Energy, Mineral
and Land Resources
ENVIRONMENTAL QUALITY

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

TRACY DAVIS
Director

November 6, 2017

LETTER OF DISAPPROVAL

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7014 3490 0001 8820 8757

Atlantic Coast Pipeline, LLC
ATTN: Leslie N. Hartz, VP Pipeline Construction
707 East Main St
Richmond, VA 23219

RE: Project Name: Dominion Energy Transmission Inc. on behalf of Atlantic Coast Pipeline
Project ID: NORTH-2018-004
County: Northampton, City: Various, Address: Linear – Multiple Roads
Submitted By: ERM
Date Received by LQS: October 23, 2017
Plan Type: Utilities

Dear Sir or Madam:

The erosion and sedimentation control plan submitted for the subject project has been reviewed and is disapproved for the reasons listed on the attached sheet.

You may submit a revised erosion and sedimentation control plan for approval addressing those items outlined on the enclosed form. Under the authority of NCGS 113A-54.1(a), this office has 15 days from the date of receipt to approve or disapprove your revised plan. However, if you wish to contest the disapproval of this plan, you must request an administrative hearing within 60 days of your receipt of this Letter of Disapproval. 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, 6714 Mail Service Center, Raleigh, North Carolina 27699-6714.

A copy of the petition must be served on this Department as follows:

Office of General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Pending approval of a revised plan or a decision on an appeal, commencement of any land-disturbing activity associated with this project shall constitute a violation of the Sedimentation Pollution Control Act of 1973 (NCGS 113A-51 through 66).

Please feel free to contact this office at your convenience if you have any questions or if we can provide any assistance in resolving this matter.

Sincerely,

William H. Denton IV

William Denton, IV, PE
Regional Engineer
DEMLR

Enclosure: Reasons for Disapproval

Cc: Scott Robinson, PE, ERM NC, Inc. – Electronic Copy
Danny Smith, DWR Field and Operations Supervisor
DEMLR – Raleigh Regional Office File

REASONS FOR DISAPPROVAL

Project Name: Dominion Energy Transmission Inc. on behalf of Atlantic Coast Pipeline LLC
Project ID: NORTH-2018-004
County: Northampton

1. Provide a copy of the USACE 404 permit and DWR 401 certifications for the office file. Provide a copy of the DWR Buffer Authorization. Submit documentation with maps showing location and extent of impacts to streams and wetlands with any special conditions pertaining to erosion and sediment control and restoration of affected areas. Identify the streams, wetlands, and buffers on the plan sheets. The existing scale is 1" = 200'. Provide additional plan sheets for the areas impacting streams and buffers so that these areas can be represented at a larger scale and the streams and buffers can be clearly identified. Additionally, this will allow the engineer to provide a clearer depiction of proposed erosion and sediment control measures in these areas. A table is provided for the stream locations and stream types. Add a column to identify the type of stream crossing to be installed at each of these locations. Add a symbol in the legend to identify each of the types of measures to be installed (stream crossings, turbidity curtains). The stream adjacent to the Smithfield Contractor Laydown area is not identified. This stream is within the Neuse River Basin and should have buffer zones identified. General Construction Note #8 should include streams and wetlands. (GS 113A-54.1(a))

2. Provide a detailed/specific construction sequence that coordinates the timing of land-disturbing activities and the installation and removal of all proposed erosion and sedimentation control measures. The construction sequences provided do not address the installation and removal of all measures. The construction sequence instructed the contractor to leave measures in place. Identify the party responsible for removing the measures. Provide a construction sequence for each type of stream crossing and address how each of the crossings will be maintained for pipeline construction and other construction activities. Specify how the trench will be dewatered. The sediment laden runoff may not bypass erosion and sedimentation control measures. Specify the type of secondary containment to be used for the filter bag Specify how the filter bags will be disposed of. Address the use of secondary containment. BSRF, compost filter socks, and water bars are within the footprint of the pipe installation. Address how these measures are to be installed and maintained during the trenching and pipe installation. Include the Water Impoundment Site in the construction sequence. (GS113A-57(3), 15A NCAC 04B .0105, 15A NCAC 04B .0106(5))

3. Provide a legend with symbols/icons to identify all sediment and erosion control measures. Measures are to be to scale. Properly align measures on the plan sheets

