

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

RICHARD E. ROGERS, JR.

Director



NORTH CAROLINA
Environmental Quality

October 24, 2023

Tim Smith, Owner
Flying Crown Ranch, LLC
105 Weston Estates Way
Cary, NC 27513

Subject: Permit No. WQ0044540
The Retreat at Haw River – Phase 1 & 2
Wastewater Collection System Extension Permit
Franklin County

Dear Permittee:

In accordance with your application received June 30, 2023, with revised application and supporting information received October 20, 2023, we are forwarding herewith Permit No. WQ0044540 dated October 23, 2023 to Flying Crown Ranch, LLC (Permittee) for the construction and operation upon certification of the subject wastewater collection system extension. This permit shall be effective from the date of issuance until rescinded and shall be subject to the conditions and limitations as specified therein. This cover letter shall be considered a part of this permit and is therefore incorporated therein by reference.

Please pay particular attention to the following conditions contained within this permit:

- Condition I.1: The Operational Agreement between the Permittee and the Environmental Management Commission is incorporated herein by reference and shall be a condition of this permit. Noncompliance with the terms of the Operational Agreement shall subject the Permittee to all sanctions provided by North Carolina General Statutes §143-215.6A to §143-215.6C for violation of or failure to act in accordance with the terms and conditions of this permit. [15A NCAC 02T.0115]
- Condition I.2: No wastewater flow shall be made tributary to the subject sanitary sewer system until The Retreat at Haw River WWTP is constructed, operational, and the engineer's certification has been received by the Division. [15A NCAC 02T.0304(b) & 15A NCAC 02T.0116]
- Condition I.3: Each pump station shall be clearly and conspicuously posted using a weatherproof sign with a pump station identifying name/number, 24-Hour Emergency telephone number, and name of the owner/operator of the sewer system/pump station and instructions to call the number in the event of alarm activation or other emergency. [15A NCAC 02T.0305(h)(2)]



North Carolina Department of Environmental Quality | Division of Water Resources
Raleigh Regional Office | 3800 Barrett Drive | Raleigh, North Carolina 27609
919.791.4200

Flying Crown Ranch, LLC
Permit No. WQ0044540

- Condition II.1: This permit shall not be automatically transferable; a request must be made and approved.
- Condition II.4: Requires that the wastewater collection facilities be properly operated and maintained in accordance with 15A NCAC 02T .0403 or any individual system-wide collection system permit issued to the Permittee.
- Condition II.7: Upon completion of construction and prior to operation of these permitted facilities, the completed Engineering Certification form with checklist attached to this permit shall be submitted with the required supporting documents to the address provided on the form.

Permit modifications are required for any changes resulting in non-compliance with this permit, regulations, or the Minimum Design Criteria. [15A NCAC 02T.0116]


It shall be responsibility of the Permittee to ensure that the as-constructed project meets the appropriate design criteria and rules. Failure to comply may result in penalties in accordance with North Carolina General Statute §143-215.6A through §143-215.6C, construction of additional or replacement wastewater collection facilities, and/or referral of the North Carolina-licensed Professional Engineer to the licensing board.

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 30 days following receipt of this permit. This request must be in the form of a written petition, conforming to Chapter 150B of 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 need additional information concerning this matter, please contact the Raleigh Regional Office via e-mail at DEQ.DWR.RRO.FastTracks@deq.nc.gov or 919-791-4200.

Sincerely,

DocuSigned by:


B2916E6AB32144F

for Richard E. Rogers, Jr.

