

Local Program Report to the SCC Macon County Continued Review, February 22, 2022

On August 17, 2021, a report was presented to the Sedimentation Control Commission (SCC) based on the formal review of Macon County's Erosion and Sedimentation Control Program conducted on July 6, 2021. The Commission voted to "Continue Delegation with Review for 6 months." During the July 6th review, the following issues and required actions that the program should implement to address said issues were noted:

Issues Noted:

- The number of inspections being reported is low in comparison to the number of active projects and previous inspection reports reviewed indicates a low inspection frequency of every 2-3 months.
- Self-inspection records and required permit documents are not being reviewed during site inspections.
- Plans are not always reviewed, and the applicant notified of the decision within the required timeframe. A copy of the Letter of Approval was missing from multiple files.
- A copy of the property deed was not kept in all project files.
- An individual representative was listed as the Financially Responsible Party on the FRO rather than the company/firm they represent.

Required Actions:

- Regular inspections should be conducted G.S. 113A-61.1(a), and reports generated monthly on all active sites.
- County staff should be checking for self-inspection records and required permit documentation during site inspections. Self-inspections should be conducted for initial installation or modification of any erosion and sedimentation control devices and practices described in the approved plan as well as during or after each of the phases of the approved plan. G.S. 113A-54.1(e) and 15A NCAC 04B.0131. Self-inspection records should be kept onsite along with the letter of approval and a copy of the approved plan. In addition, weekly and rain-event inspections are required by federal regulations, that are implemented through the NPDES Construction General Permit No. NCG 010000.
- Documentation of land ownership must be obtained prior to approval of a plan. A copy of the property deed should be kept on file with each project. 15A NCAC 04B.0188(c). As a reminder, in cases where the applicant and the landowner differ, a letter of consent/landowner-builder agreement letter should be obtained stating that the applicant has the owner's consent to submit a plan and to conduct the land disturbing activity.
- 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. G.S. 113A-61(b) and MOA Part III.C.1 & 3. All Plan Review Decision letters should be kept in each project file.
- Ensure that the company or firm is the listed financially responsible party. An individual representative can sign the FRO form but should not be listed as the FRP. If the company

of firm is a sole proprietorship, the name of the owner or manager may be listed as the FRP.

Follow up:

During the period from July 2021 through December 2021, the County reported that they have 2 staff members which contribute 0.5 full time equivalents. During this period the County has conducted 8 reviews or re-reviews, issued 4 approvals and 4 disapprovals. The County conducted 56 inspections and issued 2 NOVs and 1 Stop Work Order. The County currently has 9 active projects. The County now requires a copy of the property deed as part of the erosion control package and is ensuring that plans are reviewed, and the applicant notified of the review decision within the required timeframe. County staff is ensuring that the company/firm is the listed Financially Responsible Party on the FRO Form rather than the individual representing the company/firm. The County has also worked to increase their inspection frequency and have been able to conduct inspections on a monthly basis during the continued review period. The following update is based on our initial review and inspections conducted by Macon County throughout the continued review period.

1. John Meshad Stream Restoration and Dam Construction:

During our initial review 7/6/2021, this site was found to be out of compliance for removing measures prior to disturbed areas upstream being stabilized and without approval from the County. Throughout the continued review period the County conducted periodic inspections to continue monitoring the establishment of vegetation. During an inspection conducted by the county on 9/22/2021 this site was found to be out of compliance again for the removal of a section of silt fence prior to the area being stabilized. The silt fence was reinstalled, and the area stabilized. The County closed this project out during its last inspection conducted on 11/6/2021 when it found this project to be complete and the site stabilized.

2. Community Bible Church:

During our initial review on 7/6/2021, this site was found to be out of compliance for failure to stabilize and failure to install or maintain measures. The County was informed that this project would be idle for an extended period and monitored to ensure that all areas of concern were addressed, and inactive areas had been stabilized. The County also requested a revised plan for the addition of a small sediment basin. During an inspection conducted on 9/10/2021, the County found that inactive areas had been stabilized and most corrective actions from the previous two inspection reports had been addressed. The County was still waiting for a revised plan prior to the addition of a skimmer basin. Once a revised plan was received and approved, the skimmer basin was installed. During its most recent inspection conducted on 12/21/2021 the County found this site to be out of compliance, needing to install a dissipater pad below one culvert and wattle check dams needing to be staked down properly. The County continues to monitor this site for stabilization as this site has remained inactive other than activities taken to bring the site into compliance. No offsite sedimentation has been noted by the County.

3. Panther Storage:

During our initial review on 7/6/2021, this site was found to be in compliance and was establishing permanent vegetation. The County closed this project upon finding that construction had been completed and the site stabilized during its final inspection conducted on 8/27/2021.

4. Hospice House:

This project consists of 1.93 acres disturbed for residential use. This site was not reviewed during our initial review on 7/6/2021. The County found this site to be out of compliance during an inspection conducted on 8/6/2021 for failure to maintain drop inlet protection and needing to post appropriate documentation onsite. During the following inspection conducted by the County on 9/15/2021, inlet protection had been maintained but documentation was still not properly posted onsite. The County noted that this site remained well maintained but was still missing required documentation and self-inspection records during inspections conducted during October and November. This site has since posted all required documentation, is maintaining self-inspection records properly and has remained in compliance. No offsite sedimentation has been noted by the County.

Conclusion:

During the continued review period, DEMLR staff has received periodic updates and inspection reports from the County and noted the improvements made by the program. The County has increased its inspection frequency to at least monthly and has adjusted its review checklist to ensure that all required documentation is retained in each project file. The County has also adjusted its procedure for plan reviews to ensure that the plans are reviewed, and the applicant is notified of the review decision within the required timeframes. County staff is now checking that all appropriate documentation is kept onsite during inspections. The County has demonstrated their ability to adequately implement the delegated program.

This report has been prepared based on the formal review of the Macon County Local Program conducted on July 6, 2021, and the continued review period. DEMLR staff recommends to “Continue Delegation” of the Macon County Erosion and Sedimentation Control Program.

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