



North Carolina Department of Environment and Natural Resources

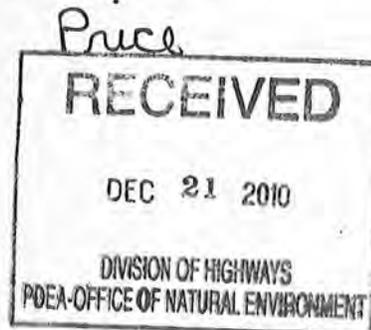
Division of Water Quality
Coleen H. Sullins
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

December 14, 2010

Steven D. DeWitt, P.E., Chief Engineer
North Carolina Turnpike Authority
1578 Mail Service Center
Raleigh, North Carolina, 27699-1578



Subject: Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act and JORDAN BUFFER RULES, with ADDITIONAL CONDITIONS for Western Wake Freeway (NC 540) in Wake County, Federal Aid Project No. BRSTP-000S(491), State Project No. 6.408006T, TIP No. R-2635. DWQ Project No. 20071470 ver. 4.

Dear Mr. DeWitt:

Attached hereto is a modification of Water Quality Certification No. 3734 issued to The North Carolina Turnpike Authority (NCTA) dated September 22, 2008.

If we can be of further assistance, do not hesitate to contact us.

Sincerely,

for Coleen H. Sullins
Director

Attachments

cc: Eric Alsmeyer, US Army Corps of Engineers, Raleigh Field Office
Shannon Sweitzer, NC Turnpike Authority
Dr. Gregory J. Thorpe, NCDOT PDEA
Philip Todd, SEPI
File Copy

**Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act
and JORDAN BUFFER RULES, with ADDITIONAL CONDITIONS**

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (NCDWQ) Regulations in 15 NCAC 2H .0500 and 15A NCAC 2B.0267. This certification modification authorizes the NCTA to impact additional 0.06 acres of jurisdictional wetlands, 233 linear feet of jurisdictional streams and 27,487 square feet of protected riparian buffers in Wake County. The project shall be constructed pursuant to the modification request dated received December 8, 2010. The additional authorized impacts are as described below:

Additional (or Reduction of) Section B Wetland Impacts in the Cape Fear River Basin

Site	Excavation (ac)	Mechanized Clearing (ac)	Total Reduced Wetland Impact (ac)
19	+ 0.03	- 0.07	- 0.04
Total	+ 0.03	- 0.07	- 0.04

Total Reduced Wetland Impact for Project: -0.04 acres

The application provides adequate assurance that the discharge of fill material into the waters of the Cape Fear River Basin in conjunction with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth.

This approval is only valid for the purpose and design that you submitted in your modification application dated received December 8, 2010. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated September 22, 2008 and modified May 5, 2010 and October 25, 2010, still apply except where superceded by this certification. Should your project change, you are required to notify NCDWQ and submit 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 the conditions. If any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). Additional buffer impacts may require compensatory mitigation as described in 15A NCAC.0268. For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit.

Conditions of Certification:

1. All conditions written into the previous Water Quality Certification dated September 22, 2008 and the modifications dated May 5, 2010 and October 25, 2010, for this project still apply.

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. This Certification shall become null and void unless the above conditions are made conditions of the Federal 404 and/or Coastal Area Management Act Permit. This Certification shall expire upon the expiration of the 404 or CAMA permit.

If you wish to contest any statement in the attached Certification you must file a petition for an administrative hearing. You may obtain the petition form from the office of Administrative hearings. You must file the petition with the office of Administrative Hearings within sixty (60) days of receipt of this notice. A petition is considered filed when it is received in the office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00am and 5:00pm, except

for official state holidays. The original and one (1) copy of the petition must be filed with the Office of Administrative Hearings.

The petition may be faxed-provided the original and one copy of the document is received by the Office of Administrative Hearings within five (5) business days following the faxed transmission.
The mailing address for the Office of Administrative Hearings is:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714
Telephone: (919)-733-2698, Facsimile: (919)-733-3478

A copy of the petition must also be served on DENR as follows:

Ms. Mary Penny Thompson, General Counsel
Department of Environment and Natural Resources
1601 Mail Service Center
Raleigh, NC 27699-1601

This the 14th day of December 2010

DIVISION OF WATER QUALITY



for Coleen H. Sullins
Director

WQC No. 3734