



Received 3-30-06

OE-14

Michael F. Easley, Governor

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director
Division of Water Quality

March 27, 2006

Mr. David A. Hamilton, Manager
Hamilton Commercial Properties, LLC
4740 Virginia Beach Blvd.
Virginia Beach, VA 23462

**Subject: Stormwater Permit No. SW7060308
Mill End Center
High Density Subdivision Project
Pasquotank County**

Dear Mr. Hamilton

The Washington Regional Office received a complete Stormwater Management Permit Application for Mill End Center on March 9, 2006. 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. We are forwarding Permit No. SW7060308, dated March 27, 2006, for the construction of the project, Mill End Center.

This permit shall be effective from the date of issuance until March 27, 2016, and shall be subject to the conditions and limitations as specified therein. Please pay special attention to the Operation and Maintenance requirements in this permit. Failure to establish an adequate system for operation and maintenance of the stormwater management system will result in future compliance problems.

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 Scott Vinson, or me at (252) 946-6481.

Sincerely,

Al Hodge
Regional Supervisor
Surface Water Protection Section

AH/sav: C:\STORMWATER\PERMIT\SW7060308

cc: ✓ Sean Robey, PE
Elizabeth City Building Inspections
Washington Regional Office
Central Files

5. The following design elements have been permitted for this wet detention pond stormwater facility, and must be provided in the system at all times.

	<u>Pond 1</u>	<u>Pond 2</u>
a. Drainage Area, acres:	2.09	5.29
b. Total Impervious Surfaces, ac:	1.45	3.83
c. Pond Depth, feet:	4.50	5.00
d. TSS removal efficiency:	90%	90%
e. Design Storm:	1"	1"
f. Permanent Pool Elevation, FMSL:	5.00	3.50
g. Permitted Surface Area @PP, ft ² :	5,406	14,714
h. Permitted Storage Volume, ft ³ :	6,116	15,495
i. Storage Elevation, FMSL:	6.03	4.49
j. Controlling Orifice:	1.25"	2.0" Ø pipe
k. Permanent Pool Volume, ft ³ :	9,555	38,003
l. Forebay Volume, ft ³ :	1,910	7,680
m. Receiving Stream / River Basin:	Knobbs Creek / Pasquotank	
n. Stream Index Number:	30-3-8	
o. Classification of Water Body:	"C; Sw"	

II. SCHEDULE OF COMPLIANCE

1. No homeowner/lot owner/developer shall fill in, alter, or pipe any drainage feature (such as swales) shown on the approved plans as part of the stormwater management system without submitting a revision to the permit and receiving approval from the Division.
2. The permittee is responsible for verifying that the proposed built-upon area for the entire lot, including driveways and sidewalks, does not exceed the allowable built-upon area. Once the lot transfer is complete, the built-upon area may not be revised without approval from the Division of Water Quality, and responsibility for meeting the built-upon area limit is transferred to the individual property owner.
3. If an Architectural Review Board or Committee is required to review plans for compliance with the BUA limit, the plans reviewed must include all proposed built-upon area. Any approvals given by the Board do not relieve the lot owner of the responsibility to maintain compliance with the permitted BUA limit.

4. 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 all or part of the project area. The project area is defined as all property owned by the permittee, for which Sedimentation and Erosion Control Plan approval or a CAMA Major permit was sought.
 - f. Filling in, altering, or piping of any vegetative conveyance shown on the approved plan.
5. The Director may determine that other revisions to the project should require a modification to the permit.
6. 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.
7. 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.
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.
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. Permanent seeding requirements for the stormwater control must follow the guidelines established in the North Carolina Erosion and Sediment Control Planning and Design Manual.

