



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

February 8, 2008

Memorandum To: Mell Nevils, P. E
DENR Land Quality Section Chief

From: Don G. Lee, CPESC 
State Roadside Environmental Engineer

Subject: Request to amend the NCDOT delegated Erosion
And Sedimentation Control Program

The North Carolina Department of Transportation is requesting that the North Carolina Sediment Commission amend the 1991 delegated Erosion and Sedimentation Control Program to include land disturbing activities conducted by the North Carolina Department of Transportation's General Services Division.

If you have any questions, please feel free to contact David B. Harris at 733-2920.
Thank you for your time and assistance.

Dbh

Cc: Bill Rosser, PE
Steve Varnedoe, PE
Lacy Love, PE
Michael Shumsky, PE



**North Carolina Department of Transportation and
General Services Division
Erosion and Sedimentation Control Program
February 2008**

The purpose of this document is to outline the Erosion and Sedimentation Control Program agreement between the North Carolina Department of Transportation Division of Highways and the North Carolina Department of Transportation's General Services Division.

This agreement will identify the procedures that will be followed and the authorities that the Department of Transportation Division of Highways shall have on North Carolina Department of Transportation General Services Division projects.

GENERAL:

1. NCDOT Division of Highways reserves the right to terminate this agreement at any time if the General Services Division fails to fully comply with the terms of the following listed items. At such time the Division of Highways will not recognize the Division of General Services as part of NCDOT's Division of Highways delegated authority, and the General Services Division will be required to coordinate with NCDENR as an individual agency for compliance with the Sedimentation and Pollution Control Act. NCDOT Division of Highways will notify DENR Land Quality Section 30 days prior to termination of the agreement.
2. NCDOT General Services Division has the right to terminate this agreement at any time. NCDOT General Services Division will notify DENR Land Quality Section 30 days prior to termination of the agreement.
3. NCDOT Division of Highways shall be in agreement with the project scope for erosion and sedimentation control procedures for each General Services Division project. NCDOT Division of Highways shall have the authority to identify special needs for a project and the General Services Division shall agree to address those needs to the satisfaction of the Division of Highways which could include the purchasing of additional right of way or easement, or modification of plans to include Special Design Features, Standards, Special Provisions, etc.
4. NCDOT General Services Division shall provide Division of Highways with General Services Division Submittal Guidelines that will indicate all personnel responsible for erosion and sedimentation control for General Services Division projects. The Submittal Guidelines will indicate who will be responsible for submitting erosion and sedimentation control plans to Division of Highways or if General Services Division request Division of Highways to prepare the erosion and sedimentation control plan, who will be responsible for coordinating meetings between General Services Division and Division of Highways for erosion and sedimentation reviews and design issues. The Submittal Guidelines will also indicate who will be notified if an Immediate Corrective Action (ICA) notice or Permit Consultation Needed (PCN) notice is issued and who will be responsible for insuring that corrective actions are completed within the time limits specified on the ICA or PCN notice.

5. NCDOT General Services Division will be responsible for obtaining all 401, 404, and CAMA permits and environmental documentation and submitting those documents as part of the erosion and sedimentation control plan.
6. Temporary access and haul roads, other than public roads, constructed or used in connection with the project shall be considered a part of the project and addressed in the Erosion and Sedimentation Control Plans and Project Special Provisions. Borrow or waste areas that are part of the project shall comply with Division of Highway's Reclamation Plan Procedures for contract projects unless borrow or waste activity is regulated under the *Mining Act of 1971*, or is a landfill regulated by the Division of Solid Waste Management (NCDENR). NCDOT General Services Division shall submit the permit number for waste/borrow covered by the Mining Act or regulated by Division of Solid Waste Management (DENR) to the Roadside Environmental Unit.

DESIGN:

1. NCDOT General Services Division will have a pre-design meeting with NCDOT Division of Highways and any design-build teams prior to designing the erosion and sedimentation control plan.
2. Upon approval of Erosion and Sedimentation Control Plans by NCDOT Division of Highways, the approved Erosion Control Plans shall be distributed to all NCDOT Division of Highways and General Services Division personnel listed in the General Services Division Submittal Guidelines before any land disturbing activities can commence. No land disturbing activities shall occur in any location that does not have an approved erosion and sedimentation control plan.
3. NCDOT Division of Highways reserves the right to conduct on site plan reviews for compliance and will redesign for unique situations that may develop during the construction of the project. If the project is modified or a phase of grading is problematic from an erosion and sedimentation control issue or compliance with the NCDOT's Division of Highways delegated authority, then a redesign will be required and submitted for the NCDOT's Division of Highways approval. Work on the affected portion of the project will cease until the erosion and sedimentation control plan has been redesigned and approved by NCDOT Division of Highways and implemented by General Services Division.
4. NCDOT General Services Division engineers or its agents who design and develop erosion and sedimentation control plans for General Services Division projects shall conform to NCDOT's Erosion and Sedimentation Control/Stormwater Certification requirements for Level III plan designers.

