

**PROJECT SPECIAL PROVISION**

(10-18-95)

Z-1

**PERMITS**

The Contractor's attention is directed to the following permits, which have been issued to the Department of Transportation by the authority granting the permit.

<b><u>PERMIT</u></b>	<b><u>AUTHORITY GRANTING THE PERMIT</u></b>
Dredge and Fill and/or Work in Navigable Waters (404)	U. S. Army Corps of Engineers
Water Quality (401)	Division of Environmental Management, DENR State of North Carolina
Buffer Certification	Division of Environmental Management, DENR State of North Carolina
CCPCUA	Division of Water Resources, DENR State of North Carolina

The Contractor shall comply with all applicable permit conditions during construction of this project. Those conditions marked by \* are the responsibility of the department and the Contractor has no responsibility in accomplishing those conditions.

Agents of the permitting authority will periodically inspect the project for adherence to the permits.

The Contractor's attention is also directed to Articles 107-10 and 107-14 of the *Standard Specifications* and the following:

Should the Contractor propose to utilize construction methods (such as temporary structures or fill in waters and/or wetlands for haul roads, work platforms, cofferdams, etc.) not specifically identified in the permit (individual, general, or nationwide) authorizing the project it shall be the Contractor's responsibility to coordinate with the Engineer to determine what, if any, additional permit action is required. The Contractor shall also be responsible for initiating the request for the authorization of such construction method by the permitting agency. The request shall be submitted through the Engineer. The Contractor shall not utilize the construction method until it is approved by the permitting agency. The request normally takes approximately 60 days to process; however, no extensions of time or additional compensation will be granted for delays resulting from the Contractor's request for approval of construction methods not specifically identified in the permit.

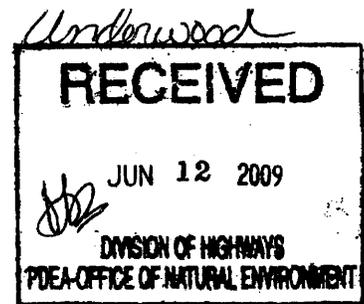
**Where construction moratoriums are contained in a permit condition which restricts the Contractor's activities to certain times of the year, those moratoriums will apply only to the portions of the work taking place in the waters or wetlands provided that activities outside those areas is done in such a manner as to not affect the waters or wetlands.**



IN REPLY REFER TO

143  
DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
Washington Regulatory Field Office  
P.O. Box 1000  
Washington, North Carolina 27889-1000

June 9, 2009



Regulatory Division

Action ID. SAW 2009-00101

Gregory J. Thorpe, Ph.D.  
Environmental Manager Director  
Project Development and Environmental Analysis Branch  
N.C. Department of Transportation  
1548 Mail Service Center  
Raleigh, North Carolina 27699-1548

Dear Dr. Thorpe,

In accordance with your written request of March 17, 2009, and the ensuing administrative record, enclosed are two copies of a permit to construct the Daniel Street Extension (SR 1537), TIP U-3826, starting from SR 1518 (Baker Street) and ending at US 258. The proposed project is approximately 1.7 miles in length and involves constructing a two-lane roadway and a 1,540 foot bridge across the Tar River and associated wetlands. The proposed project would permanently impact 1.48 acres of jurisdictional wetlands and 16 linear feet of streams. There will be 0.23 acres of temporary fill in wetlands; 0.85 acres of hand-clearing in wetlands; 10 linear feet of temporary stream impacts; and 1.09 acres of temporary impacts in surface waters for a work bridge and work pad. The project is located in the Tar River Basin and lies within in the Hydrologic Unit 03020103. The project crosses the Tar River and one unnamed tributary to the Tar River.

You should acknowledge that you accept the terms and conditions of the enclosed permit by signing and dating each copy in the spaces provided ("Permittee" on page 3). Your signature, as permittee, indicates that, as consideration for the issuance of this permit, you voluntarily accept and agree to comply with all of the terms and conditions of this permit. All pages of both copies of the signed permit with drawings should then be returned to the Wilmington District office for final authorization. A self-addressed envelope is enclosed for your convenience.

This correspondence contains an initial proffered permit for the above described activity. If you object to this decision or the enclosed special conditions you may request that the District Commander reconsider his decision. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this decision you must submit a completed RFA form to the District Commander, Wilmington District Corps of Engineers at the following address:

Col. Jefferson Ryscavage, District Commander  
US Army Corps of Engineers, Wilmington District  
Post Office Box 1890  
Wilmington, NC 28402-1890

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete and that it has been received by the District Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by August 10, 2009.

**\*\*It is not necessary to submit an RFA form to the District Office if you do not object to the decision in contained in this correspondence.\*\***

After the permit is authorized in this office, the original copy will be returned to you; the duplicate copy will be permanently retained in this office. If you have questions, please contact William Wescott at the Washington Regulatory Field Office, telephone 910-251-4629.

Sincerely,



David M. Lekson, P.W.S.  
Chief, Washington Regulatory Field Office

Enclosures

Blind Copies Furnished:

CESAW-R

X Perform work in or affecting navigable waters of the United States, upon recommendation of the Chief of Engineers, pursuant to SECTION 10 of the Rivers and Harbor Act of March 3, 1899

X Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Clean Water Act

     Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972

## DEPARTMENT OF THE ARMY PERMIT

Permittee **North Carolina Department of Transportation, Gregory J. Thorpe, Ph.D.**

Permit No. **SAW 2009-00101**

Issuing Office **CESAW-RG-W**

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:** The proposed project (U-3826) is approximately 1.7 miles in length and involves constructing a two-lane roadway and a 1,540 foot bridge across the Tar River and associated wetlands. The proposed project would permanently impact 1.48 acres of jurisdictional wetlands and 16 linear feet of streams. There will be 0.23 acres of temporary fill in wetlands; 0.85 acres of hand-clearing in wetlands; 10 linear feet of temporary stream impacts; and 1.09 acres of temporary impacts in surface waters for a work bridge and work pad.

**Project Location:** The North Carolina Department of Transportation (NCDOT) proposes to construct the extension of NCSR 1537 (Daniel Street) from NCSR 1518 (Baker Street) to US 258/NC 122 in Edgecombe County northeast of Tarboro (T.I.P. no. U-3826). The proposed 1.7 mlie roadway is a two-lane facility constructed on new location and will provide a new bridge across the Tar River. The project is located in the Tar River Basin and lies within in the Hydrologic Unit 03020103. The project crosses the Tar River and one unnamed tributary to the Tar River.

**Permit Conditions:**

**General Conditions:**

1. The time limit for completing the work authorized ends on **December 31, 2013**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit,

Special Conditions:

### SEE ATTACHED SPECIAL CONDITIONS

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
  - a. You fail to comply with the terms and conditions of this permit.
  - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit, Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

E. L. Luke 8.20.09  
 (PERMITTEE) North Carolina Department of Transportation (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER) Jefferson Ryscavage, COLONEL (DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEE) (DATE)

**SPECIAL CONDITIONS (Action ID. SAW 2009-00101; NCDOT/TIP U-3826)****COMPLIANCE WITH PLANS**

a) This authorization is only for U-3826. All work must be performed in strict compliance with the attached plans, which are a part of this permit. Any modification to the permit plans must be approved by the USACE prior to implementation.

**ACTIVITIES NOT AUTHORIZED**

b) Except as authorized by this permit or any USACE approved modification to this permit, no excavation, fill, or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands, nor shall any activities take place that cause the degradation of waters or wetlands. In addition, except as specified in the plans attached to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, in such a manner as to impair normal flows and circulation patterns within, into, or out of waters or wetlands or to reduce the reach of waters or wetlands.

This permit does not authorize temporary placement or double handling of excavated or fill material within jurisdictional waters, including wetlands, outside the permitted area. Additionally, no construction materials or equipment will be placed or stored within jurisdictional waters, including wetlands.

**CONSTRUCTION PLANS**

c) The Permittee will ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Written verification shall be provided to Washington Regulatory Field Office that the final construction drawings comply with the attached permit drawings prior to any active construction in waters of the United States, including wetlands. Any deviation in the construction design plans will be brought to the attention of the Corps of Engineers, Washington Regulatory Field Office prior to any active construction in waters or wetlands.

d) Prior to commencing construction within jurisdictional waters of the United States for any portion of the proposed project, the Permittee shall forward the latest version of project construction drawings to the Corps of Engineers, Washington Regulatory Field Office NCDOT Regulatory Project Manager. Half-size drawings will be acceptable.

**POLLUTION SPILLS**

e) All mechanized equipment will be regularly inspected and maintained to prevent contamination of waters and wetlands from fuels, lubricants, hydraulic fluids, or other toxic materials. No equipment staging or storage of construction material will occur in

wetlands. Hydro-seeding equipment will not be discharged or washed out into any surface waters or wetlands. In the event of a spill of petroleum products or any other hazardous waste, the Permittee shall immediately report it to the N.C. Division of Water Quality at (919) 733-5083 or (800) 662-7956 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act will be followed.

#### NOTIFICATION

f) The Permittee shall advise the Corps in writing at least two weeks prior to beginning the work authorized by this permit and again upon completion of the work authorized by this permit.

#### CLEAN FILL MATERIAL

g) Unless otherwise authorized by this permit, all fill material placed in waters or wetlands shall be generated from an upland source and will be clean and free of any pollutants except in trace quantities. Metal products, organic materials (including debris from land clearing activities), or unsightly debris will not be used.

#### CONTRACTOR COMPLIANCE

h) The Permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit, and any authorized modifications. A copy of this permit, and any authorized modifications, including all conditions, shall be available at the project site during construction and maintenance of this project.

#### SEDIMENTATION AND EROSION CONTROL MEASURES

i) The Permittee shall use appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" to assure compliance with the appropriate turbidity water quality standard. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to assure compliance with the appropriate turbidity water quality standards. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4).

Adequate sedimentation and erosion control measures must be implemented prior to any ground disturbing activities to minimize impacts to aquatic resources. These measures must be inspected and maintained regularly, especially following rainfall events. All fill material must be adequately stabilized at the earliest practicable date to prevent sediment from entering into adjacent waters or wetlands.

The Permittee shall remove all sediment and erosion control measures placed in wetlands or waters, and shall restore natural grades in those areas, prior to project completion.

No fill or excavation for the purposes of sedimentation and erosion control shall occur within jurisdictional waters, including wetlands, unless it is included on the plan drawings and specifically authorized by this permit.

#### REPORTING OF VIOLATIONS

j) The Permittee will report any violation of these conditions or violations of Section 404 of the Clean Water Act to the Corps of Engineers, Washington Regulatory Field Office NCDOT Regulatory Project Manager, within 24 hours of the Permittee's discovery of the violation.

#### COMPLIANCE WITH SPECIAL CONDITIONS

k) Failure to institute and carry out the details of these special conditions, will result in a directive to cease all ongoing and permitted work within waters and/or wetlands associated with the permitted project, or such other remedies and/or fines as the District Engineer or his authorized representatives may seek.

#### PRECONSTRUCTION MEETING

l) The Permittee shall schedule a preconstruction meeting between its representatives, the contractor's representatives, and the Corps of Engineers, Washington Regulatory Field Office, NCDOT Regulatory Project Manager, prior to any work within jurisdictional waters and wetlands to ensure that there is a mutual understanding of all of the terms and conditions contained within this Department of the Army Permit. The Permittee shall provide the Corps of Engineers, Washington Regulatory Field Office, NCDOT Regulatory Project Manager, with a copy of the final plans at least two weeks prior to the preconstruction meeting along with a description of any changes that have been made to the project's design, construction methodology or construction timeframe. The Permittee shall schedule the preconstruction meeting for a time when the Corps of Engineers and North Carolina Division of Water Quality (NCDWQ) Project Managers can attend. The Permittee shall invite the Corps and NCDWQ Project Managers a minimum of thirty (30) days in advance of the scheduled meeting in order to provide those individuals with ample opportunity to schedule and participate in the required meeting.