Director, Division of Water Resources

by Vanessa E. Manuel, Assistant Regional Supervisor
Water Quality Regional Operations Section
Raleigh Regional Office
Division of Water Resources, NCDEQ

enclosure: Operational Agreement

cc: Mark P. Ashness, PE, CE Group, Inc (via email)
Chatham County Health Department
DWR Laserfiche



NORTH CAROLINA
Environmental Quality

WASTEWATER COLLECTION SYSTEM EXTENSION PERMIT

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

Flying Crown Ranch, LLC
Chatham County

for the construction and operation of **approximately 10,835 linear feet of 8 inch gravity sewer; a duplex pump station (LS1) with each pump rated for 433 gpm at 177 TDH, a duplex grinder pump station (LS2) with each pump rated for 45 gpm at 39 TDH, a duplex grinder pump station (LS3) with each pump rated for 44 gpm at 41 TDH, and each pump station being equipped with standby power, automatic switchover, telemetry, audible and visual high water alarm; approximately 5,967 linear feet of 8 inch force main, approximately 841 linear feet of 2 inch force main, to serve 177, four bedroom residential units and an amenity area as part of The Retreat at Haw River – Phase 1 & 2 and the discharge of 86,160 gpd of domestic wastewater into The Retreat at Haw River WWTP** sewerage system pursuant to the application received June 30, 2023, with revised application and supporting information received October 20, 2023 and in conformity with 15A NCAC 02T; the Division’s Gravity Sewer Minimum Design Criteria adopted February 12, 1996 and updated in March 2008, as applicable; the Division’s Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2000 as applicable; and other supporting data subsequently filed and approved by the Department of Environmental Quality and considered a part of this permit.

This permit shall be effective from the date of issuance until rescinded and shall be subject to the specified conditions and limitations contained therein.

DocuSigned by:

Vaness E. Manuel

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for Richard E. Rogers, Jr.

Director, Division of Water Resources

By Authority of The Environmental Management Commission

Permit Number: WQ0044540
Permit Issued: October 24, 2023

SUPPLEMENT TO PERMIT COVER SHEET

Flying Crown Ranch, LLC is hereby authorized to:

Construct, and then operate upon certification the aforementioned wastewater collection extension. The sewage and wastewater collected by this system shall be treated in **The Retreat at Haw River Wastewater Treatment Plant**, in accordance with Permit Number **WQ0043977**.

Permitting of this project does not constitute an acceptance of any part of the project that does not meet 15A NCAC 02T; the Division's Gravity Sewer Minimum Design Criteria adopted February 12, 1996 as applicable; and the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2000 as applicable, unless specifically mentioned herein. Division approval is based on acceptance of the certification provided by a North Carolina-licensed Professional Engineer in the application. It shall be the Permittee's responsibility to ensure that the as-constructed project meets the appropriate design criteria and rules.

Construction and operation is contingent upon compliance with the Standard Conditions and any Special Conditions identified below.

I. SPECIAL CONDITIONS

1. The Operational Agreement between the Permittee and the Environmental Management Commission is incorporated herein by reference and shall be a condition of this permit. Noncompliance with the terms of the Operational Agreement shall subject the Permittee to all sanctions provided by North Carolina General Statutes §143-215.6A to §143-215.6C for violation of or failure to act in accordance with the terms and conditions of this permit. [15A NCAC 02T.0115]
2. No wastewater flow shall be made tributary to the subject sanitary sewer system until The Retreat at Haw River WWTP is constructed, operational, and the engineer's certification has been received by the Division. [15A NCAC 02T.0304(b) & 15A NCAC 02T .0116]
3. Each pump station shall be clearly and conspicuously posted using a weatherproof sign with a pump station identifying name/number, 24-Hour Emergency telephone number, and name of the owner/operator of the sewer system/pump station and instructions to call the number in the event of alarm activation or other emergency. [15A NCAC 02T .0305(h)(2)]

II. STANDARD CONDITIONS

1. This permit shall not be transferable. In the event there is a desire for the wastewater collection facilities to change ownership, or there is a name change of the Permittee, a formal permit request shall be submitted to the Division accompanied by documentation from the parties involved, and other supporting materials as may be appropriate. The approval of this request shall be considered on its merits and may or may not be approved. [15A NCAC 02T.0116; G.S 143-215.1(d3)]
2. This permit shall become voidable unless the wastewater collection facilities are constructed in accordance with the conditions of this permit; 15A NCAC 02T; the Division's Gravity Sewer Minimum

