



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

October 10, 2003

MEMORANDUM TO: Mr. J. M. Mills, P.E.
Division 7 Engineer

FROM: *for* Philip S. Harris, III, P.E., Manager *Beth Harmon*
Office of the Natural Environment
Project Development and
Environmental Analysis Branch

SUBJECT: Alamance County; Replace Bridge Number 94 over the Haw
River on SR 2158; State Work Order Number 8.2472701; T.I.P.
Number B-3601

Please reference the memorandum dated August 4, 2003 which transmitted the USACE NWP 23 and 33 permits. Attached is the Division of Water Quality 401 Water Quality Certification for the same project. Please attach this 401 Water Quality Certification to the previous transmittal. If you have any questions, please contact Ms. Beth Harmon at 715-1621.

PSH/eah

Attachment

cc: Ms. Debbie Barbour, P.E.
Mr. Omar Sultan
Mr. Jay Bennett, P.E.
Mr. David Chang, P.E.
Mr. Randy Garris, P.E.
Mr. Greg Perfetti, P.E.
Mr. Mark Staley
Mr. John F. Sullivan, III, FHWA
Mr. Jerry Parker, Division 7 DEO

PROJECT COMMITMENTS

Alamance County
Bridge No. 94 on SR 2158
Over Haw River
Federal Project BRSTP-2158(1)
State Project 8.2472701
TIP No. B-3601

Commitments Developed Through Project Development and Design

Roadway Design Unit, Division 7 Construction, Roadside Environmental Unit, Structure Design Unit

Bridge Demolition: Bridge No. 94 is composed of concrete with the exception of the end bents, which are composed of timber piles and concrete caps. The bridge railings, end bents and three interior bents located on the bank will be removed without dropping any of these components into waters of the U.S. There is potential for components of the bridge deck and six interior bents to be dropped into waters of the U.S. The resulting temporary fill associated with the deck and bents is approximately 100 yd³. NCDOT will adhere to the Best Management Practices (BMPs) for “Bridge Demolition and Removal” during the removal of Bridge No. 94.

Roadway Design Unit, Roadside Environmental Unit, Division 7 Construction, Structure Design

NCDOT will observe an in-water moratorium from April 1 to June 15 to minimize water quality impacts during the spawning season of sunfish and largemouth bass due to the recommendation from the Wildlife Resources Commission.

Roadway Design Unit, Roadside Environmental Unit, Division 7 Construction

Once construction of the new bridge and approaches are complete, the existing bridge will be removed. The existing approach fill will be left in place due to the large number of utilities located in the existing fill, except for that portion designated in the proposed mitigation plan for this project.

Commitments Developed Through Permitting

Division 7 Construction, Roadside Environmental Unit, Structure Design Unit, Project Development & Environmental Analysis (PDEA), Roadway Design Unit

The General Nationwide 23 & 33 Permit Conditions have been agreed to by NCDOT.

Roadside Environmental Unit

NCDOT must follow the 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* or the *North Carolina Surface Mining Manual* whichever is more appropriate (available from the Division of Land Resources (DLR) in the DENR Regional or Central Offices) shall 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 standard (50 NTUs in all fresh water streams and rivers not designated as trout waters; 25 NTUs in all lakes and reservoirs, and all saltwater classes; and 10 NTUs in trout waters).

Roadside Environmental Unit

Sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored after the Division of Land Resources has released the project.

Division 7 Construction

During the construction of the project, DOT shall strictly adhere to the *Best Management Practices for the Protection of Surface Waters* (NCDOT March 1997), specifically using all applicable preventive and control measures during the design, construction, and maintenance of the project. These measures shall be implemented prior to any ground disturbing activities.

PDEA

If an environmental document is required, the Water Quality Certification (WQC) is not valid until a FONSI or ROD is issued by the State Clearinghouse. All water quality-related conditions of the FONSI or ROD shall become conditions of the WQC.

Division 7 Construction

No wet or fresh concrete shall come into contact with waters of the state until the concrete has hardened.

Division 7 Construction

During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S.

Division 7 Construction, PDEA

There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with the WQC without appropriate modification of the WQC. Should waste of borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities.

Division 7 Construction

Removal of the old bridge is required. No discharge of bridge material into surface waters is allowed. Strict adherence to the Corps of Engineers guidelines for bridge demolition is a condition of the 401 WQC.

