

August 8, 2024

Jennie Turner, CFM
Assistant Planning Director
Planning Department
153 Courthouse Road Suite 110
Currituck, NC 27929
252.232.6031
jennie.turner@currituckcountync.gov

**RE: Piedmont Natural Gas
Moyock City Gate Regulator Station
Currituck County, NC**

Ms. Turner:

On June 25-27, 2024, Energy Land and Infrastructure (ELI) submitted project documentation and review fees for the Moyock City Gate Regulator Station on behalf of Piedmont Natural Gas Company (PNG). The regulator station is proposed to be constructed southwest of the intersection of Caratoke Highway and Survey Road in Currituck County. Subsequent to this submittal, a Teams meeting was held between members of the Technical Review Committee (TRC), PNG, and our firm on July 10, 2024, to discuss project specifics.

The TRC assembled comments based on their review and submitted same to PNG on July 12, 2024. The following are formal responses to the TRC comments:

Planning (Jason Litteral)

Comment 1: Have state permits, including required NCDOT permits, been obtained. Site plan approval shall not be granted without them.

Response: Erosion control approval was received from the NCDEQ-Division of Energy, Mineral, and Land Resources (DEMLR)- Washington Regional Office on July 10, 2024. The project is a natural gas transmission line project; therefore, it is exempt from NCDEQ construction stormwater permitting (NCG01) per Section 402(l)(2) of the Clean Water Act (CWA). This project will also be covered under a State Stormwater Notice of Intent (NOI) SWG040000 – General permit (post-construction) to construct a linear utility line and associated incidental built-upon area. Please see the attached Certificate of Coverage SWG040166. The NCDOT driveway permit application (D011-027-24-00054) is currently in final review by the district engineer and is pending approval at this time. Lauren Overton of Division One – District One indicated on 8/7/24 that they are expecting to issue the permit approval the week of 8/12/24.

Comment 2: Chain link fencing with slats or other materials added in not an acceptable form of screening. An opaque fence, wall, or a Type D buffer is required on all sides.

Response: A Type D buffer is proposed for the regulator station. The landscape plan detailed on Sheet 09/42 Currituck County Site Plan should satisfy UDO Sections 5.25-Vehicular Use Area Landscaping and 5.28-Streetscape. The landscape buffer is proposed for the western, northern, and eastern sides of the facility since they face Caratoke Highway and/or Survey Rd. The southern side of the facility faces an undeveloped agricultural field.

Comment 3: A sidewalk is required along Caratoke Highway. The preferred width is 12 feet, the preferred minimum is 10 feet, and in constrained conditions, the absolute minimum is 8 feet.

Response: Sidewalks are not proposed since there is no true subdivision of the property for residential or commercial uses where pedestrians are typical. Pedestrian circulation is not warranted due to the lack of community within the project and immediately north of the project. The bounds of the facility and driveway were acquired through easement and not property ownership; therefore, the placement of sidewalks within the easements may present feasibility issues. In addition, there does not appear to be sufficient space within NCDOT right-of-way to place the sidewalks due to the location and widths of the jurisdictional features in the road rights-of-way. We respectfully do not feel that the sidewalk construction requirements are applicable to the natural gas regulator station facility.



Comment 4: A sidewalk is required along Survey Rd. The preferred width is 8 feet and the minimum is 5 feet.

Response: Sidewalks are not proposed since there is no true subdivision of the property for residential or commercial uses where pedestrians are typical. Pedestrian circulation is not warranted due to the lack of community within the project and immediately east-southeast of the project. The bounds of the facility and driveway were acquired through easement and not property ownership; therefore, the placement of sidewalks is not feasible within the parcel. In addition, if the sidewalks are to be placed in the roadway rights-of-way, there does not appear to be sufficient space within NCDOT right-of-way. We do not feel that the sidewalk construction requirements are applicable to the natural gas regulator station facility.

Comment 5: The landscaping requirements UDO section 5.2 must be met.

Response: The landscape plan detailed on Sheet 09/42 Currituck County Site Plan should satisfy UDO Sections 5.25-Vehicular Use Area Landscaping and 5.28-Streetscape.

Comment 6: Below are the specific standards for minor utilities.

Response: The specific standards for minor utilities were reviewed for compliance. Item J (2) states that the utility facility, storage of vehicles or equipment shall be fully screened on all sides by an opaque wall, fence, retained vegetation, or planted vegetation to a height of 8 feet. If planted vegetation is used, it must satisfy the standard within three years of planting. Sheet 09/42 Currituck County Site Plan provides the proposed landscaping planting schedule which indicates eastern red cedar as a canopy tree with a height of 8 ft. at planting. The landscaping will screen the facility on the sides visible from the Caratoke Highway. The southern side of the facility faces an undeveloped agricultural field. Additionally, this is an unmanned facility and frequent vehicle access and the storage of equipment is not planned for this facility. The landscape plan detailed on Sheet 09/42 Currituck County Site Plan should satisfy UDO Sections 5.25-Vehicular Use Area Landscaping and 5.28-Streetscape.

Comment 7: There is no required parking for minor utilities.

Response: Access and turn-around areas have been provided for the proposed regulator station to allow for periodic inspection/maintenance at the facility as well as for emergency vehicles. The dedicated parking space noted on Sheet 09/42 Currituck County Site Plan has been removed accordingly.

Building and Fire Inspections (Rick Godsey)

Comment 1: Drive to be capable of supporting 75,000 LBS.

Response: Confirmed, the drive will be constructed to be capable of supporting 75,000 LBS.

GIS (Harry Lee)

Comment 1: No comment

Response: Not applicable

Planning (General)

Comment 1: Resubmittal should contain a pdf digital copy of all revised documents and plans.

Response: A pdf digital copy of all revised documents and plans have been provided as requested.

Stormwater Development Review (McAdams- Daniel Wiebke PE, CFM and Sarah Ferriter, EI)

Comment 1: Our understanding of the project is that the full parcel area (299.5 acres) is to be considered for permitting purposes. Therefore, if permits are issued based upon the built-upon-area percentage on the full 299.5-acre parcel, and this parcel is later subdivided and developed upon, you may need to obtain additional permits or provide mitigation to remain in compliance at that time.

Response: Acknowledged. It is our understanding that site area is only the acquired permanent easement areas that need to be considered.

Comment 2: The reasoning in the Stormwater Narrative for not providing peak flow detention for the development is not a sufficient exemption. Please provide a valid exemption from the Currituck County peak flow detention rules if no peak flow detention is to be designed for this project.

Response: According to the Currituck County Stormwater Manual, section 2.2.3, exemption B, this site is exempt as described as "Improvements or additions made to lots with an approved state stormwater permit, which do not exceed the allowable coverage". This project will be covered under a State Stormwater Notice of Intent (NOI) SWG040000 – General permit to construct a linear utility line and associated incidental built-upon area. Please see the attached Certificate of Coverage SWG040166. It is our understanding that in North Carolina, CAMA counties are under the jurisdiction of NCDEQ for post-construction stormwater.

Comment 3: According to the Hydraflow Hydrograph Reports provided, the post-development 5-year 24-hour peak flow rate is 5.86 CFS, not 5.59 CFS as reported in the narrative. Please ensure model results match reported results.

Response: Corrected.

Comment 4: An NCDEQ Stormwater Permit is required for the construction of > 10,000 sf of built-upon-area per the Currituck County Major Site Plan Submittal Checklist. It is also required per rule 15A NCAC 02H.1019. The proposed plan includes the construction of 26,495 sf of built-upon-area, therefore, a NCDEQ Stormwater Permit is required for this project. Please provide a NCDEQ Stormwater Permit.

