

**DEPARTMENT OF ENVIRONMENTAL
QUALITY**

**DIVISION OF ENERGY, MINERAL,
AND LAND RESOURCES**

**SEDIMENTATION
CONTROL COMMISSION
MEETING**

**10:00 A.M.
Thursday
August 18, 2022**

ONLINE MEETING via TEAMS
In-Person Meeting:
**GREEN SQUARE BUILDING
TRAINING ROOM**

If you have any questions concerning this meeting, please contact
Julie Coco at (919) 707- 9215

AGENDA

North Carolina Sedimentation Control Commission
Business Meeting

Green Square Building Training Room
1st Floor, Room 1210
217 West Jones Street
Raleigh North Carolina

This meeting will be held at the above location and via webinar.

August 18, 2022, 10:00 AM

The Elections and Ethics Enforcement Act mandates that the Chair inquire as to whether any member knows of any known conflict of interest or appearance of conflict with respect to matters before the Commission. Executive Order 34 requires any member to recuse herself or himself from voting on any matter before this Commission which would confer a financial benefit on the member. If any member knows of a conflict of interest, appearance of a conflict, or possible financial benefit please so state at this time.

Dr. Susan White, Chair, Presiding

I. Preliminary Matters

- A. Call to Order
- B. Recognition of Those Attending
- C. Swearing in of New Members, if Present
- D. Approval of Meeting Minutes from May 19, 2022

II. Action Items

- A. City of Wilson Review – Mr. Graham Parrish
Staff are presenting findings and recommending continuing the delegation of this program.
- B. County of Chatham Review – Mr. Graham Parrish
Staff are presenting findings and recommending continuing the delegation of this program.
- C. County of Catawba Review – Mr. Graham Parrish
Staff are presenting findings and recommending continuing the delegation of this program.
- D. Town of Apex – Mr. Graham Parrish
Staff are presenting findings and recommending continuing the delegation of this program.

- E. Town of Holly Springs – Mr. Graham Parrish
Staff are presenting findings and recommending continuing the delegation of this program.

III. **Information Items**

- A. City of High Point Ordinance Review – Ms. Julie Coco
The city is requesting an informal review of their ordinance by the members.
- B. NCDOT Report – Ms. Julie Coco
Staff will report on any Trout Buffer Waivers or ICAs issued to the Department.
- C. Commission Technical Committee Update – Mr. Mark Taylor
The Committee Chair will provide an update on this committee's meetings.
- D. Ad-Hoc Committee, SWANC Presentation – Jennifer Mitchell & Daniel Colavito
Members of the Stormwater Association of North Carolina will present on enforcement techniques available and in use by Local Programs.
- E. Land Quality Section Active Sediment Cases and Enforcement — Ms. Julie Coco
Staff will report on the status of Civil Penalty Assessments, action on Civil Penalty Assessments, and Judicial Actions.
- F. Education Program Status Report — Ms. Rebecca Coppa
Staff will report on Sediment Education Program activities.
- G. Sediment Program Status Report — Ms. Julie Coco
Staff will report on LQS's current statewide plan approval, inspection, and enforcement activities through the end of the 2021-2022 fiscal year.
- H. Land Quality Section Report — Mr. Toby Vinson
Staff will provide a report on the current number of vacancies in the Section and other LQS activities.

IV. **Conclusion**

- A. Remarks by DEMLR Director
- B. Remarks by Commission Members
- C. Remarks by Chairman
- D. Adjournment

I. **Preliminary Matters**

A. Call to Order

B. Recognition of Those Attending

C. Swearing in of New Members, if Present

D. Approval of Meeting Minutes from May 19, 2022

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
MAY 19, 2022
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on May 19, 2022, at 10:00 a.m. in the Ground Floor Hearing Room of the Archdale Building located in Raleigh, North Carolina and via online access. The following persons were in attendance for all or part of the meeting either in person or remotely.

COMMISSION MEMBERS

Dr. Susan White (Chair) (in person)
Mr. Benjamin Brown (in person)
Mr. Michael Taylor (appearing remotely)
Ms. LaToya Ogallo (Vice-Chair) (appearing remotely)
Dr. Richard McLaughlin (in person)
Ms. Marion Deerhake (in person)
Mr. Hartwell Carson (appearing remotely)
Ms. Susan Foster (appearing remotely)

OTHERS

Mr. Brian Wrenn, Director, DEMLR
Mr. Brad Cole, Regional Operations Chief, DEMLR
Mr. Toby Vinson, Program Operations Chief, DEMLR
Mr. Graham Parrish, State Assistant Sedimentation Specialist, DEMLR
Ms. Julie Coco, State Sedimentation Specialist, DEMLR
Ms. Rebecca Coppa, State Sedimentation Education Specialist, DEMLR
Mr. Zac Lentz, DEMLR-Winston Salem Regional Office
Mr. Josh Kastrinsky, DEMLR
Ms. Sarah Zambon, Commission Counsel, Attorney General's Office
Mr. Tom Gerow, NCFS
Ms. Karyn Pageau, Wake County
Ms. Lauren Witherspoon, City of Raleigh
Ms. Sally Hoyt, City of Raleigh
Ms. Carrie Mitchell, Town of Wake Forest
Mr. Kirk Stafford, Town of Cary
Ms. Anita Simpson, City of High Point
Mr. Trevor Spencer, City of High Point
Mr. Nick Tosco, Attorney representing the City of High Point
Ms. Sila Vlachout, City of High Point
Mr. Scott Ford, City of High Point
Ms. Meghan Maguire, City of High Point

Mr. Greg Ferguson, City of High Point
Ms. Kathy Blake, City of High Point
Mr. Joel Ferguson, City of High Point
Mr. Jon Shepherd, City of High Point
Mr. Earl Davis, Guilford County
Mr. Shelton Sullivan, DWR
Ms. Sarah Lim, Poyner Spruill

PRELIMINARY MATTERS

Dr. White called the meeting to order at 10:03 am

Dr. White read Executive Order No. 1 regarding avoidance of conflict of interest.

Those in attendance introduced themselves. Dr. White announced any potential conflicts with the Commission members and reminded them to recuse themselves from any discussions related to those conflicts. Mr. Brown alerted the Commission to a conflict of interest he had with one of the matters on the agenda and stated he would recuse himself from the discussion and the vote when that matter was taken up.

Dr. White asked for a motion to approve the minutes from the February 22, 2022, meeting. Dr. McLaughlin moved to approve the minutes. Mr. Brown made a second; the motion passed.

ACTION ITEMS

City of High Point Local Program Review

The recommendation was made to continue the city's delegation conditioned upon the local ordinance being updated to include, among other language, the civil penalty appeals process and the remissions process by the 2022 Q4 SCC meeting in November. The ordinance would be presented to the commission for approval at this meeting.

An initial motion was made by Michael Taylor to approve staff's recommendation and this was seconded by Ms. Ogallo.

Based on the discussion of the commission of the motion, Mr. Taylor requested permission to modify his motion, which was allowed, and made the motion to continue delegation to the local program conditioned on a local ordinance approval by the city by the fourth quarter of the year and if a local ordinance is not approved, the local program will come back before the Commission. Susan Foster seconded Mr. Taylor's modified motion; the motion passed.

City of Wilson Local Program Review

The recommendation was made to continue probation for three months. Ms. Deerhake

made a motion to approve the recommendation made by the DEMLR staff. Dr. McLaughlin made a second; the motion passed.

City of Henderson Local Program Review

The recommendation was made to continue the city's delegation. Mr. Brown made a motion to approve the recommendation made by the DEMLR staff. Ms. Foster made a second; the motion passed.

City of Raleigh Local Program Review

Mr. Brown recused himself from the discussion and from voting based on a conflict of interest. The recommendation was made to continue the city's delegation. Dr. McLaughlin made a motion to approve the recommendation made by the DEMLR staff. Mr. Carson made a second; the motion passed. .

City of Rocky Mount Local Program Review

The recommendation was made to continue the city's delegation. Dr. McLaughlin made a motion to approve the recommendation made by the DEMLR staff. Mr. Brown made a second; the motion passed.

INFORMATION ITEMS

Local Program Review Recommendations

Ms. Coco addressed the members with a revision to the current document discussing program review considerations and examples of program expectations. A few suggestions were made by the members. Feedback was positive. Ms. Coco stated that this advisory document would be edited and posted on the Division's website.

NCDOT Report

Ms. Coco stated that there were no ICAs or trout buffer waivers reported as having been issued to the Department.

Commission Technical Committee

Mark Taylor is the Chair for this committee. He reported via a previous email that the committee is on a steady, stable progress mode with the manual revisions. In Mr. Mark Taylor's absence, the message was read aloud by Mr. Vinson.

Ad-Hoc Committee

Hartwell Carson is the Chair for this committee. He reported that the committee will be meeting soon to address several remaining issues.

Land Quality Section Active Sediment Cases and Enforcement

Ms. Coco reported on the status of civil penalty assessments and judicial actions.

Education Program Status Report

The Sedimentation Education Specialist, Ms. Coppa, has participated in both virtual and in-person outreach efforts. With the help of the WRRRI, she also planned and coordinated the first-ever hybrid format Local Program Workshop. It was held April 19 – April 20, 2022 in Union County. There were 80 people who attended the workshop in-person, and 90 people who attended the workshop on April 19th virtually. Approximately 80 people attended the virtual workshop on April 20th. DEQ's Secretary was the keynote speaker. Local Program recognition was granted to both Durham County and Haywood County for their exemplary efforts in program administration.

Ms. Coppa also reported that the next Local Program Workshop will need to be funded from DEMLR's budget, and will therefore need to be approved by the Commission as well as the DEQ.

Sediment Program Status Report

Ms. Coco reported on the Land Quality Section's statewide plan approvals, inspections, and enforcement activities. Numbers were available through the end of April. Dr. McLaughlin requested that this report only show items that were pertinent to the Commission.

Land Quality Section Report

Mr. Vinson stated that the report submitted to the members needs to be updated.

He reported the following positions for recruitment as shown below:

- Asheville, Fayetteville, Raleigh, Winston-Salem Offices – 5 vacancies for a total of 14 staff members in these offices once filled
- Mooresville Office – 8 vacancies for a total of 16 staff members in this office
- Washington Office – 5 vacancies for a total of 12 staff members in this office
- Wilmington Office – 7 vacancies for a total of 20 staff members in this office

Positions include those for engineers and environmental specialists.

CONCLUSION

Remarks by the Director –

Mr. Wrenn mentioned that he hopes to find permanent sources of funding for those positions listed above which may be time-limited. Fifty-three vacancies exist either due to new position openings or through attrition. Forty-one new job openings have been posted for advertisement; 22 openings have had to be re-posted. The DEMLR is working to fill all vacancies.

Remarks by Commission Members – Ms. Ogallo thanked every member for filing their Statements of Economic Interest in a timely manner. She will follow up with the members on their biennial ethics education training. Commission members remarked that they would like an update on local program delegation ordinances and whether the local ordinances are being routinely updated based on changes to state law.

Remarks by the Chair The Chair thanked the Commissioners for their participation and active engagement, and thanks DEMLR staff for their reports.

Adjournment – Chair White adjourned the meeting at 1:03 pm.

Julie Coco, State Sediment Engineer
Division of Energy, Mineral, and Land
Resources

William Vinson, Jr.
Chief of Program Operations
Division of Energy, Mineral, and
Land Resources

Susan White, Chair
Sedimentation Control Commission

II. Action Items

- A. City of Wilson Review – Mr. Graham Parrish
- B. County of Chatham Review – Mr. Graham Parrish
- C. Town of Apex Review – Mr. Graham Parrish
- D. County of Catawba Review – Mr. Graham Parrish
- E. Town of Holly Springs Review – Mr. Graham Parrish

Local Program Report to the SCC City of Wilson Follow Up, August 18, 2022

On June 16, 2021, personnel from NCDEQ, DEMLR conducted a formal review of the City of Wilson's Erosion and Sedimentation Control Program. A report based on this review was presented to the Sedimentation Control Commission (SCC) on August 17, 2021, who voted to place your program on Probation for 8 months. A follow up review was conducted on April 13, 2022, with a follow up report presented to the SCC on May 19, 2022. The SCC voted to place your program on probation for 3 months with a follow up report to be presented during the 2022 3rd quarterly meeting. During the initial review the following deficiencies and required corrective actions were noted:

Issues Noted:

- The City is providing a pre-review meeting for some projects prior to receiving the complete application and conducting a formal review. This a good practice to streamline the formal review process; however, plans are not always reviewed, and notification of the review decision is not being sent out within statutory deadlines.
- Approved plans were not all drawn at an adequate scale. Proposed silt fence, limits of disturbance (LOD) and contour lines were sometimes difficult to distinguish from each other and other features on the plan. Multiple phases of the plan were shown on one plan sheet and lacked sequencing of how to conduct the construction during and in-between each phase.
- While regular inspections are good and areas of non-compliance are being documented, corrective actions taken by the contractor are not being documented making areas of continued non-compliance difficult to distinguish and does not provide documentation of when contractors are being responsive and bringing sites back into compliance.
- Certain sections within your ordinance are devoid or no longer adhere to the most recent state statutes or state administrative code pertaining to that which constitute your delegation authority for erosion and sedimentation control.

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 of a new plan and within 15 days of receipt of a revised plan. G.S. 113A-61(b).
- When plans are drawn at a scale which makes measures, contours, LOD and/or perimeter measures difficult to see, plans should not be approved, and a larger scale plan set should be required. Plans should be drawn to clearly distinguish between phases and should be labeled as such. The construction sequence and notes should address the transition between phases and erosion control measures during said transitions. If the proposed plan is found to be inadequate or drawn at an illegible scale, the plan should be disapproved, and a disapproval letter should be sent out to notify the applicant within the appropriate time-period.

- Multiple reports showing the same areas needing maintenance or repair suggests that no corrective actions have been taken and out of compliance areas are continuing violations of the SPCA. Inspectors should note when corrective actions have been taken and whether areas are a continuing violation or due to a subsequent rain event after corrective actions were taken. When areas of non-compliance persist, the use of enforcement should be considered. NOVs should be issued in cases where sites are continuously found to be out of compliance, are non-responsive to previous inspection reports and communications from inspectors, or when offsite sedimentation due to violations is found. G.S. 113A-61.1 and MOA Part III(E).
- Your local ordinance should be updated to meet the changing requirements of the program. It appears that your ordinance has not been updated in at least ten years. The Commission recently approved an updated Model Ordinance, and it is available on the [NC DEQ Erosion and Sedimentation Control website](#).

At the time of our first follow up review on April 13, 2022, the City had begun taking steps to addressing the deficiencies noted. The City was still in the process of adjusting their procedures and implementing some of the corrective actions required. The City was requesting the ESC Program Administrator position be reclassified as an Engineer position and were in the process of updating their local ordinance. During the 3-month probation period, the City was expected to implement their proposed changes to the program's procedures, receive approval for the reclassified positions and update the local ordinance. DEMLR staff conducted a follow up review on July 20, 2022.

Follow up:

During the probationary period the City provided periodic updates and has provided inspection reports, plan review comments, review decision letters and enforcement documents to DEMLR staff. During the previous calendar quarter from April 2022 through June 2022, the City reported that they conducted 9 plan reviews or re-reviews, issued 3 approvals and 6 disapprovals. They also conducted 126 inspections and issued 7 NOVs and 1 CPA. The City currently reports 4 staff which contribute approximately 1 FTE to the program. The City has received approval for and posted 2 additional engineering positions which will increase their FTE count towards the ESC program. Currently the City has contracted with an engineering consultant to conduct plan reviews. These staff do not contribute to the currently reported 1 FTE. The consultant uses the City's checklist and provides additional comments to City staff once a plan has been received. The City then reviews the comments for consensus and sends the official review decision to the applicant. Once the City has filled the open engineer positions, plan reviews will be conducted by City staff and inspection duties will remain with the two current City inspectors. At the time of our follow up, the City had 26 open projects. During our follow up, we reviewed 4 project files and conducted inspections on 3 of those projects.

The following is a summary of the projects reviewed:

1. Torres Property:

This project consists of 6.60 acres disturbed for recreational development. The project file contained the approved plan, letter of approval, a copy of the property deed, previous inspection

reports and the FRO form. The City initially received the complete application on 7/14/2020 and issued the letter of approval on 9/14/2020. Due to previous filing complications and poor record keeping, the City was not conducting regular inspections prior to June of 2022. On July 1, 2022, City staff conducted an inspection and found that adequate groundcover had not been established and the required onsite documentation was missing. The City issued an NOV to this site on July 17, 2022, for failing to maintain adequate groundcover, failure to display plan approval at the construction site and failing to complete self-inspection forms. On the day of our review, the site had been partially seeded but the required onsite documentation was still missing. Sections of new silt fence had been installed but did not appear to be trenched in properly. Slopes adjacent to the perimeter needed to be repaired and stabilized and silt fence outlets needed to be installed per the approved plan. This site remained out of compliance for needing to complete the remaining corrective actions listed by the City in the NOV.

2. 1158 Place:

This project consists of 32.5 acres disturbed for residential development. The project file contained the approved plan, letter of approval, design calculations, a copy of the property deed, previous inspection reports and the FRO form. The City initially received the complete application on 4/15/2021 and issued the letter of approval on 5/3/2021. The City had conducted 8 inspections prior to the day of our review. No NOVs or CPAs had been issued to this project. On the day of our review, the basins had been installed and roads were being actively graded. The disturbed areas appeared to be limited to only what was required to install the perimeter measures, basins, and roads per the approved construction sequence. A temporary seed mat liner had been installed on the emergency spillway of the large basin. This liner was not adequate and should be replaced with the permanent riprap as shown on the plans. The rock pad below the skimmer had become covered with mud and needed to be refreshed. The retrieval rope for the skimmer was also missing. The disturbed slopes and diversion ditches between basins needed to be stabilized. One slope appeared to have been tracked improperly and would need to be retracked vertically before stabilizing. Onsite documentation and self-inspection records appeared to be adequate. The construction entrance appeared well maintained and functioning properly, and temporary groundcover had been established in the completed areas adjacent to the perimeter. Overall, this site was out of compliance; however, no offsite sedimentation was noted.

3. Whitfield Homes Flood Recovery Ph. 1:

This project consists of 2.08 acres disturbed for residential development. The project file contained the approved plan, letter of approval, previous inspection reports and the FRO form. A copy of the property deed was not retained in the project file. The City initially received the complete application on 11/3/2020 and issued the letter of approval on 11/4/2020. The City had conducted 26 inspections prior to the day of our review. The City issued an NOV to this project on 4/18/2022 for failing to follow the approved plan and failing to display the plan approval onsite. The City noted that sediment was leaving the site into the surrounding streets, sidewalks, and the existing stormwater system through unprotected yard inlets. This site remained out of compliance by the deadline given in the NOV. The City issued a Continuing Notice of Violation on 5/25/2022. During the compliance inspection conducted on 6/6/2022, the City found that all required corrective actions had still not been completed and issued a Civil Penalty on 6/13/2022. City staff conducted a follow up inspection on 6/30/2022 and found that perimeter wattles and drop inlet protection measures had been installed and areas where offsite sedimentation had

occurred had been cleaned up. On the day of our review, the perimeter wattles remained in place and the site was being permanently stabilized. No further signs of offsite sedimentation were noted.

