

Local Program Report to the SCC Town of Weddington, January 26, 2021

On January 26, 2021, personnel from the NCDEQ Land Quality Section, conducted a review of the Town of Weddington's Erosion and Sedimentation Control Program. The Town of Weddington was initially delegated by the commission on 2/20/2020. The Town has 5 staff that currently contribute 1 full time equivalent to the erosion control program. Plan reviews and inspections are contracted out to consultants. The Town requires a sediment and erosion control plan for sites greater than 1.0 acres in disturbance and a "Compliance Form" to be filled out when sites are disturbing less than 1 acre. This form lists the owner and contractor and makes them aware that minimum erosion control measures must be installed and maintained even though an erosion and sediment control plan is not required. During the 2020 calendar year the Town reviewed 2 plans and approved 1. In the same period the Town had performed 124 inspections, issued 3 NOVs and 1 CPA. The Town states that sites are inspected bi-weekly. Along with NOVs, the Town can hold building permits as an additional enforcement tool. The Town currently has a total of 7 active projects most of which were inherited from the DEMLR Mooresville Regional Office upon their delegation. During our review, we reviewed the 1 set of plans the Town had approved, this plan was found to be adequate. We inspected three different sites because the approved project had not started yet. We also reviewed one set of plans that had been submitted to the Town but had not been approved and noted items that would need to be revised before approving the plan.

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

1. 2913 Beulah Church Rd. (Plan Review Only):

This project consists of 2.31 acres disturbed for residential development. The project file contained the approved plan, the approval letter, a copy of the property deed, and the FRO form. This project was a single residence and did not require a sediment basin, diversion ditches or channels and therefore did not require calculations to be submitted. The plans were adequate however, were not approved within 30 days of receipt and a letter of consent between the financially responsible party and the landowner had not been obtained. This project had not started at the time of our review, so no inspections had been conducted.

2. Carrington (Site inspection only):

This project is a residential subdivision in all phases of construction. This project had not been issued an NOV or CPA at the time of our review. One section had been completed and stabilized; the sediment basin in this section was being converted to a permanent stormwater pond. The other sections were both in lot development and lot building. The active lots had construction dumpsters onsite, but construction debris and trash could be found throughout, and the construction entrances needed to be maintained. Silt fence was installed around the perimeter of the active lots but had been damaged or knocked down in several areas. A few of the drop inlet protections along the active lots needed to be maintained. This site had a central concrete washout, however, the lining had ripped and needed to be repaired. The large sediment basin in the west corner of the project had recently been cleaned out and sections of the baffles had been repaired. Tree protection zone fencing around the undisturbed area in the center of the project needed to be repaired in some sections that had fallen. Groundcover had been established on areas where grading had been completed.

3. Weddington Acres (Site inspection only):

This project is a residential subdivision that had completed grading. This project had not been issued an NOV or CPA at the time of our review. The roads had been paved and most of the site had been stabilized. Utilities had recently been installed and the areas disturbed during the installation needed to be re-stabilized. A few drop inlet protections needed fresh stone added. One area of the ditch line matting had been pulled up, damaged matting should be repaired or replaced. Wattles within the ditch line had also been pulled up and should be reinstalled. The area around the wetlands was well stabilized and protected with silt fence that appeared to be well maintained.

4. 4208 Antioch Church Road (Site inspection only):

This site is a single residence that had been cleared and grubbed without an approved plan. This project had not been issued an NOV and the Town was informed that one should be issued immediately. Upon discovering the site had been cleared the Town had halted any further development until an approved plan is obtained and had the owner install silt fence around the entire perimeter.

Positive Findings:

During our review we found a few positive aspects about the Town of Weddington's local erosion and sediment control program including:

- The Town is performing bi-weekly inspections on all sites.
- The Town requires a compliance form to be filled out with the contractor and landowner information, and minimal erosion control measures to be installed on site. This ensures that all land development projects, regardless of size, are aware of the responsibility to retain all erosion and sedimentation onsite.

Issues Noted and Required Actions:

During our review we found that the Town of Weddington's local erosion and sediment control program had a few deficiencies including:

- 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 differ.
- Inspectors were not checking for self-inspection records while on-site.

The Town shall implement the following changes to correct the deficiencies noted during our review:

- Once a complete application is received, plans are to be reviewed, and the person submitting the plan notified that it has been approved, approved with modifications, or disapproved within 30 days of receipt of a new plan. G.S. 113A-61(b) and MOA Part III.C.1 & 3. When disapproving a plan, a formal disapproval letter should be sent out within 30-days of receiving the complete application. 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, letter of approval, and the NCG01 Certificate of Coverage (if applicable). 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.

Recommendations for Improvement:

DEMLR staff has also put together a list of recommendations, or option items, to improve the program:

- Ensure that all construction sequence, erosion control notes and other language on plans are accurate and applicable to the Town of Weddington.
- Request NPDES Plan sheets for Ground Stabilization and Materials Handling, and Inspection, Recordkeeping and Reporting to be included on plans prior to approval. Both sheets can be found on the NCDEQ Construction Stormwater website.
- Monitor and provide guidance for NPDES violations such as improper concrete washout, litter, and fuel containment on site during inspections. Weekly and rain-event self-inspections are required by the NPDES Construction General Permit No. NCG010000 and should be accessible when on site during business hours. Note possible violations and refer to the DEQ Mooresville Regional Office.
- Update all 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 the Town of Weddington's Locally Delegated Erosion and Sediment Control Program had a few deficiencies that needed to be addressed. The program staff showed knowledge and experience in the erosion and sedimentation control field but needed additional guidance in a few areas.

Based on the review, staff is recommending that the Town of Weddington's Erosion and Sedimentation Control Program "Continue Review" for 6 months.

This report has been prepared based on the Review of the Town of Weddington's Local Program conducted on 1/26/2021. This report will be presented to the Sedimentation Control Commission (SCC) on February 23, 2021.