

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



POST-CONSTRUCTION STORMWATER MANAGEMENT PERMIT

LOW DENSITY SUBDIVISION DEVELOPMENT WITH A CURB OUTLET SWALE SYSTEM

In compliance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules, and Regulations promulgated and adopted by the North Carolina Environmental Management Commission, including 15A NCAC 02H.1000 amended on January 1, 2017 (2017 Rules) (collectively, the "stormwater rules"),

PERMISSION IS HEREBY GRANTED TO

Swansgate HOA, Inc.

Swansgate

At Swansboro Loop Road and Main Street Extension, Swansboro, Onslow County

FOR THE

construction, management, operation and maintenance of built-upon area (BUA) for a low density subdivision area with a curb outlet swale system (the "low density area(s)") as outlined in the application, approved stormwater management plans, supplements, calculations, operation and maintenance agreement, recorded documents, specifications, and other supporting data (the "approved plans and specifications") as attached and/or on file with and approved by the Division of Energy, Mineral and Land Resources (the "Division" or "DEMLR"). The project shall be constructed, operated and maintained in accordance with these approved plans and specifications. The approved plans and specifications are incorporated by reference and are enforceable parts of this permit.

This permit shall be effective from the date of issuance until rescinded and shall be subject to the following specified conditions and limitations. The permit issued shall continue in force and effect until the permittee files a request with the Division for a permit modification, transfer, or rescission; however, these actions do not stay any condition. 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 for cause as allowed by the laws, rules, and regulations contained in 15A NCAC 2H.1000 and NCGS 143-215.1 et.al.

1. **CORRECTIONS NEEDED and SCHEDULE OF COMPLIANCE.** To bring this project into compliance with the Stormwater Regulations and design criteria, these deviations will be corrected within the proposed schedule of compliance as documented in Attachment D. The schedule must be adhered to unless an extension or revised plan of action is submitted and approved by the Division.
2. **BUA REQUIREMENTS.** The maximum amount of BUA allowed for the entire project is 229,474 square feet. The BUA requirements and allocations for this project are as follows:
 - a. **LOW DENSITY AREA BUA LIMITS.** The low density area must not exceed 24% per the requirements of the stormwater rules. Within this low density area, this permit approves a percent BUA of 24% and the construction of a total of 229,474 square feet of BUA, which includes 604 square feet of future BUA.
 - b. **BUA FOR INDIVIDUAL LOTS.** Each of the 37 lots are limited to a maximum amount of BUA as indicated in Attachment B of this permit and as indicated in the approved plans and specifications. **The maximum BUA assigned to each lot via this permit and the recorded deed restrictions and protective covenants may not be increased or decreased by either the individual lot owner or the permittee unless and until the permittee notifies the Division and obtains written approval from the Division.**

