

AGENDA

North Carolina Sedimentation Control Commission
Business Meeting

Ground Floor Hearing Room
Archdale Building
512 N. Salisbury Street
Raleigh North Carolina

This meeting will be held at the above location and via webinar.

May 23, 2024, 10:00 AM

The Elections and Ethics Enforcement Act mandates that the Chair inquire as to whether any member knows of any known conflict of interest or appearance of conflict with respect to matters before the Commission. Executive Order 34 requires any member to recuse herself or himself from voting on any matter before this Commission which would confer a financial benefit on the member. If any member knows of a conflict of interest, appearance of a conflict, or possible financial benefit please so state at this time.

Dr. Susan White, Chair, Presiding

I. Preliminary Matters

- A. Call to Order
- B. Recognition of Those Attending
- C. Swearing in of New Members, if Present
- D. Approval of Meeting Minutes from February 21, 2024

II. Action Items

- A. Town of Southern Pines Review – Mr. Graham Parrish
Staff are presenting findings and recommending continuing the delegation of this program.
- B. Town of Waxhaw – Mr. Graham Parrish
Staff are presenting findings and recommending continuing the delegation of this program.
- C. Town of Clayton Review – Mr. Graham Parrish
Staff are presenting findings and recommending probation for this program.
- D. Mecklenburg County Review – Mr. Graham Parrish
Staff are presenting findings and recommending continuing the delegation of this program.

- E. Orange County Review – Mr. Graham Parrish
Staff are presenting findings and recommending continuing the delegation of this program.
- F. Haywood County Review – Mr. Graham Parrish
Staff are presenting findings and recommending continuing the delegation of this program.
- G. NCDOT 2023 Annual Report Follow-Up – Mr. David Harris and Mr. Graham Parrish
NCDOT state erosion & sedimentation control program representatives will report on impacts to Environmentally Sensitive Areas from the 2023 annual review (presented in November 2023) and propose reporting metrics for future impacts to non-compliant sites. DEMLR staff will provide recommendations from the annual review. The Commission will vote to support the reporting data presented by NCDOT or the Commission will vote to request additional information.

III. **Information Items**

- A. Updates to the Memorandum of Agreement between Local Governments and the Commission – Ms. Sarah Zambon
Counsel will continue a discussion to propose changes to this MOA that involve a transition plan for rescinding a program's delegation.
- B. Local Program Staffing – Ms. Julie Coco
Staff will discuss measures for evaluating staffing levels of local programs.
- C. NCDOT Report – Ms. Julie Coco
Staff will report on any Trout Buffer Waivers received or ICAs issued by the Department of Transportation during the quarter.
- D. Commission Technical Committee Update – Mr. Mark Taylor
The Committee Chair will provide an update on this committee's meetings.
- E. Land Quality Section Active Sediment Cases and Enforcement — Ms. Julie Coco
Staff will report on the status of Civil Penalty Assessments, action on Civil Penalty Assessments, and Judicial Actions.
- F. Education Program Status Report — Ms. Julie Coco
Staff will report on Sediment Education Program activities.
- G. Sediment Program Status Report — Ms. Julie Coco
Staff will report on LQS's current statewide plan approval, inspection, and enforcement activities.
- H. Land Quality Section Report — Mr. Toby Vinson
Staff will provide a report on the current number of vacancies in the Section.

IV. **Conclusion**

- A. Remarks by Commission Members
- B. Remarks by Interim Director
- C. Remarks by Chairman
- D. Adjournment

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
February 21, 2024
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on February 21, 2024, at 10:00 a.m. in person in the Ground Floor Hearing Room of DEQ's Archdale Building located at 512 N Salisbury Street, Raleigh, and remotely. The following persons were in attendance (either in-person or remotely) for all or part of the meeting.

COMMISSION MEMBERS

Dr. Susan White (Chair)
Mr. Benjamin Brown (Vice Chair)
Mr. Michael Taylor (absent)
Mr. James Lamb
Dr. Richard McLaughlin
Ms. Emily Sutton
Ms. Marion Deerhake
Mr. Mark Taylor
Mr. Ryan Carter
Dr. Kenneth Taylor
Mr. Steven Wilson
Mr. David Beck

OTHERS

Toby Vinson, Interim Director and Program Operations Chief, DEMLR
Julie Coco, State Sedimentation Engineer, DEMLR
Graham Parrish, Assistant State Sedimentation Specialist, DEMLR
Rebecca Coppa, State Sedimentation Education Specialist, DEMLR
Davy Conners, Environmental Program Consultant, DEMLR
Michael N Wallace, DWR
Sarah Zambon, Commission Counsel, Attorney General's Office
Danielle Rudisill, Lincoln County
Jessica Batten, Johnston County
Chandra Farmer, Johnston County
Joshua Baird, Town of Clayton
Megan Gilbert, Lincoln County
Jeevan Neupane, Wake County
Karyn Pageau, Wake County
Joseph Threadcraft, Wake County
Ashley Rodgers, Wake County

Andrew Lake, Wake County
Carrie Mitchell, Wake County
Barney Blackburn, Wake County
Shawn Springer, Wake County
Theo Udeigue, Wake County
Carolina Loop, Wake County
Betsy Pearce, Wake County
Nancy Daly, Wake County
Janet Boyer, Wake County
Jay Wilson, City of Charlotte
Christopher Rice, Town of Waxhaw
Zachary Lentz
Jeff Bock
Jeffrey Gunter
Joe Albiston
Robert Freedland
Kathleen M Russel
Grady O'Brien
Brenden Smith

PRELIMINARY MATTERS

Dr. Susan White called the meeting to order at 10:01 am.

Dr. White read Executive Order No. 1 regarding avoidance of conflict of interest. She asked if anyone has a known conflict of interest or potential conflicts. Mr. Wilson stated that he had a conflict with the City of Charlotte review and recused himself from voting on that action item.

Those in attendance introduced themselves.

Dr. White asked for a motion to approve the minutes from the November 16, 2023, meeting. Dr. Kenneth Taylor moved to approve the minutes. Dr. Richard McLaughlin made a second. The motion passed.

Dr. White amended the agenda to include discussion of an Ad-Hoc Committee under Informational items.