(examples are the construction entrance on Sheet 5 shown within the public road, the water bars and BSRF are in the footprint of the construction entrance on Sheet 7, the installation of BSRF and compost filter socks along the wetland perimeter and streams is unclear due to the scale of the plans). Provide a symbol for the wood mats, various stream crossings, and streambank restorations provided in the plan detail sheets. Include these measures on the plan sheet. Identify a standard engineering scale on the Access Road Detail sheets. A revised Financial Responsibility/Ownership Form and additional fee may be necessary, if the total disturbed acreage exceeds the original submittal. (GS113A-57(3), 15A NCAC 04B .0105, 15A NCAC 04B .0106(5))

4. Clearly show the limits of disturbance throughout the project, and include all proposed erosion and sedimentation control measures and land disturbing within the defined limits. The limits of disturbance are not clear due the symbols used for the erosion and sedimentation control structures. Adequate space must be provided for the installation, maintenance, and removal of the structures. The plan states that pipeline will be assembled on site. The plan also states that secondary containment will be provided for filter bags used for dewatering the trenches. Adequate space is to be provided for these activities. A revised Financial Responsibility/Ownership Form and additional fee may be necessary, if the total disturbed acreage exceeds the original submittal. (GS113A-57(3), 15A NCAC 04B .0105, 15A NCAC 04B .0106(5))

5. Provide design calculations for cross sections and method of stabilization for the planned channels and the temporary diversions. The description provided for the minor and major road upgrades and the photos shared during the conference call earlier this month support that ditch calculations are needed to determine the need and spacing for erosion and sedimentation control measures (erosion control matting, check dams and other measures). Include appropriate permissible velocity and/or shear stress data. Provide liners/matting where indicated. If liners/matting are to be installed, provide a plan detail, construction specifications, and maintenance requirements. Identify the type of liner and the location of the liner to be installed. Include the installation of liners in the construction sequence. (GS 113A-57(3), 15A NCAC 04B .0113)

6. Provide the acreage for each of the disturbed areas (towers and laydown areas). The acreage of each of the project areas is needed to determine the adequacy of the sediment and erosion control measures. Identify the location of these structures on the plan sheets. (GS 113A-57(3))

7. Drainage areas exceeding one acre must have a properly designed surface dewatering device. Sediment basins with rock dams and sediment traps are not permissible for drainage areas greater than one acre. Remove references and details associated with these structures. Provide an appropriate structure. Identify the basins with terminology used in the plan detail structure. Specify if the structures are skimmer basins or skimmer basins with riser structures. Provide supporting documentation for sizing including dimensions, orifice size, and dewatering time within 2-5 days. Provide design calculations, a plan detail, construction specifications, and specific maintenance requirements for these structures. Provide a method to identify the basins and associate them with the design calculations. (113A-57(3), 15A NCAC 04B .0105, 15A NCAC 04B .0106(5), and NCG01 Section II.B. (4)(a))

8. Include the baffles, skimmer, and emergency spillway locations within the footprint of the basins on the plan sheets. Include the top width and length of the basin, side slopes, and length of the weir on the plan sheets. Include the installation of the basins and temporary diversions in the construction sequence. GS 113A-57(3), 15A NCAC 04B .0113)

9. Provide anti-flotation calculations for the riser structures. Provide the inside and outside length and width of the riser and height of the riser. Provide the dimensions of the anti-flotation block. These dimensions are to be included on the plan sheet. riser inside and outside dimensions and anti-flotation block dimensions on the (GS 113A-57(3), 15A NCAC 04B .0113)

10. Construction specifications for the basins are to include the spacing of the porous baffles, excavation requirements, embankment construction, spillway construction, and skimmer installation. The basin plan details should include a gravel pad for the skimmer to rest upon and a rope attachment for maintenance. Include the dewatering time in the Basin Schedule tables. Provide a plan detail, construction specifications, and maintenance requirements for the skimmer and baffles. (GS 113A-57(3), 15A NCAC 04B .0113)

11. Provide stable conveyance of the runoff entering each of the proposed basins. (15A NCAC 04B.0106(4))

12. Provide design calculations for proposed and existing culverts and storm sewers (include HW, TW, and outlet velocities). The table indicating the size of the culvert based on drainage areas is not adequate. The access roads and driveways detail is to include pipe inlet protection and identify the rock ditch checks as check dams to be consistent with the plan detail for this structure. Provide a table with the pipe sizes and proposed outlet stabilization specifications for each pipe. (GS 113A-57(3), 15A NCAC 04B .0113)