3. **PERVIOUS AREA IMPROVEMENTS.** At this time, none of the pervious area improvements listed in G.S. 143-214.7(b2) or the Stormwater Design Manual have been proposed for this project. Pervious area improvements will be allowed in this project if documentation is provided demonstrating those improvements meet the requirements of the stormwater rule.
4. **LOW DENSITY AREA REQUIREMENTS.** The low density area requirements for this project are as follows:
 - a. **LOW DENSITY AND CONVEYANCE DESIGN.** The low density area is permitted based on the design criteria presented in the sealed, signed and dated supplement and as shown in the approved plans and specifications. This low density area and conveyances must be provided and maintained at the design condition.
 - b. **PIPING.** Other than the piping shown on the approved plans, only minimal amounts of piping under driveways and roads is allowed within the low density area when it cannot be avoided. No additional piping is allowed.
 - c. **DISPERSED FLOW.** The low density area has maximized dispersed flow of stormwater runoff through vegetated areas and minimized the channelization of flow.
 - d. **VEGETATED CONVEYANCES.** Stormwater runoff that could not be released as dispersed flow may be transported by vegetated conveyances with minimum side slopes of 3:1 (H:V) designed to not erode during the peak flow from the 10-year storm event as defined in the stormwater rules and approved by the Division.
 - e. **CURB OUTLET SYSTEMS.** Each designated curb outlet must convey stormwater runoff to a vegetated conveyance or vegetated area as shown on the approved plans and specifications. The conveyance must be maintained with a dense vegetated cover at a minimum of 100' long, side slopes at 3:1 (H:V) or flatter, a minimum bottom width of 2 feet, and a longitudinal slope no steeper than 5% to carry the peak flow from the 10-year storm at a non-erosive velocity.
5. **STORMWATER OUTLETS.** The peak flow from the 10-year storm event shall not cause erosion downslope of the discharge point.
6. **VEGETATED SETBACKS.** A 50-foot wide vegetative setback must be provided and maintained in grass or other vegetation adjacent to all surface waters as shown on the approved plans. The setback is measured horizontally from the normal pool elevation of impounded structures, from the top of bank of each side of streams or rivers, and from the mean high waterline of tidal waters, perpendicular to the shoreline.
 - a. **BUA IN THE VEGETATED SETBACK.** BUA may not be added to the vegetated setback except as shown on the approved plans or in the following instances where the BUA has been minimized and channelizing runoff from the BUA is avoided:
 - i. Water dependent structures; and
 - ii. Minimal footprint uses such as poles, signs, utility appurtenances, and security lights that cannot practically be located elsewhere.
 - b. **RELEASE OF STORMWATER NOT TREATED IN A STORMWATER CONTROL MEASURE (SCM).** Stormwater that is not treated in an SCM, such as in this low density project (including roof drains), must be released at the edge of the vegetated setback and allowed to flow through the setback as dispersed flow.
7. **RECORDED DOCUMENT REQUIREMENTS.** The stormwater rules require the following documents to be recorded with the Office of the Register of Deeds prior to the sale of individual lots or groups of lots:
 - a. **EASEMENTS.** All stormwater collection systems, vegetated conveyances, and maintenance access located on property owned by other persons or entities must be located in permanent recorded easements or drainage easements as shown on the approved plans.

- b. OPERATION AND MAINTENANCE AGREEMENT. The operation and maintenance agreement must be recorded with the Office of the Register of Deeds.
 - c. FINAL PLATS. If a final plat is recorded, it must reference the operation and maintenance agreement and must also show all public rights-of-way, dedicated common areas, and/or permanent drainage easements, in accordance with the approved plans.
 - d. DEED RESTRICTIONS AND PROTECTIVE COVENANTS. The permittee shall record deed restrictions and protective covenants prior to the issuance of a certificate of occupancy to ensure the permit conditions and the approved plans and specifications are maintained in perpetuity. The following deed restrictions and protective covenants related to stormwater management have been recorded in Book 5922 on Pages 395 – 397 with the Onslow County Register of Deeds and must be maintained in perpetuity:
 - i. The following covenants are intended to ensure ongoing compliance with Stormwater Management Permit Number SW8190210, as issued by the Division of Energy, Mineral and Land Resources (the "Division") under 15A NCAC 02H.1000, effective January 1, 2017.
 - ii. The State of North Carolina is made a beneficiary of these covenants to the extent necessary to maintain compliance with the Stormwater Management Permit.
 - iii. These covenants are to run with the land and be binding on all persons and parties claiming under them.
 - iv. The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the Division.
 - v. Alteration of the drainage as shown on the approved plans may not take place without the concurrence of the Division.
 - vi. The maximum built-upon area (BUA) per lot is as shown in Attachment B. This allotted amount includes any BUA constructed within the lot property boundaries, and that portion of the right-of-way between the front lot line and the edge of the pavement not shown on the approved plans. BUA has the same meaning as G.S. 143-214.7, as amended.
 - vii. The maximum allowable BUA shall not be exceeded on any lot until the permit is modified to ensure compliance with the stormwater rules, permit, and the approved plans and specifications.
 - viii. Filling in, piping or altering any vegetated conveyances (ditches, swales, etc.) associated with the development, except for average driveway crossings, is prohibited by any persons.
 - ix. Filling in, piping or altering any designated curb outlet swale or vegetated area associated with the development is prohibited by any persons.
 - x. A 50-foot wide vegetative setback must be provided and maintained adjacent to all surface waters in accordance with 15A NCAC 02H.1003(4) and the approved plans.
 - xi. All roof drains shall be released no closer than at the edge of the 50-foot wide vegetated setback and allowed to flow through the setback as dispersed flow. At no time shall stormwater runoff be piped into or through the setback.
 - xii. Each designated curb outlet must convey stormwater runoff to a vegetated conveyance or vegetated area as shown on the approved plans and must be maintained at a minimum of 100' long, 3:1 (H:V) side slopes or flatter, a minimum bottom width of 2 feet; have a longitudinal slope no steeper than 5%, carry the peak flow from the 10-year storm at a non-erosive velocity, and dense vegetated cover.
 - xiii. Any individual or entity found to be in noncompliance with the provisions of a stormwater management permit or the requirements of the stormwater rules is subject to enforcement procedures as set forth in NCGS 143, Article 21.
8. CONSTRUCTION. During construction, erosion shall be kept to a minimum and any eroded areas of the on-site stormwater system will be repaired immediately.
- a. PROJECT CONSTRUCTION, OPERATION AND MAINTENANCE. During construction, all operation and maintenance for the project and stormwater system shall follow the Erosion Control Plan requirements until the Sediment-Erosion Control devices are no longer needed.

