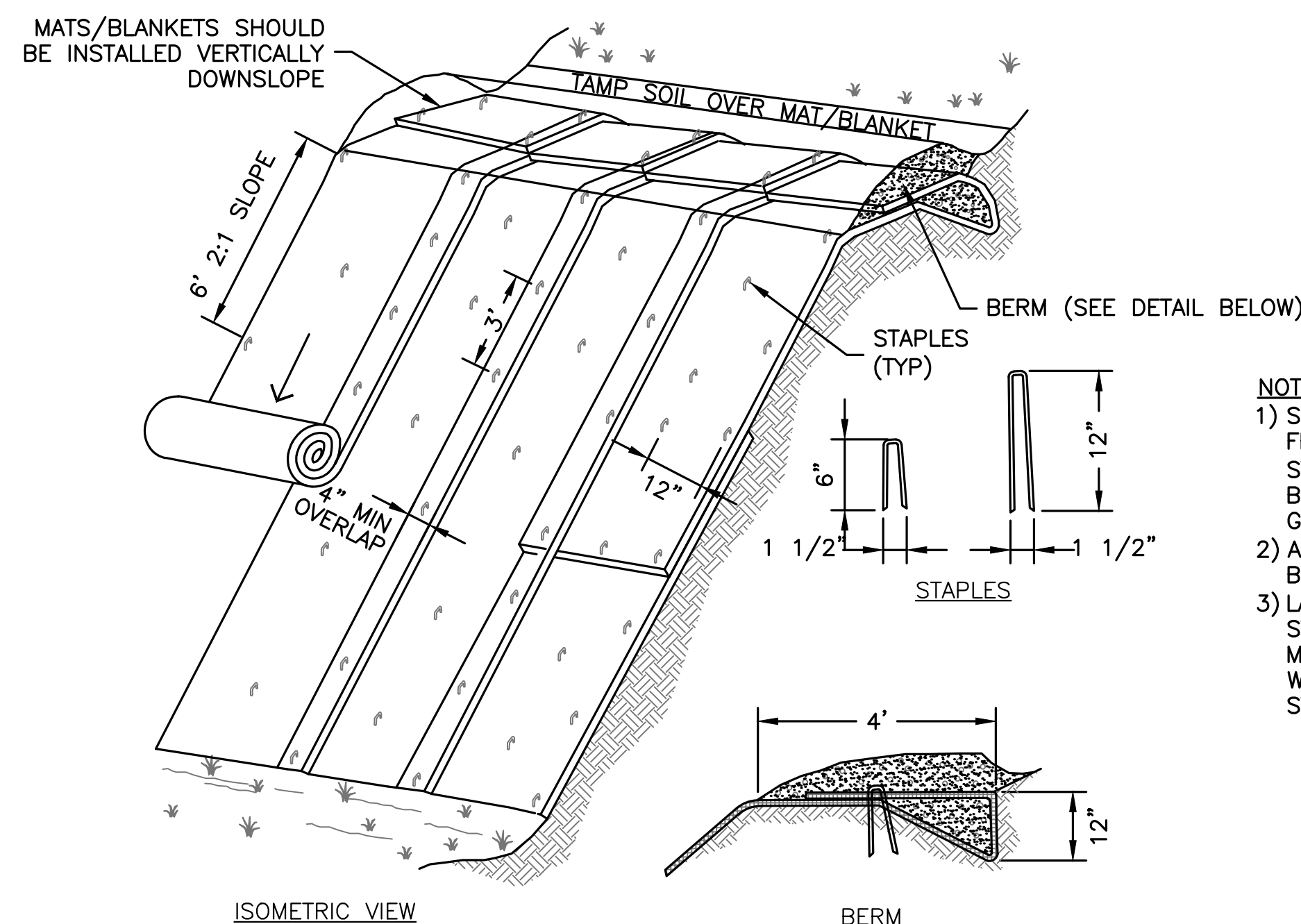
**PERPENDICULAR WATER BAR (TYPE 2) PLAN VIEW**  
 NOT TO SCALE



