

Local Program Report to the SCC City of High Point, Continued Review Follow-up

On February 24, 2021, a report was presented to the Sedimentation Control Commission based on the formal review of the City of High Point's Erosion and Sedimentation Control Program conducted on February 9, 2021. The Commission voted to "Continue Delegation with Review for 6 months." During the February 9th review, the following issues and required actions that the program should implement to address said issues were noted:

Previous Issues Noted:

- An individual representative was listed as the Landowner on the FRO Form and did not reflect the information on the property deed.
- The number of inspections being reported was low in comparison to the number of active projects and does not indicate a regular monthly inspection being conducted on each site. This was noted during the last formal audit conducted in 2017 as well.

Required Actions:

- Landowner information on the FRO form should be accurate and reflect the information on the property deed.
- Regular inspections should be conducted, and reports generated monthly on all active sites.

Follow-up:

During the Continued Review period of the first and second quarter of 2021, the City reported they conducted 45 plan reviews/re-reviews, approved 7, disapproved 16 and conducted 442 inspections. The City issued 4 NOV's during this period. The City currently has 102 active projects and 3 staff which contribute 2 full time equivalents to the program. Following the February review, DEMLR staff recommended that additional staff be employed to distribute the workload of the program. The City contracted out an additional full-time inspector position from March through May. During the time the additional inspector was working, the City's inspection frequency increased to at least monthly. Inspection frequency dropped off again in June after the City stopped contracting an additional inspector. The City has been approved for 2 new full time inspector positions that should be filled by early September. The City is confirming that Landowner information is accurate on the FRO forms and matches information on the property deed. DEMLR staff performed oversight inspections with City staff throughout the review period, most recently on June 16, 2021. During the June inspection, 3 sites were visited and 2 were found to be in compliance. The 3rd site had been issued an NOV by the City the day prior to these oversight inspections.

On July 21, 2021, DEMLR staff conducted inspections with City staff on four projects that were not reviewed during the original review. The following is a short summary of the inspections.

1. Keystone At Penny Road:

This project consists of 17.9 acres disturbed for residential development. The City originally approved a tree clearing plan that did not contain erosion and sedimentation control measures for

this site while the development plan was being submitted and reviewed. State staff informed the City that tree clearing with the intent of development is considered land disturbance regulated by the SPCA and should not be allowed to begin prior to the approval of an erosion and sedimentation control plan and the installation of measures. The City has since approved an erosion and sedimentation control plan for this project but had not conducted an inspection as the grading phase had recently begun. During our inspection on July 21, 2021, this site was found to be out of compliance and had significant sediment loss into a stream buffer area. Two basins had been installed but were not dewatering properly and diversion ditches had not been installed per the approved plan. The remaining basins needed to be installed per the approved plan before continuing grading on the remainder of the site. Silt fence around the stream buffer had been overtopped and needed to be reinstalled. The City issued a Stop Work Order on this site and contacted NC DWR to coordinate a joint site visit and determine a clean-up plan for the damage in the buffer area.

2. Pegg Road Development Phase 2:

This project consists of 17.4 acres disturbed for commercial development that began construction in April of 2021. The City conducted inspections in April as clearing had begun and another in May. The site was found to be in compliance during both inspections with minor maintenance needs noted during the May inspection. During our inspection on July 21, 2021, the site was out of compliance. The basin in the southeast corner of the site had been installed and was functioning properly, baffles were maintained, slope drains had rip rap dissipater pads, the skimmer was positioned on a rock pad and the basin banks were stabilized. Diversion ditches with check dams had been installed throughout the site and the contractor had installed additional storage sumps upslope of some check dams. The basin in the Northwest corner of the site was not dewatering properly. The basin in the southwest corner of the site had been excavated but the baffles, skimmer and spillway had not been installed. The outlet and dissipater pad for this basin had been installed but not yet tied into the basin. The City issued a Stop Work Order to this site following our inspection and an update given on 7/28/2021 showed that all areas of non-compliance had been brought into compliance or were being actively addressed.

3. Stonegate S/D:

This project consists of 16.4 acres disturbed for residential development. This site was issued an NOV by the City on 6/15/2021 following an inspection they conducted on 6/14/2021. The contractor had made all corrective actions noted in the NOV by the follow-up inspection on 6/30/2021. During our inspection on July 21, 2021, the basin was being cleaned out and the baffles replaced. Silt fence along the road had been maintained and additional silt fence had been installed below a stockpile in the northeast corner of the site. Silt fence along the street of individual lots needed to be reinstalled and then maintained. There were a few drop inlets that needed to be maintained throughout the site.

4. Copperfield Glen Townhomes:

This project consists of 8 acres disturbed for residential development. This site was found to be in compliance during the last two inspections conducted by the City in April and May. Those inspection reports did note the need for maintenance and reminders to provide groundcover to finished areas within the required timeframe. During our inspection on 6/21/2021, this site was

found to be in compliance with some general maintenance needed for measures, such as areas of silt fence along individual lots and curb inlet protections.

Conclusion:

The City has received approval for two additional full time inspector positions that should be filled in early September. The City is conducting adequate plan reviews and has all the appropriate documentation in each project file. The City has worked to take corrective actions and implement recommendations from State staff from the formal review of their program on 2/9/2021 and throughout the continued review period. However, the City still has a few deficiencies that must be addressed in order to effectively implement their delegated program.

- The City should no longer accept clearing plans that allow tree clearing in preparation for land development prior to having an approved erosion and sedimentation control plan and temporary measures are installed.
- The addition of a temporary full-time inspector helped to distribute the workload and the City was able to conduct monthly inspections with their staff. However, with the temporary inspector no longer on staff, the current workload is not sustainable. The addition of the two full-time inspectors with proper training should allow the program to distribute the workload and provide the City with an adequate staff to effectively monitor and enforce their delegated program.
- The City should continue to use the enforcement tools available to them when areas of continued non-compliance persist, reoccurring violations are found and especially in cases of off-site sedimentation.

As the City moves forward with the addition of staff and continuing to implement the required corrective actions and recommendations, DEMLR staff will continue to provide oversight and additional guidance to ensure the City is adequately monitoring and enforcing the SPCA.

Based on the formal review conducted on February 9, 2021, and the Continued Review period, DEMLR staff recommends to “Continue Delegation with Review” for another 6-months of the City of High Point’s Local Erosion and Sedimentation Control Program.

This report will be presented to the Sedimentation Control Commission (SCC) on August 17, 2021.