

Schedule 5

Permits

[See Attached]

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): June 27, 2016 (revised February 7, 2018)

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD: Kelly Hoyt, 192 Raceway Drive, , NC, 28117.

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Wilmington, Price Soar, LLC/Hertford/PreAp, SAW-2016-01196

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: NC County/parish/borough: Hertford City: Ahoskie
Center coordinates of site (lat/long in degree decimal format): Lat. 36.251464° N, Long. -77.070099° W.
Universal Transverse Mercator:
Name of nearest water body: Turkey Creek

Identify (estimate) amount of waters in the review area:

Non-wetland waters: 28148 linear feet: ~4 width (ft) and/or acres.
Cowardin Class: R4SB and R2SB
Stream Flow:
Wetlands: 386.9 acres.
Cowardin Class: PFO

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:
Non-Tidal:

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

- ☐ Office (Desk) Determination. Date:
☒ Field Determination. Date(s): Multiple site visits required with the final on September 19, 2017.

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

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 approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that 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) that 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) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (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 preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes 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 approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, 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, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant:
 - ☒ Office concurs with data sheets/delineation report.
 - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps:
- ☐ Corps navigable waters' study:
- ☐ U.S. Geological Survey Hydrologic Atlas:
 - ☐ USGS NHD data.
 - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 7.5', Roanoke Rapids
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey (<https://websoilsurvey.sc.egov.usda.gov>)
- ☒ National wetlands inventory map(s). Cite name: Wetlands Mapper (<https://www.fws.gov/wetlands/data/mapper.html>)
- ☐ State/Local wetland inventory map(s):
- ☒ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Google Earth 2014.
or ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☒ Other information (please specify): The aerial provided with this document has been reviewed by Corps project manager.

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.

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ILLIAM.1388035
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Digitally signed by
BARNES.KYLE.WILLIAM.1388035397
DN: c=US, o=U.S. Government,
ou=DoD, ou=PA, ou=USA,
cn=BARNES.KYLE.WILLIAM.1388035397
7
Date: 2016.06.27 18:47:59 -0400

Signature and date of
Regulatory Project Manager
(REQUIRED)



Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining the signature is
Impracticable)

Site number	Latitude	Longitude	Cowardin Class	Estimated amount of aquatic resource in review area	Class of aquatic resource
SCA	36.242095	-77.084745	R4SB	2052 LF	404 - Intermittent
SCB	36.245885	-77.071441	R4SB	2370 LF	404 - Intermittent
SCC	36.243275	-77.070959	R4SB	3025 LF	404 - Intermittent
SCD	36.246924	-77.078007	R2SB	624 LF	404 - Perennial
SCE	36.252842	-77.069017	R2SB	6155 LF	404 - Perennial
SCF	36.249297	-77.062547	R2SB	4060 LF	404 - Perennial
SCG	36.257981	-77.069746	R2SB	9176 LF	404 - Perennial
SCH	36.256147	-77.054833	R4SB	686 LF	404 - Intermittent
WAA	36.241784	-77.086698	PFO	19.3 acres	Non-section 10; 404 wetland
WAB	36.241645	-77.082664	PFO	5.4 acres	Non-section 10; 404 wetland
WAC	36.257981	-77.069746	PFO	85.2 acres	Non-section 10; 404 wetland
WAD	36.255593	-77.072664	PFO	32.4 acres	Non-section 10; 404 wetland
WAE	36.252866	-77.077091	PFO	21.6 acres	Non-section 10; 404 wetland
WAF	36.245574	-77.068502	PFO	35.7 acres	Non-section 10; 404 wetland
WAG	36.258067	-77.073072	PFO	3.2 acres	Non-section 10; 404 wetland
WAH	36.248689	-77.049812	PFO	25.4 acres	Non-section 10; 404 wetland
WAI	36.250869	-77.052859	PFO	4.6 acres	Non-section 10; 404 wetland
WAJ	36.246699	-77.061270	PFO	0.6 acres	Non-section 10; 404 wetland
WAK	36.248637	-77.062966	PFO	8.9 acres	Non-section 10; 404 wetland
WAL	36.249865	-77.053181	PFO	1.3 acres	Non-section 10; 404 wetland
WAM	36.251652	-77.061491	PFO	13.60 acres	Non-section 10; 404 wetland
WAN	36.244506	-77.065011	PFO	56.26 acres	Non-section 10; 404 wetland
WAO	36.250411	-77.056767	PFO	69.70 acres	Non-section 10; 404 wetland
WAP	36.250729	-77.070303	PFO	1.48 acres	Non-section 10; 404 wetland

**U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT**

Action Id. SAW-2019-00236 County: Hertford County U.S.G.S. Quad: Union

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner/Applicant: SunEnergy1
Jeffrey McDermott
Address: 192 Raceway Drive
Mooreville, NC, 28117
(704) 618-3854

Telephone Number:

Size (acres) 428
Nearest Waterway Ahoskie Creek
USGS HUC 03010203

Nearest Town Ahoskie
River Basin Albemarle-Chowan
Coordinates Latitude: 36.273878
Longitude: -77.042279

Location description: The property is located south of NC 42 approximately 0.25 miles east of the intersection of NC 11 and west of the town of Ahoskie in Hertford County, North Carolina. The parcel's incorporate both agricultural and forestry uses.

Indicate Which of the Following Apply:

A. Preliminary Determination

- ☒ There are waters, including wetlands, on the above described project area, 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. 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 are wetlands on the above described 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 of the U.S. on your 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 Navigable Waters of the United States within the above described property subject to the permit requirements of Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403) and Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in 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.
- ☐ There are waters of the U.S., including wetlands, on the above described project area 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 of the U.S. on your 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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- The waters of the U.S., including wetlands, on your project area have been delineated and the delineation has been verified by the Corps. We strongly suggest you have this delineation surveyed. Upon completion, this survey should be reviewed and verified by the Corps. Once verified, this survey will provide an accurate depiction of all areas subject to CWA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.
- The waters of the U.S., including wetlands, have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on _____. 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.
- There are no waters of the U.S., to include wetlands, present on the above described project area 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 Morehead City, NC, at (252) 808-2808 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 **Kyle Barnes at (910) 251-4584 or Kyle.W.Barnes@usace.army.mil.**

C. Basis For Determination: N/A. An Approved JD has not been completed.

D. Remarks: **The PJD is for the Aulander Holloman Phase 2 project. (See attached map)**

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 for Approved Jurisdiction Determinations (as indicated in Section 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: Jason Steele, Review Officer
60 Forsyth Street SW, Room 10M15
Atlanta, Georgia 30303-8801

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 **N/A.**
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: **March 25, 2019** Expiration Date: **N/A**

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 our Customer Satisfaction Survey, located online at **http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0**.

SAW-2019-00236

Hart and Hickman
Matt Ingalls
2923 South Tryon Street
Suite 100
Charlotte, North Carolina 28203-5449

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Corps of Engineers Administrative Appeal Process Form 2-001 (10-18-18)
NATIONAL WATERWAY ADMINISTRATION

Applicant: Jeffrey McDermott SunEnergy1	File Number: SAW-2019-00236	Date: <u>March 25, 2019</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	C	
<input type="checkbox"/> APPROVED JURISDICTIONAL DETERMINATION	D	
<input checked="" type="checkbox"/> PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION II: The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/mission/civilworks/regulatory-and-permitting/section-2-corp-regulations-at-33-cfr-part-334>.

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. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. 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: 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.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **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.

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E: PRELIMINARY JURISDICTIONAL DETERMINATION: 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.

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. 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.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
**District Engineer, Wilmington Regulatory Division,
Attn: Kyle Barnes
2407 West 5th Street
Washington, North Carolina 27889**

If you only have questions regarding the appeal process you may also contact:
**Mr. Jason Steele, Administrative Appeal Review Officer
CESAD-PDO
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 10M15
Atlanta, Georgia 30303-8801
Phone: (404) 562-5137**

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:	Telephone number:
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For appeals on Initial Proffered Permits send this form to:

District Engineer, Wilmington Regulatory Division, Attn: Kyle Barnes, 2407 West 5th Street, Washington, North Carolina 27889

For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:

**Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Jason Steele, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801
Phone: (404) 562-5137**



U.S. ENVIRONMENTAL PROTECTION AGENCY TIER I QUALIFIED FACILITY SPCC PLAN TEMPLATE

Instructions to Complete this Template

This template is intended to help the owner or operator of a Tier I qualified facility develop a self-certified Spill Prevention, Control, and Countermeasure (SPCC) Plan. To use this template, your facility must meet all of the applicability criteria of a Tier I qualified facility listed under §112.3(g)(1) of the SPCC rule. This template provides every SPCC rule requirement necessary for a Tier I qualified facility, which you must address and implement.

You may use this template to comply with the SPCC regulation or use it as a model and modify it as necessary to meet your facility-specific needs. If you modify the template, your Plan must include a section cross-referencing the location of each applicable requirement of the SPCC rule and you must ensure that your Plan is an equivalent Plan that meets all applicable rule requirements of 40 CFR 112.6(a)(3).

You may complete this template either electronically or by hand on a printed copy. This document is a reformatted version of the template found in Appendix G of 40 CFR part 112.^a No substantive changes have been made. Please note that a "Not Applicable" ("N/A") column has been added to both Table G-10 (General Rule Requirements for Onshore Facilities) and Table G-11 (General Rule Requirements for Onshore Oil Production Facilities). The "N/A" column should help you complete your self-certification when a required rule element does not apply to your facility. Use of the "N/A" column is optional and is not required by rule.

All Tier I qualified facility self-certifiers must complete Sections I, II, and III. Additionally, the owner or operator of an:

- Onshore facility (excluding production) must complete Section A.
- Onshore oil production facility (excluding drilling and workover facilities) must complete Section B.
- Onshore oil drilling and workover facility must complete Section C.

Complete and include with your Plan the appropriate attachments. You should consider printing copies of the attachments for use in implementing the SPCC Plan (e.g. Attachment 3.1 - Inspection Log & Schedule; Attachment 4 - Discharge Notification Form).

To complete the template, check the box next to the requirement to indicate that it has been adequately addressed. Either write "N/A" in the column or check the box under the "N/A" column to indicate those requirements that are not applicable to the facility. Where a section requires a description or listing, write in the spaces provided (or attach additional descriptions if more space is needed).

Below is a key for the colors used in the section headers:

Sections I, II, and III: Required for all Tier I qualified facilities
Section A: Onshore facilities (excluding production)
Section B: Onshore oil production facilities (excluding drilling and workover facilities)
Section C: Onshore oil drilling and workover facilities
Attachments: 1 - Five Year Review and Technical Amendment Logs 2 - Oil Spill Contingency Plan and Checklist 3 - Inspections, Dike Drainage and Personnel Training Logs 4 - Discharge Notification Form

After you have completed all appropriate sections, certify and date your Plan, and then implement it by the compliance date. If your facility was in operation before August 16, 2002, and you do not already have a Plan, then implement this template immediately. Conduct inspections and tests in accordance with the written procedures that you have developed for your facility. You must keep with the SPCC Plan a record of these inspections and tests, signed by the appropriate supervisor or inspector, for a period of three years.

Do not forget to periodically review your Plan (at least once every five years) or to update it when you make changes to your facility. You must prepare amendments within six months of the facility change, and implement them as soon as possible, but not later than six months following preparation of any amendment.

In the event that your facility releases oil to navigable waters or adjoining shorelines, immediately call the National Response Center (NRC) at 1-800-424-8802. The NRC is the federal government's centralized reporting center, which is staffed 24 hours per day by U.S. Coast Guard personnel.

^a Please note that the use of this template is not mandatory for a Tier I qualified facility. You may also meet the SPCC Plan requirement by preparing a satisfactory Tier II qualified facility Plan, preparing a satisfactory Plan that is certified by a Professional Engineer, or by developing an equivalent Plan for a Tier I qualified facility. Further information on the requirements of these methods can be found in 40 CFR part 112.6(a)(1). If you use any of these alternative methods you must include a cross reference in your Plan that shows how the equivalent Plan meets all applicable 40 CFR part 112 requirements.

Tier I Qualified Facility SPCC Plan

This template constitutes the SPCC Plan for the facility, when completed and signed by the owner or operator of a facility that meets the applicability criteria in §112.3(g)(1). This template addresses the requirements of 40 CFR part 112. Maintain a complete copy of the Plan at the facility if the facility is normally attended at least four hours per day, or for a facility attended fewer than four hours per day, at the nearest field office. When making operational changes at a facility that are necessary to comply with the rule requirements, the owner/operator should follow state and local requirements (such as for permitting, design and construction) and obtain professional assistance, as appropriate.

Facility Description

Facility Name Aulander Holloman Solar (Phase II)

Facility Address Hwy 42

City Ahoskie State NC ZIP 27910

County Hertford Tel. Number (704) 677 - 2875

Owner or Operator Name Aulander Holloman Solar, LLC

Owner or Operator Address 192 Raceway Drive

City Mooreville State NC ZIP 28117

County Iredell Tel. Number (704) 662 - 3075

I. Self-Certification Statement (§112.6(a)(1))

The owner or operator of a facility certifies that each of the following is true in order to utilize this template to comply with the SPCC requirements:

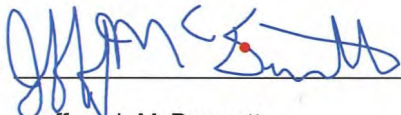
I Jeffrey J. McDermott certify that the following is accurate:

1. I am familiar with the applicable requirements of 40 CFR part 112;
2. I have visited and examined the facility;
3. This Plan was prepared in accordance with accepted and sound industry practices and standards;
4. Procedures for required inspections and testing have been established in accordance with industry inspection and testing standards or recommended practices;
5. I will fully implement the Plan;
6. This facility meets the following qualification criteria (under §112.3(g)(1)):
 - a. The aggregate aboveground oil storage capacity of the facility is 10,000 U.S. gallons or less; and
 - b. The facility has had no single discharge as described in §112.1(b) exceeding 1,000 U.S. gallons and no two discharges as described in §112.1(b) each exceeding 42 U.S. gallons within any twelve month period in the three years prior to the SPCC Plan self-certification date, or since becoming subject to 40 CFR part 112 if the facility has been in operation for less than three years (not including oil discharges as described in §112.1(b) that are the result of natural disasters, acts of war, or terrorism); and
 - c. There is no individual oil storage container at the facility with an aboveground capacity greater than 5,000 U.S. gallons.
7. This Plan does not deviate from any requirement of 40 CFR part 112 as allowed by §112.7(a)(2) (environmental equivalence) and §112.7(d) (impracticability of secondary containment) or include any measures pursuant to §112.9(c)(6) for produced water containers and any associated piping;
8. This Plan and individual(s) responsible for implementing this Plan have the full approval of management and I have committed the necessary resources to fully implement this Plan.

I also understand my other obligations relating to the storage of oil at this facility, including, among others:

1. To report any oil discharge to navigable waters or adjoining shorelines to the appropriate authorities. Notification information is included in this Plan.
2. To review and amend this Plan whenever there is a material change at the facility that affects the potential for an oil discharge, and at least once every five years. Reviews and amendments are recorded in an attached log [See Five Year Review Log and Technical Amendment Log in Attachments 1.1 and 1.2.]
3. Optional use of a contingency plan. A contingency plan:
 - a. May be used in lieu of secondary containment for qualified oil-filled operational equipment, in accordance with the requirements under §112.7(k), and;
 - b. Must be prepared for flowlines and/or intra-facility gathering lines which do not have secondary containment at an oil production facility, and;
 - c. Must include an established and documented inspection or monitoring program; must follow the provisions of 40 CFR part 109; and must include a written commitment of manpower, equipment and materials to expeditiously remove any quantity of oil discharged that may be harmful. If applicable, a copy of the contingency plan and any additional documentation will be attached to this Plan as Attachment 2.

I certify that I have satisfied the requirement to prepare and implement a Plan under §112.3 and all of the requirements under §112.6(a). I certify that the information contained in this Plan is true.

Signature 
 Name Jeffrey J. McDermott

Title: Senior Environmental Specialist

Date: 11 / 19 / 2018

II. Record of Plan Review and Amendments

Five Year Review (§112.5(b)):

Complete a review and evaluation of this SPCC Plan at least once every five years. As a result of the review, amend this Plan within six months to include more effective prevention and control measures for the facility, if applicable. Implement any SPCC Plan amendment as soon as possible, but no later than six months following Plan amendment. Document completion of the review and evaluation, and complete the Five Year Review Log in Attachment 1.1. If the facility no longer meets Tier I qualified facility eligibility, the owner or operator must revise the Plan to meet Tier II qualified facility requirements, or complete a full PE certified Plan.

Table G-1 Technical Amendments (§§112.5(a), (c) and 112.6(a)(2))	
This SPCC Plan will be amended when there is a change in the facility design, construction, operation, or maintenance that materially affects the potential for a discharge to navigable waters or adjoining shorelines. Examples include adding or removing containers, reconstruction, replacement, or installation of piping systems, changes to secondary containment systems, changes in product stored at this facility, or revisions to standard operating procedures.	<input checked="" type="checkbox"/>
Any technical amendments to this Plan will be re-certified in accordance with Section I of this Plan template. [§112.6(a)(2)] [See Technical Amendment Log in Attachment 1.2]	<input checked="" type="checkbox"/>

III. Plan Requirements**1. Oil Storage Containers (§112.7(a)(3)(i)):**

Table G-2 Oil Storage Containers and Capacities		
This table includes a complete list of all oil storage containers (aboveground containers ^a and completely buried tanks ^b) with capacity of 55 U.S. gallons or more, unless otherwise exempt from the rule. For mobile/portable containers, an estimated number of containers, types of oil, and anticipated capacities are provided.		<input checked="" type="checkbox"/>
Oil Storage Container (indicate whether aboveground (A) or completely buried (B))	Type of Oil	Shell Capacity (gallons)
A: AST	1993	500
A: AST	1203	500
Total Aboveground Storage Capacity ^c	1000	gallons
Total Completely Buried Storage Capacity	0	gallons
Facility Total Oil Storage Capacity	1000	gallons

^a Aboveground storage containers that must be included when calculating total facility oil storage capacity include: tanks and mobile or portable containers; oil-filled operational equipment (e.g. transformers); other oil-filled equipment, such as flow-through process equipment. Exempt containers that are not included in the capacity calculation include: any container with a storage capacity of less than 55 gallons of oil; containers used exclusively for wastewater treatment; permanently closed containers; motive power containers; hot-mix asphalt containers; heating oil containers used solely at a single-family residence; and pesticide application equipment or related mix containers.

^b Although the criteria to determine eligibility for qualified facilities focuses on the aboveground oil storage containers at the facility, the completely buried tanks at a qualified facility are still subject to the rule requirements and must be addressed in the template; however, they are not counted toward the qualified facility applicability threshold.

^c Counts toward qualified facility applicability threshold.

2. Secondary Containment and Oil Spill Control (§§112.6(a)(3)(i) and (ii), 112.7(c) and 112.9(c)(2)):

Table G-3 Secondary Containment and Oil Spill Control	
Appropriate secondary containment and/or diversionary structures or equipment ^a is provided for all oil handling containers, equipment, and transfer areas to prevent a discharge to navigable waters or adjoining shorelines. The entire secondary containment system, including walls and floor, is capable of containing oil and is constructed so that any discharge from a primary containment system, such as a tank or pipe, will not escape the containment system before cleanup occurs.	<input checked="" type="checkbox"/>

^a Use one of the following methods of secondary containment or its equivalent: (1) Dikes, berms, or retaining walls sufficiently impervious to contain oil; (2) Curbing; (3) Culverting, gutters, or other drainage systems; (4) Weirs, booms, or other barriers; (5) Spill diversion ponds; (6) Retention ponds; or (7) Sorbent materials.

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Table G-4 below identifies the tanks and containers at the facility with the potential for an oil discharge; the mode of failure; the flow direction and potential quantity of the discharge; and the secondary containment method and containment capacity that is provided.

Table G-4 Containers with Potential for an Oil Discharge					
Area	Type of failure (discharge scenario)	Potential discharge volume (gallons)	Direction of flow for uncontained discharge	Secondary containment method ^a	Secondary containment capacity (gallons)
<i>Bulk Storage Containers and Mobile/Portable Containers^b</i>					
AST Field, UN 1993	Container failure, spill in use	500	Localized	1	742
AST Field, UN 1203	Container failure, spill in use	500	Localized	1	742
<i>Oil-filled Operational Equipment (e.g., hydraulic equipment, transformers)^c</i>					
<i>Piping, Valves, etc.</i>					
<i>Product Transfer Areas (location where oil is loaded to or from a container, pipe or other piece of equipment.)</i>					
<i>Other Oil-Handling Areas or Oil-Filled Equipment (e.g. flow-through process vessels at an oil production facility)</i>					

^a Use one of the following methods of secondary containment or its equivalent: (1) Dikes, berms, or retaining walls sufficiently impervious to contain oil; (2) Curbing; (3) Culverting, gutters, or other drainage systems; (4) Weirs, booms, or other barriers; (5) Spill diversion ponds; (6) Retention ponds; or (7) Sorbent materials.

^b For storage tanks and bulk storage containers, the secondary containment capacity must be at least the capacity of the largest container plus additional capacity to contain rainfall or other precipitation.

^c For oil-filled operational equipment: Document in the table above if alternative measures to secondary containment (as described in §112.7(k)) are implemented at the facility.

3. Inspections, Testing, Recordkeeping and Personnel Training (§§112.7(e) and (f), 112.8(c)(6) and (d)(4), 112.9(c)(3), 112.12(c)(6) and (d)(4)):

Table G-5 Inspections, Testing, Recordkeeping and Personnel Training	
An inspection and/or testing program is implemented for all aboveground bulk storage containers and piping at this facility. [§§112.8(c)(6) and (d)(4), 112.9(c)(3), 112.12(c)(6) and (d)(4)]	<input checked="" type="checkbox"/>
The following is a description of the inspection and/or testing program (e.g. reference to industry standard utilized, scope, frequency, method of inspection or test, and person conducting the inspection) for all aboveground bulk storage containers and piping at this facility:	
Weekly visual inspection as per Sunenergy1 Weekly Fuel Containment Log, done by site Safety Officer.	
Inspections, tests, and records are conducted in accordance with written procedures developed for the facility. Records of inspections and tests kept under usual and customary business practices will suffice for purposes of this paragraph. [§112.7(e)]	<input checked="" type="checkbox"/>
A record of the inspections and tests are kept at the facility or with the SPCC Plan for a period of three years. [§112.7(e)] [See Inspection Log and Schedule in Attachment 3.1]	<input checked="" type="checkbox"/>
Inspections and tests are signed by the appropriate supervisor or inspector. [§112.7(e)]	<input checked="" type="checkbox"/>
Personnel, training, and discharge prevention procedures [§112.7(f)]	
Oil-handling personnel are trained in the operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and, the contents of the facility SPCC Plan. [§112.7(f)]	<input checked="" type="checkbox"/>
A person who reports to facility management is designated and accountable for discharge prevention. [§112.7(f)]	<input checked="" type="checkbox"/>
Name/Title: Keith G. Lloyd, Safety Manager	
Discharge prevention briefings are conducted for oil-handling personnel annually to assure adequate understanding of the SPCC Plan for that facility. Such briefings highlight and describe past reportable discharges or failures, malfunctioning components, and any recently developed precautionary measures. [§112.7(f)]	<input checked="" type="checkbox"/>
[See Oil-handling Personnel Training and Briefing Log in Attachment 3.4]	

4. Security (excluding oil production facilities) §112.7(g):**Table G-6 Implementation and Description of Security Measures**

Security measures are implemented at this facility to prevent unauthorized access to oil handling, processing, and storage area.



The following is a description of how you secure and control access to the oil handling, processing and storage areas; secure master flow and drain valves; prevent unauthorized access to starter controls on oil pumps; secure out-of-service and loading/unloading connections of oil pipelines; address the appropriateness of security lighting to both prevent acts of vandalism and assist in the discovery of oil discharges:

Site is provided with security fence, locked access while unmanned. Containers are locked while not in use.

5. Emergency Procedures and Notifications (§112.7(a)(3)(iv) and 112.7(a)(5)):**Table G-7 Description of Emergency Procedures and Notifications**

The following is a description of the immediate actions to be taken by facility personnel in the event of a discharge to navigable waters or adjoining shorelines [§112.7(a)(3)(iv) and 112.7(a)(5)]:

1. Secure any flow, close all open valves.
1. Secure any ignition source.
2. Warn personnel, implement safety and security measures as appropriate.
3. Utilize Spill kits to dam flow with sorbents and booms.
4. Notify appropriate personnel from Contact list, in accordance with severity of leak

6. Contact List (§112.7(a)(3)(vi)):

Table G-8 Contact List	
Contact Organization / Person	Telephone Number
National Response Center (NRC)	1-800-424-8802
Cleanup Contractor(s) Haz-Mat Environmental	704-332-5600
Key Facility Personnel	
Designated Person Accountable for Discharge Prevention: Keith Lloyd Safety Manager, SPC	Office: 704-677-4148, 24 hour
	Emergency:
Joel Sossamon Superintendent	Office: 704-677-2875
	Emergency:
Joe McNair Environmental Foreman	Office: 704-620-1223
	Emergency:
Jeff McDermott Senior Environmental Specialist	Office: 704-618-3854
	Emergency:
State Oil Pollution Control Agencies NCDEQ	1-800-858-0368
Other State, Federal, and Local Agencies	
Local Fire Department Ahoskie Fire Department	911/ 252-332-3322
Local Police Department Hertford Sheriffs	252-358-7800
Hospital Vidant Roanoke-Chowan Hospital	252-209-3000
Other Contact References (e.g., downstream water intakes or neighboring facilities)	

7. NRC Notification Procedure (§112.7(a)(4) and (a)(5)):

Table G-9 NRC Notification Procedure	
In the event of a discharge of oil to navigable waters or adjoining shorelines, the following information identified in Attachment 4 will be provided to the National Response Center immediately following identification of a discharge to navigable waters or adjoining shorelines [See Discharge Notification Form in Attachment 4]: [§112.7(a)(4)]	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> The exact address or location and phone number of the facility; Date and time of the discharge; Type of material discharged; Estimate of the total quantity discharged; Estimate of the quantity discharged to navigable waters; Source of the discharge; 	<ul style="list-style-type: none"> Description of all affected media; Cause of the discharge; Any damages or injuries caused by the discharge; Actions being used to stop, remove, and mitigate the effects of the discharge; Whether an evacuation may be needed; and Names of individuals and/or organizations who have also been contacted.

8. SPCC Spill Reporting Requirements (Report within 60 days) (§112.4):

Submit information to the EPA Regional Administrator (RA) and the appropriate agency or agencies in charge of oil pollution control activities in the State in which the facility is located within 60 days from one of the following discharge events:

A single discharge of more than 1,000 U.S. gallons of oil to navigable waters or adjoining shorelines or

Two discharges to navigable waters or adjoining shorelines each more than 42 U.S. gallons of oil occurring within any twelve month period

You must submit the following information to the RA:

- (1) Name of the facility;
- (2) Your name;
- (3) Location of the facility;
- (4) Maximum storage or handling capacity of the facility and normal daily throughput;
- (5) Corrective action and countermeasures you have taken, including a description of equipment repairs and replacements;
- (6) An adequate description of the facility, including maps, flow diagrams, and topographical maps, as necessary;
- (7) The cause of the reportable discharge, including a failure analysis of the system or subsystem in which the failure occurred; and
- (8) Additional preventive measures you have taken or contemplated to minimize the possibility of recurrence
- (9) Such other information as the Regional Administrator may reasonably require pertinent to the Plan or discharge

* * * * *

**NOTE: Complete one of the following sections (A, B or C)
as appropriate for the facility type.**

A. Onshore Facilities (excluding production) (§§112.8(b) through (d), 112.12(b) through (d)):

The owner or operator must meet the general rule requirements as well as requirements under this section. Note that not all provisions may be applicable to all owners/operators. For example, a facility may not maintain completely buried metallic storage tanks installed after January 10, 1974, and thus would not have to abide by requirements in §§112.8(c)(4) and 112.12(c)(4), listed below. **In cases where a provision is not applicable, write "N/A".**

Table G-10 General Rule Requirements for Onshore Facilities		N/A
Drainage from diked storage areas is restrained by valves to prevent a discharge into the drainage system or facility effluent treatment system, except where facility systems are designed to control such discharge. Diked areas may be emptied by pumps or ejectors that must be manually activated after inspecting the condition of the accumulation to ensure no oil will be discharged. [§§112.8(b)(1) and 112.12(b)(1)]	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Valves of manual, open-and-closed design are used for the drainage of diked areas. [§§112.8(b)(2) and 112.12(b)(2)]	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The containers at the facility are compatible with materials stored and conditions of storage such as pressure and temperature. [§§112.8(c)(1) and 112.12(c)(1)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Secondary containment for the bulk storage containers (including mobile/portable oil storage containers) holds the capacity of the largest container plus additional capacity to contain precipitation. Mobile or portable oil storage containers are positioned to prevent a discharge as described in §112.1(b). [§112.6(a)(3)(ii)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If uncontaminated rainwater from diked areas drains into a storm drain or open watercourse the following procedures will be implemented at the facility: [§§112.8(c)(3) and 112.12(c)(3)]		
• Bypass valve is normally sealed closed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Retained rainwater is inspected to ensure that its presence will not cause a discharge to navigable waters or adjoining shorelines	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Bypass valve is opened and resealed under responsible supervision	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Adequate records of drainage are kept [See Dike Drainage Log in Attachment 3.3]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
For completely buried metallic tanks installed on or after January 10, 1974 at this facility [§§112.8(c)(4) and 112.12(c)(4)]:		
• Tanks have corrosion protection with coatings or cathodic protection compatible with local soil conditions.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Regular leak testing is conducted.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
For partially buried or bunkered metallic tanks [§112.8(c)(5) and §112.12(c)(5)]:		
• Tanks have corrosion protection with coatings or cathodic protection compatible with local soil conditions.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Each aboveground bulk container is tested or inspected for integrity on a regular schedule and whenever material repairs are made. Scope and frequency of the inspections and inspector qualifications are in accordance with industry standards. Container supports and foundations are regularly inspected. [See Inspection Log and Schedule and Bulk Storage Container Inspection Schedule in Attachments 3.1 and 3.2] [§112.8(c)(6) and §112.12(c)(6)(i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Outsides of bulk storage containers are frequently inspected for signs of deterioration, discharges, or accumulation of oil inside diked areas. [See Inspection Log and Schedule in Attachment 3.1] [§112.8(c)(6) and 112.12(c)(6)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
For bulk storage containers that are subject to 21 CFR part 110 which are shop-fabricated, constructed of austenitic stainless steel, elevated and have no external insulation, formal visual inspection is conducted on a regular schedule. Appropriate qualifications for personnel performing tests and inspections are documented. [See Inspection Log and Schedule and Bulk Storage Container Inspection Schedule in Attachments 3.1 and 3.2] [§112.12(c)(6)(ii)]	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Table G-10 General Rule Requirements for Onshore Facilities		N/A
Each container is provided with a system or documented procedure to prevent overfills for the container. Describe: Training provided to employees for servicing of tanks to prevent overfilling.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liquid level sensing devices are regularly tested to ensure proper operation [See Inspection Log and Schedule in Attachment 3.1]. [§112.6(a)(3)(iii)]	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Visible discharges which result in a loss of oil from the container, including but not limited to seams, gaskets, piping, pumps, valves, rivets, and bolts are promptly corrected and oil in diked areas is promptly removed. [§§112.8(c)(10) and 112.12(c)(10)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aboveground valves, piping, and appurtenances such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces are inspected regularly. [See Inspection Log and Schedule in Attachment 3.1] [§§112.8(d)(4) and 112.12(d)(4)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Integrity and leak testing are conducted on buried piping at the time of installation, modification, construction, relocation, or replacement. [See Inspection Log and Schedule in Attachment 3.1] [§§112.8(d)(4) and 112.12(d)(4)]	<input type="checkbox"/>	<input checked="" type="checkbox"/>

B. Onshore Oil Production Facilities (excluding drilling and workover facilities) (§112.9(b), (c), and (d)):

The owner or operator must meet the general rule requirements as well as the requirements under this section. Note that not all provisions may be applicable to all owners/operators. **In cases where a provision is not applicable, write "N/A".**

Table G-11 General Rule Requirements for Onshore Oil Production Facilities		N/A
At tank batteries, separation and treating areas, drainage is closed and sealed except when draining uncontaminated rainwater. Accumulated oil on the rainwater is returned to storage or disposed of in accordance with legally approved methods. <i>[§112.9(b)(1)]</i>	<input type="checkbox"/>	<input type="checkbox"/>
Prior to drainage, diked areas are inspected and <i>[§112.9(b)(1)]</i> : <ul style="list-style-type: none"> Retained rainwater is inspected to ensure that its presence will not cause a discharge to navigable waters Bypass valve is opened and resealed under responsible supervision Adequate records of drainage are kept [See Dike Drainage Log in Attachment 3.3] 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Field drainage systems and oil traps, sumps, or skimmers are inspected at regularly scheduled intervals for oil, and accumulations of oil are promptly removed [See Inspection Log and Schedule in Attachment 3.1] <i>[§112.9(b)(2)]</i>	<input type="checkbox"/>	<input type="checkbox"/>
The containers used at this facility are compatible with materials stored and conditions of storage. <i>[§112.9(c)(1)]</i>	<input type="checkbox"/>	<input type="checkbox"/>
All tank battery, separation, and treating facility installations (except for flow-through process vessels) are constructed with a capacity to hold the largest single container plus additional capacity to contain rainfall. Drainage from undiked areas is safely confined in a catchment basin or holding pond. <i>[§112.9(c)(2)]</i>	<input type="checkbox"/>	<input type="checkbox"/>
Except for flow-through process vessels, containers that are on or above the surface of the ground, including foundations and supports, are visually inspected for deterioration and maintenance needs on a regular schedule. [See Inspection Log and Schedule in Attachment 3.1] <i>[§112.9(c)(3)]</i>	<input type="checkbox"/>	<input type="checkbox"/>
New and old tank batteries at this facility are engineered/updated in accordance with good engineering practices to prevent discharges including at least one of the following: <ul style="list-style-type: none"> i. adequate container capacity to prevent overflow if regular pumping/gauging is delayed; ii. overflow equalizing lines between containers so that a full container can overflow to an adjacent container; iii. vacuum protection to prevent container collapse; or iv. high level sensors to generate and transmit an alarm to the computer where the facility is subject to a computer production control system. <i>[§112.9(c)(4)]</i> 	<input type="checkbox"/>	<input type="checkbox"/>
Flow-through process vessels and associated components are: <ul style="list-style-type: none"> Are constructed with a capacity to hold the largest single container plus additional capacity to contain rainfall. Drainage from undiked areas is safely confined in a catchment basin or holding pond; <i>[§112.9(c)(2)]</i> and That are on or above the surface of the ground, including foundations and supports, are visually inspected for deterioration and maintenance needs on a regular schedule. [See Inspection Log and Schedule in Attachment 3.1] <i>[§112.9(c)(3)]</i> Or <ul style="list-style-type: none"> Visually inspected and/or tested periodically and on a regular schedule for leaks, corrosion, or other conditions that could lead to a discharge to navigable waters; and Corrective action or repairs are applied to flow-through process vessels and any associated components as indicated by regularly scheduled visual inspections, tests, or evidence of an oil discharge; and Any accumulations of oil discharges associated with flow-through process vessels are promptly removed; and Flow-through process vessels are provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation within six months of a discharge from flow-through process vessels of more than 1,000 U.S. gallons of oil in a single discharge as described in §112.1(b), or a discharge more than 42 U.S. gallons of oil in each of two discharges as described in §112.1(b) within any twelve month period. <i>[§112.9(c)(5)]</i> <i>(Leave blank until such time that this provision is applicable.)</i> 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Table G-11 General Rule Requirements for Onshore Oil Production Facilities		N/A
All aboveground valves and piping associated with transfer operations are inspected periodically and upon a regular schedule. The general condition of flange joints, valve glands and bodies, drip pans, pipe supports, pumping well polish rod stuffing boxes, bleeder and gauge valves, and other such items are included in the inspection. [See Inspection Log and Schedule in Attachment 3.1] [§112.9(d)(1)]	<input type="checkbox"/>	<input type="checkbox"/>
An oil spill contingency plan and written commitment of resources are provided for flowlines and intra-facility gathering lines [See Oil Spill Contingency Plan and Checklist in Attachment 2 and Inspection Log and Schedule in Attachment 3.1] [§112.9(d)(3)]	<input type="checkbox"/>	<input type="checkbox"/>
or Appropriate secondary containment and/or diversionary structures or equipment is provided for flowlines and intra-facility gathering lines to prevent a discharge to navigable waters or adjoining shorelines. The entire secondary containment system, including walls and floor, is capable of containing oil and is constructed so that any discharge from the pipe, will not escape the containment system before cleanup occurs.	<input type="checkbox"/>	<input type="checkbox"/>
A flowline/intra-facility gathering line maintenance program to prevent discharges from each flowline has been established at this facility. The maintenance program addresses each of the following:	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Flowlines and intra-facility gathering lines and associated valves and equipment are compatible with the type of production fluids, their potential corrosivity, volume, and pressure, and other conditions expected in the operational environment; Flowlines, intra-facility gathering lines and associated appurtenances are visually inspected and/or tested on a periodic and regular schedule for leaks, oil discharges, corrosion, or other conditions that could lead to a discharge as described in §112.1(b). The frequency and type of testing allows for the implementation of a contingency plan as described under part 109 of this chapter. Corrective action and repairs to any flowlines and intra-facility gathering lines and associated appurtenances as indicated by regularly scheduled visual inspections, tests, or evidence of a discharge. Accumulations of oil discharges associated with flowlines, intra-facility gathering lines, and associated appurtenances are promptly removed. [§112.9(d)(4)] 	<input type="checkbox"/>	<input type="checkbox"/>
The following is a description of the flowline/intra-facility gathering line maintenance program implemented at this facility:		

C. Onshore Oil Drilling and Workover Facilities (§112.10(b), (c) and (d)):

The owner or operator must meet the general rule requirements as well as the requirements under this section.

Table G-12 General Rule Requirements for Onshore Oil Drilling and Workover Facilities	
Mobile drilling or worker equipment is positioned or located to prevent discharge as described in §112.1(b). [§112.10(b)]	<input type="checkbox"/>
Catchment basins or diversion structures are provided to intercept and contain discharges of fuel, crude oil, or oily drilling fluids. [§112.10(c)]	<input type="checkbox"/>
A blowout prevention (BOP) assembly and well control system was installed before drilling below any casing string or during workover operations. [§112.10(d)]	<input type="checkbox"/>
The BOP assembly and well control system is capable of controlling any well-head pressure that may be encountered while the BOP assembly and well control system are on the well. [§112.10(d)]	<input type="checkbox"/>

ATTACHMENT 1 – Five Year Review and Technical Amendment Logs

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Oct 27 2023

ATTACHMENT 1.1 – Five Year Review Log

I have completed a review and evaluation of the SPCC Plan for this facility, and will/will not amend this Plan as a result.

Table G-13 Review and Evaluation of SPCC Plan for Facility			
Review Date	Plan Amendment		Name and signature of person authorized to review this Plan
	Will Amend	Will Not Amend	
6/22/23	<input type="checkbox"/>	<input checked="" type="checkbox"/>	K. Lloyd, EH&T Kerl
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

ATTACHMENT 1.2 – Technical Amendment Log

Any technical amendments to this Plan will be re-certified in accordance with Section I of this Plan template.

Table G-15 Description and Certification of Technical Amendments		
Review Date	Description of Technical Amendment	Name and signature of person certifying this technical amendment

ATTACHMENT 2 – Oil Spill Contingency Plan and Checklist

An oil spill contingency plan and written commitment of resources is required for:

- Flowlines and intra-facility gathering lines at oil production facilities and
- Qualified oil-filled operational equipment which has no secondary containment.

An oil spill contingency plan meeting the provisions of 40 CFR part 109, as described below, and a written commitment of manpower, equipment and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful is attached to this Plan.	<input checked="" type="checkbox"/>
--	-------------------------------------

Complete the checklist below to verify that the necessary operations outlined in 40 CFR part 109 - Criteria for State, Local and Regional Oil Removal Contingency Plans - have been included.

Table G-15 Checklist of Development and Implementation Criteria for State, Local and Regional Oil Removal Contingency Plans (§109.5)^a	
(a) Definition of the authorities, responsibilities and duties of all persons, organizations or agencies which are to be involved in planning or directing oil removal operations.	<input checked="" type="checkbox"/>
(b) Establishment of notification procedures for the purpose of early detection and timely notification of an oil discharge including:	
(1) The identification of critical water use areas to facilitate the reporting of and response to oil discharges.	<input checked="" type="checkbox"/>
(2) A current list of names, telephone numbers and addresses of the responsible persons (with alternates) and organizations to be notified when an oil discharge is discovered.	<input checked="" type="checkbox"/>
(3) Provisions for access to a reliable communications system for timely notification of an oil discharge, and the capability of interconnection with the communications systems established under related oil removal contingency plans, particularly State and National plans (e.g., NCP).	<input checked="" type="checkbox"/>
(4) An established, prearranged procedure for requesting assistance during a major disaster or when the situation exceeds the response capability of the State, local or regional authority.	<input checked="" type="checkbox"/>
(c) Provisions to assure that full resource capability is known and can be committed during an oil discharge situation including:	
(1) The identification and inventory of applicable equipment, materials and supplies which are available locally and regionally.	<input checked="" type="checkbox"/>
(2) An estimate of the equipment, materials and supplies which would be required to remove the maximum oil discharge to be anticipated.	<input checked="" type="checkbox"/>
(3) Development of agreements and arrangements in advance of an oil discharge for the acquisition of equipment, materials and supplies to be used in responding to such a discharge.	<input checked="" type="checkbox"/>
(d) Provisions for well defined and specific actions to be taken after discovery and notification of an oil discharge including:	
(1) Specification of an oil discharge response operating team consisting of trained, prepared and available operating personnel.	<input checked="" type="checkbox"/>
(2) Predesignation of a properly qualified oil discharge response coordinator who is charged with the responsibility and delegated commensurate authority for directing and coordinating response operations and who knows how to request assistance from Federal authorities operating under existing national and regional contingency plans.	<input checked="" type="checkbox"/>
(3) A preplanned location for an oil discharge response operations center and a reliable communications system for directing the coordinated overall response operations.	<input checked="" type="checkbox"/>
(4) Provisions for varying degrees of response effort depending on the severity of the oil discharge.	<input checked="" type="checkbox"/>
(5) Specification of the order of priority in which the various water uses are to be protected where more than one water use may be adversely affected as a result of an oil discharge and where response operations may not be adequate to protect all uses.	<input checked="" type="checkbox"/>
(6) Specific and well defined procedures to facilitate recovery of damages and enforcement measures as provided for by State and local statutes and ordinances.	<input checked="" type="checkbox"/>

^a The contingency plan must be consistent with all applicable state and local plans, Area Contingency Plans, and the National Contingency Plan (NCP)

ATTACHMENT 3 – Inspections, Dike Drainage and Personnel Training Logs

ATTACHMENT 3.1 – Inspection Log and Schedule

Table G-16 Inspection Log and Schedule					
This log is intended to document compliance with §§112.6(a)(3)(iii), 112.8(c)(6), 112.8(d)(4), 112.9(b)(2), 112.9(c)(3), 112.9(d)(1), 112.9(d)(4), 112.12(c)(6), and 112.12(d)(4), as applicable.					
Date of Inspection	Container / Piping / Equipment	Describe Scope (or cite Industry Standard)	Observations	Name/ Signature of Inspector	Records maintained separately ^a
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>

^a Indicate in the table above if records of facility inspections are maintained separately at this facility.

