



NORTH CAROLINA  
*Environmental Quality*

August 1, 2019

Brunswick County  
DWR Project: 2002-0158v2

ROY COOPER  
*Governor*

MICHAEL S. REGAN  
*Secretary*

LINDA CULPEPPER  
*Director*

Town of Sunset Beach  
Mr. Hiram Marziano  
700 Sunset Boulevard North  
Sunset Beach NC 28468

Subject Property: **Maintenance Dredging of South Jinks Creek, The Bay Area, & Feeder Channel**

### **Approval of 401 Water Quality Certification with Additional Conditions**

Dear Mr. Marziano,

You have our approval, in accordance with the attached conditions and those listed below, to perform maintenance dredging of approximately 18 acres of open waters (Canals A-D, the Feeder Channel, Bay Area, and an area south of Jinks Creek on the east end of Sunset Beach) and to place sand onto approximately 1,600 linear feet of beach as described in the application received by the N.C. Division of Water Resources (DWR) on June 21, 2019. After reviewing your application, we have decided that the impacts are covered by General Water Quality Certification Number 4175 (GC4175).

In addition, you should obtain or otherwise comply with any other required federal, state or local permits before you go ahead with your project including (but not limited to) Erosion and Sediment Control, Non-discharge, and stormwater regulations. Also, this approval to proceed with your proposed impacts or to conduct impacts to waters as depicted in your application shall expire upon expiration of the 404 Permit. This Certification can also be found on line at: <http://portal.ncdenr.org/web/wq/swp/ws/401/certsandpermits>.

This approval is for the purpose and design that you described in your application. If you change your project, you must notify us and you may be required to send us 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 conditions. If total fills for this project (now or in the future) exceed one acre of wetland or 150 linear feet of stream, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h). **This approval requires you to follow the conditions listed in the attached certification and any additional conditions listed below.**



**The Additional Conditions of the Certification are:**

1. This approval is for the purpose and design described in your application. The plans and specifications for this project are incorporated by reference as part of the Certification. If you change your project, you must notify the Division and you may be required to submit a new application package with the appropriate fee. If the property is sold, the new owner must be given a copy of this approval letter and General Certification and is responsible for complying with all conditions. Any new owner must notify the Division and request the Certification be issued in their name {15A NCAC 02H .0501 and .0502}.
2. Any final construction plans for this project must include or reference the application and plans approved by the Division under this authorization letter and certification. The applicant will also be required to evaluate all acquired permits to assure that they are consistent and all relative impacts are accounted for and shown on the construction plans. [15A NCAC 02H .0502 (b) and 15A NCAC 02H .0506 (4)] The applicant shall require his contractors (and/or agents) to comply with all of the terms of this Certification and shall provide each of its contractors (and/or agents) a copy of this Certification.

3. Turbidity Standard

The turbidity standard of 25 NTUs (Nephelometric Turbidity Units) shall not be exceeded as described in 15 A NCAC 2B .0220. Appropriate sediment and erosion control practices must be used to meet this standard. Turbidity curtains shall be used as appropriate. Please notify this Office if any turbidity issues arise at 910.796.7215

4. This General Certification shall expire on the same day as the expiration date of the corresponding General Permit. The conditions in effect on the date of issuance of the Certification for a specific project shall remain in effect for the life of the project, regardless of the expiration of this Certification.
5. The permittee shall require its contractors and/or agents to comply with the terms of this permit in the construction and maintenance of this project and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project a copy of this certification. A copy of this certification including all conditions shall be available at the project site during the construction and maintenance of this project. [15A NCAC 02H .0507 (c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
6. Continuing Compliance:

The applicant/permittee and their authorized agents shall conduct all 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 Division determines that such standards or laws are not being met, including 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, than the Division may reevaluate and modify this General Water Quality Certification. [15A NCAC 02H .0507(d)]

7. All mechanized equipment operated near surface waters or wetlands will be regularly inspected and maintained to prevent contamination of waters and wetlands from fuels, lubricants, hydraulic fluids or other potential toxic chemicals. In the event of a hydrocarbon or chemical spill, the permittee/contractor shall immediately contact the Division of Water Quality, between the hours of 8 am to 5 pm at the Wilmington Regional Office at 910.796.7215 and after hours and on weekends call (800) 858-0368. Management of such spills shall comply with provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act. [15A NCAC 02H .0506 (b)(3) and (c)(3), 15A NCAC 02B .0200 (3)(f), and GS 143 Article 21A].
8. Fueling, lubrication and general equipment maintenance should not take place within 50 feet of a waterbody or wetlands to prevent contamination by fuel and oils. [15A NCAC 02H .0506 (b)(3) and (c)(3) and 15A NCAC 02B .0200 (3)(f)].
9. This certification grants permission to the director, an authorized representative of the Director, or DEQ staff, upon the presentation of proper credentials, to enter the property during normal business hours 15A NCAC 02H.0502(e).

#### 10. 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 and/or authorized agent is required to return a completed certificate of completion form to the NCDEQ DWR 401 and Buffers Unit North Carolina Division of Water Resources, 1617 Mail Service Center, Raleigh, NC, 27699 within ten days of project completion. The certification of completion is available at:

<http://portal.ncdenr.org/web/wq/swp/ws/401/certsandpermits/apply/forms>).

**Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties.** The authorization to proceed with your proposed impacts or to conduct impacts to waters as depicted in your application and as authorized by this Certification shall expire upon expiration of the 404 or CAMA Permit.

**This approval and its conditions are final and binding unless contested.**

This Certification can be contested as provided in Articles 3 and 4 of General Statute 150B by filing a written petition for an administrative hearing to the Office of Administrative Hearings (hereby known as OAH). A petition form may be obtained from the OAH at

http://www.ncoah.com/ or by calling the OAH Clerk’s Office at (919) 431-3000 for information. Within sixty (60) calendar days of receipt of this notice, a petition must be filed with the OAH. A petition is considered filed when the original and one (1) copy along with any applicable OAH filing fee is received in the OAH during normal office hours (Monday through Friday between 8:00 am and 5:00 pm, excluding official state holidays). The petition may be faxed to the OAH at (919) 431-3100, provided the original and one copy of the petition along with any applicable OAH filing fee is received by the OAH within five (5) business days following the faxed transmission.

Mailing address for the OAH:

*If sending via US Postal Service:*

*If sending via delivery service (UPS, FedEx, etc):*

Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6714

Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh, NC 27609-6285

One (1) copy of the petition must also be served to DEQ:

William F. Lane, General Counsel  
Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, NC 27699-1601

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 telephone Chad Coburn in the DWR Wilmington Regional Office at (910)796-7379 or [Chad.Coburn@ncdenr.gov](mailto:Chad.Coburn@ncdenr.gov).

Sincerely,

DocuSigned by:  
*Morella Sanchez King*  
E3ABA14AC7DC434...

Morella Sanchez-King, Regional Supervisor  
Water Quality Regional Operations Section  
Wilmington Regional Office  
Division of Water Resources, NCDEQ

Enclosure: GC4175

cc: Tyler Crumbley - USACE Wilmington Regulatory Field Office (via email)  
Courtney Spears – DCM Wilmington (via email)