ACTION ITEMS

Johnston County Review

The county was originally reviewed and presented to the commission during the May 2023, SCC Q2 meeting, during which the commission voted to approve staff's recommendation of continuing the town's delegation with review for a period of 9 months with a follow up report to

be presented at this meeting. Mr. Graham Parrish presented the findings from his review of this program. Staff's recommendation was to continue the county's delegation with review for a period of 6 months with a follow up report to be presented at the 2024 Q3 meeting. A discussion ensued. Mr. Ben Brown made a motion to continue delegation with review for a period of 6 more months with a recommendation for the program to approve their proposed additional and qualified staff position. Mr. James Lamb made a second; the motion passed.

Town of Clayton Review

Mr. Graham Parrish presented the findings from his follow up review of this program. Staff's recommendation was to continue the program's delegation with review for a period of 3 months with a follow up report to be presented at the 2024 Q2 meeting. Ms. Sutton made a motion to approve the recommendation made by the DEMLR staff. Mr. Carter made a second; the motion passed.

Jackson County Review

Ms. Davy Conners presented the findings from her review of this program. Staff's recommendation was to continue the program's delegation. Ms. Deerhake made a motion to approve the recommendation made by the DEMLR staff. Mr. Carter made a second; the motion passed.

Wake County Review

Ms. Davy Conners presented the findings from her review of this program. Staff's recommendation was to continue the program's delegation. Ms. Sutton made a motion to approve the recommendation made by the DEMLR staff with the recommendation that the county add the proposed seven Erosion and Sedimentation Control staff positions. Mr. Carter made a second; the motion passed.

Town of Southern Pines Review

Mr. Graham Parrish presented the findings from his review of this program. Staff's recommendation was to continue the program's delegation with review for 3 months and a follow up report to be presented at the 2024 Q2 meeting. A discussion ensued. Dr. McLaughlin stated that, for the projects DEMLR looks at during the review, he would like to know how frequently those sites have been inspected. Mr. Carter made a motion to approve the recommendation made by the DEMLR staff. Mr. Mark Taylor made a second; the motion passed.

City of Charlotte Review

Mr. Wilson abstained from the discussion and voting. Mr. Graham Parrish presented the findings from his review of this program. The Commission discussed how many sites should be visited based on local program size. Staff's recommendation was to continue the program's delegation. Mr. Beck made a motion to continue the program's delegation with a recommendation for the city to enter into a Memorandum of Agreement with the Commission. Mr. Carter made a second; the motion passed.

Town of Waxhaw Review

Mr. Graham Parrish presented the findings from his review of this program. Staff's recommendation was to continue the program's delegation with review for a period of 3 months with a follow up report to be presented at the 2024 Q2 meeting. Mr. Mark Taylor made a motion to approve the recommendation made by the DEMLR staff. Mr. Carter made a second; the motion passed.

County of Lincoln Ordinance Review

Ms. Julie Coco provided an overview of the county's updated ordinance and reminded the commission that an informal review had been conducted during the November 16, 2023 SCC meeting. Mr. Carter moved to approve the ordinance. Mr. Brown made a second; the motion passed.

INFORMATION ITEMS

Ad-Hoc Committee

Mr. Carter proposed forming a new committee for the purpose of evaluating the Model Ordinance for Local Programs to provide examples of community-specific practices permitted under the Model Ordinance. Mr. Carter solicited the members to serve on this committee with him. Counsel Zambon stated that no more than five commission members could serve on this committee as that would constitute a quorum for a commission meeting. Ms. Sutton volunteered to serve. Mr. Carter also asked for nominations for relevant stakeholders to serve on the Ad-Hoc Committee.

NCDOT Report

Ms. Coco reported on the two Immediate Corrective Action (ICA) reports issued by the NCDOT and one ICA extension issued followed by the two inspection reports showing the sites to have achieved compliance.

Commission Technical Committee Update

Mr. Mark Taylor, the Chair of the Committee, shared that the committee continues to meet monthly to review practice standards. They have made good progress on providing final draft standards to DEMLR for review. The committee has also started to review supplemental practice standards. Mr. Taylor is looking for two additional members to serve on the committee.

Land Quality Section Active Sediment Cases and Enforcement

Ms. Coco reported on the status of civil penalty assessments and judicial actions.

Land Quality Section Report

Mr. Vinson reported that there are currently 15 vacancies within the Division. Those vacancies are expected to be posted soon.

Sediment Program Status Report

Ms. Coco reported on the Land Quality Section's statewide plan approvals, inspections, and

enforcement activities. Numbers were available through the end of January.

Education Program Status Report

Ms. Coppa provided an update on the Education Program covering activities from November 2023 through February 2024. There were 114 attendees at the annual design workshop attending in-person, and approximately 58 attendees for the half-day virtual presentation.

The annual Local Programs Workshop & Awards Banquet is scheduled to be held April 23-24, 2024 in Jacksonville this year. The contract has been submitted to DEQ's Division of Financial Services for approval. Ms. Coppa is soliciting articles for the SEDIMENTS Newsletters.

Updates to the Memorandum of Agreement between Local Governments and the Commission

Counsel Zambon commented that there are no procedures in the current memorandum for when a local government desires to rescind their delegation and return that authority to the NCDEMLR and that staff has asked for this mechanism to be added. DEMLR is asking the members to recommend a transition plan that includes timelines for the transfer of projects and associated documents. Counsel asked members any potential language or other issues they would like incorporated into the new MOA. New programs would sign the edited MOA as approved by the Commission, existing programs would be asked to sign an amendment to the agreement. She requested that a draft copy or template of the latest MOA be provided to the members.

CONCLUSION

Remarks by DEMLR Interim Director

None

Remarks by Commission Members

Ms. Sutton commented that the public comment period for the NCG01 permit is open. This permit is up for renewal.

Mr. Taylor is requesting staff to quantify an expected minimum FTE (Full-Time Equivalent) position count for Local Programs against their reported FTE count in order to understand any deviations from the expected count.

Remarks by Chairman

Dr. White thanked all who were in attendance and thanked the DEMLR staff for their assistance in preparing materials for the commission members ahead of the meeting.

