ADDENDUM NUMBER ___01____

DATE: February 7, 2017

PROJECT: Turnage Heights LS Abandonment and Mud Creek Outfall

OWNER: The City of Durham

ENGINEER: [The Director of Public Works for the City of Durham]

TO: [Prospective Bidders]

This Addendum forms a part of the Contract Documents and modifies the Bidding Documents dated January 2017.

Acknowledge receipt of this Addendum in the space provided in the Bid form. Failure to do so may disqualify the Bidder.

This Addendum consists of ___23____ pages (including this sheet) and the following Drawings:

<table>
<thead>
<tr>
<th>No.</th>
<th>Drawing Title</th>
<th>Issue Date</th>
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<td>n/a</td>
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Please make the following changes to the Plans, Specifications, and Contract Documents:

1. The City of Durham will open sealed formal Bids submitted by Bidders at 2:00 pm, Thursday, February 23, 2017 for Project: Turnage Heights LS Abandonment and Mud Creek Outfall in the Department of Water Management, 1600 Mist Lake Drive, Durham, North Carolina.

2. The Pre-Bid Meeting Minutes (dated January 25, 2017) are attached and made part of the contract documents. (Note, the Project Bid Date listed in the Pre-Bid Meeting Minutes has been revised by Addendum No. 1)

3. As stated in the Bidding Documents, all excavation is unclassified. Bidders are to reference specification sections 012200 Unit and Lump Sum Prices and 333100 Sanitary Sewers, among others, for the specific project requirements regarding unclassified excavation. There will be no separate payment made for removal and replacement of unsuitable excavated material and/or unyielding material above the bottom of the pipe trench.

4. As a clarification, backfilling and compaction requirements are as listed in specification section 333100 Sanitary Sewers. Backfill and compaction within paved areas must achieve at least 95% of maximum as established by AASHTO T99. Backfill and compaction outside street limits must achieve at least 90% of maximum as established by AASHTO T99. The Contractor shall coordinate frequency and location of testing of backfill material with the Engineer. The Contractor will be responsible for obtaining the services of a third party testing firm, acceptable to the Owner, with payment being made from the Vibration Monitoring / Testing Allowance provided in the Bid.

5. As a clarification, manholes will be paid at the price listed in the Bid for the various depths of manholes as listed, with the listed depth being measured as the difference between each manhole’s lowest invert elevation and rim elevation, as stated in specification section 012200-3.1K(1)h.

6. As a clarification, the Boring Log Summary and individual Bore Hole Logs included with the Subsurface Investigation Report provided in Appendix M, lists ground elevations for each bore location. As indicated in the Subsurface Investigation Report, the listed elevations are estimated elevations. The actual ground and drill depth elevations were not measured at each bore hole.
location. For the purposes of providing the subsurface data, the existing ground elevation at each bore hole location is to be used as the starting point for the subsurface explorations.

7. As a clarification to specification section 012200-3.1E(7), the volume of material eligible for payment as undercut of unsuitable soils below the bottom of the pipe trench will be quantified as described, based on the width of excavation required to provide a suitable pipe foundation.

8. As a clarification, the existing 2” force main serving the Duke School for Children is to remain in service until the new sanitary sewer line is complete, certified, accepted by the Owner and ready to be placed into full service. Once the new sanitary sewer line is placed in to service, the existing 2” force main from the Duke School for Children is to be connected to the new sanitary sewer line, as indicated on sheet C5. Once the 2” force main from the Duke School for Children has been connected to the new sanitary sewer line and placed into service, the remaining sections of the existing 2” force main are to be abandoned in place by cutting and capping the existing force main downstream of the connection to the new sanitary sewer line. The far downstream end of the existing 2” force main is to be abandoned in place within the existing manhole by plugging the end of the existing pipe with grout. The interruption to sewer service is to be coordinated with the Engineer and Duke School for Children in advance of the work. All sewage from the existing force main is to be disposed of in accordance with NCDEQ regulations; the Contractor is to provide all temporary pumps as may be required.

9. As a clarification, precast concrete manholes are to be provided in accordance with specification section 333100 Sanitary Sewers. Interior coating of the manholes is not required.

10. As a clarification, bored encasement installations are to be provided as described in the Contract Documents, including specification section 333100-3.6 and 012200-3.1C(1), among others.

11. In specification section 001116 Invitation to Bid, revise the first sentence to read:

   The City of Durham will open sealed formal Bids submitted by Bidders at 2:00pm, Thursday, February 23, 2017 for Project: Turnage Heights LS Abandonment and Mud Creek Outfall in the Department of Water Management, 1600 Mist Lake Drive, Durham, North Carolina.

12. In specification section 015000 Construction Facilities and Temporary Controls, delete paragraph 2.2H in its entirety.

13. In specification section 015000 Construction Facilities and Temporary Controls, delete paragraph 2.2E in its entirety.

