

Local Program Report to the SCC Haywood County, October 16, 2019

On October 16, 2019 personnel from the NCDEQ, Land Quality Section, conducted a review of the Haywood County's Erosion and Sedimentation Control Program. Haywood County was last reviewed on 3/20/2013. The County has 3 staff members that currently contribute 2.5 full time equivalents to the erosion control program. The County requires a sediment and erosion control plan for sites that have a total land disturbance of a half-acre or more, and issues grading permits for any land disturbing activity less than a half-acre. In 2018 and through September of 2019, Haywood County reviewed 478 erosion and sedimentation control plans and permit applications, approved of 476, and disapproved 2 plans. Pre-construction meetings are required if the county foresees issues with the site due to the steepness of the natural slope, trout streams, etc. The County conducted 1036 site inspections, issued 23 NOVs, and 2 CPAs between the beginning of 2018 through September of 2019. Haywood County inspectors say they are currently able to get to their over a half-acre sites at least once per month. Haywood County currently has 675 active projects, 20 of which are over the threshold requiring a plan. The County only has 8 active projects that are over one acre. During our review of the program, we reviewed three sets of plans, as well as inspected four job sites.

The following is a summary of the projects that were reviewed:

1. Longs Chapel United Methodist Church.

This project consists of 8.67 disturbed acres for the construction of a church. This is the largest active project in the county. The file for this project contained the plan, approval letter, the most recent inspection report, calculations, and the FRO form. The disturbed acreage was not listed on the FRO form. The deed was not in the file but is checked during the plan review using an online database. The approval letter on file was missing language stating that the approval of this plan does not supersede any other law or permit they must abide to. The plan was received on 3/20/2019 and approved on 4/15/2019. The approved plan was adequate. The last inspection for the site was conducted on 10/14/2019, and was found to be in compliance. No NOVs or CPAs have been issued to this site at the time of our review. During our review the site was active and out of compliance for failure to maintain measures. Two of the site's stormwater structures had been broken, allowing water and sediment to enter into the system, as well as some inlet protection measures were damaged or not yet installed. The skimmer basin was well maintained but there was no lining installed at the emergency spillway. Lastly, we noted that the skimmer's connection to the drainage pipe appeared to be loose and the basin could be draining improperly. The basin's outlet was clean and well maintained and no offsite sedimentation was seen during our inspection.

2. Shoneys

This project consists of 1.5 disturbed acres for commercial development. The file for this project contained the plan, approval letter, inspection reports, and a grading permit application. The deed was checked using an online database. This project started out as 0.44 acres of disturbance when it first applied for a grading permit. The permit was issued, and

project began construction. Haywood County stated that the site kept having issues, so they told them that they needed to stop work and submit an erosion control plan for the site in order to continue. The plan was approved, and construction started back up. The approved plan was missing details for measures that were specifically called out on the plan as well as small plan sheet items such as a north arrow. On March 5, 2019 the Contractor submitted a revised plan to expand the disturbance of the site to 1.5 acres in order to expand the parking lot. This plan was approved on 3/8/2019. The approved plan continued to be missing the details and small plan sheet items. The most recent inspection was performed on 9/13/2019, during which the site was found to be in compliance. The site has not received any NOVs or CPAs at this time. During our inspection, the site continued to be in compliance. The project is nearly complete and the County is just waiting for the last area of the site to be fully stabilized before closing out the project.

3. Dunkin Donuts

This project consists of 0.62 disturbed acres for commercial development. The file for this project contained the plan, approval letter, the most recent inspection reports, and the FRO form. The disturbed acreage listed throughout the plan application forms and the plan was not consistent. The deed was not in the file but is checked during the plan review using an online database. The landowner and the FRP listed for this project were not the same entity. Haywood County was advised to get a signed agreement between the two parties in cases where the landowner and the FRP are different. The plan was received on 10/11/2018 and was approved on 11/14/2018. The approved plan was adequate. The site was last inspected on 10/14/2019 and was in compliance at the time. No NOVs or CPAs have been issued to this site at the time of our review. During our inspection the site was active and was found to be in compliance.

4. Single Home Lot (Site Inspection Only)

This project was a single-family home construction project under a half-acre of disturbance. Projects like this one make up the majority of the workload for Haywood County. The only item on file for this project is the \$50 application for a grading permit, which includes information found in the FRO form as well as a checklist for erosion control measures to be used on the site. In the back of the application is a space for a simple drawing of the site and where measures will be placed. During our review of the site the lot was in compliance. The gravel entrance was well maintained, and all disturbed area was covered with straw.

Conclusion:

During our review we found a few deficiencies in the implementation of the Haywood County local erosion control program. Haywood County should implement the following to improve the program:

1. Adopt Civil Penalty Remission Language to Local Ordinance and add the remission option to all civil penalty assessments.

2. Ensure all necessary details and plan items are present before a plan is approved.
3. Ensure the items listed on all application and plan documents are consistent.
4. Require a signed agreement between landowner and FRP if they are different entities.
5. Add more detail and notes to inspection reports to better describe what was observed during inspections.
6. Add the following language to the approval letter: “Acceptance and approval of this plan is conditioned upon your compliance with Federal and State water quality laws, regulations, and rules. In addition, local city or county ordinances or rules may also apply to this land-disturbing activity. This approval does not supersede any other permit or approval.”

Based on the review, staff will recommend “continuing review” for Haywood County’s Erosion and Sedimentation Control Program for the next 6 months and a follow up report to be submitted to the commission at the second quarterly meeting of 2020.

This report has been prepared based on the review of Haywood County’s Local Program conducted on 10/16/2019. This report will be presented to the Sedimentation Control Commission (SCC) on November 4, 2019.