

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

> Coleen H. Sullins, Director Division of Water Quality

December 18, 2008

DWQ Project # 05-0732v9 Chatham County

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Mr. Mitch Barron Newland Communities 5850 Fayetteville Road, Suite 201 Durham, North Carolina 27713

Subject Property:

Briar Chapel - Phase 5 South

STORMWATER MANAGEMENT PLAN APPROVAL

Dear Mr. Barron:

On January 11, 2008, the Division of Water Quality (DWQ) issued a revised 401 Water Quality Certification to temporarily impact 339 linear feet of stream and 0.157 acre of 404 wetlands and to permanently impact 1,666 linear feet of stream and 0.590 acre of 404 wetlands in order to construct the Briar Chapel Subdivision in Chatham County.

In order to meet Condition 10 of the 401 Certification for this project, a stormwater management plan for Briar Chapel – Phase 5 South, dated June 2, 2008, was received by the DWQ on June 3, 2008. This plan was approved on June 13, 2009. A revised stormwater management plan that depicts a wet detention pond to serve only the "A" portion of this site, dated November 28, 2008, we received by the DWQ on November 28, 2008. The stormwater management plan for the A portion of the Briar Chapel Phase 5 South has been reviewed and satisfies the stormwater management conditions of the 401 Water Quality Certification. When the entire Phase 5 South site is constructed, then the stormwater management plan that was approved by the DWQ on June 13, 2008 must be in place prior to occupation of any of the homes in the "B" portion of this site.

The structural stormwater practices as approved by DWQ as well as drainage patterns must be maintained in perpetuity. No changes to the structural stormwater practices shall be made without written authorization from the DWQ. Stormwater easements shall be recorded for a distance of at least ten feet on each side of all storm water conveyances on all lots containing these structures including future access for maintenance. The stormwater easements shall allow for the ability to maintain the structures, perform corrective actions as described above and shall provide protection of the structures from potential alternations by future property owners.

This letter completes the review of the DWQ under Section 401 of the Clean Water Act. If you have any questions, please contact me at 919-715-3425.



Sincerely,

Annette Lucas, Environmental Engineer III 401 Oversight/Express Review Permitting Unit

AML/aml

cc: Becky Fox, EPA

Monte Matthews, USACE, Raleigh

Lauren Witherspoon, DWQ Raleigh Regional Office

Nicole Thomson, S&EC, P.A., 11010 Raven Ridge Road, Raleigh, 27614

Fred Royal, Director, Chatham County Environmental Resources, Public Works Department, P.O. Box 1550, Pittsboro, NC 27312

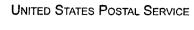
Allison Weakley, Chair, Chatham County Environmental Review Board, 311 Boothe Road, Chapel Hill, NC 27517

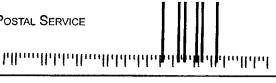
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 Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: Newland Communities Attn: Mr. Mitch Barron 5850 Fayetteville Road Suite 201 Durham, NC 27713 DWQ#.05-0721-v9-Chatham 	A. Signature Agent Addressee B. Received by (Printed Name) C. Date of Delivery D. L. S. delivery address different from item 17 Yes If YES, enter delivery address below:
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NC DENR Division of Water Quality 401 Oversight/Express Unit 2321 Crabtree Boulevard suite250 Raleigh,NC 27604