14. Add the attached permits to Appendix L of the Project Manual:
   - NC Department of Environmental Quality Letter of Approval with Modifications for Erosion and Sedimentation Control Plan (4 pages)
   - NC Department of Environmental Quality Approval of 401 Water Quality Certification with Additional Conditions (4 pages)
   - US Army Corps of Engineers Compensatory Mitigation Responsibility Transfer Form (2 pages)
15. On Sheet G2, MANHOLE SCHEDULE, revise the diameter of MH #22 to 60 inches.

16. On Sheet C6 and Sheet CD1, add the following note:

All existing gravity sewer pipes between new MH #26 and the existing Turnage Heights Lift Station are to be abandoned by grout filling, including approximately 65 LF of 15” TC SS, approximately 120 LF of 12” TC SS and two existing manholes. In addition, the two manholes to be abandoned are to be grout filled and their lids welded shut.

17. On Sheet D4, Detail EC-8, revise General Note 1 to read, “Filter fabric fence shall be a minimum of 48” in width and shall have a minimum of 6 line wires with 12” spacing.”

18. On Sheet D6, Detail EC-1.1, Note 2, revise references to “City of Raleigh” to read “City of Durham”.

END OF DOCUMENT

McKIM & CREED, INC
1730 Varsity Drive, Suite 500
Raleigh, North Carolina 27606
(919) 233-8091
CITY OF DURHAM
DEPARTMENT OF WATER MANAGEMENT
TURNAGE HEIGHTS LIFT STATION ABANDONMENT AND MUD CREEK OUTFALL
M&C PROJECT NO. 03079-0007

January 25, 2017 at 2:00 PM

PRE-BID MEETING MINUTES

Project Bid Date:
On behalf of the City of Durham sealed bids will be received by the Department of Water Management located at 1600 Mist Lake Drive, Durham, NC 27704 until 2:00 PM local time, on Thursday, February 9, 2017, for the construction of the Turnage Heights Lift Station Abandonment and Mud Creek Outfall.

At the bidder’s option, sealed bids may be mailed to the City to the address indicated under “Owner” in the Invitation for Bids. The Bidder is responsible to ensure their bids are received by the City prior to the deadline. The City accepts no responsibility for mailed bids that are received late.

Bid Structure:
The project is a Unit Price Bid based on the quantities and items in the Bid Form.

Project Description:
The Project involves the furnishing of all materials, labor, equipment, tools, etc. unless otherwise specified, for the complete installation of approximately 7,100 LF of 18” sanitary sewer pipe with manholes as well as the Turnage Heights Lift Station abandonment. Also included in this project are upgrades to the Garrett Road Lift Station, including the addition of a third motor and impeller upgrades to three existing pumps.

Qualification of Bidders:
All bidders must be licensed in the State of North Carolina and be qualified for utility construction. Further, bidders must be able to obtain payment and performance bonds as specified.

Also, Owner may conduct such investigations as Owner deems necessary to establish the responsibility, qualifications, and financial ability of Bidders and any proposed Subcontractors or Suppliers.
City of Durham Equal Business Opportunity Program (EBOP):
All Bidders are required to complete the UBE Participation Document form E-101 and submit the completed form with their Bid. The City’s UBE goals for this project are 11% minority and 7% woman business enterprises. All questions regarding UBE documents or requirements may be directed to Sidney Anderson of the City of Durham, Department of Equal Opportunity/Equity Assurance at (919) 560-4180, ext. 17245.

If the UBE goals established for the project cannot be satisfied, Bidders must show good faith efforts and document those efforts in accordance with the City EBO Program. Any and all subcontractors listed towards UBE goals must have an active certification as of the day bids are received for the subject project in order to be considered towards satisfaction of the UBE goals.

If UBE firms are bidding the project as prime contractors, the requirement to satisfy both the minority and woman business enterprises still apply.

The one-page EO/EA Underutilized Business Enterprise (UBE) Requirements Summary has been attached to these minutes for reference.

The City will distribute a list of qualified UBE firms via email to all individuals who signed the pre-bid meeting sign-in sheet.

More specific information regarding the EBO program can be found in Appendix A in the Project Manual.

Examination of Contract Documents and Site:
Before submitting the Bid, it is the responsibility of each Bidder to: (a) examine the Contract Documents thoroughly, (b) visit the site to become familiar with local conditions that may in any manner affect cost, progress or performance of the work, (c) become familiar with federal, state, and local laws, ordinances, rules and regulations affecting performance of the work, (d) study and carefully correlate Bidder’s observations with the requirements of the Contract Documents.