ATTACHMENT 3.2 – Bulk Storage Container Inspection Schedule – onshore facilities (excluding production):

To comply with integrity inspection requirement for bulk storage containers, inspect/test each shop-built aboveground bulk storage container on a regular schedule in accordance with a recognized container inspection standard based on the minimum requirements in the following table.

Table G-17 Bulk Storage Container Inspection Schedule	
Container Size and Design Specification	Inspection requirement
Portable containers (including drums, totes, and intermodal bulk containers (IBC))	Visually inspect monthly for signs of deterioration, discharges or accumulation of oil inside diked areas
55 to 1,100 gallons with sized secondary containment	Visually inspect monthly for signs of deterioration, discharges or accumulation of oil inside diked areas plus any annual inspection elements per industry inspection standards
1,101 to 5,000 gallons with sized secondary containment and a means of leak detection ^a	
1,101 to 5,000 gallons with sized secondary containment and no method of leak detection ^a	Visually inspect monthly for signs of deterioration, discharges or accumulation of oil inside diked areas, plus any annual inspection elements and other specific integrity tests that may be required per industry inspection standards

^a Examples of leak detection include, but are not limited to, double-walled tanks and elevated containers where a leak can be visually identified.

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ATTACHMENT 3.3 – Dike Drainage Log

Table G-18 Dike Drainage Log						
Date	Bypass valve sealed closed	Rainwater inspected to be sure no oil (or sheen) is visible	Open bypass valve and reseal it following drainage	Drainage activity supervised	Observations	Signature of Inspector
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

ATTACHMENT 3.4 – Oil-handling Personnel Training and Briefing Log

Table G-19 Oil-Handling Personnel Training and Briefing Log		
Date	Description / Scope	Attendees

ATTACHMENT 4 – Discharge Notification Form

In the event of a discharge of oil to navigable waters or adjoining shorelines, the following information will be provided to the National Response Center [also see the notification information provided in Section 7 of the Plan]:

Table G-20 Information provided to the National Response Center in the Event of a Discharge			
Discharge/Discovery Date		Time	
Facility Name			
Facility Location (Address/Lat-Long/Section Township Range)			
Name of reporting individual		Telephone #	
Type of material discharged		Estimated total quantity discharged	Gallons/Barrels
Source of the discharge		Media affected	<input type="checkbox"/> Soil
			<input type="checkbox"/> Water (specify)
			<input type="checkbox"/> Other (specify)
Actions taken			
Damage or injuries	<input type="checkbox"/> No <input type="checkbox"/> Yes (specify)	Evacuation needed?	<input type="checkbox"/> No <input type="checkbox"/> Yes (specify)
Organizations and individuals contacted	<input type="checkbox"/> National Response Center 800-424-8802 Time		
	<input type="checkbox"/> Cleanup contractor (Specify) Time		
	<input type="checkbox"/> Facility personnel (Specify) Time		
	<input type="checkbox"/> State Agency (Specify) Time		
	<input type="checkbox"/> Other (Specify) Time		

Spill Prevention, Control, and Countermeasure Plan
Aulander Holloman Solar Facility
Hertford County, North Carolina

June 2018

Prepared for:

Aulander Holloman Solar, LLC
192 Raceway Drive
Mooresville, NC. 28117

Prepared by:

Aulander Holloman Solar, LLC
192 Raceway Dr.
Mooresville, NC. 28117

Reviewed by:

WithersRavenel, Inc.
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Cary, North Carolina 27511

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Figure 2: Facility Diagram

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Appendix A: Substantial Harm Determination

Appendix B: Plan Review Log Appendix C:

Emergency Contacts Appendix D:

Discharge Notification Form Appendix E:

Facility Inspection Checklists

Appendix F: Discharge Prevention Briefings and Training Log

Appendix G: Oil Spill Contingency Plan

1.0 INTRODUCTION

1.1 Purpose of the SPCC Plan

This Spill Prevention, Control, and Countermeasure (SPCC) Plan has been prepared for Aulander Holloman Solar, LLC for the operation of the Aulander Holloman Solar Facility ("Site" or "Facility") situated in southern Hertford County, North Carolina (Figure 1). The Site is located at 205 Joe Holloman Rd., Aulander, 27805 North Carolina. The Site encompasses an area of approximately 1,015 acres. The Site consists of the construction of 80-120 megawatts (MW) of mounted solar panels with single-axis tracking technology, as well as associated access roads, inverter pads, collection lines, and an operations and maintenance building and parking area.

The purpose of the SPCC Plan is to describe the procedures, methods, and equipment that are used to prevent the discharge of oil into navigable waters of the United States (U.S.) or their adjoining shorelines, and to minimize and abate hazards to human health and the environment should such an event occur.

This SPCC Plan is prepared and should be implemented according to U.S. Environmental Protection Agency (EPA) regulations contained in Title 40, Code of Federal Regulations, Part 112 (40 CFR 112). This Site, which is a non-transportation related facility, is subject to SPCC regulations if: the total aboveground storage capacity exceeds 1,320 gallons; or the underground oil storage capacity exceeds 42,000 gallons; or, if due to its location, the facility could reasonably expect to discharge oil into or upon the navigable waters of the U.S. At this Facility, as defined in Section 2.1, the total aboveground oil storage capacity is over 1,320 gallons, therefore SPCC regulations apply.

The threat of substantial harm caused by the Facility has been evaluated and certified by Sunenergy1. It has been determined that this Facility does not pose a risk for substantial harm and that preparation of a Facility Specific Response Plan, pursuant to 40 CFR 112.20, is not required. The Substantial Harm Determination certification is included as Appendix A.

SPCC Plan
Aulander Holloman Solar Facility

1.2 Professional Engineer Certification

I certify that I am the reviewer of this SPCC Plan.

Furthermore, I certify the following with respect to this Federal SPCC Plan:

- I am familiar with the applicable requirements of 40 CFR 112;
- I have visited and examined the Facility, or have supervised examination of the Facility by appropriately qualified personnel;
- This SPCC Plan was prepared in accordance with good engineering practice;
- The procedures for required inspections and testing have been established; and
- The SPCC Plan is adequate for the Facility, as herein described.

This certification in no way relieves the owner or operator of the Facility of his/her duty to prepare and fully implement the SPCC Plan in accordance with the requirements of 40 CFR 112.



R. S. Lawter, Jr., Vice-President
Name and Title

022101
North Carolina PE License Number

C-0832
North Carolina Firm Registration

June 7, 2018
Date

919-469-3340
Telephone Number

SPCC Plan
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1.3 Management Certification of the SPCC Plan

The Owner of the Aulander Holloman Solar Project is currently Aulander Holloman Solar, LLC (AHS, LLC). Aulander Holloman Solar, LLC will be the Owner of the Site through the construction phase of the Project. After construction is complete, Aulander Holloman Solar, LLC will remain the Owner of the Site for the operations phase of the Project. This SPCC Plan is being managed by Aulander Holloman Solar, LLC and applies to the construction and operations phases of the Site.

Aulander Holloman Solar, LLC is committed to preventing discharges of oil into navigable waters of the U.S. through implementation and regular review and amendment to the SPCC Plan during construction of the Facility. Aulander Holloman Solar, LLC has committed the necessary resources to implement the measures described in this SPCC Plan during construction and will commit the necessary resources to implement the measures described in the SPCC Plan during operation.

I am the designated SPCC Spill Response Coordinator (SRC) and am responsible for implementation of this SPCC Plan. To the best of my knowledge, this SPCC Plan is accurate.

Signature

Keith Lloyd, Safety Manager

Name and Title

Date

1.4 Location of the SPCC Plan

A complete and signed copy of the SPCC Plan will be maintained at the Site and will be located within the SunEnergy1 construction trailer in the laydown yard (Figure 2). Notice of the location of the SPCC Plan will be posted on the Project information board in the laydown yard.

1.5 Plan Review

Review and amendments to the SPCC Plan must be made as stated in 40 CFR 112.5 under any of the following circumstances:

- Complete a review and evaluation of the SPCC Plan at least every five years;
- A change in Facility O&M that materially affects the Facility's potential for discharge of oil into navigable waters of the U.S.; and
- In the event of a spill into waters of the U.S. or adjoining shorelines.

As a result of the review, the SPCC Plan will be amended within six months to include more effective prevention and control measures for the Facility, if applicable. Amendments will be implemented as soon as possible, but no later than six months following the SPCC Plan amendment.

The review and evaluation must be documented in a Plan Review Log, the form of which is contained in Appendix B. The Plan Review Log must state whether the SPCC Plan will be amended. Any technical revision to the SPCC Plan must be certified by a Professional Engineer.

1.6 SPCC Provision Cross-Reference

This SPCC Plan does not follow the exact order presented in 40 CFR part 112. Table 1-1 below presents a cross-reference of SPCC Plan sections relative to the applicable parts of 40 CFR part 112.

Table 1-1: SPCC Cross-Reference

Provision	Plan Section	Page
112.3(d)	1.2 Self-Certification Statement	2
112.3(e)	1.4 Location of SPCC Plan	4
112.5	1.5 Plan Review	4
112.7	1.3 Management Certification of the Plan	3
112.7	1.6 SPCC Provision Cross-Reference	4
112.7(a)(3)	Part 2: General Facility Information	6
	Figure 1: Site Location Map	Attached
	Figure 2: Facility Layout Diagram	Attached
112.7(a)(4)	4.4 Discharge Notification	17
112.7(a)(5)	Part 4: Discharge Response	15
112.7(b)	3.3 Potential Discharge Volumes and Direction of Flow	10
112.7(c)	3.5 Containment and Diversionary Structures	11
112.7(d)	3.6 Practicability of Secondary Containment	11
112.7(e)	3.7 Inspections, Tests, and Records	11

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Provision	Plan Section	Page
112.7(f)	3.8 Personnel, Training and Discharge Prevention Procedures	12
112.7(g)	3.9 Security	12
112.7(h)	3.10 Tank Loading/Unloading	12
112.7(i)	3.11 Brittle Fracture Evaluation	14
112.7(j)	3.12 Conformance with Applicable State and Local Requirements	14
112.8(b)	3.4 Containment Drainage	11
112.8(c)(1)	2.3 Oil Storage	8
112.8(c)(2)	3.5 Containment and Diversionary Structures	11
112.8(c)(3)	3.4 Containment Drainage	11
112.8(c)(6)	3.7 Inspections, Tests, and Records	11
112.8(c)(8)	3.5 Containment and Diversionary Structures	11
112.8(c)(10)	3.7 Inspections, Tests, and Records	11
112.8(d)	3.7 Inspections, Tests, and Records	11
112.20(e)	Certification of Substantial Harm Determination	Appendix A

2.0 GENERAL FACILITY INFORMATION

2.1 Description of the Facility

Owner: Aulander Holloman Solar, LLC

Operator: Aulander Holloman Solar, LLC

The address and phone number for the Site is:

205 Joe Holloman Rd.

Aulander, North Carolina 27805

Joel Sossamon: (704) 677-2875

The Facility Diagram is attached as Figure 2 and shows the locations and layout of the Site. The Site defined by this SPCC Plan consists of the approximately 1,015 acre solar facility (laydown yard, solar array, inverter pads, associated access roads, collection lines, storage building, and parking area within the project area). The Site is located approximately 3.4 miles northeast of the town of Aulander in Hertford County, North Carolina.

Oil is present onsite and at the laydown yard where oil products are stored within twenty (20) aboveground storage tanks (ASTs) for use throughout construction. These ASTs may be moved throughout the site as construction progresses. ASTs onsite are used by Aulander Holloman Solar, LLC construction crew and subcontractors primarily to store fuel. Five (5) portable storage tanks (PSTs) will be located in the beds of various SunEnergy pick-up trucks being used by company personnel. Oil is also present onsite within oil-filled operational equipment (i.e. a single pad mounted electrical transformer) located at the Collector Substation. The oil present within this transformers is enclosed in sealed compartments. The pad-mounted transformer is not equipped with secondary containment and/or diversionary structures or equipment. An Oil Spill Contingency Plan has been provided with this SPCC Plan to provide protection of the environment in case of a release from this transformer.

During construction, hours of operation at the Facility are typically between 7:00 am and 5:00 PM. However, there may be times during construction where the facility may operate 24 hours a day. Construction trailers used by Aulander Holloman Solar, LLC are located at the laydown yard. Access to the Site is off of Joe Holloman Rd..

Construction activities are conducted by Aulander Holloman Solar, LLC and additional contractors. Construction activities include, but are not limited to, grading of the Site, installation of foundation piles, installation of the solar modules, installation of the inverter pads, and installation of the aboveground/underground collection lines.

2.2 Administration of Responsibility

To fully implement this SPCC Plan, the assistance and cooperation of multiple parties is required. The following descriptions outline key roles and responsibilities involved in the implementation of this SPCC Plan.

SunEnergy1, LLC

SunEnergy1, LLC is the owner of this Aulander Holloman Solar Facility through the construction phase of the Project, and will own the facility once construction is complete. Owner's responsibilities include:

- Ensuring those who work with oil on the Project are aware of and follow the requirements of this SPCC Plan;
- Following the established policies and procedures of this SPCC Plan;
- Enforcing the requirements of the SPCC Plan and overall responsibility for the Site and SPCC Plan requirements;
- Performing inspections to ensure compliance with the provisions of this SPCC Plan;
- Coordinating training and maintaining training records;
- Maintaining security of oil storage areas;
- Coordinating with the SRC in the event of an oil release to ensure procedures are followed properly;
- Coordinating disposal of waste materials with the assistance of the SRC; and
- Updating the SPCC Plan as required.

Spill Response Coordinator

The SRC that is designated in Section 1.3 has the following responsibilities:

- Assisting in training others regarding SPCC compliance;
- Coordinating inspections for SPCC compliance;
- Providing required documentation in the event of a release;
- Ensuring all oil releases are investigated to the extent necessary;
- Providing the proper notification for environmental releases to necessary agencies;
- Ensuring corrective action is taken in the event of a release;
- Assisting in coordinating disposal of waste materials;
- Maintaining the proper material safety data sheets (MSDSs);
- Ensuring that emergency response equipment is available and working properly; and
- Assisting in updating the SPCC Plan as required.

Subcontractors

All subcontractors that are onsite during the operations of this Facility have the following responsibilities:

- Following the established policies and procedures of this SPCC Plan;
- Ensuring onsite personnel have received appropriate training prior to working at the Site; and
- Informing Con Edison of any releases and ensuring that corrective action is taken.

2.3 Oil Storage

Bulk oil storage at the Facility includes twenty (20) fixed ASTs at various locations throughout the Site during the different phases of construction, five (5) portable oil storage containers, and one(1) pad-mounted transformer located at the Substation. An inventory of the products stored at the Site is shown in Table 2-1. All containers and equipment with capacity of 55 gallons or more are included, unless otherwise exempt

from the rule. All oil-storage containers, including oil-filled operational equipment, storing less than 55 gallons are exempt from the SPCC rule (40 CFR Part 112).

Table 2-1: Oil Storage Inventory					
Number of Containers	Capacity (gallons)	Content	Description	Party Responsible for Oil Storage	Secondary Containment (gallons)
7	500	Gasoline	Aboveground Storage Tank	AHS, LLC	748
13	500	Diesel	Aboveground Storage Tank	AHS, LLC	748
1	12,006	Mineral Oil	Pad Mounted Transformer	AHS, LLC	None
5	100	Diesel	Portable Storage Tanks	AHS, LLC	Spill Kits
Total Capacity:	22,506	gallons			

Oil-filled equipment used at this Site is constructed of steel or plastic. The design and construction of all storage containers is compatible with the characteristics of the oil product they contain, and with applicable temperature and pressure conditions. Inspection and assessment requirements applicable to bulk storage containers set forth by 40 CFR 112.8(c)(6) will be followed.

The Facility is not equipped with aboveground piping or appurtenances and therefore the inspection and integrity assessment requirements as it pertains to piping and appurtenances of 40 CFR 112.8(d)(4) are not applicable.

2.4 Discharge Potential

The Site is located on relatively flat terrain and consists of a combination of natural ground, cleared ground and compacted gravel surface. The Turkey Creek watershed bounds the northern area of the property, with fingers of tributaries and wetlands stretching south into the site. Turkey Creek flows north toward Ahoskie Creek, to eventually enter the Chowan River, which bisects Hertford County and drains south toward the Albemarle Sound. Additionally, the Site has agricultural ditches that drains toward these wetlands and tributaries.

Discharge potential at the Site will be primarily associated with leakage of ASTs and PST's, equipment overfilling, and failure of the transformer. The direction of discharge is generally to north for the majority of the Site. A discharge in any section of the Site would flow to Turkey Creek. There is no history of previous discharge at the Facility.

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3.0 DISCHARGE PREVENTION

The following measures must be implemented to prevent oil discharges during the handling, use or transfer of oil products at the Site. Oil-handling employees must receive training in the proper implementation of the measures.

3.1 Facility Diagram and Solar Facility

The Facility Diagram is attached as Figure 2 and illustrates the location of storage vessels and general layout of the Site. The diagram also indicates the direction of surface water runoff. As required under 40 CFR 112.7(a)(3), the Facility Layout Diagram indicates the location and contents of aboveground storage tanks (ASTs), underground storage tanks (USTs), and transfer stations and connecting piping. ASTs, transformers, and PSTs make up the only oil storage onsite in quantities greater than 55 gallons; the two former being delineated on the Facility Diagram.

3.2 Spill Reporting Procedures

A list of Emergency Contacts is provided in Appendix C. A Discharge Notification Form, included as Appendix D, should be completed upon immediate detection of a discharge and prior to reporting the spill to the regulating agencies. Additional detailed spill reporting procedures are contained in Section 4.4.

3.3 Potential Discharge Volumes and Direction of Flow

Table 3-1 below contains expected volumes, discharge rates, general direction of flow in the event of equipment failure at the Site and means of secondary containment.

Table 3-1: Potential Discharge Volumes and Direction of Flow				
Potential Event	Maximum volume released (gallons)	Maximum discharge rate	Direction of flow	Secondary Containment (gallons)
Aboveground Storage Tanks 1-7				
Tank Rupture, Leak or Overfill	1 to 500	60 gal/min	North	748
Aboveground Storage Tanks 8-20				
Tank Rupture, Leak or Overfill	1 to 500	60 gal/min	North	748
Portable Storage Tanks 1-5				
Tank Rupture, Leak or Overfill	1 to 100	60 gal/min	North	Spill Kit
Pad-Mounted Transformer				
Tank Rupture or Leak	1 to 12,006	Gradual to instantaneous	North	None

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Releases from oil-filled equipment could range from gradual to instantaneous depending upon the type of leak. Direction of flow will be to the north for the majority of the Site, but will depend on the location of the equipment within the Site.

3.4 Containment Drainage

Secondary containment for each of the ASTs onsite consists of a 748-gallon containment tank. There are no secondary containment structures in place for the pad-mounted transformer onsite or portable storage tanks, which will have spill kits made available, and therefore draining of containment areas will not occur.

3.5 Containment and Diversionary Structures

Secondary containment for each of the ASTs onsite consists of a 748-gallon containment tank. No secondary containment or diversionary structures or equipment are provided for the pad-mounted, oil-filled transformer.

3.6 Practicability of Secondary Containment

In lieu of providing secondary containment for the pad-mounted, oil-filled transformer, Appendix G includes an Oil Spill Contingency Plan as an Alternative Requirement to General Secondary Containment as set forth in 40 CFR 112.7(k)(2). The Oil Spill Contingency Plan establishes the procedures for preventing, detecting, and responding to equipment failure and/or discharges. The Oil Spill Contingency Plan meets the requirements set forth in 40 CFR 109.

3.7 Inspections, Tests, and Records

Visual inspections of ASTs and transformers are conducted on a regular basis by the SRC or designated representative (annually, and whenever maintenance or repairs are conducted) (CFR 40 Part 112.7 (k) (2(i))). Inspection of the outside of the container for signs of deterioration, discharges, or accumulation of oil around ASTs and transformer pads is conducted weekly and whenever routine maintenance is performed. The inspection checklist is provided in Appendix E. The inspections cover the following key elements:

- Observing the exterior of transformer and surrounding areas for signs of deterioration, leaks, corrosion, and thinning;
- Checking temperature indicators, nitrogen system, and fan operation;
- Checking the inventory of discharge response equipment and restocking as needed; and
- Inspection of the general condition and valve locking mechanism of the drain valve located in the AST's secondary containment structure.

Fire extinguishers will be visually inspected annually by a certified technician and recharged if needed.

All deficiencies noted during inspections will be immediately reported to the SRC listed in Section 1.3. Visible oil leaks from tank walls, piping, or other components must be repaired as soon as possible to prevent a larger spill or discharge to navigable waters. Pooled oil shall be removed immediately upon discovery. Signed inspection forms will be maintained with the SPCC Plan for a minimum of three years.

3.8 Personnel, Training, and Discharge Prevention Procedures

The SRC is responsible for oil discharge prevention, control, and response preparedness activities at the Site.

Oil-handling personnel will be trained in the O&M of equipment to prevent discharges; discharge procedures and protocols; applicable pollution control laws, rules, and regulations; general facility operations; and the content of this SPCC Plan. Any new site personnel with oil-handling responsibilities shall be provided with this same training prior to being involved in any oil operation associated with the Site.

Annual discharge prevention briefings shall be held by the SRC for all site personnel involved in oil operations. The briefings are aimed at ensuring adequate understanding of the SPCC Plan. The briefing will highlight and describe known discharge events or failures, malfunctioning components and any recently developed precautionary measures.

Records of the briefing and discharge prevention training shall be kept on the form contained in Appendix F and maintained with this SPCC Plan for a period of three years from the briefing/training date.

3.9 Security

The laydown yard and Site are secured by security fencing with padlocked gates. Gates are locked after normal hours of operation. All visitors of the site must check in at the main office prior to entering the site area. Only authorized personnel are permitted inside the Site. All fuel tanks are in open view of SunEnergy1 personnel during normal business hours, and fuel tank fill pipes are padlocked when not in use. Keys to the padlocks are assigned to a Safety/Security Officer and a record of fuel uses is kept and employees' names are also recorded. Oil-filled transformers are within housing that requires a key for entry. Only authorized personnel have access to transformer keys. The entrance to the Site and the laydown yard are lit by a mobile light source for dusk to dawn protection.

3.10 Loading/Unloading

There is no dedicated loading/unloading rack at the Site to be used during construction or operation. Tank truck loading/unloading procedures conform to regulations established by the U.S. Department of Transportation. The site owner will ensure that vendors understand the Site layout, that they know the protocols for unloading oil products, and that they have the necessary equipment to respond to a discharge from the vehicle or fuel delivery hose. This applies to loading/unloading throughout the Site.

Vehicle filling and unloading operations at the Site shall be performed by site personnel trained in proper discharge prevention procedures. The truck driver or site personnel shall stay with and monitor the vehicle at all times while fuel is being transferred. No loading, unloading, or vehicle refueling is to occur within 100 feet of any watercourse or downstream drainage facilities. Transfer operations shall be performed according to the procedures listed in Table 3-2 below.

Table 3-2: Fuel Transfer Procedures		
Stage		Tasks
Prior to loading/ unloading	<input type="checkbox"/>	Locate spill kit and inspect that all associated items are included
	<input type="checkbox"/>	Visually check hoses for leaks and wet spots
	<input type="checkbox"/>	Verify the sufficient volume is available in the storage tank or truck
	<input type="checkbox"/>	Lock in the closed position all drainage valves of the secondary containment structure
	<input type="checkbox"/>	Secure the tank vehicle/set parking brakes
	<input type="checkbox"/>	Verify proper alignment of valves and proper functioning of the pumping system
	<input type="checkbox"/>	If filling a tank truck, inspect the lowest drain and all outlets
	<input type="checkbox"/>	Establish adequate bonding/grounding prior to connecting to the fuel transfer point
	<input type="checkbox"/>	Turn off cell phone
During loading/ unloading	<input type="checkbox"/>	No smoking
	<input type="checkbox"/>	Driver must stay with the vehicle at all times during loading/unloading
	<input type="checkbox"/>	Periodically inspect all systems, hoses and connections
	<input type="checkbox"/>	When loading, keep internal and external valves on the receiving tank open along with the pressure relief valves
	<input type="checkbox"/>	When making a connection, shut off the vehicle engine. When transferring flammable liquid, shut off the engine unless it is used to operate a pump
	<input type="checkbox"/>	Maintain communication with the pumping and receiving stations
	<input type="checkbox"/>	Monitor the liquid level in the receiving tank to prevent overflow
After loading/ unloading	<input type="checkbox"/>	Watch for any leaks or spills. Any small leaks or spills should be immediately stopped and then absorbed and disposed of properly
	<input type="checkbox"/>	Make sure the transfer operation is complete
	<input type="checkbox"/>	Close all tank and loading valves before disconnecting
	<input type="checkbox"/>	Secure all hatches
	<input type="checkbox"/>	Disconnect all grounding/bonding wires from the fuel transfer point
	<input type="checkbox"/>	Make sure the hoses are drained to remove remaining oil before moving them away from the connection. Use a drip pan.

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	<input type="checkbox"/>	Cap the end of the hose and other connecting devices before moving them to prevent uncontrolled leakage.
	<input type="checkbox"/>	Inspect the lowest drain and other outlets on tank truck prior to departure. If necessary, tighten, adjust, or replace caps, valves, or other equipment to prevent oil leaking while in transit
	<input type="checkbox"/>	Inspect the loading/unloading point and tank to verify that no leaks have occurred or that any leaked or spilled material has been cleaned up and disposed of properly

3.11 Brittle Fracture Evaluation

There are no field constructed tanks at the Site therefore the requirement to conduct brittle fracture evaluation does not apply.

3.12 Conformance with State and Local Applicable Requirements

Safety data sheets (SDS) and hazardous chemical inventory forms should be submitted to the local fire department and county emergency response team, under EPCRA Section 311-312 requirements. North Carolina does not have any additional or more stringent spill prevention requirements than those required by the EPA; therefore, conformance with 40 CFR 112 fulfills state requirements.

4.0 DISCHARGE RESPONSE

This section describes the response and cleanup procedures in the event of an oil discharge. The uncontrolled discharge of oil to groundwater, surface water, or soil is prohibited by state and federal laws. Immediate action must be taken to control, contain, and recover discharged product. Only personnel trained in this SPCC Plan and oil spill response shall participate in emergency response procedures.

In general, the following steps shall be taken:

- Eliminate potential spark sources;
- If possible and safe to do so, identify and shut down the source of discharge to stop the flow;
- Contact the SRC or his/her alternate;
- Contain the discharge with containers, sorbents, berms, trenches, sandbags, or other material;
- Contact regulatory authorities and the response organization and report the release; and
- Collect and dispose of recovered products according to regulation.

For purposes of establishing appropriate response procedures, this SPCC Plan classifies discharges as either "minor" or "major," depending on the volume and characteristics of the material released.

A list of Emergency Contacts is provided in Appendix C. This list identifies personnel to be contacted in case of emergency and shall be posted on the information board in the storage building.

4.1 Response to a Minor Discharge

A "minor" discharge is defined as one that poses no significant harm (or threat) to human health and safety or to the environment. Minor discharges are generally those where:

- The quantity of product discharged is small (less than 25 gallons to land);
- Discharged material is easily stopped and controlled at the time of discharge;
- Discharge is localized near the source;
- Discharged material is not likely to reach water, groundwater or field drains;
- There is little risk to human health and safety; and
- There is little risk of fire or explosion.

Minor discharges can usually be cleaned by site personnel. The following procedures apply:

- Immediately notify the SRC;
- Under direction of the SRC, contain the discharge with discharge response materials and equipment. Place discharged material and response debris in properly labeled waste containers; and
- The SRC will complete the discharge notification form in Appendix D and attach a copy to this SPCC Plan.

4.2 Response to a Major Discharge

A "major" discharge is defined as one that cannot be safely controlled or cleaned up by site personnel such as when:

- The discharge is large enough to spread beyond the immediate discharge area;
- The discharged material enters water, groundwater, or sewer drains;
- The discharge requires special equipment or training to clean up;
- The discharge material poses a hazard to human health or safety; or
- There is a danger of fire or explosion.

In the event of a major discharge, the following guidelines apply:

- Safety of personnel is the primary concern. No countermeasures that risk the health or safety of personnel should be undertaken;
- If the SRC is not present at the Site, the senior onsite person shall notify the SRC of the discharge and has the authority to initiate notification and response;
- Eliminate all potential sources of ignition, sparks, etc. (cigarettes, open flames, cell phones, or other spark inducing equipment) from the area and provide fire extinguishers near the spill area in case of ignition;
- Trained site personnel should stop the source of the leak or spill if possible by closing a valve, turning off a pump, sealing a hole, etc. If site personnel feel comfortable containing the spill, insert absorbent pads, booms, and sand and/or other oil spill control media ahead at the next cut-off point to stop the spread of the spill. Contaminated soil should be placed on an impermeable liner for containment;
- Contact the Aulander Municipal Fire Department (252-354-3541) and the SE1 Safety Manager (704-677-4148);
- Contact the National Response Center (800-424-8802) and the State Emergency Response Commission (800-858-4923) (24 hour) if the release is of a reportable quantity;
- Emergency medical treatment and first aid shall be administered by personnel certified in first aid/CPR. The SRC (or senior onsite personnel) must call for medical assistance if workers are injured;
- Establish fire prevention measures in the vicinity of the spill. Divert traffic (vehicular and pedestrian) from the area. The SRC (or senior onsite person) must call the local Fire Department or Police Department;
- If site personnel are unsure of the hazards involved or the amount of the spill is too large or a release to navigable waters or adjoining shorelines is threatened, the SRC (or senior onsite person) shall call for outside assistance from a spill clean-up contractor;
- The SRC (or senior onsite person) will complete the discharge notification form in Appendix D and attach a copy to this SPCC Plan; and
- The SRC (or senior onsite person) will coordinate cleanup and contact the preferred response contractor as necessary.

4.3 Waste Disposal

Waste resulting from a minor discharge response will be contained in impervious bags, drums, or buckets. The SRC will characterize the waste for proper disposal and ensure it is removed from the Site by a licensed waste hauler.

Wastes resulting from a major discharge response will be removed and disposed of by a licensed cleanup contractor. Waste materials will be disposed of in accordance with federal and state regulations.

4.4 Discharge Notification

Any size discharge that affects or threatens to affect navigable waters (i.e., one that creates an oil film, sheen, emulsion, or sludge upon navigable waters or adjoining shorelines) must be reported immediately to the National Response Center (1-800-424-8802). The National Response Center is staffed 24 hours a day.

Any size release of oil into water that is enough to create a sheen on the water or a discharge onto land that exceeds 25 gallons also requires immediate notification to the NCDEQ (800-858-4923) (24 hours). A petroleum release that fulfills the following stipulations requires immediate reports to NCDEQ (252) 946-6481, M-F 8 AM-5 PM or 800-858-0368, 24 hours. Reporting to NCDEQ is required for any petroleum release that is:

- 25 gallons or more;
- Causes a sheen on nearby surface water; or
- Is within 100 feet of surface water body;

If the release is not contained or threatens the health or safety of the local population, the Local Emergency Planning Committee (LEPC) within the county of the release must be notified first by dialing 911.

In addition, 40 CFR 112.4 requires that information be submitted to the U.S. EPA Regional Administrator and the appropriate state agency in charge of oil pollution control activities (see contact information in Appendix C) whenever the facility discharges more than 1,000 gallons of oil to a navigable water in a single event, or discharges more than 42 gallons of oil to navigable waters in each of two discharge incidents within a 12-month period.

Contact information for reporting the discharge to the appropriate authorities is listed in Appendix C and is also posted at the information board in the storage building.

A summary sheet is included in Appendix D to facilitate the reporting. The person reporting the discharge will provide the following information:

- Name, location, organization, and telephone number;
- Name and address of the party responsible for the incident;

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Aulander Holloman Solar Facility

- Date and time of the incident;
- Source and cause of the release or discharge;
- Type of material(s) released or discharged;
- Quantity of materials released or discharged;
- Danger or threat posed by the release or discharge;
- Number and type of damages or injuries, if any;
- Media affected or threatened by the discharge (i.e., water, land, air);
- Weather conditions at the incident location;
- Any other information that may help emergency personnel respond to the incident;
- Actions being used to stop, remove, and mitigate the effects of the discharge;
- Whether an evacuation may be needed, and
- Names of individuals and/or organizations that have also been contacted.

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Figures



Figure 1. Regional Location Map



Figure 2. Facility Map

CPCN APPLICATION SCHEDULE 5
SP-5259 SUB 0

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Appendices

SPCC Plan
Aulander Holloman Solar Facility

Appendix B
Plan Review Log

Five Year Review Log

I have completed a review and evaluation of the SPCC Plan for this Facility, and will/will not amend this SPCC Plan as a result.

Review Date	SPCC Plan Amendment		Name and signature of person authorized to review this SPCC Plan
	Will Amend	Will Not Amend	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

Technical Amendment Log

Any technical amendments to this SPCC Plan will be re-certified by a licensed Professional Engineer.

Review Date	Description of Technical Amendment	Name and signature of person certifying this technical amendment

ATTACHMENT 1 – Five Year Review and Technical Amendment Logs

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ATTACHMENT 1.1 – Five Year Review Log

I have completed a review and evaluation of the SPCC Plan for this facility, and will/will not amend this Plan as a result.

Table G-13 Review and Evaluation of SPCC Plan for Facility			
Review Date	Plan Amendment		Name and signature of person authorized to review this Plan
	Will Amend	Will Not Amend	
6/22/23	<input type="checkbox"/>	<input checked="" type="checkbox"/>	K. Lloyd, Chief Hend
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

Appendix C
Emergency Contacts

Designated person responsible for spill prevention (SRC):

Keith Lloyd, Safety Manager, SunEnergy1	
Jeff McDermott, Senior Environmental Specialist, SunEnergy1	704-794-2543 704-618-3854

EMERGENCY TELEPHONE NUMBERS

Facility:	704-677-2875
Joel Sossamon, Site Superintendent	

David Harris, Project Manager	704-677-3904
-------------------------------	--------------

Designated Spill Contractor:	919-772-6622
Clean Harbors/Safety Kleen – Raleigh Office	

Local Emergency Response:	
Aulander Municipal Fire Department	252-354-3541
Hertford County Sheriff's Office	252-358-7800
Hertford County Emergency Management	911 or 252-358-7861

Notification:	
National Response Center	800-424-8802(24hours/day)
U.S. Environmental Protection Agency, Region 4	800-877-6063(24hours/day)
State Emergency Response Commission	800-858-4923 (24 hours/day)
NC Department of Environmental Quality (NCDEQ)	800-858-0368 (24 hours/day)
NCDEQ Washington Regional Office	252-946-6481 (M-F 8 AM to 5 PM)

Appendix A
Substantial Harm Determination

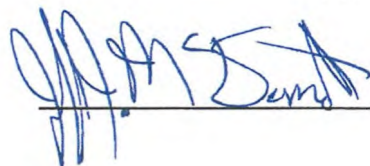
Facility Name: Aulander Holloman Solar Facility
Facility Address: 205 Joe Holloman Rd.
Aulander, North Carolina 27805

1. Does the facility transfer oil over water to or from vessels and does the facility have total oil storage capacity greater than or equal to 42,000 gallons?
Yes ___ No ☒ X
2. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and does the facility lack secondary containment that is sufficiently large to contain the capacity of the largest aboveground oil storage tank plus sufficient freeboard to allow for precipitation within any aboveground oil storage tank area?
Yes ___ No ☒ X
3. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in 40 CFR part 112 Appendix C, Attachment C-III or a comparable formula) such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments?
Yes ___ No ☒ X
4. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in 40 CFR part 112 Appendix C, Attachment C-III or a comparable formula) such that a discharge from the facility would shut down a public drinking water intake?
Yes ___ No ☒ X
5. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and has the facility experienced a reportable oil spill in an amount greater than or equal to 10,000 gallons within the last 5 years?
Yes ___ No ☒ X

Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete.

Signature



Title

Senior Environmental Specialist

Name (type or print)

Jeff McDermott 10/29/2018

Date

Appendix D
Discharge Notification Form

In the event of a discharge to navigable waters or adjoining shorelines, the following information will be provided to the National Response Center. See also the notification information provided in Section 4.4 of the SPCC Plan.

Facility Name:	Aulander Holloman Solar Facility		
Address:	205 Joe Holloman Rd. Aulander, NC 27805		
Telephone:	(704)677-4148 (Keith Lloyd)		
Operator:	Aulander Holloman Solar, LLC 192 Raceway Dr. Mooresville, NC 28117		
Primary Contact:	Keith Lloyd, SunEnergy1 Safety Manager (SRC) (704) 677-4148		
Discharge Date:		Discharge Time:	
Weather Conditions and Temperature:			
Name of reporting individual:			
Type of Material:			
Quantity released:			
Estimate quantity released to navigable waters:			
Cause of Discharge:			
Action taken to stop, remove and mitigate the effects of the discharge:			
Media affected:	<input type="checkbox"/> Soil <input type="checkbox"/> Water (specify) <input type="checkbox"/> Other (specify)		
Damages or injuries:	<input type="checkbox"/> No <input type="checkbox"/> Yes	Type of Injury:	
Organizations and individuals contacted:	<input type="checkbox"/> Fire/Police/Ambulance #911 Time:		
	<input type="checkbox"/> Facility SPCC Coordinator #704-677-4148 Time:		
	<input type="checkbox"/> National Response Center #800-424-8802 Time:		
	<input type="checkbox"/> State Emergency Response #800-858-4923 Time:		
	<input type="checkbox"/> NC DEQ #800-858-0368 Time:		
<input type="checkbox"/> Cleans Harbors/Safety Kleen #919-772-6622 Time:			

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Aulander Holloman Solar Facility

Appendix E
Facility Inspection Checklists

The following checklists are to be used for facility inspections of the inverter pads and transformers and the electrical substation. Completed checklists must be signed by the inspector and maintained at the Facility, with the SPCC Plan, for at least three years.

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Aulander Holloman Solar Facility

Appendix F
Discharge Prevention Briefing and Training Log

Annual discharge prevention briefings will be held to ensure adequate understanding of the SPCC Plan. The briefings will also highlight and describe known discharge events or failures, malfunctioning components and any recently developed precautionary measures. Oil-handling personnel shall be trained in the operation and maintenance of oil pollution prevention equipment, discharge procedure protocols, applicable pollution control laws, rules and regulations, general facility operations, and the content of the SPCC Plan.

Date	Subjects Covered	Employees in Attendance	Instructor(s)

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Appendix G
Oil Spill Contingency Plan

Oil Spill Contingency Plan

Aulander Holloman Solar Facility
Hertford County, North Carolina
June 2018

Prepared for:
Aulander Holloman Solar, LLC
192 Raceway Drive
Mooresville, NC 28117

Prepared by:
Aulander Holloman Solar, LLC
192 Raceway Dr.
Mooresville, North Carolina 28117

Reviewed by:
WithersRavenel, Inc.
115 MacKenan Drive
Cary, North Carolina 27511

1.0 Introduction

This Oil Spill Contingency Plan ("Contingency Plan") is prepared in accordance with 40 CFR 112.7(d) to address areas of the Facility where secondary containment or diversionary structures or equipment is not provided for qualified oil-containing operational equipment, as documented in the Facility Spill Prevention, Control, and Countermeasure (SPCC) Plan.

The purpose of this Contingency Plan is to define procedures and tactics for responding to discharges of oil into navigable waters or adjoining shorelines of the United States (U.S), originating more specifically from an oil-filled transformer at the Aulander Holloman LLC Solar Facility. The Contingency Plan is implemented whenever a discharge of oil has reached, or threatens, navigable waters or adjoining shorelines.

The objective of procedures described in this Contingency Plan is to protect the public, Aulander Holloman LLC personnel, and other responders during oil discharges. In addition, the Contingency Plan is intended to minimize damage to the environment, natural resources, and facility installations from a discharge of oil. This Contingency Plan complements the prevention and control measures presented in the Facility's SPCC Plan by addressing areas of the Facility that do not have secondary containment and impacts that may result from a discharge from these areas.

The Facility implements a detailed and stringent transformer maintenance program to prevent leaks from the primary system. Operations & Management (O&M) personnel conduct internal inspections of all oil storage areas annually and when additional maintenance is taking place for any signs of corrosion, damage, rust, or other indicators that could be considered an abnormal surface flaw. External inspections occur continuously as O&M personnel conduct daily and weekly operations. Areas not equipped with secondary containment or diversionary structures or equipment are the oil-filled transformer containing 12,006 gallons of Mineral Oil that are located at the substation.

This Contingency Plan follows the content and organization of 40 CFR part 109 and describes the distribution of responsibilities and basic procedures for responding to an oil discharge and performing cleanup operations.

1.1 Resources at Risk

The Aulander Holloman Solar Facility is located at 205 Joe Holloman, Aulander, North Carolina. The waterway closest to the Facility is Turkey Creek and tributaries to the north of the Site. The Facility diagram is included in the SPCC Plan and indicates the location of the transformer, as well as aboveground storage tanks used for fueling during construction. The transformer and ASTs are aboveground. Ground cover at the Facility consists of combination of natural ground, cleared ground and compacted gravel surface.

1.2 Definition of Authorities, Responsibilities, and Duties

Aulander Holloman Solar, LLC has the primary responsibility for providing the initial response to oil discharge incidents originating from its Facility during construction. To accomplish this, Aulander Holloman, LLC has designated

Oil Spill Contingency Plan
Aulander Holloman Solar Facility

Keith Lloyd as the qualified Spill Response Coordinator (SRC) in the event of an oil discharge. If the SRC is not available during an oil spill, the Spill Response Alternative or most senior employee on-site will assume the duties and responsibilities of the SRC.

The SRC plays a central coordinating role in any emergency situation. The SRC has the authority to commit the necessary services and equipment to respond to the discharge and to request assistance from the Aulander Volunteer Fire Department and/or the Hertford County Sheriff's Office, Hertford County Emergency Management Coordinator, contractors, or other responders, as appropriate.

The SRC will direct notifications and initial response actions in accordance with training and capabilities. In the event of a fire or emergency situation that threatens the health and safety of those present at the Site, the SRC will direct evacuations and contact the fire and police departments.

In the event of an emergency involving outside response agencies, the SRC's primary responsibility is to provide information regarding the characteristics of the materials and equipment involved and to provide access to resources as requested. The SRC shall also take necessary measures to control the flow of people, emergency equipment, and supplies, and obtain the support of the Aulander Fire Department and/or Hertford County Sheriff's Office as needed to maintain control of the Site. These controls may be necessary to minimize injuries and confusion.

Finally, the SRC serves as the coordinator for radio communications by acquiring all essential information and ensuring clear communication of information to emergency response personnel. The SRC has access to reference material at the Facility storage building either as printed material or on electronic files that can further assist the response activities.

Whenever circumstances permit, the SRC transmits assessments and recommendations to Aulander Holloman management for direction.

In the event that the SRC is not available, the responsibility and authority for initiating a response to a discharge rests with the Alternate Spill Response Coordinator or the most senior facility employee on site at the time the discharge is discovered (Crew Lead).

In the event of a Reportable Release, the SRC will make external notifications to the various state and federal agencies. State and federal agencies to be contacted include: North Carolina Department of Environmental Quality (NCDEQ) 24-Hour Spill Reporting, Hertford County Emergency Management, Environmental Protection Agency (EPA) Region 4 Office, and the National Response Center (NRC).