4. 7-Eleven (File Review Only):

This project consists of 2.8 acres disturbed for commercial development. The City initially received the complete application on 5/13/2022. This plan was received and reviewed under the City's new plan review process with their engineering consultant. When the plan was received, the City forwarded the package to the consultant and required review comments within 10 days. Once the consultant conducted the review, comments and a recommendation to disapprove the plan were sent back to the City. City staff reviewed the consultants' comments and issued a letter of disapproval on 5/31/2022. The applicant submitted revisions addressing the reasons for disapproval on 6/16/2022. The City reviewed and approved this plan on 6/16/2022. The project file contained the approved plan, letter of approval, a copy of the property deed, letter of consent from the landowner, previous inspection reports, and the FRO from. The approved plan appeared to be adequate. City staff stated that this project was just beginning construction and little activity was underway.

Conclusion:

During our initial review it was noted that some approved plans were drawn at an inadequate scale making measures difficult to distinguish from one another and lacking descriptive construction sequencing and phasing. It was also noted that the while inspections were being conducted frequently, sites would remain out of compliance with no corrective actions taken by the developers and little to no actions taken by the City to bring sites into compliance. During the follow up conducted on April 18, 2022, it was noted that the City was taking steps to address the deficiencies noted during the initial review. The City has continued to implement the changes in procedures and staffing structure during this 3-month probationary period. They have implemented an effective plan review process with the contracted engineering consultant. The City has developed a comprehensive plan review checklist which the consultant uses along with providing their own plan specific comments. The consultant has a strict deadline to review plans and provide comments, which ensures that the City is able to notify the applicant of the review decision within the statutory deadlines. The City has posted 2 engineering positions which will contribute time to the ESC program once filled. Staff indicated that filling of these positions was anticipated for August. The City stated that the engineering consultant will continue to provide plan review assistance while the new positions are filled, and new hires are trained. The 2 inspectors currently responsible for conducting inspections have shown a notable improvement in their ability to conduct adequate inspections. The City is conducting inspections on all sites every 2 weeks and appear to be noting continuing violations when found. The City has also shown a willingness and ability to utilize their enforcement tools such as NOVs and CPAs to bring sites into compliance when continued violations persist. They also stated that they do have the ability to work with their building inspections department to place holds on building permits or inspections as additional tools. The City has made updates to the local ordinance to reflect the 2021 model ordinance; however, clarifying language and minor consistency changes still need to be adopted. The City should ensure that the ordinance as adopted is accurately reflected in the online Municode as well as the UDO. The City has taken steps to address the deficiencies noted during our initial review and has continued to show improvement throughout this probationary

period. City staff have demonstrated a determination, knowledge, and ability to make the necessary changes in order to improve the program and fulfill the delegated authority of the local program. DEMLR staff recommends to “Continue Delegation” of the City of Wilson’s Erosion and Sedimentation Control Program.

This report has been prepared based on the initial review conducted on June 16, 2021, follow up reviews conducted on April 13, 2022, and July 20, 2022, and the probationary periods in between. This report will be presented to the SCC during its 2022 Q3 meeting on August 18, 2022.

Local Program Report to the SCC Chatham County, August 18, 2022

On June 1, 2022, personnel from NCDEQ DEMLR conducted a formal review of the Chatham County Erosion and Sedimentation Control Program. The Chatham County program was last reviewed on 9/28/2017. The County has 6 staff that contribute approximately 4 full time equivalents to the erosion control program. The County requires an erosion and sediment control plan and land disturbing permit for all projects disturbing greater than 20,000 square feet or 25,000 square feet if only single-family residential development is involved. The County also requires a residential lot permit for any single-family residential development less than 25,000 square feet outside of a common plan of development. Jurisdiction of the program covers all areas within Chatham County except for Siler City and the portions of the Town of Cary which extend into the County. During the period from May 2021 through April 2022, the County conducted 647 plan reviews or re-reviews, issued 347 approvals and 330 disapprovals. During this period, the County also conducted 1480 inspections, issued 54 NOV's and 10 SWOs. The County can revoke a land disturbing permit which essentially stops all work on a project as well as place holds on building permits or certificates of occupancy as additional tools to bring a site into compliance. At the time of our review the County had 632 open projects. During our review of the program, we looked at three project files and conducted site inspections on those projects.

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

1. Project FXGD (FedEx Distribution):

This project consists of 45.86 acres disturbed for industrial development. The project file contained the approved plan, letter of approval, design calculations, a copy of the property deed and the FRO form. This project had recently begun construction and was in the process of installing measures and beginning grading. The plan for this project went through 5 review cycles and was approved by the County on 3/10/2022. The approved plan appeared adequate from a design standpoint; however, a few proposed measures did not have notes for maintenance. The County had not conducted any inspections of this site at the time of our review. No NOV or CPAs had been issued to this project at the time of our review. During the day of our review, clearing and grubbing was being completed and grading had begun. Skimmer basins, except for the large basin at the south end of the site, had been installed and stabilized. Some diversion ditches installed did not appear that they would properly convey water to the basins as designed. Diversions should be reinstalled per the construction details in the approved plans. Two basins were missing a stone pad below the skimmer device and one of these basins also did not have a skimmer device retrieval rope attached. One section of silt fence adjacent to the area being actively graded had begun to undermine and minor sediment was noted leaving the site. Silt fence had been installed surrounding a stockpile; however, this pile was located within 50 feet of a basin and needed to be relocated. The contractor mobilized and was beginning to move the stockpile as we were leaving the site. The basin slopes and surrounding areas appeared to be well stabilized. Overall, this site was out of compliance needing to reinstall diversion ditches, repair silt fence and clean up the minor offsite sediment. The County found this site out of compliance during their follow up inspection conducted on 6/17/2022. The County noted that a revised plan was needed to address changes in the construction sequence, diversion ditches and one of the sediment basins. The County found this site in compliance during an inspection conducted on

7/15/2022. The revisions to this plan went through two review cycles and were approved on 7/28/2022.

2. Chatham Park Section 7.1 Phase 1:

This project consists of 65.0 acres disturbed for residential development. The project file contained the approved plan, letter of approval, design calculations, a copy of the property deed, previous inspection reports and the FRO form. The approved plan for this project went through 2 review cycles and was approved by the County on 6/8/2021. The County approved a revised plan for this project on 12/21/2021 and another on 5/27/2022. The approved plan for this project appeared to be adequate. This project began construction in December 2021 and the County had conducted 5 inspections prior to the day of our review. No NOV's or CPAs had been issued to this project at the time of our review. During the day of our review grading was underway. A few inlet protection measures needed to be repaired or maintained throughout the site. Rills had begun to form along the slopes above one of the basins and needed to be repaired and re-stabilized. The County indicated that they have received multiple complaints regarding this site from surrounding property owners. The County indicated that no sediment has left the site and complaints were found to be a result of turbid water discharging from the site and flooding of the adjacent road. The County has worked with this developer to revise the plan in attempts to reduce the amount of water being released in this location. The County approved a large berm and diversion ditch to divert more water to the skimmer basin. This berm and diversion had recently been installed and matted. Larger wattles needed to be installed in the diversion and it was recommended to consider installing rock check dams. This project contains a proposed bridge across the stream running through the site. The County stated that since they conducted their last inspection of this site, the stream crossing mats had been removed and stone berms had been installed. These berms contained a mix of stone and soil and should be replaced with fresh stone or silt fence. Silt fence along the stream appeared to be well maintained and no signs of sediment loss could be noted. Slopes throughout the site had been stabilized and the construction entrances appeared to be well maintained. Due to time constraints, we conducted a partial inspection of this site. Overall, this site was out of compliance, needing to repair and maintain inlet protection measures throughout the site and repair rills on the slope above one of the basins. No offsite sedimentation was noted. The County conducted a follow up inspection on 6/23/2022 and found that previously noted corrective actions had not been completed. The County issued an NOV to this project on 6/23/2022 and found that all corrective actions had been completed during a follow up inspection conducted on 6/30/2022.

3. Adigun Medical Office:

This project consists of 2.7 acres disturbed for commercial development. The project file contained the approved plan, letter of approval, design calculations, previous inspection reports and the FRO form. A copy of the property deed was missing from the file. The approved plan for this project went through 3 review cycles and was approved by the County on 2/22/2021. The approved plan for this project appeared to be adequate. This project began construction in April of 2021 and the County had conducted 6 inspections prior to our review. No NOV's or CPAs had been issued to this project at the time of our review. During the day of our review, the parking area was being prepped for pavement and surrounding areas were being prepped for sod. The drainage ditch and dissipator pad at the discharge point appeared to be functioning and well maintained. The skimmer basin had begun to be transitioned to the permanent stormwater pond

prematurely and without approval from the County. The baffles needed to be reinstalled and the skimmer placed back into the basin to continue functioning until the drainage area has been stabilized. The leach field for the septic system had been cleared and the system installed; however, this area was not included on the approved plan. The County issued an NOV to this site on 6/6/2022 as a result of our inspection. The County conducted a follow up inspection on 6/15/2022 and found that all field corrective actions had been completed.

Positive Findings:

During our review we noted a few positive aspects about the Chatham County Local Erosion and Sediment Control Program including:

- The County has more restrictive criteria than the State when requiring an erosion and sediment control plan. The County requires a plan and land disturbing permit for all projects which will disturb greater than 20,000 sq. ft. or 25,000 sq. ft. if only single-family residential development is involved. The County also requires a residential disturbance permit be obtained for projects disturbing less than 20,000 sq. ft. and outside of a common plan of development.
- The County requires that any 404/401 permits must be obtained and submitted as part of the complete application prior to the approval of the erosion and sediment control plan.
- The County requires a preconstruction meeting for all projects.
- The County provides reference to the NCG01 permit process in their approval letters and on the County website.

Issues Noted and Required Actions:

During our review we found that the Chatham County Erosion and Sedimentation Control Program had deficiencies including:

- Documentation of land ownership was not kept in all project files.
- Some proposed measure's maintenance notes were not included in the approved plan.

The County shall implement the following changes to correct the deficiencies found during our review and noted above:

- Documentation of land ownership must be obtained prior to approval of a plan. 15A NCAC 04B.0188(c). County staff indicated that this item has recently been added to their plan review checklist and will be included in all project files moving forward.
- The County has developed a set of standard details and specifications which provides consistency in the design and implementation of measures; however, not all details contain maintenance notes and those missing were not included in the plan notes. County staff should ensure that maintenance requirements and guidance are contained within the approved plan prior to approving a plan. It is recommended to update all standard details to contain maintenance requirements within the detail notes.

Recommendations for Improvement:

DEMLR staff has also compiled a list of recommendations that would help to improve the program:

- The County stated that they were in the process of updating their local ordinance in accordance with the most recent Model Ordinance for Local Programs. Once the local ordinance is up to date, update all template letters and inspection reports to reflect the

most current references to the North Carolina Administrative Code, General Statutes and local ordinance. Template letters and inspection reports can be found on our [Local Program Reporting SharePoint site](#).

- Continue to monitor and provide guidance for NPDES violations including operating without a permit, improper concrete washout, and fuel containment on site during inspections. Note possible NPDES violations and refer to the NCDEQ Raleigh Regional Office when necessary.

Conclusion:

During our review we found that the Chatham County locally delegated erosion and sedimentation control program had some minor deficiencies. One project file was missing a copy of the property deed. The County stated that this had previously not been a requirement during plan reviews but had recently been added to the review checklist as a required piece of the complete application. The County has more restrictive criteria than the State as to when an ESC plan is required. Along with the issuance of NOVs and SWOs, the County has been able to use the holding of building permits, certificates of occupancy and the revocation of the land disturbing permit as tools to bring sites back into compliance. The County is in the process of updating their local ordinance and seeking additional staff. The County reports a low number of monthly inspections over the past year compared to the number of open projects each month. This can be partially attributed to staff turnover during September of 2021. The County's reports indicate a rebound in recent months but only indicate an inspection frequency closer to every 2-3 months. The County has recognized this unsustainable workload and has worked to get approval for additional staff. The County stated that 3 additional positions dedicated to the erosion control program have been approved in the 2023 fiscal year budget and are anticipated to be filled during the 1st FY quarter. County staff demonstrated their ability to conduct adequate plan reviews and inspections. While all three sites were out of compliance on the day of our review, the overall condition of two sites was good. Overall, slopes appeared to be appropriately stabilized and the approved construction sequences appeared to be followed. County staff conducted adequate inspections and noted all areas seen by State staff. The County is working to address the growing workload and bring their ordinance up to date. The County is using the tools available to them to bring sites into compliance and have demonstrated their knowledge and ability to effectively implement the local program's delegated authority. DEMLR staff recommends to "Continue Delegation" of the Chatham County Erosion and Sedimentation Control Program.

This report has been prepared based on the formal review of the Chatham County local program conducted on June 1, 2022 and will be presented to the SCC during its 2022 Q3 meeting on August 18, 2022.

Local Program Report to the SCC Town of Apex, August 18, 2022

On July 7, 2022, personnel from NCDEQ, DEMLR conducted a formal review of the Town of Apex Erosion and Sedimentation Control Program. The Town of Apex program was last reviewed on 12/13/2017. The Town requires an erosion and sediment control plan for projects disturbing greater than 20,000 sq. ft. Jurisdiction of the program covers the Town of Apex's corporate limits and extraterritorial jurisdiction (ETJ). The Town has 6 staff that contribute approximately 3 full time equivalents to the program. During the period from July 2021 through June 2022, the Town conducted 135 reviews or re-reviews, issued 33 plan approvals and 102 plan disapprovals. During this same period the Town conducted 1140 official inspections, issued 1 NOV and 1 SWO. The Town is currently reviewing plans submitted and sending comments back to the applicant until an approvable plan is submitted but not sending any official notice of plan review decision during this process. The letter of plan approval is not issued by the Town until all aspects of the construction plans have been approved, the preconstruction meeting has occurred, and the performance bond has been posted by the plan holder. The Town stated that they conduct at least one official inspection each month on all their projects but are also on site each week to provide additional oversight and guidance. At the time of our review the Town had 82 open projects. During our review of the program, we looked at three project files and conducted site inspections on those projects.

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

1. The Preserve at White Oak Phase 4:

This project consists of 7.96 acres disturbed for residential development. The project file contained the approved plan, letter of approval, design calculations, documentation of property ownership, previous inspection reports and the FRO form. The approved plan for this project was initially received by the Town on 4/1/2021 and the letter of approval issued on 4/20/2021. The approved plan for this project appeared to be adequate from a design standpoint, however maintenance notes were not included for all proposed measures. No NOVs or CPAs had been issued to this project prior to our review. This project began construction in April of 2021 and the Town had conducted 17 inspections prior to our review. On the day of our review, streets had been installed, homebuilding had begun and active grading in the western portion of the site was ongoing. During the Town's previous inspection conducted on 6/29/2022 several areas needing to be stabilized and repaired had been noted. The areas behind the construction trailer and diversion ditch in this area had not been repaired or stabilized as previously noted on the last inspection report. The silt fence outlet below this area was being bypassed allowing a small amount of sediment to leave the site. The baffles in one basin needed to be extended to function properly since the basin had been excavated to the permanent SCM depth and a permanent pool covered the baffles currently installed. Dissipator pads for the basin outlets needed to be maintained and the silt bag lying on one pad needed to be removed. Silt fence and construction entrances for active individual lots needed to be repaired throughout. Perimeter measures in the areas being actively graded had been installed and appeared to be maintained. The contractor was onsite and replacing silt fence around recently graded areas during our inspection. Slopes in the northwest corner of the site and the drainage swale which had recently been graded had been tracked properly; a reminder to stabilize these areas was noted. The slopes above a stream

crossing had been matted and sediment accumulation removed from the silt fence in this area. Overall, this site was out of compliance needing to repair or install measures and to stabilize completed or inactive areas throughout. Minor offsite sediment was noted.

2. Ellsworth:

This project consists of 17.0 acres disturbed for residential development. The project file contained the approved plan, letter of approval, design calculations, documentation of property ownership, previous inspection reports and the FRO form. The approved plan for this project was initially received on 2/11/2019. The letter of approval was issued on 6/23/2020. The Town indicated that this project went through 4 review cycles and 2 revisions during this time, although no official notice of disapproval was sent during this time. The approved plan for this project appeared to be adequate from a design standpoint, however maintenance notes were not included for all proposed measures. No NOV's or CPAs had been issued to this site prior to our review. This project began construction in November of 2020 and the Town had conducted 24 inspections prior to our review. On the day of our review, the streets had been installed and lots graded. The Town indicated that this project was awaiting final plat approval and had been idle for a couple of months. The site had been well stabilized throughout. The Town had noted the need to repair and stabilize rills which had formed above one of the basins and the need to clean the streets and curb inlet protection measures on their most recent inspection. The rills appeared to have been repaired and matted and the streets had been swept and curb inlet protection measures maintained. Overall, this site was in compliance and no offsite sedimentation was noted.

3. Christian Brothers Automotive:

This project consists of 0.95 acres disturbed for commercial development. The project file contained the approved plan, letter of plan approval, documentation of property ownership, previous inspection reports and the FRO form. The landowner and financially responsible party were different, however, no letter of consent from the landowner had been obtained. The approved plan for this project was initially received on 7/11/2021. The letter of approval was issued on 2/7/2022. The approved plan for this project appeared to be adequate from a design standpoint, however maintenance notes were not included for all proposed measures. No NOV's or CPAs had been issued to this site prior to our review. This project began construction in April 2021 and the Town had conducted 17 inspections prior to our review. On the day of our review, building construction was underway and the retaining wall along the west side of the site had been installed. The Town indicated that they had recently received complaints from the public reporting damage to perimeter silt fence. The Town stated that at the time of these complaints the contractor had already reported building materials were delivered and placed on top of the silt fence. During our review, the materials had been removed and silt fence had been repaired. Some further repairs to silt fence below the recently completed retaining wall were needed. Town staff commented that once this area had been permanently stabilized this silt fence could be removed and reinstalled along of the top of the wall. Overall, this site was in compliance and no offsite sedimentation was noted.

Positive Findings:

During our review we noted a few positive aspects about the Town of Apex Local Erosion and Sedimentation Control Program including:

- The Town requires that all 404/401 permits are obtained prior to the ESC plan approval.
- The Town has stricter criterion than the State as to when an ESC plan approval is required. Approved ESC plans are required for all projects with greater than 20,000 sq. ft.
- The Town provides reference and guidance on the NCG01 permitting process in the letter of plan approval and on their website. Town staff confirm that NCG01 coverage has been obtained prior to construction beginning.
- The Town has also developed a standard waste management plan which is distributed as part of the construction plan review and approval process to address the expectations of containment and disposal of construction waste. This plan provides guidance and reinforces the requirements of the NCG01 permit.
- The Town requires preconstruction meetings on all projects.

Issues Noted and Required Actions:

During our review we found that the Town of Apex Erosion and Sedimentation Control Program had deficiencies including:

- Written consent from the landowner was not obtained when the FRP and landowner differ.
- Plans are not being reviewed with written notice of the review decision sent within 30 days of receiving the complete package.
- Maintenance notes for all proposed measures were not included in the approved plans.
- Certain sections of the local ordinance are devoid or no longer adhere to the most recent statutes and administrative code.

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

- 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 and to conduct the land-disturbing activity. G.S. 113A-54.1(a). The Town should obtain a letter of consent when the landowner and FRP differ and retain this letter in each project file. The Affidavit of Ownership the Town is currently requiring as part of the complete application package serves as documentation of landownership but does not currently include a statement of consent from the landowner for the FRP to submit this application and conduct the land disturbing activity.
- 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 and 15 days for a revised plan. G.S. 113A-64(b), MOA Part III.C.1&3. Official notice of disapproval should include the reasons which the plan is being disapproved and must be sent with the ability to track receipt by the applicant, as the applicant has the right to appeal the decision if written request for a hearing is submitted within 15 days of receiving the notice of disapproval.
- The Town has developed a set of standard construction details which adds consistency to plans being received, however not all ESC measure details contain maintenance notes. The Town should ensure that specific maintenance notes are included for each proposed measure within the plan.