On request, the City of Durham will provide Bidder access to the Site to conduct such examinations, investigations, explorations, tests, and studies as Bidder deems necessary for submission of a Bid. Bidder shall fill all holes and clean up and restore the Site to its former condition upon completion of such explorations, investigations, tests, and studies. Bidder shall comply with all applicable Laws and Regulations relative to excavation and utility locates. All requests for access to the Site must be received forty-eight (48) hours prior to the preferred time of access. All Site access requests must be made to and coordinated by the Project Manager, Jim Harding, 919-560-4381, ext 35260. The Bidder may not access any Site without written permission from the City of Durham.

Bidder shall provide written notice to Engineer of all conflicts, errors, or discrepancies in the Contract Documents prior to bid opening in time for Engineer to respond by Addendum.
Construction Contract Periods and Schedules:
The Work shall be substantially completed within three hundred five (305) calendar days from date the Contract Time commences as provided in paragraph 2.03 of the General Conditions, and it shall be completed and ready for final payment in accordance with paragraph 14.07 of the General Conditions within three hundred thirty five (335) calendar days from the date the Contract Time commences.

Liquidated Damages:

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<td>Substantial Completion of All Work</td>
<td>$1,000/Day</td>
</tr>
<tr>
<td>Final Completion of All Work</td>
<td>$1,000/Day</td>
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Failure of the Contractor to commence construction within ten (10) days of the Notice to Proceed shall begin a daily penalty to the Contractor at a rate of fifty percent (50%) of the daily liquidated damages specified in [Paragraph 1.4.C.1].

Bid Package Requirements:

Bids shall be submitted at the time and place indicated in the Invitation to Bid and shall be included in an opaque sealed envelope, marked with the Project title and name and address of the Bidder, Contractor’s license number, and accompanied by the Bid security and other required documents. No Bid will be considered unless filed on or before the time and at the place designated in the Invitation to Bid. Bids received after the time set in the Invitation to Bid will be returned unopened. The sealed Bid, marked as indicated above, should be enclosed in an additional (outer) sealed envelope similarly marked and addressed as follows:

Attention: Jim Harding, P.E.
City of Durham
Department of Water Management
1600 Mist Lake Drive, Durham NC, 27704

Mark outer envelope with the Project title and Contractor’s license number in the lower left-hand corner. If Bid is sent by mail, it shall be enclosed in a separate mailing envelope, plainly marked on the outside with the notation “BID ENCLOSED”. Bids sent by mail and arriving after the time for opening of Bids shall not be considered as valid Bids. In such instances, the Bidder shall have no claim against the Owner.

The following forms shall be completely filled out and submitted with the Bid, along with the other documentation listed in the Instructions to Bidders. Failure to submit all of the forms below with the Bid, in addition to the documentation specified in Instructions to Bidders and the Bid Form, may be just cause for rejection of the Bid by the Owner.
Bid Form - Unit Price (Single-Prime Contract)
UBE Forms (E-101)
Non-Collusion Affidavit of Bidder
Bid Security or Bid Bond
List of Contractor Equipment and Personnel
General Contractor’s License of Bidder

**Method of Payment:**
Contractor should refer to the Technical Specification Section 01 22 00 (Unit and Lump Sum Prices) for a description of work to be included in each item and how the item is to be paid. Any updates or revisions shall be made via addenda.

**Geotechnical Data:**
Geotechnical data is provided as Appendix M of the specifications. Data includes bore logs and a profile for soil borings taken along the limits of construction along with detailed soil classification profiles. Bidders should fully review and understand this data before submitting a bid.

**Permits and Encroachments:**
The City has applied for the following permits and encroachments and will provide to Bidders; the issued for bid project manual does not contain the permits:
- DWQ 401 Water Quality/Buffer Authorization (*pending approval*)
- USACE Section 404 General Permit - Complete
- City of Durham Construction Drawing Review (*pending approval*)
- NCDEQ Land Quality Section Erosion and Sediment Control Permit (*pending approval*)
- NCDOT Two-Party Encroachment Agreement (*pending approval*)
- NCDOT Driveway Permit (*pending approval*)
Permits received prior to the Bid will be issued via Addendum.

**Miscellaneous Items:**
- The City anticipates award of contract in late March 2017 and a Notice to Proceed in May 2017.
- All work will be performed on NCDOT Right-of-way and City of Durham Easements. The Contractor is responsible for maintaining all construction activities and equipment within the permanent and temporary easements. The Contractor is responsible for staking out the easements in accordance with the recorded easement maps. All easements have been acquired from a single property owner, Duke University.
- Duke Forest, Duke University research plots and Duke Lemur Center are in the vicinity of the project area.
- The City has not provided designated lay down or storage areas for the project.
- Traffic control will be vital in all areas on NCDOT right-of-way. It is the responsibility of bidders to note all traffic control standards of the City of Durham and in the Manual of Uniform Traffic

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MCKIM&CREED
ENGINEERS SURVEYORS PLANNERS
Control Devices (MUTCD). A traffic control plan has been included in the plan set for this project.