On-site O&M personnel are responsible for monitoring oil-filled operations equipment at a minimum of once per year. Any signs of deterioration should be reported to the Lead Environmental Health & Safety (EHS) Professional, the O&M Manager and/or the SRC or his alternate.

Aulander Holloman Solar, LLC has contracted Clean Harbors/Safety-Kleen as a spill response contractor to contain, remove, and dispose of mineral oil in a manner that is in accordance with all federal, state, and local

Oil Spill Contingency Plan
Aulander Holloman Solar Facility

regulations. Clean Harbors/Safety-Kleen operates nationally and its nearest office in regards to the Facility is in Raleigh, North Carolina.

In the event that a discharge threatens to pose significant harm to human health and safety or to the environment, the SRC will contact the NCDEQ will coordinate with the SRC, Clean Harbors/Safety-Kleen, and other State agencies to define the risk, alert the proper agencies, and prevent further harm to people or the environment.

In the event a discharge reaches navigable waters of the U.S., the National Response Center (NRC) will be contacted. The NRC coordinates with local, state, and federal agencies to define the risk and prevent harm to people and the environment.

2.0 Notification Procedures

2.1 Contact List

Below is a full list of responsible persons, with their telephone numbers and addresses, to be contacted when an oil discharge is discovered and/or warrants local, state, or federal notification by regulation.

Responsible Person/Organization	Phone Number	Address
Keith Lloyd (SunEnergy1), Spill Response Coordinator	(704) 677-4148	205 Joe Holloman Rd. Aulander, NC
Joel Sossoman (SunEnergy1), Spill Response Alternate	(704) 677-2875	205 Joe Holloman Rd. Aulander, NC
Kelly Hoyt (SunEnergy1), Spill Response Alternate	(307) 752-4301	192 Raceway Dr. Mooresville, NC
Clean Harbors/Safety-Kleen, Raleigh	(919) 772-6622	6225 Old Stage Road Raleigh, NC 27603
Aulander Municipal Fire Department	911 or (252) 354-3541	124 East Main St. Aulander, NC 27805
Hertford County Sheriff's Office	911 or (252) 358-7800	701 Taylor St. Winton, NC 27986
Hertford County Emergency Management	(252) 358-7861	102 Industrial Park Rd. Winton, NC 27986
National Response Center	(800)-424-8802	
State Emergency Response Commission	(800) 858-4923	
NC Department of Environmental Quality, Washington Regional Office	(252) 946-6481	943 Washington Square Mall Washington, NC 27899
NC Department of Environmental Quality, 24-Hour Spill Reporting	(800) 858-0368	
U.S. Environmental Protection Agency, Region 4	(800) 241-1754	61 Forsyth Street SW Atlanta, GA 30303

2.2 Reliable Communications Systems

A central coordination center will be set up at the Facility in the event of a discharge. The Facility is equipped with mobile communication equipment to ensure continuous communication with Aulander Holloman Solar, LLC management, responders, authorities, and other interested parties.

Communications equipment includes:

- Portable hand-held radios. Aulander Holloman Solar, LLC personnel have access to portable radio units. These radio units are kept at the storage building as part of the response equipment. Local emergency responders have been provided with the response frequencies that will be used during an incident.
- Cell phones. Each field vehicle and the SRC are provided with a cell phone. The SRC and/or his alternate can be reached by cell phone 7 days a week, 24 hours a day.
- Additional equipment. Additional equipment will be obtained from Clean Harbors/Safety-Kleen in the event that more communications equipment is necessary.

The SRC is responsible for communicating the status of the response operations and for sharing relevant information with involved parties, including local, state, and federal authorities.

In an event that exceeds the capabilities of the local and regional authorities, the SRC should notify the NRC and Clean Harbors/Safety-Kleen Environmental Services Raleigh Office at the numbers provided in the contact list (Section 2.1).

2.3 Response Activities

In the event of a discharge, the first priority is to stop the product flow and to shut off all ignition sources, followed by the containment, control, and mitigation of the discharge. This Contingency Plan breaks actions to be performed to respond to an oil discharge into different phases, described in greater detail in the checklists below.

2.3.1 Discharge Discovery and Source Control

Minor Discharge. A minor discharge (i.e., small volume leak from transformers or AST) may be discovered by facility personnel or by contractor personnel during scheduled daily or monthly visits to the Facility. Aboveground oil-filled equipment are visually inspected formally once a month during the normal inspection rounds.

Major Discharge. A more severe and sudden discharge will trigger an alarm from the SCADA monitoring system, which allows remote monitoring, that will alert the operations personnel. The impact will be detected during the daily visit to the production area by facility personnel. The maximum amount of time until a major discharge is detected can be up to 24 hours.

Notifications to the NRC, North Carolina authorities, local authorities, and adjacent property owners must occur immediately upon discovery of reportable discharges.

Completed	Actions
	<p>Immediately report the discharge to the SRC, providing the following information:</p> <ul style="list-style-type: none"> • Exact location; • Material involved; • Quantity involved; • Topographic and environmental conditions; • Circumstances that may hinder response; and • Injuries, if any.
	Turn off all sources of ignition.
	Locate the transformer leak.

2.3.2 Assessment and Notifications

Completed	Actions
	<p>Investigate the discharge to assess the actual or potential threat to human health or the environment:</p> <ul style="list-style-type: none"> • Location of the discharge relative to receiving water bodies; • Quantity of spilled material; • Ambient conditions (temperature, rain); • Other contributing factors such as fire or explosion hazards; and • Sensitive receptors downstream.
	Request outside assistance from local emergency responders, as needed.
	Evaluate the need to evacuate facility and evacuate employees, as needed.
	Notify the fire/police departments and county departments to assess whether community evacuation is needed.
	<p>Notify immediately:</p> <ul style="list-style-type: none"> • 911 • National Response Center • Clean Harbors/Safety Kleen or other Response contractor(s) • Local Authorities • State authorities

Completed	Actions
	Communicate with neighboring property owners regarding the discharge and actions taken to mitigate the damage.
	If the oil reaches (or threatens to reach) Roland and Tull Creek, notify the local fire/police departments to limit access to the water bodies by local residents until the oil has been contained and recovered. Additionally, notify adjacent property owners and downstream water users of the spill and of actions that will be taken to protect these downstream receptors.

2.3.3 Control and Recovery

The SRC directs the initial control of the oil flow by facility personnel and Clean Harbors/Safety Kleen contracted services. The actions taken will depend on whether the oil has reached water or is still on land. All effort will be made to prevent oil from reaching water.

If the oil has not yet reached water:

Completed	Actions
	Deploy sand bags and absorbent socks down gradient from the oil, or erect temporary barriers such as trenches or mounds to prevent the oil from flowing towards Guinea Mill Run Canal.
	Implement land based response actions (countermeasure) such as digging temporary containment pits, ponds, or curbs to prevent the flow of oil into Guinea Mill Run Canal.
	Deploy absorbent socks and sorbent material along the shoreline to prevent oil from entering waters.

If the oil has reached water:

Completed	Actions
	Contact cleanup contractor(s).
	Deploy booms immediately downstream from the release point.
	Control oil flow on the ground by placing absorbent socks and other sorbent material or physical barriers (e.g., "kitty litter," sandbags, earthen berm, trenches) across the oil flow path.
	Deploy additional floating booms across the whole width of the river or stream.
	Deploy protective booming measures for downstream receptors that may be impacted by the spill.

2.3.4 Disposal of Recovered Product and Contaminated Response Material

The SRC ensures that all contaminated materials classified as hazardous waste are disposed of in accordance with all applicable solid and hazardous waste regulations.

Completed	Actions
	Place any recovered product that can be recycled into the barrel tank to be separated and recycled.
	Dispose of recovered product not suitable for on-site recycling with the rest of the waste collected during the response efforts.
	Collect all debris in properly labeled waste containers (impervious bags, drums, or buckets).
	Dispose of contaminated material in accordance with all applicable solid and hazardous waste regulations using a licensed waste hauler and disposal facility, after appropriately characterizing the material for collection and disposal.
	Dispose of all contaminated response material within 2 weeks of the discharge.

2.3.5 Termination

The SRC ensures that cleanup has been completed and that the contaminated area has been treated or mitigated according to the applicable regulations and state/federal cleanup action levels. The SRC collaborates with the local, state, and federal authorities regarding the assessment of damages.

Completed	Actions
	Ensure that all repairs to the defective equipment have been completed.
	Review circumstances that led to the discharge and take all necessary precautions to prevent a recurrence.
	Evaluate the effectiveness of the response activities and make adjustments as necessary to response procedures and personnel training.
	Carry out personnel and contractor debriefings as necessary to emphasize prevention measures or to communicate changes in operations or response procedures.

Completed	Actions
	<p>Submit any required follow-up reports to the authorities.</p> <p>In the case where the discharge (as defined in 40 CFR 112.1(b)) was greater than 1,000 gallons or was the second discharge (as defined in 40 CFR 112.1(b)) of 42 gallons or more within any 12-month period, the SRC is responsible for submitting the required information within 60 days to the EPA Regional Administrator.</p> <p>Within 30 days of the discharge, the SRC will convene an incident critique including all appropriate persons that responded to the spill. The goal of the incident critique is to discuss lessons learned, the efficacy of the Contingency Plan and its implementation, and coordination of the plan/SRC and other state and local plans.</p> <p>Within 60 days of the critique, the Contingency Plan will be updated (as needed) to incorporate the results, findings, and suggestions developed during the critique.</p>

2.4 Discharge Notification

Instructions and phone numbers for reporting a discharge to the NRC and other federal, state, and local authorities are provided below. Any discharge to water must be reported immediately to the NRC. The SRC must ensure that details of the discharge are recorded on the Discharge Notification Form provided as Appendix D in the SPCC Plan.

If the discharge qualifies under 40 CFR part 112 (see below for conditions), the SRC is responsible for ensuring that all pertinent information is provided to the EPA Regional Administrator.

Whenever the facility discharges more than 1,000 gallons of oil in a single event, or discharges more than 42 gallons of oil in each of two discharge incidents within a 12-month period, the SRC or O&M Manager must provide the following information to the U.S. EPA's Regional Administrator within 60 days:

- Name of the facility
- Name of the owner or operator
- Location of the facility
- Maximum storage or handling capacity and normal daily throughput
- Corrective actions and countermeasures taken, including a description of equipment repairs and replacements
- Description of facility, including maps, flow diagrams, and topographical maps
- Cause of the discharge(s) to navigable waters, including a failure analysis of the system and subsystems in which the failure occurred
- Additional preventive measures taken or contemplated to minimize possibility of recurrence
- Other pertinent information requested by the Regional Administrator

CPCN APPLICATION SCHEDULE 5
SP-5259 SUB 0

Oil Spill Contingency Plan
Aulander Holloman Solar Facility

Agency / Organization	Agency Contact	Circumstances	When to Notify
<i>Federal Agencies</i>			
National Response Center	(800) 424-8802	Discharge reaching navigable waters.	Immediately (verbal)
EPA Region 4 (Hotline)	(800) 877-6063		Immediately (verbal)
EPA Region 4 Regional Administrator	Trey Glenn (404) 562-9900	Discharge 1,000 gallons or more; or second discharge of 42 gallons or more over a 12-month period.	Written notification within 60 days
<i>State Agencies</i>			
North Carolina Department of Environmental Quality	(252) 946-6481 M-F 8am to 5pm or (800) 858-0368 24 Hours	1) Injury requiring hospitalization or fatality. 2) Fire, explosion, or other impact that could affect public safety. 3) Release exceeding 24-hour reportable quantity. 4) Impact to areas beyond the facility's confines.	Immediately (verbal)
<i>Local Agencies</i>			
Hertford County Office of Emergency Management	(252) 358-7861	Any discharge that occurs beyond the boundaries of the facility.	Immediately (verbal)
<i>Others</i>			
Response/cleanup contractors	Clean Harbors/ Safety-Kleen (919) 772-6622	Any discharge that exceeds the capacity of facility personnel to respond and clean up.	As needed

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3.0 Response Resources and Preparedness Activities

3.1 Equipment, Supplies, Services, and Manpower

Spill kits are provided in a storage container at the Facility that is accessible by facility personnel. Response equipment and material present at the Site include:

- Empty 55-gallon or 65-gallon drums to hold contaminated material
- Absorbent socks and rolls
- Sections of hard skirted deployment boom
- Floating booms
- "Oil-dry" Loose absorbent material
- 2 ft. x 3 ft. absorbent pads
- Nitrile gloves
- Neoprene gloves
- Vinyl/PVC pull-on overboots or tyvek suit
- Non-sparking shovels
- Brooms
- Sand bags
- Disposal bags
- Goggles

This material is sufficient to respond to most minor discharges occurring at the Facility and to initially contain a major discharge while waiting for additional material or support from outside contractors. The inventory is verified on a monthly basis during the scheduled Facility inspection by designated personnel and is replenished as needed.

Additional material and equipment can be obtained from the clean-up and response contractor, Clean Harbors/Safety-Kleen. Safety Kleen's Emergency Response and Disaster Recovery Service maintains material needed for oil spill containment and recovery. These materials include empty storage drums, absorbent socks and booms, containment booms, sand bags, personal protective gear, etc. It also includes all necessary communication equipment to coordinate response activities (cell phones, two-way radios). The Facility serves as the response operation center during a response. The following is a list of materials that are generally available through Safety Kleen:

- Vacuum trucks
- Crew cab trucks
- Box Trucks
- Spill Trailers
- Safety Shower Trailer
- Scrubber
- Skid Vacuum
- Vacuum trailer
- Roll-off trailer
- Units of Oil contaminant boom
- Air compressors
- Extraction devices
- Two-way radio
- Air-supply device
- Double Diaphragm Pumps
- Trash Pumps
- Pressure Washers

All Aulander Holloman Solar, LLC personnel are familiar with the Facility layout, location of spill response equipment and staging areas, response strategies, and with the SPCC and Contingency Plan for this Facility. All have received training in the deployment of response material and handling of hazardous waste and have attended the required refresher courses.

To respond to larger discharges and ensure the removal and disposal of cleanup debris, Aulander Holloman Solar, LLC will contract an established specialized cleanup contractor: Clean Harbors/Safety Kleen. Contact information is provided above. Clean Harbors/Safety Kleen has immediate access to an assortment of equipment and materials, including mechanical recovery equipment for use on water and on land, small boats, floating booms, and large waste containers.

3.2 Training Exercises and Updating Procedures

Aulander Holloman Solar, LLC has established and maintains an ongoing training program to ensure that onsite personnel responding to oil discharges are properly trained and that all necessary equipment is available to them. The program includes on-the-job training on the proper deployment of response equipment. The SRC is responsible for implementing and evaluating employee preparedness training.

Following a response to an oil discharge, the SRC will evaluate the actions taken and identify procedural areas where improvements are needed. The SRC will conduct a briefing with field personnel, contractors, and local emergency responders to discuss lessons learned and will integrate the outcome of the discussion in subsequent SPCC briefings and employee training seminars. As necessary, the SRC will amend this Contingency Plan or the SPCC Plan to reflect changes made to the Facility equipment and procedures.

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES
GENERAL PERMIT NO. NCG010000

TO DISCHARGE STORMWATER UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

for:

**Construction Activities that are also Subject to the
North Carolina Sedimentation Pollution Control Act of 1973**

In compliance with the provisions of North Carolina General Statute (G.S.) 143-215.1, other lawful standards and regulations promulgated and adopted by the North Carolina Environmental Management Commission and the Federal Water Pollution Control Act, as amended, this permit is hereby issued to all owners or operators, hereinafter permittees, which are covered by this permit as evidenced by receipt of a Certificate of Coverage by the Environmental Management Commission to allow the **discharge of stormwater to the surface waters of North Carolina** or to a separate storm sewer system conveying discharges to surface waters in accordance with the terms and conditions set forth herein.

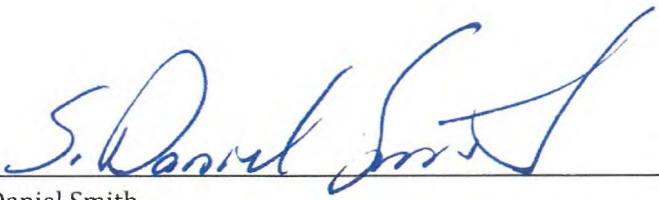
Coverage under General Permit No. NCG010000, hereafter referred to as NCG01, is applicable to:

All owners or operators of stormwater point source discharges associated with construction activities including clearing, grading, or excavation activities resulting in the disturbance of land greater than or equal to one acre, or that are part of a common plan of development of that size ***that are also subject to the North Carolina Sedimentation Pollution Control Act of 1973 (SPCA)***, are hereby authorized to discharge stormwater to the surface waters in accordance with the terms and conditions set forth herein. Failure to receive coverage under this permit or violations of any of the conditions listed may result in assessment of state or federal civil or criminal penalties for each day of each violation.

The General Permit shall become effective on April 1, 2019.

The General Permit shall expire at midnight on **March 31, 2024**.

Signed this day March 29, 2019.



S. Daniel Smith
Interim Director, Division of Energy, Mineral and Land Resources
By the Authority of the Environmental Management Commission

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DEFINITIONS

PART I – NCG01 PERMIT COVERAGE

This permit applies to all owners or operators of stormwater discharges associated with construction activities such as clearing, grading, and excavation, that result in the disturbance of a land area greater than or equal to one acre, or that are part of a common plan of development of that size or greater ***that are also subject to the North Carolina Sedimentation Pollution Control Act of 1973 (SPCA)***. This permit may also be issued to stormwater discharges from like activities deemed by the Division of Energy, Mineral, and Land Resources (DEMLR) to be similar to these operations in process or stormwater discharges. This permit shall not apply to land-disturbing activities that are covered under the NCG020000 (Mining Activities) permit or the NCG120000 (Landfills) permit.

The SPCA requires that the persons engaged in subject construction activities develop and adhere to an Erosion and Sedimentation Control (E&SC) Plan. The Sedimentation Control Commission and DEMLR have created and adopted a North Carolina Erosion and Sediment Control Planning and Design Manual describing recommended sedimentation control techniques for construction activities.

A person seeking coverage under this permit shall take the following steps in the following order:

1. Develop an E&SC plan that adheres to the SWPPP requirements of this permit, the SPCA and 15A NCAC 04B .0101-.0132. The North Carolina Erosion and Sediment Control Planning and Design Manual shall be used as guidance in meeting the applicable requirements.
2. Obtain approval of the E&SC plan by either DEMLR or the appropriate state delegated local entity (hereafter known as the "E&SC plan authority").
3. Submit an electronic Notice of Intent (e-NOI) to DEMLR with documentation of the E&SC plan approval scanned and uploaded. The e-NOI is available at <https://deq.nc.gov/NCG01>. In addition, pay the general annual permit fee provided for in § 143-215.3D. DEMLR shall email the COC within three business days (or 24 business hours for a project being reviewed under DEMLR's Express review program) after the submittal of a complete and correct e-NOI and the receipt of the general permitting fee.
4. Commence the construction activity after receipt of the COC.
5. Abide by the conditions of both the NCG01 permit and the E&SC plan until completion of the construction activity and establishment of permanent ground stabilization.
6. Contact the E&SC plan authority after construction is complete and the site is permanently stabilized, contact the E&SC plan authority for the final/close out inspection of the E&SC plan.
7. Submit an electronic Notice of Termination (e-NOT) with a scan of the close-out inspection report uploaded. The e-NOT is available at <https://deq.nc.gov/NCG01>. DEMLR shall email confirmation of the close-out of the COC within three business days after the submittal of a complete and correct e-NOT.

The discharges allowed by this General Permit shall not cause or contribute to violations of North Carolina Water Quality Standards for surface waters and wetlands (15A NCAC 02B .0200). Discharges allowed by this permit must meet all applicable water quality certification or permit requirements as outlined in 15A NCAC 02H .0500 and 02H .1300. This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree. This General Permit does not cover any other point source discharge to surface waters of the state, nor does it cover activities or discharges that are covered by an individual NPDES permit.

Any owner or operator of a subject construction activity not wishing to be covered or limited by this General Permit may apply for an individual NPDES permit in accordance with NPDES procedures in 15A NCAC 02H .0100, stating the reasons supporting the request. Any application for an individual permit

should be made at least 180 days prior to the time the permit is needed unless waived by the Director (see Part IV Section B of this permit).

PART II – STORMWATER POLLUTION PREVENTION PLAN

The Stormwater Pollution Prevention Plan for this permit shall include the approved **Erosion and Sedimentation Control (E&SC) Plan** as well as any requirements in this Part that exceed the approved E&SC Plan. Items that are required in the SWPPP but are not part of the approved E&SC Plan may include, at a minimum, Section E, Item (2) [*Required Timeframes for Temporary Ground Stabilization*], Section F [*Materials Handling*]. DEMLR provides two sample plan sheets that permittees may add to their E&SC Plan set to fulfill Sections E(2) and F of this permit at <https://deq.nc.gov/NCG01>.

Recommendations for preparing the E&SC plan as well as for designing, constructing, and maintaining the erosion and sedimentation control practices are contained in the North Carolina Erosion and Sediment Control Planning and Design Manual.

SECTION A: REQUIRED COMPONENTS OF THE STORMWATER POLLUTION PREVENTION PLAN

The E&SC Erosion and Sedimentation Control Plan shall include, at a minimum, the following components and **those components shall be in compliance with all conditions of this permit**. Hard and/or digital copies shall be submitted in accordance with the specifications of the E&SC plan authority.

1. Location Information

- _____ Project location & labeled vicinity map (roads, streets, landmarks)
- _____ North arrow and scale
- _____ Identification of the River Basin
- _____ A copy of site disturbed area located on applicable USGS quadrangle and hardbound copy of the NRCS Soils maps to scale
- _____ Latitude and longitude (in decimal degrees) at the project entrance

2. Narrative and Construction Sequence

- _____ Narrative describing the nature & purpose of the construction activity
- _____ Construction sequence related to erosion and sediment control (including installation of critical measures prior to the initiation of the land-disturbing activity & removal of measures after areas they serve are permanently stabilized). Address all phases of construction and necessary practices associated with temporary stream bypasses and/or crossings
- _____ Estimated start and end dates

3. General Site Features

- _____ Property lines
- _____ Existing and proposed contours (topographic lines)
- _____ Stockpiled topsoil or subsoil locations
- _____ Limits of disturbed area (with acreage labeled) within which all construction, material storage, grading, and related activities occur, including the following items as applicable:
 - Access to E&SC measures, lots that will be disturbed, and utilities that may extend offsite.
 - Temporary access and haul roads, other than public roads, constructed or used in connection with the land-disturbing activity

- Borrow and waste areas created by the applicant. If the land-disturbing activity and any related borrow or waste activity are not conducted by the same person, they shall be considered separate land-disturbing activities
 - Offsite borrow pits if the borrow pit is a construction support activity to the development
- _____ Planned and existing building locations and elevations, if applicable
- _____ Planned & existing road locations & elevations, including temporary access roads, if applicable
- _____ Profiles of streets, utilities, and permanent ditch lines, if applicable
- _____ Lot lines and/or building numbers, if applicable
- _____ Easements and drainageways, particularly required for offsite affected areas, if applicable
- _____ Location and details associated with any onsite stone crushing or other processing of material excavated, if applicable. A mining permit will be required if the affected area associated with excavation, processing, stockpiles and transport of such materials comprises one or more acres, and materials will be leaving the development tract

4. Site Drainage Features

- _____ Existing and planned drainage patterns (include off-site areas that drain through project and address temporary and permanent conveyance of stormwater over graded slopes)
- _____ Drainage area map
- _____ Surface waters, including the limits of wetlands, streams, lakes and ponds and all required local or state buffer zones as well as impact maps by the construction activity to these sensitive areas.
- _____ Method used to determine acreage of land being disturbed and drainage areas to all proposed E&SC measures (e.g. delineation map)
- _____ Size, pipe material and location of culverts and sewers
- _____ Soil information throughout the site and below culvert storm outlets, including soil type and special characteristics
- _____ Name and classification of receiving water course where discharges are to occur

5. Plans Showing E&SC Measures

- _____ Legend (provide appropriate symbols for all measures and reference them to the construction details)
- _____ Location of temporary and permanent E&SC measures
- _____ Location of permanent stormwater quality and quantity control measures
- _____ Construction drawings and details for temporary and permanent measures, including outlet structures. Show measures to scale on plan and include proposed contours where necessary. Ensure design storage requirements are maintained through all phases of construction.
- _____ Specifications for ground stabilization
- _____ Maintenance requirements for measures
- _____ Contact person responsible for maintenance, if the permittee wishes to designate one. If not, the financially responsible organization will be the contact for maintenance.
- _____ A note stating that material handling procedures for the items required in Part II, Section F will be followed.
- _____ Standard details for structural BMPs to be installed to manage the anticipated materials listed in Part II, Section F such as construction debris management, concrete washout, paint washout, petroleum product storage and pesticide/herbicide handling, along with spill prevention practices.

6. Calculations

- _____ Calculations for peak discharges of runoff from each outlet at pre-development, during construction and at completion. Provide all supporting data for the computation methods used (rainfall data for required storm events, time of concentration/storm duration, and runoff coefficients).

- ___ Design calculations for culverts and storm sewers (include headwater, tailwater and outlet velocities)
- ___ Discharge and velocity calculations for open channel and ditch flows (easement & rights-of-way)
- ___ Design calculations for cross sections and method of stabilization for existing and planned channels (include temporary linings). Include appropriate permissible velocity and shear stress.
- ___ Design calculations and construction details for energy dissipaters below culvert and storm sewer outlets (include stone/material specs & apron dimensions). Avoid discharges on fill slopes.
- ___ Design calculations and dimensions for sediment traps and basins
- ___ Total and disturbed drainage areas for silt fencing and other sediment controls

7. Vegetative Stabilization Shown on Plans

- ___ Area & acreage to be stabilized with vegetation
- ___ Method of soil preparation
- ___ Seed type & rates (temporary & permanent)
- ___ Fertilizer type and rates
- ___ Mulch type and rates (include mulch anchoring methods)

8. Documentation

- ___ Completed, signed & notarized **Financial Responsibility/Ownership Form**
- ___ Certificate of assumed name, if the owner is a partnership
- ___ Name of Registered Agent (if applicable)
- ___ Copy of the most current Deed for the site. Please make sure the deed(s) and ownership information are consistent between the plan sheets, local records and this form.
- ___ Provide latitude & longitude (in decimal degrees) at the project entrance.
- ___ Army Corps 404 permit and Water Quality 401 certification, if required for project, or a complete application if these items are not yet issued.
- ___ DWR Buffer Authorization, if required for project
- ___ Copies of any recorded easements and/or agreements with adjoining property owners for landlocked parcels

SECTION B: DESIGN AND CONSTRUCTION STANDARDS FOR EROSION AND SEDIMENT CONTROL MEASURES

1. Objective of E&SC Measures

E&SC Measures shall be designed and constructed to prevent off-site sedimentation damage.

2. Area to Be Covered by the E&SC Plan

The E&SC plan shall include the limits of disturbed area within which all construction, material storage, grading, and related activities occur, including the following items as applicable:

- (a) Access to E&SC measures, lots that will be disturbed, and utilities that may extend offsite,
- (b) Temporary access and haul roads, other than public roads, constructed or used in connection with the land-disturbing activity
- (c) Borrow and waste areas created by the applicant. If the land-disturbing activity and any related borrow or waste activity are not conducted by the same person, they shall be considered separate land-disturbing activities
- (d) Offsite borrow pits if the borrow pit is a construction support activity to the development

3. Angle for Graded Slopes

The angle for graded slopes and fills shall be no greater than the angle that can be retained by vegetative cover or other erosion control devices or structures. (NCGS 113A-57(2))

4. Upslope Areas

Runoff originating upslope of the disturbed areas shall be either diverted away from the construction activity or E&SC measures shall be sized sufficiently to handle the runoff. Any diversion measures shall be shown on the plans.

5. Design Standard for E&SC Measures

Plans shall include measures necessary to prevent erosion at the limit of disturbance during the 10-year storm or the 25-year storm in HQW Zones and the Falls Lake Watershed.

6. Calculation Method

Hydrologic calculations for designing E&SC measures shall be in accordance with the procedures in the United States Department of Agriculture, Natural Resources Conservation Service's "National Engineering Field Manual Handbook 630" which is herein incorporated by reference including subsequent amendments and editions, and may be accessed at:

<https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/water/manage/hydrology/?cid=stelprdb1043063> or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.

7. Stormwater Conveyances

Any increase in stormwater runoff velocity resulting from a land-disturbing activity shall not result in accelerated erosion of the receiving stormwater conveyance during the 10-year storm or the 25-year storm in HQW Zones. The following additional requirements apply to stormwater conveyances:

- (a) The velocity in the receiving stormwater conveyance shall not exceed the maximum permissible velocity per Table 1 except for sinuous channels. For sinuous channels, multiply allowable velocity in Table 1 by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels

Table 1: Maximum Permissible Velocities

Stormwater conveyance in-situ material	Maximum Permissible Velocity	
	Feet per second	Meters per second
Fine sand (noncolloidal) Sandy loam (noncolloidal)	2.5	0.8
Silt loam (noncolloidal)	3.0	0.9
Ordinary firm loam Alluvial silts (noncolloidal)	3.5	1.1
Fine gravel Stiff clay (very colloidal) Alluvial silts (colloidal)	5.0	1.5
Graded, silt to cobbles (colloidal) Cobbles and shingles	5.5	1.7
Coarse gravel (noncolloidal) Shale and hard pans	6.0	1.8

- (b) Conveyances may be stabilized by planting vegetation, enlarging cross sections, and/or providing erosion-resistant lining. Any erosion-resistant linings shall be shown on the plans.

8. Sediment Basin Outlet Structures

Sediment basins and traps with drainage areas of one acre or greater shall use outlet structures that withdraw water from the surface.

9. Lower Portions of the Site

Portions of a site that are lower in elevation than adjacent discharge locations and are not expected to discharge during construction may be exempt from the temporary ground cover requirements if identified on the approved E&SC plan or added by the E&SC plan authority.

SECTION C: ADDITIONAL DESIGN AND CONSTRUCTION STANDARDS IN HIGH QUALITY WATER (HQW) ZONES

1. Extent of the HQW Zone

HQW Zones are those areas in the 20 Coastal Counties that are within 575 feet of High Quality Waters and for the remainder of the state, areas that are within one mile of and drain to HQWs.

2. Disturbed Area Limits in HQW Zones

Disturbed areas in HQW zones shall be limited at any time to a maximum total area within the boundaries of the tract of 20 acres. Only the portion of the construction activity within a HQW zone shall be subject to the 20-acre limit. Larger disturbed areas may be allowed with the written approval of the Director upon providing adequate engineering justification with a specific construction sequence that addresses phasing, limited exposure, weekly submitted self-inspection reports and/or more conservative design than the 25-year storm. The Director may also include other conditions as necessary based on specific site conditions.

3. Additional Sediment Basin Requirements in HQW Zones

Sediment basins that discharge to HQW Zones shall be designed and constructed to meet the following criteria unless the permittee demonstrates to the E&SC plan authority that meeting each of the basin design conditions below would result in design or operational hardships. Alternative control measures, such as quicker application of ground cover or use of sediment flocculants, shall be allowed as a substitute on a case-by-case basis if it can be shown that use of the alternate practices is expected to result in an equal or better sediment discharge reduction from the site.

- (a) Use a surface withdrawal mechanism except when the basin drainage area is less than 1.0 acre.
- (b) Have a minimum of 1800 cubic feet per of storage area per acre of disturbed area.
- (c) Have a minimum surface area of 325 square feet per cfs for the peak flow from the 25-year storm.
- (d) Have a minimum dewatering time of 48 hours.
- (e) Incorporate three baffles unless the basin is less than 20 feet in length, in which case two baffles are sufficient.

4. Open Channels in HQW Zones

Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than two horizontal to one vertical if a vegetative cover is used for stabilization unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices or other acceptable ditch liners. The angle for side slopes shall be sufficient to restrain accelerated erosion.

SECTION D: CONSTRUCTION ACTIVITY BUFFERS

The requirements in Section D below shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse (NCGS 113A-57).

1. Buffers in Non-Trout Waters

Unless wider buffers are required per NC rules or statutes, the width of the buffer shall be sufficient to confine visible sedimentation to the 25 percent of the strip closest to the land-disturbing activity. The width of a buffer adjacent to a non-trout water shall be measured from the edge of the water to the nearest edge of the disturbed area.

Recommended buffer widths to achieve this standard are shown in Table 2 below.

Table 2: Recommended Buffer Widths

Slope of Buffer (%)	Recommended Width of Undisturbed Vegetation Adjacent to Non-Trout Waters
0-1	15 feet
1-3	20 feet
3-5	25 feet
>5	25 feet + (% of slope - 5)




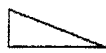

2. Buffers in Trout Waters

Unless wider buffers are required per NC rules or statutes, the minimum width for an undisturbed buffer adjacent to trout waters shall be 25 feet. The width of a buffer adjacent to a trout water shall be measured horizontally from the top of bank to the nearest edge of the land-disturbing activity. However, the Sedimentation Control Commission may approve plans that include land-disturbing activity along trout waters when the duration of said disturbance would be temporary and the extent of said disturbance would be minimal. (NCGS 113A-57(1)).

SECTION E: GROUND STABILIZATION**1. Ground Stabilization Timelines**

Ground stabilization shall be achieved on any area of a site where land disturbing activities have ceased within the timeframes listed in Table 3 below. It is recommended to stabilize the ground more quickly if practicable. Extensions of time may be approved by the E&SC plan authority based on weather or other site-specific conditions that make compliance impracticable. Portions of a site that are lower in elevation and not expected to discharge during construction may be exempt from the temporary ground cover requirements if identified on the E&SC plan and approved by the E&SC plan authority.

Table 3: Required Ground Stabilization Timeframes

Site Area Description	Stabilize within this many calendar days after ceasing land disturbance	Timeframe Variations
 (a) Perimeter dikes, swales, ditches, and perimeter slopes	7	None
 (b) High Quality Water (HQP) Zones	7	None
 (c) Slopes steeper than 3:1	7	<ul style="list-style-type: none"> If slopes are 10' or less in length and are not steeper than 2:1, 14 days are allowed
 (d) Slopes 3:1 to 4:1	14	<ul style="list-style-type: none"> 7 days for slopes greater than 50' in length and with slopes steeper than 4:1 7 days for perimeter dikes, swales, ditches, perimeter slopes, and HQW Zones 10 days for the Falls Lake Watershed
 (e) Areas with slopes flatter than 4:1	14	<ul style="list-style-type: none"> 7 days for perimeter dikes, swales, ditches, perimeter slopes, and HQW Zones 10 days for the Falls Lake Watershed unless there is zero slope.

2. Permanent Ground Stabilization Timeline

After the permanent cessation of construction activities, any areas with temporary ground stabilization shall be converted to permanent ground stabilization as soon as practicable but in no case longer than 90 calendar days after the last land disturbing activity. Temporary ground stabilization shall be maintained in a manner to render the surface stable against accelerated erosion until permanent ground stabilization is achieved.

SECTION F: MATERIALS HANDLING

Any structural controls installed to manage construction materials stored or used on site shall be included in the field copy of the E&SC plan. Requirements for handling materials on construction sites shall be as follows:

1. Polyacrylamides (PAMS) and Flocculants

Polyacrylamides (PAMS) and flocculants shall be:

- stored in leak-proof containers that are kept under storm-resistant cover or surrounded by secondary containment structures designed to protect adjacent surface waters,
- selected from the NC DWR List of Approved PAMS/Flocculants list, available at: https://files.nc.gov/ncdeq/Water%20Quality/Environmental%20Sciences/ATU/ApprovedPAMS4_1_2017.pdf, and

- (c) used at the concentrations specified in the *NC DWR List of Approved PAMS/Flocculants* and in accordance with the manufacturer's instructions.

2. Equipment Fluids

- (a) **Fuels, lubricants, coolants, and hydraulic fluids, and other petroleum products** shall be handled and disposed of in a manner so as not to enter surface or ground waters and in accordance with applicable state and federal regulations. Equipment used on the site must be operated and maintained properly to prevent discharge of fluids.
- (b) **Equipment, vehicle, and other wash waters** shall not be treated in a sediment basin or sediment trap. Alternative controls should be provided such that there is no discharge of soaps, solvents, or detergents.

3. Waste Materials

- (a) **Building material and land clearing waste** shall be disposed of in accordance with North Carolina General Statutes, Chapter 130A, Article 9 - Solid Waste Management, and rules governing the disposal of solid waste (15A NCAC 13B). Areas dedicated for managing building material and land clearing waste shall be at least 50 feet away from storm drain inlets and surface waters unless it can be shown that no other alternatives are reasonably available.
- (b) **Paint and other liquid building material waste** shall not be dumped into storm drains. It is recommended to locate paint washouts at least 50 feet away from storm drain inlets unless there is no alternative. Other options are to install lined washouts to use portable, removable bags or bins.
- (c) **Hazardous or toxic waste** shall be managed in accordance with the federal Resource Conservation and Recovery Act (RCRA) and NC Hazardous Waste Rules at 15A NCAC, Subchapter 13A.
- (d) **Litter and sanitary waste** shall be managed in a manner to prevent it from entering waters and shall be disposed of offsite.

4. Herbicide, Pesticide, and Rodenticides

Herbicide, pesticide, and rodenticides shall be stored and applied in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act and label restrictions.

5. Concrete Materials

Concrete materials onsite, including excess concrete, shall be controlled and managed to avoid contact with surface waters, wetlands or buffers. No concrete or cement slurry shall be discharged from the site. (Note that discharges from onsite concrete plants require coverage under a separate NPDES permit – NCG140000.) Any hardened concrete residue will be disposed of, or recycled on site, in accordance with local and state solid waste regulations.

6. Earthen Material Stock Piles

Earthen material stock piles shall be located at least 50 feet away from storm drain inlets and surface waters unless no other alternatives are reasonably available.

SECTION G: OPERATION AND MAINTENANCE

1. Modifications to the E&SC Plan

Modifications to the approved E&SC plan that require changes to the E&SC measure designs, the drainage areas, or the disturbed areas draining to E&SC measures shall be approved by the E&SC plan authority. Deviations from the approved E&SC plan, or approved revised E&SC plan, shall constitute a violation of this permit unless the deviation is to correct an emergency situation where sediment is being discharged off the site. The E&SC plan authority may allow deviations from the E&SC plan on a case-by-case basis if the deviations are minor adjustments to

address minor deficiencies. A minor adjustment shall be the addition of E&SC measures (e.g., silt fence, inlet protection, check dams, rolled erosion control practices, etc.), or the relocation of E&SC measures that would improve the overall stormwater management and sediment control onsite. Minor adjustments shall be noted on the approved E&SC plan and maintained at the job site.

2. Operation and Maintenance

The permittee shall install and maintain all temporary and permanent E&SC measures as required by this permit and the approved E&SC plan.

3. Corrective Actions

If self-inspections required by this permit identify a need for maintenance of control measures, modifications or additions to control measures, or corrective actions to control sediment or other pollutants, these actions shall be performed as soon as possible considering adverse weather and site conditions.

4. Draw Down of Sediment Basins for Maintenance or Close Out

Sediment basins and traps that receive runoff from drainage areas of one acre or more shall use outlet structures that withdraw water from the surface when these devices need to be drawn down for maintenance or close out unless this is infeasible. The circumstances in which it is not feasible to withdraw water from the surface shall be rare (for example, times with extended cold weather). Non-surface withdrawals from sediment basins shall be allowed only when all of the following criteria have been met:

- (a) The E&SC Plan authority has been provided with documentation of the non-surface withdrawal and the specific time periods or conditions in which it will occur. The non-surface withdrawal shall not commence until the E&SC plan authority has approved these items,
- (b) The non-surface withdrawal has been reported as an anticipated bypass in accordance with Part III, Section C, Item (2)(c) and (d) of this permit,
- (c) Dewatering discharges are treated with controls to minimize discharges of pollutants from stormwater that is removed from the sediment basin. Examples of appropriate controls include properly sited, designed and maintained dewatering tanks, weir tanks, and filtration systems,
- (d) Vegetated, upland areas of the sites or a properly designed stone pad is used to the extent feasible at the outlet of the dewatering treatment devices described in Item(c) above,
- (e) Velocity dissipation devices such as check dams, sediment traps, and riprap are provided at the discharge points of all dewatering devices, and
- (f) Sediment removed from dewatering treatment devices described in Item(c) above is disposed of in a manner that does not cause deposition of sediment into waters of the United States.

5. Bypass of E&SC Measures

Diversions of stormwater from E&SC measures *when the design storm has not been exceeded* are not allowed. Bypasses of E&SC measures shall be reported in accordance with Part III, Section C, Item (2)(c) and (d) of this permit.

6. Unavoidable Bypass for Public Safety

A bypass may be allowed by the Director if the Director determines that all of the following conditions were met:

- (a) The bypass is unavoidable to prevent loss of life, personal injury or severe property damage,
- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary control facilities, retention of stormwater or maintenance during normal periods of equipment downtime or dry weather. This condition is not satisfied if adequate backup controls should have been installed in the exercise of reasonable engineering judgement to prevent a bypass

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which occurred during normal periods of equipment downtime or preventative maintenance, and

- (c) the permittee submitted a notice of the bypass per the record-keeping requirements in Part III, Section C, Item (2)(c) and (d) of this permit.

7. Upset of E&SC Measures

Diversions of stormwater from E&SC measures may be considered as an upset if the permittee can demonstrate that all of the following conditions have been met. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

- (a) The permittee submitted notice of the upset as required in this general permit and identifies the cause(s) of the upset.
- (b) The permittee demonstrates that the upset was not caused by operational error, improperly designed treatment or control facilities, lack of preventive maintenance, or careless or improper operation.
- (c) The permittee agrees to take remedial measures if necessary.

PART III

SELF-INSPECTION, RECORDKEEPING AND REPORTING

SECTION A: SELF-INSPECTIONS

Self-inspections are required during normal business hours in accordance with the table below. When adverse weather or site conditions would cause the safety of the inspection personnel to be in jeopardy, the inspection may be delayed until the next business day on which it is safe to perform the inspection. In addition, when a storm event of equal to or greater than 1.0 inch occurs outside of normal business hours, the self-inspection shall be performed upon the commencement of the next business day. Any time when inspections were delayed shall be noted in the Inspection Record.

Table 4: Self-Inspection Requirements

Inspect	Frequency (during normal business hours)	Inspection records must include:
(1) Rain gauge maintained in good working order	Daily	Daily rainfall amounts. If no daily rain gauge observations are made during weekend or holiday periods, and no individual-day rainfall information is available, record the cumulative rain measurement for those unattended days (and this will determine if a site inspection is needed). Days on which no rainfall occurred shall be recorded as "zero." The permittee may use another rain-monitoring device approved by the Division.
(2) E&SC Measures	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	<ol style="list-style-type: none"> 1. Identification of the measures inspected, 2. Date and time of the inspection, 3. Name of the person performing the inspection, 4. Indication of whether the measures were operating properly, 5. Description of maintenance needs for the measure, 6. Description, evidence, and date of corrective actions taken.
(3) Stormwater discharge outfalls (SDOs)	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	<ol style="list-style-type: none"> 1. Identification of the discharge outfalls inspected, 2. Date and time of the inspection, 3. Name of the person performing the inspection, 4. Evidence of indicators of stormwater pollution such as oil sheen, floating or suspended solids or discoloration, 5. Indication of visible sediment leaving the site, 6. Description, evidence, and date of corrective actions taken.
(4) Perimeter of site	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	<p>If visible sedimentation is found outside site limits, then a record of the following shall be made:</p> <ol style="list-style-type: none"> 1. Actions taken to clean up or stabilize the sediment that has left the site limits, 2. Description, evidence, and date of corrective actions taken, and 3. An explanation as to the actions taken to control future releases.
(5) Streams or wetlands onsite or offsite (where accessible)	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	<p>If the stream or wetland has increased visible sedimentation or a stream has visible increased turbidity from the construction activity, then a record of the following shall be made:</p> <ol style="list-style-type: none"> 1. Description, evidence and date of corrective actions taken, and 2. Records of the required reports to the appropriate Division Regional Office per Part III, Section C, Item (2)(a) of this permit of this permit.

