

State of North Carolina
Department of Environment,
Health and Natural Resources
Division of Water Quality

James B. Hunt, Jr., Governor
Jonathan B. Howes, Secretary
A. Preston Howard, Jr., P.E., Director



April 22, 1997

Mr. Franklin Vick
N.C. Department of Transportation
Planning and Environmental Branch
P.O. Box 25201
Raleigh, NC 27611-5201

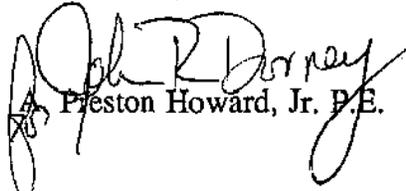
Dear Mr. Vick,

Re: Certification Pursuant to Section 401 of the Federal Clean Water Act,
Proposed Greensboro Eastern/Northern Loup
WQC Project #960957, COE #199600243
Guilford County

Attached hereto is a copy of Certification No. 3138 issued to N. C. Department of
Transportation dated 22 April, 1997.

If we can be of further assistance, do not hesitate to contact us.

Sincerely,



Preston Howard, Jr. P.E.

Attachments

960957.wqc

cc: Wilmington District Corps of Engineers
Corps of Engineers Raleigh Field Office
Winston-Salem DWQ Regional Office
Mr. John Dorney
Mr. John Parker, Division of Coastal Management
Central Files



NORTH CAROLINA 401 WATER QUALITY CERTIFICATION

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (DWQ) Regulations in 15 NCAC 2H, Section .0500 to N.C. Department of Transportation resulting in 7.57 acres of waters including 5.89 acres of wetland impact and 3,404 linear feet of stream in Guilford County pursuant to an application filed on the 20th day of September, of 1996 and the 9th day of April 1997 to construct TIP No U-2525A and I-2402D.

The application provides adequate assurance that the discharge of fill material into the waters of Little Alamance Creek, South Buffalo Creek and their unnamed tributaries in conjunction with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth.

This approval is only valid for the purpose and design that you submitted in your application, as described in the Public Notice or as modified below. If you change your project, you must notify us and you may be required to submit a revised application. If total wetland fills for this project (now or in the future) exceed one acre, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to be valid, you must follow the conditions listed below. In addition, you should get any other federal, state or local permits before you go ahead with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations.

Condition(s) of Certification:

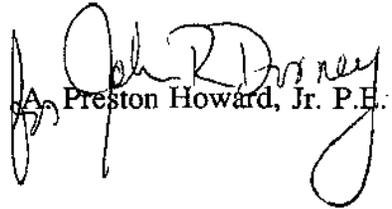
1. That appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" or the "North Carolina Surface Mining Manual" (available from the Division of Land Resources in the DEHNR Regional or Central Offices) are utilized to prevent exceedances of the appropriate turbidity water quality standard (50 NTUs) in all saltwater classes, and all lakes and reservoirs; and 10 NTUs in trout waters);
2. All sediment and erosion control measures placed in wetlands or waters shall be removed and the natural grade restored after the Division of Land Resources has released the project;
3. If an environmental document is required, this Certification is not valid until a FONSI or ROD is issued by the State Clearinghouse;
4. Measures shall be taken to prevent live or fresh concrete from coming into contact with waters of the state until the concrete has hardened;
5. Should waste or borrow sites be located in wetlands, compensatory mitigation will be required since it is a direct impact from road construction activities;
6. Compensatory mitigation shall be done in accordance with the Corps of Engineers requirements. DWQ shall be copied on the approved ratio, location, size and method of mitigation (restoration, enhancement, creation and preservation) and annual reports for the entire length of the monitoring period.

Violations of any condition herein set forth shall result in revocation of this Certification and may result in criminal and/or civil penalties. This Certification shall become null and void unless the above conditions are made conditions of the Federal 404 and/or coastal Area Management Act Permit. This Certification shall expire upon expiration of the 404 or CAMA permit.

If this Certification is unacceptable to you you have the right to an adjudicatory hearing upon written request within sixty (60) days following receipt of this Certification. This request must be in the form of a written petition conforming to Chapter 150B of the North Carolina General Statutes and filed with the Office of Administrative Hearings, P.O. Box 27447, Raleigh, N.C. 27611-7447. If modifications are made to an original Certification, you have the right to an adjudicatory hearing on the modifications upon written request within sixty (60) days following receipt of the Certification. Unless such demands are made, this Certification shall be final and binding.

This the 22nd day of April, 1997

DIVISION OF WATER QUALITY


Preston Howard, Jr. P.E.

WQC #3138