



Planning, Development, &
Transportation Department
Planning Division
305 Chestnut Street
PO Box 1810
Wilmington, NC 28402-1810

910 254-0900
910 341-3264 fax
wilmingtonnc.gov
Dial 711 TTY/Voice

TRANSMITTAL LETTER

TO: John Barham Senior Zoning Officer
DATE: December 6, 2017
SUBJECT: **Pine Valley Branch Library** Project # 2017040
LOCATION: 3802 South College Road

The following items are being sent to you via this package.

QUAN.	DWG./NO.	DESCRIPTION
1	Received Dated 12/5/17	Pine Valley Branch Library Approved Plans
1	Dated 12/5/17	Approved Tree Preservation Permit
1	Under Separate Cover	City Comprehensive Stormwater Management Permit No. 2017051
1	Dated 7/28/08	NCDENR Erosion Control No. NEWHA-2018-010

REMARKS: The **Pine Valley Branch Library** project, located at 3802 South College Road, is hereby conditionally released for construction. The following conditions must be satisfied as part of this release:

- A. A PRE-CONSTRUCTION MEETING MUST BE HELD BETWEEN THE SITE CONTRACTOR AND CITY STAFF PRIOR TO ANY SITE WORK, TREE REMOVAL, CLEARING, OR GRADING BEGINNING ON THE SITE. FAILURE TO COMPLY WILL RESULT IN IMMEDIATE CIVIL PENALTIES. CONTACT 910-254-0900.
- B. ANY TREES, INCLUDING THE CRITICAL ROOT ZONE AREA, AND/OR AREA DESIGNATED TO BE SAVED MUST BE PROPERLY BARRICADED OR MARKED WITH FENCING AND PROTECTED THROUGHOUT CONSTRUCTION TO INSURE THAT NO CLEARING AND GRADING WILL OCCUR IN THOSE AREAS.
- C. NO EQUIPMENT IS ALLOWED ON THE SITE AND NO CONSTRUCTION OF ANY BUILDING, STRUCTURE, WALL, UTILITIES, INFRASTRUCTURE, ETC., OF ANY KIND, INCLUDING FOOTINGS AND BUILDING SLABS, WILL BE PERMITTED UNTIL:
 - 1. ALL TREE PROTECTION FENCING AND SILT FENCING HAS BEEN INSTALLED
 - 2. NCDCER HAS FORMALLY ISSUED THE GRADING PERMIT AND AUTHORIZED THE ACTIVITY
 - 3. THE CFPWA HAS AUTHORIZED THE WATER AND SEWER ACTIVITIES. THE CONTRACTOR MUST HAVE A PRECON WITH CFPWA 332-6560.
 - 4. THE CITY ZONING INSPECTOR AUTHORIZES THE ACTIVITY.

- D. THIS DEVELOPMENT SHALL COMPLY WITH ALL LOCAL, CITY TECHNICAL STANDARDS, REGIONAL, STATE AND FEDERAL DEVELOPMENT REGULATIONS.**
- E. ALL APPLICABLE TRC REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF THE FINAL ZONING APPROVAL.**
- F. PER THE REQUIREMENTS OF THE STORMWATER PERMIT, THE FOLLOWING SHALL OCCUR PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR OPERATION OF THE PERMITTED FACILITY:**
- **AS-BUILT DRAWINGS FOR ALL STORMWATER MANAGEMENT FACILITIES SHALL BE SUBMITTED TO THE CITY OF WILMINGTON ENGINEERING DIVISION.**
 - **AN ENGINEER'S CERTIFICATION SHALL ALSO BE SUBMITTED, ALONG WITH ALL SUPPORTING DOCUMENTATION THAT SPECIFIES, UNDER SEAL THAT THE AS-BUILT STORMWATER MEASURES, CONTROLS AND DEVICES ARE IN COMPLIANCE WITH THE APPROVED STORMWATER MANAGEMENT PLANS.**
 - **A FINAL INSPECTION IS REQUIRED BY CITY OF WILMINGTON ENGINEERING PERSONNEL (910) 341-5856.**
- G. NO CONSTRUCTION ACTIVITY SHALL OCCUR WITHIN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) RIGHT-OF-WAY UNTIL ALL NCDOT PERMITS HAVE BEEN ISSUED AND RECEIVED BY THE CITY. ALL IMPROVEMENTS REQUIRED SHALL BE INSTALLED AND APPROVED BY NCDOT PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**
- H. THE DEVELOPER ASSUMES ALL RISKS AND PENALTIES WITH ANY DELAY OR STOP WORK ORDER ASSOCIATED WITH THE VIOLATION OF THIS RELEASE. THE DEVELOPER ACKNOWLEDGES THE CONDITIONS OF THIS RELEASE AND ASSUMES ALL RESPONSIBILITIES AND RISKS ASSOCIATED WITH IT. THE CITY OF WILMINGTON WILL NOT BE HELD LIABLE FOR ANY COSTS ASSOCIATED WITH THE CONSTRUCTION RELEASE.**
- I. IF THE CONDITIONS LISTED ABOVE ARE VIOLATED, A STOP WORK ORDER WILL BE ISSUED.**

Please notify New Hanover County Building Inspections of this release.

Signature: Nicole D. Smith
Nicole D. Smith, Associate Planner

Copy: Kevin Caison
Bret Russell
Rob Gordon
Jim Quinn

Applicant (e-mail only)
Construction Manager
Engineering
Stormwater Specialist

Aaron Reese
Rich Christensen
Trent Butler
Chris Elrod
Chris Walker
Brian Blackmon
Jim Sahlie
Bill McDow
Mitesh Baxi
Don Bennett
Bernice Johnson
Beth Easley Wetherill
Michelle Hutchinson
Amy Beatty
Ryan O'Reilly
Joan Mancuso
Amy Schaefer
Amy Dukes

Urban Forestry
Engineering (email only)
Engineering (email only)
Wilmington Fire Department (e-mail only)
Wilmington Fire Department (e-mail only)
Surveyor (e-mail only)
GIS Addressing (e-mail only)
Traffic Engineering (e-mail only)
Traffic Engineering (e-mail only)
Traffic Engineering (e-mail only)
CFPUA (e-mail letter only)
NHC Erosion Control (e-mail only)
GIS Engineer (e-mail only)
Community Services (e-mail only)
Community Services (e-mail only)
City Zoning (email only)
City Attorney's Office (email only)
City Attorney's Office (email only)

File: **Pine Valley Branch Library**

Project File # 2017040



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Transportation Department
Planning Division
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910 254-0900
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wilmingtonnc.gov

December 6, 2017

Mr. Kevin Caison
New Hanover County
230 Government Center Drive
Wilmington NC 28403

RE: **Pine Valley Branch Library** project, located at 3802 South College Road

Please make note of the conditions for the release as they appear on the attached release letter. These conditions must be followed and met in order for the construction to be approved. ***Prior to beginning any construction or grading on the site, you must have a pre-construction meeting between City staff and the project's representatives. Any violation of this condition will result in an immediate stop work order and other civil penalties. Please contact our zoning office at 254-0900 to schedule the preconstruction meeting.***

All construction on the site must be in accordance with the City of Wilmington standards and the approved construction plans stamped by the City. All trees and areas designated to be saved or protected must be properly barricaded and/or marked throughout construction. In addition please be aware that to obtain a final zoning inspection for this construction project, the appropriate departments within the City of Wilmington must perform and approve final inspections.

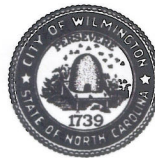
To arrange for inspections please contact the assigned Zoning Enforcement Officer, at 254-0900. Staff will coordinate the inspections and provide a punch-list to the Developer within 5 working days. Upon correction of the punch-list items, a final inspection will be performed. ***NOTE: Zoning will not issue final approval until all requirements of the City of Wilmington are fulfilled.***

Please also be advised that any party aggrieved by the issuance of this approval may file a notice of appeal to the City Clerk within 30 days of receipt of active or constructive notice of this decision. It shall be presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.

The City thanks you for your investment in our community and we look forward to working with you towards the construction of a quality development project.