Response: This project will be covered under a State Stormwater Notice of Intent (NOI) SWG040000 – General permit to construct a linear utility line and associated incidental built-upon area. Please see the attached Certificate of Coverage SWG040166.

Comment 5: An NCDEQ Erosion and Sedimentation Control Permit is required when land disturbance is > 1.0 acre. The proposed plan includes > 2.0 ac of land disturbance, therefore a NCDEQ E&SC Permit is required. Please provide documentation of application for a NCDEQ E&SC Permit per the Major Site Plan Submittal Checklist.

Response: Erosion control approval was received from the NCDEQ-Division of Energy, Mineral, and Land Resources (DEMLR)- Washington Regional Office on July 10, 2024. The project is a natural gas transmission line project; therefore, it is exempt from NCDEQ construction stormwater permitting (NCG01) per Section 402(l)(2) of the Clean Water Act (CWA). Documentation is provided as requested.

Comment 6: The Limits of Disturbance on sheet 01/42 of Construction Plans says 2.34 ac of land disturbance, but the Major Site Plan application and Stormwater Narrative say 2.03 ac. Please ensure values are consistent and accurate as this will impact permits.

Response: The additional 0.31 acres is the LOD pertaining to the abandonment of the existing station site that is located on a separate parcel and will be returned to a previous condition as part of this project. The 2.03 acres is accurate for the Major Site Plan application.

Comment 7: Gravel and compacted areas used for vehicle traffic are considered impervious. The proposed gravel lot is considered impervious in the calculations, but please note that any other areas that are to be compacted or regularly driven on should also be considered impervious.

Response: All regularly driven upon areas have been considered impervious and are to be graveled per the plans.

Comment 8: A "Potential Waters of the US" exhibit was provided that shows an off-site area not included in the limits of disturbance for the site. Please explain if off-site work will be proposed and if so, please include in the site plan. If a U.S. Army Corps of Engineers stream/wetland determination is required, please provide per the Major Site Plan Submittal Checklist.

Response: No off-site work is proposed. A preliminary jurisdictional determination (PJD) was approved by the US Army Corps of Engineers (USACE) on August 2, 2023, for the water resources within the bounds of the subject project as well as in the vicinity. The resources in the vicinity will not be impacted by the construction of the subject project. The PJD is provided as requested.

Comment 9: (Sheet 07/42) What storm are the proposed driveway culverts sized for?

Response: Culvert sizing was selected to maximize pipe sizing based upon existing ditch depth and width and to match culverts used at the existing regulator station site (twin 36" culverts) and nearby agricultural access (single 54" culvert). The capacity of the proposed culverts far exceeds the calculated runoff from the contributing drainage area based on a 25-year storm event.

Comment 10: Please add a note to plans that the existing ditches totally or partially within the development must be cleaned out per UDO Section 7.3.4.(6).

Response: Section 7.3.4.(6) of the UDO states that "existing ditches located totally or partially within a development and utilized for drainage or stormwater management shall be cleaned to remove drainage impediments." A preliminary jurisdictional determination (PJD) was approved by the US Army Corps of Engineers (USACE) on August 2, 2023, for the water resources within the bounds of the subject project as well as in the vicinity. The channel on the eastern boundary of the parcel paralleling Survey Road is considered jurisdictional waters of the US (WOTUS) and not a "ditch"; therefore, no cleaning measures are proposed for this resource. There are no other drainage/stormwater ditches within the limits of disturbance of the proposed project; therefore, no cleaning measures are proposed for these non-jurisdictional channels. Typical best management practices (BMPs) to prevent erosion and control sediment movement will be utilized and the limits of disturbance (LOD) is relatively flat throughout.

Jennie Turner, CFM
August 8, 2024

If you have any questions or need additional information, please contact me at (615) 478-8657 or by email at john.farmer@eli-llc.com.

Sincerely,

ENERGY LAND & INFRASTRUCTURE, PLLC



John L. Farmer, PE, CPESC, TN QHP
Environmental Practice Lead

Attachments

cc: Isaac Hinson, CE, PWS - Piedmont Natural Gas - Senior Environmental Specialist
Kevin Thomas - Piedmont Natural Gas - Lead Distribution Project Specialist
David Creeden - Energy, Land and Infrastructure – Senior Project Manager
Joel Smith, PE - Energy, Land and Infrastructure – Senior Project Manager/Civil Lead

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action Id. SAW-2023-00956 County: Currituck U.S.G.S. Quad: NC-Moyock

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Requestor: Piedmont Natural Gas
Mr. Brandon Culberson
Address: 4720 Piedmont Row Drive
Charlotte, North Carolina 28273
Telephone Number: (704) 731-4995
E-mail: brandon.culberson@duke-energy.com

Size (acres)	<u>6.15 Review Area</u>	Nearest Town	<u>Moyock</u>
Nearest Waterway	<u>Moyock Creek</u>	River Basin	<u>Albemarle-Chowan</u>
USGS HUC	<u>03010205</u>	Coordinates	Latitude: <u>36.508557</u> Longitude: <u>-76.160689</u>

Location description: The review area for the Jurisdictional Determination consists of two separate locations composing approximately 6.15 acres in total. The Receiver Site is located near the intersection of Survey Road and Caratoke Highway near the Town of Moyock, Currituck County, North Carolina and consists of 6.1 acres review area. The Ranchland Station Inlet Dig Site is located approximately 0.2 miles north of the intersection of Ranchland Drive and Caratoke Highway near the Town of Moyock, Currituck County, North Carolina and consists of a 0.05-acre review area. The review area containing approximately 0.02 acres of potential wetlands and 1,176 linear feet of non-wetland waters.

Indicate Which of the Following Apply:

A. Preliminary Determination

- There appear to be **waters, including wetlands** on the above described project area/property, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). The **waters, including wetlands** have been delineated, and the delineation has been verified by the Corps to be sufficiently accurate and reliable. The approximate boundaries of these waters are shown on the enclosed delineation maps dated 6/20/2023. Therefore, this preliminary jurisdiction determination may be used in the permit evaluation process, including determining compensatory mitigation. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved JD, which is an appealable action, by contacting the Corps district for further instruction.
- There appear to be **waters, including wetlands** on the above described project area/property, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). However, since the **waters, including wetlands** have not been properly delineated, this preliminary jurisdiction determination may not be used in the permit evaluation process. Without a verified wetland delineation, this preliminary determination is merely an effective presumption of CWA/RHA jurisdiction over all of the **waters, including wetlands** at the project area, which is not sufficiently accurate and reliable to support an enforceable permit decision. We recommend that you have the **waters, including wetlands** on your project area/property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

B. Approved Determination

- There are **waters, including wetlands** on the above-described project area/property subject to the permit requirements of Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- We recommend you have the **waters, including wetlands** on your project area/property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

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- There are no waters of the U.S., to include wetlands, present on the above-described project area/property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in **in Elizabeth City, NC, at (252) 264-3901** to determine their requirements.

Placement of dredged or fill material within waters of the US, including wetlands, without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). Placement of dredged or fill material, construction or placement of structures, or work within navigable waters of the United States without a Department of the Army permit may constitute a violation of Sections 9 and/or 10 of the Rivers and Harbors Act (33 USC § 401 and/or 403). If you have any questions regarding this determination and/or the Corps regulatory program, please contact **Anthony D. Scarbraugh** at **910 251-4619** or **anthony.d.scarbraugh@usace.army.mil**.