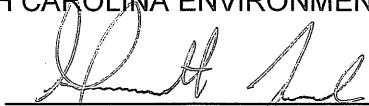
- b. **FINAL GRADING.** The curb outlet swales, vegetated areas and vegetated conveyances shall be entirely constructed and vegetated. Once the final grading is completed and the site is stabilized, the permittee shall provide and perform the operation and maintenance as outlined in the applicable section below.
9. **MODIFICATIONS.** No person or entity, including the permittee, shall alter any component shown in the approved plans and specifications, except for minimum driveway crossings. Prior to the construction of any modification to the approved plans, the permittee shall submit to the Director, and shall have received approval for modified plans, specifications, and calculations including, but not limited to, those listed below. For changes to the project that impact the certifications, a new or updated certification(s), as applicable, will be required and a copy must be submitted to the appropriate DEQ regional office upon completion of the modification.
- a. Any modification to the approved plans and specifications, regardless of size including the BUA, details, etc.
 - b. Redesign or addition to the approved amount of BUA or to the drainage area.
 - c. Further development, subdivision, acquisition, lease or sale of any, all or part of the project and/or property area as reported in the approved plans and specifications.
 - d. Altering, modifying, removing, relocating, redirecting, regrading, or resizing of any component of the approved stormwater collection system and/or vegetative conveyance shown on the approved plan, except for minimum driveway crossings.
 - e. The construction of any allocated future BUA.
 - f. Adding the option to use infiltrating permeable pavement or #57 stone within the lots as a pervious surface. The request may require a proposed amendment to the deed restrictions and protective covenants for the subdivision to be submitted and recorded.
 - g. The construction of any infiltrating permeable pavement, #57 stone area, public trails, or landscaping material within the common areas to be considered a pervious surface that were not included in the approved plans and specifications.
 - h. Other modifications as determined by the Director.
10. **DESIGNER'S CERTIFICATION.** Upon completion of the project, the permittee shall determine if the project is in compliance with the approved plans and take the necessary following actions:
- a. If the permittee determines that the project is in compliance with the approved plans, then within 45 days of completion, the permittee shall submit to the Division one hard copy and one electronic copy of the following:
 - i. The completed and signed Designer's Certification provided in Attachment A noting any deviations from the approved plans and specifications. Deviations may require approval from the Division;
 - ii. A copy of the recorded operation and maintenance agreement;
 - iii. Unless already provided, a copy of the recorded deed restrictions and protective covenants; and
 - iv. A copy of the recorded plat delineating the public rights-of-way, dedicated common areas and/or permanent recorded easements, when applicable.
 - b. If the permittee determines that the project is not in compliance with the approved plans, the permittee shall submit an application to modify the permit within 30 days of completion of the project or provide a plan of action, with a timeline, to bring the site into compliance.
11. **OPERATION AND MAINTENANCE.** The permittee shall provide and perform the operation and maintenance necessary, as listed in the signed operation and maintenance agreement, to assure that all components of the permitted on-site stormwater system are maintained at the approved design condition. The approved operation and maintenance agreement must be followed in its entirety and maintenance must occur at the scheduled intervals.
- a. **CORRECTIVE ACTIONS REQUIRED.** In the event that the low density area fails to meet the requirements of low density, the permittee shall take immediate corrective actions. This includes actions required by the Division and the stormwater rules such as the construction of additional or replacement on-site stormwater systems. These additional or replacement measures shall receive a permit from the Division prior to construction.