Sincerely,


Nicole D. Smith, AICP, CZO, CFM
Associate Planner



**Department of Planning,
Development and Transportation**

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APPROVED: ☒ DENIED: ☐

PERMIT #: TPP-18-80

Application for Tree Removal Permit

Name of Applicant: Kevin Caison, New Hanover Co. Phone: (910) 798-4338 Date: 11/09/2017

Name of Property Owner: New Hanover County Phone: (910) 798-4338

Property Owner Address: 200 Division Drive, Wilmington, NC 28401

Address of Proposed Tree Removal: 3802 S. College Road, Wilmington, NC, 28412

Description of tree(s) to be removed/reason for removal: (provide attachment if necessary)

- | | |
|---------------------|-----------|
| 1. <u>See CD101</u> | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

Description of Replacement Tree(s): SEE L161 & L162

I, Matthew Haley, PE, certify that the property owner has given me permission to apply for this permit on his/her behalf.

Applicant Signature: 

Date: 11-9-17

*****FOR OFFICIAL USE ONLY*****

Reviewed By: Nicole D Smith Date: 12/5/17

Remarks: Essential Site Improvements Confirmed w/Eng.

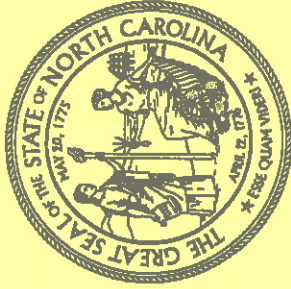
**ALL WORK MUST BE IN COMPLIANCE WITH THE CITY LAND DEVELOPMENT CODE,
ARTICLE 8, LANDSCAPING AND TREE PRESERVATION.**

NEW CONSTRUCTION: ☒ EXPANSION: ☐ OTHER: ☐ PAID: \$50.00 11/9/17 BC

Tree Preservation Permit Fees

Less than 1 acre	\$25.00
1-5 acres	<u>\$50.00</u>
5-10 acres	\$100.00
Greater than 10 acres	\$150.00

CERTIFICATE OF PLAN APPROVAL



The posting of this certificate certifies that an erosion and sedimentation control plan has been approved for this project by the North Carolina Department of Environmental Quality in accordance with North Carolina General Statute 113A - 57 (4) and 113A - 54 (d) (4) and North Carolina Administrative Code, Title 15A, Chapter 4B.0107 (c). This certificate must be posted at the primary entrance of the job site before construction begins and until establishment of permanent groundcover as required by North Carolina Administrative Code, Title 15A, Chapter 4B.0127 (b).

PINE VALLEY BRANCH LIBRARY

Project Name and Location

10-24-2017

Date of Plan Approval



Ronda Hall

Assistant Regional Engineer



**Energy, Mineral
and Land Resources**
ENVIRONMENTAL QUALITY

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

TRACY DAVIS
Director

October 24, 2017

**LETTER OF APPROVAL WITH MODIFICATIONS
AND PERFORMANCE RESERVATIONS**

New Hanover County
ATTN: Kevin Caison, Facilities Project Manager
200 Division Drive
Wilmington, NC 28401

RE: Project Name: PINE VALLEY BRANCH LIBRARY
Acres Approved: 3.76
Project ID: NEWHA-2018-010
County: New Hanover, City: Wilmington
Address: South College Road
River Basin: Cape Fear
Stream Classification: Other
Submitted By: Jennifer Williams, PE, Cape Fear Engineering
Date Received by LQS: September 27, 2017, October 18, 2017 and October 23, 2017
Plan Type: Institutional

Dear Mr. Caison:

This office has reviewed the subject erosion and sedimentation control plan. We find the plan to be acceptable and hereby issue this Letter of Approval. The enclosed Certificate of Approval must be posted at the job site. This plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, as is required by Title 15A NCAC 4B .0129.

Please be aware that your project will be covered by the enclosed NPDES Construction Stormwater General Permit NCG010000. Please become familiar with all the requirements and conditions of this permit in order to achieve compliance.

Title 15A NCAC 4B .0118(a) requires that a copy of the approved erosion control plan be on file at the job site. Also, this letter gives the notice required by G.S. 113A-61.1(a) of our right of periodic inspection to ensure compliance with the approved plan.

North Carolina's Sedimentation Pollution Control Act is performance-oriented, requiring protection of existing natural resources and adjoining properties. If, following the commencement of this project, the erosion and sedimentation control plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statute 113A-51 through 66), this office may require revisions to the plan and implementation of the revisions to ensure compliance with the Act.

Acceptance and approval of this plan is conditioned upon your compliance with Federal and State water quality laws, regulations, and rules. In addition, local city or county ordinances or rules may also apply to this land-disturbing activity. This approval does not supersede any other permit or approval.

Please note that this approval is based in part on the accuracy of the information provided in the Financial 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. In addition, it would be helpful if you notify this office of the proposed starting date for this project. Please notify us if you plan to have a preconstruction conference.

Your cooperation is appreciated.

Sincerely,



Rhonda Hall
Regional Engineering Associate
Land Quality Section

Enclosures: Certificate of Approval
Modifications and Performance Reservations
NPDES Permit

cc: Jennifer Williams, PE, Cape Fear Engineering, 151 Poole Rd., Suite 100, Belville NC 28451

MODIFICATIONS AND PERFORMANCE RESERVATIONS

Project Name: PINE VALLEY BRANCH LIBRARY
Project ID: NEWHA-2018-010
County: New Hanover

1. This plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, as is required by Title 15A NCAC 4B .0129.
2. The developer is responsible for the control of sediment on-site. If the approved erosion and sedimentation control measures prove insufficient, the developer must take those additional steps necessary to stop sediment from leaving this site (NCGS 113A-57(3)). Each sediment storage device must be inspected after each storm event (NCGS 113A-54.1(e)). Maintenance and/or clean out is necessary anytime the device is at 50% capacity. All sediment storage measures will remain on site and functional until all grading and final landscaping of the project is complete (15A NCAC 04B .0113).
3. Any and all existing ditches on this project site are assumed to be left undisturbed by the proposed development unless otherwise noted. The removal of vegetation within any existing ditch or channel is prohibited unless the ditch or channel is to be regarded with side slopes of 2 horizontal to 1 vertical or less steep (15A NCAC 04B .0124 (d)). Bank slopes may be mowed, but stripping of vegetation is considered new earth work and is subject to the same erosion control requirements as new ditches (NCGS 113A-52(6)).
4. The developer is responsible for obtaining any and all permits and approvals necessary for the development of this project prior to the commencement of this land disturbing activity. This could include our agency's Stormwater regulations and the Division of Water Resources' enforcement requirements within Section 401 of the Clean Water Act, the U.S. Army Corps of Engineers' jurisdiction of Section 404 of the Clean Water Act, the Division of Coastal Management's CAMA requirements, the Division of Solid Waste Management's landfill regulations, the Environmental Protection Agency and/or The U.S. Army Corps of Engineers jurisdiction of the Clean Water Act, local County or Municipalities' ordinances, or others that may be required. This approval cannot supersede any other permit or approval; however, in the case of a Cease and Desist Order from the Corps of Engineers, that Order would only apply to wetland areas. All highland would still have to be in compliance with the N.C. Sedimentation Pollution Control Act.
5. If any area on site falls within the jurisdiction of Section 401 or 404 of the Clean Water Act, the developer is responsible for compliance with the requirements of the Division of Water Resources (DWR), the Corps of Engineers and the Environmental Protection Agency (EPA) respectively. Any erosion control measures that fall within jurisdictional wetland areas must be approved by the aforementioned agencies prior to installation. The Land Quality Section must be notified of a relocation of the measures in question to the transition point between the wetlands and the uplands to assure that the migration of sediment will not occur. If that relocation presents a problem or contradicts any requirements of either DWR, the Corps, or the EPA, it is the responsibility of the developer to inform the Land Quality Section regional office so that an adequate contingency plan can be made to assure sufficient erosion control remains on site. Failure to do so will be considered a violation of this approval (NCGS 113A-54.1(b)).

