



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

Beverly Eaves Perdue  
Governor

Coleen H. Sullins  
Director

Dee Freeman  
Secretary

September 19, 2011

Sharon Myers,  
Environmental and Stormwater Compliance Officer  
1120 Estes Drive Extension CB #1650  
Chapel Hill, North Carolina 27599-1650

Subject: Stormwater Permit No. SW5110901  
The University of North Carolina at Chapel Hill, Bingham Facility  
Low Density Stormwater Project  
Orange County

Dear Mr. Myers:


The Stormwater Permitting Unit received a complete Stormwater Management Permit Application for The University of North Carolina at Chapel Hill, Bingham Facility on September 9, 2011. Staff review of the plans and specifications has determined that the project, as proposed, will comply with the Stormwater Regulations set forth in Title 15A NCAC 2H.1000 and Session Law 2006-246. We are forwarding Permit No. SW5110901, dated September 19, 2011, for the construction, operation and maintenance of the subject project.

This permit shall be effective from the date of issuance until rescinded and shall be subject to the conditions and limitations as specified therein, and does not supercede any other agency permit that may be required.

If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing upon written request within thirty (30) days following receipt of this permit. 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. Drawer 27447, Raleigh, NC 27611-7447. Unless such demands are made this permit shall be final and binding.

If you have any questions, or need additional information concerning this matter, please contact Mike Randall at (919) 807-6374, or [mike.randall@ncdenr.gov](mailto:mike.randall@ncdenr.gov).

Sincerely,



for Coleen H. Sullins

cc: Raleigh Regional Office  
SPU Files

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

**STATE STORMWATER MANAGEMENT PERMIT**

**LOW DENSITY DEVELOPMENT**

In accordance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules and Regulations

PERMISSION IS HEREBY GRANTED TO

The University of North Carolina at Chapel Hill

Bingham Facility

Orange County

FOR THE

construction, operation and maintenance of a low density development in compliance with the provisions of 15A NCAC 2H .1000 and S.L. 2006-246 (hereafter referred to as the "*stormwater rules*") and 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 permit.

The Permit shall be effective from the date of issuance until rescinded and shall be subject to the following specific conditions and limitations:

**I. DESIGN STANDARDS**

1. This permit covers the construction of 154,696 square feet of built-upon area.
2. The overall tract built-upon area percentage for the project must be maintained below 24%, as required by Session Law 2006-246 of the stormwater rules.
3. Approved plans and specifications for projects covered by this permit are incorporated by reference and are enforceable parts of the permit.
4. 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.
5. No piping is allowed except that minimum amount necessary to direct runoff beneath an impervious surface such as a road or to provide access.
6. All roof drains must terminate at least 30 foot from the mean high water mark.
7. The built-upon areas associated with this project shall be located at least 30 feet landward of all perennial and intermittent streams.
8. Level Spreaders are required at the end of any swale prior to discharging to a jurisdictional wetland or any surface water.

## II. SCHEDULE OF COMPLIANCE

1. The permittee is responsible for verifying that the proposed built-upon area does not exceed the allowable built-upon area.
2. The Director may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the 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.
3. This project may not be sold or subdivided in whole or in part without first receiving a permit modification from the Division.
4. The following deed restrictions must be recorded with the Office of the Register of Deeds:
  - a. The following covenants are intended to ensure ongoing compliance with State Stormwater Management Permit Number SW5110901, as issued by the Division of Water Quality under the stormwater rules.
  - b. The State of North Carolina is made a beneficiary of these covenants to the extent necessary to maintain compliance with the Stormwater Management Permit.
  - c. These covenants are to run with the land and be binding on all persons and parties claiming under them.
  - d. The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the State of North Carolina, Division of Water Quality.
  - e. Alteration of the drainage as shown on the approved plans may not take place without the concurrence of the Division of Water Quality.
  - f. This project is permitted for a maximum of 154,696 square feet of built-upon area. Construction of additional built-upon area in excess of this amount will require a permit modification.
  - g. This project may not be sold or subdivided, in whole or in part, without first receiving a permit modification from the Division.
  - h. Construction of additional impervious areas such that low-density requirements are no longer met will require a permit modification prior to construction. An engineered system will be required to collect and treat the runoff from all built-upon area associated with the project, including that area permitted under the low density option.
  - i. Filling in or piping of any vegetative conveyances (ditches, swales, etc.) associated with this development, except for average driveway crossings, is strictly prohibited by any persons.
  - j. The built-upon areas shall be located a minimum of 30 feet landward of all perennial and intermittent surface waters.
5. Filling in or piping of any vegetative conveyances (ditches, swales, etc.) associated with the permitted development, except for average driveway crossings, is strictly prohibited by any persons.

