

NORTH CAROLINA
Environmental Quality

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRIAN WRENN

Director

September 23rd, 2022

Cambridge Crossings Homeowner Association, Inc., proposed permittee
Attn: Don Feather, President
1226 North Howe Street
Southport, NC 28461

**Subject: Permit Transfer under N.C.G.S. 143-214.7(c5)
Post-Construction Stormwater Management Permit No. SW8 050910
Cambridge Crossings
Brunswick County**

Dear Mr. Feather:

The Division of Energy, Mineral and Land Resources received a complete Permit Transfer Application on September 19th, 2022 requesting to transfer ownership of the subject permit under the provisions of 15A NCAC 02H.1045(1)(c) and N.C.G.S. 143-214.7(c5). Staff inspected the project May 13th, 2022, reviewed the available documentation, and confirmed that the requirements of N.C.G.S. 143-214.7(c5) have been met, including:

1. The successor-owner of the property has submitted a written request for the transfer of the permit. Reference is made to the attached signed Permit Transfer Application form;
2. The current permit holder, Anthony Bowman, manager of Cambridge Southport, LLC, is an entity that has dissolved and completed the winding up of business and does not have a successor-in-interest.
3. The successor-owner holds title to the property on which the permitted activity is occurring or will occur. Reference is made to the deed recorded on September 18th, 2017 in DB 3960 PG 0597 with Brunswick County.
4. There will be no substantial change in the permitted activity.
5. The project is currently not in compliance with the terms and conditions of the state stormwater permit. However, the successor-owner will be correcting the compliance issues within one calendar year following the schedule of compliance documented in Attachment D, which includes the requirement to submit an application to modify the permit to bring the project into compliance.

By signing the Permit Transfer Application and the Operation and Maintenance Agreement, and providing the schedule of compliance to correction of the deficiencies outlined in the enclosed inspection report, you have accepted the responsibility for complying with the terms and conditions outlined in this permit. Since the requirements of N.C.G.S. 143-214.7(c5) have been met, permit SW8 050910 has been transferred, updated, and re-issued on September 23rd, 2022, as attached.

This permit remains effective until **September 21, 2024** and does not supersede any other agency permit that may be required. The project shall be subject to the conditions and limitations as specified therein, **which includes a condition to bring this project into compliance as described in Attachment D**. This permit does not impose new or increased stormwater control requirements or design standards; it clarifies the rules and requirements of this program to provide you with a better understanding of your obligations under this permit. Failure to comply with these requirements will result in future compliance problems. Please note that this permit is not transferable except after notice to and approval by the Division.



If you have any questions concerning this permit, please contact Kellie Beth Norris in the Wilmington Regional Office, at (910) 796-7215 or kellie.norris@ncdenr.gov.

Sincerely,



For Brian Wrenn, Director
Division of Energy, Mineral and Land Resources

Enclosures: Attachment C – Permitting History
Attachment D – Schedule of Compliance
copy of the Transfer Application documents including Transfer Application Form, Operation & Maintenance Agreement,
and certification(s)

DES/kbn: \\Stormwater\Permits & Projects\2005\050910 HD\2022 09 permit 050910

cc: Phil Norris, PE; Norris & Tunstall Consulting Engineers
Wilmington Regional Office Stormwater File



STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF ENERGY, MINERAL AND LAND RESOURCES

POST-CONSTRUCTION STORMWATER MANAGEMENT PERMIT

HIGH DENSITY SUBDIVISION 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

Cambridge Crossings Homeowners Association, Inc.

Cambridge Crossings

SR 1101 – Fish Factory Road, Southport, Brunswick County

FOR THE

construction, operation and maintenance of one (1) wet detention pond, and one (1) secondary infiltration basin in compliance with the provisions of Session Law 2008-211, effective October 1, 2008 and 15A NCAC 2H .1000 (hereafter separately and collectively referred to as the "*stormwater rules*") and as outlined in the application, approved stormwater management plans, supplement, calculations, operation and maintenance agreement, recorded documents, specifications, and other supporting data (the "approved plans and specifications") as attached and/or on file with and approved by the Division of Energy, Mineral and Land Resources (the "Division" or "DEMLR"). The project shall be constructed, operated and maintained in accordance with these approved plans and specifications. The approved plans and specifications are incorporated by reference and are enforceable part of this permit.