Design Criteria adopted February 12, 1996 as applicable; the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2000 as applicable; and other supporting materials unless specifically mentioned herein. [15A NCAC 02T.0110]

3. This permit shall be effective only with respect to the nature and volume of wastes described in the application and other supporting data. [15A NCAC 02T .0110]
4. The wastewater collection facilities shall be properly maintained and operated at all times. The Permittee shall maintain compliance with an individual system-wide collection system permit for the operation and maintenance of these facilities as required by 15A NCAC 02T .0403. If an individual permit is not required, the following performance criteria shall be met:
 - a. The sewer system shall be effectively maintained and operated at all times to prevent discharge to land or surface waters, and to prevent any contravention of groundwater standards or surface water standards.
 - b. A map of the sewer system shall be developed and shall be actively maintained.
 - c. An operation and maintenance plan including pump station inspection frequency, preventative maintenance schedule, spare parts inventory and overflow response has been developed and implemented.
 - d. Pump stations that are not connected to a telemetry system shall be inspected every day (i.e. 365 days per year). Pump stations that are connected to a telemetry system shall be inspected at least once per week.
 - e. High-priority sewer lines shall be inspected at least once per every six-months and inspections are documented.
 - f. A general observation of the entire sewer system shall be conducted at least once per year.
 - g. Overflows and bypasses shall be reported to the appropriate Division regional office in accordance with 15A NCAC 2B .0506(a), and public notice shall be provided as required by North Carolina General Statute §143-215.1C.
 - h. A Grease Control Program is in place as follows:
 1. For public owned collection systems, the Grease Control Program shall include at least biannual distribution of educational materials for both commercial and residential users and the legal means to require grease interceptors at existing establishments. The plan shall also include legal means for inspections of the grease interceptors, enforcement for violators and the legal means to control grease entering the system from other public and private satellite sewer systems.
 2. For privately owned collection systems, the Grease Control Program shall include at least bi-annual distribution of grease education materials to users of the collection system by the permittee or its representative.
 3. Grease education materials shall be distributed more often than required in Parts (1) and (2) of this Subparagraph if necessary to prevent grease-related sanitary sewer overflows.
 - i. Right-of-ways and easements shall be maintained in the full easement width for personnel and equipment accessibility.
 - j. Documentation shall be kept for Subparagraphs (a) through (i) of this Rule for a minimum of three years with exception of the map, which shall be maintained for the life of the system.

5. The Permittee shall report by telephone to a water resources staff member at the Raleigh Regional Office, telephone number (919) 791-4200, as soon as possible, but in no case more than 24 hours, following the occurrence or first knowledge of the occurrence of either of the following:
 - a. Any process unit failure, due to known or unknown reasons, that renders the facility incapable of adequate wastewater transport, such as mechanical or electrical failures of pumps, line blockage or breakage, etc.; or
 - b. Any SSO and/or spill over 1,000 gallons; or
 - c. Any SSO and/or spill, regardless of volume, that reaches surface water

Voice mail messages or faxed information is permissible, but this shall not be considered as the initial verbal report. Overflows and spills occurring outside normal business hours may also be reported to the Division of Emergency Management at telephone number (800) 858-0368 or (919) 733-3300. Persons reporting any of the above occurrences shall file a spill report by completing and submitting Part I of Form CS-SSO (or the most current Division approved form) within five days following first knowledge of the occurrence. This report must outline the actions taken or proposed to be taken to ensure that the problem does not recur. Part II of Form CS-SSO (or the most current Division approved form) can also be completed to show that the SSO was beyond control. [G.S. 143-215.1C(a1)]