Division 7 Construction, Roadside Environmental Unit

The dimension, pattern and profile of the river above and below the crossing should not be modified by widening the stream channel or reducing the depth of the stream.

Disturbed floodplains and streams shall be restored to its preconstruction contours and revegetated.

Division 7 Construction

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.

Division 7 Construction

The presence of equipment in the channels must be minimized. Under no circumstances must rock, sand or other materials be dredged from the wetted stream channel under authorization of the WQC, except in the immediate vicinity of the culverts.

Division 7 Construction

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

Division 7 Construction, Roadside Environmental Unit

The post-construction removal of any temporary fill causeways will need to return the project site to its preconstruction contours and elevations. The revegetation of the impacted areas with appropriate native species may also be necessary.

Division 7 Construction, PDEA

Upon completion of the project, the NCDOT shall complete and return the "Certification of Completion Form" to notify DWQ when all work included in the 401 WQC has been completed. The responsible party shall complete the form and return it to the 401/Wetlands Unit of the DWQ upon completion of the project.

Division 7 Construction

At no time, shall more than one fill causeway be permitted within the Haw River. At no time, shall a fill causeway obstruct greater than 50 percent of the cross-section of the Haw River.

Division 7 Construction

The NCDOT shall require its contractors (and/or agents) to comply with all of the terms of the WQC, and shall provide each of its contractors (and/or agents) a copy of the WQC.



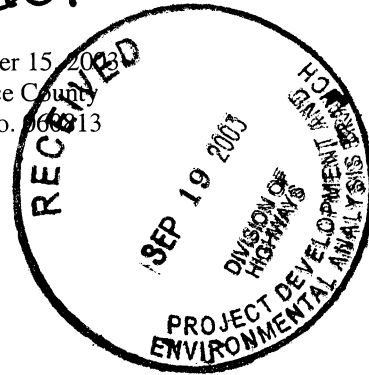
Michael F. Easley, Governor
William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

EMA

Alan W. Klimek, P.E. Director
Division of Water Quality
Coleen H. Sullins, Deputy Director
Division of Water Quality

B3601

September 15, 2003
Alamance County
DWQ No. 060013



CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Dr. Gregory J. Thorpe, PhD., Manager
Planning & Environmental Branch
N.C. Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina, 27699-1548

Re: Isolated Wetland Permit and 401 Water Quality Certification for the replacement of Bridge Number 94 on SR 2158 over the Haw River in Alamance County

Attached hereto is a copy of an Isolated Wetlands Permit pursuant to 15A NCAC 2H .1300. This permit authorizes impacts to 0.26 acres isolated wetlands for the purpose of replacing Bridge Number 94 on SR 2158 over the Haw River in Alamance County. The project shall be constructed pursuant to the application dated June 27, 2003 application and as required by the conditions listed below.

In addition, attached hereto is a copy of Certification No. 3432 issued to The North Carolina Department of Transportation dated September 15, 2003. This approval certifies impacts to 0.85 acres of surface waters pursuant to the Clean Water Act. The project shall be constructed pursuant to the application dated June 27, 2003 application and as required by the conditions listed below.

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

Sincerely,

Cyndi Kardly

for

Alan W. Klimek, P.E.

Attachments

- cc: Wilmington District Corps of Engineers
- Corps of Engineers Raleigh Field Office
- DWQ Raleigh Regional Office
- J.M.Mills, Division 7 Division Engineer
- Jerry Parker Division 7 Division Environmental Officer
- Central Files
- File Copy





NORTH CAROLINA 401 WATER QUALITY CERTIFICATION AND ISOLATED WETLANDS PERMIT

THIS PERMIT is issued in conformity with the requirements of 15A NCAC 2H .1300. In addition, 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 (DWQ) Regulations in 15 NCAC 2H, Section .0500. Attached hereto is a copy of an Isolated Wetlands Permit pursuant to 15A NCAC 2H .1300. This permit authorizes impacts to 0.26 acres isolated wetlands for the purpose of replacing Bridge Number 94 on SR 2158 over the Haw River in Alamance County. The project shall be constructed pursuant to the application dated June 27, 2003 application and as required by the conditions listed below.

In addition, attached hereto is a copy of Certification No. 3432 issued to The North Carolina Department of Transportation dated September 15, 2003. This approval certifies impacts to 0.85 acres of surface waters pursuant to the Clean Water Act. The project shall be constructed pursuant to the application dated June 27, 2003 application and as required by the conditions listed below.

