



North Carolina Department of Environment and Natural Resources

Division of Land Resources

Land Quality Section

James D. Simons, PG, PE
Director and State Geologist

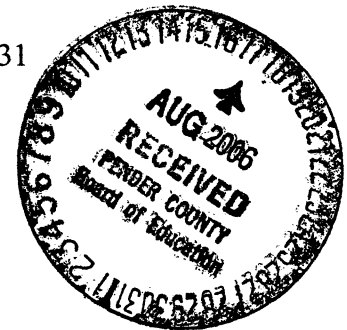
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MORRISHEAD
Michael F. Easley, Governor
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August 16, 2006

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

Pender County Schools
Mr. Ted Kaniuka, Superintendent
925 Penderlea Highway
Burgaw, NC 28425

RE: Project Name: New Topsail High School Acres Approved: 31
Project ID: **Pende-2007-019**
County/Town/Street: Pender, Hampstead, US 17
River Basin: Cape Fear
Submitted By: Norris, Kuske & Tunstall
Date Received by LQS: July 13, 2006
Plan Type: NEW



Dear Mr. Kaniuka:

This office has reviewed the subject erosion and sedimentation control plan and hereby issues this Letter of Approval with Modifications and Performance Reservations. A list of the modifications and reservations is attached. This plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, as is required by Title 15A NCAC 4B .0129. Should the plan not perform adequately, a revised plan will be required (G.S. 113A-54.1)(b).

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

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

Letter of Approval with Modifications and Performance Reservations

Mr. Ted Kaniuka

August 15, 2006

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

Please be aware that your project will be covered by the enclosed NPDES General Stormwater Permit NCGO1000 (Construction Activities). You should first become familiar with all of the requirements for compliance with the enclosed general permit.

Please note that this approval is based in part on the accuracy of the information provided in the Financial Responsibility Form, which you have provided. You are requested to file an amended form if there is any change in the information included on the form. In addition, it would be helpful if you notify this office of the proposed starting date for this project. Please notify us if you plan to have a preconstruction conference.

Your cooperation is appreciated.

Sincerely,



Chastity Clark
Assistant Regional Engineer
Land Quality Section

Enclosures: Certificate of Approval
Modifications and Performance Reservations
NPDES Permit

cc: J. Phillip Norris, PE, Norris, Kuske & Tunstall
LQS-WiRO

MODIFICATIONS AND PERFORMANCE RESERVATIONS

Project Name: **New Topsail High School**

Project ID: **Pende-2007-019**

County: **Pender**

1. This plan approval shall expire three (3) years following the date of approval, if no land disturbing activity has been undertaken, as is required by Title 15A NCAC 4B.0029.
2. The developer is responsible for the control of sediment on-site. If the approved erosion and sedimentation control measures prove insufficient, the developer must take those additional steps necessary to stop sediment from leaving this site. Each sediment storage device must be inspected after each storm event. Maintenance and/or clean out is necessary anytime the device is at 50% capacity.
3. Any and all existing ditches on this project site are assumed to be left undisturbed by the proposed development unless otherwise noted. The removal of vegetation within any existing ditch or channel is prohibited unless the ditch or channel is to be regraded with side slopes of 2 horizontal to 1 vertical or less steep. Bank slopes may be mowed, but stripping of vegetation is considered new earthwork and is subject to the same erosion control requirements as new ditches.
4. The developer is responsible for obtaining any and all permits and approvals necessary for the development of this project prior to the commencement of this land disturbing activity. This could include agencies such as the Division of Water Quality's stormwater regulations, their enforcement requirements within Section 401 of the Clean Water Act, the U.S. Army Corps of Engineers' jurisdiction of Section 404 of the Clean Water Act, the Division of Coastal Management's CAMA requirements, the Division of Solid Waste Management's landfill regulations, the Environmental Protection Agency and/or The U.S. Army Corps of Engineers jurisdiction of the Clean Water Act, local County or Municipalities' ordinances, or others that may be required. This approval cannot supersede any other permit or approval; however, in the case of a Cease and Desist Order from the Corps of Engineers, that Order would only apply to wetland areas. All highland would still have to be in compliance with the N.C. Sedimentation Pollution Control Act.
5. If any area on site falls within the jurisdiction of Section 401 or 404 of the Clean Water Act, the developer is responsible for compliance with the requirements of the Division of Water Quality, the Corps of Engineers and the Environmental Protection Agency (EPA) respectively. Any erosion control measures that fall within jurisdictional wetland areas must be approved by the aforementioned agencies prior to installation. The Land Quality Section must be notified of a relocation of the measures in question to the transition point between the wetlands and the uplands to assure that the migration of sediment will not occur. If that relocation presents a problem or contradicts any requirements of either DWQ, the Corps, or the EPA, it is the responsibility of the developer to inform the Land Quality Section regional office so that an

adequate contingency plan can be made to assure sufficient erosion control remains on site. Failure to do so will be considered a violation of this approval.

6. Any borrow material brought onto this site must be from a legally operated mine or other approved source. A single use borrow site or an area to waste material is only permissible if it is operated under the total control of the Financially Responsible person or firm who is developing this site and has been separately permitted and incorporated as part of this plan meeting all the requirements of NC General Statute 74-49(7)f.
7. This permit allows for a land disturbance, as called for on the application plan, not to exceed 31 acres. Exceeding that acreage will be a violation of this permit and would require a revised plan and additional application fee. Any addition in impervious surface, over that already noted on the approved plan, would also require a revised plan to verify the appropriateness of the erosion control measures and stormwater retention measures.
8. The construction detail for the proposed silt fence requires reinforcing wire and posts a maximum of 8 feet apart. Omission of the reinforcing wire is a construction change that necessitates more posts for support, i.e., the spacing distance needs to be reduced to no greater than 6 feet apart.
9. Because the temporary silt basins are shown on the plan as the primary sedimentation and erosion control devices on this project, it is necessary that the basins and their collection systems be installed before any other grading takes place on site. If that proves to be impractical, a revised plan must be submitted and approved that addresses erosion and sediment control needs during the interim period until the basins are fully functioning.
10. A graveled construction entrance must be located at each point of access and egress available to construction vehicles during the grading and construction phases of this project. Access and egress from the project site at a point without a graveled entrance will be considered a violation of this approval. Routine maintenance of the entrances is critical.
11. Approval is conditional upon receiving one copy of a revised plan that includes a stockpile area encased with silt fence.
12. The North Carolina Sedimentation Pollution Control Act mandates a shortened time frame in which to re-establish vegetative groundcover. Slopes (including cuts, fills, and ditch banks) left exposed will, within 21 calendar days after completion of any phase of grading, be planted or otherwise provided with groundcover sufficient to permanently restrain erosion.