(6) Ground stabilization measures	After each phase of grading	<ol style="list-style-type: none"> 1. The phase of grading (installation of perimeter E&SC measures, clearing and grubbing, installation of storm drainage facilities, completion of all land-disturbing activity, construction or redevelopment, permanent ground cover). 2. Documentation that the required ground stabilization measures have been provided within the required timeframe or an assurance that they will be provided as soon as possible.
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NOTE: The rain inspection resets the required 7 calendar day inspection requirement.

SECTION B: RECORDKEEPING

1. E&SC Plan Documentation

The approved E&SC plan as well as any approved deviation shall be kept on the site. The approved E&SC plan must be kept up-to-date throughout the coverage under this permit. The items listed in Table 5 pertaining to the E&SC plan shall be kept on site and available for inspection at all times during normal business hours.

Table 5: Recordkeeping Requirements

Item to Document	Documentation Requirements
(a) Each E&SC measure has been installed and does not significantly deviate from the locations, dimensions and relative elevations shown on the approved E&SC plan.	Initial and date each E&SC measure on a copy of the approved E&SC plan or complete, date and sign an inspection report that lists each E&SC measure shown on the approved E&SC plan. This documentation is required upon the initial installation of the E&SC measures or if the E&SC measures are modified after initial installation.
(b) A phase of grading has been completed.	Initial and date a copy of the approved E&SC plan or complete, date and sign an inspection report to indicate completion of the construction phase.
(c) Ground cover is located and installed in accordance with the approved E&SC Plan.	Initial and date a copy of the approved E&SC plan or complete, date and sign an inspection report to indicate compliance with approved ground cover specifications.
(d) The maintenance and repair requirements for all E&SC measures have been performed.	Complete, date and sign an inspection report.
(e) Corrective actions have been taken to E&SC measures.	Initial and date a copy of the approved E&SC plan or complete, date and sign an inspection report to indicate the completion of the corrective action.

2. Additional Documentation to be Kept on Site

In addition to the E&SC plan documents above, the following items shall be kept on the site and available for inspections at all times during normal business hours, unless the Division provides a site-specific exemption based on unique site conditions that make this requirement not practical:

- (a) This General Permit as well as the Certificate of Coverage, after it is received.
- (b) Records of inspections made during the previous twelve months. The permittee shall record the required observations on the Inspection Record Form provided by the Division or a similar inspection form that includes all the required elements. Use of electronically-available records

in lieu of the required paper copies will be allowed if shown to provide equal access and utility as the hard-copy records

3. Documentation to be Retained for Three Years

All data used to complete the e-NOI and all inspection records shall be maintained for a period of three years after project completion and made available upon request. [40 CFR 122.41]

SECTION C: REPORTING

1. Occurrences that Must be Reported

Permittees shall report the following occurrences:

- (a) Visible sediment deposition in a stream or wetland.
- (b) Oil spills if:
 - They are 25 gallons or more,
 - They are less than 25 gallons but cannot be cleaned up within 24 hours,
 - They cause sheen on surface waters (regardless of volume), or
 - They are within 100 feet of surface waters (regardless of volume).
- (c) Releases of hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act Ref: 40 CFR 110.3 and 40 CFR 117.3) or section 102 of CERCLA (Ref: 40 CFR 302.4) or G.S. 143-215.85.
- (d) Anticipated bypasses and unanticipated bypasses.
- (e) Noncompliance with the conditions of this permit that may endanger health or the environment.

2. Reporting Timeframes and Other Requirements

After a permittee becomes aware of an occurrence that must be reported, he shall contact the appropriate Division regional office within the timeframes and in accordance with the other requirements listed in Table 6 below. Occurrences outside normal business hours may also be reported to the Department's Environmental Emergency Center personnel at (800) 858-0368.

Table 6: Reporting Requirements

Occurrence	Reporting Timeframes (After Discovery) and Other Requirements
(a) Visible sediment deposition in a stream or wetland	<ul style="list-style-type: none">• Within 24 hours, an oral or electronic notification.• Within 7 calendar days, a report that contains a description of the sediment and actions taken to address the cause of the deposition. Division staff may waive the requirement for a written report on a case-by-case basis.• If the stream is named on the <u>NC 303(d) list</u> as impaired for sediment-related causes, the permittee may be required to perform additional monitoring, inspections or apply more stringent practices if staff determine that additional requirements are needed to assure compliance with the federal or state impaired-waters conditions.
(b) Oil spills and release of hazardous substances per Item 1(b)-(c) above	<ul style="list-style-type: none">• Within 24 hours, an oral or electronic notification. The notification shall include information about the date, time, nature, volume and location of the spill or release.
(c) Anticipated bypasses [40 CFR 122.41(m)(3)]	<ul style="list-style-type: none">• A report at least ten days before the date of the bypass, if possible. The report shall include an evaluation of the anticipated quality and effect of the bypass.

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(d) Unanticipated bypasses [40 CFR 122.41(m)(3)]	<ul style="list-style-type: none">• Within 24 hours, an oral or electronic notification.• Within 7 calendar days, a report that includes an evaluation of the quality and effect of the bypass.
(e) Noncompliance with the conditions of this permit that may endanger health or the environment[40 CFR 122.41(l)(7)]	<ul style="list-style-type: none">• Within 24 hours, an oral or electronic notification.• Within 7 calendar days, a report that contains a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time noncompliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. [40 CFR 122.41(l)(6).• Division staff may waive the requirement for a written report on a case-by-case basis.

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PART IV STANDARD CONDITIONS FOR NPDES STORMWATER GENERAL PERMITS

SECTION A: COMPLIANCE AND LIABILITY

1. Continuation of Previously Permitted Projects

Projects and their corresponding activities permitted under the previous version of the NC general permit for construction activities will automatically be considered covered under this general permit without the submittal of a Notice of Intent form. In addition, an annual general permit fee shall not be required for projects covered under the previous version of the NC general permit for construction activities.

2. Projects Submitted Prior to this Permit's Effective Date

Complete project applications that were received prior to the effective date of this permit, but not approved by the E&SC plan authority until after approval of this NPDES permit, can rely on design and management practices effective at the time of application submittal.

3. Duty to Comply

The permittee must comply with all conditions of this general permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit upon renewal application. [40 CFR 122.41]

- (a) The permittee shall comply with standards or prohibitions established under section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the general permit has not yet been modified to incorporate the requirement. [40 CFR 122.41]
- (b) The CWA provides that any person who violates section[s] 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$37,500 per day for each violation. [33 USC 1319(d) and 40 CFR 122.41(a)(2)]
- (c) The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. [33 USC 1319(c)(1) and 40 CFR 122.41(a)(2)]
- (d) Any person who *knowingly* violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. [33 USC 1319(c)(2) and 40 CFR 122.41(a)(2)]
- (e) Any person who *knowingly* violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the

case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions. [40 CFR 122.41(a)(2)]

- (f) Under state law, a civil penalty of not more than \$25,000 per violation may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit. [North Carolina General Statutes § 143-215.6A]
- (g) Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$20,628 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$51,570. Penalties for Class II violations are not to exceed \$20,628 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$257,848. [33 USC 1319(g)(2) and 40 CFR 122.41(a)(3)]

4. Non-Stormwater Discharges

If a storm event monitored in accordance with this general permit coincides with a non-stormwater discharge, the permittee shall separately monitor all parameters as required under all other applicable discharge permits and provide this information with the stormwater discharge monitoring report.

5. Test Procedures

Test procedures for the analysis of pollutants shall conform to the EMC regulations published pursuant to NCGS 143-215.63 et. seq, the Water and Air Quality Reporting Acts, and to regulations published pursuant to Section 304(g), 33 USC 1314, of the Federal Water Pollution Control Act, as Amended, and Regulation 40 CFR 136.

To meet the intent of the monitoring required by this general permit, all test procedures must produce minimum detection and reporting levels and all data generated must be reported down to the minimum detection or lower reporting level of the procedure. If no approved methods are determined capable of achieving minimum detection and reporting levels below general permit discharge requirements, then the most sensitive (method with the lowest possible detection and reporting level) approved method must be used.

6. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this general permit which has a reasonable likelihood of adversely affecting human health or the environment. [40 CFR 122.41(d)]

7. Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the condition of this general permit. [40 CFR 122.41(c)]

8. Civil and Criminal Liability

Except as provided in Part II, Section B of this general permit regarding bypassing of stormwater control facilities, nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS 143-215.3, 143-215.6A, 143-215.6B, 143-215.6C, or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the

permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

9. Oil and Hazardous Substance Liability

Nothing in this general permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under NCGS 143-215.75 et seq. or Section 311 of the Federal Act, 33 USC 1321.

10. Property Rights

The issuance of this general permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations [40 CFR 122.41(g)].

11. Severability

The provisions of this general permit are severable, and if any provision of this general permit, or the application of any provision of this general permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this general permit, shall not be affected thereby [NCGS 150B-23].

12. Duty to Provide Information

The permittee shall furnish to the Division, within a reasonable time, any information which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the general permit issued pursuant to this general permit or to determine compliance with this general permit. The permittee shall also furnish to the Division upon request, copies of records required to be kept by this general permit [40 CFR 122.41(h)].

13. Inspection and Entry

The permittee shall allow the Director, an authorized representative (including an authorized contractor acting as a representative of the Director), or an authorized representative of a municipal operator or the separate storm sewer system receiving the discharge (if applicable), upon the presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this general permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this general permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this general permit; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location. [40 CFR 122.41(i)]

14. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this general permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both [40 CFR 122.41].

15. Penalties for Falsification of Reports

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this general permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both [40 CFR 122.41].

16. Onshore or Offshore Construction

This general permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

17. Duty to Reapply

Dischargers covered by this general permit need not submit a new Notice of Intent (NOI) or renewal request unless so directed by the Division. If the Division chooses not to renew this general permit, the permittee will be notified to submit an application for an individual permit. [15A NCAC 02H .0127(e)]

18. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned changes at the permitted facility which could significantly alter the nature or quantity of pollutants discharged [40 CFR 122.41(l)]. This notification requirement includes pollutants which are not specifically listed in the general permit or subject to notification requirements under 40 CFR Part 122.42 (a).

19. Anticipated Noncompliance

The permittee shall give advanced notice to the Director of any planned changes at the permitted facility which may result in noncompliance with the general permit. [40 CFR 122.41(l)(2)]

SECTION B: PERMIT ADMINISTRATION

1. General Permit Expiration

General permits will be effective for a term not to exceed five years, at the end of which the Division may renew them after all public notice requirements have been satisfied. If a general permit is renewed, existing permittees do not need to submit a renewal request or pay a renewal fee unless directed by the Division. New applicants seeking coverage under a renewed general permit must submit a Notice of Intent to be covered and obtain a Certificate of Coverage under the renewed general permit. [15A NCAC 02H .0127(e)]

2. Transfers

This general permit is not transferable to any person without prior written notice to and approval from the Director in accordance with 40 CFR 122.61. The Director may condition approval in accordance with NCGS 143-215.1, in particular NCGS 143-215.1(b)(4) b.2., and may require modification or revocation and reissuance of the Certificate of Coverage, or a minor modification, to identify the new permittee and incorporate such other requirements as may be necessary under the CWA [40 CFR 122.41(l)(3), 122.61] or state statute. **The Permittee is required to notify the Division in writing in the event the permitted facility is sold or closed.**

3. When an Individual Permit May be Required

The Director may require any owner/operator authorized to discharge under a certificate of coverage issued pursuant to this general permit to apply for and obtain an individual permit or an alternative general permit. Any interested person may petition the Director to take action under this paragraph. [15A NCAC 02H .0127(i)-(j)] Cases where an individual permit may be required include, but are not limited to, the following:

- (a) The discharger is a significant contributor of pollutants;
- (b) The receiving stream is of a unique quality and the standard conditions may not provide adequate protection;
- (c) Conditions at the permitted site change, altering the constituents and/or characteristics of the discharge such that the discharge no longer qualifies for a general permit;
- (d) The discharge violates the terms or conditions of this general permit;
- (e) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
- (f) Effluent limitations are promulgated for the point sources covered by this general permit;
- (g) A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this general permit;
- (h) The Director determines at his or her own discretion that an individual permit is required.

4. When an Individual Permit May be Requested

Any permittee operating under this general permit may request to be excluded from the coverage of this general permit by applying for an individual permit. When an individual permit is issued to an owner/operator the applicability of this general permit is automatically terminated on the effective date of the individual permit. [15A NCAC 02H .0127(h)]

5. Impacts or Potential Impacts to Surface Waters or Wetlands

If evidence indicates that the stormwater discharges from the site are impacting or have the potential to impact surface waters or wetlands, then the Division may take appropriate actions including any or all of the following:

- a) take compliance and enforcement action;
- b) require the permittee to include and implement appropriate control and restoration measures;
- c) require the permittee to develop and implement additional site-specific stormwater pollution prevention measures;
- d) require the permittee to obtain an individual permit.

6. Signatory Requirements

All applications, reports, or information submitted to the Permitting Issuing Authority shall be signed and certified. [40 CFR 122.41(k)]

(a) All Notices of Intent to be covered under this general permit shall be signed as follows:

- **For a corporation:** by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (b) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- **For a partnership or sole proprietorship:** by a general partner or the proprietor, respectively; or

- **For a municipality, State, Federal, or other public agency:** by either a principal executive officer or ranking elected official. [40 CFR 122.22]
- (b) All reports required by the general permit and other information requested by the Director shall be signed by a person described in paragraph a. above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- The authorization is made in writing by a person described above;
 - The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, a position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - The written authorization is submitted to the Director. [40 CFR 122.22]
- (c) If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative. [40 CFR 122.22]
- (d) Any person signing a document under paragraphs a. or b. of this section shall make the following certification [40 CFR 122.22]. NO OTHER STATEMENTS OF CERTIFICATION WILL BE ACCEPTED:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

7. General Permit Modification, Revocation and Reissuance, or Termination

The issuance of this general permit does not prohibit the Division 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 Title 40, Code of Federal Regulations, Parts 122 and 123; Title 15A of the North Carolina Administrative Code, Subchapter 2H .0100; and North Carolina General Statute 143-215.1 et al.

After public notice and opportunity for a hearing, the general permit may be terminated for cause. The filing of a request for a general permit modification, revocation and reissuance, or termination does not stay any general permit condition. The **Certificate of Coverage** shall expire when the general permit is terminated.

8. Certificate of Coverage Actions

The general permit may be modified, revoked and reissued, or terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any general permit condition [40 CFR 122.41(f)].

9. Annual Administering and Compliance Monitoring Fee Requirements

The permittee must pay the administering and compliance monitoring fee within 30 (thirty) days after being billed by the Division. Failure to pay the fee in timely manner in accordance with 15A NCAC 2H .0105(b)(2) may cause this Division to initiate action to revoke coverage under the general permit.

10. Availability of Reports

Except for data determined to be confidential under NCGS 143-215.3(a)(2) or Section 308 of the Federal Act, 33 USC 1318, all reports prepared in accordance with the terms shall be available for public inspection at the offices of the Division. As required by the Act, analytical data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NCGS 143-215.6B or in Section 309 of the Federal Act.

11. Omissions

Where the Permittee becomes aware that it failed to submit any relevant facts in a Notice of Intent to be covered under this general permit, or submitted incorrect information in that Notice of Intent application or in any report to the Director, it shall promptly submit such facts or information. [40 CFR 122.41(l)(8)]

PART V DEFINITIONS

1. **Act**
See Clean Water Act.
2. **Adverse Weather**
Climate conditions that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, electrical storms, winter weather conditions, or situations that otherwise make inspections impractical. When adverse weather or site conditions prevent or restrict access to complete a regular or rain event inspection, this should be clearly documented on the next issued report. Documentation should include the inspector's name, the date and time, and a written narrative of the adverse weather or site condition. Adverse weather or site conditions do not exempt the permittee from having to file an inspection report in accordance with Section II. B of this permit.
3. **Allowable Non-Stormwater Discharges**
This general permit regulates stormwater discharges. Non-stormwater discharges which shall be allowed in the stormwater conveyance system are:
 - (a) All other discharges that are authorized by a non-stormwater NPDES permit.
 - (b) Uncontaminated groundwater, foundation drains, air-conditioner condensate without added chemicals, springs, discharges of uncontaminated potable water, waterline and fire hydrant flushings, water from footing drains, and irrigation waters, flows that do not result in a water quality standards violation.
 - (c) Discharges resulting from fire-fighting or fire-fighting training, or emergency shower or eye wash as a result of use in the event of an emergency.
4. **Best Management Practices (BMPs)**
Measures or practices used to reduce the amount of pollution entering surface waters. BMPs may take the form of a process, activity, or physical structure
5. **Bypass**
The known diversion of stormwater from any portion of a stormwater control facility including the collection system, which is not a designed or established operating mode for the facility.
6. **Certificate of Coverage**
The cover sheet that accompanies a general permit upon issuance and lists the facility name, location, receiving stream, river basin, effective date of coverage under the general permit and is signed by the Director.
7. **Clean Water Act**
The Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 USC 1251, et. seq.
8. **Common Plan of Development**
A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times and on different schedules under one common plan. The "common plan" of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities are planned to occur on a specific plot regardless of ownership of the parcels..

9. Concrete Washout

Wastewater resulting from the washing of equipment such as trucks, chutes, hoses, mixers, hoppers, wheelbarrows, and tools that are used to produce, handle, or store concrete and other cementitious materials such as mortar, plaster, stucco, or grout.

10. Control Measure

Any BMP or other structural or non-structural practice or procedure used to prevent or reduce the discharge of pollutants including practices to control erosion and sedimentation.

11. Division or DEMLR

The Division of Energy, Mineral, and Land Resources of the NC Department of Environmental Quality (DEQ).

12. Director

The Director of the Division of Energy, Mineral, and Land Resources of the NC Department of Environmental Quality (DEQ).

13. EMC

The North Carolina Environmental Management Commission.

14. Erosion and Sedimentation Control (E&SC) Plan

A plan developed in compliance with the North Carolina Sedimentation Pollution Control Act of 1973 in G.S. 113A-50 et seq. to prevent sediment resulting from accelerated erosion from being transported off the site of the land-disturbing activity or in waters.

15. Erosion and Sedimentation Control (E&SC) Plan Authority

The entity responsible for reviewing and approving the Erosion and Sediment Control Plan. Within some local governments' jurisdictions, this will be a delegated program. Elsewhere, it will be the Division.

16. Erosion and Sediment Control (E&SC) Measure

Temporary and permanent practices and devices to prevent sediment resulting from accelerated erosion from being transported off the site of the land-disturbing activity or in waters of the State of North Carolina. E&SC measures, include, but are not limited to, sedimentation traps, sedimentation ponds, rock dams, temporary diversions, temporary slope drains, rock check dams, sediment fence or barriers, all forms of inlet protection, storm drainage facilities, energy dissipaters and stabilization methods of open channels.

17. Ground Cover

Any vegetative growth or other material which, when applied to the soil surface, renders the soil surface stable against accelerated erosion.

18. Hazardous Substance

Any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.

19. Landfill

A disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

20. Normal Business Hours

These are generally considered to be between the hours of 6 a.m. and 6 p.m., or when workers are normally present on the construction site. Weekends, state and federal holidays are not considered normal business hours unless construction activities are taking place on the site during those times.

21. Notice of Intent

The state application form which, when submitted to the Division, officially indicates the facility's notice of intent to seek coverage under a general permit.

22. Permanent Stabilization

When all soil disturbing activity is completed and exposed soils have been stabilized with a vegetative cover with a density of at least 80% or covered with a structural stabilization method. Permanent perennial vegetation may include the use of sod, shrubs and ground cover plants mixed with mulching, aggregate or other landscaping techniques. Structural methods include concrete, asphalt, retaining wall or other stabilization techniques.

23. Permittee

The person, firm or organizational entity that signed as the financially responsible party on the Erosion and Sedimentation Control Plan.

24. Point Source Discharge of Stormwater

Any discernible, confined and discrete conveyance including, but not specifically limited to, any pipe, ditch, channel, tunnel, conduit, well, or discrete fissure from which stormwater associated with industrial activity is or may be discharged to waters of the state.

25. Secondary Containment

Spill containment for the contents of the single largest tank within the containment structure plus sufficient freeboard to allow for the 25-year, 24-hour storm event.

26. Section 313 Water Priority Chemical

A chemical or chemical category which:

- (a) Is listed in 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986;
- (b) Is present at or above threshold levels at a facility subject to SARA title III, Section 313 reporting requirements; and
- (c) Meets at least one of the following criteria:
 - Is listed in appendix D of 40 CFR part 122 on Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table IV (certain toxic pollutants and hazardous substances);
 - Is listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or
 - Is a pollutant for which EPA has published acute or chronic water quality criteria.

27. Soil Stabilization

The use of vegetative, physical or chemical coverage techniques that will restrain accelerated erosion on disturbed soils for temporary or permanent control needs.

28. Stormwater Discharge Outfall (SDO)

The point of departure of stormwater from a discernible, confined, or discrete conveyance, including but not limited to, storm sewer pipes, drainage ditches, channels, spillways, or channelized collection areas, from which stormwater flows directly or indirectly into waters.

29. Stormwater Runoff

The flow of water which results from precipitation and which occurs immediately following rainfall or as a result of snowmelt.

30. Stormwater Associated with Industrial Activity

The discharge from any point source which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw material storage areas at an industrial site. Facilities considered to be engaged in "industrial activities" include those activities defined in 40 CFR 122.26(b)(14). The term does not include discharges from facilities or activities excluded from the NPDES program.

31. Stormwater Pollution Prevention Plan (SWPPP)

The elements of the State's stormwater pollution prevention program that provide the technology-based requirements designed to protect the state's waters from the adverse impacts of sediments. In North Carolina, the SWPPP for construction activities includes the Erosion and Sedimentation Control Plan, Ground Stabilization, Materials Handling, and Disturbed Area Limit for Special and Threatened Waters.

32. Temporary Stabilization

When the establishment of ground cover over all disturbed areas (such as mulching, rolled erosion control products, vegetation, or other material) renders the surface stable against accelerated erosion. Stabilization shall be achieved with the establishment of a uniform and evenly-distributed (i.e., without large bare areas) ground cover with a cover density of at least 80%.

33. Toxic Pollutant

Any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act.

34. Upset

An exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment or control facilities, inadequate treatment or control facilities, lack of preventive maintenance, or careless or improper operation.

35. Visible Sedimentation

Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin that can be seen with the unaided eye.

36. 25-year, 24-hour Storm Event

The maximum 24-hour precipitation event expected to be equaled or exceeded, on the average, once in 25 years.



November 9, 2017

**LETTER OF APPROVAL
WITH MODIFICATIONS AND PERFORMANCE RESERVATIONS**

SunEnergy1, LLC
ATTN: Mr. Kenny Habul, Manager
192 Raceway Drive
Mooresville, North Carolina 28117

RE: Erosion and Sedimentation Control Plan No. Hertf-2016-008
Project Name: Aulander Holloman Solar Substation/Laydown Yard
Location: Joe Holloman Road County: Hertford
River Basin: Chowan
Date Received by LQS: October 30, 2017
Acres Approved: Additional 3.9 Project Type: Revised
Project Description: Revised grading plan associated with the construction of a substation facility, as shown on the plan last revised on October 4, 2017.

Dear Sir:

This office has reviewed the subject erosion and sedimentation control plan. We find the plan to be acceptable and hereby issue this Letter of Approval. (NOTE: Attached is a list of modifications and performance reservations for conducting this land disturbing activity) This plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, as required by 15A NCAC 4B.0129, unless modified by other legislation.

Please be advised that 15A NCAC 4B.0118(a) requires that a copy of the approved erosion and sedimentation control plan be on file at the job site. Also, you should consider this letter as giving 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 Program is performance oriented, requiring protection of existing natural resources and adjoining properties through the use of reasonable and appropriate Best Management Practices throughout the course of the project. If, following the commencement of this project, it is determined that the erosion and sedimentation control plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (G.S. 113A-51 through 66), this office may require revisions to the plan and implementation of the revisions to ensure compliance with the Act.

 Nothing Compares

SunEnergy1, LLC
ATTN: Mr. Kenny Habul, Manager
November 9, 2017
Page 2

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/Ownership Form, which you have submitted. You are required to file an amended form if there is any change in the information included on the form. NOTE: Neither this approval nor the financial responsibility/liability cited in it automatically transfer with a change in project ownership. In addition, 15A NCAC 4B.0127(c) requires that you notify this office of the proposed starting date for this project (using the enclosed Project Information Sheet). Please notify us if you plan to have a preconstruction conference.


Please be advised that all land-disturbing activities affecting 1 or more acres are required to have a (Federal) NPDES permit. The original letter of approval was accompanied by the Construction Activities General NPDES Permit - NCG010000 for this project. The responsibility for understanding and complying with this permit rests with you, the financially responsible party.

Sincerely,



Richard Peed, CPESC
Regional Engineering Associate

Enclosures

cc w/o enc:  Rick Baker, P.E., Timmons Group
WaRO Surface Water Operation Section Supervisor, Division of Water Resources

Erosion and Sedimentation Control Plan No. Hertf-2016-008
Project Name: Aulander Holloman Solar Substation/Laydown Yard
November 9, 2017
Guidelines and Statutory Requirements
Page 1

1. The developer is responsible for the control of sediment on-site. If the approved erosion and sedimentation control measures prove insufficient, the developer must take those additional steps necessary to stop sediment from leaving this site (NCGS 113A-57(3)). Each sediment storage device must be inspected after each storm event (NCGS 113A-54.1(e)). Maintenance and/or clean out is necessary anytime the device is at 50% capacity. All sediment storage measures will remain on site and functional until all grading and final landscaping of the project is complete (15A NCAC 04B .0113).
2. All existing ditches on this project site are assumed to be left undisturbed by the proposed development unless otherwise noted. The removal of vegetation within any existing ditch or channel is prohibited unless the ditch or channel is to be regarded with side slopes of 2 horizontal to 1 vertical or less steep (15A NCAC 04B .0124 (d)). Bank slopes may be mowed, but stripping of vegetation is considered new earth work and is subject to the same erosion control requirements as new ditches (NCGS 113A-52(6)).
3. The developer is responsible for obtaining any and all permits and approvals necessary for the development of this project prior to the commencement of this land disturbing activity. This could include our agency's Stormwater regulations and the Division of Water Resources' enforcement requirements within Section 401 of the Clean Water Act, the U.S. Army Corps of Engineers' jurisdiction of Section 404 of the Clean Water Act, the Division of Coastal Management's CAMA requirements, the Division of Solid Waste Management's landfill regulations, the Environmental Protection Agency and/or The U.S. Army Corps of Engineers jurisdiction of the Clean Water Act, local County or Municipalities' ordinances, or others that may be required. This approval cannot supersede any other permit or approval.
4. Adequate and appropriate measures must be properly installed downstream, within the limits of disturbance, of any land disturbing activity to prevent sediment from leaving the limits of disturbance, entering existing drainage systems, impacting an on-site natural watercourse or adjoining property. (NCGS 113A-57)



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

WILLIAM E. (TOBY) VINSON, JR.
Interim Director

November 19, 2018

**LETTER OF APPROVAL
WITH MODIFICATIONS AND PERFORMANCE RESERVATIONS**

Aulander Holloman Solar, LLC
Attn: Mr. Kenny Habul, Manager
192 Raceway Drive
Mooresville, North Carolina 28117

RE: Erosion and Sedimentation Control Plan No. Hertf-2018-003
Project Name: Aulander Holloman Solar Revision - Phase H
Location: Joe Holloman Road County: Hertford
River Basin: Chowan
Date Received by LQS: November 9, 2018
Acres Approved: Total Acres 1021.5 Project Type: Revised
Project Description: Revised grading plan for phase H of a multi-phased plan for a solar farm, as shown on the plan received by this office on November 9, 2018.

Dear Sir:

This office has reviewed the subject erosion and sedimentation control plan. We find the plan to be acceptable and hereby issue this Letter of Approval. (NOTE: Attached is a list of modifications and performance reservations for conducting this land disturbing activity) This plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, as required by 15A NCAC 4B.0129, unless modified by other legislation.

Please be advised that 15A NCAC 4B.0118(a) requires that a copy of the approved erosion and sedimentation control plan be on file at the job site. Also, you should consider this letter as giving 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 Program is performance oriented, requiring protection of existing natural resources and adjoining properties through the use of reasonable and appropriate Best Management Practices throughout the course of the project. If, following the commencement of this project, it is determined that the erosion and sedimentation control plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (G.S. 113A-51 through 66), this office may require revisions to the plan and implementation of the revisions to ensure compliance with the Act.



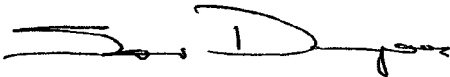
Aulander Holloman Solar, LLC
Attn: Mr. Kenny Habul, Manager
November 19, 2018
Page | 2

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/Ownership Form, which you have submitted. You are required to file an amended form if there is any change in the information included on the form. NOTE: Neither this approval nor the financial responsibility/liability cited in it automatically transfer with a change in project ownership. In addition, 15A NCAC 4B.0127(c) requires that you notify this office of the proposed starting date for this project (using the enclosed Project Information Sheet). Please notify us if you plan to have a preconstruction conference.

Please be advised that all land-disturbing activities affecting 1 or more acres are required to have a (Federal) NPDES permit. The original letter of approval was accompanied by the Construction Activities General NPDES Permit - NCG010000 for this project. The responsibility for understanding and complying with this permit rests with you, the financially responsible party.

Sincerely,



Samir Dumpor
Regional Engineer

Enclosures

cc w/o enc: Rick Baker, P.E., Timmons Group (email)
Jefferey McDermott, Sun Energy1 (email)
WaRO Division of Water Resources

OFFICIAL COPY

Oct 27 2023

1. The developer is responsible for the control of sediment on-site. If the approved erosion and sedimentation control measures prove insufficient, the developer must take those additional steps necessary to stop sediment from leaving this site (NCGS 113A-57(3)). Each sediment storage device must be inspected after each storm event (NCGS 113A-54.1(e)). Maintenance and/or clean out is necessary anytime the device is at 50% capacity. All sediment storage measures will remain on site and functional until all grading and final landscaping of the project is complete (15A NCAC 04B .0113).
2. All existing ditches on this project site are assumed to be left undisturbed by the proposed development unless otherwise noted. The removal of vegetation within any existing ditch or channel is prohibited unless the ditch or channel is to be regarded with side slopes of 2 horizontal to 1 vertical or less steep (15A NCAC 04B .0124 (d)). Bank slopes may be mowed, but stripping of vegetation is considered new earth work and is subject to the same erosion control requirements as new ditches (NCGS 113A-52(6)).
3. The developer is responsible for obtaining all permits and approvals necessary for the development of this project prior to the commencement of this land disturbing activity. This could include our agency's Stormwater regulations and the Division of Water Resources' enforcement requirements within Section 401 of the Clean Water Act, the U.S. Army Corps of Engineers' jurisdiction of Section 404 of the Clean Water Act, the Division of Coastal Management's CAMA requirements, the Division of Solid Waste Management's landfill regulations, the Environmental Protection Agency and/or The U.S. Army Corps of Engineers jurisdiction of the Clean Water Act, local County or Municipalities' ordinances, or others that may be required. This approval cannot supersede any other permit or approval.
4. Adequate and appropriate measures must be properly installed downstream, within the limits of disturbance, of any land disturbing activity to prevent sediment from leaving the limits of disturbance, entering existing drainage systems, impacting an on-site natural watercourse or adjoining property. (NCGS 113A-57)
5. As per the plan, no grubbing/grading is allowed in any wetlands area.

Governor

MICHAEL S. REGAN

Secretary

TOBY VINSON

Interim Director

February 16, 2018

Aulander Holloman Solar, LLC
Attn.: Mr. Kenny Habul
192 Raceway Drive
Mooresville, NC 28117

**Subject: Permit No. SW7160406 MOD
Aulander Holloman Collector Substation
Low Density Stormwater Project
Hertford County**

Dear Mr. Habul:

The Washington Regional Office received a complete Stormwater Management Permit Modification Application for the Aulander Holloman Collector Substation project on January 18, 2018. The modification changes the total project area to 1208.8 acres and changes the impervious percentage from 0.29 to 3.08. Staff review of the plans and specifications has determined that the project, as proposed, will comply with the Stormwater Regulations set forth in Title 15A NCAC 2H.1000. We are forwarding Permit No. SW7160406 MOD dated February 16, 2018, for the construction of the subject project.

This permit shall be effective from the date of issuance until rescinded and shall be subject to the conditions and limitations as specified therein, and does not supercede any other agency permit that may be required. The designated permit holder, Aulander Holloman Collector Substation, LLC, shall be responsible for meeting the conditions and limitations specified therein.

If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing upon written request within thirty (30) days following receipt of this permit. This request must be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714. Unless such demands are made this permit shall be final and binding.

If you have any questions, or need additional information concerning this matter, please contact me at (252) 946-6481.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. C. Dunn'.

William Carl Dunn, PE
Environmental Engineer

cc: Rick Baker, PE, Timmons Group (5410 Trinity Rd. Suite 102, Raleigh, NC 27607)
Hertford County Inspections (PO Box 424, Winton, NC 27986)
Washington Regional Office

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

STATE STORMWATER MANAGEMENT PERMIT

LOW DENSITY DEVELOPMENT

In accordance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules and Regulations

PERMISSION IS HEREBY GRANTED TO

Aulander Holloman Solar, LLC

Aulander Holloman Collector Substation, Aulander, Hertford County

FOR THE

construction, operation and maintenance of a low density project in compliance with the provisions of 15A NCAC 2H .1000 (hereafter referred to as the "stormwater rules") and the approved stormwater management plans and specifications, and other supporting data as attached and on file with and approved by the Division of Energy, Mineral, and Land Resources (Division) and considered a part of this permit.

The Permit shall be effective from the date of issuance until rescinded and shall be subject to the following specific conditions and limitations:

I. DESIGN STANDARDS

1. This permit covers the construction of up to 24% of build-upon area coverage on this 1208.8 acres tract of land.
2. The overall tract built-upon area percentage for the project must be maintained at or below 24%, as required by Section 2H .1005 of the stormwater rules.
3. Approved plans and specifications for projects covered by this permit are incorporated by reference and are enforceable parts of the permit and shall be kept on file by the permittee at all times.
4. The only runoff conveyance systems allowed will be vegetated conveyances such as swales with minimum side slopes of 3:1 (H:V) as defined in the stormwater rules and approved by the Division.
5. No piping is allowed except that minimum amount necessary to direct runoff beneath an impervious surface such as a road or to provide access.

6. The built-upon areas associated with this project shall be located at least 50 feet landward of all perennial and intermittent streams or other surface waters.

II. SCHEDULE OF COMPLIANCE

1. The permittee is responsible for verifying that the proposed built-upon area does not exceed the allowable built-upon area.
2. The Director may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the Director for modifying the site to meet minimum requirements. The permittee shall provide copies of revised plans and certification in writing to the Director that the changes have been made.
3. This project may not be sold or subdivided in whole or in part without first receiving a permit modification from the Division.
4. Prior to the subdivision and/or sale of this project, in whole or in part, the following deed restrictions must be recorded with the Office of the Register of Deeds:
 - a. The following covenants are intended to ensure ongoing compliance with State Stormwater Management Permit Number SW7160406 MOD, as issued by the Division of Energy, Mineral, and Land Resources under 15A NCAC 2H.1000.
 - b. The State of North Carolina is made a beneficiary of these covenants to the extent necessary to maintain compliance with the Stormwater Management Permit.
 - c. These covenants are to run with the land and be binding on all persons and parties claiming under them.
 - d. The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the State of North Carolina, Division of Energy, Mineral, and Land Resources.
 - e. Alteration of the drainage as shown on the approved plans may not take place without the concurrence of the Division of Energy, Mineral, and Land Resources.
 - f. This project is permitted for a maximum of 24% of built-upon area. Construction of additional built-upon area in excess of this amount will require a permit modification.
 - g. This project may not be sold or subdivided, in whole or in part, without first receiving a permit modification from the Division.
 - h. Construction of additional impervious areas such that low-density requirements are no longer met will require a permit modification prior to construction. An engineered system will be required to collect and treat the runoff from all built-upon area associated with the project, including that area permitted under the low density option.
 - i. Filling in or piping of any vegetative conveyances (ditches, swales, etc.) associated with this development, except for average driveway crossings, is strictly prohibited by any persons.
 - j. The built-upon areas shall be located a minimum of 50 feet landward of all perennial and intermittent surface waters.

5. A copy of the recorded restrictions must be received in this Office within 30 days of the date of sale.
6. Filling in or piping of any vegetative conveyances (ditches, swales, etc.) associated with the permitted development, except for average driveway crossings, is strictly prohibited by any persons.
7. Please pay special attention to the Operation and Maintenance requirements in this permit. Failure to establish an adequate system for operation and maintenance of the stormwater management system will result in future compliance problems.
8. The permittee shall submit to the Director and shall have received approval for revised plans, specifications, and calculations prior to construction, for any modification to the approved plans, including, but not limited to, those listed below:
 - a. Any revision to the approved plans, regardless of size.
 - b. Project name change.
 - c. Transfer of ownership.
 - d. Redesign or addition to the approved amount of built-upon area.
 - e. Further subdivision, acquisition, or sale of the project area in whole or in part. The project area is defined as all property owned by the permittee, for which Sedimentation and Erosion Control Plan approval was sought.
 - f. Filling in, altering or piping any vegetative conveyance shown on the approved plan.
9. Please be aware that it is the responsibility of the permit holder, Aulander Holloman Solar, LLC, to notify the Division of any changes in ownership and request an ownership/name change for the stormwater permit.
10. Swales and other vegetated conveyances shall be constructed in their entirety, vegetated, and be operational for their intended use prior to the construction of any built-upon surface.
11. During construction, erosion shall be kept to a minimum and any eroded areas of the swales or other vegetated conveyances will be repaired immediately.
12. The permittee shall at all times provide the operation and maintenance necessary to operate the permitted stormwater management systems at optimum efficiency to include:
 - a. Inspections
 - b. Sediment removal.
 - c. Mowing, and re-vegetating of the side slopes.
 - d. Immediate repair of eroded areas.
 - e. Maintenance of side slopes in accordance with approved plans and specifications.
13. Within 30 days of completion of the project, the permittee shall certify in writing that the project has been constructed in accordance with the approved plans.

14. The permittee shall submit all information requested by the Director or his representative within the time frame specified in the written information request.

III. GENERAL CONDITIONS

1. This permit is not transferable to any person or entity except after notice to and approval by the Director. The Director may require modification or revocation and re-issuance of the permit to change the name and incorporate such other requirements as may be necessary. In the event of a name or ownership change, a completed Name/Ownership Change form, signed by both parties, must be submitted to the Division accompanied by the supporting documentation as listed on page 2 of the form. The approval of this request will be considered on its merits, and may or may not be approved.
2. The permittee is responsible for compliance with all permit conditions until the Director approves a transfer of ownership. Neither the sale of the project nor the transfer of common areas to a third party, such as a homeowner's association, constitutes an approved transfer of the stormwater permit.
3. Failure to abide by the conditions and limitations contained in this permit may subject the Permittee to an enforcement action by the Division, in accordance with North Carolina General Statutes 143-215.6A to 143-215.6C.
4. The issuance of this permit does not prohibit the Director from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit as allowed by the laws, rules, and regulations contained in Title 15A NCAC 2H.1000 of the North Carolina Administrative Code, Subchapter 2H.1000; and North Carolina General Statute 143-215.1 et. al.
5. In the event that the facilities fail to perform satisfactorily, including the creation of nuisance conditions, the Permittee shall take immediate corrective action, including those as may be required by the Division, such as the construction of additional or replacement stormwater management systems.
6. The permittee grants permission to DEQ Staff to enter the property during normal business hours, for the purpose of inspecting all components of the stormwater management facility.
7. The permit issued shall continue in force and effect until revoked or terminated. The permit may be modified, revoked and reissued or terminated for cause. The filing of a request for a permit modification, revocation and re-issuance, or termination does not stay any permit condition.
8. Unless specified elsewhere, permanent seeding requirements for the swales must follow the guidelines established in the North Carolina Erosion and Sediment Control Planning and Design Manual.
9. Approved plans and specifications for this project are incorporated by reference and are enforceable parts of the permit.

10. The issuance of this permit does not preclude the Permittee from complying with any and all statutes, rules, regulations, or ordinances, which may be imposed by other government agencies (local, state and federal), which have jurisdiction.
11. The permittee shall notify the Division in writing of any name, ownership or mailing address changes at least 30 days prior to making such changes.

Permit issued this the 16th day of February, 2018.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION



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

Permit Number SW7970815MOD

OFFICIAL COPY

Oct 27 2023



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

WILLIAM E. (TOBY) VINSON, JR.
Interim Director

November 26, 2018

**LETTER OF APPROVAL
WITH MODIFICATIONS AND PERFORMANCE RESERVATIONS**

Knee Branch Solar, LLC
Attn: Mr. Kenny Habul, Manager
192 Raceway Drive
Mooresville, NC 28117-6509

RE: Erosion and Sedimentation Control Plan No. Hertf-2019-003
Project Name: Knee Branch Solar Farm
Location: NC 42 County: Hertford
River Basin: Chowan
Date Received by LQS: November 7, 2018
Acres Approved: 326.5 Project Type: New
Project Description: Grading plan associated with the construction of a solar farm, as received by this office on November 7, 2018.

Dear Sir:

This office has reviewed the subject erosion and sedimentation control plan. We find the plan to be acceptable and hereby issue this Letter of Approval. (NOTE: Attached is a list of modifications and performance reservations for conducting this land disturbing activity) This plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, as required by 15A NCAC 4B.0129, unless modified by other legislation.

Please be advised that 15A NCAC 4B.0118(a) requires that a copy of the approved erosion and sedimentation control plan be on file at the job site. Also, you should consider this letter as giving 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 Program is performance oriented, requiring protection of existing natural resources and adjoining properties through the use of reasonable and appropriate Best Management Practices throughout the course of the project. If, following the commencement of this project, it is determined that the erosion and sedimentation control plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (G.S. 113A-51 through 66), this office may require revisions to the plan and implementation of the revisions to ensure compliance with the Act.



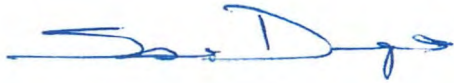
Knee Branch Solar, LLC
Attn: Mr. Kenny Habul, Manager
November 26, 2018
Page | 2

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/Ownership Form, which you have submitted. You are required to file an amended form if there is any change in the information included on the form. NOTE: Neither this approval nor the financial responsibility/liability cited in it automatically transfer with a change in project ownership. In addition, 15A NCAC 4B.0127(c) requires that you notify this office of the proposed starting date for this project (using the enclosed Project Information Sheet). Please notify us if you plan to have a preconstruction conference.