12. Prior to the sale of any lot, the following deed restrictions must be recorded:
- a. The following covenants are intended to ensure ongoing compliance with State Stormwater Management Permit Number **SW7060308**, as issued by the Division of Water Quality under NCAC 2H.1000.
 - 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. The maximum built-upon area per lot is (*see attachment*) square feet. This allotted amount includes any built-upon area constructed within the lot property boundaries, and that portion of the right-of-way between the front lot line and the edge of the pavement. Built upon area includes, but is not limited to, structures, asphalt, concrete, gravel, brick, stone, slate, coquina and parking areas, but does not include raised, open wood decking, or the water surface of swimming pools.
 - g. Lots within CAMA's Area of Environmental Concern may be subject to a reduction in their allowable built-upon area due to CAMA regulations.
 - h. All runoff on the lot must drain into the permitted system. This may be accomplished through providing roof drain gutters, which drain to the street, grading the lot to drain toward the street, or grading perimeter swales and directing them into the pond or street. Lots that will naturally drain into the system are not required to provide these measures.
 - i. Built-upon area in excess of the permitted amount will require a permit modification.
13. **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.**
14. Prior to transfer of the permit, the stormwater facilities will be inspected by DWQ personnel. The facility must be in compliance with all permit conditions. Any items not in compliance must be repaired or replaced to design condition prior to the transfer. Records of maintenance activities performed to date will be required.

15. The permittee shall at all times provide the operation and maintenance necessary to assure that all components of the permitted stormwater system function at optimum efficiency. 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 revegetation of side slopes.
 - d. Immediate repair of eroded areas.
 - e. Maintenance of side slopes in accordance with approved plans and specifications.
 - 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.
16. Records of maintenance activities must be kept and made available upon request to authorized personnel of DWQ. The records will indicate the date, activity, name of person performing the work and what actions were taken.
17. This permit shall become voidable unless the facilities are constructed in accordance with the conditions of this permit, the approved plans and specifications, and other supporting data.
18. Built upon area includes, but is not limited to, structures, asphalt, concrete, gravel, brick, stone, slate, coquina and parking areas, but does not include raised, open wood decking, or the water surface of swimming pools.

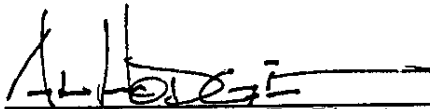
III. GENERAL CONDITIONS

1. This permit is not transferable to any person or entity except after notice to and approval by the Director. In the event there is either a desire for the facilities to change ownership, or there is a name change of the Permittee, a "Name/Ownership Change Form" must be submitted to the Division of Water Quality accompanied by appropriate documentation from the parties involved. This may include, but is not limited to, a deed of trust, recorded deed restrictions, Designer's Certification and a signed Operation and Maintenance plan. The project must be in good standing with DWQ. 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 of the terms and conditions of this permit until such time as the Director approves the transfer request.
3. Failure to abide by the conditions and limitations contained in this permit may subject the Permittee to enforcement action by the Division of Water Quality, in accordance with North Carolina General Statute 143-215.6A to 143-215.6C.
4. 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.
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 this Division, such as the construction of additional or replacement stormwater management systems.
6. The permit may be modified, revoked and reissued or terminated for cause. The filing of a request for a permit modification, revocation and reissuance or termination does not stay any permit condition.

7. Permittee grants permission to staff of the DWQ to access the property for the purposes of inspecting the stormwater facilities during normal business hours.
8. The permittee shall notify the Division of any name, ownership or mailing address changes within 30 days.
9. A copy of the approved plans and specifications shall be maintained on file by the Permittee for a minimum of ten years from the date of the completion of construction.

Permit issued this the 27th day of March, 2006.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION



for

Alan W. Klimek, P.E., Director
Division of Water Quality
By Authority of the Environmental Management Commission

Permit Number SW7060308

Mill End Center
Stormwater Permit No. SW7060308
Pasquotank County

Page 1 of 2

Designer's Certification

I, _____, as a duly registered _____ in
the State of North Carolina, having been authorized to observe (periodically/weekly/full
time) the construction of the project,

(Project)

for _____ (Project Owner) hereby state that, to the
best of my abilities, due care and diligence was used in the observation of the project
construction such that the construction was observed to be built within substantial
compliance and intent of the approved plans and specifications.