**NOTE:**

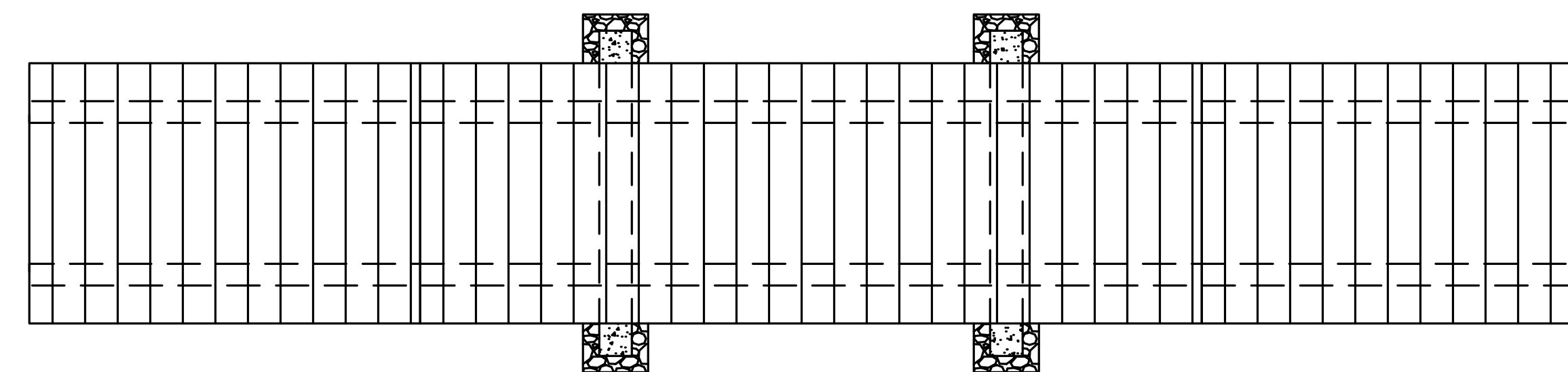
1. THE PLYWOOD BARRIER WILL BE REMOVED DURING THE CONSTRUCTION DAY AND REPLACED EACH EVENING OR AT THE END OF THE WORK DAY.
2. EACH SECTION OF PLYWOOD BARRIER SHALL OVERLAP THE ADJACENT SECTION TO ENSURE THAT ALL OPENINGS ARE BLOCKED COMPLETELY.

**TURTLE BARRIER ENTRANCE DETAIL**  
 NOT TO SCALE

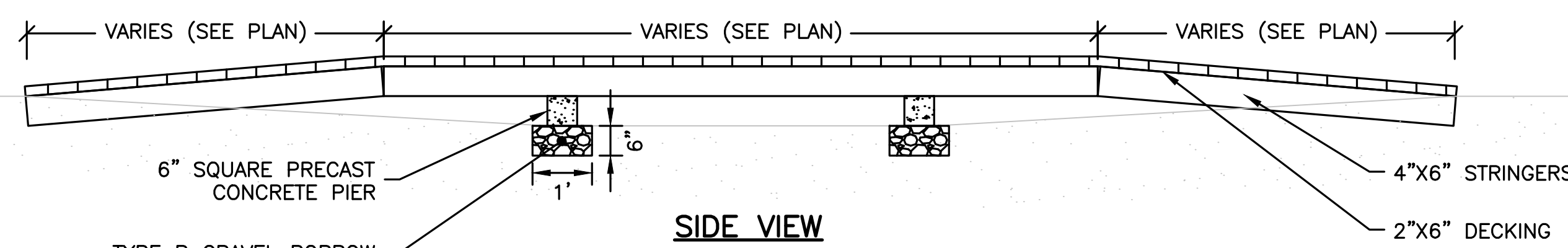


**EROSION BLANKETS AND TURF REINFORCEMENT  
 MATS SLOPE INSTALLATION**  
 NOT TO SCALE

- NOTES:**
- 1) SLOPE SURFACE SHALL BE FREE OF ROCKS, CLODS, STICKS AND GRASS. MATS/BLANKETS SHALL HAVE GOOD SOIL CONTACT.
  - 2) APPLY PERMANENT SEEDING BEFORE PLACING BLANKETS.
  - 3) LAY BLANKETS LOOSELY AND STAKE OR STAPLE TO MAINTAIN DIRECT CONTACT WITH THE SOIL. DO NOT STRETCH.



**TOP VIEW**



**SIDE VIEW**

**BOG BRIDGE DETAIL**  
 NOT TO SCALE