

Local Program Report to the SCC Pitt County, April 21, 2021

On February 23, 2021, a report was presented to the Sedimentation Control Commission based on the formal review of Pitt County's Erosion and Sedimentation Control Program conducted on December 22, 2020. The Commission voted to "Continue Delegation with Review for 3 months." During the December 22nd review, the following issues and required actions that the program should implement to address said issues were noted:

Issues Noted:

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

Required Actions:

- The procedure of "Tabling" during a plan review needs to be defined so that it is clear "Tabling" a plan does not stop the review cycle clock and a decision must be made and the applicant notified within 30-days of receiving a new plan and 15-days of receiving 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 onsite along with a copy of the approved plan, ESC permit and NCG01 Certificate of Coverage.

Follow-up:

In the first quarter of 2021, the County reports that they have 4 staff which contribute 2 full time equivalents. In this time the County has received 5 plans and approved 5 plans. The County has conducted 114 inspections and issued 3 NOVs. The County currently has 16 active projects.

The County is still inspecting sites every 2-3 weeks. The County has stopped using the procedure of “Tabling” at the Technical Review Committee meeting for plan reviews. The Committee is now aware that a decision must be made, and the applicant notified of the decision within 30 calendar days of receiving the complete plan. If additional information is requested by the committee and cannot be provided for review within the 30-day time frame, the County will issue letters of disapprovals and the applicant can submit their revised plan. The County is now requiring that any 404/401 permit or declaration stating that no permit or certification is needed, be presented at the preconstruction meeting and that no land disturbance will be allowed to begin until such documentation is in hand. The County is now ensuring that the company/firm is the listed Financially Responsible Party on the FRO Form rather than the individual who is representing the company/firm, as well as requiring a copy of the property deed be submitted with each project. The following short update is based on the inspections conducted by Pitt County following the site inspections conducted on the day of the review.

1. Kinsaul Place North

This project was found to be out of compliance on the day of the December 22nd review for failure to install inlet protection and minor sediment loss into the roadside ditch from diversions along the construction entrance and failure to have required documents on-site. This site had not gotten their NPDES permit NCG010000 at the time of the review. This site has since received their NCG01000 Certificate of Coverage and posted the appropriate documentation on-site. The County has also ensured that all corrective actions noted during our review were taken. The County has performed regular inspections on this site and noted that the project progress had slowed. The most recent inspections conducted by the County found the site to be in compliance on March 8, 2021, reminding the contractor that they will need to provide groundcover within the appropriate timeframes, and then out of-compliance on April 5, 2021 for failing to provide adequate groundcover within the interior ditch banks as noted on the previous inspection report. The developer has made all corrective actions listed on the April 5th inspection report by seeding the interior ditch banks and installing inlet protections.

2. Turnberry

This project was found to be out of compliance on the day of the December 22nd review for failure to self-inspect, install and maintain measures and a minor amount of sediment leaving the site and entering the adjacent wetlands. Outlet protection measures for the drainage swale had not been installed and was discharging directly into the wetlands area. The Division of Water Resources was contacted, and the necessary cleanup was facilitated. The County immediately contacted the FRP and outlet protections were installed within the week following our review. An additional check dam was installed above the outlet as well. A culvert has been installed beneath the entrance and the approaching roadside ditch has been stabilized, however the area directly around the culvert needed measures installed to protect from undercutting. During the most recent inspections, the county noted that the large drainage swale had been filled in and that

the area around the recently installed culvert still needed protection installed. The site remained out of compliance during an inspection on April 5, 2021 and the County noted the continued violations and that no work had appeared to have been done since the previous inspection. The County noted that areas which are not being actively worked need to be stabilized. The developer has since repaired erosion where the drainage swale was filled in and began to install matting to stabilize the area, riprap protection has been installed around the culvert beneath the entrance. The check dam above the wetlands area had been maintained and fresh stone was added.

3. StorAll Mini Storage

This project was found to be out of compliance on the day of the December 22nd review for failure to self-inspect and maintain measures. The banks of the basin had begun to form rills and the required documentation was not kept onsite. The basin banks were repaired, seeded, and mulched with straw and a project box with all required documentation was installed onsite. This site also has slowed, and no work has been done during the last two inspections. The County found this site out of compliance on March 22 and April 5, for needing to establish ground cover in inactive areas and that wind erosion is beginning to occur over bare areas on site. On April 19th, the County noted that still no work had been done and informed the FRP that a follow-up inspection would be conducted in early May and if areas of non-compliance are not addressed, an NOV will be issued.

Conclusion:

Pitt County has taken steps to correct the deficiencies found during the December 22, 2020 review. The County no longer “Tables” a plan during the TRC meeting. It will now disapprove a plan if additional information or revisions are needed and a second TRC meeting cannot be held to approve the plan within 30-days of the initial receipt. The County now requires a copy of the property deed be submitted by the applicant and that all 404/401 certifications and permits must be presented at the preconstruction meetings before any land disturbance can take place. The county is making sure that the company/firm is the listed FRP on the FRO Form and not the individual who is representing them. The County is continuing to inspect sites frequently and noting when both erosion and sedimentation control and NPDES violations are observed. NPDES violations are being passed along to the DEMLR Regional office when not addressed by the FRP. DEMLR staff has not received any public complaints regarding projects regulated by the County and have observed improvement by the program over the review period.

DEMLR staff will recommend to “Continue Delegation” of the Pitt County Erosion and Sediment Control Program. This report will be presented to the Sediment Control Commission (SCC) on May 4, 2021