The checklist of items on page 2 of this form are a part of this Certification.

Noted deviations from approved plans and specifications:

SEAL

Signature _____

Registration Number _____

Date _____

Certification Requirements:

Page 2 of 2

- ___ 1. The drainage area to the system contains approximately the permitted acreage.
- ___ 2. The drainage area to the system contains no more than the permitted amount of built-upon area.
- ___ 3. All the built-upon area associated with the project is graded such that the runoff drains to the system.
- ___ 4. All roof drains are located such that the runoff is directed into the system.
- ___ 5. The outlet/bypass structure elevations are per the approved plan.
- ___ 6. The outlet structure is located per the approved plans.
- ___ 7. Trash rack is provided on the outlet/bypass structure.
- ___ 8. All slopes are grassed with permanent vegetation.
- ___ 9. Vegetated slopes are no steeper than 3:1.
- ___ 10. The inlets are located per the approved plans and do not cause short-circuiting of the system.
- ___ 11. The permitted amounts of surface area and/or volume have been provided.
- ___ 12. Required drawdown devices are correctly sized per the approved plans.
- ___ 13. All required design depths are provided.
- ___ 14. All required parts of the system are provided, such as a vegetated shelf, a forebay, and the vegetated filter.
- ___ 15. The required dimensions of the system are provided, per the approved plan.

cc: NCDENR-DWQ Washington Regional Office
Elizabeth City Building Inspections

***** ACTIVITY MANAGEMENT REPORT TX *****

START TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PAGES	RESULT
04/21 15:17 *	3314857		2713	TRANSMISSION	1	OK 00'40
04/28 13:53 *	12527523974		2716	TRANSMISSION	1	OK 00'32
05/02 07:08 *	17578554628		2721	TRANSMISSION	0	NG 00'00
					0	STOP
07:09 *	17758554628		2722	TRANSMISSION	3	OK 02'06
08:37 *	12527523974		2724	TRANSMISSION	4	OK 01'32
05/10 08:01 *	12522364168		2731	TRANSMISSION	2	NG 00'50
					2	STOP
08:03 *	12522364168		2732	TRANSMISSION	18	OK 06'12
05/15 08:03	3311291		2733	TRANSMISSION	14	OK 05'24

L - Faxed To June Brooks / Planning

***** ACTIVITY MANAGEMENT REPORT RX *****

START TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PAGES	RESULT
04/21 11:31 *	2523376864		2712	RECEPTION	2	OK 00'59
04/26 19:07 *			2714	RECEPTION	1	OK 01'08
04/28 09:32 *	252 236 4168		2715	RECEPTION	9	NG 05'58
					9	#037
14:10 *	3388451		2717	RECEPTION	2	OK 01'39
14:56 *	252 236 4168		2718	RECEPTION	10	OK 07'14
05/02 07:27 *	775 855 4628		2723	RECEPTION	3	OK 05'01
14:45 *	2523376864		2725	RECEPTION	1	OK 00'38
16:23 *	2523376864		2726	RECEPTION	3	OK 02'58
05/04 09:51 *	2523376864		2727	RECEPTION	2	NG 01'17
					2	
12:11 *	2523376864		2728	RECEPTION	8	OK 03'41
12:46 *	2523376864		2729	RECEPTION	3	OK 02'14
05/09 07:06 *			2730	RECEPTION	2	OK 01'57

Received 3-13-06

050444



State of North Carolina
Department of Environment and Natural Resources
Washington Regional Office

Michael F. Easley, Governor

William G. Ross, Jr., Secretary

DIVISION OF LAND RESOURCES
LAND QUALITY SECTION
March 10, 2006

LETTER OF APPROVAL

Hamilton Commercial Properties, LLC
ATTN: Mr. David A. Hamilton, Manager
4740 Virginia Beach Boulevard
Virginia Beach, Virginia 23562

