



# NEW HANOVER COUNTY

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## ENGINEERING

230 Government Center Drive, Suite 160, Wilmington, NC 28403

P: (910) 798-7139 | F: (910) 798-7051 | [NHCgov.com](http://NHCgov.com)

**Jim Iannucci, PE, CFM, County Engineer**

December 14, 2020

State Street-Galleria, LLC  
P.O. Box 12477,  
Charlotte, North Carolina 28220

**RE: Grading Permit #24-20 Rev. to GP 28-17 & GP 12-89, The Galleria**

Dear Mr. David Novotny:

This office has reviewed the erosion and sedimentation control plan. We find the plan to be acceptable with modifications and hereby issue this land-disturbing permit. **Please read the permit conditions carefully, return the signed blue original to our office and keep the copy for your records.** A copy of the enclosed land-disturbing permit must be posted at the job site. This letter gives the notice required by GS 113A-61.1(a) and Chapter 23 Article VI Section 23-250 (a) and Article VIII Section 8.21 of our right of periodic inspection to insure compliance with the approved plan.

As of April 1, 2019, all new construction activities are required to complete and submit an electronic Notice of Intent (eNOI) form requesting a Certificate of Coverage (COC) under the NCG010000 Construction General Permit. The COC must be obtained prior to the commencement of any land-disturbing activity on the above named project, according to State Stormwater requirements. The NOI form may be accessed at [deq.nc.gov/NCG01](http://deq.nc.gov/NCG01). Please direct questions about the NOI form to Annette Lucas at [Annette.lucas@ncdenr.gov](mailto:Annette.lucas@ncdenr.gov) or Paul Clark at [Paul.clark@ncddenr.gov](mailto:Paul.clark@ncddenr.gov). After you submit a complete and correct NOI Form, you will receive a link with payment instructions for the \$100 annual permit fee. After the fee is received, you will receive the COC via email. The \$100 fee will be charged annually until the project receives a final land-disturbance inspection. Once the project is stabilized and receives the final land-disturbance inspection, you should file a Notice of Termination (NOT) with the State to final out the project.

A copy of the enclosed land-disturbing permit, a copy of the approved erosion and sedimentation control plan as well as any approved deviations, the NCG01 permit, a copy of the Certificate of Compliance (COC), records of inspections made during the previous 12 months and a rain gauge must be posted at the job site as required by 15A NCAC 4B .0118(a), the NCG01 permit, Chapter 23 Article VI Section 23-248(o) and Article VIII Section 8.19(o).

The Land disturbing fee of \$4203 is due to be paid to New Hanover County Engineering, to my attention, upon receipt of this permit. We are returning check #2690 for the \$200 review fee that was submitted to us on July 8, 2020 after it expired. Check #3255 was submitted to cover the review fee and deposited July 24, 2020.

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**A preconstruction meeting is optional** prior to land-disturbing activity on this project. Please contact me at (910) 798-7139 if you would like to schedule this meeting in our office. If you choose not to have a preconstruction meeting, **you must contact us with the date the land-disturbing activity will take place onsite and again once the initial erosion control measures are installed.**

New Hanover County's Erosion and Sedimentation Control Program is performance-oriented, requiring protection of existing natural resources and adjoining properties. If, following the commencement of this project, it is determined that the erosion and sedimentation control plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes 113A-51 through 66), and the New Hanover County Erosion and Sedimentation Control Ordinance, Chapter 23 Article VI Section 23-248 (f) and Article VIII Section 8.19 (f), this office may require revisions to the plan and its implementation of the revisions to ensure compliance with the Act and ordinance.

This land-disturbing permit will expire within 1 year following the date of approval, if no land-disturbing activity has been undertaken, as required by Chapter 23 Article VI Section 23-247(d) and Article VIII Section 8.18 (d). If no activity takes place within one year after work has begun onsite, the permit will expire. Please contact this office to reactivate a permit that has expired.

Acceptance and approval of this erosion control plan is conditioned upon your compliance with Federal and State water quality laws, regulations and rules and local city or county ordinances or rules. This land-disturbing permit approval does not supersede any other permits or approvals. It is the owner's responsibility to have all the permits and approvals that are required, prior to beginning construction.

Please note this approval is based in part on the accuracy of the information provided in the Financially Responsibility Form, which you provided. You are requested to file an amended form if there is any change in the information included on the form.