This permit shall be effective from the date of issuance until September 21st, 2024 and shall be subject to the following specified conditions and limitations. The permit issued shall continue in force and effect until the permittee files a request with the Division for a permit modification, transfer, renewal, or rescission; however, these actions do not stay any condition. 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 for cause as allowed by the laws, rules, and regulations contained in Title 15A NCAC 2H.1000 and NCGS 143-215.1 et.al.

I. DESIGN STANDARDS

1. CORRECTIONS NEEDED and SCHEDULE OF COMPLIANCE. To bring this project into compliance with the Stormwater Regulations and design criteria, these deviations will be corrected within the proposed schedule of compliance as documented in Attachment D. The schedule must be adhered to unless an extension or revised plan of action is submitted and approved by the Division.
2. This permit is effective only with respect to the nature and volume of stormwater described in the application and other supporting data.

3. This stormwater system has been approved for the management of stormwater runoff as described in Sections I.8 – I.9 of this permit.
4. The runoff from all built-upon area within the permitted drainage areas of this project must be directed into the permitted stormwater control systems. The wet pond and secondary infiltration basin have been designed to treat the runoff from 444,880 square feet of Built-Upon Area.
5. A 50' wide vegetative buffer must be provided adjacent surface waters, measured horizontally from the normal pool of impounded structures, the banks of streams and rivers and the mean high water line of tidal waters. The wet detention pond may not be located within the buffer and no built-upon area is allowed within the buffer.
6. Stormwater runoff in excess of the design storm must flow overland through a vegetative filter strip with a minimum length of 50', measured from mean high water of Class SA waters. The filter strip and level spreader shall be designed per NCAC 2H.1008 (f) to pass the 10 year storm in a non-erosive manner.
7. The discharge from a wet detention pond shall not be considered a direct discharge to SA waters if a secondary stormwater BMP is provided to treat the discharge from the wet detention pond. The secondary BMP proposed for this wet detention pond is described in Section I.8 below.
8. The following design elements have been permitted for the wet detention pond stormwater facility, and must be provided and maintained at design condition:

	Design Criteria	Wet Pond
a.	Drainage Area, acres:	21.65
	Onsite, ft ² :	943,254
	Offsite, ft ² :	0
b.	Total Impervious Surfaces, ft ² :	444,880
	Onsite, ft ² :	349,469
	Onsite - Future, ft ² :	95,411
	Offsite, ft ² :	0
c.	Average Pond Design Depth, feet:	3.5
d.	TSS removal efficiency:	90%
e.	Design Storm, inches:	4.07
f.	Permanent Pool Elevation, fmsl:	8.5
g.	Permanent Pool Surface Area, ft ² :	45,314
h.	Permitted Storage Volume, ft ³ :	149,414
i.	Temporary Storage Elevation, fmsl:	11.3
j.	Permitted Forebay Volume, ft ³ :	28,165
k.	Controlling Orifice, inches:	4
l.	Average Orifice Flow Rate, cfs	0.4
m.	Pre-dev. 1yr - 24hr discharge rate, cfs:	16.95
n.	Maximum Fountain horsepower (hp)	½
o.	Receiving Stream:	Call Gully Creek to Dutchman Creek Channel
p.	River Basin:	Cape Fear
q.	Stream Index Number:	18-88-9-3-3
r.	Classification of Water Body:	SA; HQW – ½ mile

9. The following design elements have been permitted for the secondary infiltration basin, and must be provided and maintained at design condition:

Design Criteria	Secondary Infiltration Basin
Drainage Area, acres:	21.65
Onsite, ft ²	943,254
Offsite, ft ²	0
Total Impervious Surfaces, ft ²	444,880
Onsite, ft ²	349,469
Onsite - Future, ft ²	95,411
Offsite, ft ²	0
Design Storm, in.	4.07
Basin Depth, ft.	5
Bottom Elevation, fmsl	8
Bypass Weir Elevation, fmsl	12.95
Bottom Surface Area, ft ²	2,054
Required Storage Volume, ft ³	0
Permitted Storage Volume, ft ³	19,738
Storage Elevation, fmsl	13
Expected Infiltration Rate, in./hr	12
Time to Draw Down, Days	4
SHWT, fmsl	8
Type of Soil	Sand
Receiving Stream	Call Gully Creek to Dutchman Creek Channel
River Basin	Cape Fear
Stream Index Number	18-88-9-3-3
Classification of Water Body	SA; HQW – ½ mile

II. SCHEDULE OF COMPLIANCE

1. No person or entity, including the permittee, shall alter any component shown in the approved plans and specifications. Prior to the construction of any modification to the approved plans, the permittee shall submit to the Director, and shall have received approval for modified plans, specifications, and calculations including, but not limited to, those listed below. For changes to the project or SCM that impact the certifications, a new or updated certification(s), as applicable, will be required and a copy must be submitted to the appropriate DEQ regional office upon completion of the modification.
 - a. Any modification to the approved plans and specifications, regardless of size including the SCM(s), BUA, details, etc.
 - b. Redesign or addition to the approved amount of BUA or to the drainage area.
 - c. Further development, subdivision, acquisition, lease or sale of any, all or part of the project and/or property area as reported in the approved plans and specifications.
 - d. Altering, modifying, removing, relocating, redirecting, regrading, or resizing of any component of the approved SCM(s), the stormwater collection system and/or vegetative conveyance shown on the approved plan.
 - e. The construction of any allocated future BUA.
 - f. Adding the option to use permeable pavement or #57 stone within the lots as a permeable surface. The request may require a proposed amendment to the deed restrictions and protective covenants for the subdivision to be submitted and recorded.
 - g. The construction of any permeable pavement, #57 stone area, public trails, or landscaping material to be considered a permeable surface that were not included in the approved plans and specifications.
 - h. Other modifications as determined by the Director.

2. The permittee is responsible for verifying that the proposed built-upon area for the entire project and for each lot does not exceed the maximum allowed by this permit. Once the lot transfer is complete, the lot owner may not increase the built-upon area above the permitted maximum for that lot without approval from both the permittee and the Division.
3. If an Architectural Review Board or Committee is set up by the permittee to review new and modified lot plans for compliance with the BUA limit, the plans reviewed must include all proposed built-upon area. Any approvals given by the Board or Committee on behalf of the permittee do not relieve the lot owner of the responsibility to maintain compliance with the BUA limit for that lot established by the permit and in the recorded deed restrictions.
4. The permittee must maintain compliance with the overall BUA limit for the project established by this permit and the supporting documentation. If any lot is found to have exceeded the permitted BUA limit for that lot, the permittee shall notify the lot owner in writing and require resolution.
5. 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.
6. The stormwater management system shall be constructed in its entirety, vegetated and operational for its intended use prior to the construction of any built-upon surface.
7. All stormwater collection and treatment systems must be located in either dedicated common areas or recorded easements. The final plats for the project will be recorded showing all such required easements, in accordance with the approved plans.
8. During construction, erosion shall be kept to a minimum and any eroded areas of the system will be repaired immediately.
9. Upon completion of construction, prior to issuance of a Certificate of Occupancy, and prior to operation of this permitted facility, a certification must be received from an appropriate designer for the system installed certifying that the permitted facility has been installed in accordance with this permit, the approved plans and specifications, and other supporting documentation. Any deviations from the approved plans and specifications must be noted on the Certification. A modification may be required for those deviations.
10. If the stormwater system was used as an Erosion Control device, it must be restored to design condition prior to operation as a stormwater treatment device, and prior to occupancy of the facility.
11. The permittee shall at all times provide the operation and maintenance necessary to assure that all components of the permitted stormwater system function at the design condition. The approved Operation and Maintenance Plan must be followed in its entirety and maintenance must occur at the scheduled intervals including, but not limited to:
 - a. Semiannual scheduled inspections (every 6 months).