- The Town should update their ordinance to reflect the 2021 Model Ordinance. A redlined version with the most recent changes can be found on the [NCDEQ Local Programs Website](#).

Recommendations for Improvement:

DEMLR staff has also compiled a list of recommendations that would help to improve the program:

- The Town should update template letters, and inspection reports and guidance documents to reflect any changes once the local ordinance has been updated. DEMLR has made template letters and inspection reports available to all local programs, which can be found on our [Local Program Reporting SharePoint site](#). It is also recommended to update the standard construction details to include maintenance notes for those measures which do not already contain them.
- Continue to monitor and provide guidance for NPDES violations including operating without a permit, improper concrete washout, and fuel containment on site during inspections. Note possible NPDES violations and refer to the NCDEQ Raleigh Regional Office when necessary.

Conclusion:

During our review we found that the Town of Apex locally delegated erosion and sedimentation control program had a few deficiencies. The Town's current plan review process of receiving a complete package, reviewing, and sending back comments until an approvable plan has been submitted should be adjusted to ensure that notification of the plan review decision is sent within 30 days for new plans and 15 days for revised plans. Notification of plan disapprovals should be sent with the ability to track receipt. The Town has developed a set of standard construction details for erosion control measures however, not all details include maintenance notes. Plan review staff should ensure that all proposed measures include a construction detail as well as specific maintenance notes. The Town is conducting official inspections at least monthly and stated that inspectors are typically onsite weekly but are not always filing official inspection reports for the weekly inspections. This frequent presence allows the Town to provide guidance, continual monitoring, and maintain open and frequent communications with contractors reducing the potential for major issues to arise. During our inspections Town staff noted all areas seen by State staff. The Town demonstrated their knowledge and ability to effectively implement the local program's delegated authority. DEMLR staff recommends to "Continue Delegation" of the Town of Apex Erosion and Sedimentation Control Program.

This report has been prepared based on the formal review of the Town of Apex local program conducted on July 7, 2022 and will be presented to the SCC during its 2022 Q3 meeting on August 18, 2022.

Local Program Report to the SCC Catawba County, August 18, 2022

On June 14, 2022, personnel from NCDEQ DEMLR conducted a formal review of the Catawba County Erosion and Sedimentation Control Program. The Catawba County program was last reviewed on 10/17/2017. The County requires an erosion and sediment control plan for projects disturbing one acre or more. The County also requires a “Small Site Erosion Control Permit” be obtained for sites which are disturbing less than one acre. Jurisdiction of the program covers all areas of the county. The County reports 2 staff who contribute approximately 2 FTE to the Erosion and Sedimentation Control Program. During the period from June 2021 through May 2022, the County conducted 118 plan reviews or re-reviews, issued 79 approvals and 38 disapprovals. During this same period, the County conducted 2806 inspections, issued 8 NOVs and 1 SWO. The County indicated that more SWOs and building permit holds had been utilized on small sites with only a Small Site Erosion Control Permit throughout the year when needed to bring these small sites into compliance, but the exact number is not tracked as these projects do not exceed the greater than one acre of disturbance threshold. At the time of our review the County had 98 active projects. During our review of the program, we looked at three project files and conducted site inspections on those projects.

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

1. American Fuji Seal:

This project consists of 25.0 acres disturbed for industrial development. The project file contained the approved plan, letter of approval, design calculations, previous inspection reports and the FRO form. A copy of the property deed was missing from the file and an individual rather than company they represented was listed as the financially responsible party (FRP) on the FRO form. The approved plan for this project was received by the County on 5/11/2021 and approved on 5/14/2021. The County received a revised plan for this project on 6/8/2021 and approved the revisions on 6/11/2021. The approved plan for this project appeared to be adequate. No NOVs or CPAs had been issued to this project prior to our review. This project began construction in July of 2021 and the county had conducted 12 inspections prior to our review. During the day of our review, construction of the building was underway, and the drive around the building and parking areas had been paved. Curb inlet protection devices throughout the site appeared to be full and needed to be cleaned out. One section of the diversion ditch just upstream of the basin needed to be repaired and restabilized as the vegetation had died off and the ditch had begun to erode. The large sediment basin had been installed and appeared to be functioning and well maintained. Overall, this site was out of compliance, however no offsite sedimentation was noted.

2. Villas at Sherrill’s Ford:

This project consists of 19.9 acres disturbed for residential development. The project file contained the approved plan, letter of approval, design calculations, previous inspection reports and the FRO form. A copy of the property deed and letter of consent between the landowner and financially responsible party (FRP) were missing from the file. The approved plan for this project was received by the County on 6/26/2020 and approved on 7/6/2020. The County received a revised plan for this project on 1/21/2021 and approved the revision on 2/1/2021. The

approved plan for this project appeared to be adequate. No NOVs or CPAs had been issued to this project prior to our review. This project began construction in November 2020 and the county had conducted 21 inspections prior to the day of our review. During the day of our review, grading of lot pads had been completed and basins had been installed. The County stated that there was a previous slope failure which had been repaired in coordination with the Division of Water Resources. The slopes in this area had been matted but appeared to still be too steep to sustain permanent vegetation and was starting to fail again, minor sediment loss into the stream area was noted. It was not clear whether this sediment loss was residual from the previous failure or new losses since the cleanup had occurred. These slopes should be regraded and permanently stabilized. It was suggested that a revised plan be submitted to address this area. The County indicated that they would coordinate further with DWR to address this area. Two diversion ditches had begun to erode and needed to be repaired and restabilized. Flow from the basin appeared to be bypassing the skimmer at the connection to the riser structure. General maintenance of inlet protection measures and silt fence were noted. Temporary ground cover had been established throughout the site while the site remained idle. Overall, this site had been temporarily stabilized and measures were installed but was out of compliance needing to repair diversion ditches, a skimmer device and slopes and clean out the minor sediment in the stream.

3. Shurtape Technologies:

This project consists of 16.07 acres disturbed for industrial development. The project file contained the approved plan, letter of approval, design calculations, previous inspection reports and the FRO form. A copy of the property deed was missing from the file. The approved plan for this project went through 3 review cycles with the approved plan received by the County on 4/11/2022 and approved on 4/14/2022. The approved plan showed a diversion ditch conveying water to an existing permanent stormwater pond on the property. This pond was not included within the limits of disturbance (LoD). The County should ensure that all measures including the use of existing basins on the property are included within the limits of disturbance. No NOVs or CPAs were issued to this project prior to our review. Construction on this project began in May of 2022 and the County had conducted 1 inspection prior to the day of our review. Grading appeared to be ongoing in some areas while completed areas had been stabilized throughout the site. The drive surrounding the building pad was being prepared for paving and the temporary basins appeared to be installed and functioning properly. The existing basin appeared to be functioning however, it needed to be cleaned out and maintained. The rock donut inlet protection for one of the temporary slope drains had not been installed. Temporary ground cover had been provided on slopes and completed areas and no offsite sedimentation was noted. Overall, this site appeared to have inactive and completed areas properly stabilized but was found to be out of compliance needing to clean out the existing basin and install the inlet protection measure for one of the slope drains.

Positive Findings:

During our review we noted a few positive aspects about the Catawba County Local Erosion and Sedimentation Control Program including:

- The County requires preconstruction meetings for all projects.
- The County ensures that all 404/401 permits are obtained during the preconstruction meeting and does not allow the project to begin until those permits are in hand.

- The County provides reference to and guidance regarding the NCG01 permit and permitting process in their approval letters and on the County website.
- The County has developed a Small Site Erosion Control Permit to collect project and responsible party information for smaller projects which do not require prior plan approval.

Issues Noted and Required Actions:

During our review we found that the Catawba County Erosion and Sedimentation Control Program had deficiencies including:

- Documentation of land ownership was not kept in all project files.
- A letter of consent was not obtained when the FRP and landowner differ.
- An individual was listed as the FRP on one FRO form rather than the company they represent.
- One plan approved the use of an existing stormwater pond converted to function as a temporary basin; however, the limits of disturbance did not extend or encompass said basin.

The County shall implement the following changes to correct the deficiencies found during our review and noted above:

- Documentation of land ownership must be obtained prior to approval of a plan. 15A NCAC 04B.0188(c). A copy of the property deed should be obtained and retained in each project file.
- 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). The County should obtain a letter of consent when the landowner and FRP differ and retain this letter in each project file.
- While an individual may sign the FRO form as a representative of a company, the legal name of the company or corporation should be listed as the FRP. As a reminder, the County should also verify that the company is registered with the Secretary of State to do business within NC.
- The County should ensure that proposed measures are encompassed in the limits of disturbance on a plan. The diversion ditch conveying water to the existing pond and the pond itself should all be included within the limits of disturbance as access to the pond and diversion ditch for installation and maintenance will be needed throughout the project.

Recommendations for Improvement:

DEMLR staff has also compiled a list of recommendations that would help to improve the program:

- The County stated that they had updated their local ordinance within the last two years; however, with the recent legislative changes and Model Ordinance revisions, some sections were devoid or no longer adhere to the most recent statutes and administrative code. The County should update their ordinance to reflect the 2021 Model Ordinance. A redlined version can be found on the [NCDEQ Local Programs website](#). The County’s template letters, and inspection reports should also be updated to reflect any changes once

the local ordinance has been updated. DEMLR has made template letters and inspection reports available to all local programs, which can be found on our [Local Program Reporting SharePoint site](#).

- While the current staffing appears to be adequate, a significant increase in workload may not be sustainable in the long term. It is recommended to investigate options such as seeking additional staff to ensure the program is equipped to handle its delegated authority should the workload increase in the future.
- Monitor and provide guidance for NPDES violations including operating without a permit, improper concrete washout, and fuel containment on site during inspections. Note possible NPDES violations and refer to the NCDEQ Mooresville Regional Office when necessary.

Conclusion:

During our review we found that the Catawba County locally delegated erosion and sedimentation control program had some minor deficiencies. A copy of the property deed was not retained in the project files and one project file did not contain the necessary letter of consent. One of the approved plans contained the use of an existing pond but did not include the pond in the limits of disturbance. The County should ensure that documentation of land ownership and a letter of consent when necessary are obtained and kept in each project file. All proposed measures and access to measures should be included within the LoD. The County has developed the Small Site Erosion Control Permit to collect project details and responsible party information for sites which do not exceed the threshold for having to obtain a plan approval. The County has and continues to utilize both the enforcement tools delegated to them through the SPCA and additional tools such as stop work orders and building permit holds to bring sites into compliance. During inspections, County staff noted all areas seen by State staff. While all three sites were out of compliance, no significant offsite sedimentation was noted. Sites were found to be out of compliance for the typical maintenance and common repair needs with no major concern areas noted other than the slope failure at one site which the County is already in the process of addressing with guidance from DWR. Sites appeared to be establishing groundcover appropriately, leading to a decreased potential for any major losses. The County demonstrated their knowledge, experience and ability to effectively implement the local program's delegated authority. DEMLR staff recommends to "Continue Delegation" of the Catawba County Erosion and Sedimentation Control Program.

This report has been prepared based on the formal review of the Catawba County local program conducted on June 14, 2022 and will be presented to the SCC during its 2022 Q3 meeting on August 18, 2022.

Local Program Report to the SCC Town of Holly Springs, August 18, 2022

On July 12, 2022, personnel from NCDEQ, DEMLR conducted a formal review of the Town of Holly Springs Erosion and Sedimentation Control Program. The Town of Holly Springs program was last reviewed on 12/17/2017. The Town requires an erosion and sediment control plan for projects disturbing greater than 20,000 sq. ft. Jurisdiction of the program covers the Town of Holly Springs corporate limits and extraterritorial jurisdiction (ETJ). During the period from July 2021 through June 2022, the Town conducted 285 reviews or re-reviews, issued 28 approvals and 51 disapprovals. During this same period the Town conducted 4387 inspections, issued 3 NOVs and 15 SWOs or building permit/inspection holds. The Town is currently reviewing plans submitted and sending comments back to the applicant until an approvable plan is submitted. They are not sending official written notice of disapproval if a plan is not found to be approvable within 30-days of receiving the complete package. The letter of plan approval is currently not being issued until after the preconstruction meeting has occurred. At the time of our review the Town had 67 open projects. During our review of the program, we looked at three project files and conducted site inspections on those projects.

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

1. Medical Office Complex:

This project consists of 4.62 acres disturbed for commercial development. The project file contained the approved plan, letter of approval, design calculations, a copy of the property deed, previous inspection reports and the FRO form. The approved plan for this project was initially received by the Town on 8/20/2021 and the letter of approval issued on 1/5/2022. The approved plan appeared adequate from a design standpoint however, details for a proposed rock pipe inlet protection measure and a silt bag for basin dewatering were not included. Maintenance notes for some proposed measures were also missing. No NOVs or CPAs had been issued to this project prior to our review. This project began construction in February of 2022 and the Town had conducted 7 inspections prior to our review. On the day of our review, the underground detention system had been installed and the temporary skimmer basin was being reworked. The building foundation had been poured. The stockpile in the west corner of the site had been seeded however, vegetation on the north side of the pile was sparse and needed to be restabilized. The emergency spillway liner in one corner needed to be resecured to the ground, baffles would need to be reinstalled with proper spacing and the diversion ditch conveying water into the basin would need to be regraded to function properly. Slopes of the basin which had been completed had been matted. The slopes surrounding the detention system outlet and building foundation had been seeded and mulched with straw or matted. The construction entrance appeared to be well maintained. Overall, this site was out of compliance needing to repair the emergency spillway liner to prevent dislocation, regrade the diversion ditch to ensure proper conveyance to the basin and the need for stabilization of the stockpile and inactive areas. No offsite sedimentation was noted.

2. Village Gate Tract 3:

This project consists of 6.92 acres disturbed for commercial development. The project file contained the approved plan, letter of approval, design calculations, a copy of the property deed,

previous inspection reports and the FRO form. A letter of consent between the property owner and financially responsible party (FRP) was missing from the project file. The approved plan for this project was initially received on 12/10/2020 and the letter of approval was issued 6/16/2021. The approved plan was missing maintenance notes for some measures and a silt bag detail. This project began construction in August of 2021 and the Town had conducted 10 inspections prior to our review. At the time of our review, the Town was in the process of issuing an NOV based on their previous inspection conducted on 7/11/2022. The Town noted that the underground detention system had been installed and the temporary basin removed without prior approval from the Town. While the lower portion of the site appeared to be reaching completion, the upper portion of the site has not been completed nor stabilized. The temporary basin should not have been removed until all areas draining to the basin had been completed and stabilized. The Town is requiring a revised plan to include the addition of a temporary basin in the upper portion of the site which is still under construction. During our inspection, site conditions reflected the Town's previous inspection report. The area where the temporary basin had been removed and the underground retention system installed was being prepared for curb, gutter, and pavement. The slopes surrounding this area had been matted. Building construction in the lower portion of the site was complete and landscaping was being installed. The upper portion of the site did not appear active and had not been adequately stabilized. The Town issued an NOV to this project on 7/14/2022 for failing to follow the approved plan, provide adequate groundcover and maintain measures. No offsite sedimentation has been noted.

3. Honeycutt Farm Ph. 12 &13:

This project consists of 24.4 acres disturbed for residential development. The project file contained the approved plan, letter of plan approval, a copy of the property deed, design calculations, previous inspection reports and the FRO form. The approved plan for this project was initially received on 2/22/2019 and the letter of approval was issued on 1/15/2020. The approved plan was missing maintenance notes for some proposed measures. This project began construction in September of 2020 and the Town had conducted 31 inspections prior to our review. At the time of our review, homebuilding had begun throughout the site. Individual lot measures had been installed on active lots and overall appeared to be functioning. Some sections of silt fence needed to be maintained throughout. The excavated soil from basement houses being built had been stockpiled along the rear of these lots. The slopes of this stockpiled soil needed to be reduced and then stabilized. The diversion ditch from the initial grading phase running along the rear of these lots was still partially in place and needed to be removed as the basin had been removed during the transition to the next phase of the plan. Evidence of previous maintenance and removal of accumulated sediment along the silt fence below these lots was noted. Curb inlet protection throughout the site had been removed for the stormwater system inspections and had not been reinstalled. Inactive lots had been stabilized and perimeter measures appeared to be well maintained. Overall, this site was out of compliance for needing to regrade and stabilize the stockpiled soil behind lots and reinstall curb inlet protection measures. However, no offsite sedimentation was noted, and individual lot measures were being well maintained.

Positive Findings:

During our review we noted a few positive aspects about the Town of Holly Springs Local Erosion and Sedimentation Control Program including:

- The Town requires that all 404/401 permits are obtained prior to the ESC plan approval.
- The Town has a more restrictive criterion than the State as to when an ESC plan approval is required. Approved ESC plans are required for all projects with greater than 20,000 sq. ft.
- The Town provides reference and guidance on the NCG01 permitting process in the letter of plan approval and on their website. Town staff confirm that NCG01 coverage has been obtained prior to allowing grading to begin.
- The Town has utilized their ability to issue SWOs and place holds on building inspections and permits as additional tools to bring sites into compliance.

Issues Noted and Required Actions:

During our review we found that the Town of Holly Springs Erosion and Sedimentation Control Program had deficiencies including:

- Written consent from the landowner was not obtained when the FRP and landowner differ.
- Plans are not being reviewed and written notice of the review decision sent within 30 days of receiving the complete package.
- Details and maintenance notes for all proposed measures were not included in the approved plans.
- Certain sections within your ordinance are devoid or no longer adhere to the most recent statutes and administrative code.

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

- 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). The Town should obtain a letter of consent when the landowner and FRP differ and retain this letter in each project file.
- 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 and 15 days for a revised plan. G.S. 113A-64(b), MOA Part III.C.1&3. Official notice of disapproval must be sent with the ability to track receipt by the applicant, as the applicant has the right to appeal the decision if written request for a hearing is submitted within 15 days of receiving the notice of disapproval.
- The Town should ensure that the plan includes construction details for all proposed measures. The Town has developed a set of standard construction details which adds consistency to plans being received, however not all ESC measure details contain maintenance notes. The Town should also ensure that specific maintenance notes are included for each proposed measure within the plan.
- It appears that the current local ordinance has not been updated in over 10 years; the Town stated that they are already in the process of updating the ordinance. The Town’s updates should reflect the 2021 Model Ordinance. A redlined version with the most recent changes can be found on the [NCDEQ Local Programs Website](#).

Recommendations for Improvement:

DEMLR staff has also compiled a list of recommendations that would help to improve the program:

- The Town should update template letters, and inspection reports and guidance documents to reflect any changes once the local ordinance has been updated. DEMLR has made template letters and inspection reports available to all local programs, which can be found on our [Local Program Reporting SharePoint site](#). It is also recommended to update the standard construction details to include maintenance notes for those measures which do not already contain them.
- Continue to monitor and provide guidance for NPDES violations including operating without a permit, improper concrete washout, and fuel containment on site during inspections. Note possible NPDES violations and refer to the NCDEQ Raleigh Regional Office when necessary.

