



**GUILFORD COUNTY
ENVIRONMENTAL
BULLETIN**

**RELATED ENVIRONMENTAL
REVIEWS
(WATERSHED PROTECTION, EROSION
CONTROL, DAM SAFETY, 401/404
PERMITS) PERMITS)**

The purpose of this bulletin is to make the owner/developer aware of potential environmental requirements. Specific questions should be directed to the person or agent listed. The owner/developer remains responsible for satisfying all local, state, and federal requirements.

STORMWATER MANAGEMENT / WATERSHED PROTECTION

Watershed protection regulations protect designated drinking water supply reservoirs and surface waters from activities that could degrade water quality. The designated water supply watershed map, available at the Guilford County Planning & Development Department, outlines the areas within the county that are in protected water supply watersheds. If a property lies within unincorporated Guilford County and development is planned, the Guilford County watershed protection regulations apply. New development includes any activity which increases built-upon area, such as buildings, pavement, gravel, etc. For further information refer to the *Watershed Protection Bulletin*, which can be obtained at the Guilford County Planning & Development Department or from the Guilford County website (www.co.guilford.nc.us/).

EROSION CONTROL

Erosion control measures are required when land-disturbing activities expose the soil and subject it to accelerated erosion. The Guilford County soil erosion and sedimentation control regulations outline the requirements that were established to protect the environment from accelerated erosion and sedimentation, prevent water pollution, and minimize the effects to public and private property.

An in-depth bulletin outlining the soil erosion and sedimentation control regulations can be obtained in the lobby of the Guilford County Planning & Development Department or at www.co.guilford.nc.us/. For further information, contact:

Erosion Control
Guilford County Planning & Development
P. O. Box 3427
Greensboro, NC 27402
Phone # (336) 641-3803

DAM SAFETY

If a dam or any kind of structure that impounds water is being constructed, repaired, altered, or removed, the owner must follow the regulations outlined in the Dam Safety Law of 1967.

Abiding by the Dam Safety Law will ensure that the health, safety, and welfare of the general public will not be compromised.

REQUIREMENTS

The Dam Safety Law requires that a statement addressing the location, name of stream, county, height of dam, purpose, and impoundment capacity be filed with the North Carolina Department of Environment and Natural Resources (NCDENR) ten days before construction begins. A special form should be utilized for this purpose and it can be located on NCDENR's website (www.enr.state.nc.us). Submit the completed form to:

State Dam Safety Engineer
NCDENR - Division Of Land Resources
Land Quality Section
1612 Mail Service Center
Raleigh, NC 27699-1612
Phone # (919)733-4574

Once the statement is filed, a ruling will be made on whether the dam falls under the Dam Safety Law or if it is exempt. A dam is not exempt if it is 15 feet in height or greater as measured from the highest point on the crest of the dam to the lowest point on the downstream toe and will impound 10 acre-feet or more at the highest point on the crest of the dam. Also, if the dam is considered to be a high hazard dam, regardless of height or impoundment capacity, it will not be exempt.

FEES

Submitting a statement does not require a fee. If the dam is ruled to fall under the Dam Safety Law, an application must be submitted. A \$200 non-refundable processing fee plus an additional fee of between 0.5% - 2% of the total cost of the dam is required for the application. The total application fee cannot exceed \$50,000.

PROCESSING TIME

A ruling on the statement will be made within 10 days after it is received. If an application is required, allow sixty days for review once all information has been submitted.

PENALTY

Failure to notify NCDENR can result in civil penalties of up to \$500 per day for willful violations, stop work orders that can idle equipment and labor, and non-compliance orders that can result in costly remedial actions.

401 WATER QUALITY CERTIFICATION & SECTION 404 PERMIT

If land disturbance occurs adjacent to and including waters, 401 and 404 permitting may be required. Waters include, but are not limited to the following: seeps, springs, intermittent and perennial streams, creeks, rivers, ponds, lakes, wetlands, bogs, marshes, and swamps. Following the procedures set forth by the regulatory agencies could lessen the impact on water quality and usage.

REQUIREMENTS

The U.S. Army Corps of Engineers (COE) requires notification for any disturbance to waters of the United States. The Division of Water Quality (DWQ) also requires notification. Notification is accomplished by submitting a pre-construction application to the COE and DWQ. An application can be obtained from the North Carolina Department of Environment and Natural Resources' website (www.enr.state.nc.us). If 0.1 acre or less of jurisdictional waters are disturbed, then the notification must be submitted to both agencies no later than 30 days after completing the work. If more than 0.1 acre of jurisdictional waters will be disturbed, then the notification must be submitted 60 days prior to construction.

The notification process determines if a Section 401 Water Quality Certification and a Section 404 Permit are required. Section 404 Permit is a generic term for either a Nationwide Permit or an Individual Permit. A Nationwide Permit is issued by the COE for areas of water disturbance up to 0.5 acre and an Individual Permit is issued for areas exceeding 0.5 acre. Any activity that requires a COE's 404 Permit, will also require a 401 Water Quality Certification from DWQ. Notifications and questions regarding these procedures shall be directed to:

Cyndi Karoly
NCDENR - Division of Water Quality
1650 Mail Service Center
Raleigh, NC 27699-1650
Phone # 919-733-1786

John Thomas – Regulatory Specialist
Raleigh Regulatory Field Office
US Army Corps of Engineers
6508 Falls of the Neuse Road, Suite120
Raleigh, NC 27615
Phone # 919-876-8441 Ext. 25

The COE can also be of assistance in the delineation of wetlands. Wetland delineation could take several months to complete, depending on the COE's workload. Consultants specializing in the delineation of wetlands can be hired if time constraints are an issue.

FEES

The 401 Water Quality Certification fee is \$200 when less than 1 acre of wetlands are disturbed and less than 150 feet of stream is impacted. The fee is raised to \$475 if more than 1 acre of wetlands are disturbed and 150 feet of stream is impacted. No fee is required by the COE for the Section 404 Permit.

PROCESSING TIME

DWQ requires 60 days for the review of a complete application. Allow 30 days for the COE to review the notification and issue the appropriate permit.

PENALTY

Civil penalties up to \$25,000 per day per violation can be assessed by DWQ. Restoration actions and/or stop work orders can also be very costly due to additional work and/or idle equipment and labor.

The DWQ Regional Office can also be of assistance in interpreting these laws. Their contact information is below:

NCDENR – Division of Water Quality
585 Waughtown Street
Winston-Salem, NC 27107
Phone # (336) 771-5000