RE: Erosion and Sedimentation Control Plan No. Pasqu-2006-021
Mill End Center and Mill End Carpet
US 17 South - Pasquotank County
River Basin: Pasquotank
Date Received: March 9, 2006
Responsible Party: Hamilton Commercial Properties, LLC

Dear Sir:

This office has completed its review of the erosion and sedimentation control plan for the referenced 8.0 acre disturbance. Based on the information provided, we have determined the submitted plan for the grading associated with the construction of a road, 2 stormwater ponds, a building and parking (lot 1) and preparation of 4 commercial lots, if properly implemented and responsibly maintained, should meet the intent and minimum requirements of the Act. We, therefore, issue this LETTER OF APPROVAL.

In 1973, the Sedimentation Pollution Control Act (copy available upon request) was enacted. It established a performance oriented program with the OBJECTIVE of PREVENTING SEDIMENT DAMAGE to adjoining properties and/or natural resources resulting from land disturbing activities through the use of reasonable and appropriate Best Land Management Practices, based on the approved plan and changing site conditions, during the course of the project. **AS THE DECLARED RESPONSIBLE PARTY, YOUR LEGAL RESPONSIBILITY** is to understand the Act and comply with the following minimum requirements of the Act and the above listed modifications (if any):

- *an erosion and sedimentation control plan is only valid for 3 years following the date of initial approval, if no land-disturbing activity has been undertaken;*

- the LATEST APPROVED soil erosion and sediment control plan will be used during inspection to determine compliance and a copy of the plan must be on file at the job site;
- erosion and sediment control measures or devices are to be installed to safely withstand the runoff resulting from a 10 year storm event - 6.5 - 7 inches in 24 hours or at the rate of 6.5 - 7 inches in 1 hour.
- unless the off-site borrow and/or disposal sites are identified in the erosion control plan, no earthen material is to be brought on or removed from the project site;
- except in the case of a storm related emergency, a revised erosion and sedimentation control plan must be submitted to and approved by this office prior to initiating any significant changes in the construction, grading or drainage plans;
- a buffer zone, sufficient to restrain visible sedimentation, must be provided and maintained between the land-disturbing activity and any adjacent property or watercourse;
- new or affected cut or filled slopes must be at an angle that can be retained by vegetative cover, AND must be provided with a ground cover sufficient to restrain erosion within 21 calendar days of completion of any phase (rough or final) of grading (RYE GRASS IS NOT in the APPROVED seeding specifications NOR is it an ACCEPTABLE substitute for the providing of a temporary ground cover);
- the CERTIFICATE OF PLAN APPROVAL must be posted at the primary entrance to the job site and remain until the site is permanently stabilized;
- unless a temporary, manufactured, lining material has been specified, a clean straw mulch must be applied, at the minimum rate of 2 tons/acre, to all seeded areas. The mulch must cover at least 75% of the seeded area after it is either tacked, with an acceptable tacking material, or crimped in place;
- in order to comply with the intent of the Act, the scheduling of the land-disturbing activities is to be such that both the area of exposure and the time between the land disturbance and the providing of a ground cover is minimized;
- a permanent ground cover, sufficient restrain erosion, must be provided within the shorter of 15 working or 90 calendar days after completion of

Hamilton Commercial Properties, LLC
ATTN: Mr. David A. Hamilton, Manager
March 10, 2006
Page

*construction or development on any portion of the tract (**RYE GRASS IS NOT** in the **APPROVED** seeding specifications **NOR** is it an **ACCEPTABLE** substitute for the providing of a nurse cover for the permanent grass cover); and,*

- *this approval is based, in part, on the accuracy of the information provided in the Financial Responsibility/Ownership form submitted with the project plans. You are required to file an amended form if there is any change in the information included on the form. This approval and the financial responsibility/liability cited in it does not automatically transfer with a change in project ownership.*

