

Local Program Report to the SCC Pitt County, December 22, 2020

On December 22, 2020, personnel from the NCDEQ, Land Quality Section, conducted a formal review of Pitt County's Erosion and Sedimentation Control Program. Pitt County was last reviewed on January 28, 2015. The County has 4 staff members who contribute 2 full time equivalents. The county requires Sediment and Erosion Control plans for all sites greater than 1.0 acres. Between November 2019 and November 2020, the county reviewed or re-reviewed 18 sediment and erosion control plans while either approving or approving with modifications 16 of those plans. The most common deficiencies noted during plan reviews were inaccurate or lack of information (i.e., individual lot size, disturbed acres, or drainage areas). During the same time frame the County has performed 206 inspections and issued 6 NOVs. The County states that sites are inspected bi-weekly. The County requires a preconstruction meeting before land disturbing commences on every project. The County currently has a total of 16 open projects. Along with NOVs, the county can hold building permits as well as the final plats for subdivisions for projects within their jurisdiction. During our review of the program, we reviewed the approved set of plans and performed a field inspection on three open projects.

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

1. Kinsaul Place North

This project consists of 9.13 acres disturbed for residential development. The file for this project contained the approved plan, approval letter, calculations, a copy of the deed, the FRO form and past inspections. The plan was received on 4/17/2020 and was approved on 5/15/2020. The approved plan was adequate. This site had received 11 inspections prior to our review. No NOVs, or CPAs have been issued to this site. During our inspection the site was out of compliance for failure to provide adequate groundcover, maintain measures and self-inspect. This site was also out of compliance with the NPDES permit NCG01 for discharging without a permit. The site did not have a project box with the approved plan, permit and had not received an NCG01 Certificate of Coverage. This site was finishing grading of the roadbed and preparing to pave. The site had a good construction entrance and had installed diversion ditches on both sides of the roadbed but needed to be stabilized and outlet protection installed. The stockpiles needed silt fence installed around the toe. A large drainage swale in the middle of the site had waddles and check dams installed. One area of silt fence above the drainage swale needed to be repaired and the drop inlets on the swale crossing needed to inlet protection installed.

2. Turnberry

This project consists of 20.3 disturbed acres for residential development. The file for this project contained the approved plan, approval letter, calculations, a copy of the deed, the FRO form and previous inspection reports. The plan was received on 6/30/2020 and was approved on 8/12/2020. This plan showed potential impacts into a buffer and neither a 404 nor 401 permits were included. The plans were also approved outside of the 30-day review cycle requirement. This site had received 2 inspections prior to our review. No NOVs or CPAs have been issued to this site. The site was out of compliance for failure to self-inspect, insufficient measures to retain sediment and failure install and maintain measures. During our inspection, the site had cleared for the roadbed and installed a large drainage swale along the front of the site. The diversion ditch did not have outlet measures installed and was releasing minor sediment into the adjacent

wetlands. The site had perimeter silt fence installed and had only cleared the road bed and area needed to install the drainage swales.

3. StorAll Mini Storage

This project consists of 5.0 acres disturbed acres for commercial development. The file for this project contained the approved plan, approval letter, calculations, the FRO form and previous inspection reports. The file did not have a copy of the deed. The plan was received on 8/7/2020 and was approved on 8/12/2020. This site had received 8 inspections prior to the date of our review. No NOVs or CPAs have been issued to this site. During our inspection, the site was out of compliance for failure to self-inspect and failure to install and maintain measures. The site was close to completing grading of the site and had installed the temporary sediment basin towards the back corner of the site. The basin still needed the skimmer outlet installed and rills, which had formed along the basin banks, needed to be repaired and approaches stabilized. A silt fence outlet needed to be installed in the low area below the basin to prevent the fence from blowing out during future rain events. There were traces of temporary vegetation throughout the site, however additional temporary groundcover was needed.

Positive findings:

During our review we found positive aspects about Pitt County's local erosion control program including:

- Preconstruction meetings are required by the County for all Projects.
- The County is performing regular bi-weekly inspections.
- The County is currently working updating their local ordinance.

Issues Noted and Required Action:

During our review we found that Guilford County's local erosion control program had a few deficiencies including:

- A plan was not reviewed within the 30-day review cycle due to being "Tabled" during the Technical Review Committee meeting to approve the plan while waiting for additional information.
- A plan approved was missing a 404/401 permit for impacts into a buffer.
- An individual was listed as the Financially Responsible Party rather than the company/firm they represented.
- A copy of the property deed was not kept in each project file.

The County shall implement the following changes to correct the deficiencies noted above:

- The procedure of "Tabling" during a plan review needs to be defined in the updated Local Ordinance so that it is clear "Tabling" does not stop the review cycle clock and a decision must be made and the applicant notified within 30-days for an initial review and 15-days for a revised plan. G.S. 113A-61(b).
- Ensure appropriate 404/401 permits have been obtained prior to or as a condition of plan approval when impacts to a buffer or stream are possible. Under General Statute 113A-54.1(c), you shall disapprove an erosion control plan if it would result in a violation of NCAC rules adopted to protect riparian buffers along surface waters.

- Ensure that the company or firm is the listed financially responsible party. An individual representative can sign the FRO form but should not be listed as the FRP. If the company or firm is a sole proprietorship, the name of the owner or manager may be listed as the FRP.
- Documentation of land ownership must be obtained prior to approval of a plan. A copy of the deed should be kept in each project file. 15A NCAC 04B.0118(c).
- Check that self-inspection reports are kept on site along with a copy of the approved plan, ESC Permit and NCGO1 certificate of coverage.

Additional Recommendations for Improvement:

DEMLR staff has also put together a list of recommendations to improve the program:

- Monitor and provide guidance for NPDES violations including improper concrete washout and fuel containment on site during inspections. Note possible violations and refer to the DEQ Washington Regional Office.
- Update all template letters, inspection reports and your Local Ordinance to reflect the latest language and references to North Carolina Administrative Code, as the NCAC rules and Model ordinance have recently been updated.

Conclusion:

During our review we found that Pitt County was effectively implementing their Locally Delegated Erosion and Sedimentation Control Program. Based on this review, staff recommends to “Continue Delegation” of Pitt County’s Erosion and Sedimentation Control Program.

This report has been prepared based on the review of Pitt County’s Local Program conducted on 12/22/2020. This report will be presented to the Sedimentation Control Commission (SCC) on February 23, 2021.