Please be aware that your project will be covered by the enclosed NPDES General Stormwater Permit NCG010000 (Construction Activities). You should first become familiar with all of the requirements for compliance with the enclosed permit.

Sincerely,



Samir Dumpor
Regional Engineer

Enclosures

cc w/o enc: Mike Morway, PE, Albemarle & Associates, Ltd.(email)
Jeffrey McDermott, SunEnergy1 (email)
WaRO Division of Water Resources

OFFICIAL COPY

Oct 27 2023

1. The developer is responsible for the control of sediment on-site. If the approved erosion and sedimentation control measures prove insufficient, the developer must take those additional steps necessary to stop sediment from leaving this site (NCGS 113A-57(3)). Each sediment storage device must be inspected after each storm event (NCGS 113A-54.1(e)). Maintenance and/or clean out is necessary anytime the device is at 50% capacity. All sediment storage measures will remain on site and functional until all grading and final landscaping of the project is complete (15A NCAC 04B .0113).
2. All existing ditches on this project site are assumed to be left undisturbed by the proposed development unless otherwise noted. The removal of vegetation within any existing ditch or channel is prohibited unless the ditch or channel is to be regarded with side slopes of 2 horizontal to 1 vertical or less steep (15A NCAC 04B .0124 (d)). Bank slopes may be mowed, but stripping of vegetation is considered new earth work and is subject to the same erosion control requirements as new ditches (NCGS 113A-52(6)).
3. The developer is responsible for obtaining all permits and approvals necessary for the development of this project prior to the commencement of this land disturbing activity. This could include our agency's Stormwater regulations and the Division of Water Resources' enforcement requirements within Section 401 of the Clean Water Act, the U.S. Army Corps of Engineers' jurisdiction of Section 404 of the Clean Water Act, the Division of Coastal Management's CAMA requirements, the Division of Solid Waste Management's landfill regulations, the Environmental Protection Agency and/or The U.S. Army Corps of Engineers jurisdiction of the Clean Water Act, local County or Municipalities' ordinances, or others that may be required. This approval cannot supersede any other permit or approval.
4. Adequate and appropriate measures must be properly installed downstream, within the limits of disturbance, of any land disturbing activity to prevent sediment from leaving the limits of disturbance, entering existing drainage systems, impacting an on-site natural watercourse or adjoining property. (NCGS 113A-57)

Knee Branch Solar, LLC
Attn: Mr. Kenny Habul, Manager
November 26, 2018
Page | 4

PROJECT INFORMATION SHEET

APPROVAL DATE: November 26, 2018

RESPONSIBLE PARTY: Knee Branch Solar, LLC

PROJECT NAME: Knee Branch Solar Farm

COUNTY: Hertford NO.: Hertf-2019-003

OFF-SITE BORROW
AND/OR DISPOSAL SITE: NO.:

START-UP DATE: _____

CONTRACTOR: _____

ON-SITE CONTACT: _____

ON-SITE PHONE NO.: _____

OFFICE PHONE NO.: _____

**COMPLETE & RETURN THIS FORM
PRIOR TO THE START OF CONSTRUCTION TO:**

**N.C.D.E.N.R.
LAND QUALITY SECTION
ATTN: *James Edwards*
943 WASHINGTON SQUARE MALL
WASHINGTON, NORTH CAROLINA 27889
james.edwards@ncdenr.gov**

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
BRIAN WRENN
Acting Director



February 14, 2020

LETTER OF APPROVAL WITH MODIFICATIONS

Aulander Holloman Solar, LLC
Attn: Mr. Kenny Habul, Manager
192 Raceway Drive
Mooresville, NC 28117

RE: Project Name: Aulander Holloman Phase 3
Project ID: Hertf-2020-005
County: Hertford
City: Ahoskie
Address: 111 E. Brick Mill Rd.
River Basin: Chowan
Date Received by LQS: January 22, 2020
Submitted By: Albemarle & Associates, LTD
Plan Type: New

Acres Approved: 48.0

Dear Sir,

This office has reviewed the subject erosion and sedimentation control plan. We find the plan to be acceptable and hereby issue this Letter of Approval. 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 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 \$100 annual permit fee. After the fee is received, you will receive the COC via email. You MUST obtain the COC prior to commencement of any land disturbing activity. The eNOI form may be accessed at deq.nc.gov/NCG01. Please direct questions about the eNOI form to Annette Lucas at Annette.lucas@ncdenr.gov or Paul Clark at Paul.clark@ncdenr.gov. If the owner/operator of this project changes in the future, the new responsible party is required to apply for his/her own COC.

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



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

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 30 days.

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 insure 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, which you provided. You are requested to file an amended form if there is any change in the information included on the form. In addition, it would be helpful if you notify this office of the proposed starting date for this project. Please notify us if you plan to have a preconstruction conference.

Sincerely,

A handwritten signature in blue ink, appearing to read "Samir Dumpor", followed by the letters "PE" and a small flourish.

Samir Dumpor
Regional Engineer

cc w/o enc: Jeff McDermott, SunEnergy1, LLC (email)
Michael J. Morway, PE, Albemarle & Associates, LTD (email)
WaRO Division of Water Resources (email)

1. The developer is responsible for the control of sediment on-site. If the approved erosion and sedimentation control measures prove insufficient, the developer must take those additional steps necessary to stop sediment from leaving this site (NCGS 113A-57(3)). Each sediment storage device must be inspected after each storm event (NCGS 113A-54.1(e)). Maintenance and/or clean out is necessary anytime the device is at 50% capacity. All sediment storage measures will remain on site and functional until all grading and final landscaping of the project is complete (15A NCAC 04B .0113).
2. The developer is responsible for obtaining all permits and approvals necessary for the development of this project prior to the commencement of this land disturbing activity. This could include our agency's Stormwater regulations and the Division of Water Resources' enforcement requirements within Section 401 of the Clean Water Act, the U.S. Army Corps of Engineers' jurisdiction of Section 404 of the Clean Water Act, the Division of Coastal Management's CAMA requirements, the Division of Solid Waste Management's landfill regulations, the Environmental Protection Agency and/or The U.S. Army Corps of Engineers jurisdiction of the Clean Water Act, local County or Municipalities' ordinances, or others that may be required. This approval cannot supersede any other permit or approval.
3. Adequate and appropriate measures must be properly installed downstream, within the limits of disturbance, of any land disturbing activity to prevent sediment from leaving the limits of disturbance, entering existing drainage systems, impacting an on-site natural watercourse or adjoining property. (NCGS 113A-57)

PROJECT INFORMATION SHEET

APPROVAL DATE: February 14, 2020

RESPONSIBLE PARTY: Aulander Holloman Solar, LLC

PROJECT NAME: Aulander Holloman Phase 3

COUNTY: Hertford NO.: Hertf-2020-005

OFF-SITE BORROW
AND/OR DISPOSAL SITE: _____ NO.: _____

START-UP DATE: _____

CONTRACTOR: _____

ON-SITE CONTACT: _____

ON-SITE PHONE NO.: _____

OFFICE PHONE NO.: _____

**COMPLETE & RETURN THIS FORM
PRIOR TO THE START OF CONSTRUCTION TO:**

**N.C.D.E.Q.
LAND QUALITY SECTION
ATTN: *James Edwards*
943 WASHINGTON SQUARE MALL
WASHINGTON, NORTH CAROLINA 27889
james.edwards@ncdenr.gov**



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

WILLIAM E. (TOBY) VINSON, JR.
Interim Director

November 1, 2018

Aulander Holloman Solar, LLC
Attn: Kenny Habul - Agent
192 Raceway Drive
Mooresville, NC 28117

**Subject: Stormwater Permit No. SW7181011
Aulander Holloman Phase II Solar Farm
Low Density Stormwater Project
Hertford County**

Dear Kenny Habul:

The Washington Regional Office received a complete Stormwater Management Permit Application for the Aulander Holloman Phase II Solar Farm project on October 31, 2018. Staff review of the plans and specifications has determined that the project, as proposed, will comply with the Stormwater Regulations set forth in Title 15A NCAC 2H.1000. We are forwarding Permit No. SW7181011 dated November 1, 2018 for the construction of the subject project.

This permit shall be effective from the date of issuance until rescinded and shall be subject to the conditions and limitations as specified therein, and does not supercede any other agency permit that may be required. Please pay special attention to the conditions listed in this permit regarding the Operation and Maintenance of the SCM(s), recordation of deed restrictions, certification of the SCM's, procedures for changing ownership, and transferring the permit. Failure to establish an adequate system for operation and maintenance of the stormwater management system, to record deed restrictions, to certify the SCM's, to transfer the permit, or to renew the permit, will result in future compliance problems.

If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing upon written request within thirty (30) days following receipt of this permit. This request must be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714. Unless such demands are made this permit shall be final and binding.

Please contact me at (252) 946-6481 if you have any questions.

Sincerely,

William Carl Dunn, PE
Environmental Engineer

cc: Michael Morway, PE – Albemarle & Associates, Ltd (PO Box 3983, Kill Devil Hills, NC 27948)
Hertford County Inspections (PO Box 424, Winton, NC 27986)
Washington Regional Office



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

STATE STORMWATER MANAGEMENT PERMIT

LOW DENSITY DEVELOPMENT

In accordance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules and Regulations

PERMISSION IS HEREBY GRANTED TO

Aulander Holloman Solar. LLC

Aulander Holloman Phase II Solar Farm

NC Hwy 42, Ahoskie, Hertford County

FOR THE

construction, operation and maintenance of a low density project in compliance with the provisions of Session Law 2008-211 and Title 15A NCAC 2H .1000 (hereafter referred to as the "stormwater rules") and the approved stormwater management plans and specifications, and other supporting data as attached and on file with and approved by the Division of Energy, Mineral, and Land Resources (Division) and considered a part of this permit.

The Permit shall be effective from the date of issuance until rescinded and shall be subject to the following specific conditions and limitations:

I. DESIGN STANDARDS

1. This permit covers the construction of up to 24% of build-upon area coverage on this 463.7 acres tract of land.
2. The overall tract built-upon area percentage for the project must be maintained at or below 24%, as required by Section 2H .1005 of the stormwater rules.
3. Approved plans and specifications for projects covered by this permit are incorporated by reference and are enforceable parts of the permit and shall be kept on file by the permittee at all times.



4. The only runoff conveyance systems allowed will be vegetated conveyances such as swales with minimum side slopes of 3:1 (H:V) as defined in the stormwater rules and approved by the Division.
5. No piping is allowed except that minimum amount necessary to direct runoff beneath an impervious surface such as a road or to provide access.
6. The built-upon areas associated with this project shall be located at least 50 feet landward of all perennial and intermittent streams or other surface waters.

II. SCHEDULE OF COMPLIANCE

1. The permittee is responsible for verifying that the proposed built-upon area does not exceed the allowable built-upon area.
2. The Director may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the Director for modifying the site to meet minimum requirements. The permittee shall provide copies of revised plans and certification in writing to the Director that the changes have been made.
3. This project may not be sold or subdivided in whole or in part without first receiving a permit modification from the Division.
4. Prior to the subdivision and/or sale of this project, in whole or in part, the following deed restrictions must be recorded with the Office of the Register of Deeds:
 - a. The following covenants are intended to ensure ongoing compliance with State Stormwater Management Permit Number SW7181011, as issued by the Division of Energy, Mineral, and Land Resources under 15A NCAC 2H.1000.
 - b. The State of North Carolina is made a beneficiary of these covenants to the extent necessary to maintain compliance with the Stormwater Management Permit.
 - c. These covenants are to run with the land and be binding on all persons and parties claiming under them.
 - d. The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the State of North Carolina, Division of Energy, Mineral, and Land Resources.
 - e. Alteration of the drainage as shown on the approved plans may not take place without the concurrence of the Division of Energy, Mineral, and Land Resources.
 - f. This project is permitted for a maximum of 24% of built-upon area. Construction of additional built-upon area in excess of this amount will require a permit modification.
 - g. This project may not be sold or subdivided, in whole or in part, without first receiving a permit modification from the Division.
 - h. Construction of additional impervious areas such that low-density requirements are no longer met will require a permit modification prior to construction. An engineered system will be required to collect and treat the runoff from all built-



- upon area associated with the project, including that area permitted under the low density option.
- i. Filling in or piping of any vegetative conveyances (ditches, swales, etc.) associated with this development, except for average driveway crossings, is strictly prohibited by any persons.
 - j. The built-upon areas shall be located a minimum of 50 feet landward of all perennial and intermittent surface waters.
5. A copy of the recorded restrictions must be received in this Office within 30 days of the date of sale.
 6. Filling in or piping of any vegetative conveyances (ditches, swales, etc.) associated with the permitted development, except for average driveway crossings, is strictly prohibited by any persons.
 7. Please pay special attention to the Operation and Maintenance requirements in this permit. Failure to establish an adequate system for operation and maintenance of the stormwater management system will result in future compliance problems.
 8. The permittee shall submit to the Director and shall have received approval for revised plans, specifications, and calculations prior to construction, for any modification to the approved plans, including, but not limited to, those listed below:
 - a. Any revision to the approved plans, regardless of size.
 - b. Project name change.
 - c. Transfer of ownership.
 - d. Redesign or addition to the approved amount of built-upon area.
 - e. Further subdivision, acquisition, or sale of the project area in whole or in part. The project area is defined as all property owned by the permittee, for which Sedimentation and Erosion Control Plan approval was sought.
 - f. Filling in, altering or piping any vegetative conveyance shown on the approved plan.
 9. Please be aware that it is the responsibility of the permit holder, to notify the Division of any changes in ownership and request an ownership/name change for the stormwater permit.
 10. Swales and other vegetated conveyances shall be constructed in their entirety, vegetated, and be operational for their intended use prior to the construction of any built-upon surface.
 11. During construction, erosion shall be kept to a minimum and any eroded areas of the swales or other vegetated conveyances will be repaired immediately.
 12. The permittee shall at all times provide the operation and maintenance necessary to operate the permitted stormwater management systems at optimum efficiency to include:
 - a. Inspections
 - b. Sediment removal.



- c. Mowing, and re-vegetating of the side slopes.
- d. Immediate repair of eroded areas.
- e. Maintenance of side slopes in accordance with approved plans and specifications.

- 13. Within 30 days of completion of the project, the permittee shall certify in writing that the project has been constructed in accordance with the approved plans.
- 14. The permittee shall submit all information requested by the Director or his representative within the time frame specified in the written information request.

III. GENERAL CONDITIONS

- 1. This permit is not transferable to any person or entity except after notice to and approval by the Director. The Director may require modification or revocation and re-issuance of the permit to change the name and incorporate such other requirements as may be necessary. In the event of a name or ownership change, a completed Name/Ownership Change form, signed by both parties, must be submitted to the Division accompanied by the supporting documentation as listed on page 2 of the form. The approval of this request will be considered on its merits, and may or may not be approved.
- 2. The permittee is responsible for compliance with all permit conditions until the Director approves a transfer of ownership. Neither the sale of the project nor the transfer of common areas to a third party, such as a homeowner's association, constitutes an approved transfer of the stormwater permit.
- 3. Failure to abide by the conditions and limitations contained in this permit may subject the Permittee to an enforcement action by the Division, in accordance with North Carolina General Statutes 143-215.6A to 143-215.6C.
- 4. The issuance of this permit does not prohibit the Director from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit as allowed by the laws, rules, and regulations contained in Title 15A NCAC 2H.1000 of the North Carolina Administrative Code, Subchapter 2H.1000; and North Carolina General Statute 143-215.1 et. al.
- 5. In the event that the facilities fail to perform satisfactorily, including the creation of nuisance conditions, the Permittee shall take immediate corrective action, including those as may be required by the Division, such as the construction of additional or replacement stormwater management systems.
- 6. The permittee grants permission to DEQ Staff to enter the property during normal business hours, for the purpose of inspecting all components of the stormwater management facility.
- 7. The permit issued shall continue in force and effect until revoked or terminated. The permit may be modified, revoked and reissued or terminated for cause. The filing of a request for a permit modification, revocation and re-issuance, or termination does not stay any permit condition.



8. Unless specified elsewhere, permanent seeding requirements for the swales must follow the guidelines established in the North Carolina Erosion and Sediment Control Planning and Design Manual.
9. Approved plans and specifications for this project are incorporated by reference and are enforceable parts of the permit.
10. The issuance of this permit does not preclude the Permittee from complying with any and all statutes, rules, regulations, or ordinances, which may be imposed by other government agencies (local, state and federal), which have jurisdiction.
11. The permittee shall notify the Division in writing of any name, ownership or mailing address changes at least 30 days prior to making such changes

Permit issued this the 1st day of November, 2018.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION



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

Stormwater Permit No. SW7181011





CPCN APPLICATION SCHEDULE 5
SP-5259 SUB 0

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
LINDA CULPEPPER
Interim Director

OFFICIAL COPY

Oct 27 2023

June 25, 2018

DWR # 18-0456
HERTFORD County

SunEnergy1, LLC
Attn: Mr. Jeff McDermott
192 Raceway Drive
Mooresville, NC 28117

**Subject: AFTER-THE-FACT APPROVAL OF 401 WATER QUALITY CERTIFICATION WITH
ADDITIONAL CONDITIONS
AULANDER HOLLOMAN SOLAR LLC**

Dear Mr. McDermott:

You have our approval for the impacts listed below for the purpose described in your application dated March 27, 2018 and received by the Division of Water Resources (Division) on March 27, 2018 with subsequent information received on June 7, 2018. These impacts are covered by the attached Water Quality General Certification Number 4133 and the conditions listed below. This certification is associated with the use of Nationwide Permit Number 12 once it is issued to you by the U.S. Army Corps of Engineers. Please note that you should get any other federal, state or local permits before proceeding with your project, including those required by (but not limited to) Sediment and Erosion Control, Non-Discharge, and Water Supply Watershed regulations.

This approval requires you to follow the conditions listed in the enclosed certification(s) or general permit and the following additional conditions:

1. The following impacts are hereby approved provided that all of the other specific and general conditions of the Certification are met. No other impacts are approved, including incidental impacts. [15A NCAC 02B .0506(b)(c)]

Type of Impact	Amount Approved (units) Permanent	Amount Approved (units) Temporary	Plan location/ Reference Attached
Wetlands			
W1 (Permanent Vegetation Conversion)	2.81 (acres)	0 (acres)	SURVEY FOR: AULANDER HOLLOMAN SOLAR, LLC
W12 (Fill for Access Road)	0.02 (acres)	0 (acres)	Drawing Nos. EX-02A/ EX-02B
W13 (Fill for Monopole)	0 (acres)	0 (acres)	
W14 (Fill from 14 existing poles and trenching)	0.09 (acres)	0 (acres)	

W15 (Fill for Access Road)	0.14 (acres)	0 (acres)	Drawing Nos. EX-02A/ EX-02B
W16 (Fill for Monopole)	0 (acres)	0 (acres)	
TW-1 (Construction Buffer)	0 (acres)	0.15 (acres)	
TW-2 (Construction Buffer)	0 (acres)	0.03 (acres)	
TW-3 (Construction Buffer)	0 (acres)	0.01 (acres)	
TW-2 (Construction Buffer)	0 (acres)	0.04 (acres)	
Stream			
S-1 (Stream Impact #3 – Road Crossing)	28 (linear feet)	36 (linear feet)	Sheet Nos. EX2.0, EX2.1
S-2 (Stream Impact #11 – Road Crossing)	28 (linear feet)	56 (linear feet)	Sheet Nos. EX3.0, EX3.1

2. This approval is for the purpose and design described in your application. The plans and specifications for this project are incorporated by reference as part of the Certification. If you change your project, you must notify the Division and you may be required to submit a new application package with the appropriate fee. If the property is sold, the new owner must be given a copy of this approval letter and General Certification and is responsible for complying with all conditions. [15A NCAC 02B .0507(d)(2)]

3. Compensatory Mitigation Using a Mitigation Bank

Mitigation must be provided for the proposed impacts as specified in the table below. The Division has received an acceptance letter from The Great Dismal Swamp Restoration Bank Timberlake Farm to meet this mitigation requirement. Until The Great Dismal Swamp Restoration Bank Timberlake Farm receives and clears your payment, and proof of payment has been provided to this Office, no impacts specified in this Authorization Certificate shall occur. For accounting purposes, this Authorization Certificate authorizes payment to The Great Dismal Swamp Restoration Bank Timberlake Farm to meet the following compensatory mitigation requirement [15A NCAC 02H .0506 (b)(6)]:

	Compensatory Mitigation Required	River and Sub- basin Number
Wetlands	3.06 (acres)	CHOWAN 03010203

4. Water Quality Certification

The proposed project must comply with all the conditions of the General Water Quality Certification(s) 4133. [15A NCAC 02B .0507(c)]

5. Construction Plans

Any final construction plans for this project must include or reference the application and plans approved by the Division under this authorization letter and certification. The applicant will also be required to evaluate all acquired permits to assure that they are consistent and all relative impacts are accounted for and shown on the construction plans. [15A NCAC 02H .0502 (b) and 15A NCAC 02H .0506 (4)]

6. Notification of Construction

The Washington Regional Office shall be notified in writing once construction at the approved impact areas has commenced. [15A NCAC 02H .0507 (c) and 15A NCAC 02H .0502 (e)]

7. This approval and their conditions are final and binding unless contested. [G.S. 143-215.5]

8. This approval is for the purpose and design described in your application. The plans and specifications for this project are incorporated by reference as part of the Certification. If you change your project, you must notify the Division and you may be required to submit a new application package with the appropriate fee. If the property is sold, the new owner must be given a copy of this approval letter and General Certification and is responsible for complying with all conditions. [15A NCAC 02B .0507(d)(2)]

These Certifications can be contested as provided in Articles 3 and 4 of General Statute 150B by filing a written petition for an administrative hearing to the Office of Administrative Hearings (hereby known as OAH). A petition form may be obtained from the OAH at <http://www.ncoah.com/> or by calling the OAH Clerk's Office at (919) 431-3000 for information.

Within **sixty (60) calendar days** of receipt of this notice, a petition must be filed with the OAH. A petition is considered filed when the original and one (1) copy along with any applicable OAH filing fee is received in the OAH during normal office hours (Monday through Friday between 8:00am and 5:00pm, excluding official state holidays).

The petition may be faxed to the OAH at (919) 431-3100, provided the original and one copy of the petition along with any applicable OAH filing fee is received by the OAH within five (5) business days following the faxed transmission.

Mailing address for the OAH:

If sending via US Postal Service:

If sending via delivery service (UPS, FedEx, etc.):

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714

Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, NC 27609-6285

One (1) copy of the petition must also be served to DEQ:

William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601

This letter completes the review of the Division under section 401 of the Clean Water Rules. Please contact Anthony Scarbraugh at 252-948-3924 or anthony.scarbraugh@ncdenr.gov if you have any questions or concerns.

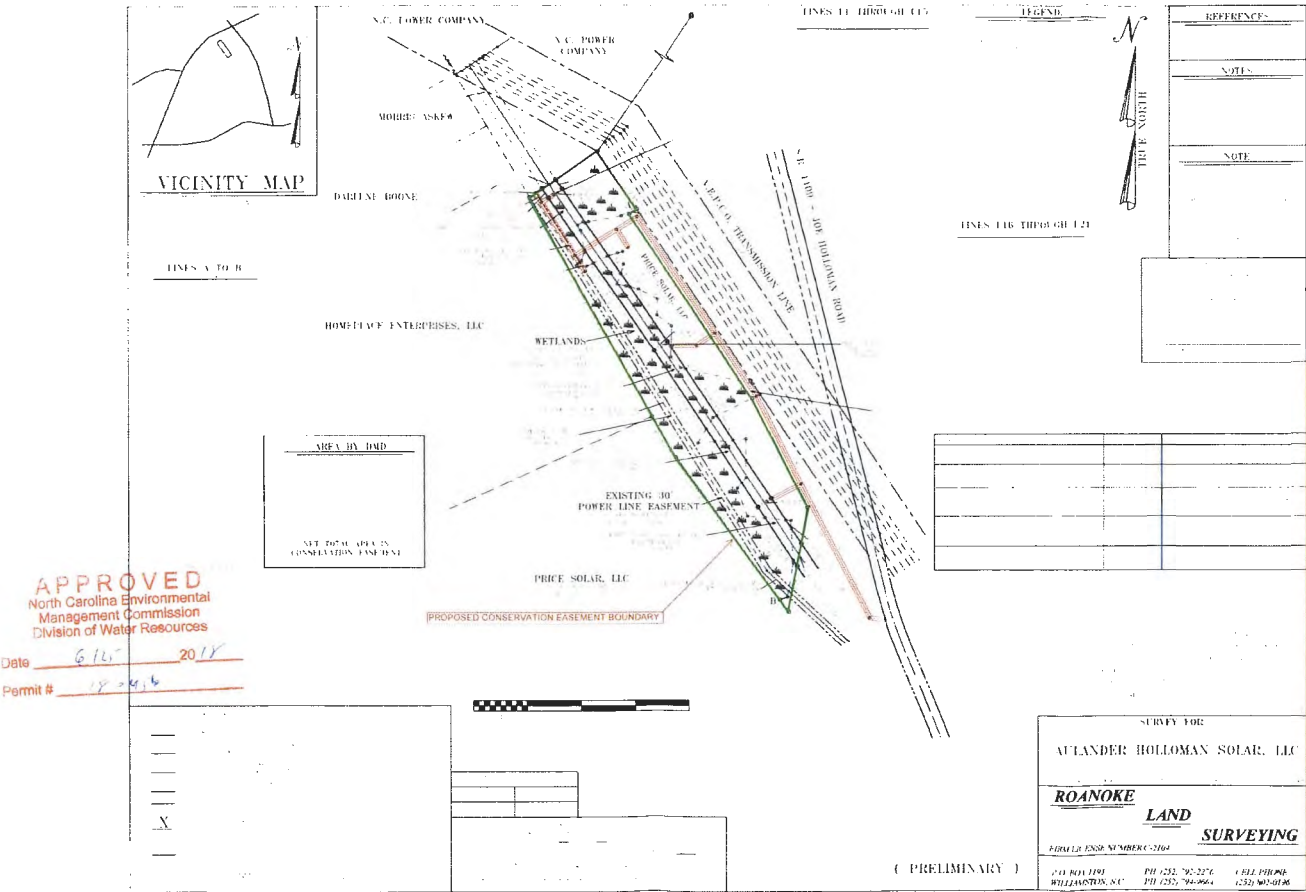
Sincerely,

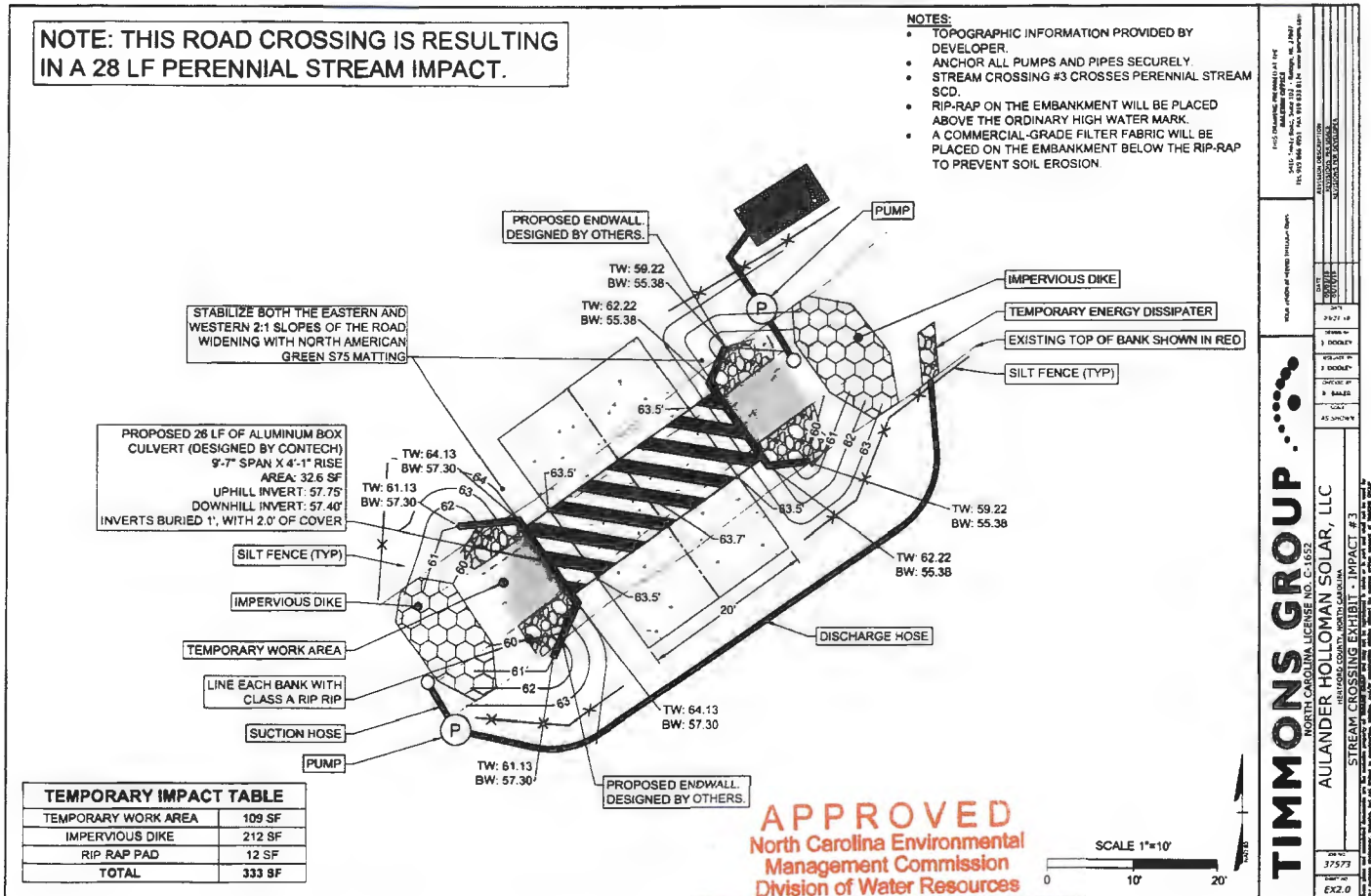


Robert Tankard, Assistant Regional Supervisor
Water Quality Regional Operations Section
Division of Water Resources, NCDEQ

Enclosures: GC 4133
Certification of Completion

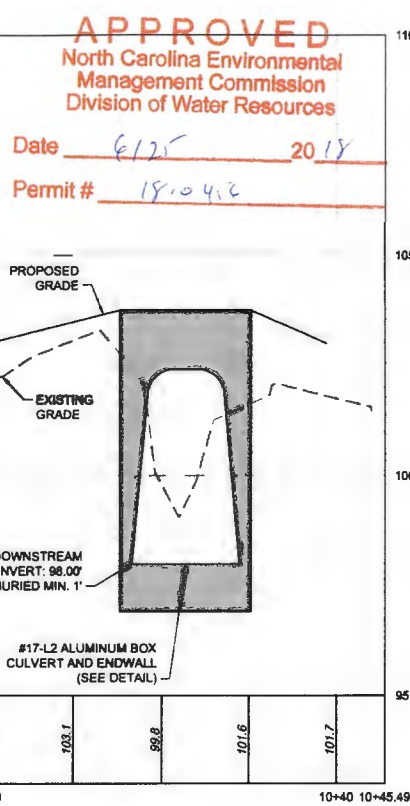
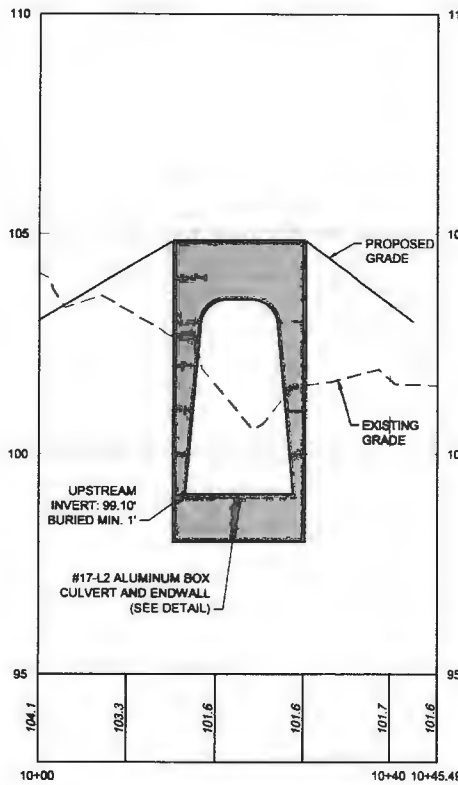
cc: Kyle Barnes, USACE Washington Regulatory Field Office (via email)
Samir Dumpor, DEMLR WaRO
Shelton Sullivan, 401 & Buffer Permitting Branch (via email)
DWR WaRO 401 files
Laserfiche
Matt Ingalls, Hart & Hickman, (via email: mingalls@harthickman.com)





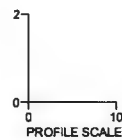
Date 6/25 2018
Permit # 18047C

NOTE: THIS ROAD CROSSING IS RESULTING
IN A 28 LF PERENNIAL STREAM IMPACT.



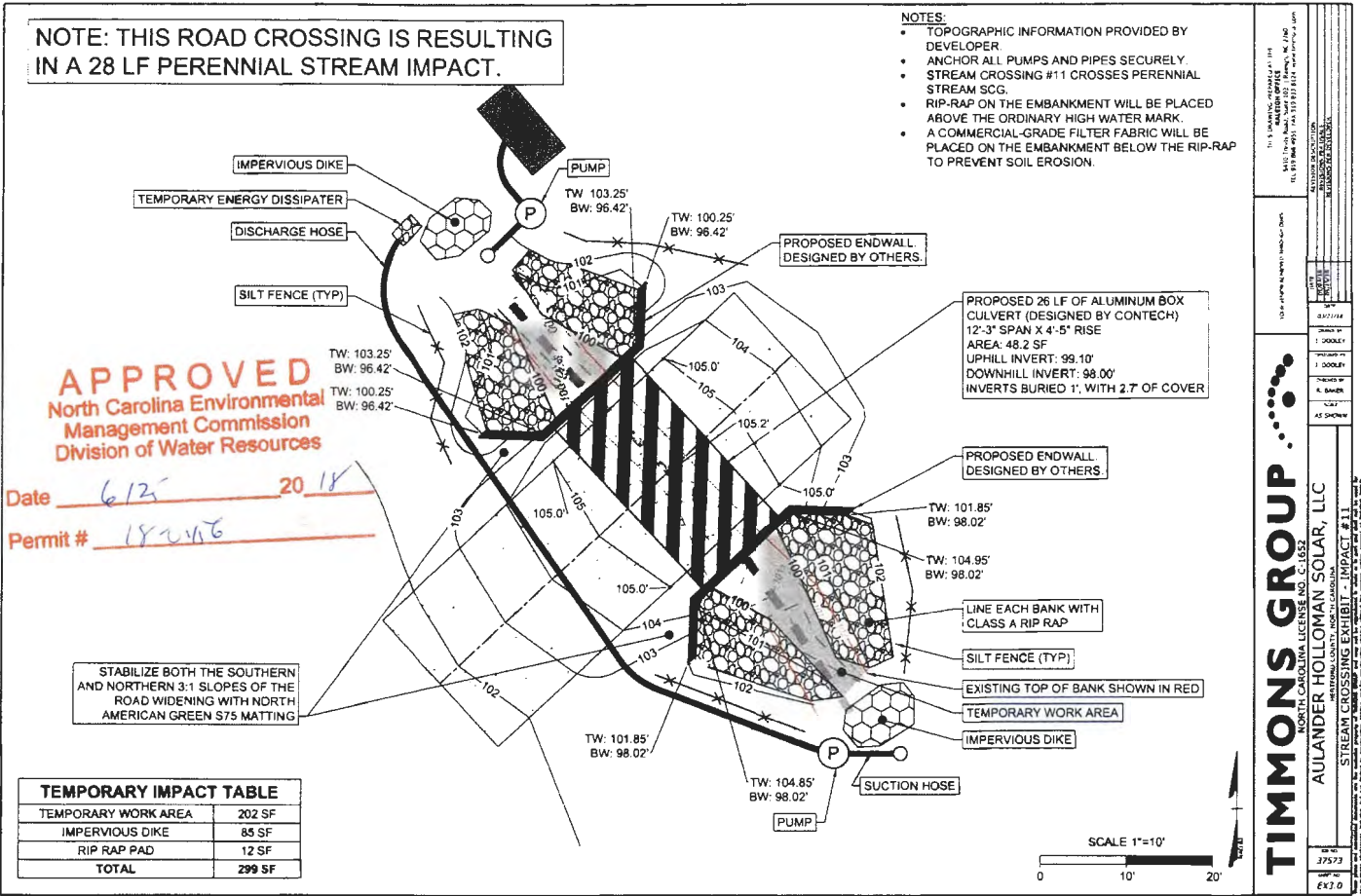
- NOTES:
- TOPOGRAPHIC INFORMATION PROVIDED BY DEVELOPER.
 - ANCHOR ALL PUMPS AND PIPES SECURELY.
 - STREAM CROSSING #11 CROSSES PERENNIAL STREAM SCG.
 - RIP-RAP ON THE EMBANKMENT WILL BE PLACED ABOVE THE ORDINARY HIGH WATER MARK.
 - A COMMERCIAL-GRADE FILTER FABRIC WILL BE PLACED ON THE EMBANKMENT BELOW THE RIP-RAP TO PREVENT SOIL EROSION.

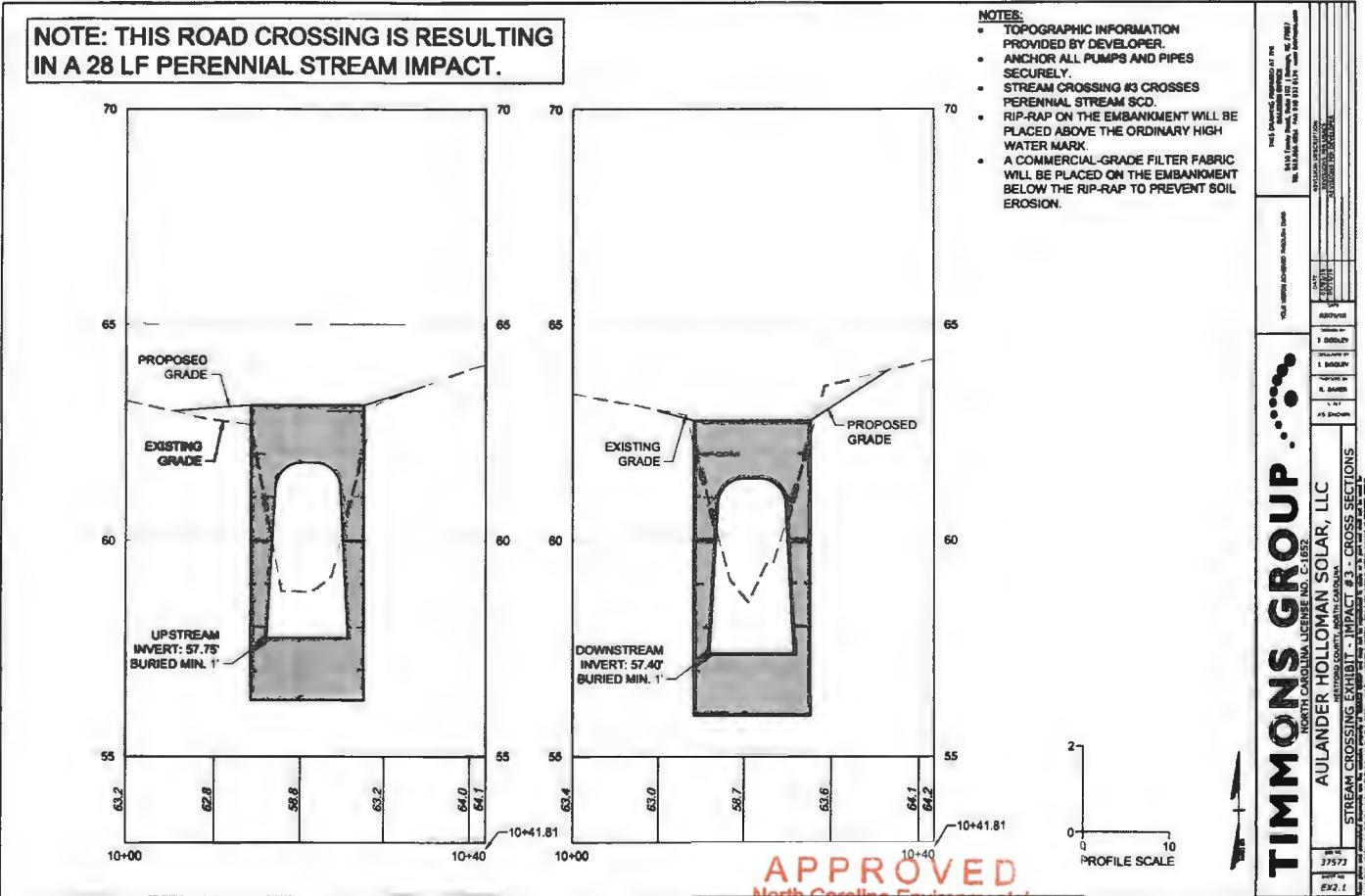
APPROVED
North Carolina Environmental
Management Commission
Division of Water Resources
Date 6/25 2018
Permit # 18-042



TIMMONS GROUP
NORTH CAROLINA LICENSE NO. C-1652
AULANDER HOLLOMAN SOLAR, LLC
NATIONAL COUNTY NORTH CAROLINA
STREAM CROSSING EXHIBIT - IMPACT #11 - CROSS SECTIONS

PROJECT NO.	37573
DATE	EXC.1
DESIGNED BY	
CHECKED BY	
APPROVED BY	
DATE	
PROJECT NO.	37573
DATE	EXC.1
DESIGNED BY	
CHECKED BY	
APPROVED BY	
DATE	





**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER RESOURCES**

WATER QUALITY GENERAL CERTIFICATION NO. 4133

GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR US ARMY CORPS OF ENGINEERS

- **NATIONWIDE PERMIT 12 (UTILITY LINE ACTIVITIES)**

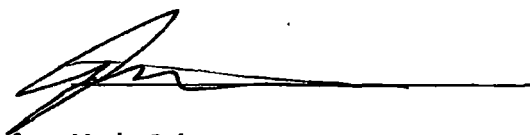
Water Quality Certification Number 4133 is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Regulations in 15A NCAC 02H .0500 and 15A NCAC 02B .0200 for the discharge of fill material to surface waters and wetland areas as described in 33 CFR 330 Appendix A (B) (12) of the US Army Corps of Engineers regulations.

The State of North Carolina certifies that the specified category of activity will not violate applicable portions of Sections 301, 302, 303, 306 and 307 of the Public Laws 92-500 and 95-217 if conducted in accordance with the conditions hereinafter set forth.

Effective date: December 1, 2017

Signed this day: December 1, 2017

By



for Linda Culpepper
Interim Director

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Activities meeting any one (1) of the following thresholds or circumstances require written approval for a 401 Water Quality Certification from the Division of Water Resources (DWR):

- a) If any of the Conditions of this Certification (listed below) cannot be met; or
- b) Total permanent impacts to wetlands or open waters equal to or greater than one-tenth (1/10) acre within the entire utility project; or
- c) Any permanent impacts to streams; or
- d) Total temporary impacts to streams greater than 500 feet within the entire utility project; or
- e) Any stream relocation or stream restoration; or
- f) Any high-density utility line and associated facilities project, as defined in 15A NCAC 02H .1003(2)(a) and by the density thresholds specified in 15A NCAC 02H .1017, which:
 - i. Disturbs one acre or more of land (including a project that disturbs less than one acre of land that is part of a larger common plan of development or sale); and
 - ii. Has permanent wetland, stream or open water impacts; and
 - iii. Is proposing new built-upon area; and
 - iv. Does not have a stormwater management plan reviewed and approved under a state stormwater program¹ or a state-approved local government stormwater program².