Be advised that to ensure compliance with the approved plan and the program requirements, unannounced periodic inspections will be made. If it is determined that the implemented plan is inadequate, this office may require the installation of additional measures and/or that the plan be revised to comply with state law. (Note: Revisions to the scope of this project without prior approval of the plan showing the changes can be considered a violation). Failure to comply with any part of the approved plan or with any requirements of this program could result in the taking of appropriate legal action (civil or criminal) against the financially responsible party (*Hamilton Commercial Properties, LLC*). Some options are Stop Work Orders and the assessing of a civil penalty of up to \$5000 for the initial violation plus up to \$5000 per day for each day the site is out of compliance.

In recognizing the desirability of early coordination of sedimentation control, we believe it would be beneficial for you and your contractor to arrange a preconstruction conference to discuss the requirements of the approved erosion and sedimentation control plan. Prior to beginning this project, **YOU ARE REQUIRED TO** either **CONTACT THIS OFFICE TO ADVISE** Ms. Allison Ward (252-946-6481, ext. 3857) **OF THE CONSTRUCTION START-UP DATE**, contractor and on-site contact person **OR** complete and return the attached Project Information Sheet to the above named.

Acceptance and approval of this plan is conditioned upon your compliance with Federal and State water quality laws, regulations and rules. In addition, the land disturbing activity described in this plan may also require approval or permitting from other agencies - Federal, State or local. These could include the U.S. Army Corps of Engineers under Article 4.0.4. jurisdiction, the Division of Water Quality - Surface Water Section under stormwater regulations (contact the Stormwater group at 252-946-6481), county, city or town agencies under other local ordinances, or other approvals that may be required. **This approval does not supersede any other approval or permit.**

Please be advised that all land-disturbing activities affecting 1 or more acres are required to have a (Federal) NPDES permit. Enclosed is the Construction Activities General NPDES Permit - NCG010000 for this project. The responsibility for understanding and complying with this permit rests with you, the financially responsible party. Be aware that failure to comply with

Hamilton Commercial Properties, LLC
ATTN: Mr. David A. Hamilton, Manager
March 10, 2006
Page 4

this permit could result in both the State and Federal governments taking appropriate legal action. Contact the Division of Water Quality - Surface Water Section at (252) 946-6481 should you have any questions regarding monitoring and record keeping requirements of the permit.

Sincerely,



Patrick H. McClain, PE
Regional Engineer

:pm

enclosures

w/o enc. cc: Kim Hemby, Hyman and Robey
Alton Hodge, Division of Water Quality

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

STATE STORMWATER MANAGEMENT PERMIT

HIGH 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

Hamilton Commercial Properties, LLC
Mill End Center
Pasquotank County

FOR THE

construction, operation and maintenance of 2 wet detention ponds in compliance with the provisions of 15A NCAC 2H .1000 (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.

This permit shall be effective from the date of issuance until March 27, 2016 and shall be subject to the following specified conditions and limitations:

I. DESIGN STANDARDS

1. This permit is effective only with respect to the nature and volume of stormwater described in the application and other supporting data.
2. This stormwater system has been approved for the management of stormwater runoff as described in Section I.6 on page 3 of this permit. The commercial subdivision is permitted for 5 lots. See attachment for the allowance of square feet of built-upon area for each lot.
3. Approved plans and specifications for this project are incorporated by reference and are enforceable parts of the permit.
4. 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.

Hyman & Robey, PC

Consulting Engineers and Land Surveyors
P. O. Box 339, Camden, NC 27921

(252) 335-1888 Office
(252) 338-2913 Office
(252) 338-5552 Fax

Transmittal

Date	4/4/2006	Number of pages including cover sheet		
To	Eric Weatherly	Phone		
		Fax		
From	Angela M. Welsh Planner Angela@hymanrobey.com	Phone	(252) 335-1888	
		Fax	(252) 338-5552	
Subject/ Project #	Mill End site plan	Sent Via	Hand delivered	
Enclosures	1 copy of revised site plan for Mill End and 1 copy each of E & S and Stormwater approvals			

REMARKS:

	<input checked="" type="checkbox"/>	Please call for further discussion		For your review and comment		For your Approval		As you requested
		As we discussed		For your Files		For your use		Other

Message:

Eric,

Here are the revised site plans for Mill End for your review. If you have any questions, please do not hesitate to call us at 335-1888.