- Prospective bidders shall refer to all general notes on the plans. Important information regarding coordination of repairs and other items are included in notes on the plans.

- Prospective Bidders shall note that this project includes unclassified excavation.

Record Drawing Information:
It is the Contractor's responsibility to prepare accurate record drawing information per the requirements of the specifications, including red-lined drawings and record survey data. Reference the requirements described in specification sections 01 51 00 and 01 70 00.

Supplementary/General Conditions:
Bidders shall read and comply with the General Conditions.

Safety:
Safety is of the utmost importance to the City of Durham. Site safety for the general public, construction workers, and City of Durham/Department of Water Management staff is critical to the success of this project. The Contractor shall be solely responsible for initiating, maintaining, and supervising all safety precautions and programs in connection with the work. The Contractor shall comply with all applicable Laws and Regulations relating to the safety of persons or property, or to the protection of persons or property from damage, injury, or loss; and shall erect and maintain all necessary safeguards for such safety and protection.
Addenda:
• First addendum will include minutes of the Pre-Bid Meeting.
• All questions from prospective bidders must be received by 4:00pm on Thursday, February 2, 2017, to ensure that the questions get answered prior to the Bid Opening date (see Article 1.8 – Interpretations and Addenda from the Instructions to Bidders section of the Contract Documents).
• Questions should be submitted in writing to blatino@mckimcreed.com and jsavage@mckimcreed.com. Responses to all questions will be issued via Addendum.
• Only questions answered by Addenda will be binding. Oral and other interpretations or clarifications shall be without legal effect.

Questions/Comments:
• Q: What is the Engineer’s estimate for the project?
  A: The Engineer’s estimate of probable construction costs is on the order of $2 to $2.4 million.

• Q: Is it known if Duke University desires to salvage any of the timber from clearing within the easement areas?
  A: At this time, Duke has not indicated any desire to salvage any timber or other items from within the easement areas.

• Q: Are prospective Bidders required to notify the City if they are visiting project areas within existing right-of-ways?
  A: Bidders are not required to notify the City if they plan to visit project areas within existing right-of-ways; however, Bidders must notify the City if they would like to visit project areas outside the existing right-of-ways. The existing Turnage Heights Lift Station can be seen from within existing NCDOT right-of-way; however, the City will need to grant access to the Garrett Road Lift Station.

• Q: Will the City or the Engineer provide construction observation on the project?
  A: The Engineer will provide a full time construction observer at the project site. The Engineer will also provide contract administration services during construction.

• Q: Are manholes flagged along the project route?
  A: Currently, proposed manhole locations have not been surveyed nor their locations designated at this time; however, there may be evidence of the location of the geotechnical explorations, which were generally conducted near each proposed manhole location.

• Q: Are the requirements for compaction testing provided in the specifications?
  A: The Engineer’s will issue a clarification to compaction testing requirements in the first Addendum.
• Q: Do the plans provide for traffic control measures in the round-about at the end of Erwin Road?
  A: Yes, the plans provide for traffic control at the round-about. In all situations, two-way traffic must be maintained.

• Q: Is the number of pages in the pdf file for the correct bidding documents available?
  A: Yes, the issued for bid project manual pdf file contains 346 pages.

• Q: What is specified for abandonment of the existing force main? Is grout filling required for any abandoned pipes?
  A: The existing force mains are to be cut and capped, at the locations indicated on the drawings. There is one section of gravity sewer that requires grout filling, as indicated on the drawings. Any additional requirements for abandoning existing pipes will be addressed via Addendum.
EO/EA Underutilized Business Enterprise (UBE) Requirements Summary
Turnage Heights LS Abandonment/Mud Creek O/F Construction

Minority (MBE) participation goal is 11%. Woman (WBE) participation goal is 7%. These are two separate goals that you need to try to obtain. The HUB Office uses the following designations for UBE firms: B (Black); W (Woman); HA (Hispanic); AI (American Indian) or AA (Asian American). If a UBE firm has a minority and woman designation (e.g. B W) you must decide whether that firm will be used to meet the minority or the woman goal. If your firm is a HUB, NC DOT or U.S. SBA certified MBE and/or WBE, you may use it towards meeting a respective goal for this project, either MBE or WBE. You will still be required to obtain participation to meet the other goal.

A list of UBE firms based on the subcontracting opportunities identified by the Project Manager is included in the Project Manual. This listing is not inclusive of all the firms in the HUB data base. To see a complete listing of the certified firms you can go to the HUB website www.doa.state.nc.us/hub (click on Search HUB Vendors at top left corner of homepage). Please verify that all UBE Subcontractors are registered with the HUB office or an approved substitute, i.e., the NC DOT or the U.S. Small Business Administration. Firms certified within these accepted organizations must be classified as women owned or minority owned in order to count towards the goals. Please note that for a NC DOT firm to be accepted they must be certified as DBE, MBE or DBE, WBE. If there is any question concerning the use of a subcontractor to meet one of the goals, you may contact Sidney Anderson at (919) 560-4180, ext. 17245.

