



Michael F. Easley, Governor

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Coleen H. Sullins, Director
Division of Water Quality

July 24, 2007

DWQ Project # 07-1110
Chatham County

Mr. John W. Coffey, President
Mr. Michael Shachtman, Vice President
Coffey Grounds of Chapel Hill, Inc.
127 Araya Lane
Chapel Hill, NC 27516

Subject Property: **Horizon Subdivision**
Ut to Pokeberry Creek [030604, 16-37, WSIV, NSW]

**Approval of 401 Water Quality Certification and Isolated Wetlands Permit (IWGP100000),
with Additional Conditions**

Dear Mr. Coffey and Mr. Shachtman:

You have our approval, in accordance with the attached conditions and those listed below, to place fill within or otherwise impact 0.0166 acres of 404/wetland, 79 linear feet of intermittent stream, and 104 linear feet of isolated, perennial stream, as described in your application dated June 21, 2007, and received by the Division of Water Quality (DWQ) on June 22, 2007, with additional information received by you on July 6, 2007, for the purpose of constructing the residential subdivision. After reviewing your application, we have decided that the impacts are covered by General Water Quality Certification Number(s) 3631(GC3631). The Certification(s) allows you to use Nationwide Permit(s) NW29, respectively, when issued by the US Army Corps of Engineers (USACE). Also, we have determined that this Isolated Stream fill (104 linear feet of isolated, perennial stream) is covered by the State General Permit for Impacts to Isolated Wetlands and Isolated Waters (IWGP100000). In addition, you should obtain or otherwise comply with any other required federal, state or local permits before you go ahead with your project including (but not limited to) Erosion and Sediment Control, and Non-discharge regulations. **Also, this approval to proceed with your proposed impacts or to conduct impacts to waters as depicted in your application shall expire upon expiration of the 404 or CAMA Permit.**

This approval is for the purpose and design that you described in your application. If you change your project, you must notify us and you may be required to send us a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter and is thereby responsible for complying with all conditions. If total fills for this project (now or in the future) exceed one acre of wetland or 150 linear feet of stream, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h). **This approval requires you to follow the conditions listed in the attached certification and any additional conditions listed below.**



The Additional Conditions of the Certification are:

1. Impacts Approved

The following impacts are hereby approved as long as all of the other specific and general conditions of this Certification (or Isolated Wetland Permit) are met. No other impacts are approved including incidental impacts:

Type of Impact	Amount Approved (Units)	Plan Location or Reference
404/Wetland	0.0166 (acres)	PCN page 9 of 14
Isolated Stream - perennial	104 (linear feet)	PCN page 9 of 14
Stream - intermittent	79 (linear feet)	PCN page 9 of 14

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.

3. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:

- a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
- b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
- c. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.

4. Sediment and Erosion Control Measures

Sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored within six months of the date that the Division of Land Resources has released the project;

5. 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 15A NCAC 2B .0233 and GC 3404;

6. Deed Notifications

Deed notifications or similar mechanisms shall be placed on all retained jurisdictional wetlands, waters and protective buffers in order to assure compliance for future wetland, water and buffer impact. These mechanisms shall be put in place at the time of recording of the property, or of individual lots, whichever is appropriate. A sample deed notification can be downloaded from the 401/Wetlands Unit web site at <http://h2o.enr.state.nc.us/nwetlands>. The text of the sample deed notification may be modified as appropriate to suit to this project.

7. Construction Stormwater Permit NCG010000

Upon the approval of an Erosion and Sedimentation Control Plan issued by the Division of Land Resources (DLR) or a DLR delegated local erosion and sedimentation control program, an NPDES General stormwater permit (NCG010000) administered by DWQ is automatically issued to the project. This General Permit allows stormwater to be discharged during land disturbing construction activities as stipulated by conditions in the permit. If your project is covered by this permit [applicable to construction projects that disturb one (1) or more acres], full compliance with permit conditions including the sedimentation control plan, self-monitoring, record keeping and reporting requirements are required. A copy of this permit and monitoring report forms may be found at http://h2o.enr.state.nc.us/su/Forms_Documents.htm;

8. Certificate of Completion

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return the attached certificate of completion to the 401 Oversight/Express Review Permitting Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650.

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. The authorization to proceed with your proposed impacts or to conduct impacts to waters as depicted in your application and as authorized by this Certification, shall expire upon expiration of the 404 or CAMA Permit.

If you do not accept any of the conditions of this Certification (associated with the approved wetland or stream impacts), you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition, which

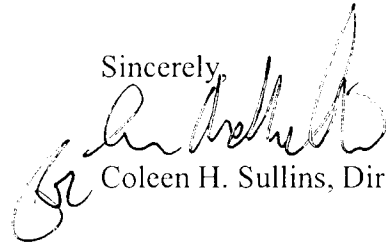
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conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. This certification and its conditions are final and binding unless you ask for a hearing.

Any disputes over determinations regarding this Authorization Certificate (associated with the approved buffer impacts) shall be referred in writing to the Director for a decision. The Director's decision is subject to review as provided in Articles 3 and 4 of G.S. 150B.

This letter completes the review of the Division of Water Quality under Section 401 of the Clean Water Act the State General Permit for Impacts to Isolated Wetlands and Isolated Waters (IWGP100000). If you have any questions, please telephone Cyndi Karoly or Ian McMillan at 919-733-1786.

Sincerely,



Coleen H. Sullins, Director

CHS/ijm

Enclosures: GC 3631
IWGP100000
Certificate of Completion

cc: USACE Raleigh Regulatory Field Office
Lauren Cobb, DWQ Raleigh Regional Office
DLR Raleigh Regional Office
File Copy
Central Files