- b. Sediment removal.
 - c. Mowing and re-vegetation of side slopes.
 - d. Immediate repair of eroded areas.
 - e. Maintenance of side slopes in accordance with approved plans.
 - f. Debris removal and unclogging of structures, orifice, catch basins and piping.
 - g. Access to all components of the system must be available at all times.
12. Records of operation and maintenance should be kept in a known set location and must be available upon request. The records will indicate the date, activity, name of person performing the work and what actions were taken. Inspection activities shall be performed in accordance with the Operation and Maintenance (O&M) Agreement. Any problems that are found shall be repaired immediately and reported to Division within 24 hours in accordance with the O&M Agreement.
 13. The facilities shall be constructed, operated and maintained in accordance with the provisions of this permit, the approved plans and specifications, and the supporting documents attached to this permit and on file with the Division.
 14. Prior to transfer of the permit, the stormwater facilities will be inspected by Division personnel. The project and the stormwater facility must be in compliance with all permit conditions. Any items not in compliance must be repaired, replaced or restored to design condition prior to the transfer. Records of maintenance activities performed to date will be required.
 15. Decorative spray fountains are allowed in the pond, subject to the following criteria:
 - a. The minimum permanent pool volume is 30,000 cubic feet.
 - b. The fountain must draw its water from less than 2' below the permanent pool surface.
 - c. Separated units, where the nozzle, pump and intake are connected by tubing, may be used only if they draw water from the surface in the deepest part of the pond.
 - d. The fountain may not be placed into the forebay.
 - e. The falling water from the fountain must be centered in the main pond, away from the shoreline.
 - f. The maximum horsepower for a fountain in this pond is ½ horsepower.
 16. A copy of the recorded deed restrictions must be submitted to the Division within 30 days of the date of recording the plat, and prior to selling lots. The recorded copy must contain all of the statements above, the signature of the Permittee, the deed book number and page, and the stamp/signature of the Register of Deeds.

III. GENERAL CONDITIONS


1. **CORRECTIVE ACTIONS REQUIRED.** If the facilities fail to perform satisfactorily, the permittee shall take immediate corrective actions. This includes actions required by this Division and the stormwater rules such as the construction of additional or replacement on-site stormwater systems. These additional or replacement measures shall receive a permit from the Division prior to construction.
2. **PERMIT RENEWAL.** A permit renewal request must be submitted at least 180 days prior to the expiration date of this permit. The renewal request must include the appropriate application, documentation and the processing fee as outlined in Title 15A NCAC 02H.1045(3).
3. **CHANGES TO THE PROJECT NAME, PERMITTEE NAME OR CONTACT INFORMATION.** The permittee shall submit a completed Permit Information Update Application Form to the Division within 30 days to making any one of these changes.

4. TRANSFER. This permit is not transferable to any person or entity except after notice to and approval by the Director. Neither the sale of the project and/or property, in whole or in part, nor the conveyance of common area to a third party constitutes an approved transfer of the permit.
 - a. TRANSFER REQUEST. The transfer request must include the appropriate application, documentation and the processing fee as outlined in 15A NCAC 02H.1045(2). This request must be submitted within 90 days of the permit holder meeting one or more of the following:
 - i. A natural person who is deceased;
 - ii. A partnership, limited liability corporation, corporation, or any other business association that has been dissolved;
 - iii. A person or entity who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur through foreclosure, bankruptcy, or other legal proceeding.
 - iv. A person or entity who has sold the property, in whole or in part, on which the permitted activity is occurring or will occur, except in the case of an individual residential lot sale that is made subject to the recorded deed restrictions and protective covenants;
 - v. The assignment of declarant rights to another individual or entity;
 - vi. The sale or conveyance of the common areas to a Homeowner's or Property Owner's Association, subject to the requirements of NCGS 143-214.7(c2);
 - b. TRANSFER INSPECTION. Prior to transfer of the permit, a file review and site inspection will be conducted by Division personnel to ensure the permit conditions have been met and that the project and the on-site stormwater system complies with the permit conditions. Records of maintenance activities performed to date may be requested. Projects not in compliance with the permit will not be transferred until all permit and/or general statute conditions are met.
5. COMPLIANCE. The permittee is responsible for compliance with the terms and conditions of this permit until the Division approves the transfer request.
 - a. APPROVED PLANS AND SPECIFICATIONS. A copy of this permit, approved plans, application, supplement, operation and maintenance agreement, all applicable recorded documents, and specifications shall be maintained on file by the permittee at all times.
 - b. DIVISION ACCESS. The permittee grants Division Staff permission to enter the property during normal business hours to inspect all components of the permitted project.
 - c. ENFORCEMENT. Any individual or entity found to be in noncompliance with the provisions of a stormwater management permit or the requirements of the stormwater rules is subject to enforcement procedures as set forth in NCGS 143 Article 21.
 - d. ANNUAL CERTIFICATION. The permittee shall electronically submit to the Division an annual certification completed by either the permittee or their designee confirming the projects conformance with permit conditions
 - e. OBTAINING COMPLIANCE. 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 modified plans and certification in writing to the Director that the changes have been made.

