



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

May 29, 2015

DWR # 15-0088
Buncombe County

Greater Asheville Regional Airport Authority
Attn: Mr. Lew Bleiweis
61 Terminal Drive, Ste 1
Fletcher, NC 28732

Permit No.	Scan Date	DIN
AVL, Area 2 SF	May 29, 2015	24415

RECEIVED
May 29, 2015
Solid Waste Section

Subject: REQUEST FOR ADDITIONAL INFORMATION
Asheville Regional Office
Asheville Regional Airport – East Side Improvement Project

Dear Mr. Bleiweis:

On January 21, 2015, the Division of Water Resources (Division) received your application dated December 29, 2014 requesting a 401 Individual Water Quality Certification from the Division for the subject project. The Division received the Public Notice issued by the U.S. Army Corps of Engineers on February 6, 2015 and subsequent information on April 21, 2015. The Division has determined that your application is incomplete and cannot be processed. **The application is on-hold until all of the following information is received:**

1. During our initial review of the application, Division staff recognized that the proposed project did not meet the 300-horizontal-foot setback from private dwellings within the Hidden Creek Village subdivision located near the eastern project boundary as required by G.S. 130A-309.220(c)(2) [Coal Ash Management Act of 2014 (CAMA-2014)]. Previously, NC Department of Environment and Natural Resources Office of General Counsel advised the Division that the proposed project was grandfathered and not subject to CAMA-2014. It is now the Division's understanding that the project will be conducted in compliance with CAMA-2014 and therefore must be modified to comply with those requirements. Please provide a revised project plan that complies with the 300-horizontal-foot-setback from private dwellings, and all other applicable requirements in CAMA-2014.

Pursuant to Title 15A NCAC 02H .0502(e), the applicant shall furnish all of the above requested information for the proper consideration of the application. If all of the requested information is not received in writing within 30 calendar days of receipt of this letter, the Division will be unable to approve the application and it will be returned. The return of this project will

Division of Water Resources – 401 & Buffer Permitting Unit
1617 Mail Service Center, Raleigh, North Carolina 27699-1617
Location: 512 N Salisbury St, Raleigh, North Carolina 27604
Phone: 919-807-6300 \ FAX: 919-807-6492
Internet: www.ncwaterquality.org

necessitate reapplication to the Division for approval, including a complete application package and the appropriate fee.

Send three (3) copies of all of the above requested information to the 401 & Buffer Permitting Unit, 1617 Mail Service Center, Raleigh, NC 27699-1617.

Please be aware that you have no authorization under the Section 401 of the Clean Water Act for this activity and any work done within waters of the state may be a violation of North Carolina General Statutes and Administrative Code.

Contact Zan Price at 828-296-4500 or zan.price@ncdenr.gov or Jennifer Burdette at 919-807-6364 or jennifer.burdette@ncdenr.gov if you have any questions or concerns.

Sincerely,



Karen Higgins, Supervisor
401 & Buffer Permitting Unit

cc: Clement Riddle, ClearWater Environmental Consultants, Inc., 224 South Grove St.,
Ste F, Hendersonville, NC 28792
USACE Asheville Regulatory Field Office
DWR ARO 401 file
DWR 401 & Buffer Permitting Unit file

Filename: 150088AshevilleRegionalAirport-EastSideImp(Buncombe)_401_IC_Hold2.docx