

Local Program Report to the SCC

Town of Lake Lure 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 Town of Lake Lure Erosion and Sediment Control Program conducted on April 5, 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 initial review in April, the following issues and required actions that the program should implement were noted:

Issues Noted and Corrective Actions Required:

- Once a complete application was received, the Town reviewed the plans and then issued an official review decision. However, this official review decision was not always sent 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.
- 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 landownership 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.
- Approved plans did not all adequately represent the existing and proposed site conditions. Proposed measures nor plan notes appeared to be adequate to control erosion and sedimentation on all approved plans.
 - Staff should ensure that plans include all the necessary details and specifications. Staff should also ensure that all areas potentially being disturbed are within the limits of disturbance. Plans should include access to the site and provide adequate measures or practices to control erosion and sedimentation.
- The Town’s reported activity indicates a low inspection frequency. Staff also stated that inspections were previously not being documented through an official inspection report but were being noted in an internal log.
 - The Town will need to increase their inspection frequency to ensure active projects are in compliance with the SPCA. Staff should adequately document inspections and issue reports to the FRP.
- Certain sections of the local ordinance are devoid or no longer adhere to the most recent state statutes and administrative code.
 - The Local Ordinance should be updated to adhere to the most recent state statutes and administrative code.

Follow up:

During the Continued Review period from May through September 2023, the Town approved 17 plans, disapproved 2 plans, and conducted 121 inspections. During this period, the Town also issued 17 NOVs, 2 Penalties and used 1 SWO. At the end of September, the Town reported that they had 36 open projects, all of which have approved disturbances of less than 1 acre. During the Continued Review period, DEMLR staff coordinated with Town staff to provide additional oversight and training regarding both plan reviews and site inspections. Regional office staff met with Town staff on 8/31/23 and 10/18/23 to provide oversight and offer additional guidance regarding plan reviews. Staff also met on 10/27/23 to conduct oversight inspections. The Town has adjusted their inspection procedures and is now utilizing a standard template inspection report to document each inspection conducted. The Town is sending these reports to the financially responsible parties and the onsite contactor. The Town has also increased the inspection frequency over the continued review period. The Town has adjusted their plan review process to ensure that plans are reviewed, and the review decision is sent to the applicant within the statutory timeframes.

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

1. 0 Memorial Hwy:

This project consists of 0.62 acres disturbed for residential development and is located within the Upper Broad subbasin of the Broad River basin. On the day of our initial review the project did not have an adequate construction entrance and one section of silt fence needed to be maintained. The Town conducted inspections of this site on 4/24/23, 6/7/23, 8/17/23 and 9/27/23. Inspection reports were adequately documented for each inspection. The need to extend silt fence surrounding the stockpile onsite, provide groundcover and maintain perimeter silt fence was noted during the most recent inspection conducted on 9/27/23.

2. 355 Tryon Bay:

This project consists of 1,634 square feet disturbed for a retaining wall and staircase replacement and is located within the Upper Broad subbasin of the Broad River basin. On the day of our initial review, construction on this project had not yet begun. The Town has conducted inspections of this site on 4/24/23, 8/21/23, 10/25/23 and 10/26/23. During the inspection on 10/25/23, the town noted construction of this project was complete and the disturbed areas needed to be stabilized. The Town re-inspected the site on the following day once seed and straw mulch had been spread. Town staff stated they were waiting until the vegetation was established before closing this project out.

3. 145 Eagles Court:

This project consists of 0.12 acres disturbed for residential development and is located within the Upper Broad subbasin of the Broad River basin. On the day of our initial review, the project was completed and establishing permanent ground cover. Additional mulch was needed in landscaped areas to provide sufficient permanent groundcover. The Town conducted an

inspection on 4/24/23 and noted that sufficient mulch had been installed in remaining landscaped areas and the project was complete and stabilized. The Town closed out this project at the time.

Conclusion:

During the continued review period, the Town provided follow-up on implementation of required corrective actions. The Town is now reviewing plans once a complete package has been received and notifying the applicant of the review decision within the statutory timeframes. When plans are found to be inadequate, a disapproval letter is sent. These letters include the appropriate language and are being sent with the ability to track receipt by the applicant. DEMLR staff noted improvement regarding their understanding of the plan review process and ability to conduct adequate reviews. The Town previously would conduct inspections and keep notes in an internal log but was not issuing an official inspection report to the FRP. The Town is now utilizing the inspection report template provided by DEMLR and issues an inspection report to the FRP when an inspection is conducted. Town staff have taken steps to increase inspection frequency. Staff stated they have begun working on updating the local ordinance in accordance with the current model ordinance. DEMLR staff noted the improvement in plan reviews, documentation of inspections, and overall program administration. During the continued review period, the Town has worked to address the deficiencies noted during our initial review and demonstrated their ability to adequately implement their delegated program.

DEMLR staff recommend to “Continue Delegation” of the Town of Lake Lure Erosion and Sedimentation Control Program.

This report is based on the formal review conducted on April 5, 2023, and the continued review period and will be presented to the Sedimentation Control Commission during its 2023 Q4 meeting on November 16, 2023.