



AT THE HEART OF GREAT LIVING

5850 Fayetteville Road, #201  
 Durham, NC 27713

Phone: 919-361-7000 Fax: 919-361-7011

## TRANSMITTAL

Date: 12/27/05  
 To: Shannon McSwiney/John R. McAdams Company  
 From: Kendall Owen  
 Subject:  
 CC:

	<b>Federal Express</b>		<b>For your use</b>
x	<b>Mail</b>		<b>Per your request</b>
	<b>Messenger</b>		<b>Sign and Return</b>

Enclosed are the following:

Qty.	Date	Description
1	12/27/05	NCDENR Letter of Approval

- |                                      |                                  |
|--------------------------------------|----------------------------------|
| <input type="checkbox"/> Signature   | <input type="checkbox"/> Witness |
| <input type="checkbox"/> Notarize    | <input type="checkbox"/> Date    |
| <input type="checkbox"/> Other _____ |                                  |

For Corporate Use Only: Document No.: _____	Date: _____
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State of North Carolina  
Department of Environment  
and Natural Resources  
Raleigh Regional Office

Michael F. Easley, Governor  
William G. (Bill) Ross, Secretary



DIVISION OF LAND RESOURCES  
LETTER OF APPROVAL

November 28, 2005

NNP-Briar Chapel, LLC  
5850 Fayetteville Rd, Suite 201  
Durham, NC 27713  
ATTN: Ed Timoney

RE: Project Name: Briar Chapel Ph 1 borrow Area  
County: Chatham  
Submitted by: John R. McAdams Co.  
Date Received: November 16, 2005  
Date Processing Initiated: November 16, 2005  
Watershed: Cape Fear #1/03-06-06  
New Submittal (X) Revised ( )

Dear Mr. Timoney:

This office has reviewed the subject Erosion and Sedimentation Control Plan. We find the plan to be acceptable and hereby issue this letter of approval. If any modifications, performance reservations, or recommendations are applicable, a list is enclosed and is incorporated as a part of this letter of approval. The enclosed Certificate of Approval should be posted at the job site. In addition, it should be noted that this plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, in accordance with Title 15A, North Carolina Administrative Code (NCAC) 4B.0029.

If any modifications are not incorporated into the plan and implemented in the field, the site will be in violation of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statute (NCGS), 113A-61.1).

15A NCAC 4B.0018(a) requires that a copy of the approved plan be on file at the job site. Also, this letter gives the notice required by NCGS 113A-61.1(a) concerning our right to perform periodic inspections to ensure compliance with the approved plan.

North Carolina's sedimentation pollution control program is performance oriented, requiring protection of the natural resources and adjoining properties. If at any time during this project it is determined that the Erosion and Sedimentation Control Plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (NCGS 113A-51 through 66), this office may require revisions in the plan and its implementation to ensure compliance with the Act.

Acceptance and approval of this plan is conditioned upon your compliance with applicable federal and state water quality laws, regulations and rules. This could include the Division of Water Quality under stormwater or other specific water quality standards, and the U.S. Army Corps of Engineers under Article 404 jurisdiction. Our approval does not supersede any other required permit or approval.

Since this project disturbs one or more acres, one such approval relates to the stormwater that will discharge from your project. This runoff is permitted pursuant to the National Pollutant Discharge Elimination System (NPDES) administered in North Carolina by the Division of Water Quality (DWQ). Attached is the General Stormwater NPDES Permit, NCG010000, as revised October 1, 2001, covering your activity. You are responsible for complying with the General Permit requirements and are subject to enforcement by DWQ for any violations of the General Permit.

Please note that this approval is based in part on the accuracy of the information provided concerning financial responsibility. You are requested to file an amended Financial Responsibility Form if any changes become necessary. In addition, it would be helpful if you would notify this office when the proposed land-disturbing activity covered by this plan is initiated.

Your cooperation is appreciated and we look forward to working with you on this project. If there are any questions, please do not hesitate to contact this office.

Sincerely,



Karyn Pageau, EIT  
Asst. Regional Engineer  
Land Quality Section

KP; clm

cc: Christopher Sandt, John R. McAdams, Co  
Mr. Ken Schuster, P.E., Division of Water Quality

# NOTICE

## TIME LIMIT FOR GROUND COVER HAS CHANGED!

Effective October 1, 2005 the limit for establishing ground cover on slopes has changed to 21 calendar days.

SECTION 2. G.S. 113A-57(2) reads as rewritten:

"§ 113A-57. Mandatory standards for land-disturbing activity.

No land-disturbing activity subject to this Article shall be undertaken except in accordance with the following mandatory requirements:

...

(2) The angle for graded slopes and fills shall be no greater than the angle that can be retained by vegetative cover or other adequate erosion-control devices or structures. In any event, slopes left exposed will, within 21 calendar days of completion of any phase of grading, be planted or otherwise provided with temporary or permanent ground cover, devices, or structures sufficient to restrain erosion..."