

## **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.