The E-101 form must be signed and submitted regardless of participation for Bids to be deemed responsive.

The Successful Bidder will be required to submit an E-105 form for each UBE subcontractor that they plan to utilize within five (5) days of the bid opening and an E-104 Employee Breakdown form within (2) days of the bid.

If the apparent responsive low bidder does not meet the goals, then a completed Good Faith Effort Questionnaire E-107 form must be submitted within 2 days of the bid opening. One of the most important thing you can do to satisfy the Good Faith Effort is to in a timely manner, i.e., at least ten days prior to the bid opening, make documented contacts of ALL of the firms in the City's UBE HUB listing and document any contacts you receive from them.

For questions and/or concerns, please call or email Sidney Anderson at (919) 560-4180, ext. 17245 Sidney.Anderson@DurhamNC.gov.
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<thead>
<tr>
<th>Name</th>
<th>Organization</th>
<th>Phone Number</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wes Hutchins</td>
<td>McKim &amp; Creed, Inc.</td>
<td>919-233-8091</td>
<td><a href="mailto:whutchins@mckimcreed.com">whutchins@mckimcreed.com</a></td>
</tr>
<tr>
<td>Jason Savage</td>
<td>McKim &amp; Creed, Inc.</td>
<td>919-417-6199</td>
<td><a href="mailto:jsavage@mckimcreed.com">jsavage@mckimcreed.com</a></td>
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<tr>
<td>Ben Latino</td>
<td>McKim &amp; Creed, Inc.</td>
<td>919-233-8091</td>
<td><a href="mailto:blatino@mckimcreed.com">blatino@mckimcreed.com</a></td>
</tr>
<tr>
<td>Roddy Miller</td>
<td>Beach Construction</td>
<td>919-922-2412</td>
<td><a href="mailto:r.miller@beachconstruct.com">r.miller@beachconstruct.com</a></td>
</tr>
<tr>
<td>Joe Wilkevich</td>
<td>J.W. Wilkevich Co.</td>
<td>919-461-1829</td>
<td>j.pattishall@jw wilkevich.com</td>
</tr>
<tr>
<td>J. David Strike</td>
<td>Sanford Contractors</td>
<td>919-718-1012</td>
<td><a href="mailto:j.strike@sanfordcontractors.com">j.strike@sanfordcontractors.com</a></td>
</tr>
<tr>
<td>Jesse Duclau</td>
<td>Moffatt, Fife &amp; Co</td>
<td>919-255-4600</td>
<td><a href="mailto:dev@moffattpcc.com">dev@moffattpcc.com</a></td>
</tr>
<tr>
<td>Bill Carter</td>
<td>D.H. Griffin, Inc.</td>
<td>704-213-3511</td>
<td><a href="mailto:bcarter@d.h.griffin.com">bcarter@d.h.griffin.com</a></td>
</tr>
<tr>
<td>Brian Hooker</td>
<td>Carolina Civilworks</td>
<td>919-739-4435</td>
<td><a href="mailto:bhooker@cavicnworks.com">bhooker@cavicnworks.com</a></td>
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<tr>
<td>Bobbie Raynor</td>
<td>Park Construction</td>
<td>919-323-1581</td>
<td><a href="mailto:braynor@parknc.com">braynor@parknc.com</a></td>
</tr>
<tr>
<td>Kelly Hefner</td>
<td>ADS, Inc.</td>
<td>704-215-0143</td>
<td><a href="mailto:kelly.hefner@ads-pipe.com">kelly.hefner@ads-pipe.com</a></td>
</tr>
<tr>
<td>Jim Harring</td>
<td>COG/UE</td>
<td>(919) 560-4381</td>
<td><a href="mailto:jharring@durhamnc.gov">jharring@durhamnc.gov</a></td>
</tr>
</tbody>
</table>

MC Project No.: 03079-0007
January 19, 2017

LETTER OF APPROVAL WITH MODIFICATIONS

Durham Dept. of Water Resources
Attn: Don Greeley
101 City Hall Plaza
Durham, NC 27701

RE: Project Name: TURNAGE HEIGHTS LIFT STATION ABANDONMENT AND MUD CREEK OUTFALL
  Acres Approved: 7.96
  Project ID: DURHA-2017-009
  County: Durham, City: Durham
  Address: Cameron Blvd.
  River Basin: Neuse
  Stream Classification: Other
  Submitted by: Don Greeley
  Date Received by LQS: December 14, 2016
  Plan Type: Utilities

Dear Mr. Greeley:

The subject erosion and sedimentation control plan was approved by default. The Sedimentation Pollution Control Act (hereinafter “Act”) states that this plan must be filed a minimum of 30 days (15 days for revised plans) prior to the activity and the approving authority must approve or disapprove the submitted plan within 30 days (15 days for revised plans) of receipt of G.S. 113A-54.1. The Act further states that if the approving authority fails to approve or disapprove the submitted plan within the 30-day (15 days for revised plans) period, the plan will be deemed approved. 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.