6. Any borrow material brought onto this site must be from a legally operated mine or other approved source. Any soil waste that leaves this site can be transported to a permitted mine or separately permitted construction sites without additional permits under NCGS 74-49(7)(d). Disposal at any other location would have to be included as a permit revision for this approval.
7. This permit allows for a land disturbance, as called for on the application plan, not to exceed 3.76 acres. Exceeding that acreage will be a violation of this permit and would require a revised plan and additional application fee. Any addition in impervious surface, over that already noted on the approved plan, would also require a revised plan to verify the appropriateness of the erosion control measures and stormwater retention measures (NCGS 113A-54.1(b)).
8. The construction detail for the proposed silt fence requires reinforcing wire and steel posts a maximum of eight (8) feet apart. Omission of the reinforcing wire is a construction change that necessitates more posts for support, i.e., the spacing distance needs to be reduced to no greater than six (6) feet apart (E&SC Planning & Design Manual 6.63, Rev. 6/06).
9. Because the sediment traps and basins are shown on the plan as the primary sedimentation and erosion control devices on this project, it is necessary that the traps and basins and their collection systems be installed before any other grading takes place on site, and that every structure that receives more than one acre of drainage is built so that each dewater only from the surface (NCG010000). If that proves to be impractical, a revised plan must be submitted and approved that addresses erosion and sediment control needs during the interim period until the traps and basins are fully functioning (113A-54.1(b)).
10. A graveled construction entrance must be located at each point of access and egress available to construction vehicles during the grading and construction phases of this project. Access and egress from the project site at a point without a graveled entrance will be considered a violation of this approval. Routine maintenance of the entrances is critical (113A-54.1(b)).
11. As a condition of the provided NPDES General Stormwater Permit (NCG010000), groundcover stabilization must meet specific time frames. Slopes (including cuts, fills, and ditch banks) that are steeper than 3 horizontal to 1 vertical left exposed will, within seven (7) calendar days after completion of any phase of grading, be provided with groundcover. Slopes that are 3 horizontal to 1 vertical or flatter will be provided with groundcover within fourteen (14) calendar days.
12. As a part of routine monitoring of the approved land-disturbing activity, the financially responsible party shall assure inspections of the area covered by the approved plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with North Carolina General Statute 113A-54.1(e).



NPDES Stormwater Discharge Permit for Construction Activities



Technical Bulletin for NCG010000

Revised Jan. 12, 2017

What is this permit?

This is your General Stormwater Permit for Construction Activities, developed to meet federal National Pollutant Discharge Elimination System (NPDES) requirements. It is separate and in addition to your Erosion and Sedimentation Control (E&SC) Plan.

Federal regulations adopted by the U.S. Environmental Protection Agency (EPA) and N.C. Environmental Management Commission require an NPDES stormwater permit for your project. In North Carolina, the EPA has delegated authority to administer the NPDES program to the Department of Environment and Natural Resources.

The E&SC plan approved by the Division of Energy, Mineral and Land (DEMLR), or a delegated local program, contains the core erosion control requirements for your project. The NPDES Stormwater General Permit contains additional requirements related to a broader range of water quality issues. **These permits are related, but separate. Both contain conditions your project site must meet.**

Are there new requirements in this permit?

This General Permit reflects changes made in the federal regulations effective Feb. 1, 2010, that regulate discharges from construction sites. The federal regulations resulted from litigation decisions that mandated construction activities over a certain size must contain additional measures to reduce the amount of wastes and sediment loading that reach the nation's waters.

The Department of Environment and Natural Resources established the Construction General Permit Technical Advisory Group to guide the development of this NPDES permit. A draft permit was available for public review in May 2011, and the final permit became effective on Aug. 3, 2011.

The most notable change in the new permit is a requirement that ground stabilization, such as wheat straw application, be applied within 14 days from the last land-disturbing activity. For steep slopes, that area must be stabilized within 7 days. Please see page 2 of this technical bulletin for more details.

Do I need to submit a Notice of Intent to have coverage under this permit?

No. Your project is covered by this permit upon approval of an adequate erosion and sedimentation control plan that meets requirements for surface dewatering of basins and ground stabilization timeframes.

What does this permit require me to do?

You should read and become familiar with the provisions of this permit. Below is a list of the major requirements, with indications where those differ from the previous Construction Stormwater General Permit.

Erosion and Sediment Control Plan

You must implement the E&SC Plan approved for your project by DEMLR or by a delegated local program. Adherence to that E&SC

Plan is an enforceable component of this General Permit.

Your E&SC plan will identify areas where the more stringent 7- and 14-day ground stabilization requirements apply. See "Ground Stabilization Requirements" on page 2 of this bulletin.

Monitoring and Inspections

- ◆ You must keep a rain gauge on the project site.
- ◆ Dedicated demolition and other waste areas and earthen material

stockpiles must be located at least 50' from storm drains or streams unless no alternative is feasible (new requirement).

◆ You must inspect all E&SC measures at least once a week and within 24 hours after any storm event greater than a half-inch (during a 24-hour period). You must take immediate corrective action for any device failure.

◆ You must inspect all outlets where stormwater runoff leaves the site and evaluate the effect on nearby streams or wetlands.

(continued on reverse side)

♦ Corrective action must be taken if sediment is deposited off-site or into a stream or wetland, or causes a visible increase in turbidity (cloudiness) of any waterbody.

♦ You must keep records of these inspections and any corrective actions taken.

Operation and Maintenance

You must provide the operation and maintenance necessary to maintain optimal performance of stormwater controls. This means you must take corrective action if erosion and sediment control measures are not operating properly. Operation and maintenance includes, but is not limited to:

- ♦ Regularly cleaning out sedimentation basins.
- ♦ Stabilizing eroded banks,

channels or spillway structures.

- ♦ Repairing/clearing out inlets and outlets.
- ♦ Repairing and maintaining storm drainage inlet and outlet protection.
- ♦ Repairing piping, seepage and mechanical damage.
- ♦ Repairing silt fence damage.

Reporting

The self-inspections required by this permit are an opportunity to identify impacts to nearby waters. **If you observe sediment that has deposited in a stream or wetland, you must notify the DEMLR regional office within 24 hours and provide written notice within five days (see item #3 on page six of the General Permit).**




Non-compliance and Fines

Projects that violate Stormwater Permit conditions and/or have unauthorized water quality impacts are subject to fines. Civil penalties of up to \$25,000 per day for each violation may be assessed.

Inspections

Staff from DEMLR and local programs with delegated authority will perform random inspections of your project site to ensure compliance with state and federal regulation governing construction activities. That means that your project, if found to be in violation, could potentially be subject to enforcement action by both DEMLR and the local program. The inspections may be routine in nature or the result of a citizen complaint.

Ground Stabilization Requirements

Site Area Description	Stabilization	Timeframe Exceptions
 Perimeter dikes, swales, ditches and slopes	7 days	None
 High Quality Water (HQP) Zones	7 days	None
 Slopes steeper than 3:1	7 days	If slopes are 10' or less in length and are not steeper than 2:1, 14 days are allowed.
 Slopes 3:1 or flatter	14 days	7 days for slopes greater than 50' in length.
 All other areas with slopes flatter than 4:1	14 days	None, except for perimeters and HQW Zones.

Learn more online:

Stormwater Permitting: <http://deq.nc.gov/about/divisions/energy-mineral-land-resources/stormwater>

Regional Office Map: <http://deq.nc.gov/contact/regional-offices>

Still have questions? Call the DEMLR Regional Office nearest your project's location:

Asheville Office	(828) 296-4500	Washington Office	(252) 946-6481
Fayetteville Office	(910) 433-3300	Wilmington Office	(910) 796-7215
Mooreville Office	(704) 663-1699	Winston-Salem Office	(336) 776-9800
Raleigh Office	(919) 791-4200	Central Office	(919) 807-6300

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WATER QUALITY
GENERAL PERMIT – NCG 010000
TO DISCHARGE STORMWATER UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
for
CONSTRUCTION ACTIVITIES**

In compliance with the provision of North Carolina General Statute 143-215.1, other lawful standards and regulations promulgated and adopted by North Carolina Environmental Management Commission and the Federal Water Pollution Control Act as amended:

All owners or operators of stormwater point source discharges associated with construction activities including clearing, grading or excavation activities resulting in the disturbance of land greater than or equal to one acre, or that are part of a common plan of development of that size, are hereby authorized to discharge stormwater to the surface waters of North Carolina or to a separate storm sewer system conveying stormwater to the surface waters in accordance with the terms and conditions set forth herein. Failure to receive coverage under this permit or violations of any of the conditions listed may result in assessment of state or federal civil or criminal penalties for each day of violation.

The General Permit shall become effective on August 1, 2016.
The General Permit shall expire at midnight on July 31, 2018.

