



North Carolina Department of Environment and Natural Resources

Division of Water Quality
Coleen H. Sullins
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

January 26, 2010

Chatham County
DWQ Project No. 09-0732v9

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

Subject Property: **Briar Chapel – Phase 5 South**

STORMWATER MANAGEMENT PLAN APPROVAL - MODIFIED

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 0.1590 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, 2008. A revised stormwater management plan that depicts a wet detention pond to serve only Section 1 of this site, dated November 28, 2008, was received by the DWQ on November 28, 2008. The stormwater management plan for the Section 1 of Briar Chapel Phase 5 South has been reviewed and satisfies the stormwater management condition of the 401 Water Quality Certification.

The DWQ will allow the temporary use of a sediment and erosion control device to control stormwater from Section 2 of Briar Chapel Phase 5 South. The use of the sediment control device as a stormwater BMP may occur for a period of up to 30 months after the issuance of the first Certificate of Occupancy for a Section 2 property provided that the following two conditions are met:

- There is an approved Sediment and Erosion Control Plan in place.
- The sediment and erosion control device is properly maintained.

Thirty months after the first Certificate of Occupancy is issued for Section 2, the stormwater management plan that was approved by the DWQ on June 13, 2008 must be in place and operational. The structural stormwater practices 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 stormwater conveyances on all lots containing these structures including future access for maintenance. The stormwater easements utilizing this facility shall allow for the ability to maintain these structures, perform corrective actions as

described above and shall provide for protection of the structures from potential alterations by future property owners.

After the stormwater plan is implemented, please fill out a Certificate of Completion (available at: http://h2o.enr.state.nc.us/ncwetlands/documents/CertificateofCompletion_Mar2009.doc) and return it to the 401 Oversight/Express Unit, 2321 Crabtree Boulevard, Suite 250, Raleigh, NC 27604.

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, PE
401 Oversight/Express Review Permitting Unit

AML/aml

cc: Becky Fox, EPA
Monte Matthews, USACE, Raleigh
Lauren Witherspoon, DWQ Raleigh Regional Office
Fred Royal, Director, Chatham County Environmental Resources, Public Works Department,
P.O. Box 1550, Pittsboro, NC 27312
Allison Weakly, Chair, Chatham County Environmental Review Board, 311 Boothe Road,
Chapel Hill, NC 27517
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