- b. **MAINTENANCE RECORDS.** Records of maintenance activities must be kept and made available upon request to authorized personnel of the Division. The records will indicate the date, activity, name of person performing the work and what actions were taken.
12. **CHANGES TO THE PROJECT NAME, PERMITTEE NAME OR CONTACT INFORMATION.** The permittee shall submit a completed Permit Information Update Application Form to the Division within 30 days to making any one of these changes.
13. **TRANSFER.** This permit is not transferable to any person or entity except after notice to and approval by the Director. Neither the sale of the project and/or property, in whole or in part, nor the conveyance of common area to a third party constitutes an approved transfer of the permit.
- a. **TRANSFER REQUEST.** The transfer request must include the appropriate application, documentation and the processing fee as outlined in 15A NCAC 02H.1045(2). This request must be submitted within 90 days of the permit holder meeting one or more of the following:
- i. A natural person who is deceased;
 - ii. A partnership, limited liability corporation, corporation, or any other business association that has been dissolved;
 - iii. A person or entity who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur through foreclosure, bankruptcy, or other legal proceeding.
 - iv. A person or entity who has sold the property, in whole or in part, on which the permitted activity is occurring or will occur, except in the case of an individual residential lot sale that is made subject to the recorded deed restrictions and protective covenants;
 - v. The assignment of declarant rights to another individual or entity;
 - vi. The sale or conveyance of the common areas to a Homeowner's or Property Owner's Association, subject to the requirements of NCGS 143-214.7(c2);
- b. **TRANSFER INSPECTION.** Prior to transfer of the permit, a file review and site inspection will be conducted by Division personnel to ensure the permit conditions have been met and that the project and the on-site stormwater system complies with the permit conditions. Records of maintenance activities performed to date may be requested. Projects not in compliance with the permit will not be transferred until all permit and/or general statute conditions are met.
14. **COMPLIANCE.** The permittee is responsible for complying with the terms and conditions of this permit and the approved plans and specifications until the Division approves the transfer request.
- a. **REVIEWING AND MONITORING EACH LOT FOR COMPLIANCE.** The permittee is responsible for verifying that the proposed BUA on each individual lot, within each drainage area and for the entire project does not exceed the maximum amount allowed by this permit. The permittee shall review all individual lot plans for new construction and all subsequent modifications and additions for compliance. The plans reviewed must include all proposed BUA, grading, and driveway pipe placement. The permittee shall not approve any lot plans where the maximum allowed BUA limit has been exceeded or where modifications are proposed to the grading and/or to the stormwater collection system and/or to the vegetated conveyance unless and until a permit modification has been approved by the Division. The permittee shall review and routinely monitor the project and each lot to ensure continued compliance with the conditions of the permit, the approved plans and specifications, and the recorded deed restrictions and protective covenants. The permittee shall notify any lot owner that is found to be in noncompliance with the conditions of this permit in writing and shall require timely resolution.
- b. **ARCHITECTURAL REVIEW BOARD (ARB) OR COMMITTEE (ARC).** The permittee may establish an ARB or ARC or other group to conduct individual lot reviews on the permittee's behalf. However, any approval given on behalf of the permittee does not relieve the permittee of the responsibility to maintain compliance with the conditions of the permit and the approved plans and specifications.

