



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

November 4, 2014

Martin Lashua, Vice President of Operations
Carolina Water Service, Inc. of North Carolina
P.O. Box 240908
Charlotte, NC 28224-0908

**Subject: State Stormwater Management Permit No. SW8 140914
Belvedere Plantation Treated Wastewater Application Site
Low Density Project
Pender County**

Dear Mr. Lashua:

The Wilmington Regional Office received a complete Stormwater Management Permit Application for Belvedere Plantation on September 24, 2014. Staff review of the plans and specifications has determined that the project, as proposed, will comply with the Stormwater Regulations set forth in Session Law 2008-211 and Title 15A NCAC 2H.1000. We are forwarding Permit No. SW8 140914, dated November 4, 2014, for the construction of the built-upon area associated with the subject project.

This permit shall be effective from the date of issuance until rescinded and shall be subject to the conditions and limitations as specified therein, and does not supersede any other agency permit that may be required. Please pay special attention to the conditions listed in this permit regarding the Operation and Maintenance of the BMP(s), recordation of deed restrictions, certification of the project, procedures for changing ownership, and transferring the permit. Failure to establish an adequate system for operation and maintenance of the stormwater management system, to record deed restrictions, to certify the project or to transfer the permit in a timely manner, will result in future compliance problems.

If the property for this project has been/will be sold or legally transferred to another entity OR, the project or permit holder has changed its name and/or mailing address, it is your responsibility as the permittee to submit a completed and signed Name/Ownership change form to DEMLR at least 30 calendar days prior to making the changes. These forms are available on our website at: http://portal.ncdenr.org/web/lr/state-stormwater-forms_docs.

If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing by filing a written petition with the Office of Administrative Hearings (OAH). The written petition must conform to Chapter 150B of the North Carolina General Statutes. Per NCGS 143-215(e) the petition must be filed with the OAH within thirty (30) days of receipt of this permit. You should contact the OAH with all questions regarding the filing fee (if a filing fee is required) and/or the details of the filing process at 6714 Mail Service Center, Raleigh, NC 27699-6714, or via telephone at 919-431-3000, or visit their website at www.NCOAH.com. Unless such demands are made this permit shall be final and binding.

If you have any questions, or need additional information concerning this matter, please contact Steve Pusey at (910) 796-7215.

Sincerely,


For Tracy Davis, P.E., Director
Division of Energy, Mineral and Land Resources

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cc: James H. Fentress, Jr., PE - Stroud Engineering, PA
Pender County Inspections
NCDOT District Engineer
Division of Coastal Management
Wilmington Regional Office Stormwater File

Division of Energy, Mineral, and Land Resources
Land Quality Section - Wilmington Regional Office
127 Cardinal Drive Extension, Wilmington, North Carolina 28405 • (910) 796-7215 / Fax: (910) 350-2004

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF ENERGY, MINERAL AND LAND RESOURCES

STATE STORMWATER MANAGEMENT PERMIT
LOW DENSITY DEVELOPMENT

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

PERMISSION IS HEREBY GRANTED TO
Carolina Water Service, Inc. of North Carolina
Belvedere Plantation Treated Wastewater Application Site
Sloop Point Road, Pender County

FOR THE

construction, operation and maintenance of a 12% low density project in compliance with the provisions of Session Law 2008-211 and Title 15A NCAC 2H .1000 (hereafter collectively and separately referred to as the "stormwater rules") and the approved stormwater management plans and specifications, and other supporting data as attached and on file with and approved by the Division and considered a part of this permit.

The Permit shall be effective from the date of issuance until rescinded and shall be subject to the following specific conditions and limitations:

I. DESIGN STANDARDS

1. The overall tract built-upon area percentage for the project must be maintained at 12% per the requirements of the stormwater rules. This permit covers the construction of a total of 113,953 square feet of built-upon area (BUA), which includes 19,310 square feet of proposed BUA and 94,643 square feet of future BUA allocation.
2. Where a project or lot is located within CAMA's Area of Environmental Concern (AEC), the Division of Coastal Management may calculate a different maximum built-upon area based on CAMA regulations. Whichever BUA limit (DCM or DEMLR) is the more restrictive will govern.
3. The only runoff conveyance systems allowed will be vegetated conveyances such as swales with minimum side slopes of 3:1 (H:V) as defined in the stormwater rules and approved by the Division.
4. No piping shall be allowed except those minimum amounts necessary to direct runoff beneath an impervious surface such as a road or under driveways to provide access.
5. The permittee has stated that no surface waters exist within 50 feet of the permitted property. If surface waters are subsequently identified on or near the permitted area, then under Session Law 2008-211, it will be necessary to provide a 50' wide vegetative buffer measured horizontally from and perpendicular to the normal pool of impounded structures, the top of bank of each side of streams and rivers and the mean high water line of tidal waters. Any runoff directed into and through the vegetated buffer will be required to flow through the buffer in a diffuse manner. Roof drains will be required to terminate at the outer edge of the buffer.

6. Stormwater runoff that is directed to flow through any wetlands shall flow into and through these wetlands at a non-erosive velocity.
7. Within ½ mile of SA waters, direct points of stormwater discharges to SA waters are prohibited. Infiltration of the design storm runoff or diffuse flow of stormwater at a non-erosive velocity to a vegetated buffer or other natural area, that is capable of providing effective infiltration of the runoff from the design storm, shall not be considered a direct point of stormwater discharge.

