



Water Resources
ENVIRONMENTAL QUALITY

PAT MCCRORY

Governor

DONALD R. VAN DER VAART

Secretary

S. JAY ZIMMERMAN

Director

April 25, 2016

DWR #16-0349
Chatham County

Chatham Capital, LLC
Attn: Sarah O'Brien
400 Market St., Ste. 115
Chapel Hill, NC 27516

Haw River Baptist Church, Inc.
Attn: Dexter Perry
1035 Mount Gilead Church Rd.
Pittsboro, NC 27312

Subject: APPROVAL OF 401 WATER QUALITY CERTIFICATION WITH ADDITIONAL CONDITIONS
Sunset Grove Subdivision Phase 1

Dear Ms. O'Brien and Mr. Perry:

You have our approval for the impacts listed below for the purpose described in your application dated April 8, 2016 and received by the Division of Water Resources (Division) on April 8, 2016. These impacts are covered by the attached Water Quality General Certification Number 3890 and the conditions listed below. This certification is associated with the use of Nationwide Permit Number 29 once it is issued to you by the U.S. Army Corps of Engineers. Please note that you should get any other federal, state or local permits before proceeding with your project, including those required by (but not limited to) Sediment and Erosion Control, Non-Discharge, and Water Supply Watershed regulations.

This approval requires you to follow the conditions listed in the enclosed certification and the following additional conditions:

1. The following impacts are hereby approved provided that all of the other specific and general conditions of the Certification are met. No other impacts are approved, including incidental impacts. [15A NCAC 02B .0506(b)(c)]

Division of Water Resources, Raleigh Regional Office, Water Quality Operations Section
1628 Mail Service Center, Raleigh, NC 27699-1628
Location: 3800 Barrett Drive, Raleigh, NC 27609

<http://portal.ncdenr.org/web/wq/aps>
Phone: (919) 791-4200
Fax: (919) 788-7159

Type of Impact	Amount Approved (units) Permanent	Amount Approved (units) Temporary
Stream	92.4 (linear feet)	20 (linear feet)
Road Crossing		

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. [15A NCAC 02H .0501 and .0502]

3. **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 15 NCAC 02H .0500. [15A NCAC 02H .0506 (b)(2) and (c)(2) and 15A NCAC 02H .0507 (c)]

4. This approval is for the purpose and design described in your application. The plans and specifications for this project are incorporated by reference as part of the Certification. If you change your project, you must notify the Division and you may be required to submit a new application package with the appropriate fee. If the property is sold, the new owner must be given a copy of this approval letter and General Certification and is responsible for complying with all conditions. [15A NCAC 02B .0507(d)(2)]

5. This approval and its conditions are final and binding unless contested. [G.S. 143-215.5]

This Certification can be contested as provided in Articles 3 and 4 of General Statute 150B by filing a written petition for an administrative hearing to the Office of Administrative Hearings (hereby known as OAH). A petition form may be obtained from the OAH at <http://www.ncoah.com/> or by calling the OAH Clerk's Office at (919) 431-3000 for information.

Within thirty (30) calendar days of receipt of this notice, a petition must be filed with the OAH. A petition is considered filed when the original and one (1) copy along with any applicable OAH filing fee is received in the OAH during normal office hours (Monday through Friday between 8:00am and 5:00pm, excluding official state holidays).

The petition may be faxed to the OAH at (919) 431-3100, provided the original and one copy of the petition along with any applicable OAH filing fee is received by the OAH within five (5) business days following the faxed transmission.

Mailing address for the OAH:

*If sending by First Class Mail
via the US Postal Service:*

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714

*If sending via delivery service
(e.g. UPS, FedEx):*

Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, NC 27609-6285

One (1) copy of the petition must also be served to DENR:

Sam Hayes, General Counsel
Department of Environment and Natural Resources
1601 Mail Service Center
Raleigh, NC 27699-1601

Please send one (1) copy of the petition to DWR:

*If sending by First Class Mail
via the US Postal Service:*

Karen Higgins
NC DENR-DWR – 401 & Buffer
Permitting Unit
1617 Mail Service Center
Raleigh, NC 27699-1617

*If sending via delivery service
(e.g. UPS, FedEx):*

Karen Higgins
NC DENR-DWR – 401 & Buffer
Permitting Unit
512 N. Salisbury Street
Raleigh, NC 27604

This letter completes the review of the Division under section 401 of the Clean Water Act. Please contact Cherri Smith at 919-791-4251 or cherri.smith@ncdenr.gov if you have any questions or concerns.

Sincerely,



Danny Smith
Supervisor, Water Quality Regional Operations Section

Enclosure: GC 3890

cc: U.S. Army Corps of Engineers; Raleigh Regulatory Field Office; 3331 Heritage Trade
Drive, Ste. 105; Wake Forest, NC 27597
Justin Milstein; Timmons Group; 5410 Trinity Rd., Ste. 102; Raleigh, NC 27607
DWR RRO 401 file
DWR 401 & Buffer Permitting Unit