Water Resources
ENVIRONMENTAL QUALITY

PAT MCCRORY
Governor

DONALD R VAN DER VAART
Secretary

S JAY ZIMMERMAN
Director

July 20, 2016
Franklin County
NCDWR Project No 20160673
Bridge 26 on NC 98
State Project No 17BP 5 R 50

APPROVAL of 401 WATER QUALITY CERTIFICATION and TAR-PAMLICO BUFFER AUTHORIZATION with ADDITIONAL CONDITIONS

Mr. J. Hopkins, P E , Division Engineer
NCDOT, Division 5
2612 North Duke Street
Durham, NC 27704

Dear Mr. Hopkins·

You have our approval, in accordance with the conditions listed below, for the following impacts for the purpose of replacing Bridge 26 in Franklin County

Stream Impacts in the Tar-Pamlico River Basin

Site	Riprap to Perennial Stream (linear ft)	Total Stream Impact (linear ft)
Total	79	79

Total Stream Impact for Project: 79 linear feet.

Wetland Impacts in the Tar-Pamlico River Basin

Site	Mechanized Clearing (ac)	Total Wetland Impact (ac)
Total	0.01	0.01

Total Wetland Impact for Project: 0.01 acres.

Tar-Pamlico Riparian Buffer Impacts

Site	Zone 1 Impact (sq ft)	Zone 1 Buffer Mitigation Required (using 3:1 ratio)		Zone 2 Impact (sq ft)	Zone 2 Buffer Mitigation Required (using 1 5:1 ratio)
Totals	7032	N/A		3720	N/A

* n/a = Total for Site is less than 1/3 acre and 150 linear feet of impact, no mitigation required

Total Buffer Impact for Project: 10752 square feet.

The project shall be constructed in accordance with your application received July 7, 2016. After reviewing your application, we have decided that these impacts are covered by General Water Quality Certification Number 3883. This certification corresponds to the Nationwide Permit 3 issued by the Corps of Engineers This approval is also valid for the Tar-Pamlico Riparian Buffer Rules (15A NCAC .02B .0295) 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

This approval is valid solely for the purpose and design described in your application (unless modified below). Should your project change, you must notify the NCDWR 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). Additional buffer impacts may require compensatory mitigation as described in 15A NCAC 2B 0259 For this approval to remain valid, you must adhere to the conditions listed in the attached certification and any additional conditions listed below

Conditions of Certification.

1 The post-construction removal of any temporary bridge structures must return the project site to its preconstruction contours and elevations. The impacted areas shall be revegetated with appropriate native species. [15A NCAC 02H 0506(b)(2)

2. As a condition of this 401 Water Quality Certification, the bridge demolition and construction must be accomplished in strict compliance with the most recent version of NCDOT's Best Management Practices for Construction and Maintenance Activities. [15A NCAC 02H 0507(d)(2) and 15A NCAC 02H 0506(b)(5)]

3 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. To meet the requirements of NCDOT's NPDES permit NCS0000250, please refer to the most recent version of the *North Carolina Department of Transportation Stormwater Best Management Practices Toolbox* manual for approved measures. [15A NCAC 02H 0507(d)(2) and 15A NCAC 02H 0506(b)(5)]

4 No drill slurry or water that has been in contact with uncured concrete shall be allowed to enter surface waters. This water shall be captured, treated, and disposed of properly [15A NCAC 02H 0506(b)(3)]

5 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.[15A NCAC 2B 0259]

6. Pursuant to 15A NCAC 2B 0259(6), sediment and erosion control devices shall not be placed in Zone 1 of any Tar-Pamlico Buffer without prior approval by the NCDWR. At this time, the 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

7 All stormwater runoff shall be directed as sheetflow through stream buffers at non-erosive velocities, unless otherwise approved by this certification. [15A NCAC 2B 0259]

8 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. [15A NCAC 02B 0200]

9 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. [15A NCAC 02H.0506(b)(2)]

10 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. [15A NCAC 02H.0506(b)(2)]

11 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. [15A NCAC 02H 0506(b)(2)]

12. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval. [15A NCAC 02H 0507 (c) and 15A NCAC 02H 0506 (b)(2) and (c)(2)]

13 All work in or adjacent to stream waters shall be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water [15A NCAC 02H.0506(b)(3) and (c)(3)]

14 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. [15A NCAC 02H.0506(b)(3)]

15 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. [15A NCAC 02H.0506(b)(3)]

16 No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification. [15A NCAC 02H.0506(b)(3)]

17 Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited. [15A NCAC 02H.0506(b)(3)]

18. 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 the NCDWR 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, the NCDWR may reevaluate and modify this certification. [15A NCAC 02B 0200]

19 A copy of this Water Quality Certification shall be maintained 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 [15A NCAC 02H 0507(c) and 15A NCAC 02H 0506 (b)(2) and (c)(2)]

20 The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization, including all non-commercial borrow and waste sites associated with the project, 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. [15A NCAC 02H.0501 and 0502]

21 The issuance of this certification 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.

22. The Permittee shall report any violations of this certification to the Division of Water Resources within 24 hours of discovery [15A NCAC 02B 0506(b)(2)]

23 Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer (or whomever is the authorized agent if a non-NCDOT project) shall complete and return the enclosed "Certification of Completion Form" to notify the NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0502(f)]

24 Native riparian vegetation (i.e., trees and shrubs native to your geographic region) must be reestablished in the riparian areas within the construction limits of the project by the end of the growing season following completion of construction. [15A NCAC 02B 0506(b)(2)]

25 There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit 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. [15A NCAC 02H.0506(b)(3) and (c)(3)]

26. 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 [15A NCAC 02H 0506(b)(3) and (c)(3]).

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.

27 Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification [15A NCAC 02H 0506(b)(3) and (c)(3)]

If you wish to contest any statement in the attached Certification you must file a petition for an administrative hearing You may obtain the petition form from the office of Administrative hearings You must file the petition with the office of Administrative Hearings within sixty (60) days of receipt of this notice A petition is considered filed when it is received in the office of Administrative Hearings during normal office hours The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8·00am and 5 00pm, except for official state holidays The original and one (1) copy of the petition must be filed with the Office of Administrative Hearings

The petition may be faxed-provided the original and one copy of the document is received by the Office of Administrative Hearings within five (5) business days following the faxed transmission
The mailing address for the Office of Administrative Hearings is

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714
Telephone· (919) 431-3000, Facsimile (919) 431-3100

A copy of the petition must also be served on DEQ as follows

Mr. Sam M Hayes, General Counsel
Department of Environmental Quality
1601 Mail Service Center

This letter completes the review of the Division of Water Resources under Section 401 of the Clean Water Act If you have any questions, please contact Rob Ridings at 919-707-8786

Sincerely,

S Jay Zimmerman, Director
Division of Water Resources

Electronic copy only distribution:
Eric Alsmeyer, US Army Corps of Engineers, Raleigh Field Office
Chris Murray, Division 5 Environmental Officer
File Copy

Water Resources
ENVIRONMENTAL QUALITY

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S JAY ZIMMERMAN
Director

NCDWR 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, 1617 Mail Service Center, Raleigh, NC, 27699-1617 This form may be returned to NCDWR 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 _____