C. Basis For Determination: The wetlands and non-wetland waters within the review area were delineated using the Corps of Engineers 1987 Wetland Delineation Manual and the Atlantic and Gulf Coastal Plain Regional Supplement Version 2.0. The wetlands and non-wetland waters within the property are wetland and non-wetland waters that are a continuum that abuts Moyock Creek and Guinea Mill Run Canal, which is within the Pasquotank River Basin.

D. Remarks: The potential wetlands and non-wetland waters within the review area is depicted on the attached figures entitled, "6A and 6B", dated June 20, 2023.

E. Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)

If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers
South Atlantic Division
Attn: Mr. Philip A. Shannin
Administrative Appeal Review Officer
60 Forsyth Street SW, Floor M9
Atlanta, Georgia 30303-8803
Phone: (404) 562-5136

AND

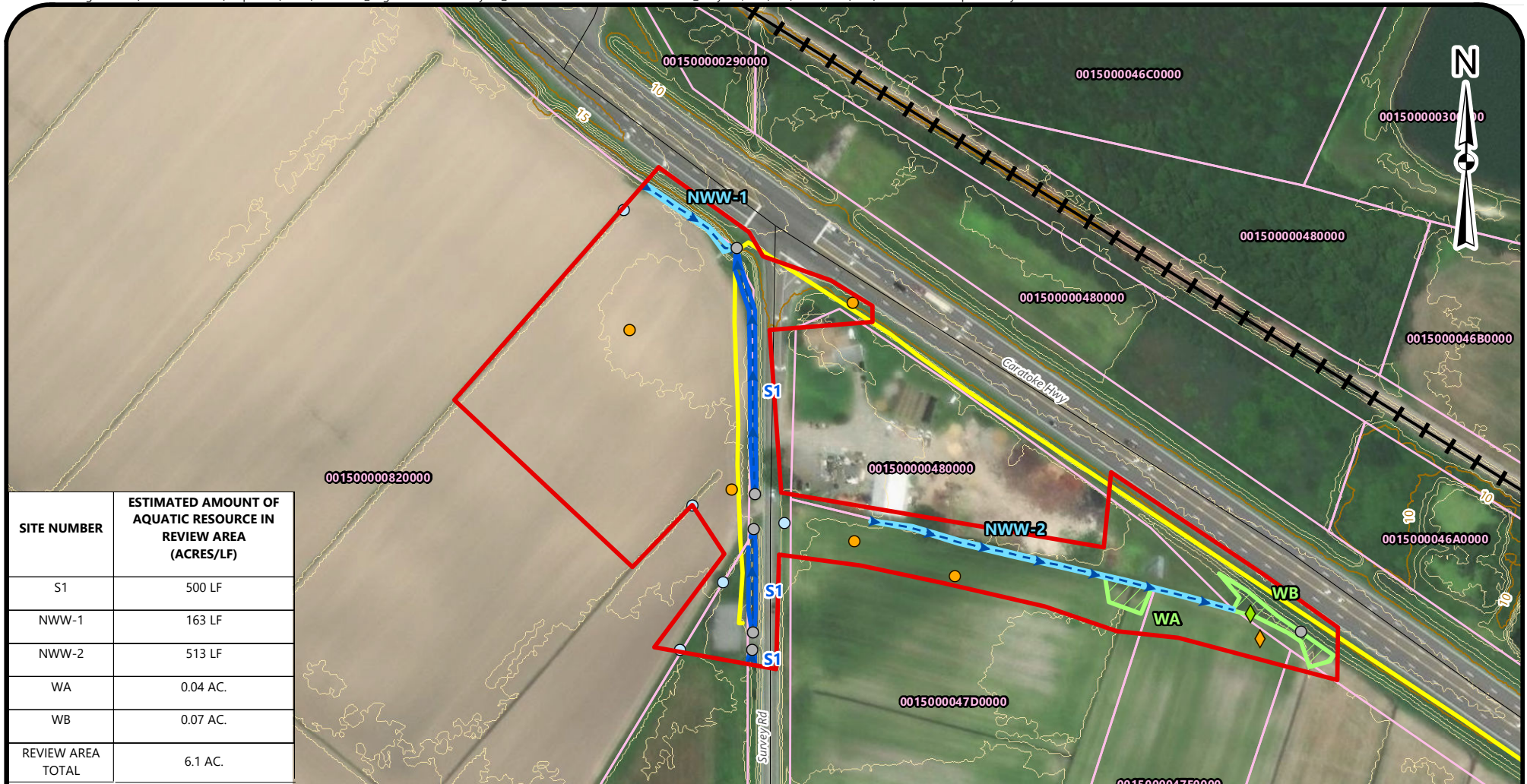
PHILIP.A.SHANNIN@USACE.ARMY.MIL

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **Not applicable**.

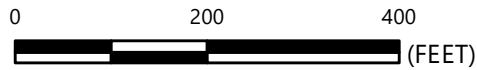
It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.

Corps Regulatory Official:  _____

Date of JD: **8/2/2023** Expiration Date of JD: **Not applicable**



SITE NUMBER	ESTIMATED AMOUNT OF AQUATIC RESOURCE IN REVIEW AREA (ACRES/LF)
S1	500 LF
NWW-1	163 LF
NWW-2	513 LF
WA	0.04 AC.
WB	0.07 AC.
REVIEW AREA TOTAL	6.1 AC.



REFERENCE:

GIS BASE LAYERS WERE OBTAINED FROM PUBLICLY AVAILABLE DATA SOURCES. THIS EXHIBIT IS FOR INFORMATIONAL PURPOSES ONLY. ALL FEATURE LOCATIONS DISPLAYED ARE APPROXIMATED. THEY ARE NOT BASED ON CIVIL SURVEY INFORMATION, UNLESS STATED OTHERWISE.

LEGEND

- [Red outline] RECEIVER SITE LOD
- [Blue circle] NON-JD DITCH
- [Blue line] POTENTIAL STREAM
- [Pink outline] PARCELS
- [Grey line] ROADS
- [Grey circle] CULVERT
- [Orange diamond] UPLAND DATA POINT
- [Yellow line] LINE 214
- [Black cross] RAILROADS
- [Blue dashed line] FLOWLINE
- [Green diamond] WETLAND DATA POINT
- [Brown line] MAJOR CONTOURS
- [Orange circle] UPLAND
- [Blue dashed line] POTENTIAL NON-WETLAND WATERS
- [Green hatched box] POTENTIAL WETLANDS
- [Yellow line] MINOR CONTOURS



POTENTIAL WATERS OF THE U.S. EXHIBIT

RECEIVER SITE
 LINE 214 STATION SITES ASSESSMENT
 CURRITUCK COUNTY, NORTH CAROLINA

SCALE:
 1" = 200'
 DATE:
 6-20-23
 PROJECT NUMBER
 23350204

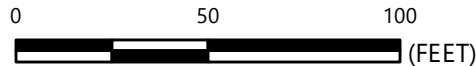
FIGURE NO.
6A



SITE NUMBER	ESTIMATED AMOUNT OF AQUATIC RESOURCE IN REVIEW AREA (ACRES/LF)
WD	0.02 AC.
REVIEW AREA TOTAL	0.05 AC.