13. Identify the crossing methods for all road crossings. Provide plan details, construction specifications, and maintenance requirements for all crossing types. Identify the location and type of the road crossings on the plan sheets. (GS 113A-57(3), 15A NCAC 04B .0113)

14. The access roads and driveways detail is to include pipe inlet protection and identify the rock ditch checks as check dams to be consistent with the plan detail for this structure. Provide a table with the pipe sizes and proposed outlet stabilization specifications for each pipe. Identify the type of road cross section that applies to each of the access roads. If cross-section varies, indicate which detail applies where. (GS 113A-57(3), 15A NCAC 04B .0113)

15. The Access Road Sequence is to include culverts, outlet stabilization, pipe inlet protection, matting, seeding, and check dams; these were not included in this sequence. The plan states that the construction right-of-way (ROW) may be used to access they project. Provide adequate measures and space to accommodate this alternative. Provide a plan detail, construction specifications, and maintenance requirements for the stone outlet included in this sequence. Provide road side ditch calculations to determine which measures are needed to stabilize the ditch. (GS 113A-57(3), 15A NCAC 04B .0113)

16. Provide inlet and outlet protection for all temporary pipes. Provide design calculations and construction specifications for the existing and proposed outlet stabilization structures on the plan sheets. Construction specifications for the outlet stabilization structure are to include fabric underlayment, the width of the apron at the pipe outlet and at the end of the apron, the length of the apron, the stone size, and depth of stone. (GS 113A-57(3), 15A NCAC 04B .0113)

17. Provide design calculations, a plan detail, construction specifications, and maintenance requirements for secondary containment structure to be used in dewatering the trenches. This containment structure must be adequately sized for the filter bag. (GS 113A-57(3), 15A NCAC 04B .0113)

18. Provide a seeding plan for temporary seed (include entire calendar year), permanent seed, riparian seed, and wetland seed. Clearly label the plan detail for each of these seeding plans. Specify the method and rate of material to be used in tacking the mulch. (GS 113A-57(2), 15A NCAC 04B .0106(3), NCG01 Section IIB (2))

19. Include the NPDES 7/14-day groundcover stabilization requirements table on the plan. Indicate on the plan any areas that may require soil stabilization within 7 days. This requirement applies to swales, slopes, ditches, and temporary diversions. All areas requiring 7-day ground cover must be specifically identified on the plan via leader line, hatching or some other method. Note 5 under the Seeding Stabilization is not consistent with the ground stabilization requirements. General Construction Note #4 is not consistent the with Ground Stabilization requirements. (GS 113A-57(2), 15A NCAC 04B .0106(3), NCG01 Section IIB (2))

20. Provide additional erosion and sedimentation control measures as required to protect all public and private property from damage. Concentrated flow must be diffused using some type of erosion control measures to prevent streambank erosion. Provide a silt fence outlet or other measures at low points along the silt fence. Provide additional measures where the grade exceeds 5%. Provide a side containment railing along the timber mat to prevent sediment from leaving the mat and entering the water body. Provide maintenance requirements, to include how these mats will be cleaned to prevent sediment from entering the water body. (113A-57(3), 15A NCAC 04B .0105)

21. Identify where the pipeline will be bored, where the bore pits are located, and provide/delineate adequate space for the operation. Provide a plan detail, construction specifications, and maintenance requirements for the pits and erosion and sedimentation control measures that are required. Drilling fluid cannot be discharged near a stream or wetland. Specify detailed disposal parameters (disposal areas, protective measures, disposal/discharge methods and rates, etc.) that will protect the stream, all public, and private property from damage. (GS 113A-57(3), 15A NCAC 04B .0113)

22. Provide maintenance requirements for all proposed sediment and erosion control structures, including the structures proposed for stream crossings and streambank stabilization. (GS 113A-57(3), 15A NCAC 04B .0113)

23. Provide a specific plan detail, specific construction specifications, and specific maintenance requirements for the method used for crossing the Neuse River. Provide a specific construction sequence to address this phase of construction. Provide additional erosion and sedimentation control measures as required to protect the stream, all public, and private property from damage. Sheet pilings may be needed to provide an adequately dry space to work in. Provide a detailed construction specifications and

maintenance requirements for the selected structure. Specify the type of coffer dam to be installed for each stream. (GS 113A-57(3), 15A NCAC 04B .0113)