#### BORROW AND WASTE

m) To ensure that all borrow and waste activities occur on high ground and do not result in the degradation of adjacent wetlands and streams, except as authorized by this permit, the Permittee shall require its contractors and/or agents to identify all areas to be used to borrow material, or to dispose of dredged, fill, or waste material. The Permittee shall provide the Corps of Engineers with appropriate maps indicating the locations of proposed borrow or waste sites as soon as the Permittee has that information. The

Permittee will coordinate with the Corps of Engineers before approving any borrow or waste sites that are within 400 feet of any streams or wetlands. All jurisdictional wetland boundaries on borrow and waste sites shall be verified by the Corps of Engineers and shown on the approved reclamation plans. The Permittee shall ensure that all such areas comply with Special Condition "b" of this permit, and shall require and maintain documentation of the location and characteristics of all borrow and disposal sites associated with this project. This information will include data regarding soils, vegetation and hydrology sufficient to clearly demonstrate compliance with the Special Condition "b". All information will be available to the Corps of Engineers upon request. NCDOT shall require its contractors to complete and execute reclamation plans for each waste and borrow site and provide written documentation that the reclamation plans have been implemented and all work is completed. This documentation will be provided to the Corps of Engineers within 30 days of the completion of the reclamation work.

**MITIGATION**

n) Compensatory mitigation for the unavoidable impacts to 1.48 acres of riverine wetlands associated with the proposed project shall be provided as outlined in the following table.

Project Impacts		Required Mitigation			
Type	Area	Type	Location	Ratio	Credits Required
Riverine	1.48 acres	Restoration	Railroad bed removal (on-site, in-kind)	1:1	0.86 acres
			Mildred Woods Mitigation Site (off-site, non-riverine)	3:1	1.86 acres

Prior to commencing construction within jurisdictional waters of the United States for any portion of the proposed project, the Permittee shall submit a revised 'Wetland Restoration Plan' to be reviewed and approved by the Corps. The revised 'Wetland Restoration Plan' shall include drawings and cross-sectional drawings that show target wetland elevations and the areas requiring the removal of fill. Wetland mitigation success criteria shall include the following. Tree species composition shall be based on reference wetlands adjacent to the project site. Vegetation success shall be measured by survivability over a 7-year period. Survivability shall be based on 260 planted stems/acre after seven years. Hydrologic success of the site shall be attained by restoration of a hydrologic regime that is the same as the reference hydrologic regime adjacent to the site. The hydrologic monitoring shall occur over a 7-year period.

**IN-WATER MORATORIUM**

o) A construction moratorium for anadromous fish from February 15 through September 30 of any year will be adhered to for in-water work.



North Carolina Department of Environment and Natural Resources

Division of Water Quality  
Coleen H. Sullins  
Director

Beverly Eaves Perdue  
Governor

Dee Freeman  
Secretary

May 4, 2009

RECEIVED  
Division of Highways

MAY 06 2009

Preconstruction  
Project Development and  
Environmental Analysis Branch

Dr. Greg Thorpe, PhD., Manager  
Planning and Environmental Branch  
North Carolina Department of Transportation  
1548 Mail Service Center  
Raleigh, North Carolina, 27699-1548

Subject: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act and TAP-  
PAMLICO BUFFER RULES with ADDITIONAL CONDITIONS for Proposed extension of SR 1537 in  
Edgecombe County, State Project No. 8.2291201, TIP No. U-3826.  
NCDWQ Project No. 20090134

Dear Dr. Thorpe:

Attached hereto is a copy of Certification No. 3792 issued to The North Carolina Department of Transportation (NCDOT) dated May 4, 2009.

If we can be of further assistance, do not hesitate to contact us.

Sincerely,

Coleen H. Sullins  
Director

*Underwood*

RECEIVED  
MAY 6 2009  
DIVISION OF HIGHWAYS  
PDEA-OFFICE OF NATURAL ENVIRONMENT

Attachments

- cc: William Wescott, US Army Corps of Engineers, Washington Field Office
- Chad Coggins, Division 4 Environmental Officer
- Travis Wilson, NC Wildlife Resources Commission
- Jason Elliott, NCDOT, Roadside Environmental Unit
- Chris Underwood, NCDOT NEU
- LeiLani Paugh, NCDOT NEU
- File Copy

401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act and TAR-PAMLICO BUFFER RULES, with ADDITIONAL CONDITIONS

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (NCDWQ) Regulations in 15 NCAC 2H .0500 and 15A NCAC 2B.0259. This certification authorizes the NCDOT to impact 2.56 acres of jurisdictional wetlands, 26 linear feet of jurisdictional streams and 14,465 square feet of protected riparian buffers in Edgecombe County. The project shall be constructed pursuant to the application dated received February 11, 2009. The authorized impacts are as described below:

Stream Impacts in the Tar-Pamlico River Basin

Site	Permanent Fill in Perennial Stream (linear ft)	Temporary Fill in Perennial Stream (linear ft)	Total Stream Impact (linear ft)
4	16	10	26
<b>Total</b>	<b>16</b>	<b>10</b>	<b>26</b>

Total Stream Impact for Project: 26 linear feet

Wetland Impacts in the Tar-Pamlico River Basin

Site	Permanent Fill (ac)	Temporary Fill (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Total Wetland Impact (ac)	Impacts Requiring Mitigation (ac)
1	0.71	0	0.04	0	0.75	0.75
2	0.04	0	0	0	0.04	0.04
3	0	0	0	0.23	0.23	0
4	0.61	0.23	0.08	0.62	1.54	0.69
<b>Total</b>	<b>1.36</b>	<b>0.23</b>	<b>0.12</b>	<b>0.85</b>	<b>2.56</b>	<b>1.48</b>

Total Wetland Impact for Project: 2.56 acres.

Open Water (River) Impacts in the Tar-Pamlico River Basin

Site	Temporary Fill in Open Waters (ac)	Total Fill in Open Waters (ac)
4	1.09	1.09
<b>Total</b>	<b>1.09</b>	<b>1.09</b>

Total Open Water Impact for Project: 1.09 acres.

Tar-Pamlico Riparian Buffer Impacts

Site	Zone 1 Impact (sq ft)	minus Wetlands in Zone 1 (sq ft)	= Zone 1 Buffers (not wetlands) (sq ft)	Zone 1 Buffer Mitigation Required (using 3:1 ratio)	Zone 2 Impact (sq ft)	minus Wetlands in Zone 2 (sq ft)	= Zone 2 Buffers (not wetlands) (sq ft)	Zone 2 Buffer Mitigation Required (using 1.5:1 ratio)
1	8663	0	8663	N/A	5802	0	5802	N/A
<b>Totals</b>	<b>8663</b>	<b>0</b>	<b>8663</b>	<b>0</b>	<b>5802</b>	<b>0</b>	<b>5802</b>	<b>0</b>

\* n/a = Bridge impact Allowable, no mitigation required  
 Total Buffer Impact for Project: 14,465 square feet.

The application provides adequate assurance that the discharge of fill material into the waters of the Tar-Pamlico River Basin in conjunction with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth.

This approval is only valid for the purpose and design that you submitted in your application dated received February 11, 2009 and additional information received March 23, 2009. Should your project change, you are required to notify the NCDWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). Additional buffer impacts may require compensatory mitigation as described in For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit.

**Conditions of Certification:**

1. Compensatory mitigation for impacts to 1.48 acres of riverine wetlands is required. We understand that part of this requirement will be met with performing 0.86 acres of on-site wetland restoration. The permittee shall comply with the on-site wetland mitigation plan submitted with the February 11, 2009 permit application. All on-site mitigation sites shall be protected in perpetuity by a conservation easement or through NCDOT fee simple acquisition and recorded in the NCDOT Natural Environment Unit mitigation geodatabase.
2. For the forested wetland mitigation site, the permittee shall plant 680 stems/acre. Vegetation success shall be measured by survivability over a 3-year monitoring period. Survivability will be based on 320 stems/acre after three (3) years. A survey of vegetation during the growing season shall be conducted annually over the three-year monitoring period and submitted to the NC Division of Water Quality. If the surviving vegetation densities are below the required thresholds after the three-year monitoring period, the site may still be declared successful at the discretion of and with written approval from the NC Division of Water Quality.
3. Success of the mitigation site shall be determined by NCDWQ during an on-site visit at or near the end of the monitoring period.
4. Compensatory mitigation for the remaining 0.62 acres of wetlands is required. We understand that you have chosen to debit mitigation from the Mildred Woods Mitigation Site at a 3:1 ratio. This certification gives approval to the debiting of 1.86 acres of wetland mitigation from the Mildred Woods Mitigation Site in order to satisfy the wetland mitigation requirements of U-3826.
5. As described in your application, NCDOT shall design, construct, operate and maintain the hazardous spill catch basins (HSCBs) at the Tar River crossing as shown on the permit drawings.
6. The permittee will need to adhere to all appropriate in-water work moratoria (including the use of pile driving or vibration techniques) prescribed by the NC Wildlife Resources Commission. No in-water work in the Tar River is permitted between February 15 and September 30 of any year, without prior approval from the NC Division of Water Quality and the NC Wildlife Resources Commission. In addition, the permittee shall conform with the NCDOT policy entitled "Stream Crossing Guidelines for Anadromous Fish Passage (May 12, 1997) at all times.
7. The post-construction removal of any temporary bridge structures must return the project site to its preconstruction contours and elevations. The impacted areas shall be revegetated with appropriate native species.
8. Bridge deck drains should not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Please refer to the most current version of *Stormwater Best Management Practices*.
9. No drill slurry or water that has been in contact with uncured concrete shall be allowed to enter surface waters. This water shall be captured, treated, and disposed of properly.

10. A copy of the final construction drawings shall be furnished to NCDWQ Central Office prior to the pre-construction meeting. The permittee shall provide written verification that the final construction drawings comply with the permit drawings contained in the application dated February 4, 2009. Any deviations from the approved drawings are not authorized unless approved by the NC Division of Water Quality.

11. All stormwater runoff shall be directed as sheetflow through stream buffers at nonerosive velocities, unless otherwise approved by this certification.

12. All riparian buffers impacted by the placement of temporary fill or clearing activities shall be restored to the preconstruction contours and revegetated. Maintained buffers shall be permanently revegetated with non-woody species by the end of the growing season following completion of construction. For the purpose of this condition, maintained buffer areas are defined as areas within the transportation corridor that will be subject to regular NCDOT maintenance activities including mowing. The area with non-maintained buffers shall be permanently revegetated with native woody species before the next growing season following completion of construction.

13. Pursuant to NCAC15A 2B.0259(6), sediment and erosion control devices shall not be placed in Zone 1 of any Tar-Pamlico Buffer without prior approval by NCDWQ. At this time, NCDWQ has approved no sediment and erosion control devices in Zone 1, outside of the approved project impacts, anywhere on this project. Moreover, sediment and erosion control devices shall be allowed in Zone 2 of the buffers provided that Zone 1 is not compromised and that discharge is released as diffuse flow.

14. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.

15. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers.

16. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions.

17. The use of rip-rap above the Normal High Water Mark shall be minimized. Any rip-rap placed for stream stabilization shall be placed in stream channels in such a manner that it does not impede aquatic life passage.