- f. OTHER PERMITS. The issuance of this permit does not preclude the permittee from complying with and obtaining any other permits or approvals that are required for this development to take place, as required by any statutes, rules, regulations, or ordinances, which may be imposed by any other Local, State or Federal government agency having jurisdiction. Any activities undertaken at this site that cause a water quality violation or undertaken prior to receipt of the necessary permits or approvals to do so are considered violations of NCGS 143-215.1, and subject to enforcement procedures pursuant to NCGS 143-215.6.

Permit transferred, updated and reissued this the 23rd day of September 2022.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION



For Brian Wrenn, Director
Division of Energy, Mineral and Land Resources
By Authority of the Environmental Management Commission

Attachment C - Permitting History
 Cambridge Crossings
 Permit No. SW8 050910

Approval Date	Permit Action	BIMS Version	Description of the Changes
10/11/2005	Original Approval	1.0	1995 Rules, one wet pond with 2, 50-foot vegetated filters
9/21/2010	Major Modification	1.1	Session-Law 2008 Rules, Converted Stormwater system to one wet pond, one secondary infiltration basin, one 50-foot wide vegetative filter strip.
10/29/2013	Correction / Plan Revision / Extension	1.2	Expiration Date extended to 9/21/2024. Corrected total amount of impervious in permit from 444,880 sf to the correct amount of 444,480 sf. Building layout revised to where the new buildings would be limited to two or three units per building.
9/23/2022	Transfer	1.3	Transferred to Cambridge Crossings Homeowners Association.

Attachment D
Schedule of Compliance

Cambridge Crossings Homeowner Association, Inc. has applied for a State Stormwater Permit Transfer for SW8 050910 for Cambridge Crossings. The compliance inspection by the Division of Energy, Mineral, and Land Resources (DEMLR) on May 13th, 2022 identified the following non-compliant items. As the incoming permittee, I understand that I will be transferred a non-compliant permit, and I agree to resolve these items to bring the project into compliance by May 13th, 2023.

Non-Compliant Items:

1. Permit Condition I.8: Per the engineered design, the pond outlets to a secondary infiltration basin. This infiltration basin is not working properly and inhibits the designed system from functioning. A modification package from the proposed permittee has been received with a potential solution that will be reviewed after the transfer has been approved.
2. Permit Condition I.7 and II.15: The outlet pipe of the pond into the outlet structure does not appear to be built as detailed on the approved plans. A modification package from the proposed permittee has been received with a potential solution that will be reviewed after the transfer has been approved.

Drafted Schedule of Compliance:

1. A modification package has been received and will be logged in after the issuance of this permit transfer. After the modification is approved you will be responsible for implementing the final, approved design.
2. The project will also need to be re-certified once the modified structures are installed.

Signature Authority's Name, Title

DATE _____

For Don Feather _____

DATE _____

carsonrealestatecoast.com

910-454-0700