REFERENCE: 2020 AERIAL IMAGERY

GIS BASE LAYERS WERE OBTAINED FROM PUBLICLY AVAILABLE DATA SOURCES. THIS EXHIBIT IS FOR INFORMATIONAL PURPOSES ONLY. ALL FEATURE LOCATIONS DISPLAYED ARE APPROXIMATED. THEY ARE NOT BASED ON CIVIL SURVEY INFORMATION, UNLESS STATED OTHERWISE.



LEGEND

- RANGLAND STATION INLET DIG SITE LOD
- LINE 214
- ◆ UPLAND DATA POINT
- ◆ WETLAND DATA POINT
- POTENTIAL WETLAND
- ROADS
- + RAILROADS
- PARCELS
- MAJOR CONTOURS
- MINOR CONTOURS



POTENTIAL WATERS OF THE U.S. EXHIBIT

RANGLAND STATION INLET DIG SITE
 LINE 214 STATION SITES ASSESSMENT
 CURRITUCK COUNTY, NORTH CAROLINA

SCALE:
 1" = 50'
 DATE:
 6-20-23
 PROJECT NUMBER
 23350204

FIGURE NO.

6B

SAW-2023-00956

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0

Copy furnished:

Agent: **S&ME, Inc.**
Mr. Joey Lawler
Address: **2016 Ayrley Town Boulevard, Suite 2-A**
Charlotte, North Carolina 28273
Telephone Number: **(704) 523-4726**
E-mail: **jlawler@smeinc.com**

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: <u>Piedmont Natural Gas, Mr. Brandon Culberson</u>	File Number: <u>SAW-2023-00956</u>	Date: <u>8/2/2023</u>
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL WITHOUT PREJUDICE	C
<input type="checkbox"/>	PERMIT DENIAL WITH PREJUDICE	D
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	E
<input checked="" type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	F

SECTION I

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit

- ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable

You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial

You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- **RECONSIDERATION:** You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable

You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision you may contact:
District Engineer, Wilmington Regulatory Division
Attn: Anthony D. Scarbraugh
Washington Regulatory Office
U.S Army Corps of Engineers
2407 West Fifth Street
Washington, North Carolina 27889

If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:
Philip Shannin
Regulatory Appeals Review Officer
South Atlantic Division
60 Forsyth St SW, Floor M9
Atlanta, Georgia 30303-8803

Philip.A.Shannin2@usace.army.mil
404-562-5136

SECTION II – REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:
Email address of appellant and/or agent:	Telephone number:

PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

- A. REPORT COMPLETION DATE FOR PJD:** 08/02/2023
- B. NAME AND ADDRESS OF PERSON REQUESTING PJD:** Piedmont Natural Gas, Mr. Brandon Culberson, 4720 Piedmont Row Drive, Charlotte, North Carolina 28273
- C. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Wilmington District, Line 214 US 158/Moyock/Currituck County, SAW-2023-00956
- D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:** The review area for the Jurisdictional Determination consists of two separate locations composing approximately 6.15 acres in total. The Receiver Site is located near the intersection of Survey Road and Caratoke Highway near the Town of Moyock, Currituck County, North Carolina and consists of 6.1 acres review area. The Ranchland Station Inlet Dig Site is located approximately 0.2 miles north of the intersection of Ranchland Drive and Caratoke Highway near the Town of Moyock, Currituck County, North Carolina and consists of a 0.05-acre review area. The review area containing approximately 0.02 acres of potential wetlands and 1,176 linear feet of non-wetland waters.

(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: NC County: Currituck City: Moyock
Center coordinates of site (lat/long in degree decimal format): Latitude: 36.508557 Longitude: -76.160689

Universal Transverse Mercator:

Name of nearest waterbody: Moyock Creek

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date:
- Field Determination. Date(s): 06/21/2023

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION

Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resources in review area (acreage and linear feet, if applicable)	Type of aquatic resources (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
NWW-1	36.5091	-76.1604	163 feet	Non-wetland waters	Section 404
NWW-2	36.5078	-76.1588	513 feet	Non-wetland waters	Section 404
S1	36.5078	-76.1602	500 feet	Non-wetland waters	Section 404
WA	36.5077	-76.1584	0.04 acres	Wetland	Section 404
WB	36.5075	-76.1577	0.07 acres	Wetland	Section 404
WD	36.4884	-76.1362	0.06 acres	Wetland	Section 404

1. The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "*may be*" waters of the U.S. and/or that there "*may be*" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply) Checked items are included in the administrative record and are appropriately cited: S&ME, Inc. (S&ME) submitted jurisdictional determination request package on May 3, 2023 with final revision received on June 20, 2023.

Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:

Map: **Figures entitled, "6A and 6B", dated June 20, 2023**

Data sheets prepared/submitted by or on behalf of the PJD requestor. Datasheets: S&ME prepared and submitted data sheets on May 3, 2023, with final revision received on August 2, 2023.

Office concurs with data sheets/delineation report.

Office does not concur with data sheets/delineation report. Rationale: _____

Data sheets prepared by the Corps: _____

Corps navigable waters' study:

U.S. Geological Survey Hydrologic Atlas: **1997 Hydrologic Atlas 730 L provided by S&ME**

USGS NHD data:

USGS 8 and 12 digit HUC maps:

U.S. Geological Survey map(s). Cite scale & quad name: **Movock, NC 2022 provided by S&ME**

Natural Resources Conservation Service Soil Survey. Citation: **Currituck Co, 1982 provided by S&ME**

National wetlands inventory map(s). Cite name: **USFWS NWI, 1982 provided by S&ME**

State/local wetland inventory map(s): _____

FEMA/FIRM maps: **3721803100K & 3721804000K**

100-year Floodplain Elevation is: _____ (National Geodetic Vertical Datum of 1929)

Photographs: Aerial (Name & Date): **2020 aerial imagery from NC OneMap provided by S&ME**

or Other (Name & Date): **See photo log generated by S&ME**

Previous determination(s). File no. and date of response letter: _____

Other information (please specify): **LiDAR, APT from 04/12/2023, 06/19/2023, 06/21/2023 and Weather**

Station Data Set

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Signature and date of Regulatory
staff member completing PJD
8/2/2023

Signature and date of person requesting PJD
(REQUIRED, unless obtaining the signature is
impracticable)¹

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

WILLIAM E. TOBY VINSON, JR
Interim Director

07-10-2024

LETTER OF APPROVAL

Piedmont Natural Gas c/o Kevin Thomas
5607 Cannon Drive
Monroe, North Carolina 28210

RE: Project Name: PNG- Moyock City Gate RS Upgrade
Permit Number: CURRI-2025-0119
Acres Approved: 2.34
County: Currituck
City: Moyock
Address: Caratoke Hwy (NC-168)
River Basin: Pasquotank
Stream Classification: C: Aquatic Life, Secondary Contact Recreation, Fresh water
Submitted By: Energy, Land and Infrastructure, PLLC
Plan Type: New Plan

Dear Piedmont Natural Gas c/o Kevin Thomas,

This office has reviewed the subject erosion and sedimentation control plan. We hereby issue this Letter of Approval. Any modifications required for approval are listed in the body of the email that accompanied this attached letter. The enclosed Certificate of Approval must be posted at the job site. This plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, as is required by Title 15A NCAC 4B .0129.

As of April 1, 2019, all new construction activities not explicitly exempt are required to complete and submit an electronic Notice of Intent (eNOI) form requesting a Certificate of Coverage (COC) under the NCG010000 Construction General Permit. After the form is reviewed and found to be complete, you will receive a link with payment instructions for the annual permit fee. After the fee is processed, you will receive the COC. As the Financially Responsible Party shown on the FRO form submitted for this project, you MUST obtain the COC prior to commencement of any land disturbing activity. The eNOI form may be accessed at deq.nc.gov/NCG01.