6. Construction of the gravity sewers, pump stations, and force mains shall be scheduled so as not to interrupt service by the existing utilities nor result in an overflow or bypass discharge of wastewater to the surface waters of the State. [15A NCAC 02T.0108(b)]
7. Upon completion of construction and prior to operation of these permitted facilities, the completed Engineering Certification form with checklist attached to this permit shall be submitted with the required supporting documents to the address provided on the form. A complete certification is one where the form is fully executed and the supporting documents are provided as applicable. Any wastewater flow made tributary to the wastewater collection system extension prior to completion of this Engineer's Certification shall be considered a violation of the permit and shall subject the Permittee to appropriate enforcement actions.

If the permit is issued to a private entity with an Operational Agreement, then a copy of the Articles of Incorporation, Declarations/Covenants/Restrictions, and Bylaws that have been appropriately filed with the applicable County's Register of Deeds office shall be submitted with the certification.

A complete certification is one where the form is fully executed and the supporting documents are provided as applicable. Supporting documentation shall include the following:

- a. One copy of the project construction record drawings (plan & profile views of sewer lines & force mains) of the wastewater collection system extension. Final record drawings should be clear on the plans or on digital media (CD or DVD disk) and are defined as the design drawings that are marked up or annotated with after construction information and show required buffers, separation distances, material changes, etc.
- b. One copy of the supporting applicable design calculations including pipe and pump sizing, velocity, pump cycle times, and level control settings, pump station buoyancy, wet well storage, surge protection, detention time in the wet well, and force main, ability to flush low points in force mains with a pump cycle, and downstream sewer capacity analysis. If a portable power source or pump is dedicated to multiple stations, an evaluation of all the pump stations' storage capacities

and the rotation schedule of the portable power source or pump, include travel timeframes, shall be provided.

- c. Changes to the project that do not result in non-compliance with this permit, regulations, or the Minimum Design Criteria should be clearly identified on the record drawings, on the certification in the space provided, or in written summary form.

Prior to Certification (Final or Partial): Permit modifications are required for any changes resulting in non-compliance with this permit (including but not limited to pipe length changes of 10% or greater, increased flow, pump station design capacity design increases of 5% or greater, and increases in the number/type of connections), regulations, or the Minimum Design Criteria. Requested modifications or variances to the Minimum Design Criteria will be reviewed on a case-by-case basis and each on its own merit. Please note that variances to the Minimum Design Criteria should be requested and approved during the permitting process prior to construction. After-construction requests are discouraged by the Division and may not be approved, thus requiring replacement or repair prior to certification & activation. [15A NCAC 02T .0116]

8. Gravity sewers installed greater than ten percent below the minimum required slope per the Division's Gravity Sewer Minimum Design Criteria shall not be acceptable and shall not be certified until corrected. If there is an unforeseen obstacle in the field where all viable solutions have been examined, a slope variance can be requested from the Division with firm supporting documentation. This shall be done through a permit modification with fee. Such variance requests will be evaluated on a case-by-case basis. Resolution of such request shall be evident prior to completing and submitting the construction certification. [15A NCAC 02T.0105(n)]
9. A copy of the individual permit and construction record drawings shall be maintained on file by the Permittee for the life of the wastewater collection facilities. [15A NCAC 02T .0116]
10. Failure to abide by the conditions and limitations contained in this permit; 15A NCAC 02T; the Division's Gravity Sewer Design Criteria adopted February 12, 1996 as applicable; the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Station and Force Mains adopted June 1, 2000 as applicable; and other supporting materials may subject the Permittee to an enforcement action by the Division, in accordance with North Carolina General Statutes §143-215.6A through §143-215.6C, construction of additional or replacement wastewater collection facilities, and/or referral of the North Carolina-licensed Professional Engineer to the licensing board. [15A NCAC 02T .0108(b-c)]
11. In the event that the wastewater collection 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 this Division, such as the construction of additional or replacement facilities. [15A NCAC 02T .0110; 15A NCAC 02T .0108(b)]
12. The issuance of this permit shall not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by the Division any other Federal, State, or Local government agencies which have jurisdiction or obtaining other permits which may be required by the Division or any other Federal, State, of Local government agencies. [G.S. 143-215.1(b)]

CERTIFICATION CHECKLIST

To be completed by the certifying engineer prior to operation of the permitted sewers, per 15A NCAC 02T.0116.