\* 18. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval.

19. All work in or adjacent to stream waters shall be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water.

20. Heavy equipment shall be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the introduction of other pollutants into the stream.

21. All mechanized equipment operated near surface waters must be regularly inspected and maintained to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids, or other toxic materials.

22. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification.

23. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.

24. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If NCDWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, NCDWQ may reevaluate and modify this certification.

25. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification..

26. A copy of this Water Quality Certification shall be maintained on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.

27. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification.

28. The issuance of this certification does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e. local, state, and federal) having jurisdiction, including but not limited to applicable buffer rules, stormwater management rules, soil erosion and sedimentation control requirements, etc.

29. The Permittee shall report any violations of this certification to the Division of Water Quality within 24 hours of discovery.

\* 30. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify NCDWQ when all work included in the 401 Certification has been completed.

31. Native riparian vegetation (i.e., trees and shrubs native to your geographic region) must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.

32. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites, or access roads to waste or borrow sites, be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities.

33. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:

- a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
- b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
- c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
- d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.

34. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification.

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. This Certification shall become null and void unless the above conditions are made conditions of the Federal 404 and/or Coastal Area Management Act Permit. This Certification shall expire upon the expiration of the 404 or CAMA permit.

If this Certification is unacceptable to you have the right to an adjudicatory hearing upon written request within sixty (60) days following receipt of this Certification. This request must be in the form of a written petition conforming to Chapter 150B of the North Carolina General Statutes and filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. If modifications are made to an original Certification, you have the right to an adjudicatory hearing on the modifications upon written request within sixty (60) days following receipt of the Certification. Unless such demands are made, this Certification shall be final and binding.

This the 4th day of May 2009

DIVISION OF WATER QUALITY



*for* Coleen H. Sullins  
Director

WQC No. 3792

NCDWQ Project No.: \_\_\_\_\_ County: \_\_\_\_\_

Applicant: \_\_\_\_\_

Project Name: \_\_\_\_\_

Date of Issuance of 401 Water Quality Certification: \_\_\_\_\_

**X Certificate of Completion**

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401 Transportation Permitting Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650. This form may be returned to NCDWQ by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.

**Applicant's Certification**

I, \_\_\_\_\_, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Agent's Certification**

I, \_\_\_\_\_, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

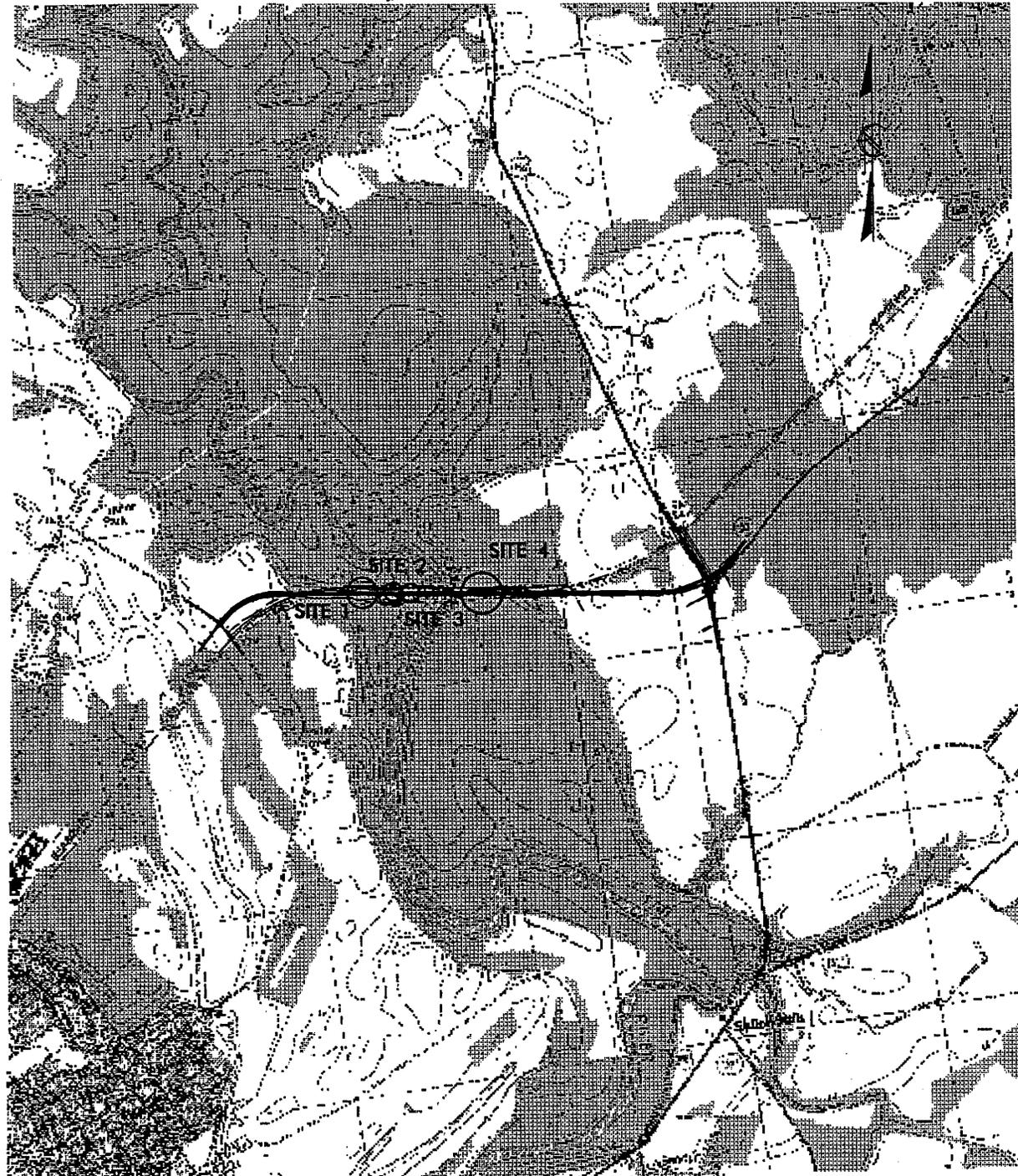
**Engineer's Certification**

\_\_\_\_\_ Partial \_\_\_\_\_ Final

I, \_\_\_\_\_, as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project, for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature \_\_\_\_\_ Registration No. \_\_\_\_\_

Date \_\_\_\_\_



PLAN VIEW

SCALE:  
1" = 2500'

### NCDOT

DIVISION OF HIGHWAYS  
EDGECOMBE COUNTY

PROJECT: 34983.1.1 (U-3826)

SR 1537 (DANIEL ST. EXT.)

FROM SR 1518 (LOOP RD.)

TO US258/NC122

WETLAND/SURFACE WATER PERMIT

SHEET

OF  
Permit Drawing  
Sheet 1 of 21

05/14/08

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PROPERTY OWNERS  
NAMES AND ADDRESSES  
WETLAND/SURFACE WATER PERMIT

PARCEL NO.	NAMES	ADDRESSES
4	GEORGE F. YORK	P. O. Box 459 Conetoe, NC 27819
6	GEORGE H. JOHNSON, JR.	P. O. Box 2946 Greenville, NC 27836
5	ANNE BOONE SHELTON URQUHART	P. O. Box 366 Speed, NC 27881

NCDOT  
DIVISION OF HIGHWAYS  
EDGECOMBE COUNTY  
PROJECT: 34983.11 (U-3826)  
SR 1537 (DANIEL ST. EXT.)  
FROM SR 1518 (LOOP RD.)  
TO US 258/ NC 122

WETLAND PERMIT IMPACT SUMMARY																
Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS									
			Permanent Fill in Wetlands (ac)	Temp. Fill in Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW Impacts (ac)	Temp. SW Impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)				
1	34+50/38+50	ROADWAY FILL	0.71			0.04										
2	40+15/41+00	ROADWAY FILL	0.04													
3	44+00/48+00	BRIDGE CONSTRUCTION						0.23								
4	57+10/59+65	ROADWAY FILL	0.61	0.23		0.08		0.62			0.01		16		10	
<b>TOTALS:</b>			<b>1.36</b>	<b>0.23</b>		<b>0.12</b>		<b>0.85</b>		<b>0.01</b>	<b>0.01</b>		<b>16</b>		<b>10</b>	

Revised 3/6/09

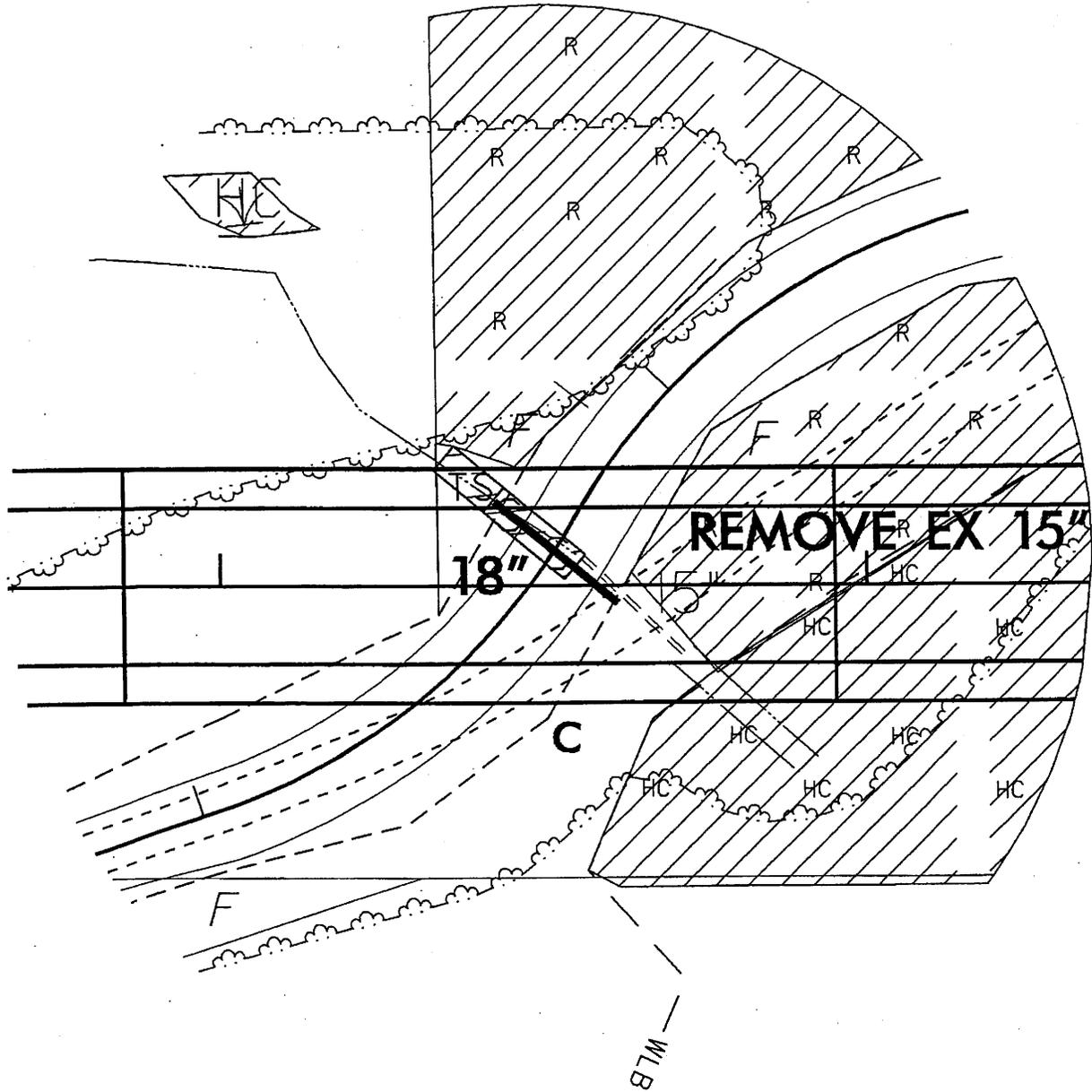
NOTE: SITE 3 RESTORATION OF WETLAND=0.86 ACRES  
 NOTE: TEMPORARY WORK BRIDGE=31969 SF=0.73 AC  
 NOTE: TEMPORARY WORK PAD=15789 SF=0.36 AC