Title 15A NCAC 4B .0118(a) requires that a copy of the approved erosion control plan be on file at the job site. Also, this letter gives the notice required by G.S. 113A-61.1(a) of our right of periodic inspection to insure 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.

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 agencies such as the DEMLR stormwater regulations, their enforcement requirements within Section 401 of the Clean Water Act, the Environmental Protection Agency and/or the U.S. Army Corps of Engineers' jurisdiction of Section 404 of the Clean Water Act, the Division of Solid Waste Management's landfill regulations, local County or Municipalities' ordinances, or others that may be required. This approval cannot supersede any other permit or approval; however, in the case of a Cease and Desist Order from the Corps of Engineers, that Order would only apply to wetland areas. All upland areas would still have to be in compliance with the N.C. Sedimentation Pollution Control Act.

If any area on site falls within the jurisdiction of Section 401 or 404 of the Clean Water Act, the developer is responsible for compliance with the requirements of the Division of Water Resources, the Corps of Engineers and the Environmental Protection Agency (EPA) respectively. Any erosion control measures that fall within jurisdictional wetland areas must be approved by the aforementioned agencies prior to installation. DEMLR must be notified of a relocation of the measures in question to the transition point between the wetlands and the uplands to assure that the migration of sediment will not occur. If that relocation presents a problem or contradicts any requirements of either DWR, the Corps, or the EPA, it is the responsibility of the developer to inform the DEMLR regional office so that an adequate contingency plan can be made to assure sufficient erosion control remains on site. Failure to do so will be considered a violation of this approval.

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 general permit.

You are requested to file an amended Financial Responsibility/Ownership Form, if there is any change in the information provided to our office at the time of the initial plan submittal. 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.

Your cooperation is appreciated.

Sincerely,

[Signature]

Evangelyn Lowery-Jacobs
Sediment Education Specialist
DEMLR

Enclosures: Certificate of Approval
NPDES Permit
Letter of Approval
Durham Dept. of Water Resources
January 19, 2017
Page 3 of 3

cc: Ben R Latino, Jr, PE, McKim & Creed
    Thad Valentine, DEMLR – electronic copy
    DEMLR – Raleigh Regional Office File

MODIFICATIONS REQUIRED FOR APPROVAL

Project Name: TURNAGE HEIGHTS LIFT STATION ABANDONMENT AND MUD CREEK OUTFALL
Project ID: DURHA-2017-009
County: Durham

1. Provide a new Financial Responsibility/Ownership form with accurate latitude and longitude in
decimal degrees. Submit copies of the soils and topography maps showing the linear path of the project.
(GS 113A-54.1(a))

2. Show the location of any proposed pump around operations for the project. Provide a construction
entrance on the North side of Erwin Road for access to the proposed bore and jack receiving pit. (GS
113A-57(3), 15A NCAC 04B .0105)

3. Update the construction sequence to include contacting the Raleigh DEMLR office (919-791-4200)
prior to beginning any land disturbing activities. Revise item #5 to indicating corrective actions should be
taken if any sediment leaves the project site. (GSGS 113A-57(4))

4. Provide 1 copy of revised plan sheets showing the modifications required for approval, and highlight
or bubble the revisions for reference.
CERTIFICATE OF PLAN APPROVAL

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

Turnage Heights Lift Station Abandonment and Mud Creek Outfall – Durham County

Project Name and Location

January 19, 2017
Date of Plan Approval

Regional Engineer
January 4, 2017

DWR # 16-1222
Durham County

Department of Water Management
Attn: Jim Harding
1600 Mist Lake Dr.
Durham, NC 27704

Subject: APPROVAL OF 401 WATER QUALITY CERTIFICATION WITH ADDITIONAL CONDITIONS AUTHORIZATION CERTIFICATE PER THE JORDAN LAKE WATER SUPPLY WATERSHED RIPARIAN BUFFER PROTECTION RULES (15A NCAC 02B .0267) WITH ADDITIONAL CONDITIONS
Turnage Heights Lift Station Abandonment and Mud Creek Outfall Project

Dear Mr. Harding:

You have our approval for the impacts listed below for the purpose described in your application dated December 12, 2016 and received by the Division of Water Resources (Division) on December 12, 2016. These impacts are covered by the attached Water Quality General Certification Number 3884 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 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 and Buffer Rules are met. No other impacts are approved, including incidental impacts. [15A NCAC 02B .0506(b)(c) and 15A NCAC 02B .0267(11)]
<table>
<thead>
<tr>
<th>Type of Impact</th>
<th>Amount Approved (units) Permanent</th>
<th>Amount Approved (units) Temporary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Wetland Impacts</td>
<td>0 (acres)</td>
<td>0.465 (acres)</td>
</tr>
<tr>
<td>Buffers – Zone 1</td>
<td>0 (square feet)</td>
<td>0 (square feet)</td>
</tr>
<tr>
<td>Total Impacts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buffers – Zone 2</td>
<td>0 (square feet)</td>
<td>346.14 (square feet)</td>
</tr>
<tr>
<td>Total Impacts</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. **No Waste, Spoil, Solids, or Fill of Any Kind**

No waste, spoil, solids, or fill of any kind shall occur in wetlands, waters, or riparian areas beyond the footprint of the impacts depicted in the Pre-Construction Notification. All construction activities, including the design, installation, operation, and maintenance of sediment and erosion control Best Management Practices, shall be performed so that no violations of state water quality standards, statutes, or rules occur. [15A NCAC 02H .0501 and .0502]

3. **Protective Fencing**

The outside buffer, wetland or water boundary and along the construction corridor within these boundaries approved under this authorization shall be clearly marked with orange warning fencing (or similar high visibility material) for the areas that have been approved to infringe within the buffer, wetland or water prior to any land disturbing activities to ensure compliance with 15 NCAC 02H .0500. [15A NCAC 02H .0506 (b)(2) and (c)(2) and 15A NCAC 02H .0507 (c)]

4. **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 and Buffer Authorization. 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)]

5. **This approval and its conditions are final and binding unless contested. [G.S. 143-215.5]**

This Certification and Buffer Authorization 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 **thirty (30) 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 by First Class Mail via the US Postal Service:
Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714

If sending via delivery service (e.g. UPS, FedEx):
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, NC 27609-6285

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

Sam Hayes, General Counsel
Department of Environment and Natural Resources
1601 Mail Service Center
Raleigh, NC 27699-1601

Please send one (1) copy of the petition to DWR:

If sending by First Class Mail via the US Postal Service:
Karen Higgins
NC DENR-DWR – 401 & Buffer Permitting Unit
1617 Mail Service Center
Raleigh, NC 27699-1617

If sending via delivery service (e.g. UPS, FedEx):
Karen Higgins
NC DENR-DWR – 401 & Buffer Permitting Unit
512 N. Salisbury Street
Raleigh, NC 27604

This letter completes the review of the Division under section 401 of the Clean Water Act and the Jordan Lake Water Supply Watershed Riparian Buffer Protection Rules as described in 15A NCAC 02B .0267. Please contact Cherri Smith at 919-791-4251 or cherri.smith@ncdenr.gov if you have any questions or concerns.
Sincerely,

Danny Smith  
Supervisor, Water Quality Regional Operations Section

Enclosure: GC 3884

cc: U.S. Army Corps of Engineers; Raleigh Regulatory Field Office; 3331 Heritage Trade Drive, Ste. 105; Wake Forest, NC 27597  
Eric Black; SEPI Engineering & Construction; 1025 Wade Ave.; Raleigh, NC 27606  
DWR RRO 401/Buffer file  
DWR 401 & Buffer Permitting Unit
U.S. ARMY CORPS OF ENGINEERS
Wilmington District
Compensatory Mitigation Responsibility Transfer Form

Permittee: City of Durham, Department of Water Management
Action ID: SAW-2016-0113
Project Name: Turnage Heights Lift Station Abandonment and Mud Creek Outfall Project
County: Durham

Instructions to Permittee: The Permittee must provide a copy of this form to the Mitigation Sponsor, either an approved Mitigation Bank or the North Carolina Division of Mitigation Services (NCDMS), who will then sign the form to verify the transfer of the mitigation responsibility. Once the Sponsor has signed this form, it is the Permittee’s responsibility to ensure that to the U.S. Army Corps of Engineers (USACE) Project Manager identified on page two is in receipt of a signed copy of this form before conducting authorized impacts, unless otherwise specified below. If more than one mitigation Sponsor will be used to provide the mitigation associated with the permit, or if the impacts and/or the mitigation will occur in more than one 8-digit Hydrologic Unit Code (HUC), multiple forms will be attached to the permit, and the separate forms for each Sponsor and/or HUC must be provided to the appropriate mitigation Sponsors.

Instructions to Sponsor: The Sponsor must verify that the mitigation requirements (credits) shown below are available at the identified site. By signing below, the Sponsor is accepting full responsibility for the identified mitigation, regardless of whether or not they have received payment from the Permittee. Once the form is signed, the Sponsor must update the bank ledger and provide a copy of the signed form and the updated bank ledger to the Permittee, the USACE Project Manager, and the Wilmington District Mitigation Office (see contact information on page 2). The Sponsor must also comply with all reporting requirements established in their authorizing instrument.