Signed this day July 22, 2016

Original Signed by Toby Vinson

for Tracy Davis, Director
Division of Energy, Mineral and Land Resources
By the Authority of the Environmental Management Commission

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SECTION I

COVERAGE UNDER THE GENERAL PERMIT

Until this State of North Carolina General Permit expires or is modified or revoked, the permittee is authorized to discharge stormwater in accordance with the terms and conditions of this permit and in accordance with an approved Erosion and Sedimentation Control Plan by the North Carolina Division of Land Resources, Land Quality Section, or a delegated local program under the provisions and requirements of North Carolina General Statutes in Article 4 of Chapter 113A to the surface waters of North Carolina or to a separate storm sewer system. The permit, along with state statutes (N.C.G.S. 143-215.1) and rules (NCAC 2H .0100) relating to stormwater permitting are designed to work together to assure compliance with the NPDES requirements of the Clean Water Act. Furthermore, North Carolina rules in Title 15A NCAC 2H .0126 adopt by reference the federal stormwater permitting requirements.

Any other point source discharge to surface waters of the state is prohibited unless covered by another permit, authorization or approval. The discharges allowed by this General Permit shall not cause or contribute to violations of North Carolina Water Quality Standards for surface waters and wetlands (15A NCAC 2B .0200). Discharges allowed by this permit must meet all applicable water quality certification or permit requirements as outlined in 15A NCAC 2H .0500 and 2H .1300. This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree.

This General Permit is applicable to point source discharges from construction activities disturbing one or more acres of land. The application to the Division of Land Resources or a delegated local program for approval of a local Erosion and Sedimentation Control Plan (E&SC Plan) shall be considered to take the place of a Notice of Intent for coverage under this General Permit for those projects requiring this Permit coverage. Coverage under this General Permit shall become effective upon issuance of an approval for the E&SC Plan by the Division of Land Resources or delegated local program that includes the following:

- a. Designation on the plans where the specific ground stabilization requirements apply as per Section II.B.2 of this permit.
- b. Designs of basins with surface withdrawal as per Section II.B.4 of this permit.

Prior to the commencement of construction and land disturbing activities, approval of the E&SC Plan shall be obtained.

This General Permit revision reflects changes made in the federal regulations effective February 1, 2010. The federal regulations were a result of litigation that mandated that construction activities over a certain size must contain additional specifications that would result in reduced wastes and sediment loading reaching the nation's waters. The Division of Water Quality and the Division of Land Resources established a Construction General Permit Technical Advisory Group (CTAG) to provide them guidance in developing the permit. The CTAG was comprised of 14 members who represented a broad range of environmental, regulatory, government and development interests. A Draft Construction General Permit was prepared and made available for review on May 13, 2011. A public meeting was held on June 7th. This permit reflects the input received during the twelve- month development process.

Any owner or operator not wishing to be covered or limited by this General Permit may apply for an individual NPDES permit in accordance with NPDES procedures in 15A NCAC 2H .0100, stating the reasons supporting the request. Any application for an individual permit should be made at least 180 days prior to the time the permit is needed unless waived, by the Director.

This General Permit does not cover activities or discharges covered by an individual NPDES permit until the individual permit has expired or has been rescinded. Any person conducting an activity covered by an

individual permit but which could be covered by this General Permit may request that the individual permit be rescinded and coverage under this General Permit be provided.

The Division of Water Quality partners with the Division of Land Resources to implement a complete program for construction site coverage that includes state sedimentation control and NPDES stormwater control. The Division of Land Resources implements their control programs through an Erosion and Sedimentation Control Plan (E&SC Plan) issued for each construction site in the state disturbing one or more acres of land. An E&SC Plan is required for each site by the Division of Land Resources or a delegated local government program. The NPDES Construction Stormwater permit (NCG010000) is attached to Erosion and Sedimentation Control Plan approvals. The permittee is responsible for abiding by the conditions of both of these documents.

The Sedimentation Pollution Control Act of 1973 places a duty upon the Sedimentation Control Commission to "develop recommended methods of control of sedimentation and prepare and make available for distribution publications and other materials dealing with sedimentation control techniques appropriate for use by persons engaged in land-disturbing activities." The Sedimentation Control Commission and the Division of Land Resources have adopted the North Carolina Erosion and Sediment Control Planning and Design Manual as the document to provide that guidance for use at all constructions sites in the state. The individual Erosion and Sedimentation Control Plans are developed based on this guidance and become a condition of the Division of Water Quality's Construction Stormwater General Permit. As provided in this permit, "deviation from the approved E&SC Plan, or approved amendment to that plan, shall constitute a violation of the terms and conditions of this general permit."

SECTION II

STORMWATER POLLUTION PREVENTION REQUIREMENTS

The State construction-related stormwater pollution prevention program provides for: (a) identification of the potential sources of stormwater pollution at the individual construction site; (b) description of the stormwater control measures to reduce or eliminate pollutants in stormwater discharges from the construction site; and (c) identification of the procedures the operator will implement to comply with the terms and conditions of this general permit and the Erosion and Sedimentation Control Plan (E&SC Plan). In North Carolina, the approved **Erosion and Sedimentation Control Plan** for the site, and the **NCG01 Construction General Permit** are considered the **Stormwater Pollution Prevention Plan (SWPPP)** for that site. These two documents, and any specifically-added water quality conditions for that site, contain the provisions necessary to meet the federal regulatory requirements of the NPDES program including provisions implementing the Effluent Limitations Guidelines effective at the time of this permit.

SECTION II.A. - STORMWATER POLLUTION PREVENTION REQUIREMENTS

IN THE EROSION AND SEDIMENTATION CONTROL PLAN

The Erosion and Sedimentation Control program is mandated and funded according to state statutes. The majority of the technology-based requirements needed to satisfy the federal stormwater pollution prevention specifications are addressed in the approved E&SC Plan. Each applicant for an E&SC Plan approval is required to comply with a "checklist" of over 50 site-specific conditions*. The categories of these conditions include:

- 1) location information,
- 2) site features,
- 3) control measures,
- 4) drainage features,
- 5) stormwater calculations,
- 6) stabilization,
- 7) ownership information and
- 8) construction sequencing.

*The individual requirements to be addressed in each E&SC Plan application can be found at <http://portal.ncdenr.org/web/lr/erosion> . See "Plan check list for designers."

SECTION II.B. - STORMWATER POLLUTION PREVENTION REQUIREMENTS IN THE NC CONSTRUCTION GENERAL PERMIT

In addition to the stormwater pollution prevention controls found in the E&SC Plan, this Construction General Permit contains additional conditions that must be met in order to comply with the NPDES program requirements. They are as follows:

1) Construction Site Pollutants

Permittee must manage activities on the site such that water quality standards are not violated from site activities or allowed discharges. In addition to stream pollution from sediment discharge, other activities on construction and development sites can result in pollutants reaching the state's waters. EPA has prepared guidance documents that provide best management practices that address many activities. See http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=min_measure&min_measure_id=4

The following activities, and others on a site-specific basis, require oversight throughout the construction and development process to assure that all water quality standards are protected:

- a) **Equipment Operation and Maintenance** - Equipment utilized during the construction activity on a site must be operated and maintained in such a manner as to prevent the potential or actual pollution of the surface or ground waters of the state. Fuels, lubricants, coolants, and hydraulic fluids, or any other petroleum products, shall not be discharged onto the ground or into surface waters. Spent fluids shall be cleaned up and disposed of in a manner so as not to enter the waters, surface or ground, of the state and in accordance with applicable state and federal regulations.
- b) **Material Handling** - Herbicide, pesticide, and fertilizer usage during the construction activity shall be consistent with the Federal Insecticide, Fungicide, and Rodenticide Act and shall be in accordance with label restrictions.
- c) **Building Material Waste Handling**
 - i) All wastes composed of building materials shall be disposed of in accordance with North Carolina General Statutes, Chapter 130A, Article 9 - Solid Waste Management, and rules governing the disposal of solid waste (North Carolina Administrative Code Section 15A NCAC 13B).
 - ii) Locate areas dedicated for management of land clearing and demolition debris, construction and domestic waste, and hazardous or toxic waste. This location shall be at least 50 feet away from storm drain inlets and surface waters unless it can be shown that no other alternatives are reasonably available.
 - iii) Dumping of paint and other liquid building material wastes in storm drains is prohibited.
 - iv) **Litter and Sanitary Waste** - The permittee shall control the management and disposal of litter and sanitary waste from the site.
- d) **Location of Stock Piles** - Locate earthen-material stock pile areas at least 50 feet away from storm drain inlets and surface waters unless it can be shown that no other alternatives are reasonably available.
- e) **Handling of Concrete**
 - i) Concrete materials onsite, including excess concrete, must be controlled and managed to avoid contact with surface waters, wetlands or buffers. No concrete or cement slurry shall be discharged from the site. (Note that discharges from onsite concrete plants require coverage under a separate NPDES permit – NCG140000.)
 - ii) Any hardened concrete residue will be disposed of, or recycled on site, in accordance with local and state solid waste regulations.

