



# 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

Jim Iannucci, PE, CFM, County Engineer

June 1, 2021

NNP IV-Cape Fear River, LLC  
13777 Ballantyne Corporate Place, Suite 250,  
Charlotte, North Carolina 28277

**RE: Grading Permit #8-19 Revision #2, River Lights Conventional Phase V & VI Infrastructure**

Dear Nick Cassala:

This office has reviewed the revised erosion and sedimentation control plan. We find the plan to be acceptable and hereby issue this land-disturbing permit with modifications. **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 New Hanover County's Erosion and Sedimentation Control Ordinance Article VIII Section 8.21 of our right of periodic inspection to ensure 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, and Article VIII Section 8.19(o).

The land-disturbing fee for the additional 0.55 acres is **\$165** which is due to be paid to New Hanover County Engineering, to my attention, prior to Plat Recordation.

**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 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 New Hanover County's Erosion and Sedimentation Control Ordinance 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. **You must ensure you have tree approval PRIOR to any land disturbing activity onsite.** 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  
NHC Soil Erosion Specialist

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

cc: Kathryn Espinoza PE, McKim & Creed  
Brian Chambers, City of Wilmington Planning



Permit# GP 8-19

Revision #2

LNDP # 19-00060

## 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 NNP IV-Cape Fear River, LLC authorizes the development of 105.98 acres of land at 4410 River Road for River Lights Conventional Phase V & VI, Phase I ONLY in New Hanover County with performance reservations and modifications. This permit issued on April 18, 2019 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. The original permit for 99.4 acres was approved 4/18/19. Erosion control included clearing and grubbing only in the redlined limits of disturbance on the Phase I plan with 2 construction entrances, silt fences, stabilized buffers and stabilization within the timeframes on the plan and according to NCG01 rules. This approval does not include any future Phase 2 stormwater infrastructure or lot work shown in black on the plan. Additional approvals will be necessary for land disturbance in Phase 2

\*Revision #1 for the addition of 6.03 acres for forcemain and stormwater outfall construction which is shown on the plan in the blue limits of disturbance, is approved on 12/21/20 and includes 2 construction entrances, silt fences, silt fence outlets, stabilization, concrete washouts and all NCG01 regulation. Phase 2 stormwater infrastructure and Lot disturbance shown in black on the plans, will require additional approvals and erosion control.

\*\*Revision #2 includes 0.55 additional acres approved 6/1/2021 for Phase 1B and 2 stormwater infrastructure and initial lot disturbance. Erosion control will be installed in 2 phases. Phase 1B includes 2 construction entrances, silt fences, silt fence outlets, 3 lined diversion ditches with 5 check dams in TDD 1, and 3 check dams in TDD 2 & 3, immediate construction and stabilization of 3 skimmer sediment basins, there slopes and outlets structures, Basin 1 will have a 3 inch Faircloth skimmer with a 2.8 inch orifice, Basin 2 will have a 2.5 inch Faircloth skimmer with a 2.10 inch orifice and

Basin 3 will have a 1.5 inch Faircloth skimmer with a 0.07 inch orifice, outlet protection, a lined perimeter dike with 9 check dams, concrete washouts and all NCG01 regulations. Note: Basins shall be constructed prior to diversion ditches, Phase 2 erosion control includes 2 construction entrances, silt fences, silt fence outlets, inlet and outlet protection, 3 stabilized skimmer sediment basins, the skimmer in SCM 1 will be a 4 inch Faircloth skimmer with a 3.6 inch orifice, the skimmer in SCM 4 will be a 2.5 inch Faircloth skimmer with a 2.10 inch orifice, the skimmer in SCM 10 will be a 4 inch Faircloth skimmer with a 3.3 inch orifice and all SCMs will be immediately built and stabilized with outlet structures, immediate construction and stabilization of 6 infiltration basins with specific storage requirements, a lined perimeter dike with 9 check dams, concrete washouts and all NCG01 regulation. Note: Individual lot SFD construction may require additional land disturbing permits.

\*Silt fence stakes must be steel and will be placed six feet apart without wire reinforcement 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.

\*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.

\*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.

\*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.

\* 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 provision 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.


**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)

\_\_\_\_\_  
Signature

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