Projects that have vested rights, exemptions, or grandfathering from state or locally-implemented stormwater programs and projects that satisfy state or locally-implemented stormwater programs through use of community in-lieu programs require **written approval**; or

- g) Any permanent impacts to waters, or to wetlands adjacent to waters, designated as: ORW (including SAV), HQW (including PNA), SA, WS-I, WS-II, Trout, or North Carolina or National Wild and Scenic River; or
- h) Any permanent impacts to coastal wetlands [15A NCAC 07H .0205], or Unique Wetlands (UWL); or
- i) Any impact associated with a Notice of Violation or an enforcement action for violation(s) of NC Wetland Rules (15A NCAC 02H .0500), NC Isolated Wetland Rules (15A NCAC 02H .1300), NC Surface Water or Wetland Standards (15A NCAC 02B .0200), or State Regulated Riparian Buffer Rules (15A NCAC 02B .0200); or
- j) Any impacts to subject water bodies and/or state regulated riparian buffers along subject water bodies in the Neuse, Tar-Pamlico, or Catawba River Basins or in the Randleman Lake, Jordan Lake or Goose Creek Watersheds (or any other basin or watershed with State Regulated Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) *unless*:
 - i. The activities are listed as "EXEMPT" from these rules; or
 - ii. A Buffer Authorization Certificate is issued by the NC Division of Coastal Management (DCM); or

¹ e.g. Coastal Counties, HQW, ORW, or state-implemented Phase II NPDES

² e.g. Delegated Phase II NPDES, Water Supply Watershed, Nutrient-Sensitive Waters, or Universal Stormwater Management Program

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- iii. A Buffer Authorization Certificate or a Minor Variance is issued by a delegated or designated local government implementing a state riparian buffer program pursuant to 143-215.23.

Activities included in this General Certification that do not meet one of the thresholds listed above do not require written approval.

I. ACTIVITY SPECIFIC CONDITIONS:

1. All sewer lines shall be designed, constructed and maintained in accordance with Title 15A NCAC Chapter 02T.
2. Any utility construction corridor that is parallel to a stream or open water shall not be closer than 10 feet to the top of bank or ordinary high-water mark. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0506 (b)(4) and (c)(4)]
3. Where there are temporary or permanent impacts from stream crossings, utility lines shall cross the stream channel at a near-perpendicular direction (i.e., between 75 degrees and 105 degrees to the stream bank). Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0506 (b)(2) and (c)(2)]
4. Construction corridors in wetlands and across stream channels shall be minimized to the maximum extent practicable and shall not exceed 50 feet wide for gas utility lines and 40 feet wide for all other utility lines. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0506 (b)(2) and (c)(2)]

For construction corridors in wetlands and across stream channels, stumps shall be grubbed only as needed to install the utility and remaining stumps shall be cut off at grade level. The general stripping of topsoil within wetlands along the construction corridor is not permitted.

5. Permanent maintained access corridors in wetlands and across stream channels shall be restricted to the minimum width practicable and shall not exceed 30 feet wide for gas utility lines and 20 feet wide for all other utility lines except at manhole locations. 15-foot by 15-foot perpendicular vehicle turnarounds shall be allowed in access corridors but must be spaced at least 500 feet apart. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0506 (b)(2) and (c)(2)]
6. For all utility lines constructed within wetlands, an anti-seep collar shall be placed at the downstream (utility line gradient) wetland boundary and every 150 feet up the gradient until the utility exits the wetland. Anti-seep collars may be constructed with class B concrete, compacted clay, PVC pipe, or metal collars. Wetland crossings that are directionally drilled, and perpendicular wetland crossings that are open cut and less than 150 feet long do not require anti-seep collars. The compacted clay shall have a specific

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infiltration of 1×10^{-5} cm/sec or less. A section and plan view diagram is attached for the anti-seep collars. [15A NCAC 02H .0506 (b)(4) and (c)(4)]

The following specifications shall apply to class B concrete:

- a. Minimum cement content, sacks per cubic yard with rounded coarse aggregate 5.0
 - b. Minimum cement content, sacks per cubic yard with angular coarse aggregate 5.5
 - c. Maximum water-cement ratio gallons per sack 6.8
 - d. Slump range 2" to 4"
 - e. Minimum strength - 28-day psi 2,500
7. The applicant shall have a specific plan for restoring wetland contours. Any excess material will be removed to a high ground disposal area. [15A NCAC 02H .0506 (b)(2) and (c)(2)]

The mixing of topsoil and subsoils within the wetlands along utility corridors shall be minimized to the greatest extent practical. During excavation, the soils shall be placed on fabric to minimize impacts whenever possible. Topsoil excavated from utility trenches will be piled separately from subsoils and will be backfilled into the trench only after the subsoils have been placed and compacted.

8. For the North Carolina Department of Transportation, compliance with the NCDOT's individual NPDES permit NCS000250 shall serve to satisfy this condition. All other high-density utility line and associated facilities projects that trigger threshold Item (f) above shall comply with one of the following requirements: [15A NCAC 02H .0506(b)(5) and (c)(5)]
- a. Provide a completed Stormwater Management Plan (SMP) for review and approval, including all appropriate stormwater control measure (SCM) supplemental forms and associated items, that complies with the high-density development requirements of 15A NCAC 02H .1003. Stormwater management shall be provided throughout the entire project area in accordance with 15A NCAC 02H .1003. For the purposes of 15A NCAC 02H .1003(2)(a), density thresholds shall be determined in accordance with 15A NCAC 02H .1017.
 - b. Provide documentation (including calculations, photos, etc.) that the project will not cause degradation of downstream surface waters. Documentation shall include a detailed analysis of the hydrological impacts from stormwater runoff when considering the volume and velocity of stormwater runoff from the project built upon area and the size and existing condition of the receiving stream(s).

Exceptions to this condition require application to and written approval from DWR.

II. GENERAL CONDITIONS:

1. When written authorization is required, the plans and specifications for the project are incorporated into the authorization by reference and are an enforceable part of the Certification. Any modifications to the project require notification to DWR and may require an application submittal to DWR with the appropriate fee. [15A NCAC 02H .0501 and .0502]

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2. No waste, spoil, solids, or fill of any kind shall occur in wetlands or waters beyond the footprint of the impacts (including temporary impacts) as authorized in the written approval from DWR; or beyond the thresholds established for use of this Certification without written authorization. [15A NCAC 02H .0501 and .0502]

No removal of vegetation or other impacts of any kind shall occur to state regulated riparian buffers beyond the footprint of impacts approved in a Buffer Authorization or Variance or as listed as an exempt activity in the applicable riparian buffer rules. [15A NCAC 02B .0200]

3. In accordance with 15A NCAC 02H .0506(h) and Session Law 2017-10, compensatory mitigation may be required for losses of greater than 300 linear feet of perennial streams and/or greater than one (1) acre of wetlands. Impacts associated with the removal of a dam shall not require mitigation when the removal complies with the requirements of Part 3 of Article 21 in Chapter 143 of the North Carolina General Statutes. Impacts to isolated and other non-404 jurisdictional wetlands shall not be combined with 404 jurisdictional wetlands for the purpose of determining when impact thresholds trigger a mitigation requirement. For linear publicly owned and maintained transportation projects that are not determined to be part of a larger common plan of development by the US Army Corps of Engineers, compensatory mitigation may be required for losses of greater than 300 linear feet per perennial stream.

Compensatory stream and/or wetland mitigation shall be proposed and completed in compliance with G.S. 143-214.11. For applicants proposing to conduct mitigation within a project site, a complete mitigation proposal developed in accordance with the most recent guidance issued by the US Army Corps of Engineers Wilmington District shall be submitted for review and approval with the application for impacts.

4. All activities shall be in compliance with any applicable State Regulated Riparian Buffer Rules in Chapter 2 of Title 15A.
5. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973). Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur. [15A NCAC 02H .0506 (b)(3) and (c)(3) and 15A NCAC 02B .0200]

Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*, or for linear transportation projects, the *NCDOT Sediment and Erosion Control Manual*.

All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.

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For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.

If the project occurs in waters or watersheds classified as Primary Nursery Areas (PNAs), SA, WS-I, WS-II, High Quality Waters (HQW), or Outstanding Resource Waters (ORW), then the sedimentation and erosion control designs shall comply with the requirements set forth in 15A NCAC 04B .0124, *Design Standards in Sensitive Watersheds*.

6. Sediment and erosion control measures shall not be placed in wetlands or waters except within the footprint of temporary or permanent impacts authorized under this Certification. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0501 and .0502]
 7. Erosion control matting that incorporates plastic mesh and/or plastic twine shall not be used along streambanks or within wetlands. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02B .0201]
 8. An NPDES Construction Stormwater Permit (NCG010000) is required for construction projects that disturb one (1) or more acres of land. The NCG010000 Permit allows stormwater to be discharged during land disturbing construction activities as stipulated in the conditions of the permit. If the project is covered by this permit, full compliance with permit conditions including the erosion & sedimentation control plan, inspections and maintenance, self-monitoring, record keeping and reporting requirements is required. [15A NCAC 02H .0506(b)(5) and (c)(5)]
- The North Carolina Department of Transportation (NCDOT) shall be required to be in full compliance with the conditions related to construction activities within the most recent version of their individual NPDES (NCS000250) stormwater permit. [15A NCAC 02H .0506(b)(5) and (c)(5)]
9. All work in or adjacent to streams shall be conducted so that the flowing stream does not come in contact with the disturbed area. Approved best management practices from the most current version of the *NC Sediment and Erosion Control Manual*, or the *NC DOT Construction and Maintenance Activities Manual*, such as sandbags, rock berms, cofferdams, and other diversion structures shall be used to minimize excavation in flowing water. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0506(b)(3) and (c)(3)]
 10. If activities must occur during periods of high biological activity (e.g. sea turtle nesting, fish spawning, or bird nesting), then biological monitoring may be required at the request of other state or federal agencies and coordinated with these activities. [15A NCAC 02H .0506 (b)(2) and 15A NCAC 04B .0125]

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All moratoriums on construction activities established by the NC Wildlife Resources Commission (WRC), US Fish and Wildlife Service (USFWS), NC Division of Marine Fisheries (DMF), or National Marine Fisheries Service (NMFS) shall be implemented. Exceptions to this condition require written approval by the resource agency responsible for the given moratorium. A copy of the approval from the resource agency shall be forwarded to DWR.

Work within a designated trout watershed of North Carolina (as identified by the Wilmington District of the US Army Corps of Engineers), or identified state or federal endangered or threatened species habitat, shall be coordinated with the appropriate WRC, USFWS, NMFS, and/or DMF personnel.

11. Culverts shall be designed and installed in such a manner that the original stream profiles are not altered and allow for aquatic life movement during low flows. The dimension, pattern, and profile of the stream above and below a pipe or culvert shall not be modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity. The width, height, and gradient of a proposed culvert shall be such as to pass the average historical low flow and spring flow without adversely altering flow velocity. [15A NCAC 02H .0506(b)(2) and (c)(2)]

Placement of culverts and other structures in streams shall be below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20% of the culvert diameter for culverts having a diameter less than or equal to 48 inches, to allow low flow passage of water and aquatic life.

If multiple pipes or barrels are required, they shall be designed to mimic the existing stream cross section as closely as possible including pipes or barrels at flood plain elevation and/or sills where appropriate. Widening the stream channel shall be avoided.

When topographic constraints indicate culvert slopes of greater than 5%, culvert burial is not required, provided that all alternative options for flattening the slope have been investigated and aquatic life movement/connectivity has been provided when possible (e.g. rock ladders, cross vanes, etc.). Notification, including supporting documentation to include a location map of the culvert, culvert profile drawings, and slope calculations, shall be provided to DWR 60 calendar days prior to the installation of the culvert.

When bedrock is present in culvert locations, culvert burial is not required provided that there is sufficient documentation of the presence of bedrock. Notification, including supporting documentation such as a location map of the culvert, geotechnical reports, photographs, etc. shall be provided to DWR a minimum of 60 calendar days prior to the installation of the culvert. If bedrock is discovered during construction, then DWR shall be notified by phone or email within 24 hours of discovery.

If other site-specific topographic constraints preclude the ability to bury the culverts as described above and/or it can be demonstrated that burying the culvert would result in destabilization of the channel, then exceptions to this condition require application to and written approval from DWR.

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Installation of culverts in wetlands shall ensure continuity of water movement and be designed to adequately accommodate high water or flood conditions. When roadways, causeways, or other fill projects are constructed across FEMA-designated floodways or wetlands, openings such as culverts or bridges shall be provided to maintain the natural hydrology of the system as well as prevent constriction of the floodway that may result in destabilization of streams or wetlands.

The establishment of native woody vegetation and other soft stream bank stabilization techniques shall be used where practicable instead of rip-rap or other bank hardening methods.

12. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means to the maximum extent practicable (e.g. grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0506(b)(5)]
13. Application of fertilizer to establish planted/seeded vegetation within disturbed riparian areas and/or wetlands shall be conducted at agronomic rates and shall comply with all other Federal, State and Local regulations. Fertilizer application shall be accomplished in a manner that minimizes the risk of contact between the fertilizer and surface waters. [15A NCAC 02B .0200 and 15A NCAC 02B .0231]
14. If concrete is used during construction, then all necessary measures shall be taken to prevent direct contact between uncured or curing concrete and waters of the state. Water that inadvertently contacts uncured concrete shall not be discharged to waters of the state. [15A NCAC 02B .0200]
15. All proposed and approved temporary fill and culverts shall be removed and the impacted area shall be returned to natural conditions within 60 calendar days after the temporary impact is no longer necessary. The impacted areas shall be restored to original grade, including each stream's original cross sectional dimensions, planform pattern, and longitudinal bed profile. For projects that receive written approval, no temporary impacts are allowed beyond those included in the application and authorization. All temporarily impacted sites shall be restored and stabilized with native vegetation. [15A NCAC 02H .0506(b)(2) and (c)(2)]
16. All proposed and approved temporary pipes/culverts/rip-rap pads etc. in streams shall be installed as outlined in the most recent edition of the *North Carolina Sediment and Erosion Control Planning and Design Manual* or the *North Carolina Surface Mining Manual* or the *North Carolina Department of Transportation Best Management Practices for Construction and Maintenance Activities* so as not to restrict stream flow or cause dis-equilibrium during use of this Certification. [15A NCAC 02H .0506(b)(2) and (c)(2)]

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17. Any rip-rap required for proper culvert placement, stream stabilization, or restoration of temporarily disturbed areas shall be restricted to the area directly impacted by the approved construction activity. All rip-rap shall be placed such that the original stream elevation and streambank contours are restored and maintained. Placement of rip-rap or other approved materials shall not result in de-stabilization of the stream bed or banks upstream or downstream of the area or in a manner that precludes aquatic life passage. [15A NCAC 02H .0506(b)(2)]
18. Any rip-rap used for stream or shoreline stabilization shall be of a size and density to prevent movement by wave, current action, or stream flows and shall consist of clean rock or masonry material free of debris or toxic pollutants. Rip-rap shall not be installed in the streambed except in specific areas required for velocity control and to ensure structural integrity of bank stabilization measures. [15A NCAC 02H .0506(b)(2)]
19. Applications for rip-rap groins proposed in accordance with 15A NCAC 07H .1401 (NC Division of Coastal Management General Permit for construction of Wooden and Rip-rap Groins in Estuarine and Public Trust Waters) shall meet all the specific conditions for design and construction specified in 15A NCAC 07H .1405.
20. All mechanized equipment operated near surface waters shall be inspected and maintained regularly to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids, or other toxic materials. Construction shall be staged in order to minimize the exposure of equipment to surface waters to the maximum extent practicable. Fueling, lubrication and general equipment maintenance shall be performed in a manner to prevent, to the maximum extent practicable, contamination of surface waters by fuels and oils. [15A NCAC 02H .0506(b)(3) and (c)(3) and 15A NCAC 02B .0211 (12)]
21. Heavy equipment working in wetlands shall be placed on mats or other measures shall be taken to minimize soil disturbance. [15A NCAC 02H .0506(b)(3) and (c)(3)]
22. In accordance with 143-215.85(b), the applicant shall report any petroleum spill of 25 gallons or more; any spill regardless of amount that causes a sheen on surface waters; any petroleum spill regardless of amount occurring within 100 feet of surface waters; and any petroleum spill less than 25 gallons that cannot be cleaned up within 24 hours.
23. If an environmental document is required under the State Environmental Policy Act (SEPA), then this General Certification is not valid until a Finding of No Significant Impact (FONSI) or Record of Decision (ROD) is issued by the State Clearinghouse. If an environmental document is required under the National Environmental Policy Act (NEPA), then this General Certification is not valid until a Categorical Exclusion, the Final Environmental Assessment, or Final Environmental Impact Statement is published by the lead agency. [15A NCAC 01C .0107(a)]

GC4133

24. This General Certification does not relieve the applicant of the responsibility to obtain all other required Federal, State, or Local approvals before proceeding with the project, including those required by, but not limited to, Sediment and Erosion Control, Non-Discharge, Water Supply Watershed, and Trout Buffer regulations.
25. The applicant and their authorized agents shall conduct all activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act), and any other appropriate requirements of State and Federal Law. If DWR determines that such standards or laws are not being met, including failure to sustain a designated or achieved use, or that State or Federal law is being violated, or that further conditions are necessary to assure compliance, then DWR may revoke or modify a written authorization associated with this General Water Quality Certification. [15A NCAC 02H .0507(d)]
26. The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this Certification. A copy of this Certification, including all conditions shall be available at the project site during the construction and maintenance of this project. [15A NCAC 02H .0507 (c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
27. When written authorization is required for use of this Certification, upon completion of all permitted impacts included within the approval and any subsequent modifications, the applicant shall be required to return a certificate of completion (available on the DWR website: <https://edocs.deq.nc.gov/Forms/Certificate-of-Completion>). [15A NCAC 02H .0502(f)]
28. Additional site-specific conditions, including monitoring and/or modeling requirements, may be added to the written approval letter for projects proposed under this Water Quality Certification in order to ensure compliance with all applicable water quality and effluent standards. [15A NCAC 02H .0507(c)]
29. If the property or project is sold or transferred, the new permittee shall be given a copy of this Certification (and written authorization if applicable) and is responsible for complying with all conditions. [15A NCAC 02H .0501 and .0502]

III. GENERAL CERTIFICATION ADMINISTRATION:

1. In accordance with North Carolina General Statute 143-215.3D(e), written approval for a 401 Water Quality General Certification must include the appropriate fee. An applicant for a CAMA permit under Article 7 of Chapter 113A of the General Statutes for which a Water Quality Certification is required shall only make one payment to satisfy both agencies; the fee shall be as established by the Secretary in accordance with 143-215.3D(e)(7).

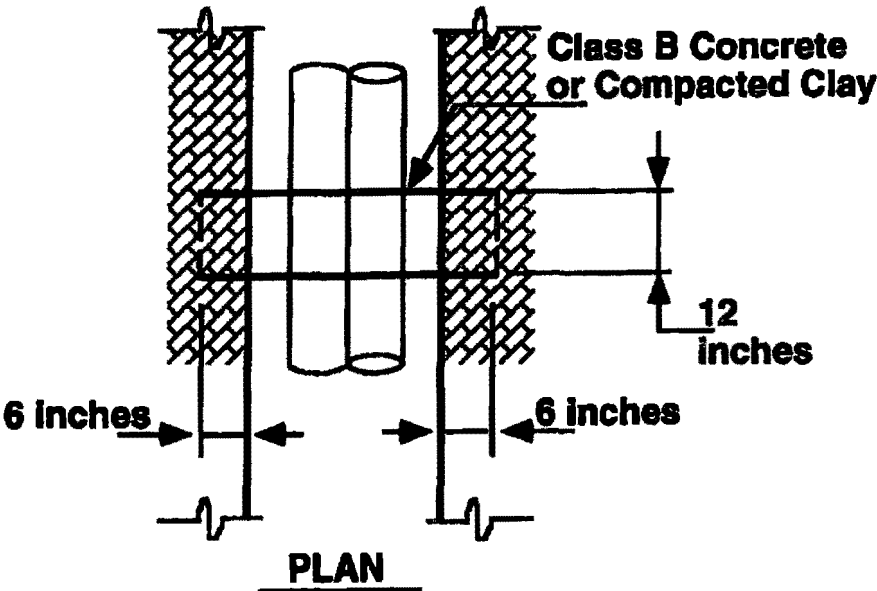
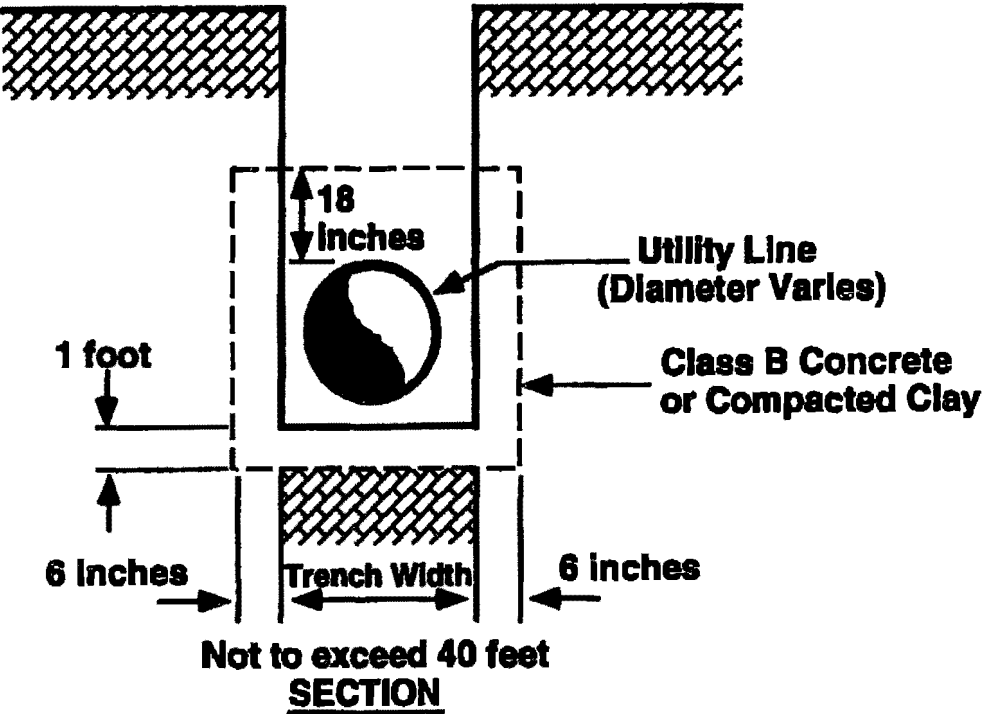
GC4133

2. This Certification neither grants nor affirms any property right, license, or privilege in any waters, or any right of use in any waters. This Certification does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person and this Certification does not create any prescriptive right or any right of priority regarding any usage of water. This Certification shall not be interposed as a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this Certification to possess any prescriptive or other right of priority with respect to any other consumptive user regardless of the quantity of the withdrawal or the date on which the withdrawal was initiated or expanded.
3. This Certification grants permission to the Director, an authorized representative of the Director, or DWR staff, upon the presentation of proper credentials, to enter the property during normal business hours. [15A NCAC 02H .0502(e)]
4. This General Certification shall expire on the same day as the expiration date of the corresponding Nationwide Permit and/or Regional General Permit. The conditions in effect on the date of issuance of Certification for a specific project shall remain in effect for the life of the project, regardless of the expiration date of this Certification. This General Certification is rescinded when the US Army Corps of Engineers reauthorizes any of the corresponding Nationwide Permits and/or Regional General Permits or when deemed appropriate by the Director of the Division of Water Resources.
5. Non-compliance with or violation of the conditions herein set forth by a specific project may result in revocation of this General Certification for the project and may also result in criminal and/or civil penalties.
6. The Director of the North Carolina Division of Water Resources may require submission of a formal application for Individual Certification for any project in this category of activity if it is deemed in the public's best interest or determined that the project is likely to have a significant adverse effect upon water quality, including state or federally listed endangered or threatened aquatic species, or degrade the waters so that existing uses of the water or downstream waters are precluded.

History Note: Water Quality Certification (WQC) Number 4133 issued December 1, 2017 replaces WQC 4086 issued March 3, 2017; WQC 3884 issued March 19, 2012; WQC Number 3819 issued March 19, 2010; WQC Number 3699 issued November 1, 2007; WQC Number 3625 issued March 19, 2007; WQC Number 3374 issued March 18, 2002; WQC Number 3288 issued June 1, 2000; WQC Number 3101 issued February 11, 1997; WQC Number 3022 issued September 6, 1995, WQC Number 2664 issued January 21, 1992.

GC4133

ANTI-SEEP COLLAR





ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
S. JAY ZIMMERMAN
Director

DWQ Project No.: _____ County: _____

Applicant: _____

Project Name: _____

Date of Issuance of Wetland Permit: _____

Upon completion of all work approved within the **401 Water Quality Certification and/or Buffer Rules**, and any subsequent modifications, the applicant is required to return this certificate to the 401 & Buffer Permitting Unit, North Carolina Division of Water Resources, 1617 Mail Service Center, Raleigh, NC, 27699-1617. This form may be returned to DWR by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.

Applicant's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the **401 Water Quality Certification and/or Buffer Rules**, the approved plans and specifications, and other supporting materials.

Signature: _____ Date: _____

Agent's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the **401 Water Quality Certification and /or Buffer Rules**, the approved plans and specifications, and other supporting materials.

Signature: _____ Date: _____

If this project was designed by a Certified Professional

I, _____, as a duly registered Professional _____ (i.e., Engineer, Landscape Architect, Surveyor, etc.) in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project, for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the **401 Water Quality Certification and/or Buffer Rules**, the approved plans and specifications, and other supporting materials.

Signature: _____ Registration No. _____ Date _____





Hertford County
P.O. Box 424
Winton, North Carolina 27986
Phone: 252-358-7814
Fax: 252-358-1241

Building Permit

OFFICIAL COPY

Oct 27 2023

Permit Number: P18-420	Project Address: 208 Joe Holloman Rd Aulander, NC 27805	Issue Date: 08/20/2018
Property Owner: Price Solar, LLC 192 Raceway Dr Mooresville, NC 28117	Contractor: SunEnergy 1, LLC 192 Raceway Dr Mooresville, NC 28117	

Work Description: Control House

Special Conditions: Separate permits are required for HVAC, electrical, plumbing, and Signs. This permit becomes null and void if work or authorized construction is not commenced within 6 months, or if work is suspended or abandoned for a period of 12 months at any time after work has commenced.

I hereby certify that I have read and examined this permit and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of this permit does not presume to give authority to violate or cancel the provisions of any state or local law regulating construction or the performance of construction.

Permit Fee: \$ 1360.00

Paid: \$ 1360.00

Receipt Number: Check #20442

Date: 08/20/2018

Print Name: Cody Lannise

Sign Name: Cody Lannise

Building Official: Robert Mizelle

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:
Holloman Lessee LLC
Docket No. ER18-2178-000

September 18, 2018

Akin Gump Strauss Hauer & Feld LLP
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

Attention: George D. Cannon, Jr.

Reference: Market-Based Rate Authorization

Dear Mr. Cannon:

On August 7, 2018, you filed on behalf of Holloman Lessee LLC (Holloman Lessee) an application for market-based rate authority with an accompanying tariff. The proposed market-based rate tariff provides for the sale of energy, capacity, and ancillary services at market-based rates.¹ You request on behalf of Holloman Lessee waivers commonly granted to similar market-based rate applicants. Holloman Lessee's market-based rate tariff is accepted for filing, effective October 7, 2018, as requested.² Based on

¹ Holloman Lessee requests authorization to sell ancillary services in all of the regional transmission organization or independent system operator markets for which the Commission has approved sales of specific ancillary services. Holloman Lessee also requests authorization to engage in the sale of certain ancillary services as a third-party provider in other markets.

² Holloman Lessee LLC, FERC FPA Electric Tariff, Market-Based Rate Tariff of Holloman Lessee LLC; Market-Based Rate Tariff, Initial Market-Based Rate Tariff of Holloman Lessee LLC, 1.0.0 A. The next time Holloman Lessee makes a market-based rate filing with the Commission, it must include a revised tariff in compliance with Order Nos. 697 and 697-A to include appropriate citations. *See Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 697, FERC Stats. & Regs. ¶ 31,252, at P 916 (2007), *order on reh'g*, Order

Docket No. ER18-2178-000

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your representations, Holloman Lessee meets the criteria for a Category 1 seller in all regions and is so designated.³

Your filing was noticed on August 7, 2018, with comments, protests or interventions due on or before August 28, 2018. None was filed.

Market-Based Rate Authorization

The Commission allows power sales at market-based rates if the seller and its affiliates do not have, or have adequately mitigated, horizontal and vertical market power.⁴

You state that Holloman Lessee was formed for the purpose of leasing an eighty (80) megawatt (MW) solar photovoltaic facility located in Hertford County, North Carolina. You represent that Holloman Lessee is owned and controlled by Holloman Manager LLC. You state that Holloman Manager LLC is a wholly-owned subsidiary of SEI Generation 1, LLC. You submit a market power analyses for the PJM Interconnection, L.L.C. (PJM) market and the 5004/5005, PJM East, and AP South submarkets which you represent demonstrates that Holloman Lessee passes both the pivotal supplier and wholesale market share screens in those markets.⁵ Based on your representations, Holloman Lessee satisfies the Commission's requirements for market-based rate authority regarding horizontal market power.⁶

No. 697-A, FERC Stats. & Regs. ¶ 31,268, at P 384 (2008). *See also Niagara Mohawk Power Corporation*, 121 FERC ¶ 61,275 (2007) at P 8.

³ *See Refinements to Policies and Procedures for Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 816, FERC Stats. & Regs. ¶ 31,374, at P 320 (2015). Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 848-850.

⁴ Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 62, 399, 408, 440.

⁵ Your study of the PJM market and the 5004/5005, PJM East, and AP South submarkets relies on the Exelon Corporation's market power analysis, which has been accepted by the Commission. *See Atlantic City Electric Company*, Docket No. ER10-2997-005 (August 1, 2017) (delegated order).

⁶ We note that Holloman Lessee is not being granted authority to make third-party sales of operating reserves to a public utility that is purchasing ancillary services to satisfy its own open access transmission tariff requirements to offer ancillary services to its own customers. If Holloman Lessee seeks such authority, it must make the required showing and receive Commission authorization prior to making such sales. *See Third-*

Docket No. ER18-2178-000

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With respect to vertical market power, you represent that Holloman Lessee and its affiliates either do not own, operate, or control any transmission facilities; or own, operate, or control transmission facilities that: (a) have a Commission-approved Open Access Transmission Tariff (OATT) on file; (b) are under the operational control of a regional transmission organization or an independent system operator; (c) have received waiver of the OATT requirement under 18 C.F.R. § 35.28(d)(1); or (d) satisfy the requirements for a blanket waiver under 18 C.F.R. § 35.28(d)(2).⁷ Further, you affirmatively state that Holloman Lessee and its affiliates have not erected barriers to entry and will not erect barriers to entry into the relevant market. Based on your representations, Holloman Lessee satisfies the Commission's requirements for market-based rate authority regarding vertical market power.

Waivers, Authorizations, and Reporting Requirements

Holloman Lessee's request for waiver of Subparts B and C of Part 35 of the Commission's regulations requiring the filing of cost-of-service information, except for sections 35.12(a), 35.13(b), 35.15 and 35.16 is granted. Holloman Lessee's request for waiver of Part 41 and Part 141 of the Commission's regulations concerning accounting and reporting requirements is granted with the exception of 18 C.F.R. §§ 141.14 and 141.15.⁸ Holloman Lessee's request for waiver of Part 101 of the Commission's regulations is hereby granted, with the exception that waiver of the provisions of Part 101 that apply to hydropower licensees is not granted with respect to licensed hydropower projects.⁹ Notwithstanding the waiver of the accounting and reporting requirements here,

Party Provision of Ancillary Services; Accounting and Financial Reporting for New Electric Storage Technologies, Order No. 784, FERC Stats. & Regs. ¶ 31,349, at PP 200-202 (2013), *order on clarification*, Order No. 784-A, 146 FERC ¶ 61,114 (2014).

⁷ See *Open Access and Priority Rights on Interconnection Customer's Interconnection Facilities*, Order No. 807, FERC Stats. & Regs. ¶ 31,367, *order on reh'g*, Order No. 807-A, 153 FERC ¶ 61,047 (2015).

⁸ See Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 984-985.

⁹ Hydropower licensees are required to comply with the requirements of the Uniform System of Accounts pursuant to 18 CFR Part 101 to the extent necessary to carry out their responsibilities under Part I of the Federal Power Act (FPA). We further note that a licensee's status as a market-based rate seller under Part II of the FPA does not exempt it from its accounting responsibilities as a licensee under Part I of the FPA. See Order No. 816, FERC Stats. & Regs. ¶ 31,374 at PP 345-350; *Seneca Gen., LLC*, 145 FERC ¶ 61,096, at P 23, n.20 (2013) (citing *Trafalgar Power, Inc.*, 87 FERC ¶ 61,207, at 61,798 (1999) (noting that "all licensees are required to comply with the requirements of the Uniform System of Accounts to the extent necessary to carry out their responsibilities

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Holloman Lessee is expected to keep its accounting records in accordance with generally accepted accounting principles.

Holloman Lessee requests blanket authorization under Part 34 of the Commission's regulations for all future issuances of securities and assumptions of liability. A separate notice was published in the Federal Register establishing a period during which protests could be filed. None was filed. Holloman Lessee is authorized to issue securities and assume obligations or liabilities as guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of Holloman Lessee, compatible with the public interest, and reasonably necessary or appropriate for such purposes.¹⁰

Holloman Lessee must file Electric Quarterly Reports (EQR) with the Commission, consistent with Order Nos. 2001¹¹ and 768.¹² Holloman Lessee must file EQRs electronically with the Commission consistent with the procedures set forth in Order No. 770.¹³ Holloman Lessee further must timely report to the Commission any change in status that would reflect a departure from the characteristics the Commission relied upon in granting market-based rate authority.¹⁴

under [s]ections 4(b), 10(d) and 14 of the FPA”).

¹⁰ See Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 999-1000.

¹¹ *Revised Public Utility Filing Requirements*, Order No. 2001, FERC Stats. & Regs. ¶ 31,127, *reh'g denied*, Order No. 2001-A, 100 FERC ¶ 61,074, *reh'g denied*, Order No. 2001-B, 100 FERC ¶ 61,342, *order directing filing*, Order No. 2001-C, 101 FERC ¶ 61,314 (2002), *order directing filing*, Order No. 2001-D, 102 FERC ¶ 61,334, *order refining filing requirements*, Order No. 2001-E, 105 FERC ¶ 61,352 (2003), *order on clarification*, Order No. 2001-F, 106 FERC ¶ 61,060 (2004), *order revising filing requirements*, Order No. 2001-G, 120 FERC ¶ 61,270, *order on reh'g and clarification*, Order No. 2001-H, 121 FERC ¶ 61,289 (2007), *order revising filing requirements*, Order No. 2001-I, FERC Stats. & Regs. ¶ 31,282 (2008).

¹² *Elec. Mkt. Transparency Provisions of Section 220 of the Fed. Power Act*, Order No. 768, FERC Stats. & Regs. ¶ 31,336 (2012), *order on reh'g*, Order No. 768-A, 143 FERC ¶ 61,054 (2013).

¹³ See *Revisions to Electric Quarterly Report Filing Process*, Order No. 770, FERC Stats. & Regs. ¶ 31,338, at P 3 (2012) (citing Order No. 2001, FERC Stats. & Regs. ¶ 31,127 at P 31).

¹⁴ 18 C.F.R. § 35.42 (2017); see also *Reporting Requirement for Changes in Status*

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This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against any of the applicant(s).

This action is taken pursuant to the authority delegated to the Director, Division of Electric Power Regulation - West, under 18 C.F.R. § 375.307. This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R § 385.713.

Sincerely,



Steve P. Rodgers, Director
Division of Electric Power
Regulation - West

for Public Utilities with Market-Based Rate Authority, Order No. 652, FERC Stats. & Regs. ¶ 31,175, *order on reh'g*, 111 FERC ¶ 61,413 (2005).

ER18-2178-000.DOCX.....1-5



HERTFORD COUNTY CERTIFICATE OF ZONING COMPLIANCE

CPCN APPLICATION SCHEDULE 5

SP 5259 SUB 0

Fee: \$50.00

115 Justice Drive, Suite 2, Winton NC 27986

Telephone (252)-358-7801 Fax (252) 358-0198

Valid for 12 months from the date of issue

Payable to:

Hertford County Planning

Name of Applicant: Aulander Holloman Solar, LLC

Mailing Address: 192 Raceway Drive Mooresville, NC 28117

Telephone Numbers: Work 704-662-0375

Home n/a

Cell n/a

Property Owner's Name Price Solar, LLC

Mailing Address 192 Raceway Drive, Mooresville NC 28117

Telephone Numbers: Work 704-662-0375

Home n/a

Property Location Address 115-135-145-219 & 235 Joe Holloman Rd Aulander, NC 27805 & 114-126 & 146 W Brickmill Rd Aulander, NC 27805

Property Identification No. 5961-95-6848

Subdivision:

Lot #

If other than single-family residential, a scale plan of the proposed building must be attached as a part of this application.

*Please choose ONE of the following reasons for applying for a Zoning Permit.

- | | |
|---|--|
| <input type="checkbox"/> Replacing a Mobile Home | <input type="checkbox"/> Placement of a Modular Home on a Vacant Lot |
| <input type="checkbox"/> Placement of a Mobile Home on a Vacant Lot | <input type="checkbox"/> Addition to an Existing Dwelling |
| <input type="checkbox"/> Placement of a Stick Built Home | <input type="checkbox"/> Workshop/Shed, What Size? |
| <input type="checkbox"/> Replacing a Modular Home | <input checked="" type="checkbox"/> Other - Please Specify Below |

Are there other buildings present on the parcel? ☐ Yes ☒ No If yes, Please describe below:

Description of new structure, including use: This zoning permit seeks the authorization to construct a solar photovoltaic electricity generating facility on the site, including all solar facility component and accessories.

Building size: n/a

Placement of Structure:

Number of Stories:

n/a

From road right of way and/or front yard:

50', 100'

Building Height: n/a panel height not to exceed 25ft

From side lot line Right / Left 50'

Number of dwelling units: n/a

From rear lot line: 50'

Lot Size: n/a 1,208.81 Corner Lot ☐ Yes ☒ NoWater Supply ☐ Public ☐ Private WellPublic Wastewater System ☐ Yes ☒ Septic Tank

The undersigned hereby certifies that he/she is the owner, contractor, or authorized agent of the owner, and the above information is correct to the best of his/her knowledge and hereby makes application for a Certificate of Zoning Compliance. Any information given herein that is incorrect will cause this certificate to become null and void. Any changes made to the initially reviewed building permit inclusive of structural design, change in use, or contact information must be provided by the applicant to the Planning Department immediately and may require additional approval.

**Signature of Applicant

ZONING REQUIREMENTS (Office Use Only)

RECEIVED BY (initials)

DATE RECEIVED

4-10-2018

ZONING OF PROPERTY

RA-30 / IH

PERMITTED USE IN DISTRICT

YES

SITE PLAN ATTACHED

YES

BUFFER REQUIRED

YES 50'/100'

IF YES, TYPE

Vegetative buffer 5.00 B 34 5.05 B 15

MINIMUMS: LOT AREA

N/A

LOT WIDTH

N/A

LOT DEPTH

N/A

BUILDING HEIGHT 25' Limit on Panel

CORNER LOT

☐ Yes☒ No

SETBACKS

FRONT 50'/100'

REAR

50'

SIDE

50'

PROPERLY SUBDIVIDED?

N/A

DOES SITE PLAN MEET REQUIREMENTS AS NOTED ABOVE

YES, Attached UL listing + utility connection Agreement

APPROVED:

DISAPPROVED:

☐☐ REVISION TO SITE PLAN REQUIRED WITH REAPPLICATION

ZONING ADMINISTRATOR:

DATE 4-10-2018

pd \$ 50.00 CL# 19759 Recp# 381943

Amended Site Plan 5-10-2018 to exclude shaded area (see)

OFFICIAL COPY

Oct 27 2023

SITE PLAN ADMENDED 5-10-2018
PIN # 5961-95-6646





PAT McCRORY
Governor
NICHOLAS J. TENNYSON
Secretary

April 26, 2016

MEMORANDUM TO: Mr. David Tyeryar
Chief Financial Officer

FROM: S. L. Emory, P. E., District Field Engineer
Division One – District Two

BY: M. R. Hill, P. E.
Assistant District Field Engineer

SUBJECT: Driveway Permit – Brick Mill Road/Holloman Road -
Bertie/Hertford Counties

Attached herewith is Check Number 14596, in the amount of \$300.00, made payable to N. C. Department of Transportation for inspection of seven (7) driveway entrances for the above subject in Bertie/Hertford Counties.

Money should be distributed as follows:

150895-47900024-1.200811-2712- \$200.00
150189-47900024-1.204611-2712-\$100.00

If you need further information, please advise.

