

Local Program Report to the SCC Town of Weddington, Continued Review Follow-up

On February 24, 2021, a report was presented to the Sedimentation Control Commission based on the formal review of the Town of Weddington's Erosion and Sedimentation Control Program conducted on January 26, 2021. The Commission voted to "Continue Delegation with Review for 6 months." During the January 26th review, the following issues and required actions that the program should implement to address said issues were noted:

Previous Issues Noted:

- A plan review occurred outside the 30-day time frame given to review a plan and notify the applicant with a decision.
- A copy of the deed was not provided or requested for all projects before approval.
- A landowner-builder consent agreement was not obtained when the landowner and financially responsible party differed.
- Inspectors were not checking for self-inspection records while on-site.

Required Actions:

- Once a complete application is received, plans are to be reviewed, and the applicant notified that it has been approved, approved with modifications, or disapproved within 30 days of receipt. G.S. 113A-61(b). When disapproving a plan, a formal disapproval letter should be sent out within 30-days of receiving the complete application for new plans and 15-days for a revised plan. All review decision letters should acknowledge the date when the complete application or revised plan was received.
- Documentation of land ownership must be obtained prior to approval of a plan. 15A NCAC 04B.0118(c). A copy of the property deed should be kept on file with each project.
- Except for certain utility construction, if the applicant is not the owner of the land to be disturbed, the erosion and sediment control plan must include the landowner's written consent for the applicant to submit a plan to conduct the land-disturbing activity. G.S. 113A-54.1(a). A letter of consent/Landowner-builder agreement letter should be obtained in all cases where the party conducting the land disturbance and the landowner differ.
- Inspectors should check that proper documentation is on-site or readily available. This includes self-inspection records, a copy of the approved plan and Letter of approval. Self-inspections required pursuant to G.S. 113A-54.1(e) should be performed during or after each phase of the approved plan as well as for the initial installation or modification of any erosion and sedimentation control devices and practices described in an approved plan. 15A NCAC 04B.0121.

Follow-up:

During the Continued Review period of the first and second quarter of 2021, the Town reported that they have 3 staff which contribute 0.25 full time equivalents to the program. Plan reviews and inspections are contracted out to consultants and are included in the staff count and FTE calculation. During this period the Town has conducted 6 plan reviews/re-reviews, approved 2, disapproved 3 and conducted 77 inspections. The Town has issued one NOV during this period to the 4208 Antioch Church Road site which had started to clear without obtaining a permit. The Town currently has 8 active projects.

In response to the January 26th review, the Town is requiring a copy of the property deed be submitted as part of the complete application along with a signed landowner-builder agreement when the landowner and FRO differ. The Town has begun to send official letters of disapproval within 30-days of receiving the complete

application when plans are found to be inadequate. The Town states that they have found holding building permits is an effective enforcement tool and are typically used after 2 consecutive inspections have found the same areas of non-compliance and no corrective actions have been taken. Town inspectors have begun to check that all appropriate documentation is onsite and accessible. The following update is based on the inspections conducted by the Town following the site inspections conducted on the day of the January review.

1. 4208 Antioch Church Road:

This site consists of 2 acres that had been cleared and grubbed without an approved plan. During the inspection conducted on our January review, the owner had installed silt fence around the perimeter of the site and a construction entrance but had not stabilized the disturbed area or submitted a plan for approval. On 2/5/2021 the Town issued an NOV to the owner which required stabilizing disturbed areas and submitting an Erosion and Sedimentation Control plan for approval. The owner submitted a plan for approval on 3/21/2021 and the Town approved this plan on 3/25/2021. During an inspection on 3/1/2021 the site was found to have been stabilized with groundcover and no further disturbance had occurred. The Town found that permanent vegetation was continuing to establish during subsequent inspections.

2. 2913 Beulah Church Road:

This project consists of 2.31 acres disturbed for residential development. During our January review, we reviewed the approved plans for this project but did not conduct an inspection as construction had not begun. This site installed all measures and has remained in compliance during most of the continued review period. On 6/24/2021 the Town conducted an inspection and found the site to be out of compliance for needing maintenance on areas of silt fence and needing to clean out accumulated sediment behind the fence. This site was found to be in compliance on the subsequent inspection conducted on 7/6/2021. All areas of sediment build-up had been cleaned up and silt fence was being maintained.

3. Harlows Crossing (Formerly Carrington)

This project consists of 80 acres disturbed for residential development. During our inspection in January the site was found to be out of compliance. Inlet protections and silt fence needed to be maintained and an area of tree protection zone fencing needed to be repaired. All areas of non-compliance were addressed. Town inspectors continued to monitor the maintenance of measures and noted when corrective actions were addressed from previous inspections to differentiate between new and continuing areas of non-compliance. During an inspection conducted by the Town on 6/14/2021 this site was found to be out of compliance. The inspection report noted the need for maintenance on silt fence and construction entrances of individual lots as well as the need for stabilization in some areas that had recently been completed. This site was found to be in-compliance during the following inspection on 7/14/2021.

4. Weddington Acres

This project consists of 27.82 acres disturbed for residential development. During our inspection in January the site was found to be out of compliance. Wattles in the ditch line needed to be replaced or reinstalled and areas that had recently been disturbed by utilities installation need to be re-stabilized. All areas of non-compliance noted during the January review were addressed. Inspectors continued to monitor areas of silt fence, inlet protections and wattles and noted when maintenance was needed on inspection reports throughout the continued review period. During the last inspection conducted by the Town on 7/6/2021 this site was found to be out of compliance for needing to refresh stone on drop inlet protections and stabilize disturbed areas within the proper time-period.

Conclusion:

During the continued review period, DEMLR staff has received periodic updates from the Town and noted the improvements made by the program. The Town of Weddington has taken steps to correct all the deficiencies found during the January 26, 2021, review and implement some of the recommendations DEMLR made. The Town is now sending out decision letters within the appropriate statutory timeframe after a complete application is received. The Town requires that a copy of the property deed and a letter of consent between the landowner and financially responsible party when they differ. Inspectors are checking that all appropriate documentation is kept onsite. DEMLR staff has not received any complaints from the public regarding projects regulated by the Town and the Town has demonstrated their knowledge and ability to adequately implement the delegated program.

Based on the formal review conducted on January 26, 2021, and the Continued Review period, DEMLR staff recommends to “Continue Delegation” of the Town of Weddington’s Local Erosion and Sedimentation Control Program.

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