



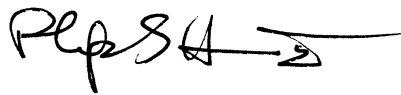
STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

May 23, 2005

MEMORANDUM TO: Mr. Jon G. Nance, P.E.
Division 5 Engineer

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

SUBJECT: Wake County; Division 5; Replace Bridge No. 317 on SR 1404 over
Middle Creek; State Project No. 8.2407801; TIP Project No. B-3703

Attached is the modification to WQC Project No. 041738.

PSH/gyb

Attachment

cc: Mr. Art McMillan, 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. Chris Murray, Division 5 DEO
Ms. Cathy Houser, PE

PROJECT COMMITMENTS

Replace Bridge No. 317
on SR 1404 over Middle Creek
Federal Aid Project BRZ-1404(4)
State Project 8.2407801
TIP No. B-3703

In addition to the standard Nationwide Permit 23 and 33 conditions, the General Nationwide Permit Conditions, Section 404 Only Conditions, Regional Conditions, State Consistency Conditions, NCDOT's Guidelines for Best Management Practices for the Protection of Surface Waters, NCDOT's Guidelines for Best Management Practices for Bridge Demolition and Removal, General Certification Conditions, and the Section 401 Conditions of Certification, the following Environmental Commitments have been agreed to by NCDOT:

Commitments Developed through Permit Modifications

No new special permit conditions are stated in the attached permit. All standard permit conditions apply to this project and all other conditions written into previous Water Quality Certifications and Neuse River Riparian Buffer Certifications for this project still apply.



May 18, 2005
Wake County
DWQ Project No. 041738
TIP No. B-3703

MODIFICATION of APPROVAL of 401 Water Quality Certification and Neuse River Buffer Rules

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

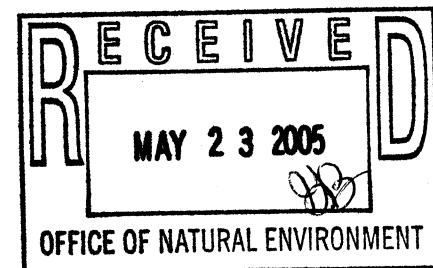
Dear Dr. Thorpe:

Re: Modification to Certification Pursuant to Section 401 of the Federal Clean Water Act and Neuse Buffer Rules, Modification to the construction of Bridge No. 317 over Middle Creek on SR 1404, Division 5, TIP No. B-3703, Federal Aid Project No. BRZ-1404(4), WQC Project No. 041738, Wake County.

You have our approval, in accordance with the attached conditions to impact an additional 963 sq.ft. of Zone 1, and 1470 sq.ft. of Zone 2, within the Neuse River Riparian Buffer area, on the west side of Bridge No. 317 over Middle Creek on SR 1404 in Wake County. The project shall be constructed in accordance with your application dated October 25, 2004 (received October 28, 2005) and modified on May 11, 2005. After reviewing your application, we have decided that this impact is covered by General Water Quality Certification Numbers 3403 and 3366. This certification corresponds to the Nationwide Permit 23 and the Nationwide Permit 33 issued by the Corps of Engineers. In addition, you should acquire any other federal, state or local permits before you proceed with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations. This approval will expire with the accompanying 404 permit, unless otherwise specified in the Water Quality Certification.

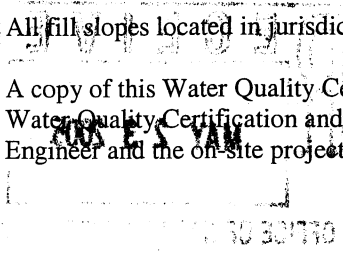
This approval is valid solely for the purpose and design described in your application dated October 25, 2004 and May 11, 2005 (unless modified below). Should your project change, you must notify the DWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If total wetland fills for this project (now or in the future) exceed one acre, or of total impacts to streams (now or in the future) exceed 150 linear feet, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7).

- 1.) 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.
- 2.) All stormwater runoff shall be directed to sheetflow through stream buffers at nonerosive velocities, unless approved otherwise by this certification.





- 3.) 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.
- 4.) Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.
- 5.) The dimension, pattern and profile of the stream 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 should be restored to natural geomorphic conditions.
- 6.) Any riprap used must not interfere with thalweg performance and aquatic life passage during low flow conditions.
- 7.) 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.
- 8.) Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
- 9.) 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.
- 10.) There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit. 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.
- 11.) Pursuant to NCAC15A 2B.0233(6), sediment and erosion control devices shall not be placed in Zone 1 of any Neuse Buffer without prior approval by the NCDWQ. At this time, the 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.
- 12.) Heavy equipment must be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the likelihood of introducing other pollutants into the stream.
- 13.) No live or fresh concrete shall come into contact with waters of the state until the concrete has hardened.
- 14.) 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.
- 15.) All work shall be performed during low or normal flow conditions.
- 16.) All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1.
- 17.) A copy of this Water Quality Certification shall be posted 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.





18.) All protected riparian buffers impacted by the placement of temporary fill or clearing activities shall be restored to the preconstruction contours and revegetated with native woody species upon completion of the project construction. A post-construction as-built with the restoration activities included shall be submitted to the DWQ no later than 60 days after the project is closed out by the Department of Transportation.

If you do not accept any of the conditions of this certification, you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition that conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, P.O. Box 27447, Raleigh, N.C. 27611-7447. This certification and its conditions are final and binding unless you ask for a hearing. This letter completes the review of the Division of Water Quality under Section 401 of the Clean Water Act. If you have any questions, please contact Christina Breen at (919) 733-9604.

Sincerely,

A handwritten signature in black ink that reads "Alan W. Klimek".

Alan W. Klimek, P.E.

JEH/cmb

Attachment

cc: Mr. Eric Alsmeyer, US Army Corps of Engineers, Raleigh Field Office
Mr. John Nance, Division 5 Engineer, 2612 N. Duke Street, Durham, NC 27704
Mr. Chris Murray, Division 5 Environmental Officer, 2612 N. Duke Street, Durham, NC 27704
Ms. Rachelle Beauregard, ONE, 2728-168 Capital Blvd, Parker Lincoln Bldg, Raleigh, NC 27604
NC DWQ Raleigh Regional Office
Central Files
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