Certifying Engineer: _____

Certification Review Date: _____

Project Name: _____

WQ00 _____ Project County: _____

- 1) Has permittee information changed since the permit was issued (or last modified): change of mailing address, change of ownership, transfer from developer to HOA/POA, etc. Yes No
 - If yes, please provide either a change of ownership form or new contact information. Note that transfer of permits from the developer to the HOA/POA must occur with the first certification.
- 2) Have the as-built drawings have been signed, sealed, and dated by an N.C. PE? Yes No
- 3) Final Engineering certification? Yes No
 - **If Partial Engineering certification, provide detailed narrative including what is being certified in the current phase, what was previously certified (if applicable), and what is left to be certified.**
- 4) Adequate information related to sewer lines: Yes No N/A
 - Three feet minimum cover has been provided for all sewers unless ferrous pipe was installed.
 - Minimum diameters for gravity sewers are 8-inches for public lines and 6-inches for private lines.
 - Manholes have been installed: At the end of each line, at all changes in grade, size, or alignment, at all intersections, and at distances not greater than 425 feet; minimum diameter shall be 4 feet (48-inches).
- 5) Adequate information related to pump stations: Yes No N/A
 - Ensure power reliability option was selected per [15A NCAC 02T.0305\(h\)](#).
- 6) Was project construction completed in accordance with all of the following: Yes No N/A
 - [15A NCAC 02T, Minimum Design Criteria \(MDC\) for the permitting of Gravity Sewers](#) (latest version), and [MDC for the Permitting of Pump Stations and Force Mains](#) (latest version)?

If not, a variance approval is required in accordance with [15A NCAC 02T.0105\(b\)](#), **prior to certification and operation.**

 - Contact the Central Office to discuss the variance to determine a course of action.
 - Applicant must submit two copies of the variance request form, plans, specifications, calculations, and any other pertinent information to the Central Office (one hard copy, one digital copy).
 - The central office will review the variance request, and if approvable, specific language regarding the variance will be incorporated into the permit, either via a special condition or a supplementary letter. A copy of the reissued permit with variance language or the variance letter must be maintained with the original documents.
- 7) Does the project contains high priority lines ([15A NCAC 02T .0402\(2\)](#))? Yes No
 - If yes, ensure that the permit already contains the necessary condition related to high priority lines 15A NCAC 02T.0403 (a)(5). If the permit does not include this language, the Fast Track reviewer will reissue the permit with the appropriate language.
- 8) Are Permit modifications are required for any changes resulting in non-compliance with this permit (including but not limited to pipe length changes of 10% or greater, change in flow, pump station design capacity design change of 5% or greater, and/or change in the number/type of connections)? Yes No
 - If yes, a permit modification request must be submitted to the appropriate Regional Office, and **a modified permit with revised certification must be issued prior to certification and operation.**

FAST TRACK SEWER ENGINEERING CERTIFICATION

PERMITTEE: Flying Crown Ranch, LLC
PERMIT #: WQ0044540
PROJECT: The Retreat at Haw River – Phase 1 & 2
ISSUE DATE: October 24, 2023

This project shall not be considered complete nor allowed to operate in accordance with Condition 7 of this permit until the Division has received this Certification and all required supporting documentation. It should be submitted in a manner that documents the Division’s receipt. Send the required documentation the Regional Supervisor, Water Quality Regional Operations Section at the address at the bottom.

