

LOCAL PROGRAM REPORT TO THE SCC City of Archdale Follow Up, November 16, 2023

On May 23, 2023, a report was presented to the Sedimentation Control Commission (SCC) based on the formal review of the City of Archdale Erosion and Sediment Control Program conducted on March 9th and 29th, 2023. The Commission voted to “Continue Delegation with Review” for 6 months with a follow up report to be presented at the 2023 4th Quarter SCC meeting. During the Reviews in March, the following issues and required actions that the program should implement were noted:

Issues Noted and Corrective Actions Required:

- Documentation of property ownership was not retained in all project files and written landowner consent was not obtained when the financially responsible party and landowner differed.
 - Documentation of land ownership such as a property deed should be retained in each project file. Except for certain utility construction, if the FRP and landowner differ, a landowner-builder agreement should be obtained and retained in the project file.
- The City was not tracking when a complete erosion control plan package was received and could not demonstrate that plans were being reviewed and the review decision sent to the applicant within the statutory timeframes.
 - 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 for new plans and 15 days for revised plans. Staff should document when a complete package is received and ensure that plans are reviewed within the statutory timeframes. If plans are not found to be adequate within the statutory timeframes the plans should be disapproved. Once a complete package has been received, the review timeframe begins, and additional requirements related to stormwater or other city departments cannot delay or pause the review.
- Not all plans included all areas to be disturbed within the approved limits of disturbance. When disturbed limits needed to be revised for the significant deviation of measures from the approved plan, a revised plan was not required by the City. Specific maintenance notes were not included for all proposed measures.
 - Plans should delineate the limits of disturbance which encompass all areas where proposed disturbances may occur. Once construction has begun, if it is determined that the approved limits of disturbance are inadequate or new areas need to be disturbed, a revised plan shall be required and approved by the City.
- The Certificate of Approval was missing language conditioning the approval upon compliance with State and Federal Water Quality Laws and did not include notice of the program’s right to inspect.
 - Certificates of approval should be updated to include all required language.
- Though staff stated that they maintain a weekly and often daily presence on site, inspections were not being adequately documented.

- The City shall document inspections in writing, including electronic documents, and reports shall include, at a minimum, all information in the model sedimentation inspection report developed by the Commission.

Follow up:

During the Continued Review period from May through September of 2023, the City received, reviewed, and approved 1 plan. During this same period the City Conducted 19 inspections. No NOV's or CPAs were issued. The City currently reports 5 open projects. During the Continued Review period, DEMLR staff have coordinated with City staff to ensure all appropriate language is included within the Certificate of Approval that is sent to the applicant once a plan is approved. The City is now requiring that documentation of property ownership is retained in each project file and is ensuring that a landowner-builder agreement is obtained when the Financially Responsible Party (FRP) and the landowner differ. The date that a complete package is received by the City is now being tracked to ensure that plans are being reviewed and a decision is being sent within the statutory timeframe. During the review period, monthly inspections were conducted on active sites and the City has utilized the standard Sedimentation Inspection Report template to document inspection findings. These reports are being distributed through the City's electronic inspection portal.

The following is a summary of projects based on the initial review, and continued review period.

1. Axiom Plastics:

This project consists of 22.0 acres disturbed for industrial development. The City received the complete application for this project on May 25, 2023. The file for this project contained the approved plan, design calculations, a copy of the property deed and the FRO form and the certificate of approval. The City now requires that documentation of property ownership is now included before a package is deemed complete. This plan was reviewed and approved within the statutory timeframe. The Certificate of Approval for this project included all required language. The approved plan appeared to be adequate.

2. Project Red Oak:

This project consists of 17.5 acres disturbed for industrial development. During our initial review, this site was out of compliance due to minor sediment being deposited beyond the limits of disturbance during silt fence installation. During the continued review period, the City conducted an inspection of this site on 4/10/2023, 5/8/2023, 6/5/2023, 7/12/2023, 8/7/2023 and 9/6/2023. This site was found to be in compliance during all inspections. City staff stated that while official inspections are conducted at least monthly, staff are frequently onsite to provide additional monitoring and guidance. Inspection reports are now being documented using the inspection report template and are then uploaded to the City's electronic system. These inspections appeared to be adequately documented.

3. Royal Pines Ph. 5:

This project consists of 25.2 acres disturbed for residential development. During our initial review, this site was out of compliance due to the skimmer basin not functioning properly and

areas being disturbed that were not included within the approved limits of disturbance. Following our initial review, the corrective actions were completed, and the site brought back into compliance. During the continued review period, the City conducted an inspection of this site on 4/10/2023, 5/8/2023, 6/5/2023, 7/12/2023, 8/7/2023 and 9/6/2023. This site was found to be in compliance during all inspections. These inspections appeared to be adequately documented.

Conclusion:

During the continued review period, the City provided proof of inspection reports being documented and provided documentation of a recently approved plan. The City has made the necessary adjustments to their plan review process to ensure that all necessary documents are included in the complete package and that plans are reviewed within the statutory timeframe. Staff have added the required language to the certificate of approval and inspections are now being adequately documented. The City has also made the recommended changes to the local ordinance. During the continued review period, the City has worked to address all deficiencies noted during our initial review and demonstrated their ability adequately implement their delegated program.

Based on the formal review conducted on March 9th and 29th, 2023, and the continued review period, DEMLR staff recommends “Continue Delegation” of the City of Archdale Erosion and Sedimentation Control Program. This report will be presented to the Sedimentation Control Commission during their 2023 Q4 meeting on November 16, 2023.