Adjournment

The Chair adjourned the meeting at 2:16 pm.

Julie Coco, State Sedimentation Engineer
Division of Energy, Mineral, and Land
Resources

William Vinson, Jr., Interim Director and
Chief of Program Operations
Division of Energy, Mineral, and
Land Resources

Susan White (Chair)
Sedimentation Control Commission

Local Program Report to the SCC Town of Southern Pines Follow Up, May 23, 2024

On February 21, 2024, a report was presented to the Sedimentation Control Commission (SCC) based on the formal review of the Town of Southern Pines Erosion and Sedimentation Control Program conducted on November 1, 2023. The Commission voted to continue delegation with review with a follow up review to be presented during the 2024 Q2 meeting on May 23, 2024. During the initial review in November the following programmatic issues and corresponding corrective actions were noted:

Issues Noted and Required Actions:

- Once a complete package was received plans were reviewed and comments were sent back to the applicant. However, notification of the official review decision was not always sent within the appropriate timeframe.
 - Staff should ensure that the plans are reviewed and notice of the review decision is being sent within the appropriate timeframe.
- Written consent from the landowner for the applicant to submit the erosion control plan and conduct the land disturbing activity was not always obtained.
 - When the landowner and FRP differ, written consent from the landowner shall be obtained and retained in the project file.
- Seeding specifications and specific maintenance notes for some proposed measures were not included in all plans. One plan contained items, such as silt fence and the limits of disturbance, drawn at a scale which made distinguishing between them difficult when printed out as a full-size plan set.
 - Staff should ensure that plans include all the necessary details and specifications. Staff should also ensure that all items of the plan are drawn at a scale that is clearly visible when printed.
- The Town is conducting frequent inspections and documenting their findings within an internal log. Official inspection reports are only being generated if an NOV is to be issued.
 - The Town should document inspections in writing, including electronic documents. Inspection reports shall include, at a minimum, all information in the model sedimentation inspection report developed by the Commission.
- 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 reflect the most recent state statutes and administrative code pertaining to that which constitute your delegation authority for erosion and sedimentation control.

Follow Up:

During the Continued Review period, Town staff have provided updates on implementation of the changes needed and discussed during the initial review. The Town has adjusted their plan review checklist to ensure that landowner consent is obtained when necessary. The Town has also begun documenting formal inspections with a formal inspection report. Staff stated that a

formal inspection is now conducted at least monthly on each project, although staff are often onsite more frequently and communication is ongoing with the contractors and developers. Throughout the continued review period, staff have provided updates on the projects reviewed during the initial review and formal inspection reports generated. DEMLR staff also conducted a day of joint inspections in March. During the continued review period from February through April 2024, the Town conducted 5 plan reviews and re-reviews and issued 4 approvals and 1 disapproval. The Town has conducted 53 formal inspections and issued 4 NOVs and no CPAs. As of May 1, 2024, the Town reported that they have 23 open projects.

Hawthorne At Southern Pines:

This project had previously been disapproved and the revised plan package was received, reviewed, and approved during the continued review period. This project consists of 27.10 acres disturbed for commercial development and is located within the Upper Cape Fear Subbasin of the Cape Fear River Basin. The complete revised plan package was received by the Town on 3/15/2024. The Town issued the letter of approval for this plan on 3/21/2024. The project file contained the approved plan, letter of approval, design calculations, a copy of the property deed and the FRO form. The plan was reviewed, and the notice of the official review decision was sent to the applicant within the appropriate timeframe. Staff ensured that seeding specifications and maintenance notes were included within the plan prior to approval. The approved plan appeared to be adequate.

Water Works Ph. 1:

This project consists of 6.28 acres disturbed for commercial development and is located within the Upper Cape Fear subbasin of the Cape Fear River Basin. On the day of the initial audit, this site was out of compliance needing to stabilize large stockpiles onsite and perimeter slopes. Drop inlet protection measures also needed to be maintained and repaired. At the time the project was transitioning between contractors and the Town worked with the new contractor to address a number of issues left by the previous contractor. The Town continued to monitor this site and issued an NOV on 1/5/2024 for failing to stabilize slopes within the appropriate timeframes, needing to repair the diversion ditches and sediment being tracked out onto the adjacent roadway. The Town conducted a follow up inspection on 1/12/2024 and noted that recently graded slopes where the stormwater infrastructure had been installed had been seeded and mulched with straw or matted. The area of stockpiled materials at the top of the site remained uncovered. Some sediment was accumulating in the roadside ditch below the construction entrance and the entrance itself still needed to be refreshed. Staff noted that the majority of this sediment in the ditch appeared to be coming from somewhere upslope of the site but directed the contractor to remove accumulated sediment and repair the ditch along the areas within the LOD. During this time, staff stated that the US Army Corps of Engineers (USACE) and DWR were coordinating with the contractor to clean up the sediment loss into a wetland area that was noted prior to the initial review. The Town conducted formal inspections on this site on 3/4/2024 and 3/19/2024 and noted that the site remained out of compliance needing to maintain the construction entrance and stabilize the areas of stockpiled materials at the top of the site if not being actively graded. Staff did note that drop inlet protection measures had been maintained properly during the 3/19/24 inspection. During the most recent inspection conducted

by the Town on 5/6/2024, the areas of stockpiled materials had been graded and matted and slopes throughout the site were being vegetated. Staff noted that the site remained out of compliance, needing to again maintain the construction entrance and properly install the riprap dissipator of the stormwater system outlet. Staff stated that while corrective actions were continually being completed following the issuance of the NOV, the site remained out of compliance overall and the NOV was not closed out. No additional offsite sedimentation was noted during the continued review period.

1. Morganton Park South Phase 1:

This project consist of 28.0 acres disturbed for commercial development and is located within the Lumber subbasin of the Lumber River Basin. On the day of the initial audit, this site was out of compliance needing to stabilize or remove the stockpile onsite and maintain inlet protection measures throughout. The Town conducted formal inspections on this project on 12/14/2023 and noted that corrective actions noted during the initial audit had been completed and the site was back into compliance. The Town conducted an inspection on 1/4/2024 and noted that the permanent SCM pond had been converted to the permanent measure depths, the parking areas had been paved, and disturbed areas were being stabilized. During the most recent inspection conducted by the Town on 5/3/2024 staff noted that while this site was nearing completion, inlet protection measures needed to be reinstalled until permanent stabilization or final landscaping had been completed.