6. The permittee shall submit to the Director and shall have received approval for revised plans, specifications, and calculations prior to construction, for any modification to the approved plans, including, but not limited to, those listed below:
  - a. Any revision to the approved plans, regardless of size.
  - b. Project name change.
  - c. Transfer of ownership.
  - d. Redesign or addition to the approved amount of built-upon area.
  - e. Further subdivision, acquisition, or sale of the project area in whole or in part. The project area is defined as all property owned by the permittee, for which Sedimentation and Erosion Control Plan approval was sought.
  - f. Filling in, altering or piping any vegetative conveyance shown on the approved plan.
8. Swales and other vegetated conveyances shall be constructed in their entirety, vegetated, and be operational for their intended use prior to the construction of any built-upon surface.
9. During construction, erosion shall be kept to a minimum and any eroded areas of the swales or other vegetated conveyances will be repaired immediately.
10. The permittee shall at all times provide the operation and maintenance necessary to operate the permitted stormwater management systems at optimum efficiency to include:
  - a. Inspections
  - b. Sediment removal.
  - c. Mowing, and re-vegetating of the side slopes.
  - d. Immediate repair of eroded areas.
  - e. Maintenance of side slopes in accordance with approved plans and specifications.
11. Within 30 days of completion of the project, the permittee shall certify in writing that the project has been constructed in accordance with the approved plans.
12. The permittee shall submit all information requested by the Director or his representative within the time frame specified in the written information request.

### III. GENERAL CONDITIONS

1. This permit is not transferable to any person or entity except after notice to and approval by the Director. The Director may require modification or revocation and re-issuance of the permit to change the name and incorporate such other requirements as may be necessary. In the event of a name or ownership change, a completed Name/Ownership Change form, signed by both parties, must be submitted to the Division of Water Quality accompanied by the supporting documentation as listed on page 2 of the form. The approval of this request will be considered on its merits, and may or may not be approved.
2. The permittee is responsible for compliance with all permit conditions until the Director approves a transfer of ownership. Neither the sale of the project nor the transfer of common areas to a third party, such as a homeowner's association, constitutes an approved transfer of the stormwater permit.
3. Failure to abide by the conditions and limitations contained in this permit may subject the Permittee to an enforcement action by the Division of Water Quality, in accordance with North Carolina General Statutes 143-215.6A to 143-215.6C.

4. The issuance of this permit does not prohibit the Director from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit as allowed by the laws, rules, and regulations contained in Session Law 2006-246, Title 15A of the North Carolina Administrative Code, Subchapter 2H.1000; and North Carolina General Statute 143-215.1 et. al.
5. In the event that the facilities fail to perform satisfactorily, including the creation of nuisance conditions, the Permittee shall take immediate corrective action, including those as may be required by the Division, such as the construction of additional or replacement stormwater management systems.
6. The permittee grants permission to DENR Staff to enter the property during normal business hours, for the purpose of inspecting all components of the stormwater management facility.
7. The permit issued shall continue in force and effect until revoked or terminated. The permit may be modified, revoked and reissued or terminated for cause. The filing of a request for a permit modification, revocation and re-issuance, or termination does not stay any permit condition.
8. Unless specified elsewhere, permanent seeding requirements for the swales must follow the guidelines established in the North Carolina Erosion and Sediment Control Planning and Design Manual.
9. Approved plans and specifications for this project are incorporated by reference and are enforceable parts of the permit.
10. The issuance of this permit does not preclude the Permittee from complying with any and all statutes, rules, regulations, or ordinances, which may be imposed by other government agencies (local, state and federal), which have jurisdiction.
11. The permittee shall notify the Division in writing of any name, ownership or mailing address changes at least 30 days prior to making such changes.

Permit issued this the 19<sup>th</sup> day of September, 2011.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION



for Colleen H. Sullins, Director  
Division of Water Quality  
By Authority of the Environmental Management Commission