Permitted Impacts and Compensatory Mitigation Requirements:

<table>
<thead>
<tr>
<th>Permitted Impacts Requiring Mitigation*</th>
<th>8-digit HUC and Basin: 03030002, Cape Fear River Basin</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stream Impacts (linear feet)</td>
<td>Wetland Impacts (acres)</td>
</tr>
<tr>
<td>Warm</td>
<td>Cool</td>
</tr>
<tr>
<td>0.10</td>
<td></td>
</tr>
</tbody>
</table>

*If more than one mitigation sponsor will be used for the permit, only include impacts to be mitigated by this sponsor.

Compensatory Mitigation Requirements:

<table>
<thead>
<tr>
<th>Stream Mitigation (credits)</th>
<th>8-digit HUC and Basin: 03030002, Cape Fear River Basin</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warm</td>
<td>Cool</td>
</tr>
<tr>
<td>0.10</td>
<td></td>
</tr>
</tbody>
</table>

Mitigation Site Debit: Restoration Systems, LLC; Cripple Creek Stream & Wetland Mitigation Bank
(List the name of the bank to be debited. For umbrella banks, also list the specific site. For NCDMS, list NCDMS. If the NCDMS acceptance letter identifies a specific site, also list the specific site to be debited.)

Section to be completed by the Mitigation Sponsor

Statement of Mitigation Liability Acceptance: I, the undersigned, verify that I am authorized to approve mitigation transactions for the Mitigation Sponsor shown below, and I certify that the Sponsor agrees to accept full responsibility for providing the mitigation identified in this document (see the table above), associated with the USACE Permittee and Action ID number shown. I also verify that released credits (and/or advance credits for NCDMS), as approved by the USACE, are currently available at the mitigation site identified above. Further, I understand that if the Sponsor fails to provide the required compensatory mitigation, the USACE Wilmington District Engineer may pursue measures against the Sponsor to ensure compliance associated with the mitigation requirements.

Mitigation Sponsor Name: Restoration Systems, LLC

Name of Sponsor’s Authorized Representative: John Preyer

Signature of Sponsor’s Authorized Representative

Date of Signature: 1-10-2017
Conditions for Transfer of Compensatory Mitigation Credit:

- Once this document has been signed by the Mitigation Sponsor and the USACE is in receipt of the signed form, the Permittee is no longer responsible for providing the mitigation identified in this form, though the Permittee remains responsible for any other mitigation requirements stated in the permit conditions.
- Construction within jurisdictional areas authorized by the permit identified on page one of this form can begin only after the USACE is in receipt of a copy of this document signed by the Sponsor, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein. For authorized impacts conducted by the North Carolina Department of Transportation (NCDOT), construction within jurisdictional areas may proceed upon permit issuance; however, a copy of this form signed by the Sponsor must be provided to the USACE within 30 days of permit issuance. NCDOT remains fully responsible for the mitigation until the USACE has received this form, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein.
- Signed copies of this document must be retained by the Permittee, Mitigation Sponsor, and in the USACE administrative records for both the permit and the Bank/ILF Instrument. It is the Permittee’s responsibility to ensure that the USACE Project Manager (address below) is provided with a signed copy of this form.
- If changes are proposed to the type, amount, or location of mitigation after this form has been signed and returned to the USACE, the Sponsor must obtain case-by-case approval from the USACE Project Manager and/or North Carolina Interagency Review Team (NCIRT). If approved, higher mitigation ratios may be applied, as per current District guidance and a new version of this form must be completed and included in the USACE administrative records for both the permit and the Bank/ILF Instrument.

Comments/Additional Conditions:

This form is not valid unless signed below by the USACE Project Manager and by the Mitigation Sponsor on Page 1. Once signed, the Sponsor should provide copies of this form along with an updated bank ledger to: 1) the Permittee, 2) the USACE Project Manager at the address below, and 3) the Wilmington District Mitigation Office, Attn: Todd Tugwell, 11405 Falls of Neuse Road, Wake Forest, NC 27587 (email: todd.tugwell@usace.army.mil). Questions regarding this form or any of the permit conditions may be directed to the USACE Project Manager below.

USACE Project Manager: Eric Alsmeyer
USACE Field Office: Raleigh Regulatory Field Office
US Army Corps of Engineers
3331 Heritage Trade Drive, Suite 105
Wake Forest, North Carolina 27587
Email: eric.c.alsmeyer@usace.army.mil

Digitally signed by
ALSMEYER,ERIC.C.1087624486
Date: 2017.01.05 10:02:27 -05'00'

USACE Project Manager Signature

January 5, 2017

Date of Signature

Current Wilmington District mitigation guidance, including information on mitigation ratios, functional assessments, and mitigation bank location and availability, and credit classifications (including stream temperature and wetland groupings) is available at http://ribits.usace.army.mil.

Page 2 of 2

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at our website at http://regulatory.usacesurvey.com to complete the survey online.