

Local Program Report to the SCC City of Greenville, February 22, 2022

On January 13, 2022, personnel from the NCDEQ Land Quality Section, conducted a formal review of the City of Greenville Erosion and Sedimentation Control Program. The City of Greenville was last reviewed on 8/3/2017. The City has 7 staff that currently contribute approximately 1.75 full time equivalents to the erosion control program. The City requires an erosion and sediment control plan for all projects disturbing greater than 1 acre. Jurisdiction of the program covers all areas within the City of Greenville corporate limits and extraterritorial jurisdiction. During the 2021 calendar year the City conducted 97 plan reviews or re-reviews, approved 54 plans and disapproved 43. The City indicated that a plan disapproval is counted for the purposes of their reporting when a plan is reviewed and found to be inadequate. In these cases, the City is sending their review comments back to the applicant but do not include an official notification of disapproval. During the calendar year the City conducted 434 inspections and issued 2 NOVs. No CPAs or Stop Work Orders were issued during this time. The City stated that they do have the ability to place a hold on building permits as an additional enforcement tool to bring a site into compliance, however they have not found it necessary to use in the past year. The City requires a preconstruction meeting for all projects with an approved erosion and sediment control plan. At the time of the review the City had 117 open projects. During our review of the program, we looked at the project files and conducted inspections on three open projects.

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

1. Hardee Village:

This project consists of 5.09 acres disturbed for residential development. The project file contained the approve plan, letter of approval, design calculations, previous inspection reports and the FRO form. A copy of the property deed was missing from the project file. The initial plan for this project was received by the City on 5/6/2021 and underwent 3 review cycles. The final revised plan was received by the City on 7/7/2021 and the letter of approval sent on 7/8/2021. As the City conducted reviews of this plan and found it to be inadequate, comments with items needing to be addressed prior to approval were sent to the applicant but no official letter of disapproval was sent. The approved plan appeared to be adequate. Construction of this project began in August of 2021 and the City had conducted 3 inspections prior to the day of our review. No NOVs or CPAs had been issued to this site. The City found this site to be in compliance during its most recent inspection conducted on 12/6/2021. On the day of our review buildings were being framed and surrounding areas had been disturbed by framing equipment. Silt fence had recently been repaired or replaced throughout the site. Rills were starting to form along the banks of the skimmer basin and would need to be repaired and stabilized. The rock dissipater pad below the inlet to the basin appeared to have been blown out during recent rain events and also needed to be repaired to prevent future scouring and end-cutting. The disturbed areas in the roadside ditches had been matted and wattles installed. The construction entrance and inlet protections throughout the site appeared to be well maintained. Overall, this site was in compliance with a few general maintenance needs noted. No offsite sedimentation was noted.

2. Circle K - Greenville:

This project consists of 2.50 acres disturbed for commercial development. The project file contained the approved plan, letter of approval, previous inspection reports and the FRO form. This plan did not require any additional design calculations. A copy of the property deed was missing from the project file. The plan for this project was received by the City on 12/20/2020 and underwent 3 review cycles. The final revised plan was received by the City on 5/4/2021 and the letter of approval sent on 5/6/2021. Again, when this plan was found to be inadequate, the City sent comments back to the applicant but did not send a letter of disapproval. The approved plan appeared to be adequate. Construction of this project began in September of 2021 and the City had conducted 2 inspections prior to the day of our review. No NOV's or CPAs had been issued to this site. The City found this site to be in compliance during its most recent inspection conducted on 12/7/2021. On the day of our review, parking areas were being prepared for paving and the phase 1 construction entrance was being removed as the project transitioned to the next phase of construction. The new construction entrance had been installed and appeared to be functioning, however stone may need to be refreshed soon. One short section of silt fence was down and needed to be repaired along the northeast perimeter. This project contained a permanent underground stormwater retention device which had been completed and inlet protections throughout the site had been installed and appeared to be well maintained. Overall, this site was in compliance with some general maintenance needs noted. No offsite sedimentation was noted.