II. SCHEDULE OF COMPLIANCE

1. No person shall alter the approved stormwater management system or fill in, alter, or pipe any drainage feature (such as swales) shown on the approved plans as part of the stormwater management system, except for minimum driveway crossings, unless and until the permittee submits a modification to the permit and receives approval from the Division.
2. The permittee is responsible for verifying that the proposed built-upon area for the entire project does not exceed the maximum allowed by this permit.
3. Swales, vegetated areas and other vegetated conveyances shall be constructed in their entirety, vegetated, and operational for their intended use prior to the construction of any built-upon surface, per the approved plans.
4. During construction, erosion shall be kept to a minimum and any eroded areas of the swales or other vegetated conveyances will be repaired immediately.
5. The permittee shall at all times provide and perform the operation and maintenance necessary as listed in the signed Operation and Maintenance Agreement, such that the permitted stormwater management system functions at its optimum efficiency.
6. Built upon area includes, but is not limited to, structures, asphalt, concrete, gravel, brick, stone, slate, coquina, driveways, and parking areas, but does not include raised, open wood decking, or the water surface of swimming pools.
7. The permittee shall submit to the Director and shall have received approval for revised plans, specifications, and calculations prior to construction, for any modification to the approved plans, including, but not limited to, those listed below:
 - a. Any revision to the approved plans, regardless of size.
 - b. Redesign or addition to the approved amount of built-upon area.
 - c. Further subdivision, acquisition or sale of the project area in whole or in part. The project area is defined as all property owned by the permittee, for which Sedimentation and Erosion Control Plan approval or a CAMA Major permit was sought.
 - d. Filling in, piping, or altering any vegetative conveyance shown on the approved plan, except the minimum driveway crossings.
 - e. The development of any future area or additional phase(s) noted on the approved plans.
8. The permittee must certify in writing that the project's stormwater controls, and impervious surfaces have been constructed within substantial intent of the approved plans and specifications. Any deviation from the approved plans must be noted on the Certification. The permittee shall submit the Certification to the Division within 30 days of completion of the project.
9. The permittee shall submit all information requested by the Director or his representative within the time frame specified in the written information request.
10. The Director may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the Director for modifying the site to meet minimum requirements. The permittee shall provide copies of revised plans and certification in writing to the Director that the changes have been made.

III. GENERAL CONDITIONS

1. This permit is not transferable to any person or entity except after notice to and approval by the Director. A request to transfer the permit will be considered on its merits and may or may not be approved. The permittee shall complete, sign and submit a Name/Ownership Change Form available online. The Name/Ownership Change Form must be accompanied by the supporting documentation as listed on the form and must be submitted to the appropriate Regional Office of the Division at least 60 days prior to any one or more of the following events:
 - a. The sale or conveyance of the project area in whole or in part;
 - b. The dissolution of the corporate entity, LLC, or General Partnership;
 - c. Bankruptcy and/or foreclosure proceedings;
 - d. A name change of the permittee;
 - e. A name change of the project;
 - f. A mailing address change of the permittee.
2. The Permittee is responsible for compliance with all the terms and conditions of this permit until such time as the Division approves the permit transfer in writing. Neither the sale of the project area, in whole or in part, nor the conveyance of common area to a third party constitutes an approved transfer of the stormwater permit.
3. Failure to abide by the conditions and limitations contained in this permit may subject the Permittee to enforcement procedures by the Division, in accordance with North Carolina General Statutes 143-215.6A to 143-215.6C.
4. The permit issued shall continue in force and effect until revoked or terminated.
5. The permit may be modified, revoked and reissued or terminated for cause. The filing of a request for a permit modification, revocation and re-issuance, or termination does not stay any permit condition.
6. The issuance of this permit does not prohibit the Director from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit for cause as allowed by the laws, rules, and regulations contained in Title 15A of the North Carolina Administrative Code, Subchapter 2H.1000; and North Carolina General Statute 143-215.1 et. al.
7. The issuance of this permit does not preclude the Permittee from complying with and obtaining any and all other permits or approvals that are required in order for this development to take place, as required by any statutes, rules, regulations, or ordinances, which may be imposed by any other Local, State or Federal government agency having jurisdiction. Any activities undertaken at this site that cause a water quality violation or undertaken prior to receipt of the necessary permits or approvals to do so are considered violations of NCGS 143-215.1, and subject to enforcement procedures pursuant to NCGS 143-215.6.
8. Any person or entity found to be in noncompliance with the provisions of this stormwater permit or the requirements of the stormwater rules under 15A NCAC 02H.1000 as amended under Session Law 2008-211, is subject to enforcement procedures as set forth in N.C.G.S. 143, Article 21.
9. Approved plans, application, supplements, operation & maintenance agreements and specifications for projects covered by this permit are incorporated by reference and are enforceable parts of the permit. A copy of this permit, application, supplements, the operation and maintenance agreements, and the approved plans and specifications shall be maintained on file by the Permittee at all times.
10. The Permittee grants permission to DENR Staff to enter the property during normal business hours for the purposes of inspecting the stormwater control system and its components.
11. Unless specified elsewhere, permanent seeding requirements for the swales must follow the guidelines established in the North Carolina Erosion and Sediment Control Planning and Design Manual.

Permit issued this the 4th day of November, 2014.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION



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