2. Fort Bragg Federal Credit Union:

This project consists of 1.88 acres disturbed for commercial development and is located within the Lumber subbasin of the Lumber River Basin. On the day of the initial audit, this site was in compliance. The Town conducted inspections on 12/13/2023, 1/10/2024 and noted the site remained in compliance. Staff conducted a formal inspection on 3/12/2024 and found the site out of compliance needing to maintain the construction entrance and clean sediment that had moved into the roadway during installation of the sidewalk. During the most recent inspection conducted on 5/3/2024, staff noted the need to provide additional groundcover along the completed section of sidewalk as grass had not been established.

Conclusion:

Throughout the continued review period, the Town has provided updates on the projects reviewed during the initial review and has uploaded formal inspection reports generated. Staff are now generating official inspection reports during monthly inspections and when issues are noted onsite. The Town continues to be onsite more frequently and will often communicate minor maintenance needs or repairs to onsite personnel. The Town has updated their plan review process and are ensuring that plans are reviewed and notice of an official review decision is being sent within the appropriate timeframes. Staff have also adjusted their plan review checklist to ensure that all necessary items are included in the complete package prior to approving a plan. The recently approved plan and project file reviewed appeared to be adequate. Staff conducted the review and sent notice of the review decision within the appropriate timeframe. The Town has updated the local ordinance in accordance with the most recent Model Ordinance. State and Town staff have discussed the need to distinguish between the violations of an NOV and when

new violations may arise as the NOV is being addressed. An NOV should be closed once the corrective items noted in the NOV have been addressed, rather than leaving an NOV open due to maintenance or repair needs which have arisen following its issuance. If additional violations have occurred, a Notice of Additional Violations should be issued. On a separate project which is currently under an NOV, the Town recently disapproved a new plan submitted by the same FRP for failing to resolve the NOV within the specified timeframe. The ability to disapprove a plan for these reasons is an additional tool to bring sites into compliance which is delegated to the Town through the SPCA. Overall, the Town has demonstrated the ability to conduct adequate inspection and plan reviews and has shown the ability to implement their locally delegated program.

DEMLR staff recommend to Continue delegation of the Town of Southern Pines Erosion and Sedimentation Control Program. This report has been prepared based on the formal review of the Town of Southern Pines Erosion and Sedimentation Control Program conducted on November 1, 2023, and the subsequent continued review period. This report will be presented to the Sedimentation Control Commission during its 2024 Q2 meeting on May 23, 2024.

Local Program Report to the SCC Town of Waxhaw Follow Up, May 23, 2024

On February 21, 2024, a report was presented to the Sedimentation Control Commission (SCC) based on the formal review of the Town of Waxhaw Erosion and Sedimentation Control Program conducted on January 11, 2024. The Commission voted to continue delegation with review with a follow up report to be presented during the 2024 Q2 meeting on May 23, 2024. During the initial review in January the following programmatic issues and corresponding corrective actions were noted.

Issues Noted and Required Actions:

- Documentation of Property ownership was not retained in each project file.
 - Documentation of property ownership should be obtained and retained in each project file.
- The registered agent information was not always included on the FRO form when the FRP was a company or firm.
 - The Town should update their FRO form to clarify that the registered agent information is required whenever a company/firm is the FRP. Staff should also verify the company/firm information with the business registration on the [NC Secretary of State website](#).
- When plans are submitted to the Town, they are reviewed and either approved or, if found to be inadequate, review comments are sent back to the applicant. The Town issued letters of disapproval for some projects that were reviewed during the audit; however, these letters did not always contain language stating the official review decision or notice of the applicant's right to appeal. The Town had recently switched to issuing these letters via email. Through this process, notification of the official review decision was not always being sent back to the applicant within the appropriate timeframes. One of the projects reviewed had been issued a letter of approval and this letter included some modifications that needed to be made to the plan. Letters of approval were also missing language conditioning the approval on the applicant's compliance with Federal and State Water Quality Laws. These letters were also not always dated.
 - Once a complete package is received, the plans should be reviewed, and the official review decision sent to the applicant within 30-days for new plans and 15-days for revised plans. Staff should ensure that review decision letters include all of the required language and resume sending notices of disapproval with the ability to track receipt. Staff should also ensure that all letters are dated. When a plan is found to be approvable but has some minor modifications that are needed, the plan should be approved with modifications and the decision letter should include the necessary language for an approval with modifications.
- Inspections reports are not always completed following an inspection conducted by the Town. Town staff stated that inspections are often conducted weekly or more frequently but are not always documented through an official inspection report. Email correspondence between Town staff and the plan holder regarding needed maintenance

or repairs on site were available in some project files. Staff also stated that when a site was found to be in compliance an inspection report was not completed.

- The Town shall document in writing, including electronic document, and report shall include at a minimum, all information in the model sedimentation inspection report developed by the Commission.
- Maintenance notes for some proposed measures were missing from approved plans.
 - Staff should ensure that plans include specific maintenance notes for all proposed measures prior to approving plans

Follow Up:

During the Continued Review period, Town staff provided updates on the implementation of the changes needed and discussed during the initial review. Staff provided formal inspection reports generated throughout the review period to DEMLR staff. The Town is now requiring that a copy of the property deed is included as part of the complete package. Staff have updated the FRO form to clarify when registered agent information should be included. Staff have also updated their decision letter templates using the templates that DEMLR provides on the Local Program SharePoint site. During the Continued review period from February through April 2024, the Town conducted 2 plan reviews or re-reviews and issued 2 disapprovals. The Town conducted 48 formal inspections and issued no NOV's or CPAs. As of May 1, 2024, the Town reported that they have 20 open projects, 4 of which have not yet begun construction.