NC DEPARTMENT OF TRANSPORTATION  
 DIVISION OF HIGHWAYS

EDGECOMBE COUNTY  
 WBS - 34983.1.1 (U-3826)

Permit Drawing  
 Sheet 3 of 319/2008  
 SHEET

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PLAN VIEW  
SITE 4

NCDOT

DIVISION OF HIGHWAYS  
EDGECOMBE COUNTY

PROJECT: 34983.11 (U-3826)

SR 1537 (DANIEL ST. EXT)  
FROM SR 1518 (LOOP RD.)  
TO US 258 / NC 122

SHEET

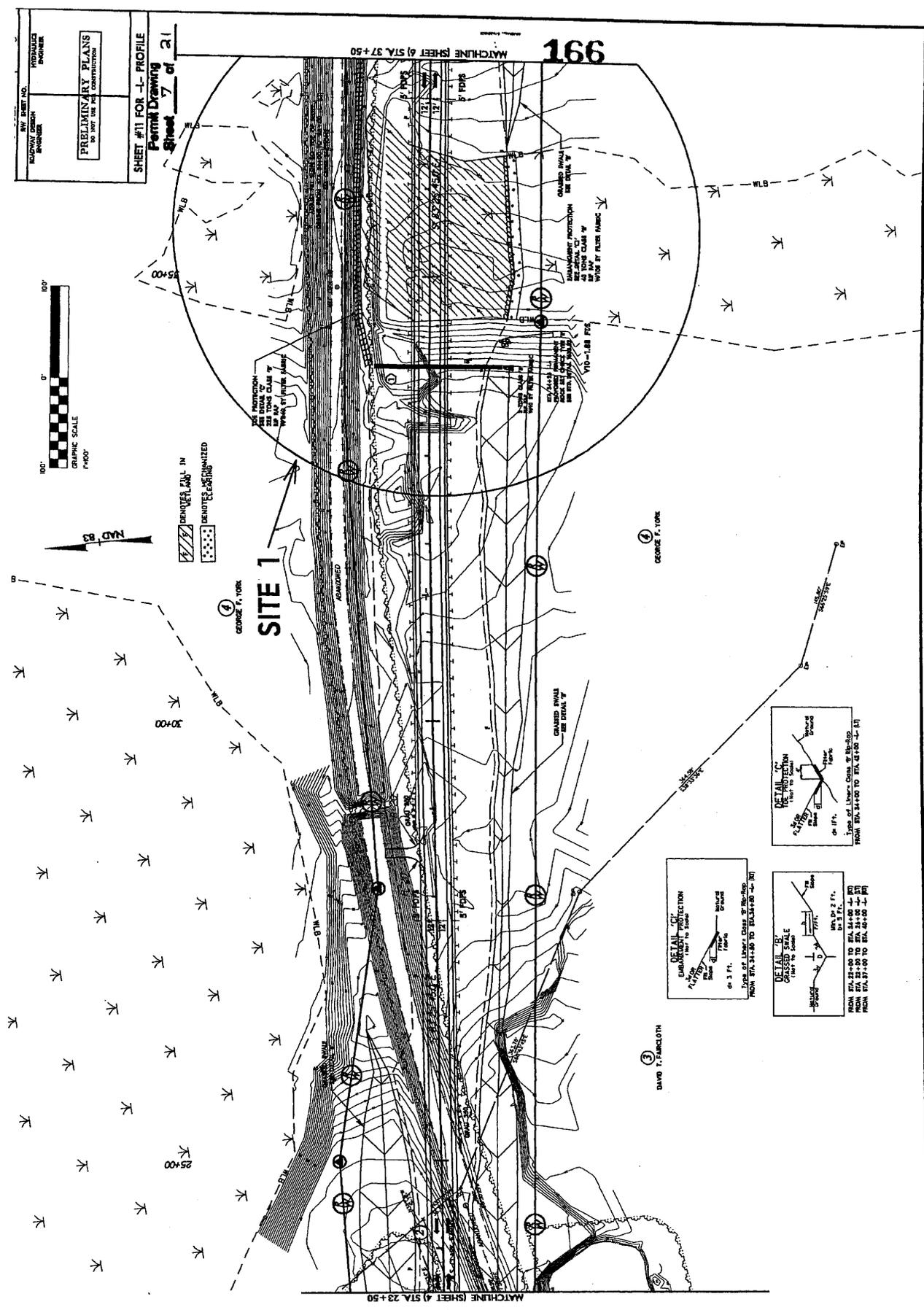
OF

5 / 15 / 08

Permit Drawing  
Sheet 4 of 21







ANY BEST NO. PROPOSER'S NUMBER  
 MATCHLINE SHEET (A) STA. 23+50  
 MATCHLINE SHEET (S) STA. 37+50  
**PRELIMINARY PLANS**  
 DO NOT USE FOR CONSTRUCTION  
**SHEET #11 FOR L-1 PROFILE**  
**Permit Drawing**  
**Sheet 7 of 21**



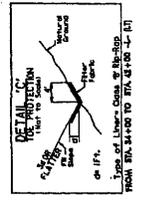
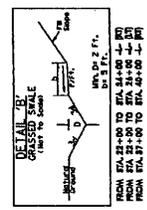
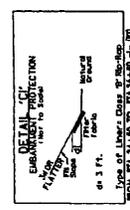
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 DEMOTES RECHANNELIZED

**SITE 1**  
 GEORGE F. YORK

**166**  
 MATCHLINE SHEET (S) STA. 37+50

GEORGE F. YORK

DAVID T. BARCLOTH









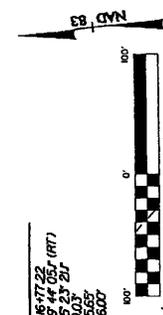




PROJECT REFERENCE NO. U-3525  
 SHEET NO. 7  
 HYDRAULIC ENGINEER  
 INCOMPLETE PLANS  
 PRELIMINARY PLANS  
 TO BE USED FOR INFORMATION

SEE SHT. No. 12 FOR -L- PROFILE  
 SEE SHT. No. 15 FOR -DR2- PROFILE  
 SEE SHT. No. 2-R FOR BRIDGE SKETCH  
 SEE SHT. No. 5-1 THRU 5-  
 FOR STRUCTURE PLANS  
 PROPOSED RESTORATION  
 OF WETLANDS

Sheet 13 of 21



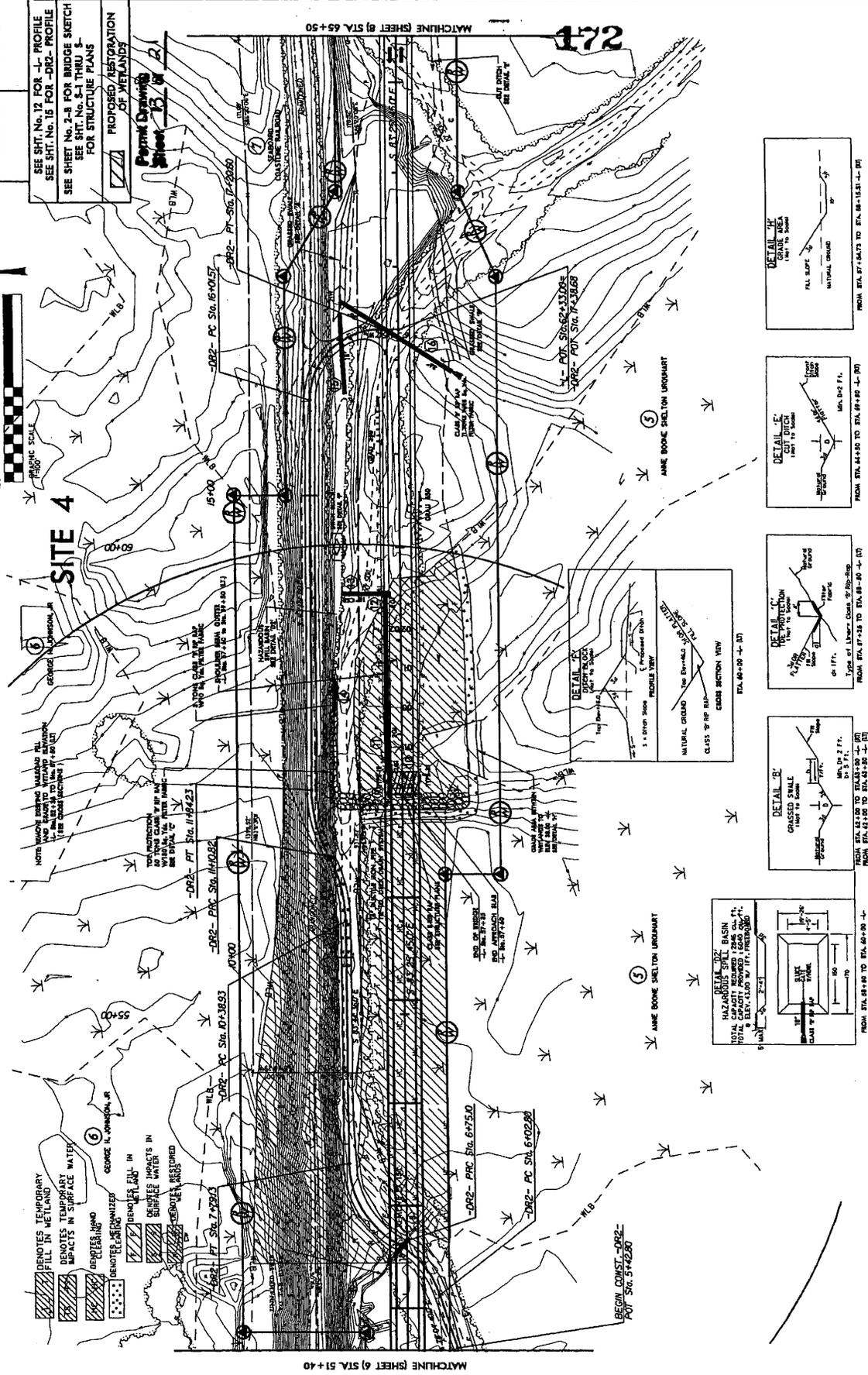
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PI STA 7+32.38	PI STA 11+48.28	PI STA 16+77.22
Δ = 27' 27" 40.4' (RT)	Δ = 28' 02" 26.3' (RT)	Δ = 89' 44" 05.1' (RT)
D = 57' 11" 44.5'	D = 39' 11" 49.5'	D = 15' 23" 21'
L = 1040.0'	L = 37' 46'	L = 7565'
R = 1000.0'	R = 1500.0'	R = 7600'

