



Michael F. Easley, Governor

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural ResourcesColeen H. Sullins, Director
Division of Water Quality

December 3, 2007

DWQ EXP No. 07-1494v2
Chatham CountyParker Springs, LLC
Attn: Mr. Rusty Ammons
318 West Millbrook Road
Raleigh, NC 27609Subject Property: Parker Springs Subdivision
Parkers Creek [030605, 16-41-8-(1), WS-IV, B, NSW]**APPROVAL OF 401 WATER QUALITY CERTIFICATION WITH ADDITIONAL CONDITIONS
- EXPRESS REVIEW PROGRAM**

Dear Mr. Ammons:

You have our approval, in accordance with the attached conditions and those listed below, to place fill within or otherwise impact 284 linear feet of stream and 0.009 acres of wetland for the purpose of constructing the residential subdivision, as described within your Pre-construction Notification Application dated October 25, 2007. The impacts are covered by General Water Quality Certification Number(s) 3705 (GC3705). The Certification(s) allow you to use Nationwide Permit(s) NW29 when issued by the US Army Corps of Engineers (USACE). 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 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 Water Quality Certifications 3705 (GC3705) and any additional conditions listed below.**

401 Oversight/Express Review Permitting Unit
1650 Mail Service Center, Raleigh, North Carolina 27699-1650
2321 Crabtree Boulevard, Suite 250, Raleigh, North Carolina 27604
Phone: 919-733-1786 / FAX 919-733-6893 / Internet: <http://h2o.enr.state.nc.us/newetlands>

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Parker Springs Subdivision

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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 are met. **No other impacts are approved including incidental impacts:**

<i>Impact Type</i>	<i>Amount Approved (Units)</i>	<i>Plan Location or Reference</i>
Stream (perennial)	128 (linear feet)	October 25, 2007 PCN page 4 of 8
Stream (intermittent)	143 (linear feet)	October 25, 2007 PCN page 4 of 8
Stream (isolated intermittent)	13 (linear feet)	October 25, 2007 PCN page 4 of 8
Wetland (permanent)	0.009 (acre)	October 25, 2007 PCN page 4 of 8

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 two (2) 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 GC3705.

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6. Deed Notifications

Deed notifications or similar mechanisms shall be placed on all retained jurisdictional wetlands, waters and riparian buffers in order to assure compliance for future wetland, water and riparian buffer impact. **These mechanisms shall be put in place prior to impacting any wetlands, waters and/or buffers approved for impact under this Certification Approval and Authorization Certificate.**

These documents shall be filed with the Register of Deeds, Chatham County, North Carolina. Parker Springs, LLC shall submit copies of these documents to the Division of Water Quality before any impacts to protected riparian buffers (if applicable), wetlands, or waters shall occur.

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/sw/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.

9. Notification of Construction

The applicant and/or authorized agent shall contact the DWQ Express Review Program in writing at the letterhead address within ten (10) days of the commencement of construction.

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 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.

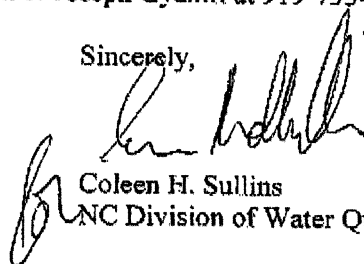
Parker Springs Subdivision

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This letter completes the review of the Division of Water Quality under Section 401 of the Clean Water Act. If you have any questions, please telephone Lia Myott or Joseph Gyamfi at 919-733-1786.

Sincerely,



Coleen H. Sullins
NC Division of Water Quality

CHS/lem

Enclosures: GC 3705
Certificate of Completion

- cc: Monte Matthews, USACE Raleigh Regulatory Field Office
- Lauren Witherspoon, DWQ Raleigh Regional Office
- DLR Raleigh Regional Office
- File Copy
- Central Files
- Mr. Scott Mitchell, Mitchell Environmental, P.A., P.O. Box 341, Fuquay-Varina, NC 27526
- NC Ecosystem Enhancement Program

Filename: 071494v2ParkerSpringsSD(Chatham)EXP401cf



Michael F. Easley, Governor

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural ResourcesColeen H. Sullins, Director
Division of Water Quality

EXPRESS PERMIT REVIEW PROGRAM

Division of Water Quality Department of Environmental and Natural Resources 401 Oversight/Express Review Permitting Unit

Street Address: 2321 Crabtree Boulevard, Suite 250
Raleigh, NC 27604-2260

Mailing Address: 1650 Mail Service Center
Raleigh, NC 27699-1650

Contact Information: Phone #: 919-733-0203
Fax #: 919-733-6893

Fax To: Pete Colwell/Scott Mitchell
Rusty Ammons

Fax #: 557-4683
844-9755

Subject: Parker Springs Subdivision

Date: December 3, 2007

Number of pages including cover sheet: 5

Notes or special instructions:

The original will be sent in the mail. If you have questions, please contact Lia Myott at 919-733-9502.

One
North Carolina
Naturally

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