- c. **APPROVED PLANS AND SPECIFICATIONS.** A copy of this permit, approved plans, application, supplements, operation and maintenance agreement, all applicable recorded documents, and specifications shall be maintained on file by the permittee at all times.
- d. **MAINTENANCE ACCESS.** SCMs, stormwater collection systems, and vegetated conveyances must be accessible for inspection, operation, maintenance and repair as shown on the approved plans.
- e. **DIVISION ACCESS.** The permittee grants Division Staff permission to enter the property during normal business hours to inspect all components of the permitted project.
- f. **ENFORCEMENT.** Any individual or entity found to be in noncompliance with the provisions of a stormwater management permit or the requirements of the stormwater rules is subject to enforcement procedures as set forth in NCGS 143 Article 21.
- g. **ANNUAL CERTIFICATION.** The permittee shall electronically submit to the Division an annual certification completed by either the permittee or their designee confirming the projects conformance with permit conditions.
- h. **OBTAINING COMPLIANCE.** 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 modified plans and certification in writing to the Director that the changes have been made.
- i. **OTHER PERMITS.** The issuance of this permit does not preclude the permittee from obtaining and complying with any and all other permits or approvals that are required for this development to take place, as required by any statutes, rules, regulations, or ordinances, which are imposed by any other Local, State or Federal government agency having jurisdiction. Any activities undertaken at this site that cause a water quality violation or undertaken prior to receipt of the necessary permits or approvals to do so are considered violations of NCGS 143-215.1, and subject to enforcement procedures pursuant to NCGS 143-215.6.

Permit transferred, updated and reissued this the 6th day of January 2026.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION



For William E. Toby Vinson, Jr., PE, CPM, Director
Division of Energy, Mineral and Land Resources
By Authority of the Environmental Management Commission

Permit Number SW8190210

Attachment B - BUA Lot Allocations
Swansgate
Permit No. SW8 190210

Lot #	Max BUA, sf
1	4,400
2	4,000
3	4,400
4	4,800
5	3,900
6	4,200
7	3,900
8	3,900
9	4,300
10	3,900
11	4,000
12	3,900
13	3,900
14	3,900
15	3,900
16	4,300
17	3,900
18	3,900
19	3,900
20	4,400
21	3,900
22	3,900
23	4,400
24	4,800
25	4,200
26	3,900
27	3,900
28	3,900
29	3,900
30	3,900
31	3,900
32	4,300
33	3,900
34	3,900
35	3,900
36	3,900
37	3,900

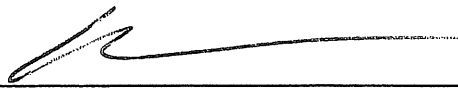
Attachment C - Permitting History
Swansgate
Permit No. SW8 190210

Approval Date	Permit Action	BIMS Version	Description of the Changes
5/29/2019	Original Approval	1.0	Low Density Subdivision Project with a Curb Outlet Swale System- construction, operation and maintenance of a 24% low density subdivision project with a curb outlet swale system in compliance with the provisions of Title 15A NCAC 2H .1000 effective January 1, 2017. The overall percent of built upon area (BUA) permitted for the project must not exceed 24% per the requirements of the stormwater rules. This permit covers the construction of a total of 229,474 square feet of BUA, which includes 228,870 square feet of proposed BUA and 604 square feet of future BUA allocation. Each of the 37 lots are limited to a maximum amount of built-upon area as indicated in Attachment B of this permit and as indicated in the approved plans and specifications.
6/12/2023	Minor Modification	1.1	Reallocation of BUA, no changes to total or lot lines.
6/20/2024	Minor Modification	1.2	Approved the addition of swales between lots 24 & 25, 29 & 30, and 32 & 33.
1/6/2025	Transfer	1.3	Transferred the permit from A. Sydes Construction, Inc. to Swansgate HOA, Inc under a Schedule of Compliance.

Attachment D – Schedule of Compliance
(See attached)

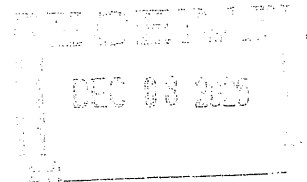
Schedule of Compliance

Swansgate HOA, Inc (proposed permittee) has applied for a State Stormwater Permit Transfer of SW8 190210 for Swansgate Subdivision from A Sydes Construction, Inc (current permittee). The Compliance Inspection by the Division of Energy, Mineral, and Land Resources (DEMLR) on September 15, 2025, and November 12, 2025, identified the following non-compliant items. As the proposed permittee, I agree to be the entity responsible for addressing any compliance issues outlined in the Compliance Inspection Report. Furthermore, I agree to resolve these issues to bring the project into compliance by May 12, 2026.

