



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

LINDA CULPEPPER
Interim Director

October 2, 2018

DWR #18-1123
Chatham County

Dwight C. Ryan
3550 Hwy 63
Rison, AR 71665

Subject: APPROVAL OF 401 WATER QUALITY CERTIFICATION WITH ADDITIONAL CONDITIONS
Ryan's Crossing

Dear Mr. Ryan:

You have our approval for the impacts listed below for the purpose described in your application received by the Division of Water Resources (Division) on August 10, 2018 with payment received on August 14, 2018 and additional information received on September 26, 2018. These impacts are covered by the attached Water Quality General Certification Number 4139 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)]

| Type of Impact | Amount Approved (units) Permanent | Amount Approved (units) Temporary |
|--------------------------------|---|---|
| Wetland | | |
| W1: Road Crossing, 1A | 0.089 (acres) | 0 (acres) |
| W2: Temporary Construction, 1A | 0 (acres) | 0.006 (acres) |
| W3: Road Crossing, 1B | 0.027 (acres) | 0 (acres) |
| W4: Temporary Construction, 1B | 0 (acres) | 0.001 (acres) |
| Stream | | |
| S1: Culvert | 124 (linear feet) | 0 (linear feet) |
| S2: Temporary Construction | 0 (linear feet) | 5 (linear feet) |

2. Stormwater Management Plan (SMP) Approval from Local Community Required
The stormwater management plan (SMP) must be approved by Chatham County and meet the requirements of this Certification. The SMP may not be modified without prior written authorization from Chatham County. [15A NCAC 02H .0506(b)(3)]

2. The permittee shall report to the Raleigh Regional Office any noncompliance with this certification, any violation of stream or wetland standards [15A NCAC 02B .0200] including but not limited to sediment impacts, and any violation of state regulated riparian buffer rules [15A NCAC 02B .0200]. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the applicant became aware of the circumstances. A written submission shall also be provided within 5 business days of the time the applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, if the noncompliance has not been corrected, the anticipated time compliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Division may waive the written submission requirement on a case-by-case basis.

3. 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]

4. 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)]

5. 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)]
6. 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 **sixty (60) 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 Department of Environmental Quality:

William F. Lane, General Counsel
Department of Environmental Quality
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:*

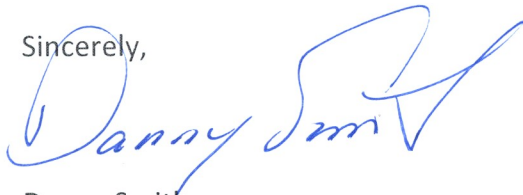
Karen Higgins
NC DWR – 401 & Buffer Permitting
Branch
1617 Mail Service Center
Raleigh, NC 27699-1617

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

Karen Higgins
NC DWR – 401 & Buffer Permitting
Branch
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 Stephanie Goss at 919-791-4256 or stephanie.goss@ncdenr.gov if you have any questions or concerns.

Sincerely,



Danny Smith
Supervisor, Water Quality Regional Operations Section

Enclosure: GC 4139

cc: U.S. Army Corps of Engineers; Raleigh Regulatory Field Office; 3331 Heritage Trade Drive,
Ste. 105; Wake Forest, NC 27597
DWR RRO 401 file
DWR 401 & Buffer Permitting Unit via Laserfiche
Bob Zarzecki via e-mail at bzarzecki@sandec.com
Alex Barroso via e-mail at alex@sealidevelopment.com