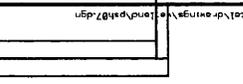
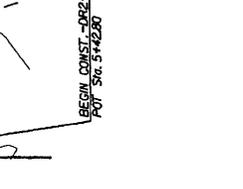
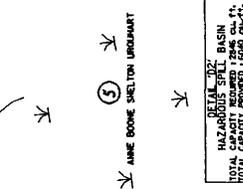
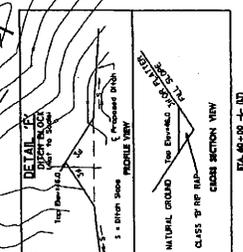
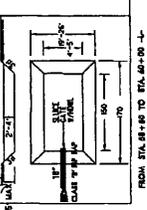
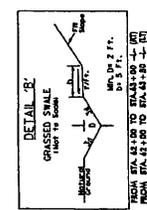
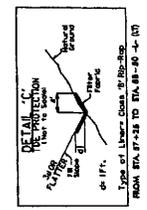
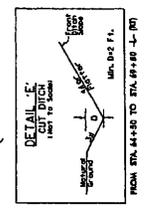
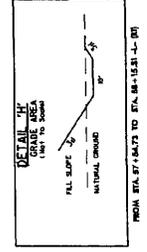
  

PI STA 2+44.91	PI STA 7+32.38	PI STA 11+48.28
Δ = 57' 11" 44.5'	Δ = 27' 27" 40.4' (LT)	Δ = 28' 02" 26.3' (RT)
D = 72.30'	D = 57' 11" 44.5'	D = 39' 11" 49.5'
L = 37.81'	L = 1040.0'	L = 37' 46'
R = 1000.0'	R = 1000.0'	R = 1500.0'

**SITE 4**

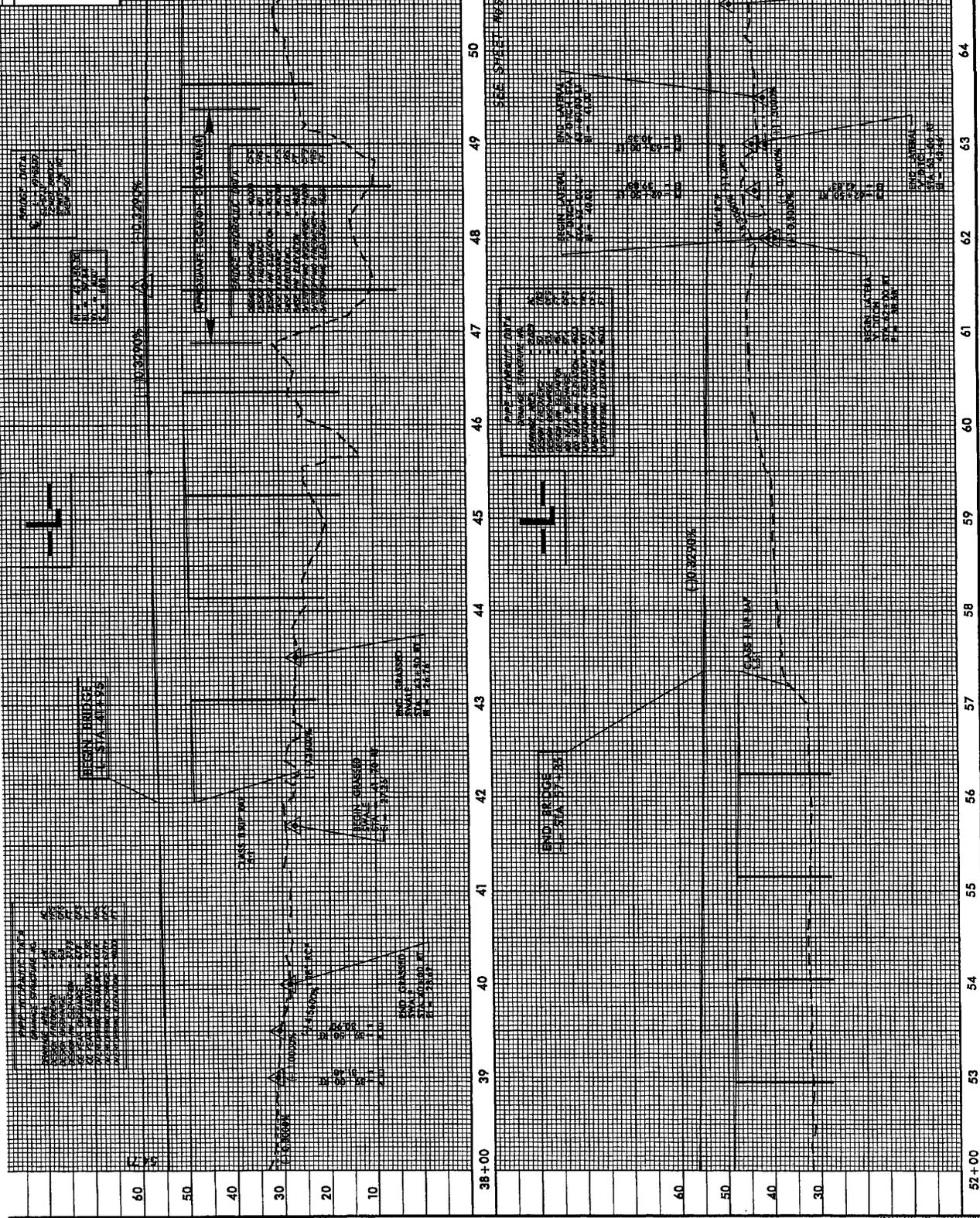


REVISIONS



PROJECT REFERENCE NO. U-3826  
 PROJECT NAME  
 SHEET NO. 12

PRELIMINARY PLANS  
 for use in the construction  
 Permit Drawing  
 Sheet 14 of 21