Conclusion:

During our review we found that the Town of Holly Springs locally delegated erosion and sedimentation control program had a few deficiencies. The Town's current plan review process of receiving a complete package, reviewing, and sending back comments until an approvable plan has been submitted should be adjusted to ensure that notification of plan review decision is sent within the appropriate 30 days for new plans and 15 days for revised plans. Notification of plan disapprovals should be sent with the ability to track receipt. Plan review staff should ensure that if a detail does not include maintenance notes, maintenance notes are included within the plans themselves. The Town had already begun the process of updating their local ordinance to reflect the current model ordinance. During our inspections, Town staff noted all areas seen by State staff. In the case of the Village Gate project, the Town's previous inspection report accurately reflected the conditions seen during our review and supported the issuance of an NOV. The Town demonstrated their knowledge, experience, and ability to effectively implement the local program's delegated authority. DEMLR staff recommend to "Continue Delegation" of the Town of Holly Springs Erosion and Sedimentation Control Program.

This report has been prepared based on the formal review of the Town of Holly Springs local program conducted on July 12, 2022 and will be presented to the SCC during its 2022 Q3 meeting on August 18, 2022.

Local Program Review Recommendation Levels

Local Program reviews consist of a one-day visit to the local government. The review focuses on both in-office administration and in-the-field site inspections. During the in-office portion of the review, DEMLR staff review project files for appropriate documentation and discusses typical practices and procedures of the program administration. During the field portion of the review, DEMLR staff observe program staff while they conduct a typical site inspection. Projects to be reviewed are selected by DEMLR staff on the day of the review. Project selection is made with the goal of selecting a representative sample that varies in project purpose, disturbed acreage, current construction phase and site location. Program reviews are meant to determine the ability of program staff to adequately monitor and enforce the provisions of the Sedimentation Pollution Control Act of 1973 (SPCA). While these levels of recommendation provide guidance as to the expectations of Local Programs, recommendations made by DEMLR staff seek to appropriately reflect the findings of the review but may not necessarily be sequential from one review period to the next. Furthermore, examples are provided which list some of the program requirement deficiencies noted during a review. The finding of one or more deficiencies does not necessitate this specific recommendation level nor does the absence of one or more examples guarantee a higher recommendation level.

Level 1 – Continue Delegation: No oversight is needed; overall, the program is successfully implementing their requirements.

Level 2 – Continue Delegation with Review: At this level, the program may need clarification on certain provisions of the SPCA or limited guidance on their ordinance and practices. The program needs clarifications or guidance in one or more areas:

- **Procedures and Records** - This includes the handling of paperwork or submittal requirements for applicants, application review response and notification requirements, on-site records review, or the development of their local ordinance. Staff may need guidance on reporting their program-related activities to the DEQ-DEMLR regularly and accurately with few omissions. The program may not be aware of the latest laws and rules regarding erosion and sedimentation control.
- **Staffing** – The program typically employs a sufficient number of qualified personnel to administer their program requirements expediently and effectively. This is based in part on the size of the jurisdiction or the number of acres the program has to monitor.
- **Plan Reviews** - Program staff demonstrate adequate knowledge of erosion and sedimentation control designs and plan requirements, but may be lacking in some areas. Plan approvals are generally being conditioned upon compliance with state and federal water quality laws or

rules, but staff may need assistance with permit coordination. Staff may need reminding that once a complete application is received, plan reviews are to be conducted and a decision sent to the applicant within the time period specified under Part III.C of their Memorandum of Agreement and General Statute 113A-61 (b).

- **Site Monitoring** – Program staff demonstrate adequate knowledge of plan reading and the ability to determine if erosion control measures are functioning as designed under the approved plan while in the field, but may be lacking in some areas. Staff also demonstrate the ability to detect significant deviations from an approved plan, and the ability to clearly articulate the appropriate corrective actions needed to gain compliance with the SPCA, but may be lacking in some areas. Inspection reports may be missing the minimum information in which to properly evaluate a land disturbing activity. Site inspections may not always be conducted periodically and regularly with sufficient frequency to effectively monitor compliance with the SPCA, its code, or the local ordinance. Self-inspection records may not be frequently available nor properly documented, and staff have not informed the responsible part(ies) of this deficiency. Notices of Violation may be inconsistently or infrequently issued when the Financially Responsible Party has failed to comply with the SPCA, its code, or the local ordinance; such notices shall consist of and be delivered in accordance with General Statute 113A-61.1(c) and its amendments.

Of the above program requirements, few to some adjustments are needed to the program's administration to correct deficiencies or the adjustments needed are minor to moderate in scope. The program is generally adhering to the responsibilities found in their memorandum of agreement, the SPCA or its code, but is in need of clarifications or guidance to fulfill those requirements. The review period is recommended based on the number or scope of adjustments needed.

Examples of program requirements that are not being met or that require clarification or limited guidance beyond the initial review period include:

- Documentation of land ownership was not obtained prior to approval of the plan and retained in the project file.
- Once a complete application is received, the plan was reviewed, but the person submitting the plan is not notified that it has been approved, approved with modifications, or disapproved within 30 days of receipt of a new plan. An official Notice of Disapproval must be sent within 30 days of receiving the complete application when plans are found to be inadequate.
- Self-inspection records are not being reviewed when onsite, or a review of those records shows them to be incomplete, and the program is not notifying those responsible for the self-inspections of the deficiency.

- Inspection staff are unaware that a second construction entrance with no protection against sedimentation is being used and failed to include it on the inspection report.

The list above is not a comprehensive list of program requirement deficiencies which may be noted during a review. The finding of one or more of the above deficiencies does not necessitate this specific recommendation level nor does the absence of one or more of the above examples guarantee a higher recommendation level.

Periodic oversight and follow-up from our review is needed; DEQ, DEMLR staff will communicate more frequently with the local program on its requirements or may request documentation of program actions to review for adherence to the SPCA. This may include submittals of inspection reports, decision letters, or enforcement documents. The DEMLR may choose to conduct a second in-person review based on recommendations given from the first review.

Level 3 – Place on Probation: At this level, the program has little understanding of the SPCA or their ordinance, or may be unwilling to assume responsibility for administration and enforcement of its program. The program needs significant guidance on their ordinance or practices. The program needs significant guidance in one or more areas:

- **Procedures and Records** - This includes the handling of paperwork or submittal requirements for applicants, application review response and notification requirements, on-site records review, or the development of their local ordinance. Staff may need guidance on reporting their program-related activities to the DEQ-DEMLR regularly and accurately with few omissions. The program is not aware of the latest laws and rules regarding erosion and sedimentation control.
- **Staffing** – The program may be employing an insufficient number of qualified personnel to administer their program requirements expediently and effectively. This is based in part on the size of the jurisdiction or the number of acres the program has to monitor.
- **Plan Reviews** - Program staff may be lacking adequate knowledge of erosion and sedimentation control designs and plan requirements. Plan approvals may be infrequently conditioned upon compliance with state and federal water quality laws or rules, and staff may need assistance with permit coordination. Once a complete application is received, plan reviews are infrequently or not at all being conducted and a decision sent to the applicant within the time period specified under Part III.C of their Memorandum of Agreement.
- **Site Monitoring** – Program staff may be lacking adequate knowledge of plan reading and the ability to determine if erosion control measures are functioning as designed under the approved plan while in the field. Staff may also be lacking in the ability to detect significant deviations from an

approved plan, and the ability to clearly articulate the appropriate corrective actions needed to gain compliance with the SPCA. Inspection reports may be missing the minimum information in which to properly evaluate a land disturbing activity. Site inspections may not always be conducted periodically and regularly with sufficient frequency to effectively monitor compliance with the SPCA, its code, or the local ordinance. Self-inspection records may not be frequently available nor properly documented, and staff have not informed the responsible part(ies) of this deficiency. Notices of Violation may be inconsistently, infrequently, or not at all being issued when the Financially Responsible Party has failed to comply with the SPCA, its code, or the local ordinance; such notices shall consist of and be delivered in accordance with General Statute 113A-61.1(c) and its amendments.

Of the above program requirements, many adjustments are needed to the program's administration to correct deficiencies, or the adjustments needed are major in scope. The program is generally not adhering to the responsibilities found in their memorandum of agreement, the SPCA or its code, and is in need of significant guidance to fulfill those requirements. The review period is recommended based on the number or scope of adjustments needed.

Examples of program requirements that are not being met or that require significant guidance beyond the initial review period include:

- Program staff are unresponsive to requests made by auditors as a result of investigations made into their program responsibilities.
- The Program may demonstrate an unwillingness to administer their delegated authority in a manner to ensure adherence to the Local Ordinance, the SPCA and its code.
- Plans are being approved without regard to work requirements within a jurisdictional stream or riparian buffer and/or without including the required timelines for ground cover as necessary to satisfy requirements under their delegation authority.
- Approved plans are missing a construction sequence.
- Plans are not being reviewed and applicants are not being properly notified of the review decision within the required timeframes, as mentioned above.
- Inspections are not being conducted periodically and with sufficient frequency to ensure compliance with the SPCA and its code.
- Violations and their corresponding corrective actions are not being presented to the Financially Responsible Party in the form of inspection reports, or inspection reports do not accurately reflect the conditions and violations found onsite during inspections.

- When violations are not being addressed, or when land is being disturbed without measures or without a plan that would otherwise be required, Notices of Violations are not being sent or there is no follow-up to the notices.

The list above is not a comprehensive list of program requirement deficiencies which may be noted during a review. The finding of one or more of the above deficiencies does not necessitate this specific recommendation level nor does the absence of one or more of the above examples guarantee a higher recommendation level.

Frequent oversight and follow-up from our review is needed; DEMLR staff will communicate more frequently with the local program on its requirements and may request documentation of program actions to review for adherence to the SPCA. DEMLR staff will notify the local government's council or board of commissioners of their status while on probation. Plan reviews or inspections may be required to be conducted with assistance from DEMLR regional staff. Enforcement documents may be required to be reviewed by DEMLR central office staff prior to (or subsequent to, if time is of the essence) their delivery to the financially responsible party or their designee. The DEMLR will conduct a second in-person review based on recommendations given from the first review.

Level 4 – Revoke Delegation: This recommendation would remove the authority of a local program to implement the requirements of the SPCA. DEMLR staff will notify the local government's council or board of commissioners of the recommendation to revoke the program. At this level, the program has failed to administer and enforce the program requirements per the SPCA, its code, or the memorandum of agreement as outlined above. Further guidance from DEMLR staff would prove ineffective. Implementation, including enforcement, of the SPCA would fall under the jurisdiction of the DEQ or another local program.

III. Information Items

- A. City of High Point Ordinance Review – Ms. Julie Coco
- B. NCDOT Report – Ms. Julie Coco
- C. Commission Technical Committee – Mr. Mark Taylor
- D. Ad-Hoc Committee, SWANC Presentation – Jennifer Mitchell & Daniel Colavito
- E. Land Quality Section Active Sediment Cases and Enforcement – Ms. Julie Coco
- F. Education Program Status Report – Ms. Rebecca Coppa
- G. Sediment Program Status Report – Ms. Julie Coco
- H. Land Quality Section Report – Mr. Toby Vinson

9.1. Purpose

This chapter establishes procedures through which the City seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this chapter are intended to encourage the voluntary correction of violations, where possible.

9.2. ~~Compliance Required~~ Applicability

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the city.

[This Chapter applies to the enforcement of all provisions of this Ordinance. Section 9.10, Soil Erosion and Sedimentation Enforcement and Penalties, shall only apply to the enforcement of Section 6.3, Soil Erosion and Sedimentation, Section 9.10.1, Soil Erosion and Sedimentation Violations, and any state statute or regulation governing soil erosion and sedimentation. The provisions of Section 9.10, where applicable, shall supersede conflicting provisions of this Chapter.](#)

9.3. Violations

Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided by this chapter and by State law.

9.3.1. Development without Authorization

Engage in any development, use, construction, land disturbance, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this Ordinance without all required plans, permits, certificates, or other forms of authorization as set forth in this Ordinance.

9.3.2. Development Inconsistent with Authorization

Engage in any development, use, construction, land disturbance, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

9.3.3. Violation by Act or Omission

Violate, by act or omission, any term, variance, modification, adjustment, condition, or qualification placed upon any required plan, permit, certificate, or other form of authorization for the development, use, construction, land disturbance, or other activity upon land or improvements thereon.

9.3.4. Use in Violation

Erect, construct, alter, repair, maintain or use any building or structure, or use any land in violation of this Ordinance or any regulation made under the authority conferred thereby.

9.3.5. Subdivide in Violation

Subdivide land in violation of this Ordinance or transfer or sell land by reference to a plat or map showing a subdivision of land before the plat or map has been properly approved under this Ordinance and recorded in the office of the County Register of Deeds. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction for violation this Ordinance.

9.3.6. Continue a Violation

Continuance of any violations in this section is a separate and distinct offense.

9.4. Responsible Persons

9.4.1. General

The following persons may be jointly and severally responsible for any violations of this Ordinance and subject to enforcement as provided in this Chapter:

- A. Any person who owns the property on which a violation occurs;
- B. Any tenant or occupant who has control over, or responsibility for, the property on which a violation occurs;
- C. Any person listed as a financially responsible party for the property on a form previously signed and submitted to the City; and
- D. Any architect, engineer, builder, developer, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation.

~~The landowner, tenant, or occupant of any land or structure, and an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance may be held responsible for the violation and is subject to the remedies and penalties set forth in this chapter.~~

9.4.2. Failure by City Does Not Relieve Individual

Failure of a City official charged with enforcement responsibility to observe or recognize conditions which violate the intent and purpose of this Ordinance, or to deny the issuance of a development or land disturbance permit, shall not relieve ~~the landowner~~ a person from responsibility for the condition or damages resulting therefrom and shall not result in the City, its officers, or agents being responsible for conditions or damages resulting therefrom.

9.4.3. Remedy Upon Notice

Upon notice of a violation, the landowner and any other responsible person shall immediately remedy the violation.

9.5. Enforcement

9.5.1. Responsibilities

The Engineering Services Director, Planning and Development Director, and Public Services Director shall be responsible for enforcing the following:

- A. **Engineering Services Director** The Engineering Services Director is responsible for enforcing the provisions of this Ordinance pertaining to surface water buffer protection, land disturbance, flood damage prevention, and the construction of public infrastructure.
- B. **Planning and Development Director** The enforcement of the remaining provisions of this Ordinance are the responsibility of the Planning & Development Director.
- C. **Public Services Director** The Public Services Director is responsible enforcing the provisions of this Ordinance pertaining to the inspection and maintenance of stormwater management devices.

(Ord. No. 7679/20-95 , § 6, 12-9-2020)

9.5.2. Investigations

As appropriate, any of the directors listed in Section 9.5.1 above has the power to conduct such investigation as may be deemed necessary to carry out their duties as prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating any complaints or alleged violations of this Ordinance.

9.5.3. Inspections

As appropriate, any of the directors listed in Section 9.5.1 above has the right upon presentation of proper credentials, or inspection warrant if necessary, to enter on any premises within the jurisdiction at any reasonable hour for the purposes of inspecting the sites of any complaints or alleged violations, or determination of compliance or other enforcement action of this Ordinance.

9.5.4. Supporting Documentation

As appropriate, any of the directors listed in Section 9.5.1 above has the power to require written statements, certificates, certifications, or the filing of reports with the respect to pertinent questions relating to complaints or alleged violations of this Ordinance.

9.5.5. Interference

No person shall refuse entry or access to any authorized representative or agent of the City who requests entry for purposes of inspection and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out their official duties.

9.6. Enforcement Procedure

When the Planning and Development Director, Engineering Services Director, or Public Services Director, as appropriate, finds a violation of this Ordinance, it shall be their duty to notify the responsible persons of the violation.

9.6.1. Notice of Violation

If the landowner or occupant of the land, building, structure, sign, or use in violation fails to take prompt action, any of the directors listed in Section 9.5.1, as appropriate, shall give the owner or occupant written notice (by [any means authorized under Section 1A-1, Rule 4 of the North Carolina General Statutes](#) ~~certified or registered mail to their last known address, by personal service~~, or by posting notice conspicuously on the property) of the following:

- A. **Violation Exists** That the land, building, structure, sign, or use is in violation of this Ordinance;
- B. **Nature of the Violation** The nature of the violation, and citation of the Section(s) of this Ordinance violated;
- C. **Remedy** The measures necessary to remedy the violation;
- D. **Allowable Time Period** The time period in which the violation must be corrected [by the responsible person](#); except that no time period need be given for grading without a permit or interference with official duties;
- E. **Penalties that May be Assessed** That penalties or remedies may be assessed; and
- F. **Appeal** That the party cited has the right to appeal the Notice in accordance with Section 2.4.3, Appeal.

9.6.2. Failure to Comply with Order

If the owner or occupant of a property fails to comply with a notice of violation from which no appeal has been taken, or a final decision by the BOA following an appeal, the landowner or occupant shall be subject to such remedies and penalties as may be provided for by State law or by Section 9.7, Remedies.

9.7. Remedies

9.7.1. Civil Penalties

Any person who violates any provision of this Ordinance shall be subject to the assessment of a civil penalty under the procedures provided in Section 9.9, Assessment of Civil Penalties.

9.7.2. Denial of Permit or Certificate

As appropriate, any of the directors listed in Section 9.5.1 above may withhold or deny any permit, certificate, or other authorization on any land, subdivision, building, structure, sign, or use in which there is an uncorrected violation of a provision of this Ordinance, or of a condition or qualification of a permit, certificate, or other authorization previously granted.

9.7.3. Conditional Permit or Temporary Certificate

As appropriate, any of the directors listed in Section 9.5.1 above shall condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate governmental authority.

9.7.4. Stop Work Orders

- A. **General** Whenever ~~there is development or land-disturbing activity~~~~a building, structure, sign, or part thereof is being constructed, altered, repaired, moved, or demolished~~ in violation of this Ordinance, any of the directors listed in Section 9.5.1, as appropriate, may order the work to be immediately stopped.
- B. **Order in Writing** The stop work order shall be in writing and directed to the landowner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.
- C. **In Accordance with State Statutes or Building Code** Such action shall be in accordance with Section 160A-421 of the North Carolina General Statutes or the State Building Code.

9.7.5. Revocation of Permits

As appropriate, any of the directors listed in Section 9.5.1 may revoke and require the return of a permit by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates may be revoked for any substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of an applicable State or City law may also be revoked.

9.7.6. Criminal Penalties

~~Violation of Erosion and Sedimentation Control. Any person who knowingly or willfully violates any soil erosion and sedimentation control provision of this ordinance, or rule or order adopted or issued pursuant to the soil erosion and sedimentation control provisions, or who knowingly or willfully initiates or continues a land-disturbing activity for which a soil erosion and sedimentation control plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, is guilty of a Class 2 misdemeanor that may include a fine not to exceed \$5,000.~~

~~(Ord. No. 7476/18-105, § 19, 12-3-2018)~~

~~State law reference — Penalties, G.S. 113A-64.~~

9.7.67. Injunctive Relief

- A. **Action by City Council** Whenever ~~the City Council has~~~~there is~~ reasonable cause to believe that any person is violating or threatening to violate this Ordinance, or any rule or order adopted or issued pursuant to this Ordinance, or any term, condition, or provision of an approved development plan, or soil erosion and sedimentation control plan, ~~it~~~~the City Attorney~~ may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the City, for injunctive relief to restrain, correct, abate, mandate, or enjoin the violation or threatened violation.
- B. **Superior Court** The action shall be brought in the Superior Court of the appropriate county. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation.