North Carolina Department of Environmental Quality | Division of Energy, Mineral and Land Resources
512 North Salisbury Street | 1612 Mail Service Center | Raleigh, North Carolina 27699-1612
919.707.9200

Please direct questions about the eNOI form to the [Stormwater Program staff](#) in the Raleigh central office. If the owner/operator of this project changes in the future, the new responsible party must obtain a new COC.

Title 15A NCAC 4B .0118(a) and the NCG01 permit require that the following documentation be kept on file at the job site:

1. The approved E&SC plan as well as any approved deviation.
2. The NCG01 permit and the COC, once it is received.
3. Records of inspections made during the previous 12 months.

Also, this letter gives the notice required by G.S. 113A-61.1(a) of our right of periodic inspection to ensure compliance with the approved plan.

North Carolina's Sedimentation Pollution Control Act is performance-oriented, requiring protection of existing natural resources and adjoining properties. If, following the commencement of this project, the erosion and sedimentation control plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statute 113A-51 through 66), this office may require revisions to the plan and implementation of the revisions to ensure compliance with the Act.

Acceptance and approval of this plan is conditioned upon your compliance with Federal and State water quality laws, regulations, and rules. In addition, local city or county ordinances or rules may also apply to this land-disturbing activity. This approval does not supersede any other permit or approval.

Please note that this approval is based in part on the accuracy of the information provided in the Financial Responsibility Form and on the plan, which you provided. You are requested to file an amended form if there is any change in the information included on the form.

Your cooperation is appreciated.

Sincerely,

Robert Pullinger

Land Quality Section

CERTIFICATE OF PLAN APPROVAL



The posting of this certificate certifies that an erosion and sedimentation control plan has been approved for this project by the North Carolina Department of Environmental Quality in accordance with North Carolina General Statute 113A – 57 (4) and 113A – 54 (d) (4) and North Carolina Administrative Code, Title 15A, Chapter 4B.0107 (c). This certificate must be posted at the primary entrance of the job site before construction begins and until establishment of permanent groundcover as required by North Carolina Administrative Code, Title 15A, Chapter 4B.0127 (b).

**PNG- Moyock City Gate RS Upgrade
Caratoke Hwy (NC-168) Moyock, NC 27958**

7/10/2024

Date of Plan Approval



CURRI-2025-0119

Project Identifier

Certificate of Coverage Number: _____

**FINANCIAL RESPONSIBILITY/OWNERSHIP FORM
SEDIMENTATION POLLUTION CONTROL ACT**

No person may initiate any land-disturbing activity on one or more acres as covered by the Act, including any activity under a common plan of development of this size as covered by the NCG01 permit, before this form and an acceptable erosion and sedimentation control plan have been completed and approved by the Land Quality Section, N.C. Department of Environmental Quality. Submit the completed form to the appropriate Regional Office. (Please type or print and, if the question is not applicable or the e-mail address or phone number is unavailable, place N/A in the blank.)

Part A.

1. Project Name: PNG- Moyock City Gate RS Upgrade

**If this project involves American Rescue Plan Act (ARPA) funds, list the Project Name below under which you applied for funding through the Division of Water Infrastructure (DWI).*

Is Project ARPA Funded	ARPA Project Name	ARPA Project #
No		

2. Location of land-disturbing activity: County: Currituck City or Township: Moyock

Highway/Street: Caratoke Hwy (NC-168) Latitude: 36.508750 Longitude: -
76.160580

3. Approximate date land-disturbing activity will commence: 9/2/2024

4. Purpose of development (residential, commercial, industrial, institutional, etc.): Industrial

5. Total acreage disturbed or uncovered (including off-site borrow and waste areas): 2.34

6. The application fee of \$100.00 per acre (rounded up to the next acre) is assessed without a ceiling amount (Example: 8.10-acre application fee is \$900).

7. Has an erosion and sediment control plan been filed? No

8. Person to contact should erosion and sediment control issues arise during land-disturbing activity:

Name: Lindsay Roth E-mail Address: lindsay.roth@duke-energy.com

Phone: 561-603-5027 Mobile: 561-603-5027

9. Landowner(s) of Record:

Landowner(s) of Record							
Name				Email		Business Phone	Mobile Phone
Piedmont Natural Gas				kevin.thomas@duke-energy.com		7045576719	
Physical Address				Mailing Address			
Street 1	City	State	Zip	Street 1	City	State	Zip
525 S Tryon St. DEP-19	Charlotte	NC	28202	525 S Tryon St. DEP-19	Charlotte	NC	28202

Part B.

1. Company(ies) who are financially responsible for the land-disturbing activity (Provide a comprehensive list of all responsible parties on accompanied page.) *If the company is a sole proprietorship or if the landowner(s) is an individual(s), the name(s) of the owner(s) may be listed as the financially responsible party(ies).*

Primary Financially Responsible Party								
Company Name				Email		Business Phone		Mobile Phone
Piedmont Natural Gas c/o Kevin Thomas				kevin.thomas@duke-energy.com		704-557-6719		
Physical Address				Mailing Address				
Street 1	City	State	Zip	Street 1	City	State	Zip	
5607 Cannon Drive	Monroe	NC	28210	5607 Cannon Drive	Monroe	NC	28210	
Additional Financially Responsible Parties								
Company Name				Email		Business Phone		Mobile Phone
Piedmont Natural Gas c/o Kevin Thomas				kevin.thomas@duke-energy.com		704-557-6719		
Physical Address				Mailing Address				
Street 1	City	State	Zip	Street 1	City	State	Zip	
5607 Cannon Drive	Monroe	NC	28210	5607 Cannon Drive	Monroe	NC	28210	

Note: If the Financially Responsible Party is not the owner of the land to be disturbed, include with this form the landowner's signed and dated written consent for the applicant to submit a draft erosion and sedimentation control plan and to conduct the anticipated land disturbing activity.

2. (a) If the Financially Responsible Party is a domestic company registered on the NC Secretary of State business registry, give name and street address of the Registered Agent:

Registered Agent Information								
Name			Email			Business Phone		Mobile Phone
CT Corporation System c/o Karen Rozar			ct-statecommunications@wolterskluwer.com			844-252-0698		
Physical Address				Mailing Address				
Street 1	City	State	Zip	Street 1	City	State	Zip	
160 Mine Lake Ct Suite 200	Raleigh	NC	27615	160 Mine Lake Ct Suite 200	Raleigh	NC	27615	

- (b) If the Financially Responsible Party is not a resident of North Carolina, give name and street address of the designated North Carolina agent who is registered on the NC Secretary of State business registry:

North Carolina Agent Information								
Name			Email			Business Phone		Mobile Phone
Physical Address				Mailing Address				
Street 1	City	State	Zip	Street 1	City	State	Zip	

Engineering/Consulting Firm Information								
Name			Email			Business Phone		Mobile Phone
Energy Land and Infrastructure, PLLC c/o Keith Gualtieri, PE			keith.gualtieri@eli-llc.com			703-994-0429		703-994-0429
Physical Address				Mailing Address				
Street 1	City	State	Zip	Street 1	City	State	Zip	
4250 North Fairfax Drive Suite 600	Arlington	VA	22203	4250 North Fairfax Drive Suite 600	Arlington	VA	22203	

Additional Details

1. Stream Classification: C: Aquatic Life, Secondary Contact Recreation, Fresh water
2. Was Express Review Requested: No

The above information is true and correct to the best of my knowledge and belief and was provided by me under oath. (This form must be signed by the Financially Responsible Person if an individual(s) or his attorney-in-fact, or if not an individual, by an officer, director, partner, or registered agent with the authority to execute instruments for the Financially Responsible Party). I agree to provide corrected information should there be any change in the information provided herein.