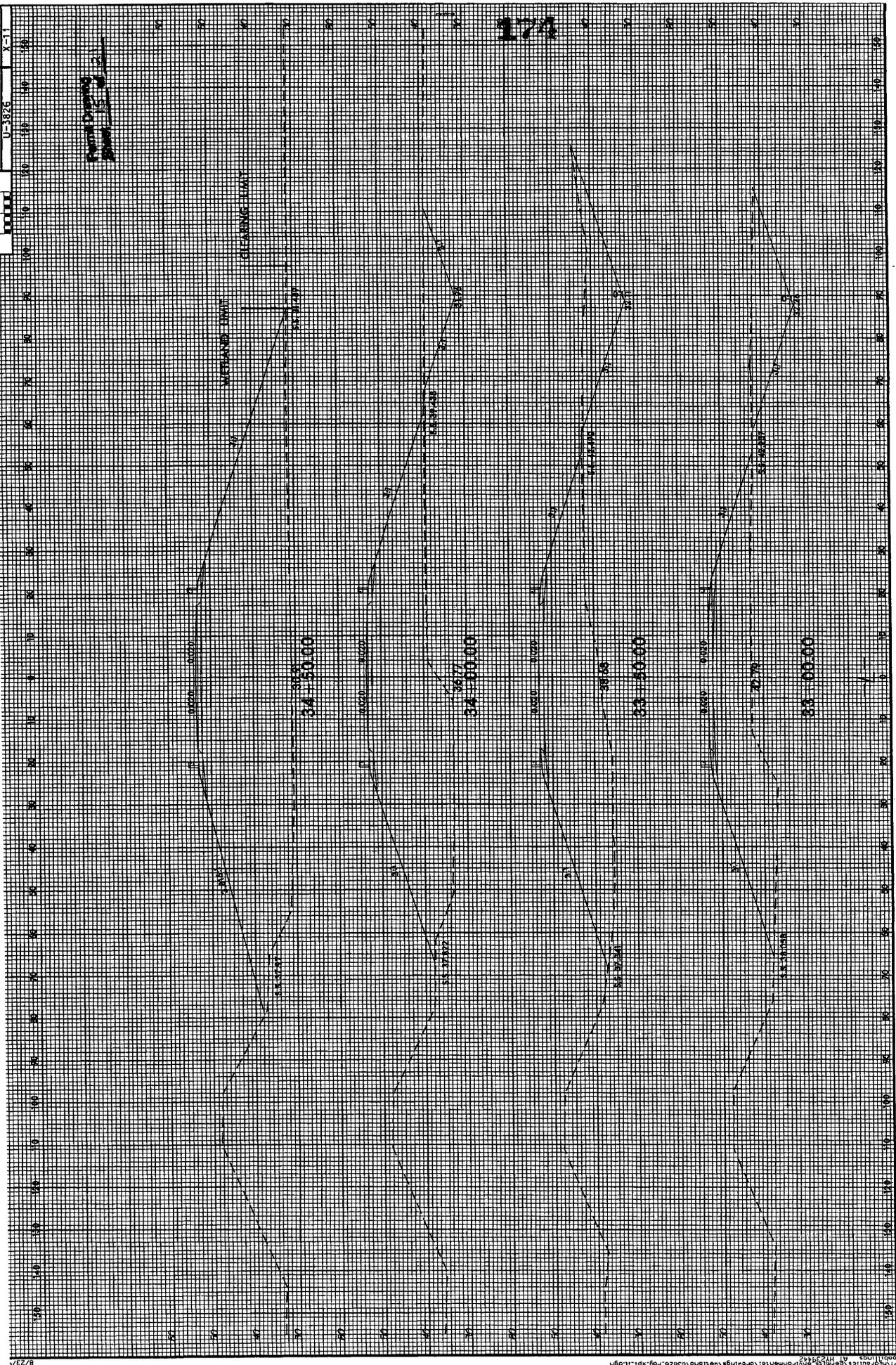


5/28/94

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Point Designation  
Station

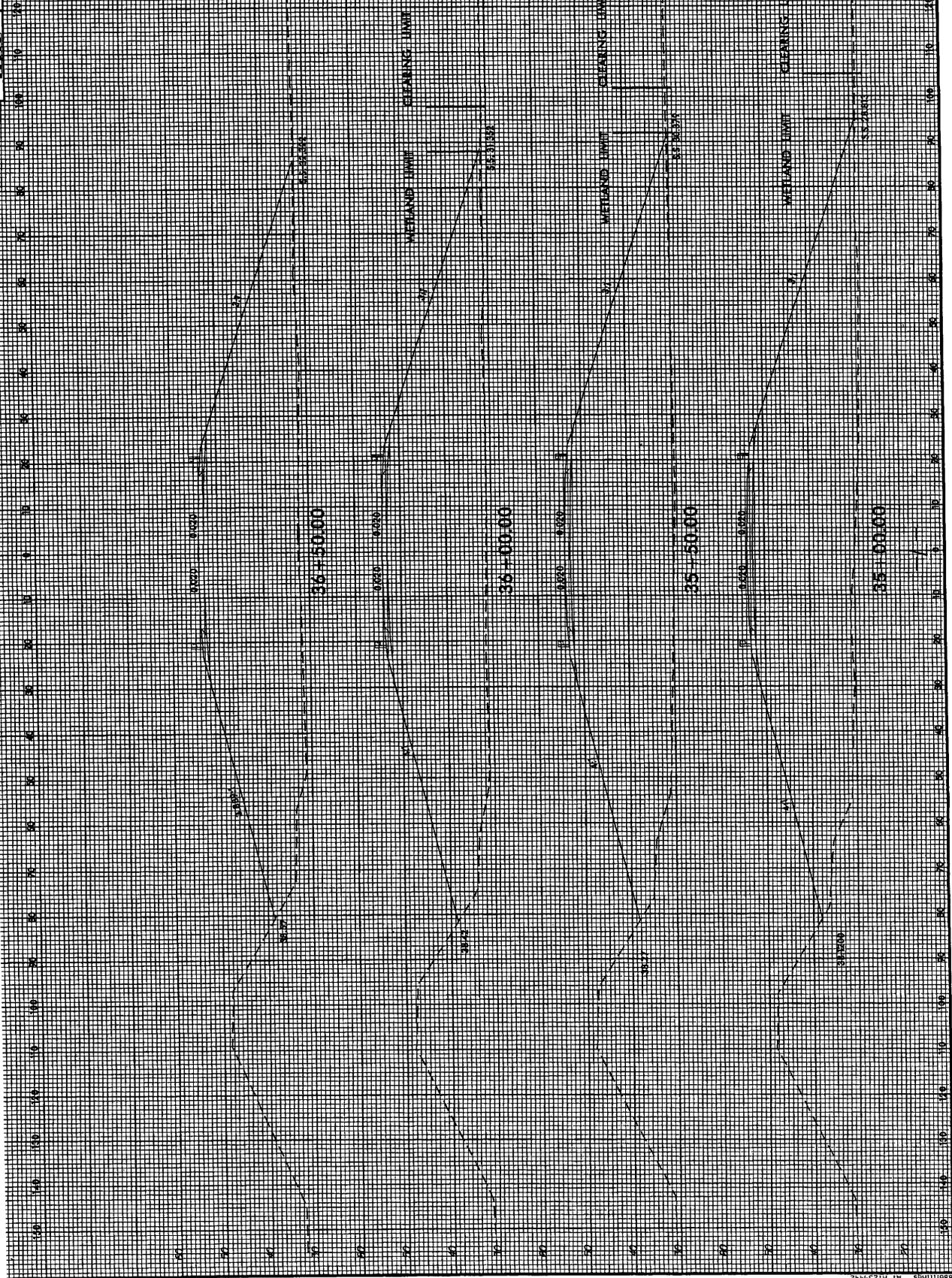
174

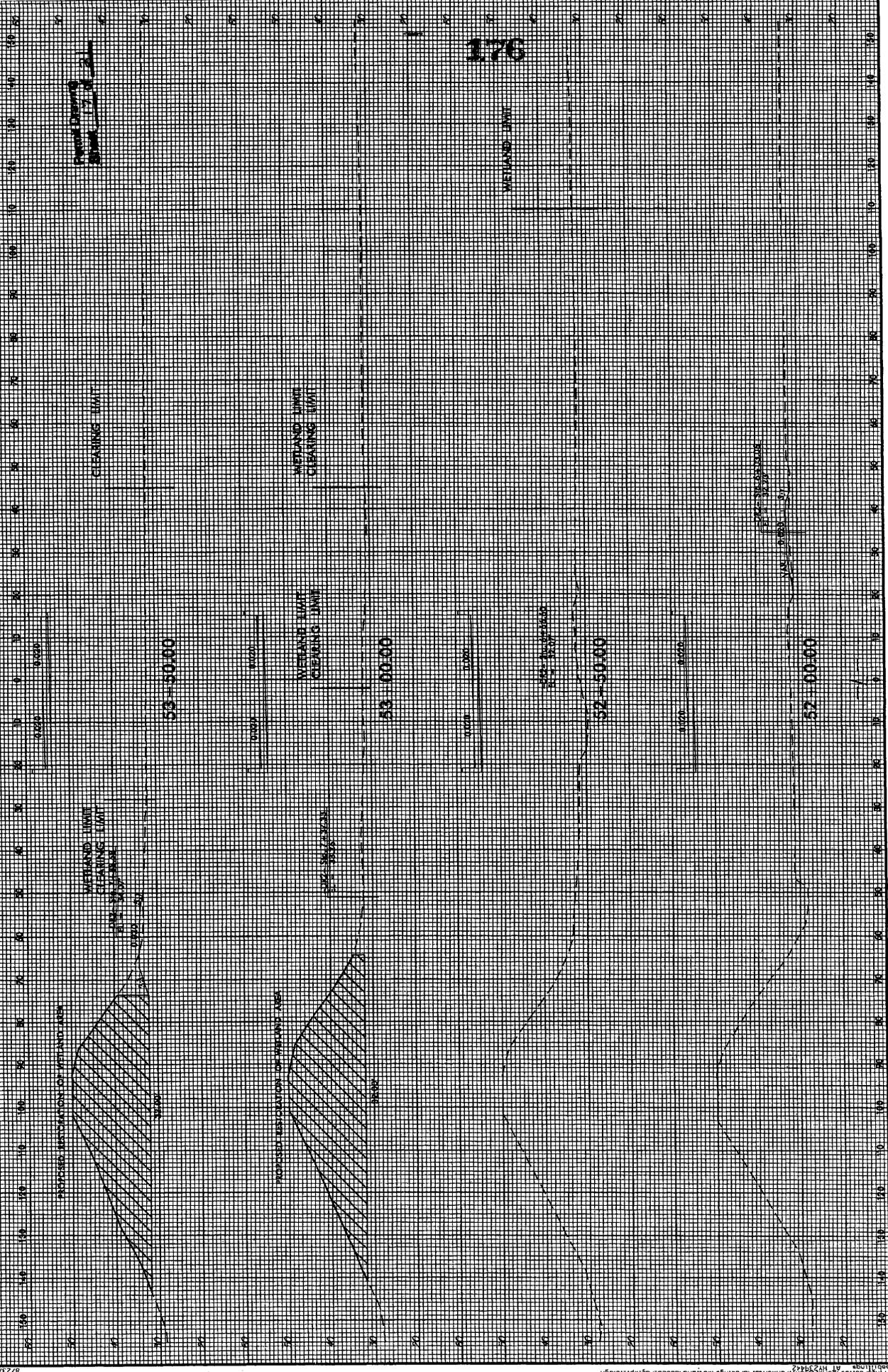




**WETLANDS**  
**BOUNDARIES**

175





Wetland Delineation  
Sheet 1 of 2

CLEARING LIMIT

000' 00" 000'

WETLANDS LIMIT  
PROPOSED ESTIMATION OF WETLANDS LIMIT  
PER 303-B(1)(b)

55'-50'-00"

000' 00" 000'

WETLANDS LIMIT  
PROPOSED ESTIMATION OF WETLANDS LIMIT  
PER 303-B(1)(b)

55'-00'-00"

000' 00" 000'

WETLANDS LIMIT  
PROPOSED ESTIMATION OF WETLANDS LIMIT  
PER 303-B(1)(b)

54'-50'-00"

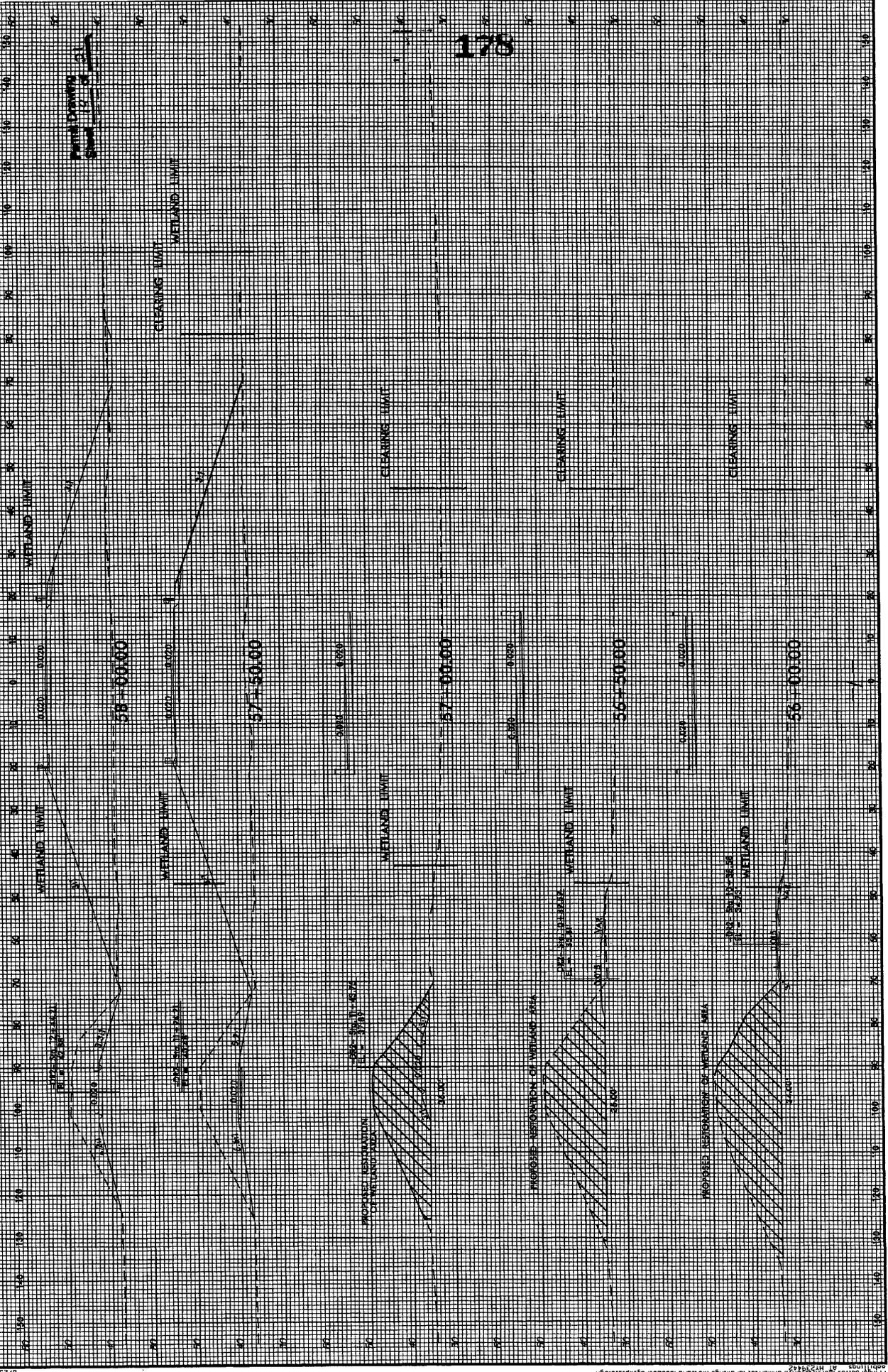
000' 00" 000'

WETLANDS LIMIT  
PROPOSED ESTIMATION OF WETLANDS LIMIT  
PER 303-B(1)(b)

54'-00'-00"