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- C. **No Relief from Criminal Penalties** The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of this Ordinance.

9.7.78. Order of Abatement

- A. **General** In addition to an injunction, the City [Attorney](#) may apply for and the court may enter an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:
1. That buildings or other structures on the property be closed, demolished, or removed;
 2. That fixtures, furniture, or other moveable property be moved or removed entirely;
 3. That improvements, alterations, modifications, or repairs be made; or
 4. That any other action be taken as necessary to bring the property into compliance with this Ordinance.
- B. **Lien** As appropriate, any of the directors listed in Section 9.5.1 may execute the Order of Abatement and have a lien placed on the property in the nature of a mechanic's and materialman's lien for the cost of executing the order.

9.7.89. Equitable Remedy

The City may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the City's application for equitable relief.

9.7.9110. State and Common Law Remedies

In addition to other enforcement provisions contained in this section, the City Council may exercise any and all enforcement powers granted to it by state law or common law.

9.7.1011. Previous Enforcement

Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions.

9.8. Remedies—Cumulative and Continuous

9.8.1. Cumulative Violations

All such remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

9.8.2. Repeat Violations

If a landowner or occupant repeats the same violation within a two year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to additional penalties and remedies.

9.9. Assessment of Civil Penalties

9.9.1. Responsible Parties

~~Any person who violates any provision of this Ordinance, including the owner or occupant of any land, building, structure, sign, use of land, or part thereof, and any architect, builder, contractor, agent, or other person who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of this Ordinance may be held responsible for the violation and subject to the penalties and remedies provided in this Ordinance.~~

9.9.21. Notice

- A. **Notification Required** Civil penalties may not be assessed until the responsible person in violation has been notified in accordance with Section 9.6, Enforcement Procedure.
- B. **Civil Penalty Imposed** If after receiving a notice of violation under Section 9.6.1, the person fails to take corrective action or file an appeal, a civil penalty may be imposed in accordance with this section.
- C. **Notice of Penalty Assessment** Notice of the civil penalty assessment shall be served in the same manner as a notice of violation.
- D. **Assessment Contents** The assessment notice shall state the nature of the violation, the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within 15 days of the date of the notice.
- E. **Separate Notices** Separate notices must be provided for the first, second, third and fourth violations. After notice for the fourth violation, penalties may be assessed and accrue on a daily basis without any further notice to the property owner.
- F. **Assessment Until Compliance** Civil penalties may be assessed until compliance is achieved.

9.9.32. Continuing Violation

For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

9.9.43. Demand for Payment

If compliance is not achieved, then any of the directors listed in Section 9.5.1, as appropriate, shall make written demand for payment of penalties that have accrued while the property has been in violation. The demand for payment shall be sent to the responsible person in violation and must include a description of the violation for which the civil penalties have been imposed.

9.9.54. Nonpayment

If payment is not received or equitable settlement reached within 30 days after demand for payment is made, the matter shall be referred to legal counsel to institute a civil action for recovery of the civil penalty. [A civil action to recover a civil penalty assessed pursuant to Section 9.10, Soil Erosion and Sedimentation Enforcement and Penalties, must be filed within three years of the date the assessment was due.](#)

9.9.65. Penalties

~~A. **General** Any person who violates any provision of this Ordinance, except for soil ~~and~~ erosion ~~and~~ sedimentation control violations, shall be subject to assessment of a civil penalty in the amount of \$50.00 for the first violation, \$100.00 for the second violation, \$200.00 for the third violation, and \$500.00 for the fourth and each succeeding violation.~~

~~B. **Soil Erosion and Sedimentation Control** Civil penalties for specific violations of Section 6.3, Soil Erosion and Sedimentation, are assessed as follows:~~

- ~~1. **Grading Without Permit** \$5000 per day for failure to secure a valid land disturbance permit prior to conducting a land-disturbing activity for which a soil erosion and sedimentation control plan is required.~~
- ~~2. **Failure to Protect** \$500 per day for failure to take all reasonable measures to protect public property or private property, including lakes and/or natural watercourses, from damage caused by land-disturbing activities.~~
- ~~3. **Failure to Follow Plan** \$300 per day for failure to conduct a land-disturbing activity in accordance with the provisions of an approved soil erosion and sedimentation control plan.~~
- ~~4. **Failure to Install Devices** \$500 per day for failure, when more than one acre is disturbed (\$250 per day when one acre or less is disturbed), to install erosion and sedimentation control devices sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract(s) and prevent off-site sedimentation.~~
- ~~5. **Failure to Maintain Measures** \$300 per day for failure to maintain satisfactory soil erosion and sedimentation control measures, structures and/or devices on the site that are designed to provide protection from the calculated maximum peak rate of runoff from the 10-year storm.~~
- ~~6. **Failure to Maintain Temporary Measures** \$250 per day for failure to maintain temporary soil erosion and sedimentation control measures and facilities during the development of the site.~~
- ~~7. **Failure to Maintain Slopes** \$250 per day for failure on graded slopes and fills to maintain an angle sufficient to retain vegetative cover or other adequate soil erosion and sedimentation control devices or structures.~~
- ~~8. **Failure to Cover Slopes** \$250 per day for failure, within 7 days of completion of any phase of grading, to plant or otherwise provide exposed, graded slopes or fills with ground cover, devices, or structures sufficient to restrain erosion.~~
- ~~9. **Failure to Plant Cover** \$250 per day for failure on a tract when more than one contiguous acre is disturbed, to plant or otherwise provide ground cover sufficient to restrain erosion within 14 days of completion of any phase of grading.~~
- ~~10. **Failure to Revise Plan** \$250 per day for failure to file an acceptable, revised soil erosion and sedimentation control plan after being notified of the need to do so.~~
- ~~11. **Failure to Maintain Buffer** \$250 per day for failure to retain a buffer zone of sufficient width along a lake or natural watercourse to confine visible siltation within the 25 percent of the buffer zone nearest the land-disturbing activity.~~
- ~~12. **Interference with Official Duties** \$500 per day for obstructing, hampering, or interfering with any authorized agent of the City or the NC Sedimentation Control Commission while in the process of carrying out their official duties.~~

~~9.9.7. Soil Erosion and Sedimentation Control Penalty Use~~

~~Civil penalties collected for soil erosion and sedimentation control violations must be used or disbursed as directed by Section 113A-64(a) of the North Carolina General Statutes.~~

9.10 Soil Erosion and Sedimentation Enforcement and Penalties

9.10.1 Soil Erosion and Sedimentation Violations

Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided by this Section and by State law.

- A. **Grading Without Permit** Failure to secure a valid land disturbance permit prior to conducting a land-disturbing activity for which a soil erosion and sedimentation control plan is required.
- B. **Failure to Protect** Failure to take all reasonable measures to protect public property or private property, including lakes and/or natural watercourses, from damage caused by land-disturbing activities.
- C. **Failure to Follow Plan** Failure to conduct a land-disturbing activity in accordance with the provisions of an approved soil erosion and sedimentation control plan.
- D. **Failure to Install Devices** Failure, when more than one acre is disturbed, to install erosion and sedimentation control devices sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract(s) and prevent off-site sedimentation.
- E. **Failure to Maintain Measures** Failure to maintain satisfactory soil erosion and sedimentation control measures, structures and/or devices on the site that are designed to provide protection from the calculated maximum peak rate of runoff from the 10-year storm.
- F. **Failure to Maintain Slopes** Failure on graded slopes and fills to maintain an angle sufficient to retain vegetative cover or other adequate soil erosion and sedimentation control devices or structures.
- G. **Failure to Cover Slopes** Failure, within 21 days of completion of any phase of grading, to plant or otherwise provide exposed, graded slopes or fills with ground cover, devices, or structures sufficient to restrain erosion.
- H. **Failure to Plant Cover** Failure on a tract when more than one contiguous acre is disturbed, to plant or otherwise provide ground cover sufficient to restrain erosion within 14 days of completion of any phase of grading.
- I. **Failure to Revise Plan** Failure to file an acceptable, revised soil erosion and sedimentation control plan after being notified of the need to do so.
- J. **Failure to Maintain Buffer** Failure to retain a buffer zone of sufficient width along a lake or natural watercourse to confine visible siltation within the 25 percent of the buffer zone nearest the land-disturbing activity.
- K. **Interference with Official Duties** Obstructing, hampering, or interfering with any authorized agent of the City or the NC Sedimentation Control Commission while in the process of carrying out their official duties.
- L. **Failure to Self-Inspect** Failure to perform an inspection of the area covered by the plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with G.S. 113A-57(2).

- M. **Insufficient Measures** Failure to have erosion and sedimentation control devices and practices that are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of the tract.
- O. **Other violations** Violating any other provisions of Section 6.3, Soil Erosion and Sedimentation, the North Carolina Sedimentation Pollution Control Act, or any rules or orders adopted or issued pursuant to Section 6.3, Soil Erosion and Sedimentation, or the North Carolina Sedimentation Pollution Control Act.

9.10.2 Responsible Persons

Any landowner or other responsible person who has financial or operational control over the land-disturbing activity; or who has directly or indirectly allowed the activity, and who has failed to comply with any provision of Section 6.3, Soil Erosion and Sedimentation, Section 9.10.1, Soil Erosion and Sedimentation Violations, or any state statute or regulation governing soil erosion and sedimentation, including the North Carolina Sedimentation Pollution Control Act, may be jointly and severally responsible for such violations and subject to enforcement for the same as provided in this Section.

9.10.3 Notice of Violation

- A. **General** If it is determined that a person engaged in any land-disturbing activity failed to comply with this Section, a notice of violation shall be served upon the responsible person.
- B. **Service** The notice may be served by any means authorized under Section 1A-1, Rule 4 of the North Carolina General Statutes.
- C. **Notification Contents** The notice shall inform the responsible person of the violation, describe the actions that need to be taken by the responsible person to come into compliance with this Ordinance, and specify the number of working days the responsible person has to correct the violation.
- D. **Failure to Comply** Any responsible person who fails to comply within the time specified in the notice of violation is subject to additional civil and criminal penalties for a continuing violation as provided in this Section.

9.10.4 Civil Penalties

- A. **Assessment** Any responsible person who receives a notice of violation for committing any violations of this Section and fails to abate such violation(s) within the time provided in the notice of violation, may be assessed a maximum civil penalty of up to \$5,000.00 per violation. A civil penalty may be assessed each day from the date of the violation. Each day of a continuing violation constitutes a separate violation. Civil penalties may be assessed until compliance is achieved. When the responsible person has not been assessed any civil penalty under Section 6.3, Soil Erosion and Sedimentation, the North Carolina Sedimentation Pollution Control Act, or any rules or orders adopted or issued pursuant to Section 6.3, Soil Erosion and Sedimentation, or the North Carolina Sedimentation Pollution Control Act, for any previous violation, and that person abated continuing environmental damage resulting from the violation within 180 days from the date of the notice of violation, the maximum cumulative total civil penalty assessed for all violations associated with the land-disturbing activity is \$25,000.
- B. **Civil Penalty Assessment Factors** The Engineering Services Director or a subordinate shall determine the amount of the civil penalty based upon the following factors:
 - 1. The degree and extent of harm caused by the violation;
 - 2. The cost of rectifying the damage;

3. The amount of money the responsible person saved by noncompliance;
4. Whether the violation was committed willfully; and
5. The prior record of the responsible person in complying or failing to comply with this Ordinance.

C. Notice of Civil Penalties Assessment

1. **Notification Required** The Engineering Services Director or a subordinate shall provide notice of the civil penalty amount and the basis for assessment to the responsible person assessed. The notice of the assessment must be served by any means authorized under Section 1A-1, Rule 4 of the North Carolina General Statutes.
2. **Notification Contents** The notice shall direct the responsible person to either pay the assessment by a certain date, appeal the assessment within 30 days to the Board of Adjustment, or request a remission of the assessment by the North Carolina Sedimentation Control Commission within 30 days after the receipt of the notice of assessment. An assessment that is not appealed or contested or where a remission of the penalty has not been requested is due by the date provided in the notice of assessment. An assessment that is appealed or contested or where a remission of the penalty is requested is due at the conclusion of the appeal or judicial review of the assessment.
3. **Separate Notices** Separate notices must be provided for the first, second, third, and fourth violations. After notice for the fourth violation, civil penalties may be assessed and accrue on a daily basis without any further notice to the person assessed.

D. Appeal of Civil Penalties A notice of civil penalty assessment may be appealed in accordance with Section 2.4.3, Appeal, to the Board of Adjustment within 30 days of the date the notice of civil penalty assessment is received. The Board of Adjustment must consider the civil penalty assessment factors listed in this subsection and any extenuating or mitigating circumstances in determining whether to uphold, reduce, or waive the civil penalty. The Board of Adjustment's decision shall be appealable to the Superior Court of Guilford County in the nature of certiorari pursuant to G.S. 160D-1402. Such appeals shall be filed with the Clerk of Superior Court by the later of 30 days after the Board of Adjustment's decision is filed with the Clerk to the Board of Adjustment or 30 days after a written copy of the decision is given to the responsible person.

E. Remission of Civil Penalties A request for remission of a civil penalty under G.S. 113A-64 shall be filed with the North Carolina Sedimentation Control Commission within 30 days receipt of the notice of assessment. Any such remission request shall comply in all respects with the requirements set forth in G.S. 113A-64.2, including the requirement that any such remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B of the North Carolina General Statutes and a stipulation of the facts on which the assessment was based.

F. Payment of Civil Penalties Civil Penalties collected for violations of this Section must be credited to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. Civil penalties collected by the City for violations of this Section may be diminished only by the City's actual costs of collection. The collection cost percentage to be used shall be established and approved by the North Carolina Office of State Budget and Management on an annual basis, based upon the computation of actual collection costs by the City for the prior fiscal year.

9.10.5 Criminal Penalties

Any person who knowingly or willfully violates this Section or any provision of the North Carolina Sedimentation Pollution Control Act or any ordinance, rule, regulation, or order duly adopted or issued by

the North Carolina Sedimentation Control Commission or the City, or who knowingly or willfully initiates or continues a land-disturbing activity for which an erosion and sedimentation control plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 2 misdemeanor that may include a fine not to exceed \$5,000 as provided in G.S. 113A-64.

9.10.6 Restoration of Areas Affected by Non-compliance

The Engineering Services Director or a subordinate may require a person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by G.S. § 113A-57(3) and Section 6.3, Soil Erosion and Sedimentation, to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this Ordinance.

10.4. - Definitions

The following are definitions for terms used in this Ordinance that do not involve calculations or measurement (see [Section 10.2](#), Rules of Measurement, for terms and definitions related to calculation or measurement).

<p>LAND DISTURBING ACTIVITY</p>	<p>Any use of the landmovement of earth or substrate, manually or mechanically, that results in a change in the natural cover or topography and that may cause or contribute to sedimentation, including but not limited to any modification of existing grade by dredging, demolition, excavation or fill, grading, scraping, vegetation removal, landscaping, coring, well drilling, pile driving, undergrounding utility lines, trenching, bulldozing, sheeting, shoring and excavation for laying or removing foundations, pilings or other purposes.</p>
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(Ord. No. [7266/17-08](#) , §§ 34, 35, 1-17-2017; Ord. No. [7286/17-28](#) , § 1, 4-3-2017; Ord. No. [7287/17-29](#) , § 16, 4-3-2017; Ord. No. [7365/17-108](#) , § 13, 11-20-2017; Ord. No. [7415/18-44](#) , § 8.G, 5-21-2018; Ord. No. [7476/18-105](#) , §§ 9.B, 17.B, 20, 12-3-2018; Ord. No. [7488/19-05](#) , § 8, 2-4-2019; Ord. No. [7521/19-38](#) , §§ 13.A, 13.B, 4-15-2019; Ord. No. [7542/19-59](#) , §§ 4.F, 6, 7-15-2019; Ord. No. [7622/20-38](#) , §§ 4.R, 18.C, 22, 8-5-2020; Ord. No. [7679/20-95](#) , § 9, 12-9-2020; Ord. No. [7712/21-29](#) , § 11, 5-19-2021; Ord. No. [7680/20-96](#) , § 11, 12-9-2020; Ord. No. [7750/21-67](#) , §§ 5.D, 18, 11-1-2021)

North Carolina Department of Transportation Roadside Environmental Unit Erosion & Sedimentation / Stormwater Report

ICA

Immediate Corrective Action

This project does not comply with the North Carolina Erosion and Sedimentation Control laws. Immediate Corrective Action is needed to resolve the situation to full compliance with the Law: (T15A: 04B.0000).

Project Information

Inspection Date: 07/20/2022	Evaluator: Andy Blankenship
Project #: 34360.3.GV4	TIP #: R-1015 Contract #: C204177
Division #: 2	County: Craven
Project Type: Contract	Engineer: New Bern District (2)
Project Length: 10.40	Disturbed Acres:
River Basin: Neuse	HQW Zone: NO Trout Zone: NO
Location Description: US 70 Havelock Bypass	

Project Evaluation

Report Type: Routine ICA ICA Ex 1st ICA Ex 2nd CICA - SWO
 PCN ECPAR

Length	Section	Installation of BMPs	Maintenance of BMPs	Effectiveness of BMPs	Plan Implementation	Overall Project Evaluation
1.0	Culvert near Sta 509	7	7	6	6	6

Grading Scale: 0 - 6 = Immediate Corrective Action Required, 7 = Fair, 8 = Good, 9 = Very Good, 10 = Excellent

Remarks and Recommendations:

An ICA is being issued for the culvert site near station 509+00+/- for failure to properly implement the EC plan. Recent storms caused heavy sediment loss into the stream channel. A small recordable loss was noted on 7/11. It was cleaned up, but then a more severe loss was recorded on 7/19.

I met onsite with NCDOT and contractor personnel to review the culvert site. The contractor responded immediately after the storm, installed impervious dikes, and began the clean up operation. At this time we do not think sediment went beyond the outlet of the culvert. My main concern is that proper EC was not in place prior to the storm. Skimmers 36.1, 36.2 and 36.5 are depicted on the C&G as well as Final Phase EC plans, but have not been installed. Prior to backfilling the culvert, runoff was being directed to a low spot on the future grade and there were no EC concerns. At that time the skimmers were not deemed necessary, but with the understanding that they should be installed once runoff patterns changed. Once backfilling began, this low area was not readily available for storage and runoff patterns did in fact change. Through consultation with Central REU we revised the skimmers from standard skimmer basins to earthen dam skimmers (email received 6/13). Unfortunately, these devices were not installed in a timely manner. It was mentioned during the 7/6 review that the ESA Special Provision needed to be adhered to in this area and that slopes needed to be finished and devices installed.

Actions needed to lift the ICA:
 -Continue clean up efforts.

- Install earthen dam skimmers per revision. Utilize berms and slope drains as needed.
- Bring slopes within the ESA area to final grade. Permanent seed according to stabilization timeframes.
- Maintain damaged silt fence and other EC devices in the vicinity of the culvert.

There are several areas on the project where washouts occurred and sediment losses were noted. The Agencies have been notified of these losses and clean up efforts are underway. This ICA is specific to the culvert area and should be made a priority, but the other areas need to be addressed in a timely manner as well.

I will perform a follow up review at the culvert site on Thursday, July 28th to make sure the EC plan has been implemented and the ESA special provision has been adhered to.