Isolated Wetland & Surface Water Impacts in the Cape Fear River Basin

Section	Isolated Wetlands (acres)	Surface Water Impacts (Acres)	Total (acres)
Site 1 (Station No. 23+80)	0.26		0.26
Bridge Site (Station 23+80 to Station Number 29+29)		0.85	0.85
Total	0.26	0.85	1.11

The application provides adequate assurance that the discharge of fill material into the waters of the Haw River 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, as described in the Public Notice. Should your project change, you are required to notify the DWQ and you may be required to 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, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). 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 three years from the date of the cover letter from DWQ or on the same day as the expiration date of the corresponding Corps of Engineers Permit, whichever is sooner.

Condition(s) of Certification:

1. NCDOT must follow the 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* or the *North Carolina Surface Mining Manual* whichever is more appropriate (available from the Division of Land Resources (DLR) in the DENR Regional or Central Offices) shall 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 standard (50 NTUs in all fresh water streams and rivers not designated as trout waters; 25 NTUs in all lakes and reservoirs, and all saltwater classes; and 10 NTUs in trout waters;

2. Sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored after the Division of Land Resources has released the project;
3. During the construction of the project, DOT shall strictly adhere to the *Best Management Practices for the Protection of Surface Waters* (NCDOT March 1997), specifically using all applicable preventive and control measures during the design, construction, and maintenance of the project. These measures shall be implemented prior to any ground disturbing activities.
4. If an environmental document is required, this Certification is not valid until a FONSI or ROD is issued by the State Clearinghouse. All water quality-related conditions of the FONSI or ROD shall become conditions of this Certification;
5. No live or fresh concrete shall come into contact with waters of the state until the concrete has hardened;
6. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S.
7. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this certification. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities.
8. Removal of the old bridge is required. No discharge of bridge material into surface waters is allowed. Strict adherence the Corps of Engineers guidelines for bridge demolition will is a condition of the 401 Water Quality Certification.
9. The NCDOT will need to adhere to all appropriate in-water work moratoriums (including the use of pile driving or vibration techniques) prescribed by the NC Wildlife Resources Commission, the US Fish and Wildlife Service, and National Marine Fisheries Service.
10. The dimension, pattern and profile of the river above and below the crossing should not be modified by widening the stream channel or reducing the depth of the stream. Disturbed floodplains and streams shall be restored to its preconstruction contours and revegetated.
11. 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.
12. The presence of equipment in the channels must be minimized. Under no circumstances must rock, sand or other materials be dredged from the wetted stream channel under authorization of this permit, except in the immediate vicinity of the culverts.
13. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
14. The post-construction removal of any temporary fill causeways will need to return the project site to its preconstruction contours and elevations. The revegetation of the impacted areas with appropriate native species may also be necessary.



15. Upon completion of the project, the NCDOT shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed. The responsible party shall complete the attached form and return it to the 401/Wetlands Unit of the Division of Water Quality upon completion of the project.
16. At no time, shall more than one fill causeway be permitted within the Haw River. At no time, shall a fill causeway obstruct greater than 50 percent of the cross-section of the Haw River.
17. The NCDOT will need to adhere to all appropriate in-water work moratoriums (including the use of pile driving or vibration techniques) prescribed by the NC Wildlife Resources Commission and the US Fish and Wildlife Service.
18. The NCDOT shall require its contractors (and/or agents) to comply with all of the terms of this certification, and shall provide each of its contractors (and/or agents) a copy of 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. The Isolated Wetlands Permit shall become null and void three years from the date of issuance.

If this Certification and/or Permit are 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, P.O. Box 27447, Raleigh, N.C. 27611-7447. 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 15th day of September 2003

DIVISION OF WATER QUALITY

A handwritten signature in cursive script that reads "Cyndi Karoly".

 Alan W. Klimek, P.E.
Director

WQC No. 3432



Certificate of Completeness

DWQ Project No.: _____ County: _____

Applicant: _____

Project Name: _____

Date of Issuance of 401 Water Quality Certification: _____

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/Wetlands Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1621. This form may be returned to DWQ 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: _____

If this project was designed by a Certified Professional

I, _____, as a duly registered Professional _____ (i.e., Engineer, Landscape Architect, Surveyor, ect.) 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 _____