Seven Hills Subdivision:

The plan for this project was received and reviewed by the Town during the continued review period. The project consists of a proposed 30.56 acres disturbed for residential development and is located within the Lower Catawba Subbasin of the Catawba River Basin. The Town has not approved the plan for this project yet. The complete package submitted included a draft erosion control plan, a copy of the signed FRO form, a copy of the property deed, design calculations and the Town's erosion control plan checklist. The Town noted discrepancies of the disturbed areas shown on the plan and the area noted on the FRO form among a number of other design items that would need to be addressed before the plan could be approved. The plan for this project had previously been disapproved and the revised plan packaged was received by the Town on March 27, 2024. The Town noted that some items had still not been addressed in this second submittal. A letter of disapproval was issued on April 8, 2024. The review was conducted and notice of the review decision was sent to the applicant within the appropriate timeframe. The letter of disapproval included all the necessary language and was sent with the ability to track receipt.

Blythe Mills Townhomes:

This project consists of 18 acres disturbed for residential development and is located within the Lower Catawba Subbasin of the Catawba River Basin. On the day of the initial review, this project was out of compliance with minor sediment loss noted in two locations and disturbance beyond the approved LOD. Town staff conducted a follow up inspection on 1/29/2024 and noted that use of the areas outside of the LOD had ceased but that a number of repairs noted during the review had not been completed. Staff conducted a formal follow up inspection on 2/27/2024 and noted that the corrective actions from the previous inspections had been completed but that

diversion ditches needed to be regraded to ensure positive drainage to the basins. Town staff continued to monitor this site and conducted formal inspections on 3/28/2024 and 4/30/2024. Staff noted that the site was in compliance during both of these inspections.

Conclusion:

Following the initial review in January, the Town has made the necessary changes to the plan review process and how inspections are documented. Town staff have ensured that once a complete package has been received, the plans are reviewed and notice of the official review decision is sent to the applicant. When plans are disapproved, notice of the disapproval is sent with the ability to track receipt. The Town began documenting formal inspections through an inspection report and has conducted a formal inspection at least monthly on all active projects. Staff continued to conduct frequent inspections and communicate any minor maintenance or repairs to the onsite contacts. When issues persist or violations are noted, staff are generating and issuing a formal inspection report. Staff appear to be conducting adequate plan reviews and noting items that need to be addressed appropriately. The Town has updated their standard construction details to incorporate maintenance notes for each measure and has updated other template letters using the templates provided by DEMLR. Staff are also ensuring that documentation of property ownership is obtained prior to approving a plan. The Town has worked to address the deficiencies noted during the initial audit and have demonstrated their ability to effectively implement their delegated authority.

DEMLR staff recommend to “Continue Delegation” of the Town of Waxhaw Erosion and Sedimentation Control Program. This report has been prepared based on the formal review conducted on January 11, 2024, and the subsequent continued review period. This report will be presented to the SCC during its 2024 Q2 meeting on May 23, 2024.

Local Program Report to the SCC Town of Clayton Follow Up, May 23, 2024

On February 21, 2024, a report was presented to the Sedimentation Control Commission (SCC) based on the formal review of the Town of Clayton Erosion and Sedimentation Control Program Conducted on July 6, 2023, the subsequent 6-month Continued Review Period, and a formal follow up review conducted on February 2, 2024. The Commission voted to Continue Delegation with Review with a follow up report to be presented during the 2024 Q2 meeting on May 23, 2024. During this 3-month continued review period, the Town needed to address the remaining deficiencies listed below which were noted during the initial and follow-up reviews.

- The Town should ensure that both permanent and temporary seeding specifications are included within the plans prior to approval. Staff should also verify that the size of measures are reflected in the supporting design calculations and that all proposed measures are shown within the limits of disturbance.
- 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 calendar days of receipt of a new plan and within 15 calendar days of receipt of a revised plan. Staff should ensure that plans are being reviewed and notice of the official review decision is being sent within the statutory timeframes. When a plan is found to be inadequate, notice of the plan disapproval should be sent. These notices should be sent with the ability to track as to when the applicant has received the notice.
- Erosion and sedimentation control plans shall be disapproved unless the application includes an authorized statement of financial responsibility and documentation of property ownership. 15A NCAC 04B.0118. Staff should ensure that the disturbed acreage shown on the proposed plan matches that on the FRO form and that all FRO forms are notarized. When the Financially Responsible Party is a company/firm, the registered agent information should be included on the FRO form.

Follow Up:

During the continued review period, the Town has provided inspection reports and updates for various projects. The Town has provided the project file for a recently approved and disapproved plan. The Town has stated their coordination with their contracted consultants to ensure that items such as seeding specifications are included and that all proposed measures are shown within the LOD. During the continued review period from February through April 2024, the Town conducted 13 plan review or re-reviews and issued 2 approvals and 9 disapprovals. For the purposes of reporting, a plan disapproval is counted when a plan is found to be inadequate and review comments are sent back to the applicant. Through the Town's current process, official notice of a plan disapproval is not being sent. During this period, the Town conducted 244 inspections and issued no NOVs or CPAs. As of May 1, 2024, the Town reported 64 open projects.

Pecan Lane Lots 1-3:

This project was approved during the continued review period. This project consisted of 3.49 acres disturbed for residential development and is located within the Upper Neuse Subbasin of the Neuse River Basin. The complete application for this project was initially received by the Town in October 2023 and went through 3 review cycles before being approved on April 22, 2024. When the plan was found to be inadequate, the Town sent comments on items that need to be addressed. A notice of the official review decision was not sent back to the applicant during these review cycles and therefore the review timeframes were not being met. The project file contained the approved plan, letter of approval, a copy of the property deed and the FRO form. The registered agent information for the FRP was not included on the FRO form. The approved plan included temporary and permanent seeding specifications and specific maintenance notes for all proposed measures. All proposed measures were shown within the limits of disturbance and the approved plan appeared adequate.

Clayton Dental:

This project was reviewed and disapproved during the continued review period. This project consists of a proposed 2.14 acres disturbed for commercial development and is located within the Upper Neuse Subbasin of the Neuse River Basin. The plan for this project has undergone 3 review cycles so far. When this plan is reviewed and found to be inadequate an email with the review comments is sent back to the applicant. These emails do not include the necessary language notifying the applicant of the official review decision, the applicant's right to appeal the disapproval and are not being sent with the ability to track receipt. Review comments were last sent to the applicant on 2/21/2024.