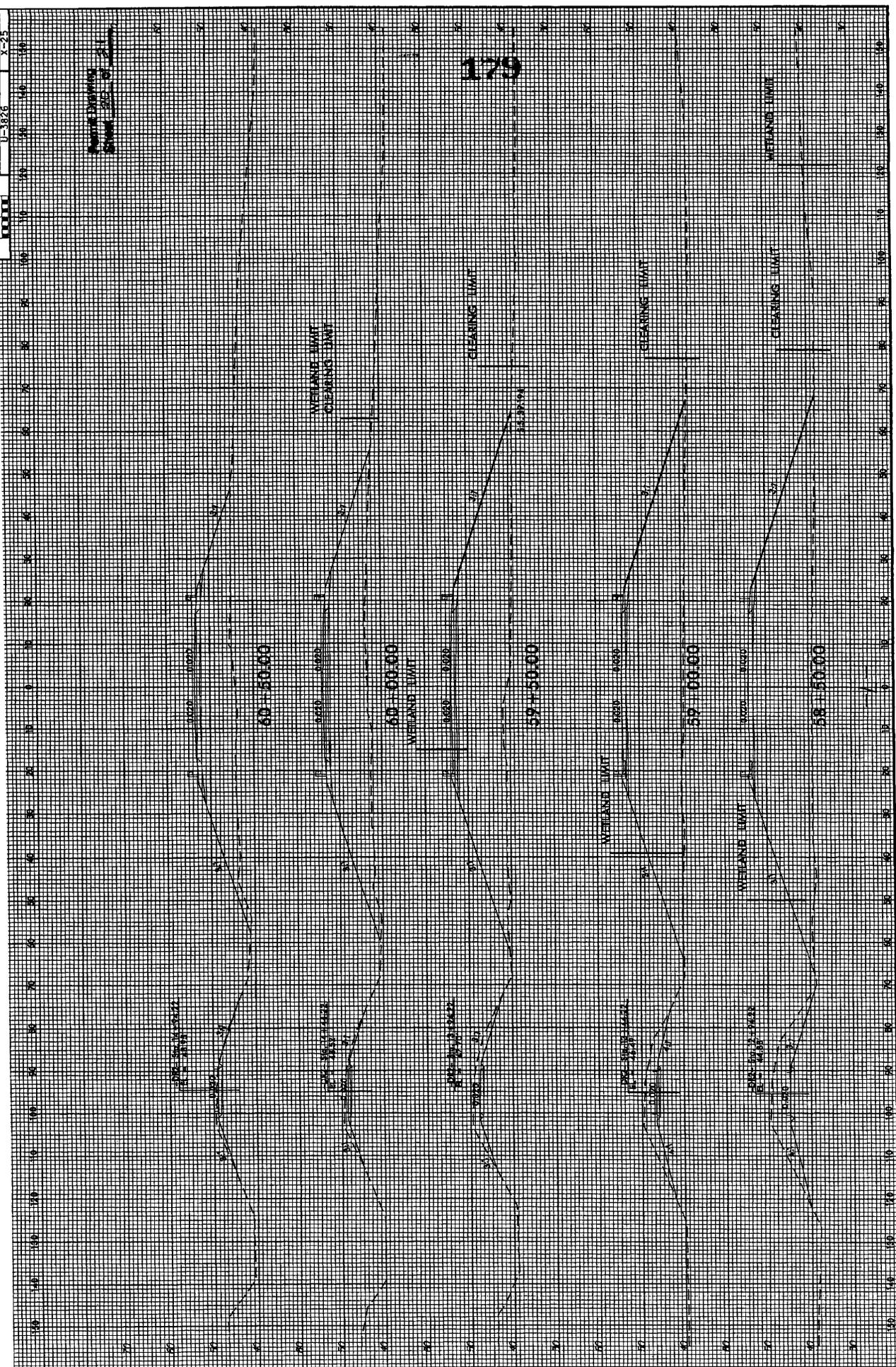
000' 00" 000'

CLEARING LIMIT



WATER DIVISION  
Sheet 20 of 21

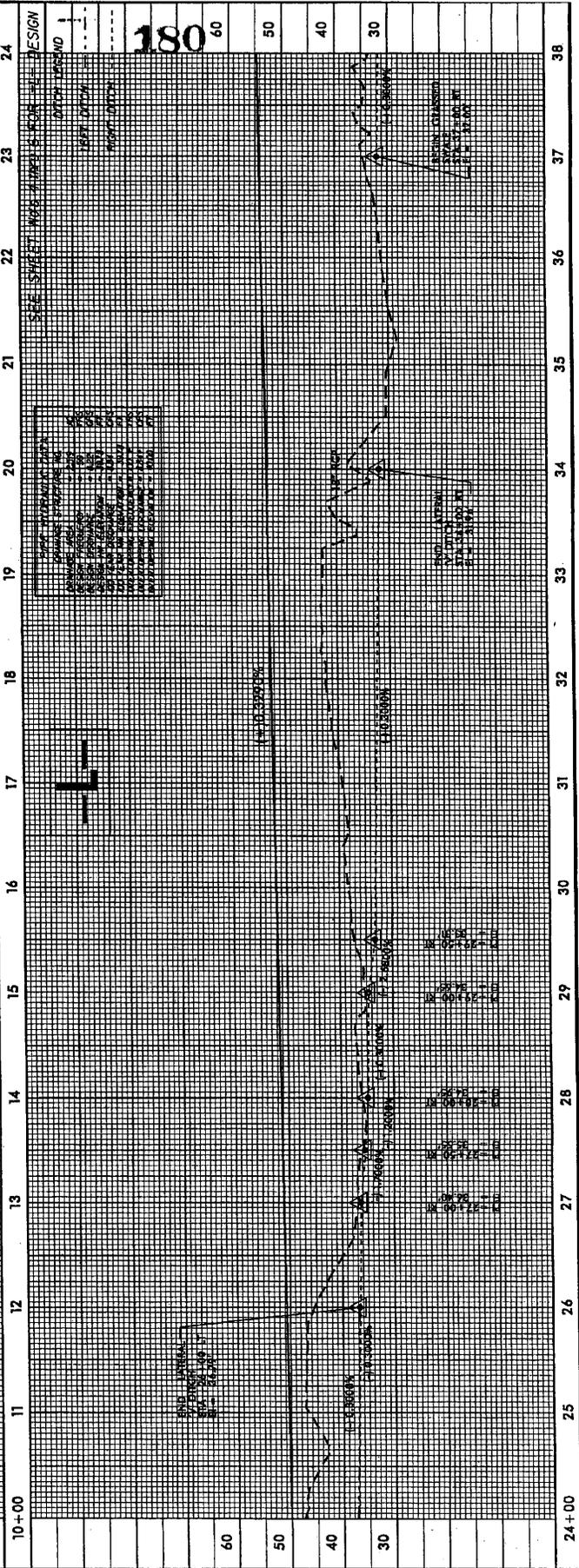
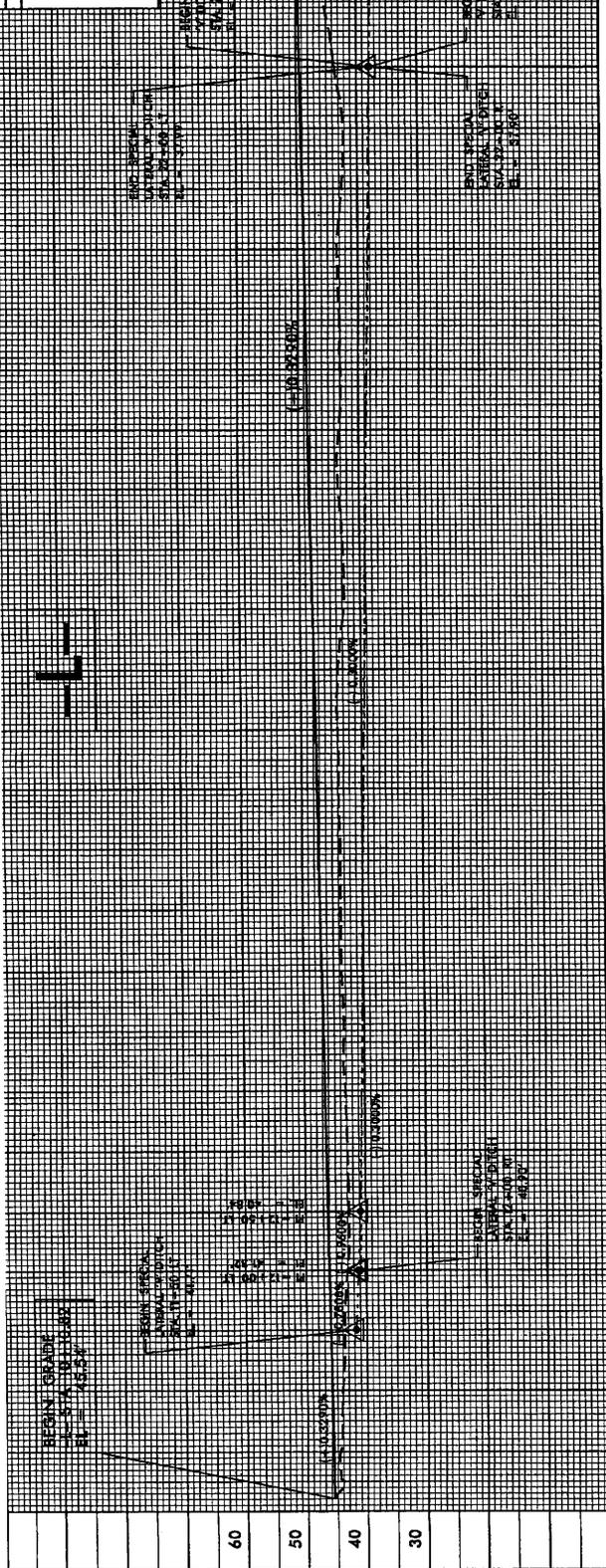
179



PROJECT REFERENCE NO. 17-3625  
 SHEET NO. 11

DESIGNED BY  
 CHECKED BY  
 APPROVED BY

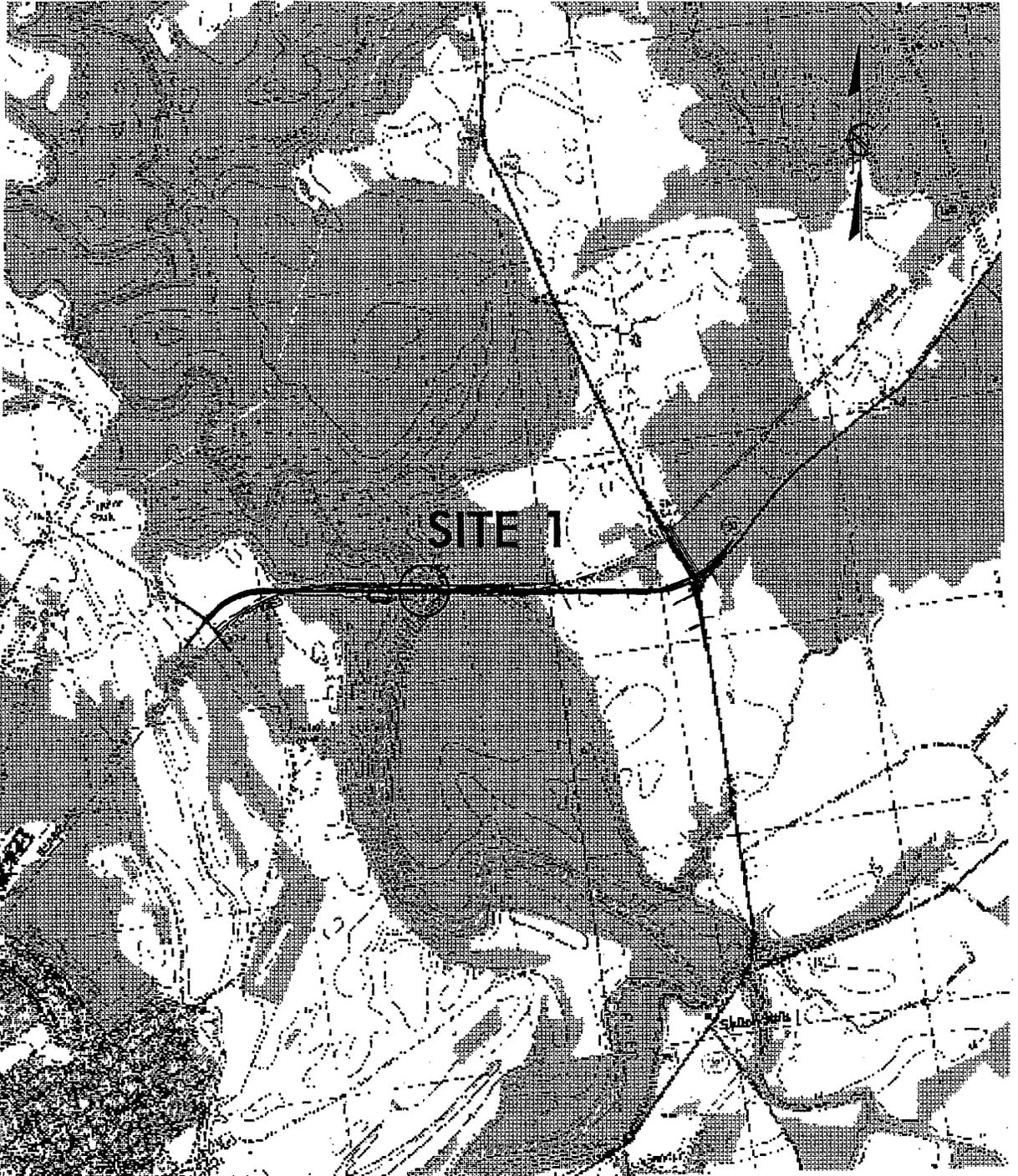
PRELIMINARY PLANS  
 for HIGHWAY CONSTRUCTION  
**Permit Drawing**  
 Sheet 21 of 21



