



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

Pat McCrory  
Governor

Thomas A. Reeder  
Director

John E. Skvarla, III  
Secretary

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September 24, 2013  
Pitt County  
DWQ Project No. 20130884  
Bridge 63

**APPROVAL of NEUSE RIVER BUFFER RULES (15A NCAC 2B .0233) AUTHORIZATION CERTIFICATE**

Mr. Jay Johnson  
North Carolina Department of Transportation  
P.O. Box 1587  
Greenville, NC 27835

Dear Mr. Johnson:

You have our approval, in accordance with the conditions listed below, for the following impacts for the purpose of replacing Bridge Number 63 over Fork Swamp on NC 102 in Pitt County:

**Buffer Impacts in the Neuse Basin**

Site	Buffer Zone 1 (sq ft)	Buffer Zone 2 (sq ft)
Bridge 63	195	2260
Net Total Impacts	2,455	

This approval is only valid for the purpose and design that you submitted in your application dated received August 20, 2013 and additional information received via e-mail September 16, 2013. 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 authorization is valid solely for the purpose and design described in your application (unless modified below). Should your project change, you must notify the DWR and submit a new application. If the property is sold, the new owner must be given a copy of this authorization letter, and is thereby responsible for complying with all the conditions. For this authorization to remain valid, you must adhere to the following conditions.

1. The issuance of this authorization 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.
2. The Permittee shall ensure that the final design drawings adhere to the authorization and to the drawings submitted for approval.

3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this authorization.
12. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this authorization.
13. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
14. Native riparian vegetation (ex. list 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.
15. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this authorization 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.
16. Strict adherence to the most recent version of NCDOT's Best Management Practices For Bridge Demolition and Removal approved by the US Army Corps of Engineers is a condition of the Buffer Authorization.
17. Bridge piles and bents shall be constructed using driven piles (hammer or vibratory) or drilled shaft construction methods. More specifically, jetting or other methods of pile driving are prohibited without prior written approval from NCDWR.
18. A turbidity curtain will be installed in the stream if driving or drilling activities occur within the stream channel, on the stream bank, or within 5 feet of the top of bank. This condition can be waived with prior approval from DWR.

19. Bridge deck drains shall 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*.
20. All stormwater runoff shall be directed as sheetflow through stream buffers at nonerosive velocities, unless otherwise approved by this authorization.
21. Pursuant to 15A NCAC 2B .0233(6), sediment and erosion control devices shall not be placed in Zone 1 of any Neuse Buffer without prior approval by NCDWR. At this time, NCDWR 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.
22. New roadside ditches must be in compliance with the nitrogen control and diffuse flow requirements outlined in 15A NCAC 2B .0233.
23. 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.
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 DWR 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, DWR may reevaluate and modify this authorization.
25. The Permittee shall report any violations of this authorization to the Division of Water Resources within 24 hours of discovery.
26. Upon completion of the project (including any impacts at associated borrow or waste site), the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify DWR when all work included in the authorization has been completed.
27. A copy of this Buffer Authorization shall be maintained on site at the construction site at all times.

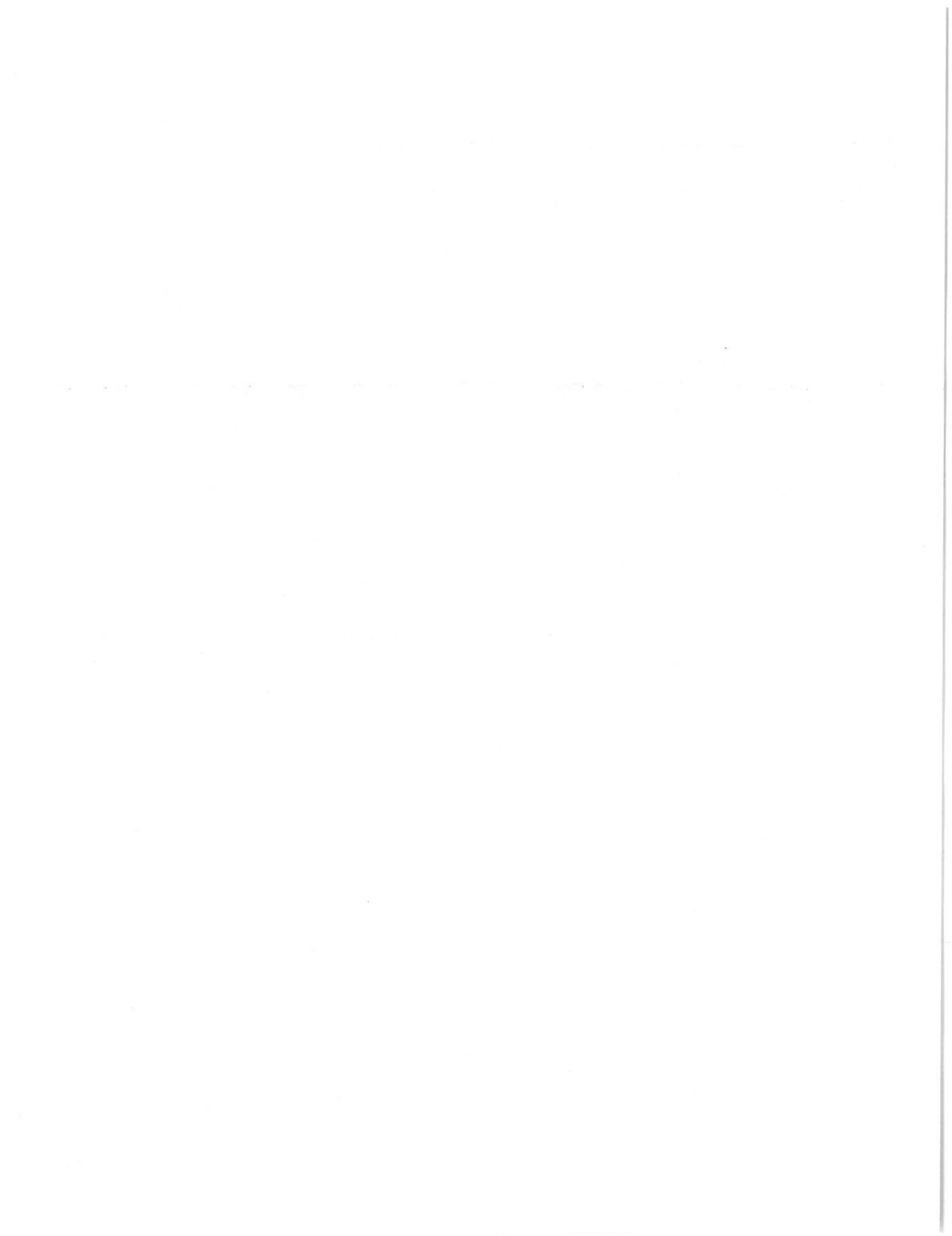
This letter completes the review of the "No Practical Alternatives" determination under 15A NCAC 2B .0233. This letter does not authorize any impacts to either Waters of the United States or Waters of the State. Please contact the US Army Corps of Engineers (USACE) or NC Division of Water Resources (DWR) if any impacts are proposed to either of these waters. If you have any questions, please telephone Garcy Ward of the Washington Regional Office at 252-946-6481.

Sincerely,



for Thomas A. Reeder

cc: Tom Steffens, US Army Corps of Engineers, Washington Field Office  
Sonia Carrillo, DWQ, Transportation Permitting Unit  
File Copy



DWR 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 Transportation Permitting Unit, North Carolina Division of Water Resources, 1650 Mail Service Center, Raleigh, NC, 27699-1650. This form may be returned to DWR 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 \_\_\_\_\_