SLE/CBJ/wcc

Attachment

cc: Mr. J. D. Jennings, P. E., w/copy of permit
SunEnergy1,LLC,w/copy of permit ✓
Ms. Lydia Mckeel, P. E., w/copy of permit

Nothing Compares

230 NC 42 West, Ahoskie NC 27910 (252) 332-4021 Fax: (252) 332-3040

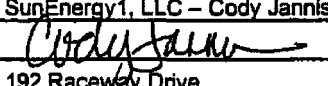
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Oct 27 2023

APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION	
Driveway Permit No.	Date of Application 4/15/16	STREET AND DRIVEWAY ACCESS PERMIT APPLICATION	
County:	Bertie		
Development Name: SunEnergy1, LLC			
LOCATION OF PROPERTY:			
Route/Road: The 40' driveway entrance will start 1804' north of the intersection of Brickmill Road and Joe Holloman Road on Joe Holloman Road in Aulander, NC.			
Exact Distance 1804	<input type="checkbox"/> Miles <input checked="" type="checkbox"/> Feet	N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
From the Intersection of Route No. Joe Holloman Road (SR1250) and Route No. Brick Mill Rd (SR1110) Toward NC 42			
Property Will Be Used For: <input type="checkbox"/> Residential /Subdivision <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Educational Facilities <input type="checkbox"/> TND <input type="checkbox"/> Emergency Services <input type="checkbox"/> Other			
Property: <input type="checkbox"/> is <input checked="" type="checkbox"/> Is not within Aulander City Zoning Area.			
AGREEMENT			
<ul style="list-style-type: none"> • I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location. • I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation. • I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT. • I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans. • I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary. • I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction. • I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways". • I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied. • I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel. • I agree to provide during and following construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer. • I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction. • I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction. • I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system. • The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point. • I agree that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees. • I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED. 			
<div style="display: flex; justify-content: space-between; font-size: small;"> 2004-07 NOTE: Submit Four Copies of Application to Local District Engineer, N.C. Department of Transportation 61-03419 TEB 65-04rev. </div>			

SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)		WITNESS	
COMPANY	Price Solar, LLC	NAME	
SIGNATURE		SIGNATURE	
ADDRESS	192 Raceway Drive	ADDRESS	
	Mooresville, NC 28117 Phone No. 704-662-0375		

AUTHORIZED AGENT		WITNESS	
COMPANY	SunEnergy1, LLC - Cody Jannise	NAME	Amanda A Warren
SIGNATURE		SIGNATURE	Amanda A Warren
ADDRESS	192 Raceway Drive	ADDRESS	10150 NC Hwy 30 E
	Mooresville, NC 28117 Phone No. 252-508-6014		Bethel NC 27812

APPROVALS

APPLICATION RECEIVED BY DISTRICT ENGINEER

 SIGNATURE	4/15/16 DATE
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APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

SIGNATURE	TITLE	DATE
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APPLICATION APPROVED BY NCDOT

 SIGNATURE	DIST Eng TITLE	4/25/2016 DATE
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INSPECTION BY NCDOT

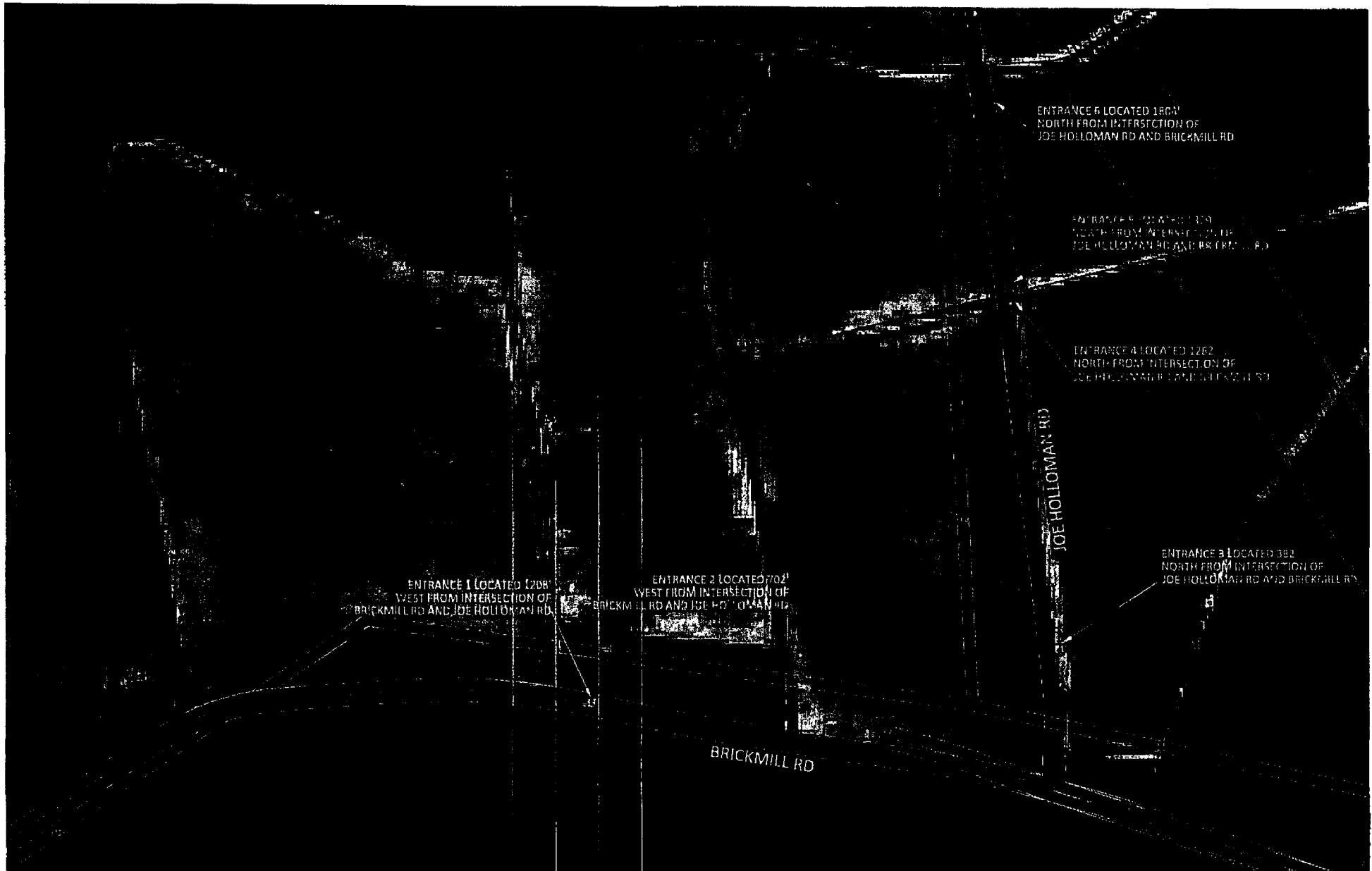
SIGNATURE	TITLE	DATE
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COMMENTS:

Pipe Length: 40'

Pipe Material: HDPE of Reinforced Concrete Pipe

Minimum Pipe Diameter: 15"



2004-07

SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)		WITNESS	
COMPANY	Price Solar, LLC	NAME	
SIGNATURE		SIGNATURE	
ADDRESS	192 Raceway Drive Mooresville, NC 28117 Phone No. 704-662-0375	ADDRESS	

AUTHORIZED AGENT		WITNESS	
COMPANY	SunEnergy1, LLC - Cody Jannise	NAME	Amarda A Warren
SIGNATURE	<i>Cody Jannise</i>	SIGNATURE	<i>Amarda A Warren</i>
ADDRESS	192 Raceway Drive Mooresville, NC 28117 Phone No. 252-508-6014	ADDRESS	6750 NC Hwy 30E Bethel NC 27812

APPROVALS

APPLICATION RECEIVED BY DISTRICT ENGINEER


4/15/16
 SIGNATURE DATE

APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

SIGNATURE TITLE DATE

APPLICATION APPROVED BY NCDOT



4/25/2016
 SIGNATURE TITLE DATE

INSPECTION BY NCDOT

SIGNATURE TITLE DATE

COMMENTS:

Pipe Length: 40'

Pipe Material: HDPE of Reinforced Concrete Pipe

Minimum Pipe Diameter: 15"



APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION	
Driveway Permit No.	Date of Application 4/15/16	STREET AND DRIVEWAY ACCESS PERMIT APPLICATION	
County: Bertie			
Development Name: SunEnergy1, LLC			
LOCATION OF PROPERTY:			
Route/Road: The 40' driveway entrance will start 1282' north of the intersection of Brickmill Road and Joe Holloman Road on Joe Holloman Road in Aulander, NC.			
Exact Distance 1282	<input type="checkbox"/> Miles <input checked="" type="checkbox"/> Feet	N <input checked="" type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
From the Intersection of Route No. Joe Holloman Road (SR1250) and Route No. Brick Mill Rd (SR1110) Toward NC 42			
Property Will Be Used For: <input type="checkbox"/> Residential /Subdivision <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Educational Facilities <input type="checkbox"/> TND <input type="checkbox"/> Emergency Services <input type="checkbox"/> Other			
Property: <input type="checkbox"/> Is <input checked="" type="checkbox"/> Is not within Aulander City Zoning Area.			
AGREEMENT			
<ul style="list-style-type: none"> • I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location. • I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation. • I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT. • I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans. • I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary. • I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction. • I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways". • I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied. • I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel. • I agree to provide during and following construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer. • I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction. • I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction. • I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system. • The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point. • I agree that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees. • I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED. 			
<div style="display: flex; justify-content: space-between; font-size: small;"> 2004-07 NOTE: Submit Four Copies of Application to Local District Engineer, N.C. Department of Transportation 61-03419 TEB 65-04rev. </div>			

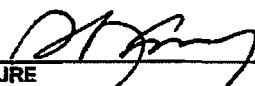

SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)		WITNESS	
COMPANY	Price Solar, LLC	NAME	
SIGNATURE		SIGNATURE	
ADDRESS	192 Raceway Drive Mooresville, NC 28117 Phone No. 704-662-0375	ADDRESS	

AUTHORIZED AGENT		WITNESS	
COMPANY	SunEnergy1, LLC - Cody Jannise	NAME	Amanda A Warren
SIGNATURE	<i>Cody Jannise</i>	SIGNATURE	<i>Amanda A Warren</i>
ADDRESS	192 Raceway Drive Mooresville, NC 28117 Phone No. 252-508-6014	ADDRESS	16750 NC Hwy 30E Bethel, NC 27812

APPROVALS

APPLICATION RECEIVED BY DISTRICT ENGINEER

SIGNATURE DATE

APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

SIGNATURE TITLE DATE

APPLICATION APPROVED BY NCDOT





SIGNATURE TITLE DATE

INSPECTION BY NCDOT

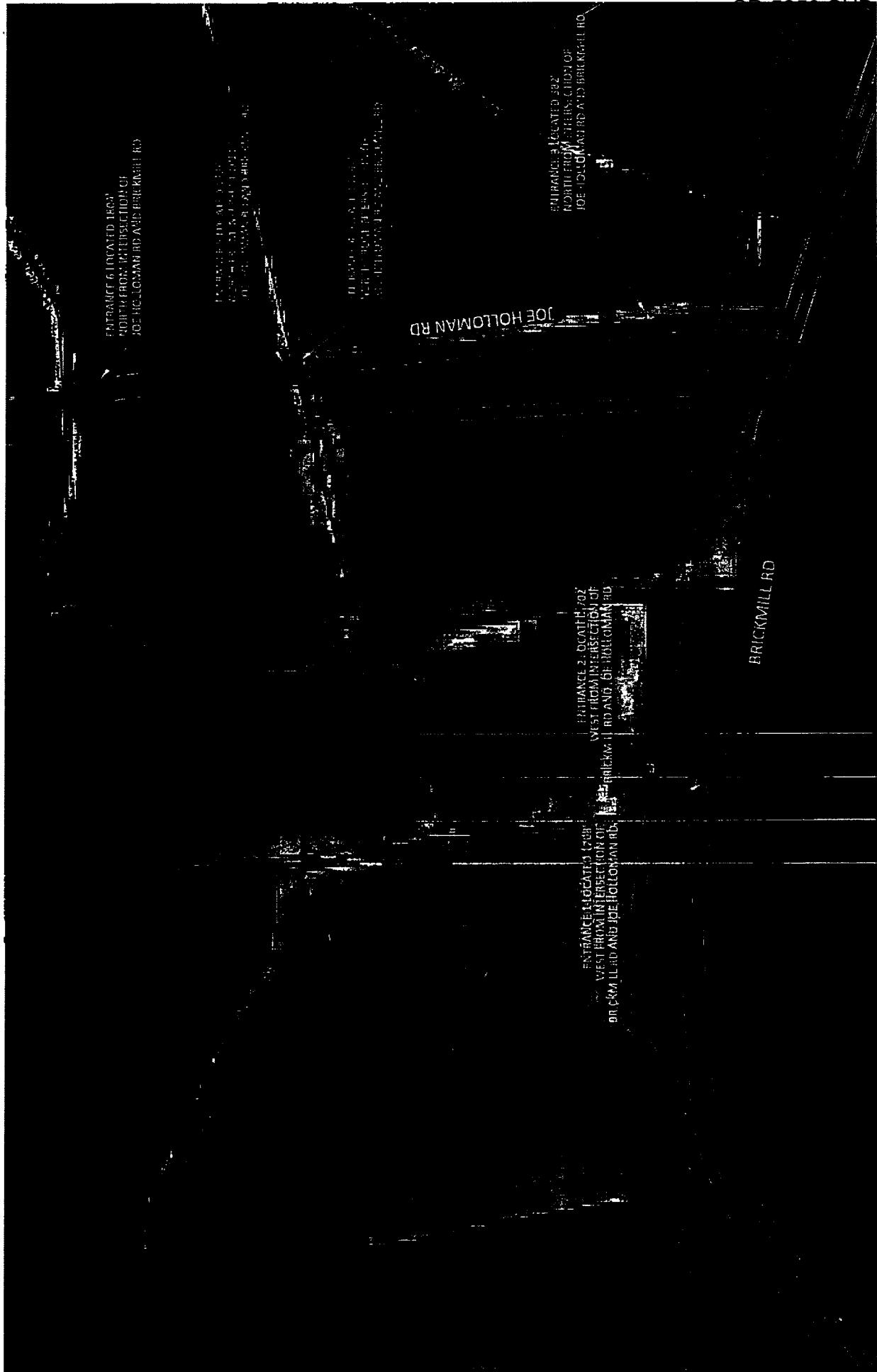
SIGNATURE TITLE DATE

COMMENTS:

Pipe Length: 40'

Pipe Material: HDPE of Reinforced Concrete Pipe

Minimum Pipe Diameter: 15"



APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION STREET AND DRIVEWAY ACCESS PERMIT APPLICATION
Driveway Permit No.	Date of Application 4/15/16	
County: Bertie		
Development Name: SunEnergy1, LLC		

LOCATION OF PROPERTY:

Route/Road:	The 40' driveway entrance will start 382' north of the intersection of Brickmill Road and Joe Holloman Road on Joe Holloman Road in Aulander, NC.		
Exact Distance	382	<input type="checkbox"/> Miles	<input checked="" type="checkbox"/> Feet
		<input checked="" type="checkbox"/> N	<input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W
From the Intersection of Route No.	Joe Holloman Road (SR1250) and Route No. Brick Mill Rd (SR1110) Toward NC 42		
Property Will Be Used For:	<input type="checkbox"/> Residential /Subdivision <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Educational Facilities <input type="checkbox"/> TND <input type="checkbox"/> Emergency Services <input type="checkbox"/> Other		
Property:	<input type="checkbox"/> is <input checked="" type="checkbox"/> Is not within Aulander City Zoning Area.		

AGREEMENT

- I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location.
- I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation.
- I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT.
- I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans.
- I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary.
- I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction.
- I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways".
- I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied.
- I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel.
- I agree to provide during and following construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer.
- I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction.
- I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction.
- I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system.
- The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point.
- I agree that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees.
- I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED.

SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)		WITNESS	
COMPANY	Price Solar, LLC	NAME	
SIGNATURE		SIGNATURE	
ADDRESS	192 Raceway Drive Mooresville, NC 28117 Phone No. 704-562-0375	ADDRESS	

AUTHORIZED AGENT		WITNESS	
COMPANY	SunEnergy1, LLC - Cody Jannise	NAME	Amanda A Warren
SIGNATURE	<i>Cody Jannise</i>	SIGNATURE	<i>Amanda A Warren</i>
ADDRESS	192 Raceway Drive Mooresville, NC 28117 Phone No. 252-508-6014	ADDRESS	1250 N Highway 30 E Bethel NC 27812

APPROVALS

APPLICATION RECEIVED BY DISTRICT ENGINEER

SIGNATURE *Dist Eng* DATE 4/15/16

APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

SIGNATURE TITLE DATE

APPLICATION APPROVED BY NCDOT

SIGNATURE *Dist Eng* TITLE *Dist Eng* DATE 4/25/2016

INSPECTION BY NCDOT

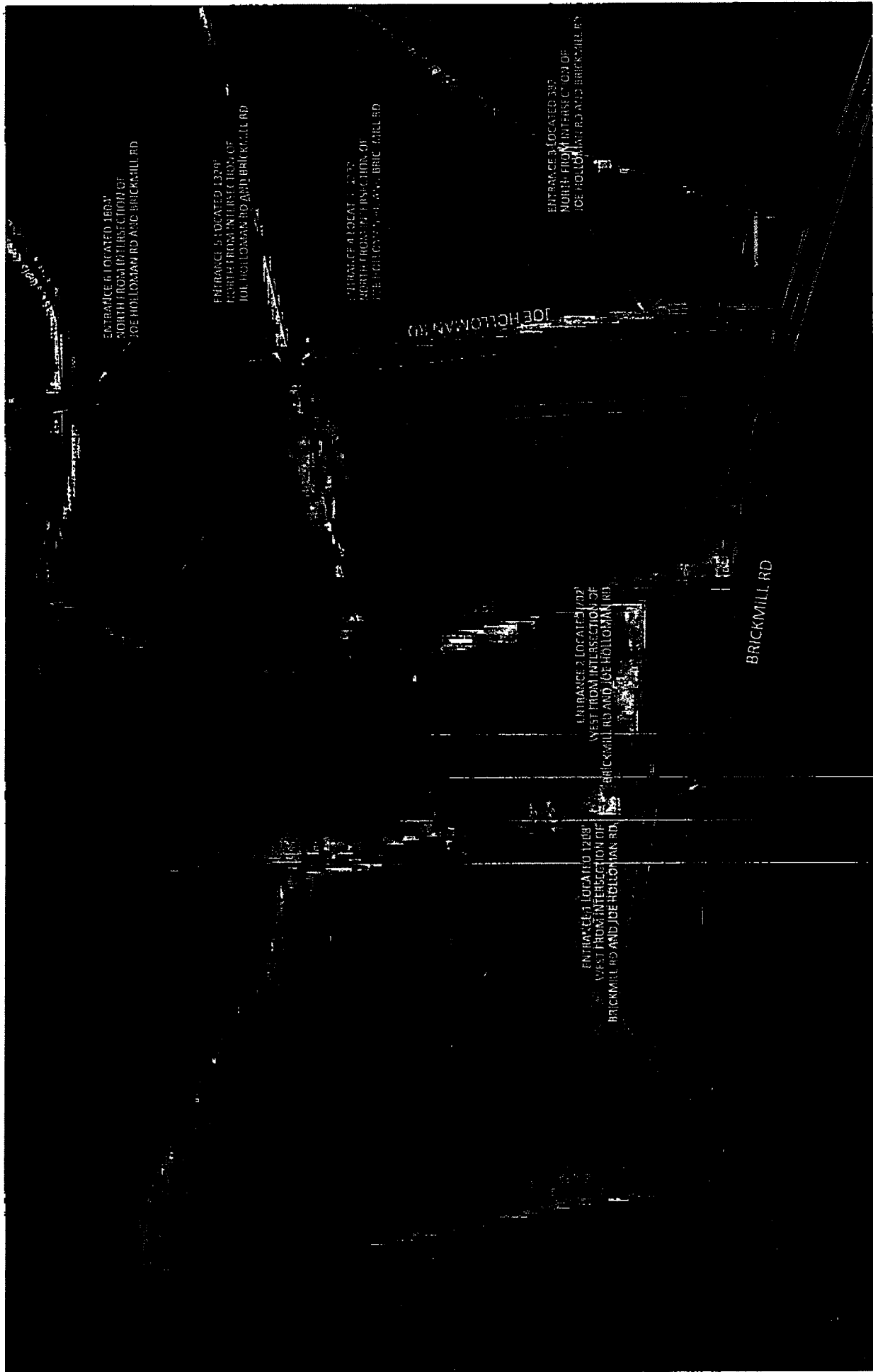
SIGNATURE TITLE DATE

COMMENTS:

Pipe Length: 40'

Pipe Material: HDPE of Reinforced Concrete Pipe

Minimum Pipe Diameter: 15"



2004-07 NOTE: Submit Four Copies of Application to Local District Engineer, N.C. Department of Transportation TEB 65-04rev.
61-03418

SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)		WITNESS	
COMPANY	NAME		
SIGNATURE	SIGNATURE		
ADDRESS	ADDRESS		
	Phone No.		

AUTHORIZED AGENT		WITNESS	
COMPANY	NAME		
SIGNATURE	SIGNATURE		
ADDRESS	ADDRESS		
	Phone No.		

APPROVALS

APPLICATION RECEIVED BY DISTRICT ENGINEER

SIGNATURE

DATE

APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

SIGNATURE

TITLE

DATE

APPLICATION APPROVED BY NCDOT

SIGNATURE

TITLE

DATE

INSPECTION BY NCDOT

SIGNATURE

TITLE

DATE

COMMENTS:

Pipe Length: 40'
Pipe Material: HDPE or Reinforced Concrete Pipe
Minimum Pipe Diameter: 15"



APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION	
Driveway Permit No.	Date of Application	STREET AND DRIVEWAY ACCESS	
	4/20/16	PERMIT APPLICATION	
County: Hertford			
Development Name: SunEnergy1, LLC			
LOCATION OF PROPERTY:			
Route/Road: The 40' driveway entrance will start 702' west of the intersection of Brickmill Road and Joe Holloman Road on Brickmill Road.			
Exact Distance	702	<input type="checkbox"/> Miles <input checked="" type="checkbox"/> Feet	N S E W <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
From the Intersection of Route No. Brickmill Rd. (SR 1110)		and Route No. Joe Holloman Rd (SR 1109) Toward NC 11/42	
Property Will Be Used For: <input type="checkbox"/> Residential/Subdivision <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Educational Facilities <input type="checkbox"/> TND <input type="checkbox"/> Emergency Services <input type="checkbox"/> Other			
Property: <input type="checkbox"/> is		<input checked="" type="checkbox"/> is not within Aulander City Zoning Area.	
AGREEMENT			
<ul style="list-style-type: none"> • I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location. • I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation. • I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT. • I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans. • I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary. • I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction. • I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways". • I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied. • I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel. • I agree to provide during and following construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer. • I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction. • I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction. • I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system. • The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point. • I agree that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees. • I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED. 			
<div style="display: flex; justify-content: space-between; font-size: small;"> 2004-07 NOTE: Submit Four Copies of Application to Local District Engineer, N.C. Department of Transportation TEB 85-04rev </div> <div style="text-align: center; font-size: x-small;">61-03418</div>			

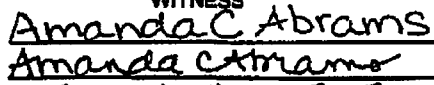
SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)		WITNESS	
COMPANY	NAME		
SIGNATURE	SIGNATURE		
ADDRESS	ADDRESS		
	Phone No.		

AUTHORIZED AGENT		WITNESS	
COMPANY	NAME		
SIGNATURE	SIGNATURE		
ADDRESS	ADDRESS		
	Phone No.		

APPROVALS

APPLICATION RECEIVED BY DISTRICT ENGINEER

	
SIGNATURE	DATE

APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

SIGNATURE	TITLE	DATE
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APPLICATION APPROVED BY NCDOT

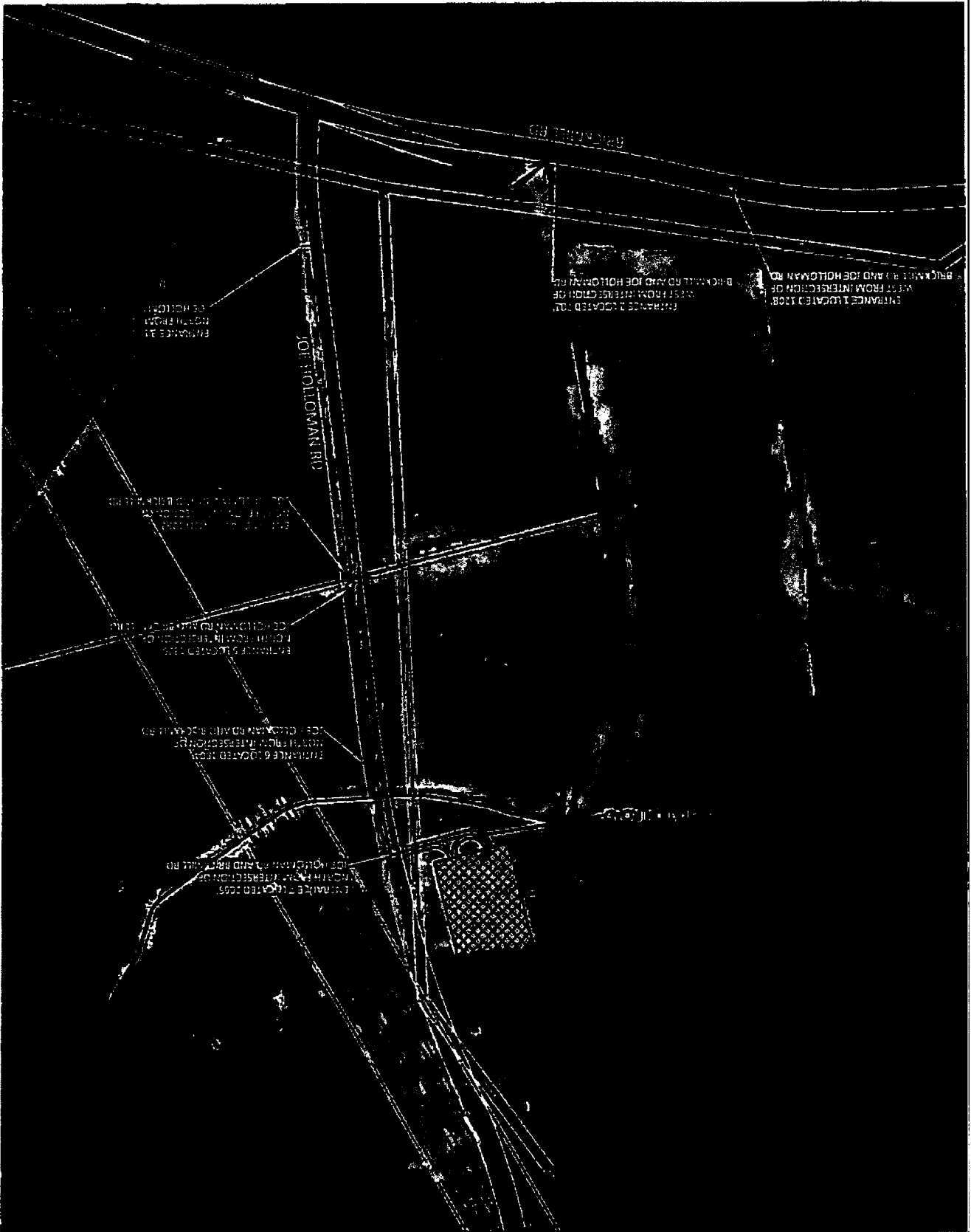
		
SIGNATURE	TITLE	DATE

INSPECTION BY NCDOT

SIGNATURE	TITLE	DATE
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COMMENTS:

Pipe Length: 40'
Pipe Material: HDPE or Reinforced Concrete Pipe
Minimum Pipe Diameter: 15"



APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION	
Driveway Permit No.	Date of Application 4/15/16	STREET AND DRIVEWAY ACCESS PERMIT APPLICATION	
County: Bertie			
Development Name: SunEnergy1, LLC			
LOCATION OF PROPERTY:			
Route/Road: The 40' driveway entrance will start 1208' west of the intersection of Brickmill Road and Joe Holloman Road on Brickmill Rd in Aulander, NC.			
Exact Distance 1208	<input type="checkbox"/> Miles <input checked="" type="checkbox"/> Feet	N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	
From the Intersection of Route No. Joe Holloman Road (SR1250) and Route No. Brick Mill Rd (SR1110) Toward NC 42			
Property Will Be Used For: <input type="checkbox"/> Residential /Subdivision <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Educational Facilities <input type="checkbox"/> TND <input type="checkbox"/> Emergency Services <input type="checkbox"/> Other			
Property: <input type="checkbox"/> Is <input checked="" type="checkbox"/> Is not within Aulander City Zoning Area			
AGREEMENT			
<ul style="list-style-type: none"> I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location. I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation. I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT. I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans. I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary. I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction. I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways". I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied. I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel. I agree to provide during and following construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer. I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction. I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction. I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system. The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point. I agree that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees. I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED. 			
<div style="display: flex; justify-content: space-between; font-size: small;"> 2004-07 NOTE: Submit Four Copies of Application to Local District Engineer, N.C. Department of Transportation 61-03419 TEB 65-04rev. </div>			

SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)		WITNESS	
COMPANY	Price Solar, LLC	NAME	
SIGNATURE		SIGNATURE	
ADDRESS	192 Raceway Drive Mooresville, NC 28117 Phone No. 704-662-0375	ADDRESS	

AUTHORIZED AGENT		WITNESS	
COMPANY	SunEnergy1, LLC - Cody Jannise	NAME	Amanda A Warren
SIGNATURE	<i>Cody Jannise</i>	SIGNATURE	Amanda A Warren
ADDRESS	192 Raceway Drive Mooresville, NC 28117 Phone No. 252-508-6014	ADDRESS	16750 NC Hwy 30E Bethel NC 27812

APPROVALS

APPLICATION RECEIVED BY DISTRICT ENGINEER

SIGNATURE	<i>[Signature]</i>	DATE	4/15/16
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APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

SIGNATURE	TITLE	DATE

APPLICATION APPROVED BY NCDOT

SIGNATURE	TITLE	DATE
<i>[Signature]</i>	<i>Dist Eng</i>	4/25/2016

INSPECTION BY NCDOT

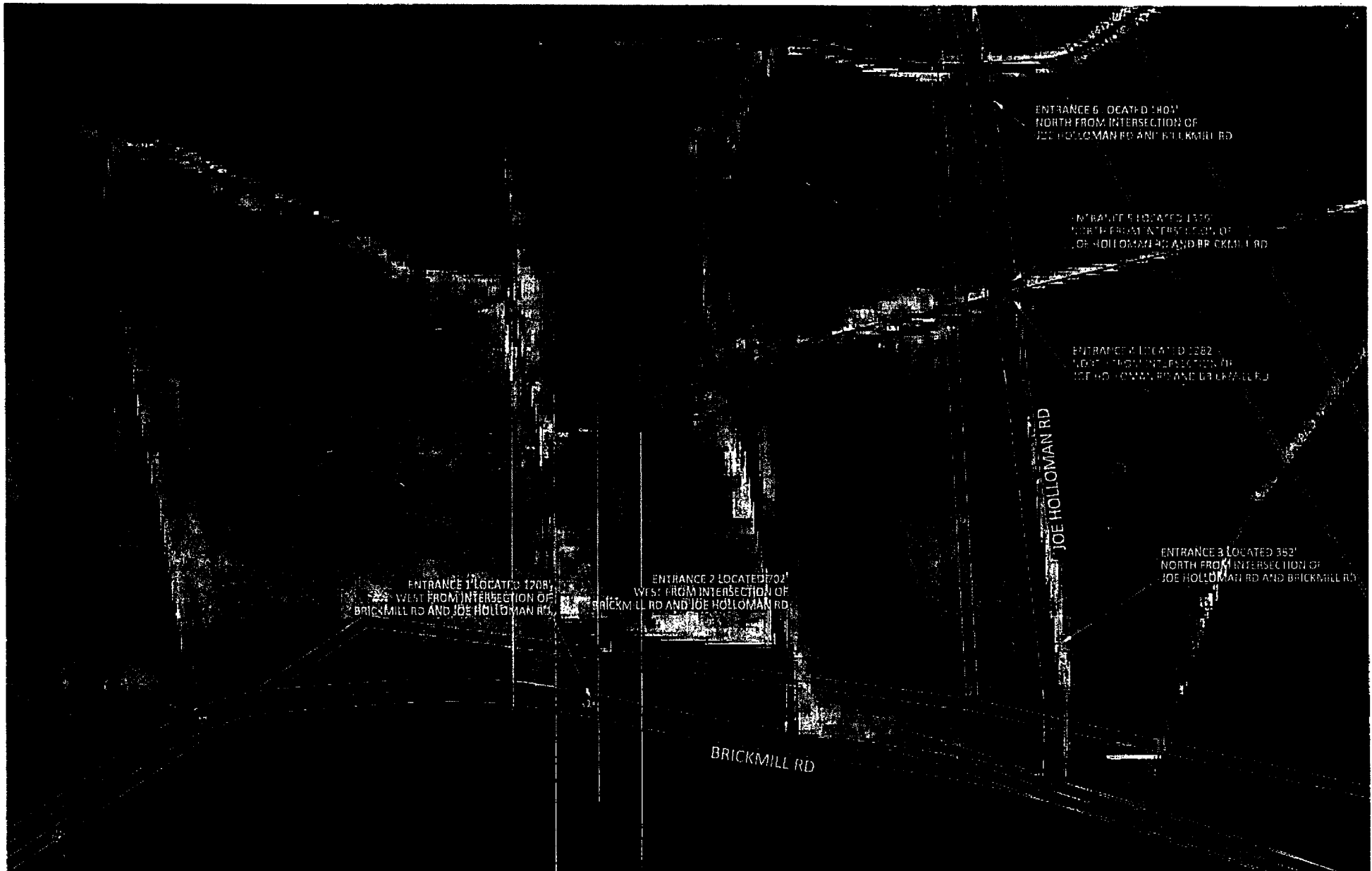
SIGNATURE	TITLE	DATE

COMMENTS:

Pipe Length: 40'

Pipe Material: HDPE of Reinforced Concrete Pipe

Minimum Pipe Diameter: 15"



**HERTFORD COUNTY
BUILDING INSPECTIONS**
PO BOX 424 WINTON, NC 27986
(252) 358-7814 or (252) 358-7813 FAX (252) 358-1241

CERTIFICATE OF COMPLIANCE

Parcel Number: **5961-95-6646**

Permit Number: **P18-233**

Date of Issue: 12/07/2018

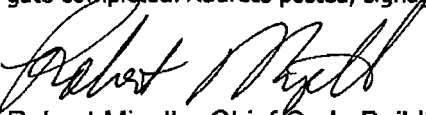
Location: **208 Joe Holloman Rd, Aulander, NC 27805**

THIS CERTIFIES that the building located at the premises indicated above, conforms substantially to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated 05/14/2018 pursuant to which a Building Permit was issued for a power substation, and conforms to all of the requirements of the applicable provisions of the law.

This certificate is issued to:

**Sun Energy 1
192 Raceway Dr
Mooresville, NC 28117**

Final; Control house egress & emergency components tested and working. Grounds connected, platforms installed, fencing & gate completed. Address posted, signage and labeling installed. OK for Certificate of Compliance.



Robert Mizelle, Chief Code Building Inspector

Hertford County

Construction has complied with North Carolina and Hertford County requirements and is hereby approved but in no way places any liability on the part of Hertford County or the inspector.

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**HERTFORD COUNTY
BUILDING INSPECTIONS**
PO BOX 424 WINTON, NC 27986
(252) 358-7814 or (252) 358-7813 FAX (252) 358-1241

CERTIFICATE OF COMPLIANCE

Parcel Number: **5961-95-6646**

Permit Number: **P18-233 & P18-234**

Date of Issue: 12/07/2018

Location: **208 Joe Holloman Rd, Aulander, NC 27805**

THIS CERTIFIES that the building located at the premises indicated above, conforms substantially to the approved plans and specifications heretofore filed in this office with Application for **Building & Electrical** Permits dated 05/14/2018 pursuant to which **Building & Electrical** Permits were issued for a **power substation**, and conforms to all of the requirements of the applicable provisions of the law.

This certificate is issued to:

**Sun Energy 1
192 Raceway Dr
Mooresville, NC 28117**

Final; Control house egress & emergency components tested and working. Grounds connected, platforms installed, fencing & gate completed. Address posted, signage and labeling installed. OK for Certificate of Compliance.

Robert Mizelle, Chief Code Building Inspector

Hertford County

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Hertford County
P.O. Box 424
Winton, North Carolina 27986
Phone: 252-358-7814
Fax: 252-358-1241

Building Permit

Permit Number: P18-307	Project Address: 208 Joe Holloman Rd Aulander, NC 27805	Issue Date: 06/22/2018
Property Owner: Price Solar, LLC 192 Raceway Dr Mooresville, NC 28117	Contractor: SunEnergy1 192 Raceway Dr Mooresville, NC 28117	

--

Work Description: Solar Field

Special Conditions: Separate permits are required for HVAC, electrical, plumbing, and Signs. This permit becomes null and void if work or authorized construction is not commenced within 6 months, or if work is suspended or abandoned for a period of 12 months at any time after work has commenced.

I hereby certify that I have read and examined this permit and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of this permit does not presume to give authority to violate or cancel the provisions of any state or local law regulating construction or the performance of construction.

Permit Fee: \$ 78,848.00

Paid: \$ 78,848.00

Receipt Number: Check #20075

Date: 06/22/2018

Print Name: Cody Jannise

Sign Name: Cody Jannise

Building Official: Robert Mizelle

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Oct 27 2023



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

June 25, 2018

County: Hertford

Route: SR 1109-Joe Holloman Road

Subject: Encroachment Contract – Jack and Bore for underground electrical conduit at three (3) separate locations along SR 1109 as part of the proposed Aulander Holloman Solar, LLC Farm.

Mr. Cody Jannise
Sun Energy1
6750 NC Highway 30 E
Bethel, NC 27812

Dear Mr. Jannise:

Attached for your file is a copy of the Right of Way Encroachment Contract that has been properly executed.

This encroachment is approved subject to the plans submitted by Roanoke Land Surveying dated 05/01/2018 as well as special provisions that are attached to and made a part of the encroachment contract. A letter of credit in the amount of \$12,000.00 shall be provided to the Department prior to beginning work. Failure to abide by special provisions can result in work stoppage.

Yours truly,

DocuSigned by:

James A. Stephenson

James Stephenson

Asst. District Engineer

Attachments

Cc: Mr. J. D. Jennings, P. E., (w/copy of agreement)
Mr. Brad Johnson, P. E. (w/copy of agreement)

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DISTRICT ENGINEER'S OFFICE
230 NC 42 WEST
AHOSKIE, NC 27910

Telephone: (252) 332-4021
Fax: (252) 332-3040
Customer Service: 1-877-368-4968
Website: www.ncdot.gov

Location:
NC DEPARTMENT OF
TRANSPORTATION
DISTRICT ENGINEER'S OFFICE
230 NC 42 WEST
AHOSKIE, NC 27910

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SPECIAL PROVISIONS

1. **M. R. Hill, P. E., Resident Engineer, telephone number (252) 332-4021, will be notified before beginning work.**
2. Written notification of the completion of the encroachment will be given to Mr. M. R. Hill, P. E., Resident Engineer, North Carolina Department of Transportation, 230 NC 42 West, Ahoskie, NC 27910.
3. An executed copy of this encroachment agreement will be present at the construction site at all times during construction. The Division of Highways reserves the right to stop all work unless evidence of approval can be shown.
4. Upon receipt of written notification, the District Engineer will inspect the project and provide certification that the project has been completed. When the project has been satisfactorily completed for the number of years specified below, the bonding company shall submit a written request along with a copy of the encroachment authorization to the District Engineer for release of the bond. The bond will be released upon satisfactory final inspection, review, and approval by the District Engineer. Following completion of the job, the bond shall remain in effect for a period of 1 Year.
5. The encroaching party may delegate the performance of certain provisions of this agreement to contractors or other parties. However, this shall not in any way release the encroaching party from its obligations to the terms and provisions of the encroachment.
6. **Work Zone Traffic Control Qualifications and Training Program**
 Effective July1, 2010, all flagging operations within NCDOT Right of Way require qualified and trained Work Zone Flaggers.
 Effective July 1, 2011, qualified and trained Work Zone Traffic Control Supervisors will be required on Significant Projects.
 Training for this certification is provided by NCDOT approved training sources and by private entities that have been pre-approved to train themselves. If you have questions, Contact our web site at <http://www.ncdot.org/doh/precontract/wztc/WZTCTrainingProgram/default.html>, or contact Stuart Bourne, P.E. with NCDOT Work Zone Traffic Control Unit at (919) 662-4338 or sbourne@ncdot.gov .
7. Strict compliance with the Policies and Procedures for Accommodating Utilities on Highway Rights of Way manual shall be required.
8. The encroaching party is required to contact the appropriate Utility Companies involved and make satisfactory arrangements to adjust the utilities in conflict with the proposed work prior to beginning construction.
9. The Department of Transportation does not guarantee the right of way on this road, nor will it be responsible for any claim for damages brought by any property owner by reason of the installation.

10. The Contractor shall comply with all OSHA requirements and provide a competent person on site to supervise excavation at all times.
11. Ingress and egress shall be maintained to all businesses and dwellings affected by the project. Special attention shall be paid to police and fire stations, fire hydrants and hospitals.
12. All roadway signs which are removed due to construction shall be reinstalled as soon as possible and must be replaced the same day.
13. The traveling public will be warned of the construction with signing that is in accordance with the latest Manual on Uniform Traffic Control Devices.
14. Any work requiring equipment or personnel within 5' of the edge of any travel lane of an undivided facility and within 10' of the edge of any travel lane of a divided facility shall require a lane closure with appropriate tapers.
15. Parking and material storage shall not be allowed along the shoulders of any NCDOT roadways, any NCDOT roadways along the route and adjacent to the route.
16. During non-working hours, equipment shall be parked outside of right of way in order not to have any equipment obstruction within the Clear Recovery Area.
17. Two-way traffic shall be maintained at all times. In the event a road closure is necessary, the encroaching party shall notify the NCDOT District Engineer of lane or roadway closures one week prior to closure. The encroaching party will be responsible for all traffic control associated with the road closure and detour.
18. Work requiring lane or shoulder closures shall not be performed on both sides of the road simultaneously within the same area.
19. Trenching, bore pits and/or other excavations shall not be left open or unsafe overnight.
20. During periods of construction inactivity, place approved traffic control drums 3' minimum from the existing travel way.
21. Any violation of the Traffic Control provisions will result in the termination of the encroachment agreement and liquidated damages in the amount of \$2,000 per hour or any portion thereof and will be assessed by the District Engineer's office.
22. All utility facilities, including manholes, valve boxes, meter boxes, splice boxes, junction boxes, vaults, and access covers, within NCDOT right of way shall be designed for HS-20 loading. A listing of currently approved manholes and vaults is available at <https://apps.dot.state.nc.us/vendor/approvedproducts> . If any proposed structure is not of a design approved by NCDOT, the encroaching party shall submit details and design calculations signed and sealed by a Professional Engineer for approval prior to construction.
23. All roadway sections, ditch lines and slopes, and shoulders affected by the operations under this encroachment shall be re-constructed to a typical section and re-seeded in accordance with Division of Highways Standards and Specifications to the satisfaction of the District Engineer.
24. Excavation material shall not be placed on the pavement. Drainage structures shall not be blocked with excavation materials.
25. Drainage Structures and systems shall be preserved and protected. Any structure which is disturbed or damaged during construction shall be immediately restored

- to its original condition at no expense to the Department as directed by the District Engineer. All utility installations shall be designed and constructed so as not to hinder, disrupt or interfere with existing storm drainage.
26. All driveways/sidewalks/multi-use paths/curb & gutter altered or disturbed during construction shall be returned to a state comparable with their condition and integrity prior to construction to the satisfaction of the District Engineer. Any replacements shall be done with like or better materials as approved by the District Engineer.
27. The proposed utility shall be placed at a minimum depth of 36" from finished ground and 24" below ditch lines for plowing or trenching installations.
28. All excavations (including bore pits) shall be installed outside the theoretical 1:1 slope from the edge of pavement to the bottom of the nearest excavation wall. When this is not possible, excavations inside the theoretical 1:1 slope from the existing edge of pavement to the bottom of the nearest excavation wall shall be made in accordance with the following conditions: **#29 thru #33**
29. **a.** Positive excavation shoring, such as sheet piling, shall be installed. The design of the shoring shall include the effects of traffic loads. The shoring system shall be designed and sealed by a licensed North Carolina Professional Engineer. Shoring plans and design calculations shall be submitted to the Division Engineer for review and approval prior to construction. Trench boxes shall not be accepted as positive shoring.
30. **b.** The trench backfill material shall meet the Statewide Borrow Criteria. The trench shall be backfilled in accordance with Section 300-7 of the 2012 NCDOT Standard Specifications for Roads and Structures, which basically requires the backfill material to be placed in layers not to exceed 6 inches loose and compacted to at least 95% of the density obtained by compacting a sample in accordance with AASHTO T99 as modified by NCDOT.
31. **c.** the encroaching party (not the utility contractor) shall make arrangements to have a qualified inspector, under the supervision of a licensed North Carolina Professional Engineer, on the site at all times. The Professional Engineer shall certify that the utility was installed in accordance with the encroachment agreement and that the backfill material meets the Statewide Borrow Criteria. The Inspector's name, telephone, qualifications, and email shall be provided in writing to all parties prior to the commencement of construction of work and associated work under the encroachment agreement.
32. **d.** All trench excavation inside the limits of the theoretical one-to-one slope, as defined by the policy, shall be completely backfilled and compacted at the end of each construction day. No portion of the trench may be left open overnight.
33. **f.** At first sign of any trench failure, the trench shall be immediately backfilled with materials consisting of A-1, A-3, A-2-4 soils or A-4 soils having a maximum of 45% passing a No. 200 sieve and a maximum P.I. of 6. All work shall cease and the District Engineer shall be contacted. The Party of the Second Part shall be required to repair any damage to the surrounding area including pavement caused by the excavation and failure.