2) Ground Stabilization

- a) Soil stabilization shall be achieved on any area of a site where land-disturbing activities have temporarily or permanently ceased according to the following schedule:
 - i) All perimeter dikes, swales, ditches, perimeter slopes and all slopes steeper than 3 horizontal to 1 vertical (3:1) shall be provided temporary or permanent stabilization with ground cover as soon as practicable but in any event within 7 calendar days from the last land-disturbing activity.
 - ii) All other disturbed areas shall be provided temporary or permanent stabilization with ground cover as soon as practicable but in any event within 14 calendar days from the last land-disturbing activity.
- b) Conditions - In meeting the stabilization requirements above, the following conditions or exemptions shall apply:
 - i) Extensions of time may be approved by the permitting authority based on weather or other site-specific conditions that make compliance impracticable.
 - ii) All slopes 50' in length or greater shall apply the ground cover within 7 days except when the slope is flatter than 4:1. Slopes less than 50' shall apply ground cover within 14 days except when slopes are steeper than 3:1, the 7 day-requirement applies.
 - iii) Any sloped area flatter than 4:1 shall be exempt from the 7-day ground cover requirement.
 - iv) Slopes 10' or less in length shall be exempt from the 7-day ground cover requirement except when the slope is steeper than 2:1.
 - v) Although stabilization is usually specified as ground cover, other methods, such as chemical stabilization, may be allowed on a case-by-case basis.
 - vi) For portions of projects within the Sediment Control Commission-defined "High Quality Water Zone" (15A NCAC 04A. 0105), stabilization with ground cover shall be achieved as soon as practicable but in any event on all areas of the site within 7 calendar days from the last land-disturbing act.
 - vii) Portions of a site that are lower in elevation than adjacent discharge locations and are not expected to discharge during construction may be exempt from the temporary ground cover requirements if identified on the approved E&SC Plan or added by the permitting authority.

3) Self Inspection and Reporting Requirements

Minimum self inspection and reporting requirements are as follows unless otherwise approved in writing by the Division of Water Quality.

- a) A rain gauge shall be maintained in good working order on the site unless another rain-monitoring device has been approved by the Division of Water Quality.
- b) A written record of the daily rainfall amounts shall be retained and all records shall be made available to Division of Water Quality or authorized agent upon request. If no daily rain gauge observations are made during weekend or holiday periods, and no individual-day rainfall information is available, the cumulative rain measurement for those un-attended days will determine if a site inspection is needed. (Note: if no rainfall occurred, the permittee must record "zero").
- c) Erosion and sedimentation control measures shall be inspected to ensure that they are operating correctly. Inspection records must be maintained for each inspection event and for each measure. At a minimum, inspection of measures must occur at the frequency indicated below:
 - i) All erosion and sedimentation control measures must be inspected by or under the direction of the permittee at least once every seven calendar days, and
 - ii) All erosion and sediment control measures must be inspected by or under the direction of the permittee within 24 hours after any storm event of greater than 0.50 inches of rain per 24 hour period.
- d) Once land disturbance has begun on the site, stormwater runoff discharge outfalls shall be inspected by observation for erosion, sedimentation and other stormwater discharge characteristics such as clarity, floating solids, and oil sheens. Inspections of the outfalls shall be made at least once every seven calendar days and within 24 hours after any storm event of greater than 0.50 inches of rain per 24 hour period.

- e) Inspections are only required to be made during normal business hours. When adverse weather conditions would cause the safety of the inspection personnel to be in jeopardy, the inspection can be delayed until it is deemed safe to perform these duties. (Times when inspections were delayed because of safety issues should be noted in the Inspection Record.) If the inspection cannot be done on that day, it must be completed on the following business day.
- f) Twenty-four Hour Reporting for visible sediment deposition
 - i) The permittee shall report to the Division of Water Quality central office or the appropriate regional office any visible sediment being deposited in any stream or wetland or any noncompliance which may endanger health or the environment. (See Section VIII of this permit for contact information.) Any information shall be provided orally or electronically within 24 hours from the time the permittee became aware of the circumstances.
 - ii) A written submission shall be provided to the appropriate regional office of the Division of Water Quality within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the sediment deposition and actions taken to address the cause of the deposition. The Division of Water Quality staff may waive the requirement for a written report on a case-by-case basis.
- g) Records of inspections made during the previous 30 days shall remain on the site and available for agency inspectors at all times during normal working hours, unless the Division of Water Quality provides a site-specific exemption based on unique site conditions that make this requirement not practical. Older records must be maintained for a period of three years after project completion and made available upon request. The records must provide the details of each inspection including observations, and actions taken in accordance with this permit. The permittee shall record the required rainfall and monitoring observations on the Inspection Record form provided by the Division or a similar inspection form that is inclusive of all of the elements contained in the Division's form. Use of electronically-available records, in lieu of the required paper copies for inspection will be allowed if shown to provide equal access and utility as the hard-copy records.
- h) Inspection records must include, at a minimum, the following:
 - i) Control Measure Inspections: Inspection records must include at a minimum: 1) identification of the measures inspected, 2) date and time of the inspection, 3) name of the person performing the inspection, 4) indication of whether the measures were operating properly, 5) description of maintenance needs for the measure, 6) corrective actions taken (7) date of actions taken, as well as the date and amounts of rainfall received.
 - ii) Stormwater Discharge Inspections: Inspection records must include at a minimum: 1) identification of the discharge outfall inspected, 2) date and time of the inspection, 3) name of the person performing the inspection, 4) evidence of indicators of stormwater pollution such as oil sheen, floating or suspended solids or discoloration, 5) indication of visible sediment leaving the site, 6) actions taken to correct/prevent sedimentation and 7) date of actions taken.
 - iii) Visible Sedimentation Found Outside the Site Limits: Inspection records must include: 1) an explanation as to the actions taken to control future releases, 2) actions taken to clean up or stabilize the sediment that has left the site limits and 3) the date of actions taken.
 - iv) Visible Sedimentation Found in Streams or Wetlands: All inspections should include evaluation of streams or wetlands onsite or offsite (where accessible) to determine if visible sedimentation has occurred.
- i) Visible Stream Turbidity - If the discharge from a site results in an increase in visible stream turbidity, inspection records must record that evidence and actions taken to reduce sediment contributions. Sites discharging to streams named on the state's 303(d) list as impaired for sediment-related causes may be required to perform additional monitoring, inspections or

application of more-stringent management practices if it is determined that the additional requirements are needed to assure compliance with the federal or state impaired-waters conditions. If a discharge covered by this permit enters a stream segment that is listed on the Impaired Stream List for sediment-related causes, and a Total Maximum Daily Load (TMDL) has been prepared for those pollutants, the permittee must implement measures to ensure that the discharge of pollutants from the site is consistent with the assumptions and meets the requirements of the approved TMDL. The Division of Water Quality 303(d) list can be found at: http://h2o.enr.state.nc.us/tmdl/General_303d.htm/

4.) Sediment Basins

Sediment basins and traps shall meet the following requirements:

- a) Outlet structures shall be utilized that withdraw water from the surface.
- b) For basins or traps that have a drainage area of less than 1.0 acre, draw-down designs specified in the Division of Land Resources or delegated local program requirements are acceptable.
- c) Chemical treatment
 - i) All treatment chemicals must be stored in leak-proof containers that are kept under storm-resistant cover or surrounded by secondary containment structures designed to protect adjacent surface waters.
 - ii) All treatment chemicals must be used in accordance with dosing specifications and application rates provided by the manufacturer, supplier and as specified by the Division of Water Quality.
 - iii) The Permittee must only use chemicals that have been approved by the NC Division of Water Quality and posted on their "North Carolina Division of Water Quality Approved PAMS/Flocculants List" found on their web site at: <http://portal.ncdenr.org/web/wq/ws/su>.
 - iv) The Permittee must route stormwater treated with polymers, flocculants, or other treatment chemicals through sediment trapping, filtering, and/or settling devices(s) to ensure adequate removal of sediment flocculent prior to discharge to surface waters.
- d) Discharge requirement - Discharges must meet the statutory requirements of the Sediment Pollution Control Act and utilize the provisions of Section 6.74 of the Erosion and Sediment Control Planning and Design Manual to assure that buffers and vegetated areas will be used to reduce the potential for visible siltation outside of the 25% buffer zone nearest the land-disturbing activity.