Any wastewater flow made tributary to the wastewater collection system extension prior to completion of this Certification shall be considered a violation of the permit and shall subject the Permittee to appropriate enforcement actions. The Permittee is responsible for tracking all partial certifications up until a final certification is received. A Final Certification shall be a complete set of record drawings and design calculations regardless of whether partials have been submitted.

PERMITTEE’S CERTIFICATION

I, the undersigned agent for the Permittee, hereby state that this project has been constructed pursuant to the applicable standards & requirements, the Professional Engineer below has provided applicable design/construction information to the Permittee, and the Permittee is prepared to operate & maintain the wastewater collection system permitted herein or portions thereof.

Printed Name, Title	Signature	Date

ENGINEER’S CERTIFICATION

I, _____, as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project name and location as referenced above for the above Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the following construction: **approximately 10,835 linear feet of 8 inch gravity sewer; a duplex pump station (LS1) with each pump rated for 433 gpm at 177 TDH, a duplex grinder pump station (LS2) with each pump rated for 45 gpm at 39 TDH, a duplex grinder pump station (LS3) with each pump rated for 44 gpm at 41 TDH, and each pump station being equipped with standby power, automatic switchover, telemetry, audible and visual high water alarm; approximately 5,967 linear feet of 8 inch force main, approximately 841 linear feet of 2 inch force main, as part of The Retreat at Haw River – Phase 1 & 2 project;** such that the construction was observed to be built within substantial compliance of this permit; 15A NCAC 02T; the Division of Water Resources’ (Division) Gravity Sewer Minimum Design Criteria adopted February 12, 1996 as applicable; the Division’s Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2000 as applicable; and other supporting materials.

North Carolina Professional Engineer’s Seal w/signature & date:

Final Partial (include description)



Certification Comments/Qualifiers (attach if necessary):

STATE OF NORTH CAROLINA

COUNTY OF Chatham

Permit No. W90044540

DEVELOPER'S OPERATIONAL AGREEMENT

This AGREEMENT made pursuant to G.S. 143-215.1 (d1) and entered into this 10/23/2023 day of _____, by and between the North Carolina Environmental Management Commission, an agency of the State of North Carolina, hereinafter known as the COMMISSION; and Flying Crown Ranch LLC, a corporation/general partnership registered/licensed to do business in the State of North Carolina, hereinafter known as the DEVELOPER.

WITNESSETH:

1. The DEVELOPER is the owner of the certain lands lying in Chatham County, upon which it is erecting and will erect dwelling units and other improvements, said development to be known as The Retreat at Haw River (hereinafter the Development).
2. The DEVELOPER desires, to construct a wastewater collection system with pumps, wastewater treatment works, and/or disposal facilities (hereinafter Disposal System) to provide sanitary sewage disposal to serve the Development on said lands.
3. The DEVELOPER has applied to the COMMISSION for the issuance of a permit pursuant to G.S. 143-215.1 to construct, maintain, and operate the Disposal System.
4. The DEVELOPER has created or shall create unit ownership in said dwellings units, other improvements and lands through filing of a Declaration of Unit Ownership (hereinafter Declaration), pursuant to Chapter 47C or 47F of the North Carolina General Statutes.
5. The DEVELOPER has caused to be formed or will cause to be formed at the time of filing of the Declaration, The Retreat at Haw River HOA (hereinafter Association), a non-profit corporation organized and existing under and by the virtue of the laws of the State of North Carolina, for the purpose, among others, of handling the property, affairs and business of the Development; of operating, maintaining, re-constructing and repairing the common elements of the lands and improvements subject to unit ownership, including the Disposal System; and of collecting dues and assessments to provide funds for such operation, maintenance, re-construction and repair.
6. The COMMISSION desires to assure that the Disposal System of the Development is properly constructed, maintained and operated in accordance with law and permit provisions in order to protect the quality of the waters of the State and the public interest therein.