Moyock City Gate Regulator Station – Stormwater Narrative

5/23/2024

By: Joel D Smith
Energy Land & Infrastructure, PLLC
500 Gregson Drive, Suite 180
Cary, NC 27511
(919)389-0980

Site Description:

This project will construct a new regulator station adjacent to an existing regulator station at the intersection of Caratoke Hwy and Survey Road near Moyock, NC. The site is bounded by Caratoke Hwy to the north, agricultural land to the west and south, and Survey Road to the east. The site is relatively flat with slopes ranging from 0.8% - 1.30%. The site elevation is around 9' above mean sea level.

The proposed project area is 2.03 acres in size. The proposed coverage area is 0.61 acres or about 30% of the total project area. The balance of the project area will be returned to a previous condition after construction. See grading plan sheet for a better understanding.

Calculations:

A stormwater analysis was performed using Hydraflow Hydrographs for AutoCAD Civil 3D to determine pre/post peak discharge for the predeveloped 2yr 24hr wooded condition and a post developed 5yr 24hr condition. Hydrologic soil group C was used in the calculations. The output from Hydraflow is included with this submittal.

The pre/post developed peak rate and runoff depth are shown below:

	2yr-24hr Type III	5yr-24hr Type III	Net Increase
Pre-Developed - Peak Rate	2.97 cfs	4.85 cfs	
Post-Developed - Peak Rate	3.82 cfs	5.86 cfs	2.62 cfs
Pre-Developed – Runoff Depth	1.25 in	1.98 in	
Post-Developed – Runoff Depth	1.56 in	2.38 in	1.13 in

Summary:

The County requirements are to reduce the post-development peak discharge from the 24-hour storm event with a 5-year recurrence interval down to the predevelopment discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development condition of a wooded site (shown above). Given that surrounding site conditions are agricultural fields, it is our opinion that

runoff from the site will not create any adverse or damaging downstream flooding to adjacent landowners. Additionally, when equal pre/post storm events are compared there is no net increase in runoff rate when using a curve number for "row crops" land use.

I appreciate your time reviewing this project. Please let me know if you have any questions.

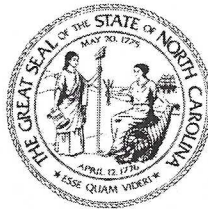
Joel D. Smith, PE

Energy Land and Infrastructure, PLLC
500 Gregson Drive, Suite 180
Cary, NC 27511
(919)389-0980

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

WILLIAM E. TOBY VINSON, JR.
Interim Director



NORTH CAROLINA
Environmental Quality

July 26, 2024

Piedmont Natural Gas Co, Inc.
Attn: Kevin Thomas – TFO
5607 Cannon Drive
Monroe, NC 28110

**Subject: Stormwater Permit No. SWG040166
Moyock City Gate Regulator Station
General Permit - Linear Utility Line Project - Currituck County**

Dear Kevin Thomas:

In accordance with your application to be covered under the State Stormwater General Permit Number SWG040000 for a Linear Utility Line project, received July 26, 2024, we are forwarding herewith the subject Certificate of Coverage Number SWG040166 for the construction of a linear utility line project with associated incidental built-upon area. The General Permit is issued pursuant to the requirements of North Carolina General Statute 143-215.1 and Title 15A NCAC 2H .1000 and S.L. 2008-211 of the stormwater management rules.

Please take notice that this Certificate of Coverage is not transferable except by action of the Division of Energy, Mineral, and Land Resources (DEMLR). The DEMLR may require modification or revocation and reissuance of the Certificate of Coverage.

This permit does not affect the legal requirement to obtain other permits which may be required by the Division of Water Resources, DEMLR, Coastal Area Management Act, or any other federal, state, or local agency, law, rule, or ordinance.

If you have any questions concerning this permit, or need additional information on this matter, please contact me at (252) 948-3973

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Hyska".

Denis Hyska, CAPM
Environmental Engineer

cc: Joel Smith – Energy Land & Infrastructure, PLLC (joel.smith@eli-llc.com)

Washington Regional Office



North Carolina Department of Environmental Quality | Division of Energy, Mineral and Land Resources
Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889
252.946.6481

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

STATE STORMWATER MANAGEMENT GENERAL PERMIT NO. SWG040000

CERTIFICATE OF COVERAGE NO. SWG040159

LINEAR UTILITY LINE PROJECT AND
ASSOCIATED INCIDENTAL BUILT-UPON AREA

In compliance with the provisions of North Carolina General Statute 143-215.1, as amended, other lawful standards and regulations promulgated and adopted by the North Carolina Environmental Management Commission, and 15A NCAC 2H.1000, the Stormwater rules,

Piedmont Natural Gas Co, Inc.

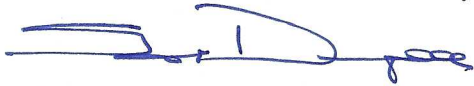
is hereby authorized to construct approximately 1600 square feet of newly built-upon area (asphalt drive) incidental to the proposed utility line installation located in the county listed as

Currituck County

and to discharge stormwater to receiving waters designated as Ronald Creek, class C, Sw waters in the Pasquotank River Basin, in accordance with the provisions of the General Permit for a Linear Utility Line, No. SWG040000, and the approved stormwater management plans and specifications, and other supporting data as attached and on file with and approved by the Division of Energy, Mineral, and Land Resources and considered a part of this permit for the subject project.

This Certificate of Coverage shall become effective July 26, 2024.

Signed this the 26th day of July, 2024.



For Toby Vinson, Interim Director
Division of Energy, Mineral and Land Resources
By Authority of the Environmental Management Commission

Permit No. SWG040166

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. 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.

**N.C. DIVISION OF WATER QUALITY
SURFACE WATER PROTECTION SECTION**

STATE STORMWATER NOTICE OF INTENT (NOI)

**SWG040000 - GENERAL PERMIT TO CONSTRUCT A LINEAR UTILITY LINE
AND ASSOCIATED INCIDENTAL BUILT-UPON AREA**

FOR AGENCY USE ONLY		
Date Received		
Year	Month	Day
Certificate of Coverage		
SWG04		
Check #	Amount	
Permit Assigned to		

State Stormwater Management Application Notice of Intent for coverage under the General Stormwater Management Permit to construct a utility line and incidental built-upon area associated with a linear utility project including water, sewer, gas, telephone, and electric.

For the construction, operation and maintenance of incidental impervious areas associated with the construction of a linear utility line. Incidental built-upon area associated with the utility project includes small, single pump stations, access roads which minimize their built-upon area, concrete pads, manhole covers, etc.