5.) Discharges to Special or Threatened Waters

- a) Disturbed areas within one mile of and draining to waters where federally-listed threatened or endangered aquatic species are present shall be limited at any time to a maximum total area within the boundaries of the tract of 20 acres. These projects shall also use control measures that are designed, installed and maintained in accordance with criteria set forth in 15A NCAC 04B .0124 – Design Standards in Sensitive Watersheds. The Division of Water Quality may require additional/alternative protection measures or require coverage under an individual Construction NPDES Stormwater permit. Other management practices may be acceptable if these designs are shown by the applicant, to the satisfaction of the Director, to provide equivalent protection.
- b) Construction activities in High Quality Waters Zones require quicker ground stabilization provisions as specified in Section II.B.2.b. of the permit.

SECTION III **FRAMEWORK OF PERMIT COVERAGE**

During the period beginning on the effective date of the permit and lasting until expiration, the Permittee is authorized to discharge stormwater associated with construction activity including clearing, grading and excavation activities resulting in the disturbance of land and related support activities. Such discharges shall be controlled, limited and monitored as specified in this permit.

- 1) Continuation of Previously Permitted Projects - Projects and their corresponding activities permitted under the previous version of the NC general permit for construction activities will continue to be valid with the previous permit conditions and will be considered covered under this general permit.
- 2) Projects submitted prior to the effective date of the permit – Complete project applications that were received prior to the effective date of this permit, but not approved by the permitting authority until after approval of this NPDES permit, can rely on design and management practices effective at the time of application submittal.
- 3) Implementation of the Erosion and Sedimentation Control Plan (E&SC Plan):
 - a) The Permittee must implement and follow the E&SC Plan, which has been approved by the Division of Land Resources or local delegated program. The approved E&SC Plan is considered a condition of this general permit.
 - b) Deviation from the approved E&SC Plan, or approved amendment, shall constitute a violation of the terms and conditions of this general permit except that deviation from the approved plan will be allowed:
 - i) to correct an emergency situation where sediments are being discharged off the site, or,
 - ii) when minor modifications have been made that result in an alteration or relocation of an erosion or sedimentation control measure and does not affect the ability of the measure to perform as intended.
 - c) Allowed deviations must be noted on the approved E&SC Plan and maintained at the job site.
 - d) Prior to the commencement of any land disturbance onsite, and during the construction activities, a copy of the approved E&SC Plan and this NPDES construction permit shall be maintained on the site. These documents must be kept current and up to date.
- 4) BMPs and Control Measures - Consistent with the provisions contained in this permit and the E&SC Plan, the permittee must select, install, implement and maintain best management practices (BMPs) and control measures that minimize pollutants in the discharge to meet the requirements of this permit.
- 5) Additional Action - If there is evidence indicating that the stormwater discharges from the site are impacting or have the potential to impact surface waters or wetlands, the Division of Water Quality may take appropriate actions including any or all of the following:
 - a) take compliance and enforcement action;
 - b) require the permittee to include and implement appropriate control and restoration measures;
 - c) require the permittee to develop and implement additional site-specific stormwater pollution prevention measures;
 - d) require the permittee to obtain an individual permit.
- 6) When an Individual Permit may be Required - The Director may require any owner/operator authorized to discharge under a certificate of coverage issued pursuant to this general permit to apply for and obtain an individual permit or a general permit with additional conditions. Any interested person may petition the Director to require an individual permit pursuant to 15A NCAC 2H .0127. Cases where an individual permit may be required include, but are not limited to, the following:
 - a) The receiving stream is of a unique quality and the standard conditions may not provide adequate protection;
 - b) The discharger is a significant contributor of pollutants;
 - c) Conditions at the permitted site change, altering the constituents and/or characteristics of the discharge such that the discharge no longer qualifies for a General Permit;

- d) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
 - e) The discharge violates the terms or conditions of this general permit;
 - f) Effluent limitations are promulgated for the point sources covered by this general permit;
 - g) A Water Quality Management Plan containing requirements applicable to such point sources is approved after the issuance of this general permit.
- 7) When an Individual Permit may be Requested - Any permittee operating under this general permit may request to be excluded from the coverage of this general permit by applying for an individual permit. When an individual permit is issued to an owner/operator the applicability of this general permit is automatically terminated on the effective date of the individual permit.

SECTION IV

OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

- 1) Proper Operation and Maintenance - The permittee shall at all times properly operate and maintain all control measures and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this general permit.
- 2) Need to Halt or Reduce not a Defense - It shall not be a defense for a permittee in an enforcement action that it was necessary to halt or reduce the permitted activity in order to maintain compliance with the condition of this general permit.
- 3) Bypassing of Stormwater Control Facilities
 - a) Bypass Not Exceeding Limitations.
The permittee 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 or as part of a planned action specified in the approved Erosion and Sedimentation Control Permit. These bypasses are not subject to the provisions of Paragraphs b. and c. of this section.
 - b) Notice
 - i) Anticipated bypass - If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.
 - ii) Unanticipated bypass - The permittee shall submit notice to the Division contact (See Section VIII.) within 24 hours of the occurrence of an unanticipated bypass.
 - c) Prohibition of Bypass
Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:
 - i) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - ii) There were no feasible alternatives to the bypass, such as the use of auxiliary control facilities, retention of stormwater or maintenance during normal periods of equipment downtime or dry weather. This condition is not satisfied if adequate backup controls 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
 - iii) The permittee submitted notices as required under Paragraph b. of this section.
 - d) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Paragraph c. of this section.
- 4) Upsets
 - a) Definition - "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment or control facilities,

inadequate treatment or control facilities, lack of preventive maintenance, or careless or improper operation.

- b) **Effect of an Upset** - An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph c. of this condition 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.
 - c) **Conditions Necessary for a Demonstration of Upset** - A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - i) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - ii) The permitted facility was at the time being properly operated;
 - iii) The permittee submitted notice of the upset as required in this general permit, and,
 - iv) The permittee complied with any remedial measures required in this general permit.
 - d) **Burden of Proof** - In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- 5) **Inspection and Entry** - The permittee shall allow the Director or an authorized representative (including an authorized contractor acting as a representative of the Director), upon the presentation of credentials and other documents as may be required by law, to:
- a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this general permit;
 - b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this general permit;
 - c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this general permit; and
 - d) Sample or monitor at reasonable times, for the purposes of assuring general permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

SECTION V

PERMIT ADMINISTRATION AND COMPLIANCE ISSUES

- 1) **Time of compliance** – Erosion and sedimentation control measures shall be maintained, and self-monitoring shall continue, after the completion of construction and development 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 or person in control shall conduct and document self-monitoring until the establishment of permanent ground cover sufficient to restrain erosion.

Upon establishment of permanent ground cover sufficient to restrain erosion, the permittee shall request an inspection by the permitting authority to verify the adequacy of the ground cover. Coverage under the permit shall end when a Sedimentation Inspection Report is issued documenting the final stabilization of the site with adequate permanent ground cover. The signed Sedimentation Inspection Report shall serve as a notice of termination.

- 2) **Operation efficiency** - During construction and until the completion of construction or development and the establishment of permanent stabilization, the permittee shall provide the operation and maintenance necessary to operate the storm water control measures and all erosion and sedimentation control measures at optimum efficiency.
- 3) **Corrective action** - If inspections required by this permit identify a need for maintenance of control measures, modifications or additions to control measures, or corrective actions to control sediment

or other pollutants these actions must be performed as soon as possible and before the next storm event to maintain the effectiveness of the control measures.

- 4) Duty to Comply - The permittee must comply with all conditions of this general permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; certificate of coverage termination, revocation and reissuance, or modification; or denial of a certificate of coverage upon renewal application.
- a) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
 - b) The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$27,000 per day for each violation. The Clean Water Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 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 2 years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or 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. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places 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 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 CWA, 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.
 - c) Under state law, a daily civil penalty of not more than twenty-five thousand dollars (\$25,000) per violation may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit. [Ref: NC General Statute 143-215.6A].
 - d) Any person may be assessed an administrative penalty by the Administrator of the U.S. Environmental Protection Agency for violating section 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$37,500. Penalties for Class II violations are not to exceed \$16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$177,500.
- 5) Duty to Mitigate - The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this general permit that has a reasonable likelihood of adversely affecting human health or the environment.