 DATE 12/3/25

Swansgate HOA, Inc.
Kerry Wagoner, Board President

swansgatehoapresident@gmail.com



Permit Requirements to be Resolved:

The following conditions and compliance issues listed in the Request for Additional Information / Notice of Inspection dated September 15, 2025 & Outstanding Compliance Item dated November 12, 2025 will be addressed:

Request for Additional Information

2. Documentation that BUA has not been exceeded (15A NCAC 02H.1045(2)(e): It is noted that documentation supporting the constructed built-upon area for each lot and comparing it to the maximum allowed built-upon area per lot was provided. While most lots with constructed built-upon area in addition to what is shown on the surveys (i.e. pool decking, sheds, etc.) provided documentation supporting that extra built-upon area, documentation supporting the reported additional built-upon area on Lot 9 was not provided and the reported built-upon area is not consistent with that found in a search of the Onslow County GIS database and tax records. The provided information indicates that 350 sf of pool concrete was added. As shown in the tax card below, 400 sq ft of pool concrete was added on Lot 9. Furthermore, the sum of the built-upon area highlighted in yellow exceeds the maximum of 4,300 sf for Lot 9. Please reevaluate the BUA on the lots, especially Lot 9, to include driveways, sidewalks, and any other BUA features not included in the provided information and ensure that it is presented accurately and consistently. Any overbuilt lots are considered out of compliance and will need to be resolved prior to submitting the transfer. Please keep in mind that the proposed solution may require a modification to the permit.
November 12, 2025 DEMLR Outstanding Item: Infiltrating permeable pavement for BUA credit has not been approved for the subject project. In order to receive BUA credit, infiltrating permeable pavement must be designed and constructed to meet all applicable minimum design criteria (MDC). Until a modification is submitted and documentation provided to support the infiltrating permeable pavement meets all applicable MDC in order to receive BUA credit, this surface type would be considered BUA. Based on the 1,396 sq ft area reported in the October 14, 2025 response, as well as the base survey provided with the original submittal indicating 3,950 sq ft of BUA without the addition of the pool and apron, this would indicate a total BUA of 5,346 sq ft of BUA. This exceeds the 4,300 sq ft

maximum by 1,046 square feet. This overage must be addressed. If infiltrating permeable pavement is desired for BUA credit, a complete modification would need to be provided with documentation supporting all applicable MDC will be met

We are working to complete a minor modification submittal to NCDEQ in order to receive BUA credit for the infiltrating permeable pavement on Lot 9 designed and constructed to meet all applicable minimum design criteria (MDC). We anticipate to have modification approval by April 12, 2026.

Notice of Inspection

- II. Maximum BUA per Lot [Permit Condition 1.b and 13.a]: As noted in Item #2 above, documentation supporting the reported additional built-upon area on Lot 9 was not provided and the reported built-upon area is not consistent with that found in a search of the Onslow County GIS database and tax records. The information provided indicates that 350 sf of pool concrete was added. As shown in the tax card below, 400 sf of pool concrete was added for Lot 9. Furthermore, the sum of the built-upon areas shown on the tax card for Lot 9 exceeds the maximum of 4,300 sf for Lot 9. Any overbuilt lots are considered out of compliance and must be addressed.

November 12, 2025 DEMLR Outstanding Item: Infiltrating permeable pavement for BUA credit has not been approved for the subject project. In order to receive BUA credit, infiltrating permeable pavement must be designed and constructed to meet all applicable minimum design criteria (MDC). Until a modification is submitted and documentation provided to support the infiltrating permeable pavement meets all applicable MDC in order to receive BUA credit, this surface type would be considered BUA. Based on the 1,396 sq ft area reported in the October 14, 2025 response, as well as the base survey provided with the original submittal indicating 3,950 sq ft of BUA without the addition of the pool and apron, this would indicate a total BUA of 5,346 sq ft of BUA. This exceeds the 4,300 sq ft maximum by 1,046 square feet. This overage must be addressed. If infiltrating permeable pavement is desired for BUA credit, a complete modification would need to be provided with documentation supporting all applicable MDC will be met

We are working to complete a minor modification submittal to NCDEQ in order to receive BUA credit for the infiltrating permeable pavement on Lot 9 designed and constructed to meet all applicable minimum design criteria (MDC). We anticipate to have modification approval by April 12, 2026.