(Please print or type)

1. Mailing address of owner/developer: *(The address to which all permit correspondence will be mailed.)*

Owner/Developer Name Piedmont Natural Gas Co, Inc.
 Street Address 5607 Cannon Drive
 City Monroe State NC ZIP Code 28110
 Telephone No. (704) 557-6719 Fax ()

2. Proposed Project Information:

Project Name Moyock City Gate Regulator Station
 Street Address of the Project Caratoke Highway & Survey Road
 City Moyock State NC ZIP Code 27958
 County Currituck
 Contact Person Kevin Thomas
 Mailing Address 5607 Cannon Drive
 City Monroe State NC ZIP Code 28110
 Telephone No. (704) 557-6719 Fax ()

3. Physical Location Information:

Please provide the street address of the project and describe how to get to the project, using street names, state road numbers, and the distance and direction from the nearest major intersection: _____

Immediately SW of the Caratoke Hwy/Survey Rd intersection and S of Sawyertown Rd

4. What is the name of the receiving stream? Roland Creek Canal

5. River Basin Pasquotank **Receiving Stream Classification** C;Sw

6. This Certificate of Coverage is being submitted as a result of:

New or proposed project Modification to an existing project
 Existing COC or Permit Number: _____
 Date project is scheduled to begin construction September 2024

7. What is the total project area above mean high water? 88,328 ft²

8. What is the total amount of built-upon area proposed at this site? 26,495 ft²
 (Please include all manhole covers, pump stations, concrete pads, and gravel access roads)

9. What type of utility project will be constructed?

Water Sewer Gas Telephone Electric Other _____

10. Has the built-upon area been minimized to the extent practicable?

YES NO

11. Is the runoff from the built-upon area outside the vegetative buffer directed away from surface waters, to the extent practicable?

YES NO

12. Is the project within 575' of the Mean High Water line of class ORW waters?

YES (Please show the 575' AEC line on plans) NO
(If yes, total built-upon area must be less than or equal to 25% of the total project area within the AEC above mean high water.)

13. Are there any wetlands on the site? YES (please delineate on the plans) NO

Name and affiliation of person making this determination: _____

14. Please list all Best Management Practices employed at this site:

None Proposed/Not Applicable. Plan to utilize existing agricultural field drainage swales as quantity/quality control.

15. Certification:

North Carolina General Statute 143-215.6B (i) provides that:

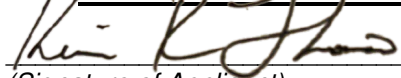
Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Article or a rule implementing this Article; or who knowingly makes a false statement of a material fact in a rulemaking proceeding or contested case under this Article; or who falsifies, tampers with, or knowingly renders inaccurate any recording or monitoring device or method required to be operated or maintained under this Article or rules of the Commission implementing this Article shall be guilty of a Class 2 misdemeanor which may include a fine not to exceed \$10,000. (18 U.S.C. Section 1001 provides a punishment by a fine of not more than \$10,000 or imprisonment of not more than 5 years, or both, for a similar offense.)

I hereby request coverage under the referenced General Permit. I understand that coverage under this permit will constitute the permit requirement for the project and is enforceable in the same manner as an individual permit.

I certify that I am familiar with the information contained in the application and that to the best of my knowledge and belief such information is true, complete, and accurate.

Printed name of person signing: Kevin Thomas

Title: Lead Distribution Project Specialist - TFO



(Signature of Applicant)

07/01/24

(Date signed)

A check or money order must accompany this Notice of Intent for \$505.00, made payable to: NCDENR.

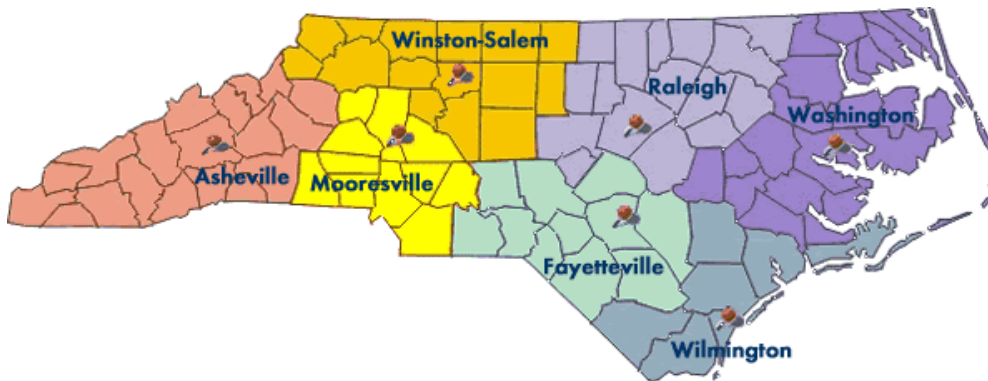
Your application will be returned unprocessed unless all of the following items are submitted:

- This completed form
- Two sets of site and grading plans
- A check for \$505.00
- A USGS map with the project clearly located on it.

Mail the entire package to: NCDENR Division of Water Quality
Surface Water Protection Section – Stormwater
at the Appropriate Contact Address (see the following page)

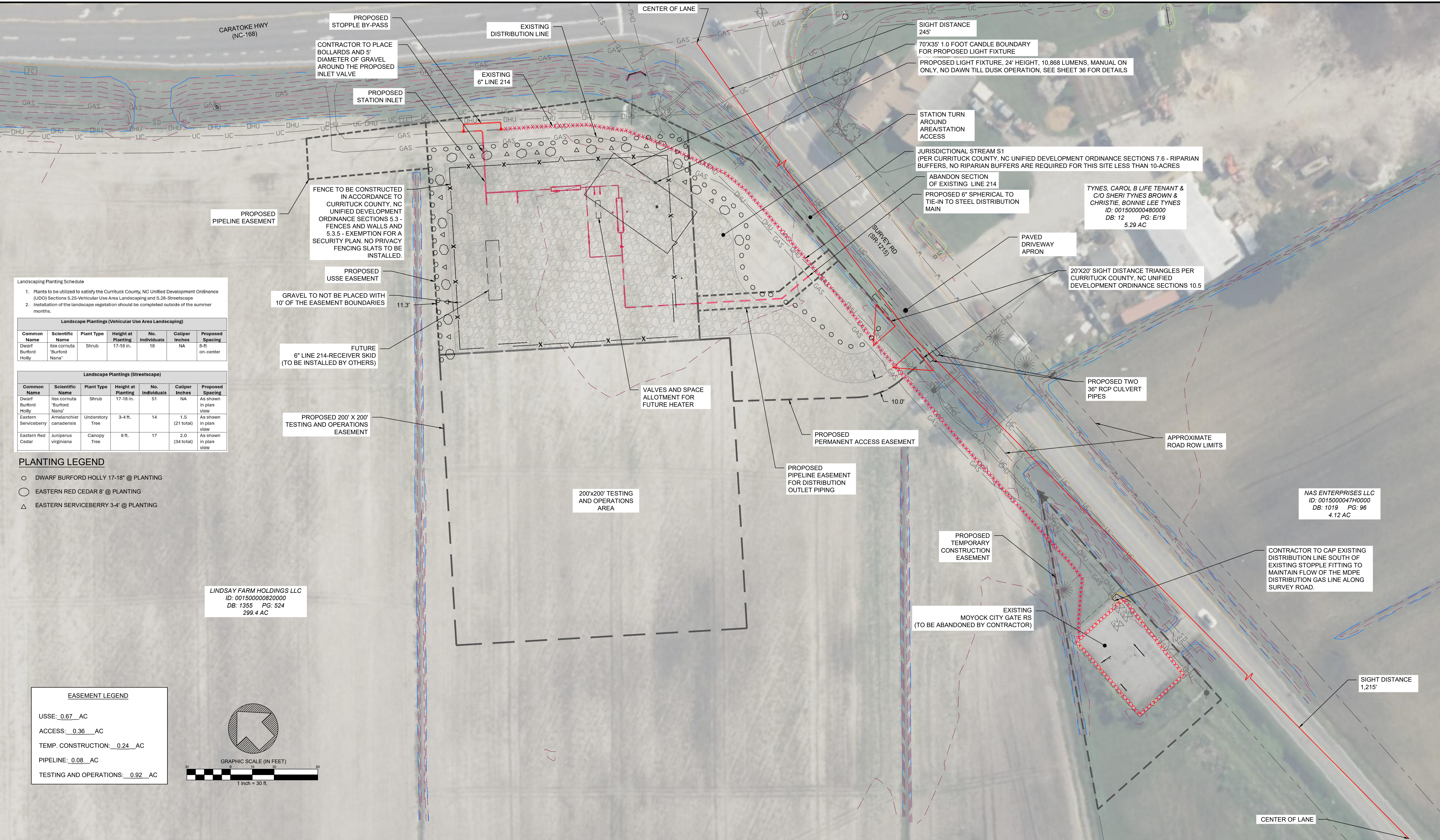
Note: The submission of this document does not guarantee the issuance of a Certificate of Coverage under the General Permit.