3. First United Pentecostal Church Sanctuary:

This project consists of 2.70 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 project file. The plan for this project was initially received by the City on 2/28/2020 and underwent 2 review cycles. The final revised plan was received by the City on 10/5/2020 and the letter of approval sent on 10/9/2020. Again, when this plan was found to be inadequate, the City sent comments back to the applicant but did not send a letter of disapproval. The approved plan appeared to be adequate. Construction of this project began in May of 2021 and the City had conducted 4 inspections prior to our review. No NOV's or CPAs had been issued to this site. This site was found to be in compliance during the most recent inspection conducted by the City on 11/29/2021. On the day of our review the new structure was being framed. Minor sediment had been tracked onto the sidewalk and parking lot surrounding the building foundation from equipment being used during framing. A reminder that these areas would need to be cleaned and stabilized once the disturbance was completed was noted. A few inlet protection devices in a recently graded area had been installed using improper stone and would need to be replaced and reinstalled per the approved plan. The perimeter silt fence downstream of disturbed areas and all other inlet protection devices throughout the site had been installed properly. The skimmer basin had been installed and appeared to be maintained. It appeared that fresh topsoil and spoil had been recently stockpiled next to an existing stabilized stockpile. This new stockpile should also be protected with silt fence and stabilized while inactive. Contractors worked to minimize disturbed areas while progressing through the construction sequence per the approved plan. Overall, this site was in compliance with some maintenance needs and general reminders noted. No offsite sedimentation was noted.

Positive Findings:

During our review we found a few positive aspects about the City of Greenville Local Erosion and Sedimentation Control Program including:

- The City requires a preconstruction meeting for all projects.
- The City requires that any 404/401 permits be submitted prior to approval of the erosion and sediment control plan.
- The City provides reference to the NCG01 permit process and the NCG01 Fact Sheet with their approval letters.
- The City requires that proposed laydown areas, stockpiles and concrete washout locations be shown on plans when applicable.

Issues Noted and Required Actions:

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

- Documentation of land ownership was not kept in the project files which we reviewed.
- While the City is reviewing plans within the appropriate timeframe and sending comments back to the applicant when plans are found to be inadequate, no official notification of the plan review decision or Letter of Disapproval is being sent.

The City 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 kept in each project file. City staff indicated that a copy of the property deed had recently been added to the requirements for a complete application.
- 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-61(b). Official notification of the plan review decisions should be sent to the applicant within the required timeframes and letters of disapproval should be sent with the ability to track and confirm when the applicant received the notice. The letter of disapproval should include the comments the City currently sends when a plan is found to be inadequate.

Recommendations for improvement:

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

- Certain sections within your ordinance are outdated and should be updated to reflect the most recent state statutes and administrative code pertaining to that which constitute your delegation authority for erosion and sedimentation control. The Commission recently approved an updated Model Ordinance at their November 2021 meeting. This can be found on the NC DEQ Erosion and Sedimentation Control website.
- Update all template letters and inspection reports to reflect the most current references to the North Carolina Administrative Code and your local ordinance once it is updated.

Template letters and Inspection Reports with the most recent references to the NCAC rules and State Statutes can be found on our Local Program Reporting SharePoint site.

- Monitor 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 Washington Regional Office when necessary.
- Recommend that the NPDES Plan sheets titled “Ground Stabilization and Materials Handling” and “Inspection, Recordkeeping and Reporting” be included on plans prior to approval. Both sheets can be found on the [DEMLR Stormwater Program Website](#) and must be posted onsite to comply with the NCG01 permit issued by the State.

Conclusion:

During our formal review of the City of Greenville Erosion and Sedimentation Control Program we found a few deficiencies. The City will need to begin sending official letters of disapproval along with the comments they are currently sending when plans are found to be inadequate. Letters of disapproval should also be sent with the ability to confirm the date which the notification was received by the applicant, as they have the right to appeal these decisions if requested within a certain time from receipt. City staff stated that they have the ability to place holds on building permits or other approvals as additional enforcement tools. A copy of the property deed was not present in the three projects which we reviewed; however, the City stated that this had been recently added as a requirement for a plan application to be considered complete and ready for review. While some maintenance needs and repairs were noted, overall, all three sites inspected during our review were found to be in compliance and showed no signs of previous major violations or sediment losses, indicating a pattern of compliance. While conducting the site inspections during the review, City staff noted all areas also noted by State staff. The City also stated that they were in the process of filling an open position which would contribute some additional time to the Erosion and Sedimentation Control Program. City staff demonstrated their knowledge, experience, and ability to effectively implement the local program’s delegated authority.

This report has been prepared based on the formal review of the City of Greenville local program conducted on January 13, 2022. DEMLR staff recommends to “Continue Delegation” of the City of Greenville Erosion and Sedimentation Control Program.

This report will be presented to the Sedimentation Control Commission during its 2022 Q1 meeting on February 22, 2022.