- 6) Civil and Criminal Liability - Except as provided in Section IV.3. of this permit regarding bypassing of stormwater control facilities, nothing in this general permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS 143-215.3, 143-215.6A, 143-215.6B, 143-215.6C or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.
- 7) Oil and Hazardous Substance Liability - Nothing in this general permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under NCGS 143-215.75 et seq. or Section 311 of the Federal Act, 33 USC 1321. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.
- 8) Property Rights - The issuance of this general permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- 9) Severability - The provisions of this general permit are severable, and if any provision of this general permit, or the application of any provision of this general permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this general permit, shall not be affected thereby.
- 10) Duty to Provide Information - The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the certificate of coverage issued pursuant to this general permit or to determine compliance with this general permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this general permit.
- 11) Signatory Requirements
 - a) All applications, reports, or information submitted to the Director shall be signed and certified as follows:
 - i) For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) 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 (b) 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 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.
 - ii) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - iii) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
 - b) All reports required by the general permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - i) The authorization is made in writing by a person described above;
 - ii) The authorization specified 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 well field, superintendent, a 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

iii) The written authorization is submitted to the Director.

- c) Any person signing a document under paragraphs a. or b. of this section shall make 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 gather and evaluate 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 fines and imprisonment for knowing violations."

- 12) Penalties for Tampering - 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 general permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by 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.
- 13) General Permit Modification, Revocation and Reissuance, or Termination - The issuance of this general permit does not prohibit the Director from reopening and modifying the general permit, revoking and reissuing the general permit, or terminating the general permit as allowed by the laws, rules, and regulations contained in Title 40, Code of Federal Regulations, Parts 122 and 123; Title 15A of the North Carolina Administrative Code, Subchapter 2H .0100; and North Carolina General Statute 143-215.1 et. seq.
- 14) Availability of Reports - Except for data determined to be confidential under NCGS 143-215.3(a)(2) or Section 308 of the Federal Act, 33 USC 1318, all reports prepared in accordance with the terms shall be available for public inspection at the offices of the Division of Water Quality. As required by the Act, discharge data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NCGS 143-215.6B or in Section 309 of the Federal Act.
- 15) Penalties for Falsification of Reports - The Clean Water Act 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 general 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 two years per violation, or by both.
- 16) Anticipated Noncompliance - The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity that may result in noncompliance with the general permit requirements.
- 17) Other Information - Where the permittee becomes aware that it failed to submit any relevant facts in any report to the Director, it shall promptly submit such facts or information.
- 18) Limitations Reopener - This general permit shall be modified or alternatively, revoked and reissued, to comply with any applicable effluent guideline or water quality standard issued or approved under Sections 302(b) (2) (c), and (d), 304(b) (2) and 307(a) of the Clean Water Act, if the effluent guideline or water quality standard so issued or approved:
- a) contains different conditions or is otherwise more stringent than any effluent limitation in the general permit; or
 - b) controls any pollutant not limited in the general permit.
 - c) The general permit as modified or reissued under this paragraph shall also contain any other requirements in the Act then applicable.

SECTION VI

DISCHARGE MONITORING AND TURBIDITY LIMITATIONS

This General Permit does not include requirements for numeric limits for discharges from construction sites. However, the next reissuance of this North Carolina Construction General Permit (NCG 01) is scheduled for five years from the date of approval of this permit and will contain effluent limitations as required in *Subpart B-Construction and Development Effluent Guidelines* of Part 450 of the Code of Federal Regulations.

SECTION VII

DEFINITIONS

- 1) Act or "the Act" or CWA - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq.
- 2) Best Management Practices (BMPs) - Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operation procedures, and management practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- 3) Bypass - The intentional diversion of stormwater from any portion of a stormwater control facility.
- 4) Control Measures - Refers to any BMP or other structural or non-structural practices and procedures used to prevent or reduce the discharge of pollutants including practices to control erosion and sedimentation.
- 5) Director - The Director of the Division of Water Quality.
- 6) Division - The Division of Water Quality, Department of Environment, and Natural Resources.
- 7) EMC - The North Carolina Environmental Management Commission.
- 8) Erosion and Sedimentation Control Plan - A plan developed in compliance with the North Carolina Sedimentation Pollution Control Act of 1973 to prevent the erosion and deposition of sediment and other materials into the waters of the State from construction or other land-disturbing activities that disturb one or more acres of land. Each plan must be approved by the NC Sedimentation Control Commission or a program delegated by the Commission to a local government.
- 9) Ground cover - Any vegetative growth or other material which, when applied to the soil surface, renders the soil surface stable against accelerated erosion.
- 10) Normal Business Hours - These are generally considered to be between the hours of 6 a.m. and 6 p.m., or when workers are normally present on the construction site. Weekends and federal holidays are not considered normal business hours unless construction activities are taking place on the site during those times.
- 11) Permitting Authority - The permitting authority is the agency that issues the permit. The Division of Water Quality is the delegated NPDES permitting authority and issues this permit. However, some erosion and sedimentation control activities are performed by Division of Land Resources or the locally-delegated programs. Other activities may be shared by the two divisions and the local programs. The Land Quality Section of the Division of Land Resources and the Surface Water Protection Section of the Division of Water Quality maintain a Memorandum of Understanding that specifies specific roles of the two divisions and the local programs and will be used to assign specific control and oversight activities between the agencies.
- 12) Permanently Cease - When all or part of the land disturbing activity is complete and no additional alteration or disturbance of the land surface is planned prior to final stabilization.
- 13) Permanent Stabilization - When all soil disturbing activity is completed and exposed soils have been stabilized with a vegetative cover with a density of at least 80% or covered with a structural stabilization method. Permanent perennial vegetation may include the use of sod, shrubs and ground cover plants mixed with mulching, aggregate or other landscaping techniques. Structural methods include concrete, asphalt, retaining wall or other stabilization techniques.

- 14) Permittee -The person, firm or organizational entity that signed as the financially responsible party on the Erosion and Sedimentation Control Plan.
- 15) Point Source Discharge - Any discernible, confined and discrete conveyance, including but specifically not limited to, any pipe, ditch, channel, tunnel, conduit, discrete fissure, or container from which pollutants are or may be discharged to waters of the state.
- 16) Soil Stabilization - The use of vegetative, physical or chemical coverage techniques that will restrain accelerated erosion on disturbed soils for temporary or permanent control needs.
- 17) Stormwater Pollution Prevention Plan (SWPPP) – The elements of the State’s stormwater pollution prevention program that provide the technology-based requirements designed to protect the state’s waters from the adverse impacts of sediments. In North Carolina, the combination of the NCG01 Construction General and the Erosion and Sedimentation Control Plan are considered the SWPPP. It should be noted that on sites that involve multiple or complex sources of pollution, the Division may require additional control measures as needed to assure that water quality is protected and these additional measures will also be considered part of the SWPPP.
- 18) Temporarily Cease - When all or part of the site that is and will remain un-worked for a period of days but where site land disturbing activity is not complete and additional land disturbing activity is planned.
- 19) Temporary Stabilization – When the establishment of ground cover over all disturbed areas (such as mulching, rolled erosion control products, vegetation, or other material) renders the surface stable against accelerated erosion. Stabilization shall be achieved with the establishment of a uniform and evenly-distributed (i.e., without large bare areas) ground cover with a cover density of at least 80%.
- 20) Severe property damage – Substantial physical damage to property, damage to the control measures that cause them to become inoperable, or substantial and permanent loss of natural resources that 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.