North Carolina Department of Transportation
 Roadside Environmental Unit
 Erosion & Sedimentation / Stormwater Report



Project Information

Inspection Date: 08/02/2022 Evaluator: Andy Blankenship
 Project #: 34360.3.GV4 TIP #: R-1015 Contract #: C204177
 Division #: 2 County: Craven
 Project Type: Contract Engineer: New Bern District (2)
 Project Length: 10.40 Disturbed Acres:
 River Basin: Neuse HQW Zone: NO Trout Zone: NO
 Location US 70 Havelock Bypass
 Description:

Project Evaluation

Report Type: Routine ICA ICA Ex 1st ICA Ex 2nd CICA - SWO
 PCN ECPAR

Length	Section	Installation of BMPs	Maintenance of BMPs	Effectiveness of BMPs	Plan Implementation	Overall Project Evaluation
1.0	Culvert near Sta 509	8	8	8	8	8
6.0	Remainder of Project	8	7	7	8	7

Grading Scale: 0 - 6 = Immediate Corrective Action Required, 7 = Fair, 8 = Good, 9 = Very Good, 10 = Excellent

Remarks and Recommendations:

The ICA associated with the culvert near station 509+00+/- is being lifted. I met onsite with Garcy Ward (DWR), Stephen Lane (DCM), NCDOT and contract personnel to review the site.

- A berm has been placed on the right side of the grade along with slope drains to act as temporary storage until they can bring the grade up enough to force runoff into the ditch as called for in the plans.
- The Agencies were good with the sediment clean up efforts. The impervious dikes have been removed.
- Double check the weirs on the skimmers and checks in the ditch line to make sure the low points are in the center.

=====

The PCN is being lifted as well.

- Sediment has been removed from the small wetland area and silt fence installed for protection.
- A permit mod request is in the works for the area.

=====

The Resident Engineer plans to keep the Stop Work Order (SWO) in place. We reviewed several of the sites where sediment loss occurred recently. Crews are working hard to reclaim the material and perform EC maintenance. It was determined that the SWO would remain in place until these sites are in better shape.

**I appreciate the efforts of the NCDOT staff and contractor.

North Carolina Department of Transportation
Roadside Environmental Unit
Erosion & Sedimentation / Stormwater Report

ICA

Immediate Corrective Action

This project does not comply with the North Carolina Erosion and Sedimentation Control laws. Immediate Corrective Action is needed to resolve the situation to full compliance with the Law: (T15A: 04B.0000).

Project Information

Inspection Date: 07/26/2022 Evaluator: Josh Young
 Project #: 34542.3.6 TIP #: R-3421A&B Contract #: C204368
 Division #: 8 County: Richmond
 Project Type: Contract Engineer: Asheboro Resident
 Project Length: 6.10 Disturbed Acres: 0
 River Basin: Yadkin HQW Zone: NO Trout Zone: NO
 Location Description: I-73/74 From US-74 ByPass West of Rockingham at SR-1109(Zion Church Rd) to North of SR 1304(Harrington Rd)

Project Evaluation

Report Type: Routine ICA ICA Ex 1st ICA Ex 2nd CICA - SWO
 PCN ECPAR

Length	Section	Installation of BMPs	Maintenance of BMPs	Effectiveness of BMPs	Plan Implementation	Overall Project Evaluation
1.8	R-3421A	--	--	--	--	--
4.3	R-3421B	--	--	--	--	--
	Culvert 6	6	6	6	6	6

Grading Scale: 0 - 6 = Immediate Corrective Action Required, 7 = Fair, 8 = Good, 9 = Very Good, 10 = Excellent

Remarks and Recommendations:

I reviewed the project today with Ben DeWit, Darren Cranford, and Lonnie Owens. The reason for the site visit was to assess whether a silt bag was placed off the right of way at STA 240+00 RT at culvert Site 6. It was determined onsite that that two silt bags were placed over 100 feet off the right of way onto private property. Silt bags were unable to be returned to right of way with equipment which resulted in EC crews having to manually shovel silt into wheel barrel and returning to right of way. This retrieval process was taking place during our onsite evaluation. I am issuing an ICA at this time based on silt bags being placed outside of right of way without following the Reclamation Plan Procedure. A better solution would have been to pump excess water from basin 143 into basin 140 instead of utilizing silt bags during basin clean out operation. I recommend removing both silt bags and any remaining silt from this location. I also recommend seeding and mulching all disturbed areas once all the material has been removed. After I have received final clean up photos of this location, I will lift ICA.

North Carolina Department of Transportation
 Roadside Environmental Unit
 Erosion & Sedimentation / Stormwater Report



Project Information

Inspection Date: 07/26/2022 Evaluator: Josh Young
 Project #: 34542.3.6 TIP #: R-3421A&B Contract #: C204368
 Division #: 8 County: Richmond
 Project Type: Contract Engineer: Asheboro Resident
 Project Length: 6.10 Disturbed Acres: 0
 River Basin: Yadkin HQW Zone: NO Trout Zone: NO
 Location Description: I-73/74 From US-74 ByPass West of Rockingham at SR-1109(Zion Church Rd) to North of SR 1304(Harrington Rd)

Project Evaluation

Report Type: Routine ICA ICA Ex 1st ICA Ex 2nd CICA - SWO
 PCN ECPAR

Length	Section	Installation of BMPs	Maintenance of BMPs	Effectiveness of BMPs	Plan Implementation	Overall Project Evaluation
1.8	R-3421A	--	--	--	--	--
4.3	R-3421B	--	--	--	--	--
	Culvert 6	8	8	8	8	8

Grading Scale: 0 - 6 = Immediate Corrective Action Required, 7 = Fair, 8 = Good, 9 = Very Good, 10 = Excellent

Remarks and Recommendations:

Based on provided before and after cleanup photos sent via email from Residents office. I agree that original offsite disturbance from placement of silt bag has been addressed appropriately and the project is back in compliance.
 I am lifting the ICA at this time based on cleanup efforts.

North Carolina Department of Transportation
Roadside Environmental Unit
Erosion & Sedimentation / Stormwater Report

ICA EX 1st / PCN

Immediate Corrective Action Extension (First Issuance) / Permit Consultation Needed

This project does not comply with the North Carolina Erosion and Sedimentation Control laws. Immediate Corrective Action is needed to resolve the situation to full compliance with the Law: (T15A: 04B.0000). This project does not comply with the permit requirements for the project. Permit consultation is needed to resolve the situation to full compliance.

Project Information

Inspection Date: 07/28/2022 Evaluator: Andy Blankenship
 Project #: 34360.3.GV4 TIP #: R-1015 Contract #: C204177
 Division #: 2 County: Craven
 Project Type: Contract Engineer: New Bern District (2)
 Project Length: 10.40 Disturbed Acres: 0
 River Basin: Neuse HQW Zone: NO Trout Zone: NO
 Location: US 70 Havelock Bypass
 Description:

Project Evaluation

Report Type: Routine ICA ICA Ex 1st ICA Ex 2nd CICA - SWO
 PCN ECPAR

Length	Section	Installation of BMPs	Maintenance of BMPs	Effectiveness of BMPs	Plan Implementation	Overall Project Evaluation
1.0	Culvert near Sta 509	7	7	6	7	6
6.0	Remainder of Project	8	7	7	8	7
0.1	Wetland Impact stat 513 Rt	7	7	7	7	7

Grading Scale: 0 - 6 = Immediate Corrective Action Required, 7 = Fair, 8 = Good, 9 = Very Good, 10 = Excellent

ICA EX 1st / PCN Comments:

A PCN (Permit Consultation Needed) is being issued due to impacts to wetlands near station 513 Rt. adjacent to Site 39. I have spoken with Tom Steffens (USACE) and Garcy Ward (DWR) and they both agree a Permit Mod will be required to perform the work that is shown on the plans. Recommend coordinating the permit mod with Jay Johnson (DEO).

Remarks and Recommendations:

The ICA is being extended. Progress at the culvert site is being made, but there is still an issue with how the runoff is being handled. I met onsite with NCDOT and contract personnel to review the site.

- Actions needed to lift the ICA:

- - - The sediment has been reclaimed from the culvert. *Discussed the inlet area with Garcy over the phone. He is OK with installing the rip rap per the permit drawings and using coir fiber matting to try and stabilize the incoming ditch. If it begins to scour he will check to see if additional rip rap can be used. He is OK with removing the dikes as long as the perimeter EC is in place along with the rip rap and coir fiber matting.

- - - The ditchline has been cut and the earthen dam skimmers have been installed. Double check the weirs on the skimmers and checks to make sure the low points are in the center. Slope drains were not installed along

the ditch because the front slope was built to grade. Runoff is not able to enter the ditch. This led to a discussion on installing a berm with slope drains along the right side of the grade to act as temporary storage until they can find a way to get the runoff into the ditch as called for in the plans (i.e. installing the 42 in. RCP structure 3621 or ditch, finding a way to get the grade sloped to where runoff can be forced into the ditch, or punching temp slope drains through the front slope).

- - - Bring slopes within the ESA area to final grade. Permanent seed according to stabilization timeframes.

*Seeding of the ditch was taking place today. Slope along the right side needs to be addressed as well.

- - - Maintain damaged silt fence and other EC devices in the vicinity of the culvert. *Working on today.

=====

A PCN is being issued due to impacts to wetlands near station 513 Rt. adjacent to Site 39. Runoff from the grade near the culvert has been directed toward this area. The majority of the wetlands (Site 39) are going to be permanently filled, but there is a small area where impacts are not allowed. We noticed a while back that a portion of this wetland is supposed to be permanently filled, but the permit does not account for it. It was recommended that it be brought to the Agencies attention. In the meantime we were to protect it with silt fence. It was determined today that the silt fence is not in the correct location and that the sediment from the runoff has impacted the areas.

- - -Recommend properly staking out the wetland boundary, reclaiming the sediment, and then installing silt fence as needed to protect the area.

- - -Coordinate the permit mod with Jay Johnson. The area inside the toe of slope will need to be shown as permanent fill, and then I recommend requesting the remainder of the area be shown as mechanized clearing.

=====

The Resident Engineer issued a Stop Work Order (SWO) in conjunction with the ICA on 7/20/22. I spoke to Brad, Paul, Kenny, Anthony and Cadmus concerning the SWO. A detailed list has been compiled for EC related issues throughout the project. We rode the remainder of the project. The contractor has everyone focused on sediment reclamation and EC maintenance. There is still quite a bit of work to be done.

**I appreciate the efforts of the NCDOT staff and contractor.

I will perform a follow up review on Tuesday, August 2nd.

ROY COOPER

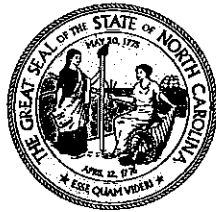
Governor

ELIZABETH S. BISER

Secretary

BRIAN WRENN

Director



NORTH CAROLINA
Environmental Quality

June 3, 2022

NC Department of Transportation

Division 14

ATTN: Mr. Patrick Breedlove

253 Webster Road

Sylva, NC 28779

Subject: Trout Buffer Zone Waiver
SR 1134 (Stamey Mountain Road)
TB-MACON-2021-001
Macon County

Dear Mr. Breedlove,

This office has received your plan for roadway and bridge construction activities within the trout buffer on S.R. 1134 (Stamey Mountain Rd.) located in Macon County. Your plan was submitted to this office for approval because of the proposed encroachments into the buffer zone of designated trout waters. In accordance with NCGS 113A-57(1) and Title 15A NCAC 4B .0125(c) this letter will serve as written approval to encroach on the buffer zone of South Fork Skeenah Creek, classified as C, Trout. This authority has been delegated to me by Brian Wrenn, Director, Division of Energy, Mineral and Land Resources, in accordance with NCGS 143B-10. The following conditions will apply to this approval:

1. All plantings within the buffer shall be in accordance with the Riparian Planting Plan.
2. All work within the trout buffer must be stabilized at the end of each workday.



North Carolina Department of Environmental Quality | Division of Energy, Mineral and Land Resources
Asheville Regional Office | 2090 U.S. Highway 70 | Swannanoa, North Carolina 28778
828.296.4500

3. This approval does not absolve the permittee from compliance with the surface water quality turbidity standard. The contractor must be aware of the NTU limit and cease work immediately if NTU limit is exceeded during any portion of construction activities. More protective erosion and sedimentation control measures may be required in order to comply with this water quality standard. If any work is proposed in a stream a 401/404 permit may be required.

Your cooperation in protecting our environment is most appreciated. If you have any questions about this approval, please contact me at Stan.Aiken@ncdenr.gov or (828) 296-4610.

Sincerely,

A handwritten signature in blue ink that reads "Stanley E. Aiken". The signature is written in a cursive style with a large initial "S" and "A".

Stanley E. Aiken, PE
Regional Engineer
Land Quality Section

Enclosure: Guidelines for Riparian Buffer Restoration

ec: Mr. Brian Wrenn, NCDEQ-LQS (brian.wrenn@ncdenr.gov)
Mrs. Julie Coco, P.E., State Sediment Specialist (julie.coco@ncdenr.gov)
Mr. Landon Davidson, P.G. NCDEQ-DWR (landon.davidson@ncdenr.gov)

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRIAN WRENN

Director



NORTH CAROLINA
Environmental Quality

June 3, 2022

NC Department of Transportation
Division 14
ATTN: Mr. Patrick Breedlove
253 Webster Road
Sylva, NC 28779

Subject: Trout Buffer Zone Waiver
SR 1448 (West Old Murphy Road)
TB-MACON-2021-002
Macon County

Dear Mr. Breedlove,

This office has received your plan for roadway and bridge construction activities within the trout buffer on S.R. 1448 (West Old Murphy Road) located in Macon County. Your plan was submitted to this office for approval because of the proposed encroachments into the buffer zone of designated trout waters. In accordance with NCGS 113A-57(1) and Title 15A NCAC 4B .0125(c) this letter will serve as written approval to encroach on the buffer zone of Allison Creek, classified as WS-III, Trout. This authority has been delegated to me by Brian Wrenn, Director, Division of Energy, Mineral and Land Resources, in accordance with NCGS 143B-10. The following conditions will apply to this approval:

1. All plantings within the buffer shall be in accordance with the Riparian Planting Plan.
2. All work within the trout buffer must be stabilized at the end of each workday.



North Carolina Department of Environmental Quality | Division of Energy, Mineral and Land Resources
Asheville Regional Office | 2090 U.S. Highway 70 | Swannanoa, North Carolina 28778
828.296.4500

3. This approval does not absolve the permittee from compliance with the surface water quality turbidity standard. The contractor must be aware of the NTU limit and cease work immediately if NTU limit is exceeded during any portion of construction activities. More protective erosion and sedimentation control measures may be required in order to comply with this water quality standard. If any work is proposed in a stream a 401/404 permit may be required.

Your cooperation in protecting our environment is most appreciated. If you have any questions about this approval, please contact me at Stan.Aiken@ncdenr.gov or (828) 296-4610.

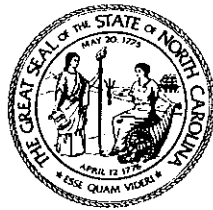
Sincerely,

A handwritten signature in blue ink that reads "Stanley E. Aiken" with a date "11:00" written to the right.

Stanley E. Aiken, PE
Regional Engineer
Land Quality Section

Enclosure: Guidelines for Riparian Buffer Restoration

ec: Mr. Brian Wrenn, NCDEQ-LQS (brian.wrenn@ncdenr.gov)
Mrs. Julie Coco, P.E., State Sediment Specialist (julie.coco@ncdenr.gov)
Mr. Landon Davidson, P.G. NCDEQ-DWR (landon.davidson@ncdenr.gov)



NORTH CAROLINA
Environmental Quality

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRIAN WRENN

Director

June 28, 2022

NCDOT

Attn: Yates Allen,

Division Environmental Specialist

55 Orange St.

Asheville, NC 28801

Subject: Trout Buffer Zone Waiver
SR 1164 Rock House Road
TB-MADIS-2022-001
Madison County

Dear Mr. Allen:

This office has received your plan for construction of a roadway repair/extension project of SR 1164 Rock House Road, in Madison County, North Carolina. Your plan was submitted to this office for approval because of the proposed encroachments into the buffer zone of designated trout waters. In accordance with NCGS 113A-57(1) and Title 15A NCAC 4B .0125(c) this letter will serve as written approval to encroach on the buffer zone of Sugar Camp Branch and an unnamed tributary to Sugar Camp Branch which is class C, Trout, ORW. This authority has been delegated to me by Brian Wrenn, Director, Division of Energy, Mineral and Land Resources, in accordance with NCGS 143B-10. The following conditions will apply to this approval:

1. This approval is based on the plans received via email September 3, 2021 and revisions received via email January 11, 2022.
2. All plantings within the buffer shall be in accordance with the Riparian Planting Plan.
3. This approval does not absolve the permittee from compliance with the surface water quality turbidity standard. More protective erosion and sedimentation control measures may be required in order to comply with this water quality standard. If any work is proposed in a stream a 401/404 permit may be required.

Your cooperation in protecting our environment is most appreciated. If you have any questions about this approval, please contact me at Stan.Aiken@ncdenr.gov or (828) 296-4610.



North Carolina Department of Environmental Quality | Division of Energy, Mineral and Land Resources

Asheville Regional Office | 2090 U.S. Highway 70 | Swannanoa, North Carolina 28778

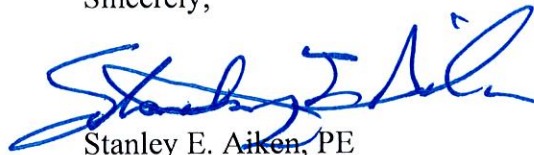
828.296.4500

SR 1164 Rock House Road

June 28, 2022

Page 2 of 2

Sincerely,



Stanley E. Aiken, PE
Regional Engineer
Land Quality Section

Enclosure: Guidelines for Riparian Buffer Restoration

ec: Brian Wrenn, Director, DEMLR (brian.wrenn@ncdenr.gov)
Julie Coco, PE, State Sediment Specialist (julie.coco@ncdenr.gov)
Landon Davidson, PG, Division of Water Resources (landon.davidson@ncdenr.gov)
Yates Allen, NCDOT Division Environmental Specialist (ryallen@ncdot.gov)

Leveraging Municipal Tools for E&SC Compliance

SWANC Policy Committee

August 18, 2022



Storm Water Association of North Carolina

Informing and Sharing Stormwater Best Practices Across the State

Introduction

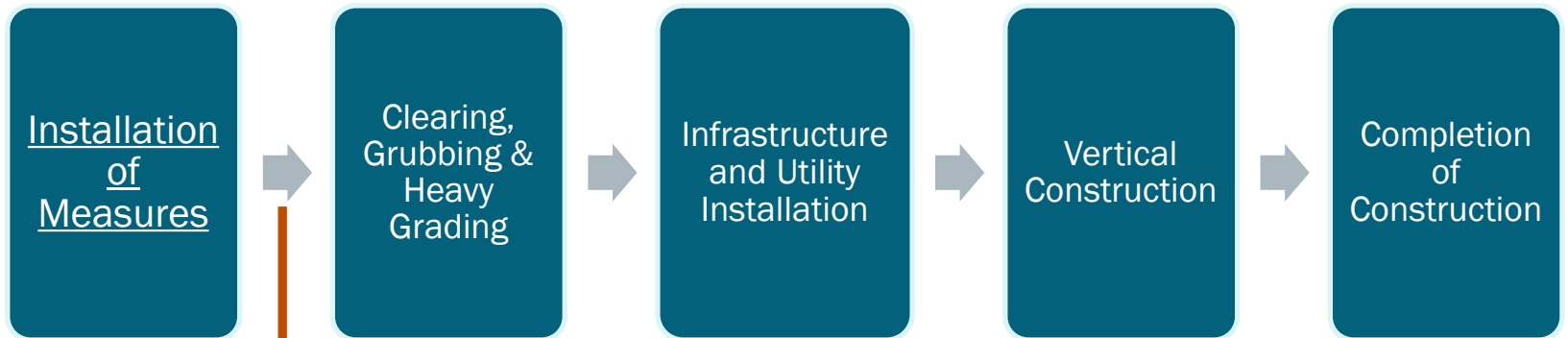
- Standard enforcement procedures, Notice of Violation, Civil Penalty will always be required for a variety of situations such as: offsite sediment loss, missed compliance dates and willful violators.
- As many Local Programs (LPs) are closely connected with other municipal departments such as Code Enforcement, Engineering, Planning and Zoning, a variety of tools are available to gain compliance before an NOV needs to be issued.