5/28/99

2-MAY-2008 01:03

181



SITE 1

PLAN VIEW

SCALE

1" = 2500'

NCDOT  
DIVISION OF HIGHWAYS  
EDGECOMBE COUNTY  
PROJECT: 34983.1.1 (U-3826)  
SR 1537 (DANIEL ST. EXT.)  
FROM SR 1518 (LOOP RD.)  
TO US258/NC122  
BUFFER PERMIT

SHEET OF 05/14/08

Buffer Drawing  
Sheet 1 of 5

**PROPERTY OWNERS**  
**NAMES AND ADDRESSES**  
**BUFFER PERMIT**

PARCEL NO.	NAMES	ADDRESSES
4	GEORGE F. YORK	P. O. Box 459 Conetoe, NC 27819
6	GEORGE H. JOHNSON, JR.	P. O. Box 2946 Greeneville, NC 27836
5	ANNE BOONE SHELTON URQUHART	P. O. Box 366 Speed, NC 27881

**NCDOT**  
 DIVISION OF HIGHWAYS  
 EDGECOMBE COUNTY  
 PROJECT: 34983.1.1 (U-3826)  
 SR 1537 (DANIEL ST. EXT.)  
 FROM SR 1518 (LOOP RD.)  
 TO US 258 / NC 122









*File*

North Carolina Department of Environment and Natural Resources  
Division of Water Resources

Beverly Eaves Perdue  
Governor

Thomas A. Reeder  
Director

Dee Freeman  
Secretary

July 1, 2009

Mr. Chris Rivenbark  
NCDOT  
1598 MSC  
Raleigh, NC 27699-1598

Subject: CCPCUA Permit # CU4021 for  
NCDOT's Project U-3826 in  
Edgecombe County

Dear Mr. Thorpe:

In accordance with your application dated April 13, 2009, and associated documentation, we are forwarding Permit No. CU4021 for water use in the Central Coastal Plain Capacity Use Area in Edgecombe County. This permit allows for the withdrawal of water for the purpose of dewatering borrow pits in Edgecombe County to supply material for a road project.

Enclosed with this package is a form DWR CCPCUA-4. Form DWR CCPCUA-4 is for reporting water withdrawals, in accordance with Sections I. D. and IV. A. of your permit. Please make as many copies as necessary and send forms on a monthly basis to the address on the top of the forms.

This permit is effective from the date of issuance until April 30, 2014, and is subject to the conditions and/or limitations contained therein. In order for this permit to continue uninterrupted, please apply for permit renewal at least three (3) months before the expiration date.

Sincerely,

Nathaniel C. Wilson, Chief  
Ground Water Management Section

North Carolina  
Environmental Management Commission  
Department of Environment and Natural Resources

**Permit For The Withdrawal And Use Of Water  
In The Central Coastal Plain Capacity Use Area**

In accordance with the provisions of Part 2, Article 21 of Chapter 143, General Statutes of North Carolina as amended, and any other applicable Laws, Rules and Regulations,

**Permission Is Hereby Granted To**

NC Department of Transportation

Project No. U-3826  
(Daniel Street Road Extension (SR1537) from SR 1518 to US 258/NC122)

FOR THE

Withdrawal and Use of Water in Edgecombe County, North Carolina in accordance with the grantee's application dated April 13, 2009, and any supporting data submitted with the application, all of which are filed with the Department of Environment and Natural Resources and are considered part of this Permit.

This Permit shall be effective from the date of its issuance until April 30, 2014, and shall be subject to the specified conditions and/or limitations contained in Sections I - X of this Permit.

Permit issued this the 15<sup>th</sup> day of JULY, 2009.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION

BY



Thomas A. Reeder  
Director, Division of Water Resources

By Authority of the Secretary of the Department of Environment and Natural Resources

PERMIT #CU4021

**I. WITHDRAWALS****A. USE**

This Permit allows the withdrawal of water for the purpose of dewatering borrow pits to extract material for road construction.

**B. RATES OF WITHDRAWALS**

The maximum quantity of water that may be withdrawn shall not exceed what is established in the Reclamation Plan as specified in NCDOT's CCPCUA Special Provisions document.

**C. SOURCE(S) OF WITHDRAWALS**

Ground Water Source(s): Withdrawals shall be made from sumps in borrow pits in the surficial aquifer.

**D. MONITORING OF WITHDRAWALS**

Withdrawals from each source, whether well or sump, shall be measured by an approved metering device equipped with a totalizing indicator, and having an accuracy within plus or minus five percent.

**II. WATER LEVELS****A. MAXIMUM DRAWDOWN LEVELS**

1. Pump intakes for the well(s) shall not be set below the depth specified in the permit application or associated documentation without prior approval of the Division of Water Resources.
2. In the event that data from the permitted wells or other wells within the zone influenced by pumping of the permitted wells indicates a deterioration of quality or quantity in surrounding aquifers or the source aquifer, an alternate maximum pumping level may be established by the Division of Water Resources.

**B. MONITORING OF WATER LEVELS**

1. The pumping water level in each supply well shall be measured once a month:
  - a. by a steel or electric tape from a fixed reference point, or by using the air-line method
  - b. within accuracy limits of plus or minus one percent,
  - c. just prior to shutting off the pump, or after sufficient time of pumping, so that a maximum drawdown may be obtained, and
  - d. during the last planned pumping day of the month, or within the last five days of the month.

2. The static water level in each supply well shall be measured once a month:
  - a. by a steel or electric tape from a fixed reference point, or by using the air-line method
  - b. within accuracy limits of plus or minus one percent,
  - c. after the pump is shut off for approximately 12 hours, and
  - d. within the last five days of the month.
3. Unused supply wells or other suitable wells that may be available shall be monitored when such monitoring is specified by the Division of Water Resources and when pertinent to observation or evaluation of the effects of withdrawals made under this permit.

### III. OTHER PROVISIONS

#### A. WELL CONSTRUCTION APPROVAL

A Well Construction Permit shall be required prior to the construction of any well that will be used to withdraw any portion of the water regulated under this Permit. Application for these permits must be submitted to the Washington Regional Office, Division of Water Quality, P.O. Box 2188, Washington, NC 27889.

#### B. ACCESS TO FACILITIES

The Environmental Management Commission and employees of the Department of Environment and Natural Resources shall have reasonable access to areas owned and under control of the permittee for observation and inspection of water use and related facilities pertinent to the provisions of this permit and other regulations.

### IV. REPORTS REQUIRED

#### A. WITHDRAWALS

Monthly reports of daily withdrawal totals from each well or sump shall be furnished to the Division on a quarterly basis, within 30 days after the end of March, June, September and December.

#### B. WATER LEVELS

Water level measurements for each supply well shall be measured in accordance with Condition II. B. 1. of this permit and submitted to the Division not later than 30 days after the end of the calendar month in which the measurement was taken.

**V. MODIFICATION OR REVOCATION****A. MODIFICATION**

1. The Permittee must notify the Director of any proposed major changes in usage and apply for a modification of the permit for such changes or for any revisions of the terms of this permit.
2. The Director may modify the terms of the permit, after 60 days written notice to the permittee, if he finds that the terms of the permit and/or the resulting water use are found to be contrary to the purposes of the Water Use Act of 1967 or contrary to public interest or having an unreasonably adverse effect upon other water uses in the capacity use area. Modifications may include, but are not limited to, requirements for alternate pumping levels or the collection, analysis, and reporting of ground or surface water quality samples.

**B. REVOCATION**

The Director may revoke the permit if he finds that:

1. the Permittee has violated the terms of the permit; or
2. the terms of the Permit and/or the resulting water use are contrary to the purpose of the Water Use Act of 1967 or contrary to the public interest or having an unreasonably adverse effect upon other water uses in the capacity use area and cannot be cured by modification; or
3. the Permittee made false or fraudulent statements in the application for the water use permit; or
4. water withdrawn under the terms of the permit is used for purposes other than those set forth in the permit.

**VI. CONSTRUCTION OF PERMIT**

- A. The terms and conditions shall not be construed to relieve the Permittee of any legal obligation or liability, which it owes or may incur to third parties as the result of the conduct of its operations in conformity with this Permit.
- B. When under the terms hereof, any provision of this Permit requires approval of the Department or becomes effective at the discretion of the Department, the notice of approval or the exercise of such discretion shall be evidenced by written instrument issued by the Department.
- C. The terms and conditions of this Permit shall not be construed as a limitation of the powers, duties, and authority vested in the Environmental Management Commission or any other State, Federal, or local agency, or any applicable laws hereafter enacted.

**VII. ADDITIONAL CONDITIONS**

- A. This Permit shall be subject to any limitations or conditions in other State permits, including but not limited to permits required pursuant to North Carolina General Statutes §143-215.1.
- B. Issuance of this Permit shall have no bearing on subsequent State decision(s) regarding any other water use or other permit application(s) submitted or which may be submitted by the Permittee, its successors or assigns.
- C. Compliance with the terms and conditions in this permit does not relieve the permittee of compliance with any provision, now in force or hereafter enacted or promulgated, of the Water Use Act of 1967, the regulations promulgated thereunder, or any other provision of State law.

**VIII. PENALTIES**

Violations of the terms and conditions of this Permit are subject to penalties as set forth in North Carolina General Statutes §143-215.17.

**IX. PERMIT NONTRANSFERABLE**

Water Use Permits shall not be transferred except with approval of the Environmental Management Commission.

**X. RENEWAL OF PERMIT**

The Permittee, at least three (3) months prior to the expiration of this permit, shall request its extension. Upon receipt of the request, the Commission will review the adequacy of the facilities described therein, and if warranted, will extend the permit for such period of time and under such conditions and limitations as it may deem appropriate.

**North Carolina Department of Environment and Natural Resources**  
**Mail to: Division of Water Resources - NC DENR, Attention: Capacity Use Administration**  
**1611 Mail Service Center**  
**Raleigh, North Carolina 27699-1611**

CHECK BOX IF NO USE THIS MONTH

Sheet # \_\_\_\_\_ of \_\_\_\_\_

Permit # CU4021

NCDOT (U-3826)

Facility

Year

For month of \_\_\_\_\_

**Report of Water Withdrawals from Each Source**

Well/Sump ID →	meter readings ↓	gallons per day	Total Withdrawn						
Beginning reading →									
Day 1									
Day 2									
Day 3									
Day 4									
Day 5									
Day 6									
Day 7									
Day 8									
Day 9									
Day 10									
Day 11									
Day 12									
Day 13									
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Day 30									
Day 31									

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

DWR CCPCUA-4

January 6, 2003