SECTION VIII

N.C. DIVISION OF WATER QUALITY CONTACTS

Asheville Regional Office

2090 U.S. Highway 70
Swannanoa, NC 28778
828-296-4500
FAX 828-299-7043

Fayetteville Regional Office

Systel Building,
225 Green St., Suite 714
Fayetteville, NC 28301-5094
910-433-3300
FAX 910-486-0707

Mooresville Regional Office

610 East Center Ave.
Mooresville, NC 28115
704-663-1699
FAX 704-663-6040

Winston-Salem Regional Office

450 Hanes Mill Rd.
Suite 300
Winston-Salem, NC 27103
336-776-9800
FAX 336-771-4630

Washington Regional Office

943 Washington Square Mall
Washington, NC 27889
252-946-6481
FAX 252-975-3716

Wilmington Regional Office

127 Cardinal Drive Extension
Wilmington, NC 28405
910-796-7215
FAX 910-350-2004

Raleigh Regional Office

3800 Barrett Drive
Raleigh, NC 27609
919-791-4200
FAX 919-571-4718

Raleigh Regional Office

Mail to:
1628 Mail Service Center
Raleigh, NC 27699-1628

**INSPECTION AND MONITORING RECORDS FOR ACTIVITIES UNDER STORMWATER GENERAL PERMIT NCG010000
AND SELF-INSPECTION RECORDS FOR LAND DISTURBING ACTIVITIES PER G.S. 113A-54.1**

Project Name		Land Quality or Local Program Project #	
Financially Responsible Party, (FRP) / Permittee		County	
INSPECTOR		Employer	
Inspector Type (Mark)	Name	Address	
FRP/Permittee	Phone Number	Email Address	
Agent/Designee			

PART 1A: Rainfall Data

Day / Date	Rain Amt (Inches) Daily Rainfall Required, except for Holidays or Weekends. If no rain, indicate with a "zero"
M	
T	
W	
Th	
F	
Sat (Optional)	
Sun (Optional)	

PART 1B: Current Phase of Project

Phase of Grading check the applicable box(es)	X
Installation of perimeter erosion and sediment control measures	
Clearing and grubbing of existing ground cover	
Completion of any phase of grading of slopes or fills	
Installation of storm drainage facilities	
Completion of all land-disturbing activity, construction or development	
Permanent ground cover sufficient to restrain erosion has been established	

PART 1C: Signature of Inspector

By this signature, I certify in accordance with the NCG010000 permit & G.S. 113A-54.1 that this report is accurate and complete to the best of my knowledge.	
Financially Responsible Party / Permittee or Agent / Designee	Date

GROUND STABILIZATION TIMEFRAMES

Site Area Description	Stabilization	Timeframe Exceptions
Perimeter dikes, swales and slopes	7 Days	None
High Quality Water (HQW) Zones	7 Days	None
Slopes Steeper than 3:1	7 Days	If slopes are 10' or less in length and are not steeper than 2:1, 14 days are allowed
Slopes 3:1 or flatter	14 Days	7 days for slopes greater than 50' in length
All other areas with slopes flatter than 4:1	14 Days	None, except for perimeters and HQW Zones

PART 2A: EROSION AND SEDIMENTATION CONTROL MEASURES: Measures must be Inspected at least ONCE PER 7 CALENDAR DAYS AND WITHIN 24 HOURS OF A RAINFALL EVENT GREATER THAN 0.5 INCH PER 24 HOUR PERIOD.

Erosion and Sedimentation Control Measures Inspected					Inspection Date	Describe Actions Needed Corrective actions should be performed as soon as possible and before the next storm event	Date Corrected
Measure ID or Location and Description	Operating Properly? (Y/N)	Any Repair or Maintenance Needed? (Y/N)	New Measures Installed *				
			Proposed Dimensions (ft.)	Actual Dimensions (ft.)	Significant Deviation from Plan? (Y/N)		

*New erosion and sedimentation control measures installed since the last inspection should be documented here or by initialing and dating each measure or practice shown on a copy of the approved erosion and sedimentation control plan. List Dimensions of Measures such as Sediment Basins and Riprap Aprons

PART 2B: STORMWATER DISCHARGE OUTFALLS (SDOs): SDOs must be Inspected at least ONCE PER 7 CALENDAR DAYS AND WITHIN 24 HOURS OF A RAINFALL EVENT GREATER THAN 0.5 INCH PER 24 HOUR PERIOD.

Stormwater Discharge Outfalls Inspected				Inspection Date	Report Visible Sedimentation to streams or wetlands to Land Quality within 24 Hours http://portal.ncdenr.org/web/ir/division-contacts Describe Actions Needed <u>Corrective actions should be performed as soon as possible and before the next storm event</u>	Date Corrected
Stormwater Discharge Outfall ID or Location	Any Visible Sedimentation in Streams, Wetlands or Outside Site Limits? (Y/N)	Any Increase in Stream Turbidity from Discharge? (Y/N)	Any Visible Erosion below SDO? (Y/N)	Any visible oil sheen, floating or suspended solids or discoloration? (Y/N)		

PART 2C: GROUND STABILIZATION Must be recorded after each Phase of Grading

Areas Where Land Disturbance Has Been Completed or Temporarily Stopped	Time Limit for Ground Cover 7 days or 14 days	Is Ground Cover Sufficient to Restrain Erosion? (Y/N)	Inspection Date	Describe Actions Needed	Date Corrected

MEMORANDUM

**ISSUED IN CONJUNCTION WITH THE DIVISION OF LAND RESOURCES'
APPROVAL WITH MODIFICATIONS AND PERFORMANCE RESERVATIONS**

To: Division of Land Resources, Erosion and Sediment Control Plan Recipient
From: Division of Energy, Mineral and Land Resources (DEMLR)
Subject: State Stormwater Permitting Requirements

This memorandum serves to inform you that because you have received an Erosion and Sediment Control Plan, you may also be required to obtain a State Stormwater permit or an official exemption notice. Effective August 1, 2013 the State Stormwater program has been transferred from the Division of Water Quality (DWQ) to the Division of Energy, Mineral and Land Resources (DEMLR). All previous references to DWQ in session laws, correspondence or permits will remain in these documents and older stormwater permits issued prior to August 1, 2013 unless they are modified.

Any construction of impervious area on the subject site, prior to receipt of the required State Stormwater permit, will constitute a violation of 15A NCAC 2H.1000 if a permit is required, and may result in appropriate enforcement action by this Office. The application and directions for submitting the application materials are available online, http://h2o.enr.state.nc.us/su/bmp_forms.htm.

You may be required to obtain a State Stormwater Permit if any of the following circumstances apply to this project:

- 1.) The project requires a Soil and Erosion Control Plan for disturbance of over an acre.
- 2.) The project requires a CAMA Major Permit.
- 3.) The project contains more than 10,000 square feet of new built-upon area.
- 4.) The project is part of a larger common plan of development.

Either a Stormwater Permit Application Package including two sets of plans, completed application form, fee, and supporting documentation, or a written response regarding the status of this project and the expected submittal date must be submitted to the appropriate permitting agency as summarized in the following table. Failure to respond to this request may result in the initiation of enforcement action, and construction may experience a subsequent delay. The NPDES 010000 Federal Stormwater Permit that accompanies the Erosion Control Plan approval letter is NOT a substitute for the Coastal Stormwater Management Permit, which is signed by the Supervisor of the Surface Water Protection Section.

MEMORANDUM
ISSUED IN CONJUNCTION WITH THE DIVISION OF LAND RESOURCES'
APPROVAL WITH MODIFICATIONS AND PERFORMANCE RESERVATIONS

Municipality	County	Who to Contact	Name	Phone #
-	Brunswick	DEMLR, WiRO	Kelly Johnson Linda Lewis	(910) 796-7215**
-	Carteret	DEMLR, WiRO		
-	Columbus	DEMLR, WiRO*		
-	Duplin	DEMLR, WiRO*		
-	New Hanover	DEMLR, WiRO		
-	Onslow	DEMLR, WiRO		
-	Pender	DEMLR, WiRO		
Camp Lejeune	Onslow	DEMLR, WiRO		
Carolina Beach	New Hanover	Carolina Beach	Brian Stanberry	(910) 458-8291
Emerald Isle	Carteret	Emerald Isle	Kevin Reed	(252) 354-3338
Jacksonville	Onslow	Jacksonville	Pat Donovan-Potts	(910) 938-6446
Kure Beach	New Hanover	Kure Beach	Robin Robertson	(910) 458-5816
Leland	Brunswick	Leland	Steven Spruill	(910) 332-4652
Navassa	Brunswick	DEMLR, WiRO	Karen Dunn	(910) 371-2432
Oak Island	Brunswick	Oak Island	John Michaux	(910) 201-8008
Surf City	Pender	DEMLR, WiRO	Kelly Johnson Linda Lewis	(910) 796-7215
Wilmington	New Hanover	Wilmington	David Mayes	(910) 343-4777
Wrightsville Beach	New Hanover	Wrightsville Beach	Steve Dellies	(910) 256-7900
<p>* Please contact the Division to determine if a permit is required.</p> <p>** kelly.p.johnson@ncdenr.gov, or linda.lewis@ncdenr.gov</p>				

If you have any questions, please call or email Kelly Johnson at (910).796-7215 or kelly.p.johnson@ncdenr.gov.