Conclusion:

The Town has worked with their contracted consultant to address the seeding specifications and other items that were previously missed during plan reviews. However, the Town has still not addressed the deficiencies in the plan review process. Plans are being reviewed and then review comments are sent to the applicants, but no official review decisions are being rendered until a plan is found to be approvable. Once a complete package is received, the plans must be reviewed and notice of the official review decision must be sent to the applicant within 30 days for new plans and 15 days for revised plans. If no official review decision is rendered within the appropriate timeframe, then the project is automatically deemed approved. The Town needs to ensure that when a plan is found to be inadequate, a formal notice of the disapproval is sent stating that the plan is disapproved and includes the reasons for the disapproval. The applicant has the right to appeal a disapproval if written request is made within 15 days of receiving the notice of disapproval. For this reason, notices of disapproval must be sent with the ability to track receipt. The deficiencies in the plan review process were noted during the initial audit on 7/6/2023 and again during the first formal follow up review conducted on 2/2/2024. It was also noted that the registered agent information for the FRP was not included in the FRO form of the recently approved plan. The need to obtain this information was noted and discussed during the follow up on 2/2/2024. Staff stated that they had discussed items that were previously missed during plan reviews with the contracted consultant and the recently approved plan included these items. The approved plan appeared to be adequate. The Town has also updated the local ordinance in accordance with the most recent Model Ordinance.

The Town still needs to address the following deficiencies in the plan review process and missing information on the FRO forms:

- 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 calendar days of receipt of a new plan and within 15 calendar days of receipt of a revised plan. Staff should ensure that plans are being reviewed and notice of the official review decision is being sent within the appropriate timeframes. When a plan is found to be inadequate, notice of the plan disapproval should be sent. These notices should be sent with the ability to track as to when the applicant has received the notice. These notices should also include language notifying the applicant of their right to appeal the disapproval.
- When the Financially Responsible Party is a company/firm, the registered agent information should be included on the FRO form.

DEMLR staff recommend placing the Town of Clayton Erosion and Sedimentation Control Program on Probation with a follow up report to be presented to the SCC during the 2024 Q3 meeting on August 1, 2024.

This report has been prepared based on the initial formal review conducted on 7/6/2023, the subsequent 6-month continued review period, the formal follow up review conducted on 2/2/2024, and the subsequent 3-month continued review period. This report will be presented to the SCC on May 23, 2023.

Local Program Report to the SCC Mecklenburg County, May 23, 2024

On March 14, 2024, personnel from NCDEQ, DEMLR conducted a formal review of the Mecklenburg County Erosion and Sedimentation Control Program. The County was last reviewed and presented to the Sedimentation Control Commission (SCC) in September 2019. The County requires an erosion and sediment control plan for projects disturbing 1 acre or greater. The jurisdiction of the program covers all unincorporated areas of the County and within the Towns of Cornelius, Davidson, Matthews, Mint Hill, and Pineville. At the time of our review the County has 6 staff contributing approximately 4 full time equivalents (FTE) to the program. The County filled an erosion control inspector position in February which had been vacant over the past year. During the previous year from March 2023 through February 2024, the County conducted 177 plan reviews or re-reviews, issued 69 plan approvals and 108 disapprovals. During this same period the County conducted 570 inspections, issued 5 NOVs and 6 CPAs. The County can hold the issuance of a Certificate of Occupancy for any building on a project if there are outstanding erosion control issues. At the time of DEMLR's review, the County had 124 open projects. DEMLR staff reviewed four project files and conducted site inspection on three projects. The following is a summary of the projects reviewed.

1. Euroline Transportation Warehouse:

This project consists of 5.73 acres disturbed for industrial development and is located within the Lower Catawba Subbasin of the Catawba River Basin. 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 registered agent information for the company listed as the Financially Responsible Party (FRP) was missing from the FRO form. The County received the complete application on 9/22/2022 and conducted 5 review cycles prior to issuing the letter of approval on 9/14/2023. A review cycle starts when a complete submittal package is received and ends when the review comments are sent back to the applicant, or the plan is approved. An official review decision was not always being sent through this process and therefore the review decision timeframes are not always being met. The approved plan appeared adequate from a design standpoint; however, specific maintenance notes for some proposed measures were not included. Construction on this project initially began prior to obtaining an approved plan. The County issued a NOV and CPA to this project on 1/10/2023. Work stopped immediately and the County found that temporary ground cover had been provided on disturbed areas during a follow up inspection conducted the following day on 1/11/2023. The county continued to monitor this project and ensured that the site was stable, and no additional disturbance occurred until the erosion control plan had been approved. The County has conducted 8 inspections since September 2023. On the day of the review, mass grading was underway. Silt fence appeared to be installed correctly with a few sections which needed to be maintained. Diversion ditches throughout the site had been matted. One section of the diversion ditch had been removed for installation of the retaining wall. This section would need to be regraded once the retaining wall is complete or prior to anticipated rain events. The skimmer basin had been installed and appeared to be functioning. Stockpiles had been placed adjacent to the skimmer basin and were

actively being worked. Silt fence needed to be installed around the toe of the piles. Minor tracking onto the road was noted and the construction entrance needed to be refreshed with stone. Vegetation had established along completed perimeter and basin slopes. Overall, this site was out of compliance, needing to maintain the construction entrance and clean sediment tracked onto the road.

