

**STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF WATER QUALITY**

**GENERAL PERMIT**

**FOR THE CONSTRUCTION OF A LINEAR UTILITY LINE PROJECT AND  
ASSOCIATED INCIDENTAL BUILT-UPON AREA**

**UNDER 15A NCAC 2H.1000, SESSION LAW 2006-246, and SESSION LAW 2008-211**

In compliance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules and Regulations promulgated and adopted by the North Carolina Environmental Management Commission.

All owners or developers of projects where either a CAMA Major Permit or a Sedimentation Erosion Control Plan approval is required, and that involve the construction of utility lines such as water, sewer, gas, telephone and electric, with incidental built-upon area as herein defined, are hereby authorized to construct such utility lines and incidental built-upon areas in compliance with the General Permit conditions and the provisions of 15A NCAC 2H .1000, S.L. 2006-246, and S.L. 2008-211 (hereafter referred to as the "*stormwater rules*"), the approved stormwater management plans and specifications, and other supporting data as attached and on file with and approved by the Division of Water Quality and considered a part of this general permit.

The General Permit shall become effective on July 1, 2010.

Signed this 16th day of June, 2010.

***Original signed by Matt Matthews for***

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Coleen H. Sullins, Director

Division of Water Quality

By the Authority of the Environmental Management Commission

## **PERMITTED ACTIVITIES**

Until this permit is modified or rescinded, permittees are authorized to construct such incidental built-upon area directly associated with the installation of a water line, sewer line, gas line, telephone conduit, electric line, or other linear utility project, subject to the following standards. All stormwater runoff from these projects shall be in accordance with the attached schedules as follows.

Section A – Final Limitation and Controls for Stormwater Discharges

Section B – Schedule of Compliance

Section C – General Conditions

## **STANDARD CONDITIONS FOR GENERAL PERMITS**

This permit covers only stormwater discharges. Any other discharge to surface waters of the state is prohibited unless covered by another permit, authorization or approval.

This General Permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgement, or decree.

## **GENERAL PERMIT COVERAGE**

All persons desiring to be covered by this General Permit must register with the DWQ by the filing of a Notice of Intent (NOI) and applicable fees. The NOI shall be submitted and a certificate of coverage issued prior to the installation of utility lines and prior to the construction of any incidental built-upon area.

Any owner or developer not wishing to be covered or limited by this General Permit may make application for an individual Stormwater Management Permit in accordance with the stormwater rules, stating the reasons supporting the request. Any application for an individual permit should be made at least 90 days prior to the time the permit is needed.

This General Permit does not cover activities or discharges covered by an individual permit. Any person conducting an activity covered by an individual permit but which could be covered by this General Permit may request that the individual permit be rescinded and coverage under this General Permit be provided.

The definition of any word or phrase in this General Permit shall be the same as given in Article 21, Chapter 143 of the General Statutes of North Carolina, as amended. Other words and phrases used in the General Permit are defined in the stormwater rules.

## **SECTION A: FINAL LIMITATIONS AND CONTROLS**

During the period beginning on the effective date of the general permit, the Permittee is authorized to clear and grade a proposed site. Stormwater runoff from the site shall be in accordance with the following conditions:

1. Only the installation of utility lines and the construction of incidental built-upon area associated with the project, as shown on the approved plans, are permitted. The permittee must submit a modification and receive approval prior to any changes of the proposed project.
2. Incidental built-upon area, for purposes of this permit, shall be limited to manhole covers, small single pump stations, gravel access roads that have minimized their built-upon area, and concrete pads.

3. Approved plans and specifications for projects covered by this permit are incorporated by reference and are enforceable parts of the permit.
4. A vegetated buffer/setback is required to be maintained between all impervious surfaces and surface waters. Minimum required buffer/setback widths shall be provided as per Table 1.