Municipal Tools - Most Frequently Used

- Frequent Inspector Presence
- Interdepartmental Coordination
- Noncompliant Inspection Reports
- Inspection Holds
- Platting Holds
- Permit Holds
- Final Stormwater Acceptance
- Warranty Holds

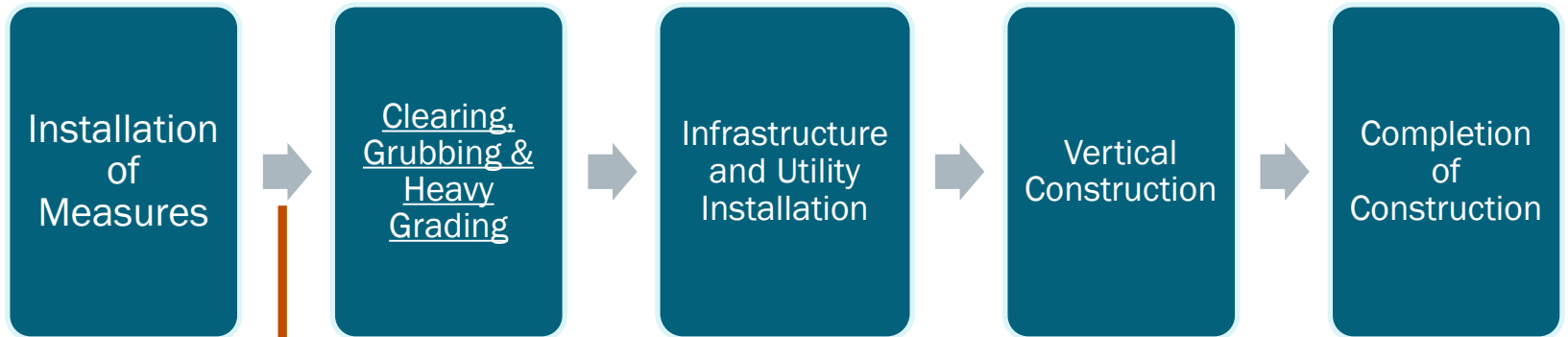
Municipal Milestones



Compliance
Inspection



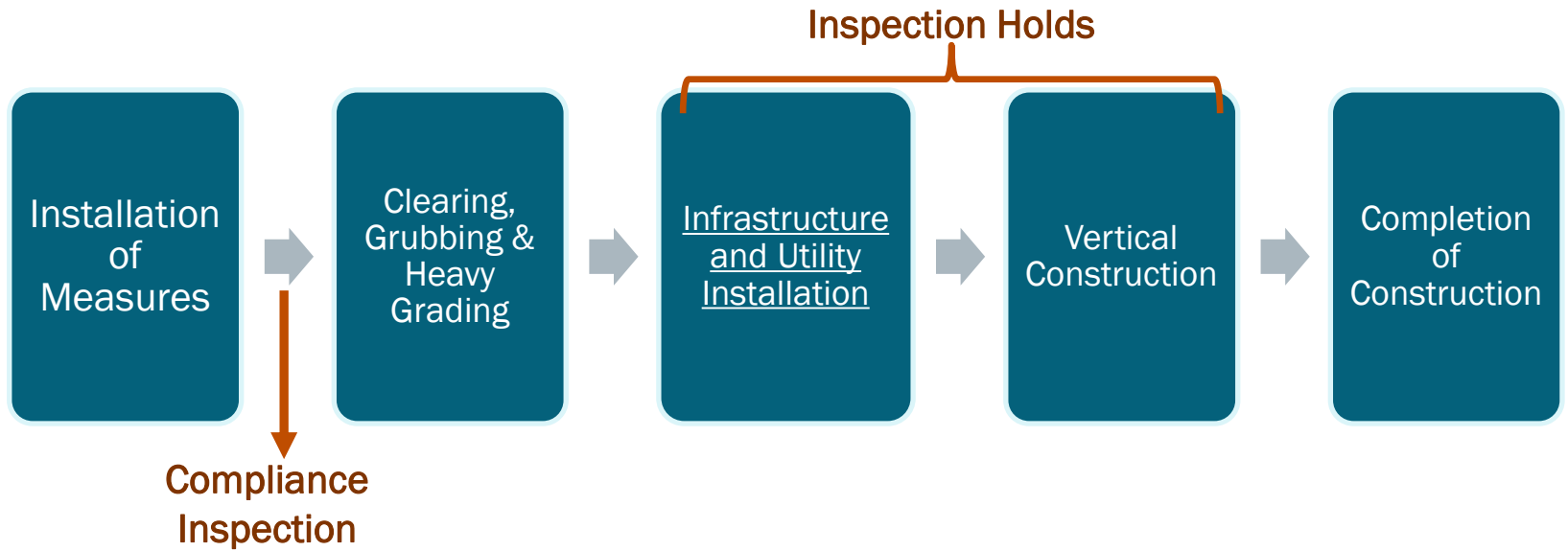
Municipal Milestones



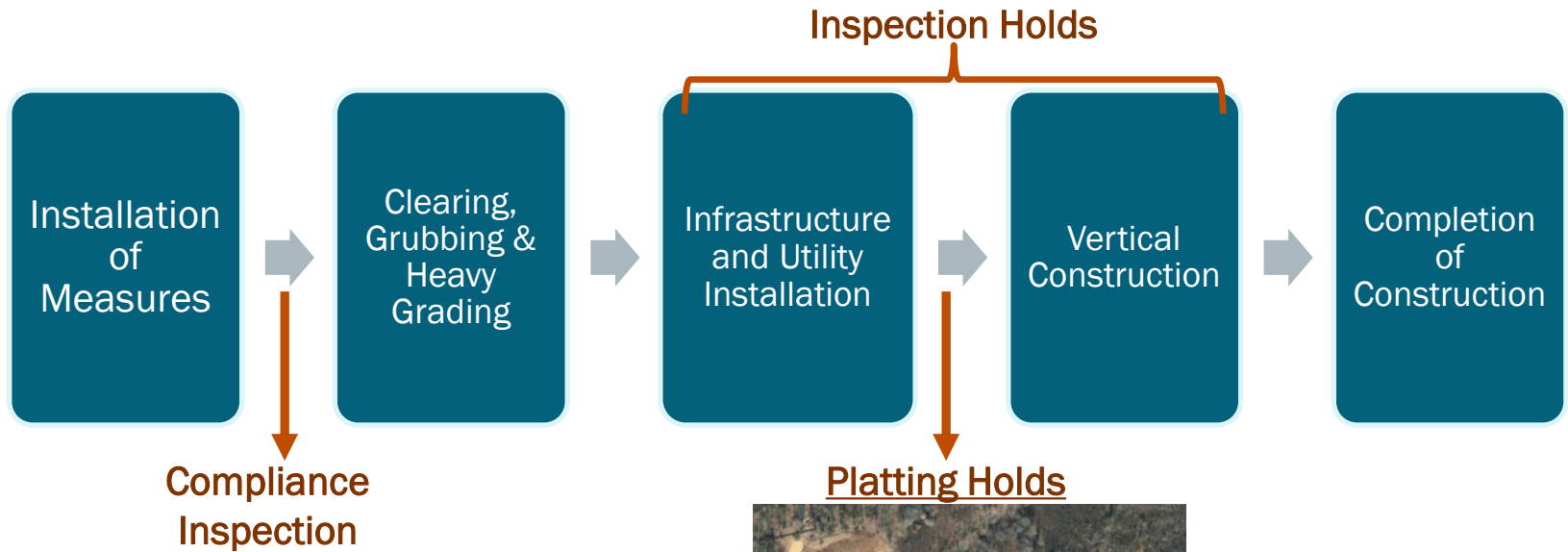
Compliance Inspection



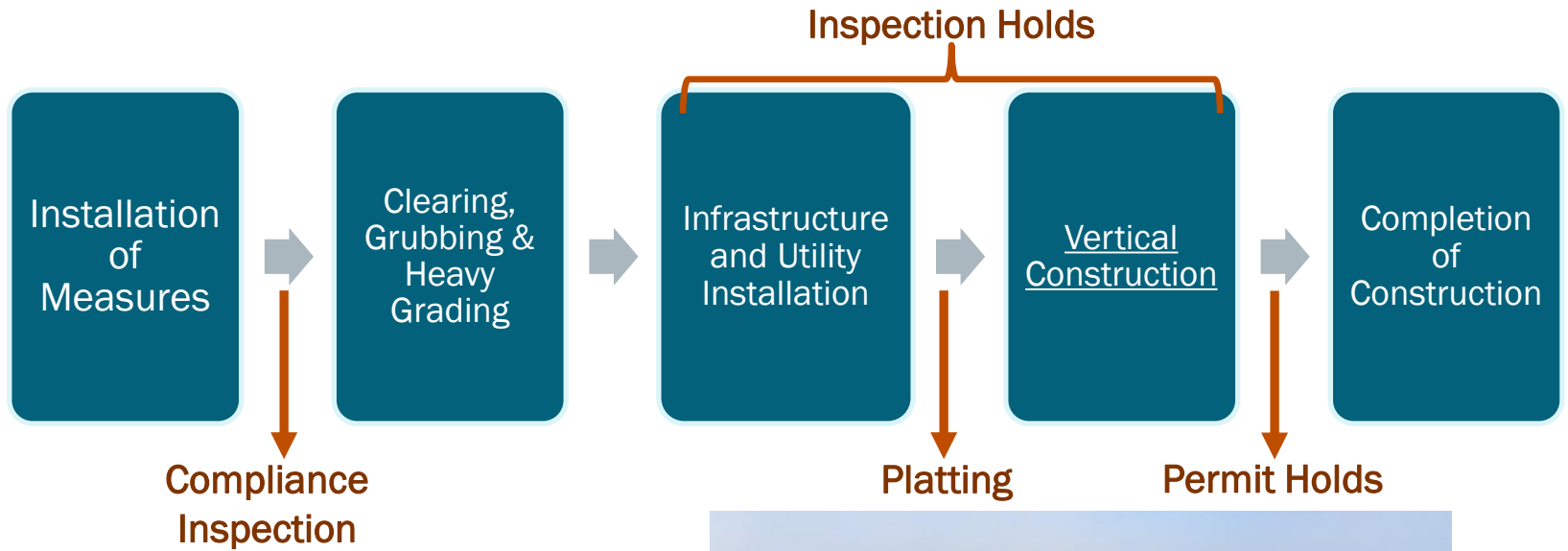
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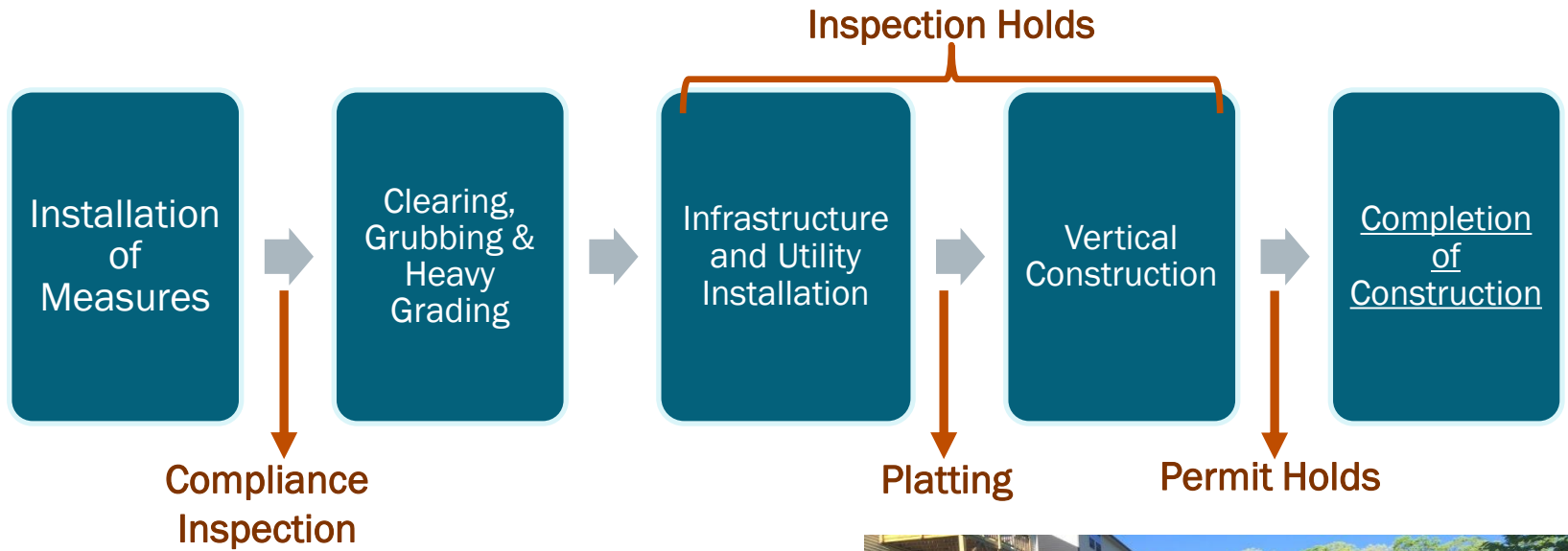
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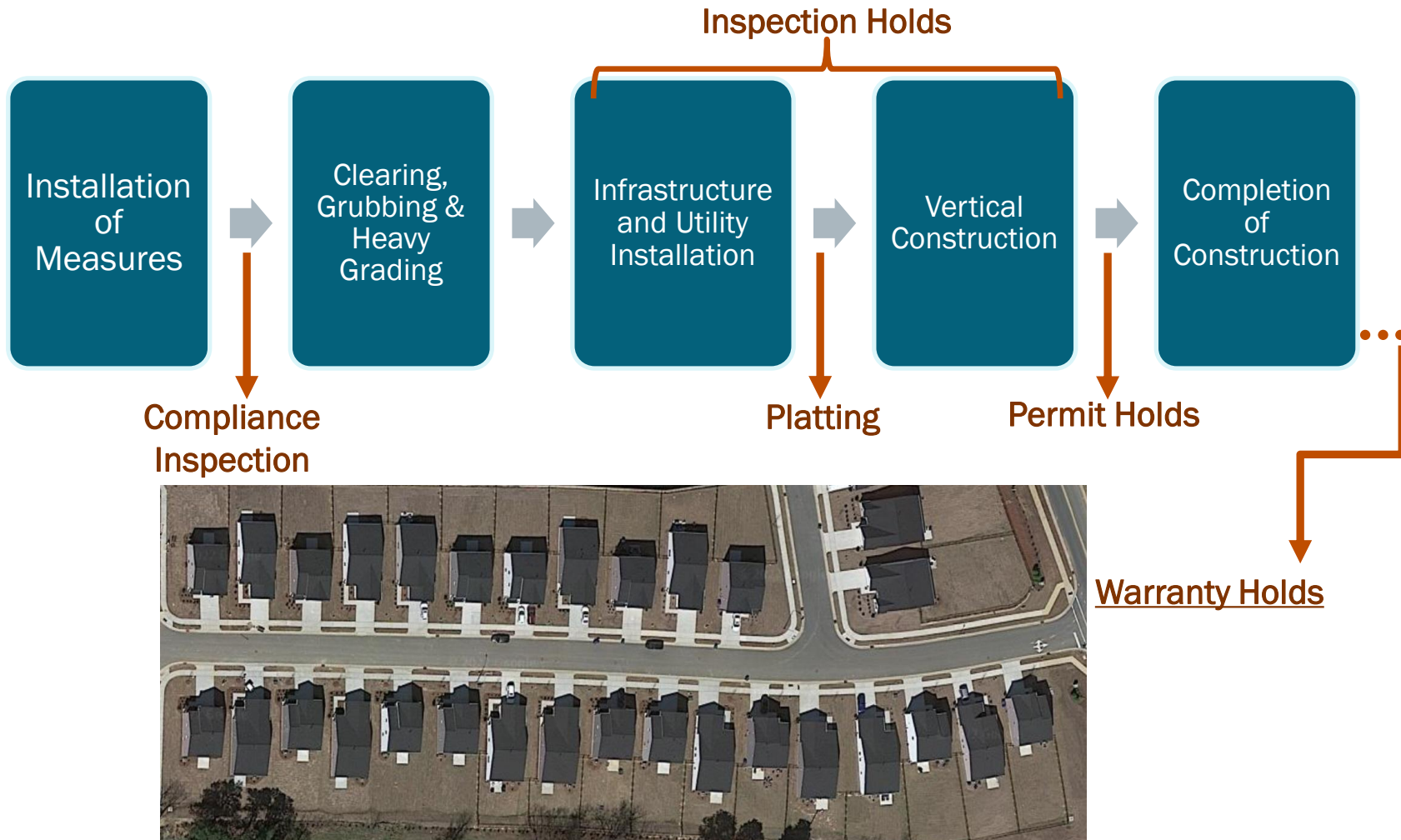
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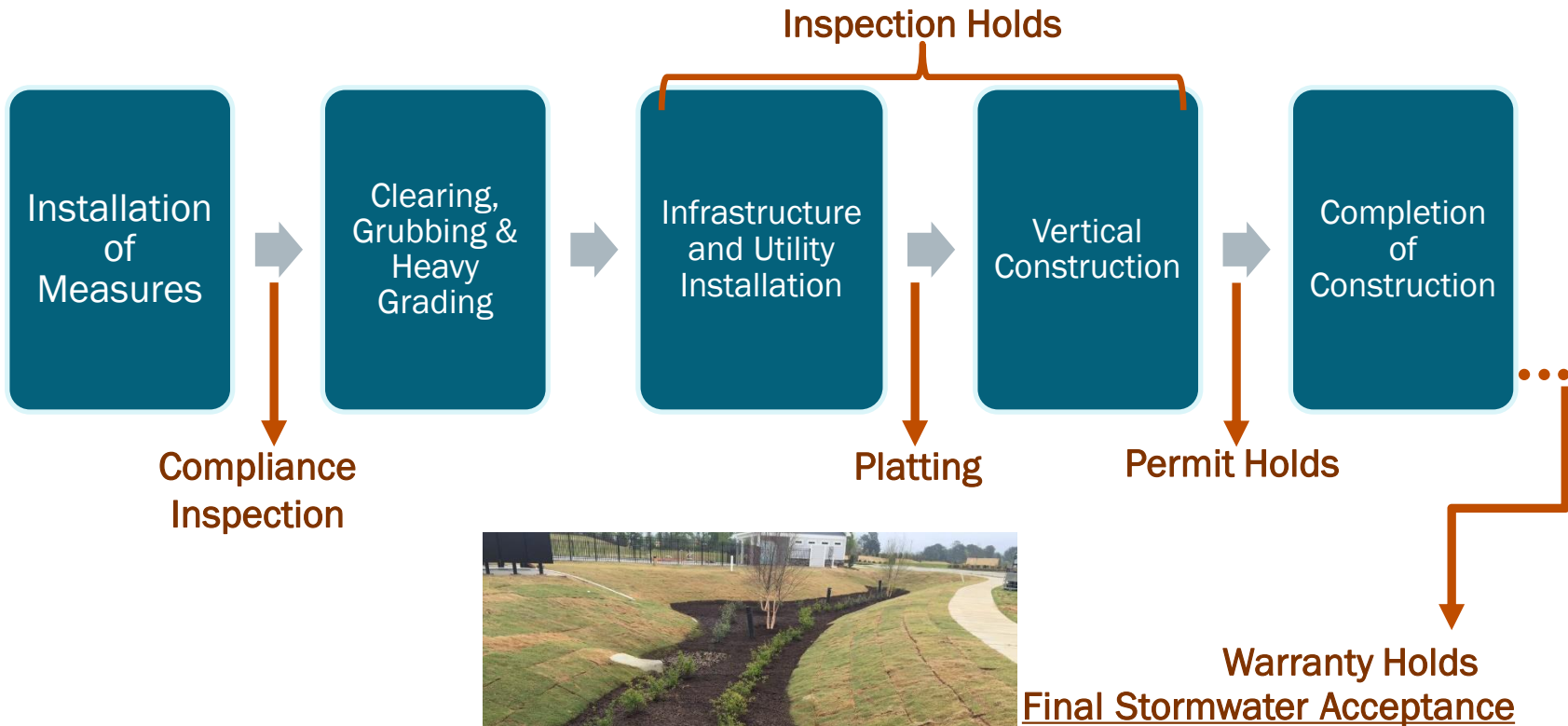
Municipal Milestones