2. Plantation Estates Ph. 2.

This project consists of 14.1 acres disturbed for residential development and is located within the Lower Catawba Subbasin of the Catawba River Basin. 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 registered agent information for the company listed as the FRP was missing from the FRO form. The County received the complete application on 4/1/2021 and conducted 2 review cycles prior to issuing the letter of approval on 7/14/2021. The approved plan appeared adequate from a design standpoint; however, specific maintenance notes for some proposed measures were not included. Construction on this project began in August 2021 and the County had conducted 20 inspections prior to the review. On the day of the review, vertical construction was underway, interior roads and the storm drain system had been installed. Skimmer basins throughout the site needed to be maintained or repaired. Sediment had accumulated in a couple of basins to the point where the basins were no longer functioning as designed. The need to clean out these basins had been noted on previous inspection reports. A few silt fence outlets below the installed retaining wall needed to be maintained with fresh stone. Completed areas below the retaining walls needed to be stabilized. Curb inlet protection measures appeared to be installed and well maintained throughout the site. A few drop inlet protection measures needed to be maintained. No offsite sediment was noted. Following the day of the review, the County issued an NOV to this site with a compliance deadline set for 3/21/2024. The County met with contractor staff and conducted a follow up inspection on 3/22/2024. During the follow up inspection the inlet protection measures had been maintained and the completed areas below the retaining wall had been seeded and mulched with straw. One of the basins had been properly removed and the area stabilized while repairs and maintenance was underway on others. Accumulated sediment still needed to be removed from the forebays of two basins and the contractor stated that they were waiting for the area to dry out more before completing this. The County conducted another follow up inspection on 4/3/2024 and found that the repairs to the remaining basins had been completed and the site was back into compliance.

3. Clear Creek Office Warehouse:

This project consists of 4.41 acres disturbed for commercial development and is located within the Rocky Subbasin of the Yadkin Pee Dee River Basin. The project file contained the approved plan, letter of approval, design calculations, a copy of the property deed, a landowner consent letter, previous inspection reports and the FRO form. The registered agent information for the company listed as the FRP was missing from the FRO form. The County received the complete application on 10/6/2022 and conducted 3 review cycles prior to issuing the letter of approval on 2/3/2023. The approved plan appeared to be adequate from a design standpoint; however, specific maintenance notes for some proposed measures were not included. Construction on this project began in March 2023 and the County had conducted 10 inspections

prior to the review. On the day of the review, construction of the building had been completed and conversion of the temporary basin to the permanent Stormwater Control Measure (SCM) had begun. Permanent vegetation was establishing throughout completed areas at the front of the site. Sod was being installed in the permanent SCM and the adjacent recently graded slopes were being matted. It appeared that the remainder of the site was being fine graded and prepared for permanent stabilization and landscaping. This site was nearing completion and County staff noted that they would not issue the Certificate of Occupancy until the remaining areas were stable, the permanent SCM is completed, and as-built surveys finalized. No offsite sediment was noted. Overall, this site was in compliance.

4. Champion Tire (File Review Only):

This project consists of 6.14 acres disturbed for commercial development and is located within the Upper Catawba Subbasin of the Catawba River Basin. Construction on this project began prior to obtaining an approved plan. The County issued a NOV and penalty to this project on 11/9/2023. The County conducted a follow up inspection on 11/13/2023 and noted temporary groundcover had been installed and all land disturbing activity had ceased. The County continued to monitor this site to ensure that no additional land disturbance occurred prior to obtaining an approved plan. The County received the complete application for this project on 11/20/2023 and was approved on 12/4/2023. 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 registered agent information for the company listed as the FRP was missing from the FRO form. Construction on this project resumed in mid-December 2023. The County had conducted 4 total inspections including those conducted prior to the project obtaining an approved plan. A field inspection was not conducted for this project during the review.

Positive Findings:

During the review DEMLR Staff noted positive aspects about the Mecklenburg County Erosion and Sedimentation Control Program including:

- Enhanced Erosion Control requirements are implemented within the Goose and McDowell Creek watershed areas, critical and protected watershed districts, and land within 500 feet of listed 303(d) streams. These requirements include the use of high hazard silt fence with wire backing and stone entrenchment along wetlands, streams, lakes and other water bodies, a more restrictive timeframe for ground stabilization, matting of diversion ditches and interior basin slopes, larger basin design volume requirements and others.
- The County has developed a certification program in conjunction with the City of Charlotte to provide training for construction site self-inspectors and other interested participants. This program is meant to ensure that certified individuals are recognized as having achieved the minimum competency requirements as outlined in the County's Ordinance.
- The County can place a hold on the issuance of a Certificate of Occupancy if there are outstanding ESC issues that need to be addressed.
- The County requires that perimeter and the initial phase ESC measures be installed and approved by the County before mass grading of a project can begin.

- Preconstruction meetings are required for all projects.

Issues noted and Required Actions:

During the review DEMLR staff found that the Mecklenburg County Erosion and Sedimentation Control Program had a few deficiencies and will need to implement the following changes:

- The registered agent information was not obtained for all Financially Responsible Parties (FRP) when the FRP is a company or firm.
 - If the FRP is a company or firm the registered agent information must be provided on the FRO form. This applies to both in and out of state companies.
- Sections of the Local Ordinance are outdated or no longer adhere to the General Statutes and NC Administrative Code. The Local Ordinance was last updated in 2008 and will need to be updated in accordance with the most recent General Statute and Administrative Code changes.
 - Staff stated that the Ordinance update process is underway. The Commission has approved the 2022 Model Ordinance, any updates to the Local Ordinance which are substantively different from the Model Ordinance will need to be reviewed and approved by the Commission.
- When a complete package is received, the plans are reviewed, and comments are sent back to the applicant as part of the overall development plan review package. Through this process, an official review decision is not always being sent within the appropriate timeframe.
 - 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 within 15 days of receipt of a revised plan. G.S. 113A-61(b) and 15A NCAC 04B.0118. When plans are found to be inadequate, an official disapproval should be issued. These notices of the disapproval must be sent with the ability to track receipt of the notice by the applicant since the applicant has the right to appeal the disapproval if requested within 15 days of receiving notice of the disapproval.
- Maintenance notes for some proposed measures were missing from approved plans.
 - Specific maintenance notes for each proposed measure should be included within each approved plan.

Recommendations for improvement:

DEMLR staff have also noted a few recommendations that would help to improve the program:

- The SCC has developed a Memorandum of Agreement (MOA) between themselves and locally delegated programs. This MOA outlines the responsibilities and expectations of both the Commission and the locally delegated program. This MOA is not a binding legal contract, nor is it a requirement of your delegation. However, it is highly recommended and encouraged that the County enter this MOA with the Commission.

- The County appears to be monitoring for and providing guidance to the contractors when potential NPDES violations are noted while conducting their inspections. Staff should continue this practice and continue to refer potential violations to the NCDEQ Mooresville Regional Office when necessary.