NOW, THEREFORE, in consideration of the promises and the benefits to be derived by each of the parties hereto, the COMMISSION and DEVELOPER do hereby mutually agree as follows:

1. The DEVELOPER shall construct the Disposal System in accordance with the permit and plans and specifications hereafter issued and approved by the COMMISSION, and shall thereafter properly operate and maintain such systems and facilities in accordance with applicable permit provisions and law.
2. The DEVELOPER shall not transfer ownership and/or control of the Disposal System to the Association until construction has been completed in accordance with the permit and approved plans, and the staff of the Division of Water Resources has inspected and approved of the facilities. In order to change the name of the permit holder, the DEVELOPER must request that the permit be reissued to the Association. The request must include a copy of the Association Bylaws and Declaration.
3. The DEVELOPER shall not transfer, convey, assign or otherwise relinquish or release its responsibility for the operation and maintenance of its Disposal System until a permit has been reissued to the DEVELOPER's successor.

4. The DEVELOPER shall provide in the Declaration and Association Bylaws that the Disposal System and appurtenances thereto are part of the common elements and shall thereafter be properly maintained and operated in conformity with law and the provisions of the permit for construction, operation, repair, and maintenance of the system and facilities. The Declaration and Bylaws shall identify the entire wastewater treatment, collection and disposal system as a common element which will receive the highest priority for expenditures by the Association except for Federal, State, and local taxes and insurance.
5. The DEVELOPER shall provide in the Declaration and Association Bylaws that the Disposal System will be maintained out of the common expenses. In order to assure that there shall be funds readily available to repair, maintain or construct the Disposal System, beyond the routine operation and maintenance expenses, the Declaration and Association Bylaws shall provide that a fund be created out of the common expenses. Such fund shall be separate from the routine maintenance funds allocated for the facility and shall be part of the yearly budget.
6. In the event the common expense allocation and separate fund are not adequate for the construction, repair, and maintenance of the Disposal System, the Declaration and Association Bylaws shall provide for special assessments to cover such necessary costs. There shall be no limit on the amount of such assessments, and the Declaration and Bylaws shall provide that such special assessments can be made as necessary at any time.
7. If a wastewater collection system and wastewater treatment and/or disposal facility provided by any city, town, village, county, water and sewer authorities, or other unit of government shall hereinafter become available to serve the Development, the DEVELOPER shall take such action as is necessary to cause the existing and future wastewater of the Development to be accepted and discharged into said governmental system, and shall convey or transfer as much of the Disposal System and such necessary easements as the governmental unit may require as condition of accepting the Development's wastewater.
8. Recognizing that it would be contrary to the public interest and to the public health, safety and welfare for the Association to enter into voluntary dissolution without having made adequate provision for the continued proper maintenance, repair and operation of its Disposal System, the DEVELOPER shall provide in the Association Bylaws that the Association shall not enter into voluntary dissolution without first having transferred its said system and facilities to some person, corporation or other entity acceptable to and approved by the COMMISSION by the issuance of a permit.
9. The agreements set forth in numbered paragraphs 1, 2, 3, 4, 5, 6, 7, and 8 above shall be conditions of any permit issued by the COMMISSION to the DEVELOPER for the construction, maintenance, repair and operation of the Disposal System.
10. A copy of this agreement shall be filed at the Register of Deeds in the County(ies) where the Declaration is filed and in the offices of the Secretary of State of North Carolina with the Articles of Incorporation of the Association.

IN WITNESS WHEREOF, this agreement was executed in duplicate originals by the duly authorized representative of the parties hereto on the day and year written as indicated by each of the parties named below:

FOR THE ENVIRONMENTAL
MANAGEMENT COMMISSION

Vaness E. Manuel

Richard E. Rogers, Jr.
Director, Division of Water Resources

10/23/2023

(Date)

Flying Crown Ranch LLC

Name of DEVELOPER

By: *Tim Smith*
(Signature)

Tim Smith, Manager

Print Name and Title

October 3, 2023
(Date)