CONSTRUCTION:

1. NCDOT Division of Highways shall have complete authority to review the project at any time for erosion and sedimentation control compliance, which includes the project, waste and borrow pits, haul roads, as well as all documents and plans. Documented inspection records that NCDOT completes for the project will be distributed according to the NCDOT General Services Division submittal guidelines detailing the condition of the project and corrective actions, if any, that need to be accomplished. General Services Division or it's contractor is responsible for performing all corrective actions identified in the report and shall correct the deficiencies within the set time directed on the erosion and

sedimentation control report. Failure to correct these items will result in the issuance of an Immediate Corrective Action notice.

2. NCDOT General Services Division will adhere to NCDOT Division of Highways Erosion and Sedimentation Control Policy and Procedures as well as project specific documents associated with erosion and sedimentation control.
3. In the event NCDOT Division of Highways observes that there is a violation to the Sedimentation Pollution Control Act of 1973, or any subsequent rules, Division of Highways shall immediately notify the General Services Division of the deficiency. An Immediate Corrective Action (ICA) notice will be issued for the project which will cease all construction activities on the project until corrective actions identified in the ICA notice have been completed to the satisfaction of NCDOT Division of Highways. Division of Highways and General Services Division will jointly determine what construction activities may continue separate and apart from the ICA abatement depending on the severity of the ICA notice.
4. In the event Division of Highways observes that there may be a violation to a permit condition during construction, Division of Highways will issue a Permit Consultation Needed (PCN) notice to notify the General Services Division of the situation. General Services Division will be responsible for investigating and coordinating a corrective action plan with the regulatory agency and Division of Highways. Division of Highways reserves the right and will be provided the opportunity to review, comment, and agree to corrective action plans to achieve timely compliance. General Services Division shall provide documentation to Division of Highways that the permit violation has been resolved to the satisfaction of the regulatory agency(s).
5. Whenever the Division of Highways determines that significant erosion and sedimentation continues, despite the implementation of the approved erosion and sedimentation control plan, General Services Division will be required to and shall take additional protective action and amend the erosion and sedimentation control plan.
6. General Services Division, along with its employees, agents, and contractors will conform to Division of Highways Erosion and Sedimentation Control/Stormwater Certification Program for Level I Inspectors and Installers, and to NCDOT's Erosion and Sedimentation Control/Stormwater Certification Program for Level II Site Management.
7. NCDOT will be responsible for all fines, penalties, and damages associated with Erosion and Sedimentation Control violations for General Services Division projects and the cost associated with correcting those violations.

AGREED TO BY THE
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
GENERAL SERVICES DIVISION


Michael Shumsky, PE Acting Director

2-6-08
Date

AGREED TO BY THE
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS


Steve Varnedoe, PE Chief Engineer of Operations

2/7/08
Date

**NCDOT General Services Division
Capital Improvement Projects**

Building Square Footage	<i>Projects Under Construction</i>	Disturbed Acres
9,350	Graham REU Landscape	5.67
10,035	Newton Equipment Shop	8.41
9,303	Winston-Salem Landscape/Road Oil Phase 1 and 2	9.10
	Raleigh DMV Customer Service Center (Poole Rd)	14.76
	<i>Projects in Design</i>	
19,396	N. Wilkesboro Division 11 Office	
34,000	Wilson Equipment Shop	
18,000	Fayetteville DMV	
10,000	Asheboro Res/Dist Engrs/L&S	
17,000	Fayetteville Phase IIIb Maint & Shop	
27,000	Greenville/Pitt Co DMV	
16,250	Durham Traffic Services Center-Ofc, Shop, Whse	
14,314	N. Wilmington DMV/SHP	
16,965	Castle Hayne Division 3 Ofc/Dist. Office Exp. (Wilmington)	
20,100	Hendersonville Maintenance Assembly & Warehouse	
19,000	Charlotte/Huntersville/Mecklenberg Co. DMV	
9,350	Asheville Roadside Environmental	
5,000	Winfall Maintenance Warehouse	