For questions, please contact the DWQ Central Office or Regional Office for your area.



DWQ Regional Office Contact Information:

<p>ASHEVILLE REGIONAL OFFICE 2090 US Highway 70 Swannanoa, NC 28778 (828) 296-4500 <i>HQW & ORW Projects in Counties Above</i></p>	<p>FAYETTEVILLE REGIONAL OFFICE 225 Green Street Systel Building Suite 714 Fayetteville, NC 28301-5043 (910) 433-3300 <i>HQW & ORW Projects in Counties Above</i></p>	<p>MOORESVILLE REGIONAL OFFICE 610 East Center Avenue/Suite 301 Mooresville, NC 28115 (704) 663-1699 <i>HQW & ORW Projects in Counties Above</i></p>
<p>RALEIGH REGIONAL OFFICE 3800 Barrett Drive Raleigh, NC 27609 (919) 791-4200 <i>HQW & ORW Projects in Counties Above</i></p>	<p>WASHINGTON REGIONAL OFFICE 943 Washington Square Mall Washington, NC 27889 (252) 946-6481 <i>Coastal Stormwater, HQW & ORW Projects in Counties Above</i></p>	<p>WILMINGTON REGIONAL OFFICE 127 Cardinal Drive Extension Wilmington, NC 28405-2845 (910) 796-7215 <i>Coastal Stormwater, HQW & ORW Projects in Counties Above</i></p>
<p>WINSTON-SALEM REGIONAL OFFICE 585 Waightown Street Winston-Salem, NC 27107 (336) 771-5000 <i>HQW & ORW Projects in Counties Above</i></p>	<p>CENTRAL OFFICE 1617 Mail Service Center Raleigh, NC 27699-1617 (919) 807-6300 <i>Phase 2 Post-Construction Projects not covered by local government</i></p>	



Landscaping Planting Schedule

- Plants to be utilized to satisfy the Currituck County, NC Unified Development Ordinance (UDC) Sections 5.25-Vehicular Use Area Landscaping and 5.28- Streetscape.
- Installation of the landscape vegetation should be completed outside of the summer months.

Landscape Plantings (Vehicular Use Area Landscaping)						
Common Name	Scientific Name	Plant Type	Height at Planting	No. Individuals	Caliper Inches	Proposed Spacing
Dwarf Burford Holly	Ilex cornuta "Burford Nana"	Shrub	17-18 in.	18	NA	8-ft on-center

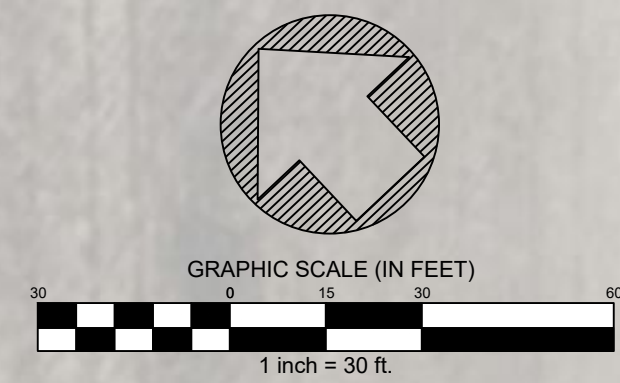
Landscape Plantings (Streetscape)						
Common Name	Scientific Name	Plant Type	Height at Planting	No. Individuals	Caliper Inches	Proposed Spacing
Dwarf Burford Holly	Ilex cornuta "Burford Nana"	Shrub	17-18 in.	51	NA	As shown in plan view
Eastern Serviceberry	Amelanchier canadensis	Understory Tree	3-4 ft.	14	1.5 (21 total)	As shown in plan view
Eastern Red Cedar	Juniperus virginiana	Canopy Tree	8 ft.	17	2.0 (34 total)	As shown in plan view

- PLANTING LEGEND**
- DWARF BURFORD HOLLY 17-18" @ PLANTING
 - EASTERN RED CEDAR 8" @ PLANTING
 - △ EASTERN SERVICEBERRY 3-4' @ PLANTING

LINDSAY FARM HOLDINGS LLC
 ID: 00150000820000
 DB: 1355 PG: 524
 299.4 AC

EASEMENT LEGEND

USSE: 0.67 AC
 ACCESS: 0.36 AC
 TEMP. CONSTRUCTION: 0.24 AC
 PIPELINE: 0.08 AC
 TESTING AND OPERATIONS: 0.92 AC



PRELIMINARY PLANS

NOT FOR CONSTRUCTION

*PROPRIETARY & CONFIDENTIAL *ALL RIGHTS RESERVED *DO NOT SCALE THIS DRAWING *USE DIMENSIONS ONLY
 DUKE ENERGY & PIEDMONT NATURAL GAS DRAWINGS ARE CONFIDENTIAL *DRAWING IS CURRENT ONLY THROUGH THE LATEST REVISED DATE *TO ENSURE THERE IS NO RISK OF INAPPROPRIATE DISCLOSURE, ALL PREVIOUS PAPER COPIES OF THIS DRAWING MUST BE DESTROYED IN ACCORDANCE WITH RECORDS & INFO MANAGEMENT (RIM)

NO.	DATE	REVISION(S) DESCRIPTION	BY	CHK	APPD	DESCRIPTION	DATE	INITIALS	APPROVALS
A	06/05/2023	30% PLAN SUBMISSION	JEM	DMC	WKG	AREA CODE	1910		REGIONAL ENGINEER
B	07/10/2023	60% PLAN SUBMISSION	JEM	DMC	WKG	ACCOUNT NUMBER	023567		MGR TECH REC & STD
C	12/18/2023	90% PLAN SUBMISSION	JEM	DMC	WKG	PROJECT NUMBER	0235671		PRINCIPAL ENGINEER
D	04/30/2024	ISSUED FOR BID	JEM	DMC	WKG	DRAWING BY	JEM		
						STATION ID	7435		
						CHECKER INITIALS	DMC		

REF. DWG(S)	PNG-G-031-0001077
SHEET(S)	09 OF 42
DWG DATE	12/13/2022
DRAWING NUMBER	PNG-C-031-000XXXX
REVISION	D
DISCIPLINE / RESOURCE CENTER / LINE NUMBER	

MOYOCK CITY GATE RS UPGRADE
CURRITUCK COUNTY SITE PLAN
MOYOCK, NC
 Resource Center NEW BERN



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