Angela



State of North Carolina
Department of Environment and Natural Resources
Washington Regional Office

Michael F. Easley, Governor

William G. Ross, Jr., Secretary

DIVISION OF LAND RESOURCES
LAND QUALITY SECTION
March 10, 2006

LETTER OF APPROVAL

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Virginia Beach, Virginia 23562

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US 17 South - Pasquotank County
River Basin: Pasquotank
Date Received: March 9, 2006
Responsible Party: Hamilton Commercial Properties, LLC

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In 1973, the Sedimentation Pollution Control Act (copy available upon request) was enacted. It established a performance oriented program with the **OBJECTIVE** of **PREVENTING SEDIMENT DAMAGE** to adjoining properties and/or natural resources resulting from land disturbing activities through the use of reasonable and appropriate Best Land Management Practices, based on the approved plan and changing site conditions, during the course of the project. **AS THE DECLARED RESPONSIBLE PARTY, YOUR LEGAL RESPONSIBILITY** is to understand the Act and comply with the following minimum requirements of the Act and the above listed modifications (if any):

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Hamilton Commercial Properties, LLC
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construction or development on any portion of the tract (RYE GRASS IS NOT in the APPROVED seeding specifications NOR is it an ACCEPTABLE substitute for the providing of a nurse cover for the permanent grass cover); and,

- *this approval is based, in part, on the accuracy of the information provided in the Financial Responsibility/Ownership form submitted with the project plans. You are required to file an amended form if there is any change in the information included on the form. This approval and the financial responsibility/liability cited in it does not automatically transfer with a change in project ownership.*

Be advised that to ensure compliance with the approved plan and the program requirements, unannounced periodic inspections will be made. If it is determined that the implemented plan is inadequate, this office may require the installation of additional measures and/or that the plan be revised to comply with state law. (Note: Revisions to the scope of this project without prior approval of the plan showing the changes can be considered a violation). Failure to comply with any part of the approved plan or with any requirements of this program could result in the taking of appropriate legal action (civil or criminal) against the financially responsible party (*Hamilton Commercial Properties, LLC*). Some options are Stop Work Orders and the assessing of a civil penalty of up to \$5000 for the initial violation plus up to \$5000 per day for each day the site is out of compliance.

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050-144

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William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director
Division of Water Quality

March 27, 2006

Mr. David A. Hamilton, Manager
Hamilton Commercial Properties, LLC
4740 Virginia Beach Blvd.
Virginia Beach, VA 23462

**Subject: Stormwater Permit No. SW7060308
Mill End Center
High Density Subdivision Project
Pasquotank County**

Dear Mr. Hamilton

The Washington Regional Office received a complete Stormwater Management Permit Application for Mill End Center on March 9, 2006. 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. We are forwarding Permit No. SW7060308, dated March 27, 2006, for the construction of the project, Mill End Center.

This permit shall be effective from the date of issuance until March 27, 2016, and shall be subject to the conditions and limitations as specified therein. Please pay special attention to the Operation and Maintenance requirements in this permit. Failure to establish an adequate system for operation and maintenance of the stormwater management system will result in future compliance problems.

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 Scott Vinson, or me at (252) 946-6481.