Your cooperation is appreciated,

*Beth Easley Wetherill*

Beth Easley Wetherill  
NHC Soil Erosion Specialist

Enclosures: Land-Disturbing Permit  
NPDES NCG01 Fact Sheet and Monitoring Form

cc: Brian Chamber Senior Planner, City of Wilmington  
Daniel Fisk PE, Paramounte Engineering, Inc.  
SSG-2, LLC



**Permit GP #24-20**  
**LNDP 20-00065**

## **Permit for a Land Disturbing Activity**

New Hanover County  
Department of Engineering  
230 Government Center Drive - Suite 160  
Wilmington, North Carolina 28403  
(910) 798-7139

### **As authorized by the New Hanover County Erosion and Sedimentation Control Ordinance**

This permit issued to authorizes the development of **14.01 acres** of land at **6730, 6800 & 6950 Wrightsville Avenue for The Galleria** in New Hanover County with modifications. This permit issued on **December 14, 2020** is subject to compliance with the application and site drawings, all applicable regulations and special conditions and notes set forth below. **Any plan modifications must be approved by this office prior to field changes.**

It is understood by the applicant that a representative of New Hanover County's Engineering Department may inspect the site at any time following the issuance of this Permit. A copy of this permit, the approved Soil Erosion and Sedimentation Control Plan as well as any approved deviations, a copy of DEMLR's NCG01 Certificate of Compliance, records of inspections made during the previous 30 days and a rain gauge must be posted at the job site at all times.

Failure to execute the provisions of this permit and the approved Soil Erosion Plan, or any other provisions of the New Hanover County Soil Erosion and Sedimentation Control Ordinance, may result in immediate legal action by the County to the limits prescribed by the Ordinance. If the measures outlined on the approved Soil Erosion Control Plan and this Permit prove insufficient, additional Erosion Control measures can and will be required, which in turn will be considered provisions of this Permit. Additional plan submittals and approvals may be required. Acceptance and approval of this erosion control plan is conditioned on the applicant's compliance with Federal and State laws, regulations and rules. This Permit does not preclude any other permits or approvals necessary for beginning or completing this development. It is the Permittee's responsibility to obtain all necessary permits and approvals that are required prior to beginning construction.

This approval is based in part on the accuracy of the information provided on the Financially Responsibility Form, which you provided. You are required to file an amended form if there is any change in the information that was provided.

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### **SPECIAL CONDITIONS**

#### **(THESE CONDITIONS MUST BE FOLLOWED IN ADDITION TO THE PLANS AND SPECIFICATIONS)**

\*All the soil erosion control measures will be installed as the site is cleared and maintained throughout construction. This project will be built in 2 phases. Phase I included a construction entrance, silt fences, inlet protection, 2 rock check dams in lieu of baffles at the 2 pond inlet pipes, concrete washouts, all NCG01 regulations and immediate installation of a 3 inch Faircloth skimmer with a 2.8 inch orifice on one of the pond outlets and the other outlet blocked, except at the top, so the skimmer can function. Additional erosion control may also be required. Phase II includes installation of 2 swales, of which swale 2 must be lined, additional inlet protection, a concrete washout, all NCG01 regulations, a 3 inch Faircloth skimmer with a 2.8-inch orifice and the other outlet blocked, except the top, which must remain in place until the entire site is stabilized. Additional erosion control may be required.

This permit does not preclude any permits or approvals which may be necessary. These include but are not limited to, City of Wilmington or New Hanover County Stormwater, Planning or Zoning, State or County C.A.M.A., DEMLR Water Quality, Water Resources or Solid Waste, the US Army Corps. of Engineers or any other agencies.

The approval of an erosion control plan is conditioned on the applicant's compliance with Federal and State Water Quality laws, regulations and rules.

\*Tree Removal Permits and/or Approvals are required from the City of Wilmington and/or New Hanover County.

\*All City and/or County and State drainage and stormwater requirements will be adhered to.