34. Sewer manhole construction shall be in conformance with NCDOT standards and the appropriate ASTM specifications for the type material used.
35. Pavement settlement, buckling, or heaving shall be repaired as directed by the District Engineer. This may include removal and replacement of pavement and sub-base, associated overlay, pavement marking replacement, etc. as directed by the District Engineer. All pavement repairs shall be performed in accordance with 2012 NCDOT Standard Drawing 654.01.
36. Open cut of pavements SHALL NOT be allowed without prior approval from the District Engineer. Boring shall be utilized where applicable. If allowed, appropriate traffic control, pavement protection measures, and pavement repair techniques as stated in these provisions, NCDOT manuals, and as directed by the District Engineer shall be utilized. The encroaching party shall comply with all applicable Federal, State and local environmental regulations, and shall obtain all necessary Federal, State and local environmental permits, including but not limited to, those related to sediment control, stormwater, wetland, streams, endangered species, and historical sites.
37. Where an installation is by open cut, the pavement shall be neatly sawed or cut full depth. Patches must be regular, square or rectangular in width (4 straight sides), i.e. no irregular edges. The replacement base and surface shall extend a minimum of one foot beyond the excavated opening on each side. Pavement cuts shall be repaired with bituminous material the same day the cut is made. If the open cut is required for more than one day, the Encroaching party shall place a temporary bituminous patch at the close of each day's operations, and place the permanent repair immediately upon completion of the open cut operations. Concrete or aggregate repairs are prohibited for cuts in bituminous pavement surfaces.
38. The minimum pavement design for pavement repair shall be in accordance with the 2012 NCDOT Roadway Standard Drawings, Drawing 654.01.
39. All temporary and final pavement markings are the responsibility of the encroaching party. Final pavement markings and sign plans shall be submitted to the Division Traffic Engineer. All installation shall be by an approved NCDOT pavement-marking contractor. Pavement markings shall match the existing pavement markings along the route unless approved or directed by the District Engineer.
40. Proposed sewer mains shall be installed per DENR regulations.
41. Project special provisions for encroachment erosion control (see attached).
- 42. All borings shall be made as perpendicular to the roadway as much as practicable.**
- 43. All bores shall provide the following horizontal clearances: 5' from guardrail, 5' from retaining wall, 5' from ends of storm sewer conduits/culverts, and 5' from water/sewer lines unless stipulated elsewhere.**
- 44. All bores shall provide the following vertical clearances unless stipulated elsewhere: 36" minimum from pavement subgrade, 24" minimum from ditch line, 36" minimum clear from culverts/conduit, otherwise 36" minimum from finished grade.**

45. Notify the District Engineer's Office 48 hours before performing boring operation.
46. A Letter of Credit shall be executed and posted with the District Engineer prior to beginning any work on the Right of Way. The amount of the credit shall be \$12,000.
47. Above ground markers shall be placed at each of the 3 boring locations.

PROJECT SPECIAL PROVISIONS FOR ENCROACHMENTS EROSION CONTROL

Erosion Control shall be performed as detailed in the Standard Specifications for Roads and Structures – January 2012.

STABILIZATION REQUIREMENTS:

Stabilization for this project shall comply with the time frame guidelines as specified by the NCG-010000 general construction permit effective August 3, 2011 issued by the North Carolina Department of Environment and Natural Resources Division of Water Quality. Temporary or permanent ground cover stabilization shall occur within 7 calendar days from the last land-disturbing activity, with the following exceptions in which temporary or permanent ground cover shall be provided in 14 calendar days from the last land-disturbing activity:

- Slopes between 2:1 and 3:1, with a slope length of 10 ft. or less
- Slopes 3:1 or flatter, with a slope of length of 50 ft. or less
- Slopes 4:1 or flatter

The stabilization timeframe for High Quality Water (HQW) Zones shall be 7 calendar days with no exceptions for slope grades or lengths. High Quality Water Zones (HQW) Zones are defined by North Carolina Administrative Code 15A NCAC 04A.0105 (25). Temporary and permanent ground cover stabilization shall be achieved in accordance with the provisions in this contract and as directed.

SEEDING AND MULCHING:

(East Crimp)

The kinds of seed and fertilizer, and the rates of application of seed, fertilizer, and limestone, shall be as stated below. During periods of overlapping dates, the kind of seed to be used shall be determined. All rates are in pounds per acre.

All Roadway Areas

March 1 - August 31		September 1 - February 28	
50#	Tall Fescue	50#	Tall Fescue
10#	Centipede	10#	Centipede
25#	Bermudagrass (hulled)	35#	Bermudagrass (unhulled)
500#	Fertilizer	500#	Fertilizer
4000#	Limestone	4000#	Limestone

Waste and Borrow Locations

March 1 - August 31		September 1 - February 28	
75#	Tall Fescue	75#	Tall Fescue
25#	Bermudagrass (hulled)	35#	Bermudagrass (unhulled)
500#	Fertilizer	500#	Fertilizer
4000#	Limestone	4000#	Limestone

Note: 50# of Bahiagrass may be substituted for either Centipede or Bermudagrass only upon Engineer's request.

Approved Tall Fescue Cultivars

2 nd Millennium	Duster	Magellan	Rendition
Avenger	Endeavor	Masterpiece	Scorpion
Barlexas	Escalade	Matador	Shelby
Barlexas II	Falcon II, III, IV & V	Matador GT	Signia
Barrera	Fidelity	Millennium	Silverstar
Barrington	Finesse II	Montauk	Southern Choice II
Biltmore	Firebird	Mustang 3	Stetson
Bingo	Focus	Olympic Gold	Tarheel
Bravo	Grande II	Padre	Titan Ltd
Cayenne	Greenkeeper	Paraiso	Titanium
Chapel Hill	Greystone	Picasso	Tomahawk
Chesapeake	Inferno	Piedmont	Tacer
Constitution	Justice	Pure Gold	Trooper
Chipper	Jaguar 3	Prospect	Turbo
Coronado	Kalahari	Quest	Ultimate
Coyote	Kentucky 31	Rebel Exeda	Watchdog
Davinci	Kitty Hawk	Rebel Sentry	Wolfpack
Dynasty	Kitty Hawk 2000	Regiment II	
Dominion	Lexington	Rembrandt	

On cut and fill slopes 2:1 or steeper Centipede shall be applied at the rate of 5 pounds per acre and add 20# of Sericea Lespedeza from January 1 - December 31.

Fertilizer shall be 10-20-20 analysis. A different analysis of fertilizer may be used provided the 1-2-2 ratio is maintained and the rate of application adjusted to provide the same amount of plant food as a 10-20-20 analysis and as directed.

All areas seeded and mulched shall be tacked with asphalt. Crimping of straw in lieu of asphalt tack shall not be allowed on this project.

CRIMPING STRAW MULCH:

Crimping shall be required on this project adjacent to any section of roadway where traffic is to be maintained or allowed during construction. In areas within six feet of the edge of pavement, straw is to be applied and then crimped. After the crimping operation is complete, an additional application of straw shall be applied and immediately tacked with a sufficient amount of undiluted emulsified asphalt.

Straw mulch shall be of sufficient length and quality to withstand the crimping operation.

Crimping equipment including power source shall be subject to the approval of the Engineer providing that maximum spacing of crimper blades shall not exceed 8".

CPCN APPLICATION SCHEDULE 5
SP-5259 SUB 0

ROUTE SR 1109 PROJECT Aulander Holloman Solar, LLC COUNTY OF STATE OF NORTH CAROLINA
Hertford

DEPARTMENT OF TRANSPORTATION RIGHT OF WAY ENCROACHMENT AGREEMENT
-AND- PRIMARY AND SECONDARY HIGHWAYS
Aulander Holloman Solar, LLC
192 Raceway Drive, Mooresville, NC 28117

THIS AGREEMENT, made and entered into this 22 day of May 20 18 by and between the Department
the
of Transportation, party of the first part; and Aulander Holloman Solar, LLC
party of the second part,

WITNESSETH

THAT WHEREAS, the party of the second part desires to encroach on the right of way of the public road designated as
Route(s) Joe Holloman Road (SR1109), located 2560', 2520', 2480' from the intersection of Joe
Holloman Road and Brickmill Road on Joe Holloman Road
with the construction and/or erection of: Running electrical wires under Joe Holloman Road to connect an electrical substation
To the solar fields on the opposite side of the road. This will consist of (3) 24" bores.

WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the
first part in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right
of way as indicated, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right
and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are
made a part hereof upon the following conditions, to wit:

That the installation, operation, and maintenance of the above described facility will be accomplished in accordance with the party of
the first part's latest POLICIES AND PROCEDURES FOR ACCOMMODATING UTILITIES ON HIGHWAY RIGHTS-OF-WAY, and such
revisions and amendments thereto as may be in effect at the date of this agreement. Information as to these policies and procedures may
be obtained from the Division Engineer or State Utility Agent of the party of the first part.

That the said party of the second part binds and obligates himself to install and maintain the encroaching facility in such safe and proper
condition that it will not interfere with or endanger travel upon said highway, nor obstruct nor interfere with the proper maintenance thereof,
to reimburse the party of the first part for the cost incurred for any repairs or maintenance to its roadways and structures necessary due to
the installation and existence of the facilities of the party of the second part, and if at any time the party of the first part shall require the
removal of or changes in the location of the said facilities, that the said party of the second part binds himself, his successors and assigns,
to promptly remove or alter the said facilities, in order to conform to the said requirement, without any cost to the party of the first part.

That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights,
flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for
Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from
the Division Engineer of the party of the first part.

That the party of the second part hereby agrees to indemnify and save harmless the party of the first part from all damages and claims
for damage that may arise by reason of the installation and maintenance of this encroachment.

That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the
Division Engineer of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during
construction and maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments,
ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North
Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of
various counties, municipalities and other official agencies relating to pollution prevention and control. When any installation or
maintenance operation disturbs the ground surface and existing ground cover, the party of the second part agrees to remove and replace
the sod or otherwise reestablish the grass cover to meet the satisfaction of the Division Engineer of the party of the first part.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the
Division Engineer of the party of the first part.

That the party of the second part agrees to have available at the construction site, at all times during construction, a copy of this
agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless
evidence of approval can be shown.

Provided the work contained in this agreement is being performed on a completed highway open to traffic; the party of the second part
agrees to give written notice to the Division Engineer of the party of the first part when all work contained herein has been completed.
Unless specifically requested by the party of the first part, written notice of completion of work on highway projects under construction will
not be required.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves
the right to stop all work until the facility has been brought into compliance or removed from the right of way at no cost to the party of the
first part.

That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not
begun within one (1) year from the date of authorization by the party of the first part unless written waiver is secured by the party of the
second part from the party of the first part.

During the performance of this contract, the second party, for itself, its assignees and successors in interest (hereinafter referred to as
the "contractor"), agrees as follows:

- a. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally-
assisted programs of the U. S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be
amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made
a part of this contract.
- b. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the
grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials

CPCN APPLICATION SCHEDULE 5
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and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

- c. **Solicitations for Subcontracts, including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- d. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- e. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to,
 - (1) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (2) cancellation, termination or suspension of the contract, in whole or in part.
- f. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs "a" through "f" in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

R/W (161) : Party of the Second Part certifies that this agreement is true and accurate copy of the form
R/W (161) incorporating all revisions to date.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed the day and
year first above written.

ATTEST OR WITNESS:

Michelle Valley, Legal

DEPARTMENT OF TRANSPORTATION

BY:

Michael B. Hill
DIVISION ENGINEER, Resident Engineer
6911541P07594095

Aulander Holloman Solar, LLC

Kenny Habul, Manager
Second Party

INSTRUCTIONS

When the applicant is a corporation or a municipality, this agreement must have the corporate seal and be attested by the corporation secretary or by the empowered city official, unless a waiver of corporate seal and attestation by the secretary or by the empowered city official is on file in the Raleigh office of the Manager of Right of Way. In the space provided in this agreement for execution, the name of the corporation or municipality shall be typed above the name, and title of all persons signing the agreement should be typed directly below their signature.

When the applicant is not a corporation, then his signature must be witnessed by one person. The address should be included in this agreement and the names of all persons signing the agreement should be typed directly below their signature.

This agreement must be accompanied, in the form of an attachment, by plans or drawings showing the following applicable information:

1. All roadways and ramps.
2. Right of way lines and where applicable, the control of access lines.
3. Location of the existing and/or proposed encroachment.
4. Length, size and type of encroachment.
5. Method of installation.
6. Dimensions showing the distance from the encroachment to edge of pavement, shoulders, etc.
7. Location by highway survey station number. If station number cannot be obtained, location should be shown by distance from some identifiable point, such as a bridge, road, intersection, etc. (To assist in preparation of the encroachment plan, the Department's roadway plans may be seen at the various Highway Division Offices, or at the Raleigh office.)
8. Drainage structures or bridges if affected by encroachment (show vertical and horizontal dimensions from encroachment to nearest part of structure).
9. Method of attachment to drainage structures or bridges.
10. Manhole design.
11. On underground utilities, the depth of bury under all traveled lanes, shoulders, ditches, sidewalks, etc.
12. Length, size and type of encasement where required.
13. On underground crossings, notation as to method of crossing - boring and jacking, open cut, etc.
14. Location of vents.

GENERAL REQUIREMENTS

1. Any attachment to a bridge or other drainage structure must be approved by the Head of Structure Design in Raleigh prior to submission of encroachment agreement to the Division Engineer.
2. All crossings should be as near as possible normal to the centerline of the highway.
3. Minimum vertical clearances of overhead wires and cables above all roadways must conform to clearances set out in the National Electric Safety Code.
4. Encasements shall extend from ditch line to ditch line in cut sections and 5' beyond toe of slopes in fill sections.
5. All vents should be extended to the right of way line or as otherwise required by the Department.
6. All pipe encasements as to material and strength shall meet the standards and specifications of the Department.
7. Any special provisions or specifications as to the performance of the work or the method of construction that may be required by the Department must be shown on a separate sheet attached to encroachment agreement provided that such information cannot be shown on plans or drawings.
8. The Department's Division Engineer should be given notice by the applicant prior to actual starting of installation included in this agreement.



Aulander Holloman Solar, LLC
192 Raceway Drive
Mooresville, NC 28117

June 1, 2018

North Carolina Department of Transportation
Hertford County, North Carolina

RE: Installation of underground cables beneath Joe Holloman Road (SR1109)

Encroachment Details:

Aulander Holloman Solar, LLC plans to install (3) 24" Bores under Joe Holloman Road in Hertford County. Each bore will be 120' wide. The underground boring will start approximately 50' from the west side of the road and come back up approximately 50' on the east side of the road. We will be going under the current ditch banks. The depth will be a minimum of 4' under the road and a minimum of 3' under the ditches. The bores will also have permanent above ground markings.

This will be used to run electrical wires underground to connect the power substation to the solar fields on the east side of Joe Holloman Road.

In the event the site is decommissioned. All land and bores will be returned to the original natural state – removing all wires and piping.

If you have any questions, please contact Cody Jannise (252) 508-6014 or Joel Sossamon (704) 677-2875.

Thank you,

Cody Jannise

Cody Jannise
Field Operations Coordinator
SunEnergy1, LLC
Aulander Holloman Solar, LLC





FIFTH THIRD BANK

LETTER OF CREDIT NO. S507675

PAGE 1

ISSUER:
FIFTH THIRD BANK

BENEFICIARY:
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
DIVISION 1 - DISTRICT 2
230 N.C. HIGHWAY 42 W.
AHOSIE, NC 27910

APPLICANT:
SUNENERGY1, LLC
C/O AULANDER HOLLOMAN SOLAR, LLC
192 RACEWAY DR.
MOORESVILLE, NC 28117

LETTER OF CREDIT NO: S507675
ISSUE DATE: JUNE 27, 2018
EXPIRATION DATE: JUNE 27, 2019
EXPIRATION PLACE: AT OUR COUNTERS
AMOUNT: 12,000.00 USD TWELVE THOUSAND 00/100

ISSUER HEREBY ISSUES IN FAVOR OF BENEFICIARY THIS IRREVOCABLE
STANDBY LETTER OF CREDIT ("STANDBY") IN THE MAXIMUM AGGREGATE
AMOUNT OF \$12,000.00 (TWELVE THOUSAND AND 00/100 UNITED STATES
DOLLARS) WHICH IS AVAILABLE BY PRESENTATION OF THE FOLLOWING
DOCUMENT:

BENEFICIARY'S SIGNED AND DATED DEMAND FOR PAYMENT REFERENCING
STANDBY LETTER OF CREDIT NUMBER S507675.

PARTIAL DRAWINGS ARE ALLOWED.
MULTIPLE DRAWINGS ARE ALLOWED.

ISSUER ENGAGES WITH BENEFICIARY THAT DOCUMENTS PRESENTED UNDER
AND IN COMPLIANCE WITH THE TERMS OF THIS STANDBY WILL BE HONORED
IF PRESENTED DURING BUSINESS HOURS ON OR BEFORE THE EXPIRATION
DATE AT FIFTH THIRD BANK, TRADE SERVICES, 5050 KINGSLEY DRIVE,
MD 1MOCBR, CINCINNATI, OH 45263. PAYMENT AGAINST A COMPLYING
PRESENTATION SHALL BE MADE BY WIRE TRANSFER TO A DULY REQUESTED
ACCOUNT OF THE BENEFICIARY.

OFFICIAL COPY

Oct 27 2023



FIFTH THIRD BANK

LETTER OF CREDIT NO. S507675

PAGE 2

IN THE EVENT THIS STANDBY IS NO LONGER REQUIRED, THIS ORIGINAL STANDBY AND ALL ORIGINAL AMENDMENTS, IF ANY, MUST BE RETURNED TO ISSUER AT THE PLACE FOR PRESENTATION TOGETHER WITH A SIGNED LETTER ON BENEFICIARY'S LETTERHEAD ADDRESSED TO ISSUER EXPRESSLY AUTHORIZING CANCELLATION.

THIS STANDBY IS ISSUED SUBJECT TO THE INTERNATIONAL STANDBY PRACTICES 1998 ("ISP98"), INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION 590.

COMMUNICATIONS OTHER THAN DEMANDS MAY BE MADE TO ISSUER BY TELEPHONE AT 513-358-5229 OR BY TELEFAX AT 513-358-5950. BENEFICIARY REQUESTS FOR AMENDMENT OF THIS STANDBY, INCLUDING AMENDMENT TO REFLECT A CHANGE IN THE BENEFICIARY'S ADDRESS, SHOULD BE MADE TO APPLICANT, WHO MAY THEN REQUEST ISSUER TO ISSUE THE DESIRED AMENDMENT.


AUTHORIZED SIGNATURE



AUTHORIZED SIGNATURE

OFFICIAL COPY

Oct 27 2023



Hertford County
P.O. Box 424
Winton, North Carolina 27986
Phone: 252-358-7814
Fax: 252-358-1241

Electrical Permit

Permit Number: P18-308	Project Address: 208 Joe Holloman Rd Aulander, NC 27805	Issue Date: 06/22/2018
------------------------	---	------------------------

Property Owner: Price Solar, LLC 192 Raceway Dr Mooresville, NC 28117	Electrical Contractor: Bradley Fite Sun Energy 1 192 Raceway Dr Mooresville, NC 28117 27566 U
--	--

Work Description: Solar Field

Special Conditions: Separate permits are required for HVAC, plumbing, and Signs. This permit becomes null and void if work or authorized construction is not commenced within 6 months, or if work is suspended or abandoned for a period of 12 months at any time after work has commenced.

I hereby certify that I have read and examined this permit and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of this permit does not presume to give authority to violate or cancel the provisions of any state or local law regulating construction or the performance of construction.

Permit Fee: \$ 33,736.00

Paid: \$ 33,736.00

Receipt Number: Check #20076

Date: 06/22/2018

Print Name: Cody Fannise

Sign Name: Cody Fannise

Building Official: Robert Mizelle

OFFICIAL COPY

Oct 27 2023

Dominion Energy Virginia
701 E. Cary Street, Richmond, VA 23219
DominionEnergy.com



Reference #: TE018067008

Consent Agreement for Right of Way Encroachment

VIRGINIA ELECTRIC AND POWER COMPANY ("Company") and ~~PRICE SOLAR, LLC~~ *Aulander Holloman Solar, LLC* ("Requestor") enter into this Consent Agreement for Right of Way Encroachment ("Agreement") prepared by Company this 25 day of June, 2018.

Company is willing to grant to Requestor, this Agreement to encroach on, over and/or under a part of Company's easement(s) ("Easement" or "Right of Way") identified as:

- Earleys-Scotland Neck Corridor, Parcel Number 2A, COR0145/2A
- Line/Structure(s) #:126/5-6, 2014/7-8, and 2034/6-7

The encroachment ("Encroachment") is described as:

- Three (3) underground distribution crossings, each with two bore pits, two (2) 8" Conduit and one (1) 3" Conduit

The Encroachment as described above is located as follows:

208 Joe Holloman Road, Aulander, NC 27805

Company, under its Easement(s) identified above, hereby grants Requestor permission to install the Encroachment, described above, subject to the following terms and conditions hereinafter set forth.

1. The minimum distance required by the Occupational Safety and Health Administration ("OSHA") shall be maintained between electrical conductors and any part of the Encroachment or equipment used in the installation or maintenance of the Encroachment. Sag of conductors varies with changes in operating and ambient temperatures; therefore, required clearances will be based upon maximum sag. The minimum clearance shall be governed by the clearance required for the 230kV lines. For current voltage information see Exhibit(s) "A.1", "A.2" and "A.3". Voltage and conductor arrangement is subject to change. It is Requestor's responsibility to confirm voltage and location of conductors prior to installation, maintenance or repair of the Encroachment.
2. Company access to its facilities shall not be hampered at any time by the installation, use, maintenance or presence of the Encroachment. Company shall not be liable for damage to the Encroachment resulting from exercise of its Easement rights.
3. Permission for the Encroachment described in Exhibit(s) "B" and "C" does not include permission for storage on Company Easement of material or equipment related to the Encroachment.

June 25, 2018

4. No portion of any building, house, garage, porch, deck, shed, trailer, barn, playhouse, above-ground or in-ground swimming pool, dumpster or any other type of structure, temporary or permanent, shall be permitted on the Easement. **This includes, but is not limited to, any building projection or attachment such as roof overhang, gutters, garage lighting or window appurtenances. Portions of buildings and other structures found within Company's Easement(s) are required to be removed when discovered.**
5. Requestor shall restore any erosion or settling, within the Easement, related to the installation or maintenance of the Encroachment. Requestor shall comply with all state and local erosion and sedimentation control laws, and shall not adversely affect grade elevations and water drainage patterns.
6. It is the Requestors responsibility to notify Company of any damage to Company facilities by Requestor, its employees, contractors or agents. If any counterpoise (ground wire buried eighteen (18) to twenty-four (24) inches deep) is damaged, cut or severed, notify William Gatlin - Manager Field Transmission Lines, immediately so necessary repairs can be made.

Mobile: (434) 447-5506 E-Mail: william.gatlin@dominionenergy.com
7. Requestor shall be responsible for all associated costs for the repairs of Company facilities (including but not limited to structures, guys, anchors or counterpoise) damaged by Requestor, his/her/their/its employees, contractors or agents.
8. If the Encroachment is determined to be unsafe by the Company at a future date, the unsafe condition shall be corrected or removed at Requestor's expense within forty-five (45) days after written notification from the Company. If not so corrected or removed by Requestor, the unsafe condition may be corrected or removed by the Company at Requestor's expense without liability by the Company for any resulting damage.
9. This Agreement in no way reduces the Company's rights under the Easement(s) identified above. The Company may at any time exercise its Easement rights in a way that conflicts or interferes with the Encroachment described above. Upon notice from the Company, the Requestor will promptly modify, rearrange or remove the Encroachment to enable the Company to exercise its Easement rights without conflict or interference with the Encroachment. Requestor will be responsible for the cost of any such modification, rearrangement or removal. If Requestor fails to so modify, rearrange or remove the Encroachment within forty-five (45) days after notice from the Company to do so, the Company may modify, rearrange or remove the Encroachment without liability for damage resulting therefrom, and Requestor shall promptly reimburse the Company for the cost of such modification, rearrangement or removal.

June 25, 2018

10. Requestor shall begin physical installation of the Encroachment within one (1) year of the date of execution of this Agreement. If installation does not begin within that period, this Agreement shall become invalid. A new Encroachment application must be submitted before further consideration and will be subject to a processing fee. For the avoidance of doubt, Company's permission for this Encroachment in no way implies or assures that Company will reissue an Agreement for this Encroachment in the future should this Agreement become invalid.
11. Requestor shall give at least five (5) days advance notice, except in emergencies, of any activities being performed within the Easement to Joseph Ragland, Sr. Right-of-Way Management Representative so that the Company, at its discretion, may have an inspector present while the work is in progress. **Requestor pays the costs of the inspector.**

Mobile: (817) 817-8895

E-Mail: joe.ragland@dominionenergy.com

12. This Agreement provides Requestor only with approval to encroach on Company's electric transmission Easement. For the avoidance of doubt, Company's approval of this Encroachment in no way implies or assures that Company will grant Requestor's future request (if any) that Company quitclaim or subordinate in favor of Requestor any portion of Company's electric transmission Easement.
13. Requestor, its/their heirs, successors, assigns, contractors or subcontractors hereby agree to indemnify and save harmless Company, its officers, agents and employees from any and all claims, demands, damages, including death, and liability of every kind and nature whatsoever for, on account of or growing out of the Agreement hereby granted, except when such claims and demands are caused solely by the negligence or willful misconduct of Company, its agents, employees, successors or assigns.
14. Before Requestor or its contractors, subcontractors and assigns enter upon Company's Easement, each shall obtain or keep, in full force and effect, with respect to its/their work within the Company's Easement, with insurance companies authorized to do business in the Commonwealth of Virginia, the following insurance:
- a) Workers compensation insurance as required by the statutory benefit laws of the Commonwealth of Virginia or approved self-insurance and employers liability insurance with limits of at least \$1,000,000.00 bodily injury by accident and \$1,000,000.00 each employee for bodily injury by disease.
 - b) Commercial general liability insurance with coverage limits of at least \$2,000,000.00 each occurrence, \$2,000,000.00 aggregate. Such insurance shall include, but not be limited to, specific coverage for contractual liability encompassing the previously referenced indemnity and liability requirements.
 - c) Automobile liability insurance covering bodily injury and property damage with a total limit of at least \$2,000,000.00 per accident. Such insurance shall cover liability arising out of any automobile (including owned, hired and non-owned automobiles).

June 25, 2018

The insurance required in paragraph (b) above shall: (1) name Company, its officers, directors and employees as an additional insured; (2) be primary coverage with respect to any liability coverage carried by the Company; and (3) provide for claims by one insured against another such that, except for the limits of insurance, the insurance shall apply separately to each insured against whom a claim is made or suit is brought.

Requestor and Requestor's contractors, subcontractors and assigns waive, and will require their insurers to waive, all rights of recovery against Company for damages to the extent these damages are covered by the insurance required to be maintained pursuant to the insurance requirements.

Before Requestor, Requestor's contractors, subcontractors and assigns enter upon Company Easement, and thereafter upon the renewal of their insurance policies, Requestor, Requestor's contractors, subcontractors and assigns, shall provide certificates of insurance to Company evidencing the coverage and limits required by this Agreement and that Company, its officers, directors and employees are an additional insured.

Failure of Company to demand such certificates or other evidence of full compliance with these insurance requirements or failure of Company to identify a deficiency from evidence that is provided shall not be construed as a waiver of the obligation of Requestor, Requestor's contractors, subcontractors and assigns to maintain such insurance.

Requestor, Requestor's contractors, subcontractors and assigns, or their respective agents, representatives or insurers shall provide thirty (30) days prior written notice of cancellation to Company, except for non-payment of premium to which ten (10) days notice shall apply.

15. Manholes, junction boxes and/or valve boxes are not permitted on Company's Easement.
16. Requestor shall notify MISS UTILITY (1-800-552-7001) in a timely manner in advance of construction to allow existing nearby underground utility conflicts to be identified.
17. A minimum of thirty-six (36) inches of cover measured from the top of the pipeline to existing ground elevation is to be maintained. The pipeline shall be designed to support traffic crossings by heavy construction and maintenance equipment and shall be capable of withstanding AASHTO designation HS20-44 wheel loadings. See Exhibit(s) "B".
18. The Underground Distribution Crossings and bore pits as proposed on Exhibit(s) "B" and "C" is approved with no part of the Encroachment located within fifty (50) feet of any Company structure, foundation, guy, anchor or any other Company facilities. **All equipment used for boring across Joe Holloman Road shall be staged at the bore pits located on the eastern side of the road. There shall be no staging of equipment within Company Right of Way. See Exhibit "B" and "C".**

June 25, 2018

19. Unless otherwise specified in this Agreement, the drawings prepared by Roanoke Land Surveying, entitled "Aulander Holloman Solar, LLC" dated May 01, 2018, and Untitled Sheet noted as Exhibit "B" shall be strictly adhered to. See Exhibit(s) "A" and "B".
20. Material storage within the right-of-way will be allowed provided that:
 - a. It is non-flammable.
 - b. It may be readily moved to avoid conflicts with Company facilities, Easement maintenance or future construction.
 - c. It is stored to a maximum height of 10 feet on either side of Easement between Easement boundary lines and the adjacent transmission line conductor, but no closer than 10 foot to a vertical plane projected down from that conductor.
 - d. It is not within twenty-five (25) feet of any structure or any other Company facility, and does not interfere with access to the Easement.
 - e. Requestor shall remove any materials upon forty-five (45) days written notice from the Company.
 - f. Trash receptacles and dumpsters shall not be permitted on the Easement.
 - g. No dumping of household refuse, motor vehicles, tires, appliances, brush or any other debris or waste material, shall be permitted on the Easement.
21. Use of Company Easement access road(s) by Requestor is approved provided the road(s) is/are left in equal or better condition. This Agreement by Company for the use of its Easement access roads shall in no way be construed as permission or approval from the affected land owner(s). The Requestor shall obtain permission from each affected property owner in the appropriate manner.
22. No debris shall be buried on Company Easement; which shall include but not be limited to stumps, large boulders, concrete, asphalt, trees, storm drainage pipe, hazardous waste, scrap materials or any other waste material.
23. No temporary construction offices, sheds or related structures are to be placed on Company Easement
24. Trash receptacles or dumpsters shall not be placed on Company Easement.
25. No burning is allowed on Company Easement.
26. Requestor is responsible for acquiring, from the owners of the underlying fee simple or otherwise, any additional underground property rights necessary for the Encroachment location. For the avoidance of doubt, Company does not convey, or otherwise transfer to Requestor any Easement right that Company may hold nor does Company make any representation or warranty as to the status or availability of any rights that may be required for Requestor to make use of the Encroachment or Easement.

June 25, 2018

27. It is the responsibility of the Requestor to ensure that all contractors or sub-contractors are aware, informed of and abide by these conditions.
28. The above conditions only apply as specific to and set forth in this Agreement and do not set a precedent for further Agreements.
29. All notices, requests, demands and other communications required to be given, (except as otherwise indicated) shall be deemed to have been duly given if in writing and mailed, as follows:

If to Requestor:	Price Solar, LLC C/O SunEnergy1 192 Raceway Drive Mooresville, North Carolina 28117 Attention: Joel Sossaman
If to Company:	Dominion Energy Virginia One James River Plaza, 12 th Floor 701 East Cary Street Richmond, Virginia 23219 <u>Attention:</u> Electric Transmission Rights-of-Way

This Agreement is granted only to Requestor. It is not an interest in real property; it does not run with the underlying land or benefit any successors in interest to the underlying land, and it may not be assigned or transferred to anyone else without the prior written approval of Company, which Company may withhold in its sole discretion. [If Requestor is not the owner of the property on which the Encroachment is to be located; it is Requestor's responsibility to obtain any and all necessary permission(s) or easement(s) from the property owner(s) for the Encroachment prior to installation.]

For this Agreement to become effective, Company must be in possession of **both** the executed Agreement **and the required processing fee**.

Requestor must return the executed Agreement to Company by 08/03/2018, to:

Dominion Energy Virginia
701 E. Cary Street, 12th Floor
Richmond, VA 23219
Attention: Justin King or Justin.t.king@dominionenergy.com

Additional contact: Dominion Energy Electric Transmission Right-of-Way at 1-800-215-8032 or e-mail at ETROW@dominionenergy.com.

[SIGNATURES TO FOLLOW]

June 25, 2018

Company, Authorized Representative, will execute and finalize Agreement upon return of Agreement executed by Requestor or its Authorized Representative. Requestor will be provided a fully executed copy of Agreement for their records.

In consideration of this Agreement granted by Company for the above-described Encroachment, Requestor hereby agree(s) to the terms and conditions stated in the foregoing Agreement.

Company and Requestor hereby cause this Agreement to be executed by their duly Authorized Representative.

VIRGINIA ELECTRIC AND POWER COMPANY

By:



7/13/18

Michael Kirk
Supervisor, Right of Way Management & Permitting
Electric Transmission
Authorized Representative

Date

~~PRICE SOLAR, LLC~~
Anlander Holloman Solar, LLC

By:



7/2/18

Signature

Date

Kenny Habul

Print Name

Manager

Print Title

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:
Holloman Lessee LLC
Docket No. ER18-2178-000

September 18, 2018

Akin Gump Strauss Hauer & Feld LLP
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

Attention: George D. Cannon, Jr.

Reference: Market-Based Rate Authorization

Dear Mr. Cannon:

On August 7, 2018, you filed on behalf of Holloman Lessee LLC (Holloman Lessee) an application for market-based rate authority with an accompanying tariff. The proposed market-based rate tariff provides for the sale of energy, capacity, and ancillary services at market-based rates.¹ You request on behalf of Holloman Lessee waivers commonly granted to similar market-based rate applicants. Holloman Lessee's market-based rate tariff is accepted for filing, effective October 7, 2018, as requested.² Based on

¹ Holloman Lessee requests authorization to sell ancillary services in all of the regional transmission organization or independent system operator markets for which the Commission has approved sales of specific ancillary services. Holloman Lessee also requests authorization to engage in the sale of certain ancillary services as a third-party provider in other markets.

² Holloman Lessee LLC, FERC FPA Electric Tariff, Market-Based Rate Tariff of Holloman Lessee LLC; Market-Based Rate Tariff, Initial Market-Based Rate Tariff of Holloman Lessee LLC, 1.0.0 A. The next time Holloman Lessee makes a market-based rate filing with the Commission, it must include a revised tariff in compliance with Order Nos. 697 and 697-A to include appropriate citations. *See Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 697, FERC Stats. & Regs. ¶ 31,252, at P 916 (2007), *order on reh'g*, Order

Docket No. ER18-2178-000

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your representations, Holloman Lessee meets the criteria for a Category 1 seller in all regions and is so designated.³

Your filing was noticed on August 7, 2018, with comments, protests or interventions due on or before August 28, 2018. None was filed.

Market-Based Rate Authorization

The Commission allows power sales at market-based rates if the seller and its affiliates do not have, or have adequately mitigated, horizontal and vertical market power.⁴

You state that Holloman Lessee was formed for the purpose of leasing an eighty (80) megawatt (MW) solar photovoltaic facility located in Hertford County, North Carolina. You represent that Holloman Lessee is owned and controlled by Holloman Manager LLC. You state that Holloman Manager LLC is a wholly-owned subsidiary of SEI Generation 1, LLC. You submit a market power analyses for the PJM Interconnection, L.L.C. (PJM) market and the 5004/5005, PJM East, and AP South submarkets which you represent demonstrates that Holloman Lessee passes both the pivotal supplier and wholesale market share screens in those markets.⁵ Based on your representations, Holloman Lessee satisfies the Commission's requirements for market-based rate authority regarding horizontal market power.⁶

No. 697-A, FERC Stats. & Regs. ¶ 31,268, at P 384 (2008). *See also Niagara Mohawk Power Corporation*, 121 FERC ¶ 61,275 (2007) at P 8.

³ *See Refinements to Policies and Procedures for Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 816, FERC Stats. & Regs. ¶ 31,374, at P 320 (2015). Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 848-850.

⁴ Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 62, 399, 408, 440.

⁵ Your study of the PJM market and the 5004/5005, PJM East, and AP South submarkets relies on the Exelon Corporation's market power analysis, which has been accepted by the Commission. *See Atlantic City Electric Company*, Docket No. ER10-2997-005 (August 1, 2017) (delegated order).

⁶ We note that Holloman Lessee is not being granted authority to make third-party sales of operating reserves to a public utility that is purchasing ancillary services to satisfy its own open access transmission tariff requirements to offer ancillary services to its own customers. If Holloman Lessee seeks such authority, it must make the required showing and receive Commission authorization prior to making such sales. *See Third-*

Docket No. ER18-2178-000

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With respect to vertical market power, you represent that Holloman Lessee and its affiliates either do not own, operate, or control any transmission facilities; or own, operate, or control transmission facilities that: (a) have a Commission-approved Open Access Transmission Tariff (OATT) on file; (b) are under the operational control of a regional transmission organization or an independent system operator; (c) have received waiver of the OATT requirement under 18 C.F.R. § 35.28(d)(1); or (d) satisfy the requirements for a blanket waiver under 18 C.F.R. § 35.28(d)(2).⁷ Further, you affirmatively state that Holloman Lessee and its affiliates have not erected barriers to entry and will not erect barriers to entry into the relevant market. Based on your representations, Holloman Lessee satisfies the Commission's requirements for market-based rate authority regarding vertical market power.

Waivers, Authorizations, and Reporting Requirements

Holloman Lessee's request for waiver of Subparts B and C of Part 35 of the Commission's regulations requiring the filing of cost-of-service information, except for sections 35.12(a), 35.13(b), 35.15 and 35.16 is granted. Holloman Lessee's request for waiver of Part 41 and Part 141 of the Commission's regulations concerning accounting and reporting requirements is granted with the exception of 18 C.F.R. §§ 141.14 and 141.15.⁸ Holloman Lessee's request for waiver of Part 101 of the Commission's regulations is hereby granted, with the exception that waiver of the provisions of Part 101 that apply to hydropower licensees is not granted with respect to licensed hydropower projects.⁹ Notwithstanding the waiver of the accounting and reporting requirements here,

Party Provision of Ancillary Services; Accounting and Financial Reporting for New Electric Storage Technologies, Order No. 784, FERC Stats. & Regs. ¶ 31,349, at PP 200-202 (2013), *order on clarification*, Order No. 784-A, 146 FERC ¶ 61,114 (2014).

⁷ See *Open Access and Priority Rights on Interconnection Customer's Interconnection Facilities*, Order No. 807, FERC Stats. & Regs. ¶ 31,367, *order on reh'g*, Order No. 807-A, 153 FERC ¶ 61,047 (2015).

⁸ See Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 984-985.

⁹ Hydropower licensees are required to comply with the requirements of the Uniform System of Accounts pursuant to 18 CFR Part 101 to the extent necessary to carry out their responsibilities under Part I of the Federal Power Act (FPA). We further note that a licensee's status as a market-based rate seller under Part II of the FPA does not exempt it from its accounting responsibilities as a licensee under Part I of the FPA. See Order No. 816, FERC Stats. & Regs. ¶ 31,374 at PP 345-350; *Seneca Gen., LLC*, 145 FERC ¶ 61,096, at P 23, n.20 (2013) (citing *Trafalgar Power, Inc.*, 87 FERC ¶ 61,207, at 61,798 (1999) (noting that "all licensees are required to comply with the requirements of the Uniform System of Accounts to the extent necessary to carry out their responsibilities

Docket No. ER18-2178-000

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Holloman Lessee is expected to keep its accounting records in accordance with generally accepted accounting principles.

Holloman Lessee requests blanket authorization under Part 34 of the Commission's regulations for all future issuances of securities and assumptions of liability. A separate notice was published in the Federal Register establishing a period during which protests could be filed. None was filed. Holloman Lessee is authorized to issue securities and assume obligations or liabilities as guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of Holloman Lessee, compatible with the public interest, and reasonably necessary or appropriate for such purposes.¹⁰

Holloman Lessee must file Electric Quarterly Reports (EQR) with the Commission, consistent with Order Nos. 2001¹¹ and 768.¹² Holloman Lessee must file EQRs electronically with the Commission consistent with the procedures set forth in Order No. 770.¹³ Holloman Lessee further must timely report to the Commission any change in status that would reflect a departure from the characteristics the Commission relied upon in granting market-based rate authority.¹⁴

under [s]ections 4(b), 10(d) and 14 of the FPA”).

¹⁰ See Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 999-1000.

¹¹ *Revised Public Utility Filing Requirements*, Order No. 2001, FERC Stats. & Regs. ¶ 31,127, *reh'g denied*, Order No. 2001-A, 100 FERC ¶ 61,074, *reh'g denied*, Order No. 2001-B, 100 FERC ¶ 61,342, *order directing filing*, Order No. 2001-C, 101 FERC ¶ 61,314 (2002), *order directing filing*, Order No. 2001-D, 102 FERC ¶ 61,334, *order refining filing requirements*, Order No. 2001-E, 105 FERC ¶ 61,352 (2003), *order on clarification*, Order No. 2001-F, 106 FERC ¶ 61,060 (2004), *order revising filing requirements*, Order No. 2001-G, 120 FERC ¶ 61,270, *order on reh'g and clarification*, Order No. 2001-H, 121 FERC ¶ 61,289 (2007), *order revising filing requirements*, Order No. 2001-I, FERC Stats. & Regs. ¶ 31,282 (2008).

¹² *Elec. Mkt. Transparency Provisions of Section 220 of the Fed. Power Act*, Order No. 768, FERC Stats. & Regs. ¶ 31,336 (2012), *order on reh'g*, Order No. 768-A, 143 FERC ¶ 61,054 (2013).

¹³ See *Revisions to Electric Quarterly Report Filing Process*, Order No. 770, FERC Stats. & Regs. ¶ 31,338, at P 3 (2012) (citing Order No. 2001, FERC Stats. & Regs. ¶ 31,127 at P 31).

¹⁴ 18 C.F.R. § 35.42 (2017); see also *Reporting Requirement for Changes in Status*

Docket No. ER18-2178-000

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This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against any of the applicant(s).

This action is taken pursuant to the authority delegated to the Director, Division of Electric Power Regulation - West, under 18 C.F.R. § 375.307. This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R § 385.713.

Sincerely,



Steve P. Rodgers, Director
Division of Electric Power
Regulation - West

for Public Utilities with Market-Based Rate Authority, Order No. 652, FERC Stats. & Regs. ¶ 31,175, *order on reh'g*, 111 FERC ¶ 61,413 (2005).

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