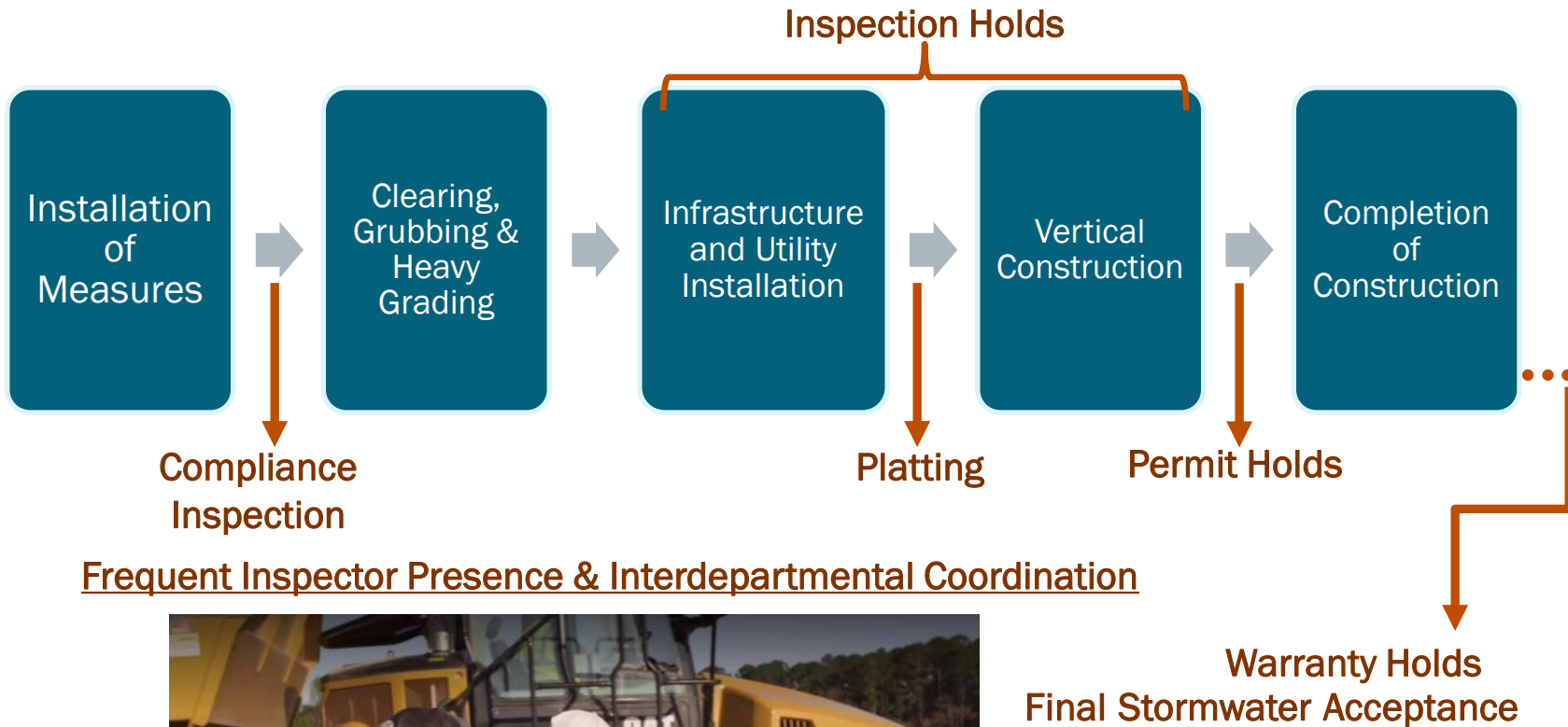
Municipal Milestones



Municipal Milestones



Municipal Milestones



Goals

- Express that the goal of the LPs is to achieve and maintain compliance by a variety of means.
- Have the Commission and NCDEQ recognize these pragmatic strategies and tools to be effective in achieving that goal.
- Seek guidance from the Commission and NCDEQ regarding the best way to acknowledge and/or track and report the use of these tools

Questions and Discussion



Active Sediment Case Report as of July 28, 2022

Case#	Violator (Name of Case)	County	Date of Assessment	Penalty Assessment Amt	Final Amt Paid	Comments
20-019	G&H Hauling, LLC	Brunswick	30-Oct-20	\$25,000.00		Under payment plan Settlement Agreement drafted 12/13/21
20-022	Blue Ridge Mountain Sky, LLC	Polk	16-Dec-20	\$25,000.00		Injunction filed 11/5/20 Consent Judgement signed 2/25/21 Motion to Show Cause signed 12/13/21 Show Cause Hearing in late Feb; little progress by April Contempt Hearing, Polk Co., 6/13/22 Decision by judge to extend deadline
20-023	Blue Ridge Mountain Sky, LLC	Polk	N/A	N/A		
21-003	Southwest Cabarrus Elementary School	Cabarrus	22-Sep-21	\$69,130.00		Civil Penalty Remissions Committee to hear at August mtg
21-004	Blue Ridge Mountain Sky, LLC	Polk	13-Jul-22	\$268,520.00		Second assessment. Awaiting response from petitioner.
21-009	Northgate Golden Valley	Rutherford	21-Apr-22	\$25,000.00		Petition filed for a Contested Case filed 11/29/21
21-010	Northgate Golden Valley	Rutherford	16-May-22	\$46,640.00		Petition filed for a Contested Case
21-011	Northgate Golden Valley	Rutherford	16-May-22	\$46,640.00		Petition filed for a Contested Case
21-014	Dump & Go, Inc.	Cumberland	03-Nov-21	\$5,000.00		Injunctive relief requested 3/22 NOCV issued 6/13/22
21-015	Wachhund Land Co., LLC	Transylvania				SWO pending
21-016	H&H Constructors of Fayetteville, LLC	Brunswick				Assessment draft in review

N.C. SEDIMENTATION CONTROL COMMISSION ENFORCEMENT REPORT

by the OFFICE OF THE ATTORNEY GENERAL

8/4/2022

Status of Cases	10/21/2021	2/8/2022	5/3/2022	8/4/2022
1. LQS Drafting CPA	1	3	1	1
2. CPAs Out to Violator (30-day)	1	0	1	1
3. CPAs Prepared by LQS Under Review	1	4	2	7
4. CP Remission Requests Under Review	0	0	1	1
5. CP Remission Decisions	0	1	0	0
6. Cases Pending in OAH	1	2	2	2
7. Cases Awaiting Final Agency Decision	0	0	0	0
8. Cases Pending in General Courts of Justice				
a. Judicial Review	0	0	0	0
b. Injunctions	1	1	1	2
c. Pre-Judgement Collections	0	0	0	0
d. Post-Judgement Collections	0	0	0	0
e. Federal Cases	1	1	1	1
9. Cases in Bankruptcy Proceedings	0	0	0	0
10. *Cases where CPA Being Paid by Installment	0	0	0	0
11. Cases to be Closed	0	0	0	0
TOTALS:	6	12	9	15
Action Since Prior Quarterly Report:				
New Cases Received by AGO		1	1	1
Cases Closed by AGO		0	0	1

Education Program Status Report

Presentations/Exhibits

- Conducted the Project WET activity “The Incredible Journey” about the water cycle for a group of 15 students from the Boys and Girls Club who visited NCDEQ on 5/25/22.
- Co-hosted a Project WET Climate, Water and Resilience virtual workshop for formal and non-formal educators with Lauren Daniel of DWR and Marta Toran of Appalachian State on 6/14&15/22. Shared what resources DEQ has available for teachers and students.
- Presented about (and brought into their class) ‘worms and dirt’ on 7/7/22 to four summer camp classes consisting of 7-10 students each and ranging from 2 to 5-years-old.
- Co-presented with DWR’s water educator, Lauren Daniel, on 7/14/22 to 13 of the Lady Cardinal’s Mentorship Program students about NC river basins and water quality. We also led the Project WET activity “Sum of the Parts” and presented the Enviroscape.
- Co-presented with Lauren Daniel and Vardry Austin of DWR on 7/15/22 to 10 youth delegation students from Iraqi on how NC manages water resources and about climate change’s impact on NC.
- Continued to co-host monthly Water Education Coffee Talks with DWR’s water educator, Lauren Daniel, for formal and non-formal educators. The purpose of these coffee talks are to answer questions, showcase our education resources, facilitate networking, and discover/facilitate collaboration opportunities.

Workshops

The 2023 Local Program Workshop and Awards Program is being planned in coordination with the Water Resources Research Institute (WRRI) for spring 2023.

Contract Administration

Contract planning for the 2023 Local Program Workshop and Awards Program has begun.

Updates

The E&SC website pages are continuously being updated as needed.

The Sediments Newsletter Volume 25 No. 1 was published to the website and published to WRRI's Sediments Listserv. If you would like to contribute an article or suggest a topic for the December edition of the Sediments Newsletter, email the Sediment Education Specialist.

LAND QUALITY REGIONAL PROGRAM MONTHLY ACTIVITY REPORT

State Total FY 2021-2022 through:

June

Activity	WIRO	WIRO	ARO	ARO	WARO	WARO	WSRO	WSRO	RRO	RRO	FRO	FRO	MRO	MRO	TOTALS
	Month	YTD	Month	YTD	Month	YTD	Month	YTD	Month	YTD	Month	YTD	Month	YTD	
PLAN/APPLICATION REVIEW															
1. New Sedimentation Control Projects Rec'd	51	412	10	200	13	219	25	347	33	428	59	594	33	395	2595
2. New Sedimentation Plan Reviews	35	353	8	215	31	396	23	156	20	176	7	420	20	409	2125
3. Sedimentation Plan EXPRESS Reviews	6	48	3	59	4	54	14	157	9	125	8	99	7	79	621
4. New Sedimentation Plan Disapprovals	0	19	3	58	1	14	20	83	14	138	3	104	16	198	614
5. Revised Sedimentation Plan Received	15	167	11	149	6	42	35	181	0	58	22	155	48	349	1101
6. Revised Sedimentation Plan Reviews	8	158	10	156	6	44	18	145	22	219	5	94	45	340	1156
7. Revised Sedimentation Plan Disapprovals	0	1	1	22	0	0	1	14	3	74	3	18	24	118	247
8. Unreviewed E&SC Plans - End of Month	35	302	3	74	10	150	0	46	2	17	0	0	15	0	589
9. E&SC Plan Reviews > 30 Days	0	0	0	0	0	0	0	0	0	3	0	12	0	0	15
10. Revised Plan Reviews > 15 Days	0	0	0	0	0	0	0	0	0	4	0	0	0	0	4
MONITORING															
1. Sedimentation Inspections (Total)	148	1981	90	906	123	1427	63	1460	77	1147	104	1590	298	3216	11727
A. Landfills	0	0	0	1	0	4	0	1	0	6	0	14	0	4	30
B. DOT Contract	0	3	0	0	0	2	0	9	0	3	0	0	0	6	23
C. DOT Force Account	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
D. Complaints	2	35	24	180	3	25	16	199	9	124	5	71	24	280	914
ENFORCEMENT															
1. Sedimentation															
A. Notices of Violation (Total)	1	48	17	130	4	17	4	26	0	52	1	10	2	25	308
B. NOVs to Repeat Violators	1	6	0	17	0	2	0	1	0	5	0	2	0	2	35
C. Cases Referred for Enforcement	0	2	0	4	0	0	0	0	0	0	0	1	0	0	7
LOCAL PROGRAMS															
1. Local Ordinance Reviews	0	0	1	2	0	2	0	6	2	16	0	0	0	0	26
2. Local Programs Aided (hours)	0	0	17	102	0	0	0	45	4	94	0	0	31	218	459
CUSTOMER SERVICE															
Technical Assistance (Aided Hours)	320	3464	201	2220	178	2231	46	887	62	552	18	575	74	969	10897
Pre-Application Meetings	126	1242	4	54	18	240	5	54	0	6	7	122	5	123	1841

Monthly Activity Report

Activity Definitions

PLAN/APPLICATION REVIEW

1. **New Sedimentation Control Projects Rec'd** – The number of *complete* packages for a project that were received (FR/O form, plans, fee, landowner agreement and/or calculations, if either required). These are projects which have been assigned a new project identification number.
2. **New Sedimentation Plan Reviews** – The number of plan reviews that resulted in issuance of letters of approval and/or letters of disapproval (i.e., review > disapproval > resubmittal > approval = 2 reviews). It should not include preliminary or cursory reviews conducted by technicians that are followed by a detailed review by the ARE and/or RE. This number should be unique to the Project ID, and not to the reviewer.
3. **Sedimentation Plan EXPRESS Reviews** - Of the NEW plans that were reviewed, this item reflects the number of those that were express reviews. This number should always be equal to or less than the number reported under Item 2.
4. **New Sedimentation Plan Disapprovals** - Regular or express plans reviewed and disapproved for the first time. It should not include preliminary or cursory reviews conducted by technicians that are followed by a detailed review by the ARE and/or RE.
5. **Revised Sedimentation Plans Received** - Total number of previously reviewed regular and express plans received this month. It should not include preliminary or cursory reviews conducted by technicians. The same Project ID can be counted multiple times.
6. **Revised Sedimentation Plan Reviews** – Total number of regular and express plans revised and reviewed this month. It should not include preliminary or cursory reviews conducted by technicians. The same Project ID can be counted multiple times.
7. **Revised Sedimentation Plan Disapprovals** – Total number of **revised** regular or **revised** express plans reviewed that were disapproved. The same Project ID can be counted multiple times.
8. **Unreviewed E&SC Plans – End of Month** – The number of complete plans received for the month that have not yet been reviewed. This includes any plans received near the end of the month.

9. **E&SC Plan Reviews > 30 days** – The number of new projects that took more than 30 days from receipt to approve or disapprove. The goal is zero days.

10. **Revised Plan Reviews > 15 days** – Revisions to projects submitted that have not been reviewed within 15 days of receipt. The goal is zero days.

MONITORING

1. **Sedimentation Inspections (Total)** – The total number of inspections conducted under the sedimentation program. This number should always be greater than the sum of A through D. Two inspectors together looking at one project equals one inspection.
 - A. **Landfills** – Inspections conducted at landfill sites
 - B. **DOT Contract** – Inspections conducted on NCDOT projects under a contract (TIP Projects) and any supplemental agreements.
 - C. **DOT Force Account** – Inspections conducted on NCDOT projects under force accounts. These types of arrangements involve notices to contractors to perform extra or altered work not covered by the original contract or by supplemental agreements.
 - D. **Complaints** – Inspections conducted on behalf of citizen complaints. The number of contacts that require field review to determine necessary actions or applicability. Those occurrences that only require office telephone interpretation of the law, rules, and/or procedures are not to be included.

ENFORCEMENT

1. **Sedimentation**
 - A. **Notices of Violation (Total)** – The total number of notices issued under the sedimentation program. This includes first-time and repeat violators.
 - B. **NOVs to Repeat Violators** – Of the total above, this item represents the number of notices issued to repeat violators. This number should always be equal to or less than the number reported under Item A.
 - C. **Cases Referred for Enforcement** – The number of projects that have been issued case numbers (LQS-####-###).

LOCAL PROGRAMS

1. **Local Ordinance Reviews** – The total number of formal reviews of local programs that are reported to the Sedimentation Control Commission through the Raleigh Central Office.
2. **Local Programs Aided (hours)** – The total number of hours spent by staff in informal review of local programs and the total number of hours spent working with local programs on specific projects and program administration (i.e., plan reviews, site inspections, enforcement assistance, presentations, training, etc.)

Land Quality Section Report – August 18, 2022

Vacancies Related to E&SC

Location	Position Description
Asheville Regional Office	Engineer I
Asheville Regional Office	Engineer I
Asheville Regional Office	Engineer I
Asheville Regional Office	Environmental Specialist I
Asheville Regional Office	Environmental Specialist I
Asheville Regional Office	Environmental Specialist I
Fayetteville Regional Office	Engineer II - Time Limited
Fayetteville Regional Office	Environmental Specialist I
Fayetteville Regional Office	Environmental Specialist I
Mooreville Regional Office	Engineer I
Mooreville Regional Office	Engineer II
Mooreville Regional Office	Engineer II - Time Limited
Mooreville Regional Office	Engineer II - Time Limited
Mooreville Regional Office	Environmental Specialist I
Mooreville Regional Office	Environmental Specialist I
Mooreville Regional Office	Environmental Specialist II
Raleigh - Archdale E/S	Environmental Program Consultant - Time Limited
Raleigh Regional Office	Engineer I
Raleigh Regional Office	Engineer II - Time Limited
Raleigh Regional Office	Environmental Specialist I
Raleigh Regional Office	Environmental Specialist II
Raleigh Regional Office	Environmental Specialist II Time Limited
Washington Regional Office	Engineer I
Washington Regional Office	Engineer II - Time Limited
Washington Regional Office	Environmental Specialist I
Washington Regional Office	Environmental Specialist I
Wilmington Regional Office	Engineer I
Wilmington Regional Office	Engineer II - Time Limited
Wilmington Regional Office	Engineer II - Time Limited EXPRESS
Wilmington Regional Office	Environmental Specialist I
Wilmington Regional Office	Environmental Specialist I
Wilmington Regional Office	Environmental Specialist I
Wilmington Regional Office	Environmental Specialist II
Winston Salem Regional Office	Engineer I
Winston Salem Regional Office	Engineer II
Winston Salem Regional Office	Engineer II - Time Limited
Winston Salem Regional Office	Engineer III
Winston Salem Regional Office	Environmental Program Consultant
Winston Salem Regional Office	Environmental Specialist I
Winston Salem Regional Office	Environmental Specialist I
Winston Salem Regional Office	Environmental Specialist II