- \*Silt fence stakes must be steel and will be placed **six feet apart without wire reinforcement and extra strength silt fence or eight feet apart with wire reinforcement**. Silt fence is **not** allowed as inlet protection.
- \*If any phase of grading ceases for more than 15 working days, the site will be temporarily stabilized.
- \*All slopes must be stabilized within 21 calendar days of any phase of activity.
- \*No sediment shall leave the site.
- \*If these measures fail to adequately control erosion, more restrictive measures will be required.
- \*If plan revisions are necessary you must submit a copy to this office for approval **prior** to any field changes.
- \*Any borrow material brought onto this site must be from a legally operated mine or other approved source including a separate construction site with an active land disturbing permit. Borrow from any other location would require this permit to be revised to include the area where the borrow was generated as part of this site. Any soil waste that leaves this site can be transported to a permitted mine or separate construction site with an active land disturbing permit without additional permits. Disposal at any other location would require the disposal site to be included in this permit and would require submittal and approval of revised plans. You must notify this office of the location where soil is taken from or transported too prior to the activity.
- \*Note the required rates for seed, lime, fertilizer and mulch in your seeding specifications.
- \*Pre-construction meetings are optional. Contact Beth E. Wetherill at (910) 798-7139 to set up a meeting prior to land disturbing activity onsite. If you do not choose to have a preconstruction meeting prior to starting work on site, you should contact us when activity begins and again when the initial measures have been installed.
- \* This land disturbing permit requires inspections and record keeping to be performed by the landowner, the financially responsible party or their agent, during and after each phase of the plan has been completed and after establishment of temporary ground cover. Records shall be maintained onsite until permanent ground cover has been established to provide sufficient root structure to restrain erosion. These phases include: installation of perimeter erosion and sediment control measures; clearing and grubbing of existing ground cover; completion of any phase of grading on slopes or fills that requires provisions of temporary or permanent ground cover; completion of storm drainage facilities; completion of construction or development; and quarterly until the establishment of permanent ground cover sufficient to restrain erosion. Or, until the financially responsible party has conveyed ownership or control of the tract of land for which the erosion and sedimentation control plan has been approved and the agency that approved the plan has been notified. If the financially responsible party has conveyed ownership or control of the tract of land for which the erosion and sedimentation control plan has been approved, the new owner's or person in control shall conduct and document inspections quarterly until the establishment of permanent ground cover sufficient to restrain erosion. The person who performs the inspections shall maintain and make available a record of the inspection at the site of the land disturbing activity until permanent ground cover has been established. The records will document: the installation of the erosion and sedimentation control measures, practices and devices as set forth by the approved plan or if the measures, practices and devices are modified after initial installation; the completion of any phase of grading for all graded slopes and fills shown on the approved plan, specifically noting the location and condition of the graded slopes and fills; the location of temporary or permanent ground cover, and that the installation of the ground cover does not significantly deviate from the approved plan; that maintenance and repair requirements for all temporary and permanent erosion and sedimentation control measures, practices and devices have been performed and that they don't significantly deviate from the approved plan; any significant deviation from the approved erosion control plans and identify measures that may be required to correct the deviation and document the completion of the corrective actions; it includes contact information for the person conducting the inspection and the date of the inspection. These requirements are in addition to inspections required by GS 113A 61.1.
- \* As of April 1, 2019, all new construction activities are required to complete and submit an electronic Notice of Intent (NOI) form requesting a Certificate of Coverage (COC) under the NCG010000 Construction Stormwater General Permit unless this project has applied for an Individual Construction Stormwater Permit. The NOI form must be submitted prior to the commencement of any land disturbing activity on the above named project, according to State Stormwater requirements. The NOI form may be accessed at [deq.nc.gov/NCG01](http://deq.nc.gov/NCG01). Please direct questions about the NOI form to Annette Lucas at [Annette.lucas@ncdenr.gov](mailto:Annette.lucas@ncdenr.gov) or Paul Clark at [Paul.clark@ncdenr.gov](mailto:Paul.clark@ncdenr.gov). After you submit a complete and correct NOI Form, a COC

will be emailed to you within three business days. Initially, DEMLR will not charge a fee for coverage under the NCG01 permit. However, on or after May 1, 2019, a \$100 fee will be charged annually. This fee is to be sent to the DEMLR Stormwater Central Office staff in Raleigh.

\*Additional self-inspections, record keeping and reporting is required by the Construction Stormwater General Permit - NCG01 per State Stormwater. It requires inspections and record keeping at least once per 7 calendar days and within 24 hours of a rain event of 1.0 inch or more, in 24 hours. Rain inspections reset the required 7 calendar day inspection requirement. Records of inspection made during the previous 30 days must be kept onsite. Other reports are to be made available for 3 years. Reporting is required to the States Stormwater Divisions Regional Office for sediment deposits in streams or wetlands, oil spills, release of hazardous substances, anticipated bypasses, unanticipated bypasses and noncompliance with conditions of the permit that may endanger health or the environment. There are specific time frames for reporting and submittal of reports to the Divisions Regional Office. NCG01 includes 7 and 14 calendar day ground stabilization and materials handling requirements. Materials are to be kept in leak proof containers, under storm resistant cover or have secondary control structures. They are to be stored 50 feet away from storm drains, surface waters and wetlands. They include flocculants, equipment and vehicle maintenance, litter, building materials and land clearing waste, paint and other liquids, portable toilets, earthen stockpile management, concrete washouts, herbicides, pesticides and rodenticides, and hazardous and toxic waste. Contact the Department of Energy, Mineral and Land Resources Stormwater Division at [deq.nc.gov/NCG01](http://deq.nc.gov/NCG01) or the Wilmington Regional Office at (910) 798-7215 for additional information.

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This Permit will expire one year from date of issue if no construction activity begins on site. This permit may not be amended or transferred to another party without approval of this office.

**Acknowledgment of Receipt of Permit**

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Owner

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By (please print)

*Beth Easley Wetherill*  
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Beth E. Wetherill, C.P.E.S.C.  
Soil Erosion Specialist/New Hanover County

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Signature