

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 NOV's 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 NOV's 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.