Table 1:

Location	COC Issue Date	Minimum Width
20 coastal counties	June 1, 2007 - Oct 1, 2008	30'
20 coastal counties	After October 1, 2008	50' (30' – redevelopment)
Phase II areas (non-coastal)	After July 1, 2006	30' (setback)
Non-Ph.II & non-coastal	After Sept. 1, 2003	30'

5. No new stormwater piping shall be allowed except that minimum amount necessary to direct runoff beneath an impervious surface such as a road and that minimum amount needed under driveways to provide access to lots, or that amount as shown on the approved plans.
6. 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.
7. The approved Site & Grading plan for the incidental built-upon area shall contain the following items:
  - a. A clear vicinity map showing the direction and distance to the nearest town or city, street name, street number and the nearest intersection of two major roads.
  - b. The receiving waters.
  - c. The site drawn to scale showing all proposed built-upon surfaces.
  - d. All existing and proposed contours and spot elevations.
  - e. A legend of all symbols used on the site plan.
  - f. A delineation of the property and/or easement lines with bearings and distances.
  - g. A delineation of jurisdictional 401/404 wetlands and coastal wetlands, or a note on the plans stating that none exist. (Note: only a person trained to identify wetlands can make this determination.)
  - h. A delineation of the 575' ORW AEC area as applicable.
  - i. A delineation of the buffer/setback area.
  - j. A calculation of the proposed amount of built-upon area.
  - k. Dimensions for all proposed built-upon area.

**SECTION B: SCHEDULE OF COMPLIANCE**

1. The permittee shall at all times provide adequate stabilization measures in conformance with the approved Site & Grading Plan and Erosion Control Plan.
2. The permittee shall submit all information requested by the Director or his representative within the time frame specified in the written information request.

3. The permittee shall submit to the Director and shall have received approval for revised plans, specifications, and calculations prior to construction, including, but not limited to, the following items:
  - a. Any revision to the approved plans, regardless of size.
  - b. Project name change.
  - c. Transfer of ownership.
  - d. Any changes in the location of, layout of, regrading of, addition to, or deletion of the approved amount of incidental built-upon area, regardless of size.
  - e. Further subdivision or sale of the project area, in whole or in part.
  - f. Alteration of the proposed drainage.
4. The Director may determine that revisions to the project will require a modification to permit coverage.
5. The Director may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the General 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.

#### **SECTION C: GENERAL CONDITIONS**

1. Failure to abide by the conditions and limitations contained in the General Permit is considered a violation of the stormwater rules, and is grounds for enforcement action in accordance with North Carolina General Statutes 143-215.6A to 143-215.6C, or for certificate of coverage termination, revocation and reissuance, or modification in accordance with NCGS 143-215.1.
2. The certificate of coverage is not transferable except after notice to and approval by the Director. In the event of an ownership change, the Director may require a separate NOI and certificate of coverage. The approval of this request will be considered on its merits, and may or may not be approved. The permittee is responsible for compliance with all permit conditions until such time as the Director approves the transfer.
3. The issuance of this general permit does not prohibit the Director from reopening and modifying the general permit, revoking and reissuing the general permit, or terminating the general permit as allowed by the laws, rules, and regulations contained in NCGS 143-215.1 and the stormwater rules.
4. The certificate of coverage is issued in accordance with this general permit and may be modified, revoked and reissued, or terminated for cause. The notification of planned modifications or non-compliance does not stay any general permit condition.
5. Upon the presentation of proper credentials, and during normal business hours, the permittee shall allow the Director, an authorized representative of the Director, or DENR staff, to enter the property, inspect the project for compliance with the permit, and sample or monitor for water quality.
6. The permittee shall notify the Division of any name, ownership or mailing address changes within 30 days.
7. Any person who knowingly makes any false statement, representation, or certification regarding the project shall be subject to a fine of up to \$25,000 per day, per violation.
8. The General Permit, Notice of Intent, Certificate of Coverage, approved plans and supporting documentation are considered public record and are open for inspection during normal business hours.