Sincerely,

Al Hodge
Regional Supervisor
Surface Water Protection Section

AH/sav: C:STORMWATER\PERMIT\SW7060308

cc: ✓ Sean Robey, PE
Elizabeth City Building Inspections
Washington Regional Office
Central Files

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

STATE STORMWATER MANAGEMENT PERMIT

HIGH 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

Hamilton Commercial Properties, LLC
Mill End Center
Pasquotank County

FOR THE

construction, operation and maintenance of 2 wet detention ponds in compliance with the provisions of 15A NCAC 2H .1000 (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.

This permit shall be effective from the date of issuance until March 27, 2016 and shall be subject to the following specified conditions and limitations:

I. DESIGN STANDARDS

1. This permit is effective only with respect to the nature and volume of stormwater described in the application and other supporting data.
2. This stormwater system has been approved for the management of stormwater runoff as described in Section I.6 on page 3 of this permit. The commercial subdivision is permitted for 5 lots. See attachment for the allowance of square feet of built-upon area for each lot.
3. Approved plans and specifications for this project are incorporated by reference and are enforceable parts of the permit.
4. 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.

4. 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 all or part of the project area. The project area is defined as all property owned by the permittee, for which Sedimentation and Erosion Control Plan approval or a CAMA Major permit was sought.
 - f. Filling in, altering, or piping of any vegetative conveyance shown on the approved plan.
5. The Director may determine that other revisions to the project should require a modification to the permit.
6. 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.
7. 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.
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.
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. Permanent seeding requirements for the stormwater control must follow the guidelines established in the North Carolina Erosion and Sediment Control Planning and Design Manual.

15. The permittee shall at all times provide the operation and maintenance necessary to assure that all components of the permitted stormwater system function at optimum efficiency. 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:
- Semiannual scheduled inspections (every 6 months).
 - Sediment removal.
 - Mowing and revegetation of side slopes.
 - Immediate repair of eroded areas.
 - Maintenance of side slopes in accordance with approved plans and specifications.
 - Debris removal and unclogging of structures, orifice, catch basins and piping.
 - Access to all components of the system must be available at all times.
16. Records of maintenance activities must be kept and made available upon request to authorized personnel of DWQ. The records will indicate the date, activity, name of person performing the work and what actions were taken.
17. This permit shall become voidable unless the facilities are constructed in accordance with the conditions of this permit, the approved plans and specifications, and other supporting data.
18. Built upon area includes, but is not limited to, structures, asphalt, concrete, gravel, brick, stone, slate, coquina and parking areas, but does not include raised, open wood decking, or the water surface of swimming pools.

III. GENERAL CONDITIONS

- This permit is not transferable to any person or entity except after notice to and approval by the Director. In the event there is either a desire for the facilities to change ownership, or there is a name change of the Permittee, a "Name/Ownership Change Form" must be submitted to the Division of Water Quality accompanied by appropriate documentation from the parties involved. This may include, but is not limited to, a deed of trust, recorded deed restrictions, Designer's Certification and a signed Operation and Maintenance plan. The project must be in good standing with DWQ. 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 of the terms and conditions of this permit until such time as the Director approves the transfer request.
- Failure to abide by the conditions and limitations contained in this permit may subject the Permittee to enforcement action by the Division of Water Quality, in accordance with North Carolina General Statute 143-215.6A to 143-215.6C.
- 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.
- 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 this Division, such as the construction of additional or replacement stormwater management systems.
- The permit may be modified, revoked and reissued or terminated for cause. The filing of a request for a permit modification, revocation and reissuance or termination does not stay any permit condition.

Mill End Center
Stormwater Permit No. SW7060308
Pasquotank County

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Designer's Certification

I, _____, as a duly registered _____ in
the State of North Carolina, having been authorized to observe (periodically/weekly/full
time) the construction of the project,

(Project)

for _____ (Project Owner) hereby state that, to the
best of my abilities, due care and diligence was used in the observation of the project
construction such that the construction was observed to be built within substantial
compliance and intent of the approved plans and specifications.

The checklist of items on page 2 of this form are a part of this Certification.

Noted deviations from approved plans and specifications:

SEAL

Signature _____

Registration Number _____

Date _____