24. Provide a plan detail, specific construction specifications, and specific maintenance requirements for the USFWS stream crossing identified in the legend. Include the use of this structure in the construction sequence. (GS 113A-57(3), 15A NCAC 04B .0113)

25. Provide a plan detail, specific construction specifications, and specific maintenance requirements for the water bar outlet and water bar breaker. Include the use of these structures in the construction sequence. (GS 113A-57(3), 15A NCAC 04B .0113)

26. Provide a plan detail and construction specifications for silt fence types that complies with the skirt trench requirements per the Erosion and Sediment Control Planning and Design Manual. The skirt is to be trenched in at least 8 inches vertically and 4 inches horizontally. Specify under which conditions the various silt fence and BSRF types are to be installed. (GS 113A-57(3), 15A NCAC 04B .0113)

27. Provide maintenance requirements for the silt bag. Specify that these structures are to rest on a stone pad or soft dirt (no roots, branches, or sharp objects). Include the use of this structure in the construction sequence. (GS 113A-57(3), 15A NCAC 04B .0113)

28. Provide a plan detail, construction specifications, and maintenance requirements for the coir log that complies with the requirements of the Erosion and Sediment Control Planning and Design Manual. Coir Log detail should specify wood mulch or compost rather than backfill dirt. Describe when to use Coir Log over Compost Filter Sock for unforeseen field conditions. Detail should specify that the stake is at least 3 inches above the log. Specify the diameter of the log. Specify the spacing based on the slope angle of and the coir log diameter. Specify the size of the stakes. Stakes are to be hardwood. Overall construction specifications should include installing on level ground (no clumps, tree roots, etc.) Provide a symbol in the legend for the pipe inlet and identify where these structures are to be installed. (GS 113A-57(3), 15A NCAC 04B .0113)

29. Provide a plan detail, construction specifications, and maintenance requirements for the compost filter sock. The compost filter sock detail should specify that the stake is 12 inches into the ground (below the log), with 3 inches above the log. Specify if the installation of the sock is to be entrenched (8-foot max spacing between stakes) or not entrenched (4-foot max spacing between stakes). Provide a plan detail and construction

specifications for the entrenched sock. Specify the diameter of the sock. Specify the spacing based on the angle of the slope and sock diameter. Specify that wood mulch or compost or other material is to be blown in to ½ the height of the sock. Specify the size of the stakes. Stakes are to be hardwood. For sections longer than 200 feet, provide a plan detail and construction specifications for the sleeving technique. Overall construction specifications should include installing on level ground (no clumps, tree roots, etc.) Specify if the socks are to be seeded and remain in place.

30. Provide a plan detail, construction specifications, and maintenance requirements for the turbidity curtain. Three types of curtains are mentioned in the plan, but only two details are provided. Specify the type of structure to be installed at each proposed location. (GS 113A-57(3), 15A NCAC 04B .0113)

31. Provide a plan detail, construction specifications, and maintenance requirements for the earthen berm associated with the slope breaker detail. Specify where this structure will be installed. (GS 113A-57(3), 15A NCAC 04B .0113)

32. The stream bank stabilization construction specifications are to identify the type of matting to be installed at each stream bank. Specify the type of seed and seedbed preparation to be used. The matting is to be installed using hardwood stakes that are at least 12 inches in length. Provide a detailed construction specifications and a detailed construction sequence for the rip rap streambank stabilization. (GS 113A-57(3), 15A NCAC 04B .0113)

33. Provide a note on the plans to contact the DEMLR Raleigh Regional Office at least 48 hours prior to commencing the land-disturbing activity **for each section of the project**. Delineate and number the work sections on the plans. The contact number is (919) 791-4200. The note has been added, but the work sections have not been identified. (15A NCAC 04B .106(b))

34. Provide two copies of the plan set (one full-size and one half-size), showing the modifications required for approval. To facilitate DEMLR review, bubble, highlight, or otherwise identify the changes to your resubmittal. Provide one copy of additional items (such as design calculations). Provide a cover letter referencing the project name, project ID number, and purpose of submittal. (G.S. 113A-57(4))