Conclusion:

Overall, DEMLR found the Mecklenburg County Locally Delegated Erosion and Sedimentation Control Program to be robust but had a few deficiencies. The County will need to ensure that the registered agent information is included on the FRO form when the FRP is a company or firm. This applies to both in-and out-of-state companies. The County will also need to adjust their plan review process to ensure that the erosion and sediment control plan is reviewed, and notification of the official review decision is sent to the applicant within the appropriate timeframe. Review comments can be sent back to the applicant at any time during the review process but if a plan is not adequate at the end of the respective 30- or 15-day review timeframe, an official notice of plan disapproval should be sent. These notices must be sent with the ability to track when the applicant receives the notice. The County is in the process of updating the local ordinance. The County recently filled an open inspector position in February. The County has developed an inspector certification program and implements “Enhanced Erosion Control Requirements” within critical areas within their jurisdiction. Staff demonstrated a thorough understanding of erosion control design, plan review and noted all areas seen by State Staff during site inspections. The NOV and CPA documents recently issued included all the appropriate language and followed the proper procedures. Staff demonstrated an understanding of how to utilize the enforcement tools available to bring sites into compliance, including their ability to place holds on Certificates of Occupancy. The County demonstrated their ability to effectively implement the Local Program’s delegated authority.

DEMLR staff recommend to “Continue Delegation” of the Mecklenburg County Erosion and Sedimentation Control Program. This report has been prepared based on the formal review of the Mecklenburg County Sedimentation Control Program conducted on March 14, 2024, and will be presented to the Sedimentation Control Commission during its 2024 Q2 meeting on May 23, 2024.

Local Program Report to the SCC Orange County, May 23, 2024

On March 19, 2024, personnel from NCDEQ, DEMLR conducted a formal review of the Orange County Erosion and Sedimentation Control Program. The County was last reviewed and presented to the Sedimentation Control Commission (SCC) in November 2019. The County requires an erosion and sediment control plan for all projects disturbing greater than 20,000 sq. ft. and projects disturbing greater than 10,000 sq. ft. if the project is located within the Cane Creek, University Lake, or Upper Eno Watersheds. Jurisdiction of the program covers all areas of the County. The County has approximately 4.25 full time equivalents (FTE) contributing to the program. During the previous year from March 2023 through February 2024 the County conducted 85 plan reviews or re-reviews, issued 61 approvals and 19 disapprovals. During this same period the County conducted 1290 inspections, issued 4 NOVs, 3 Stop Work Orders and no CPAs. The County has the ability to place a hold on building and other developmental permits and inspections in order to bring sites into compliance and has used this additional tool 6 times in the previous year. At the time of DEMLR's review, the County had 167 open projects. DEMLR staff reviewed three project files and conducted site inspection on these projects. The following is a summary of the projects reviewed.

1. Rutowski Residence:

This project consists of 7.0 acres disturbed for residential development and located within the Haw Subbasin of the Cape Fear River Basin. The project file contained the approved plan, letter of approval, design calculations, a copy of the property deed, the FRO form and previous inspection reports. The FRO form on file for this project had not been signed and notarized. The County received the complete application on 10/3/2022 and issued the approval letter on 10/26/2022. The approved plans for this project appeared to be adequate from a design standpoint; however, specific maintenance notes were not included for all proposed measures. Construction on this project began in February 2023 and the County had conducted 7 inspections prior to the review. No NOVs or CPAs have been issued to this project. On the day of the review, vertical construction of the home and barn were underway. The perimeter silt fence and check dams along the entrance drive appeared to be properly installed and maintained. The outlet pipe of the skimmer device needed to be extended through the geotextile liner of the spillway to prevent the discharged water from eroding soil below the liner. The baffles needed to be extended and tied into the basin slopes. A stockpile had been placed directly adjacent to the basin. This had been noted in the previous inspection report from the County and silt fence had been installed along the toe of the stockpile above the basin. This stockpile still needed to be stabilized as it did not appear to have been recently worked. Some minor silt fence maintenance needs and the need to stabilize inactive areas within the appropriate timeframes were noted throughout. Overall, this site was out of compliance, needing to stabilize inactive areas previously noted by the County and some minor maintenance needs. No offsite sediment was noted. The County conducted a follow up inspection on 4/5/2024. Staff noted that corrective actions had not been completed. The County placed a hold on the building permit and set a new compliance deadline of 4/10/2024 for corrective actions to be completed. The building permit hold prevents

any additional building inspections from being scheduled, it also carries a \$200 reinspection fee that must be paid prior to building inspections resuming.

2. Stanat's Place:

This project consists of 7.46 acres disturbed for residential development and is located within the Haw Subbasin of the Cape Fear River Basin. The project file contained the approved plan, letter of approval, design calculations, a copy of the property deed, the FRO Form, a letter of landowner consent and previous inspection reports. The County received the complete application on 4/25/2023 and issued the letter of approval on 5/17/2023. The approved plan for this project showed silt fence to be installed just outside of the limits of disturbance; however, the plan notes stated that all measures were to be installed inside the LOD. One of the slope drains was shown to be placed in the same bay of the skimmer basin bypassing the baffles. A construction detail for the proposed silt bag curb inlet protection and specific maintenance notes for a few other proposed measures were not included. County staff should ensure that all measures are shown within the limits of disturbances and that a construction detail and maintenance notes are included for each proposed measure. Construction on this project began in August 2023 and the County had conducted 5 inspections prior to the review. No NOV's or CPAs had been issued to this project. Active grading was underway on the day of the review. The skimmer basin was installed and appeared to be functioning. One of the slope drains had been installed in the same cell as the skimmer devices as shown on the plans. Staff discussed the need to place the slope drain in the first basin bay to ensure that baffles are not bypassed. County staff noted that one section of the diversion ditch had been disturbed during recent grading and would need to be reinstalled per the approved plan as soon as grading of the area is complete and prior to the next rain event. Diversion ditches throughout the remainder of the site had been stabilized and check dams had been installed. The construction entrance appeared to be functioning and maintained. No offsite sediment was noted. Overall, this project was in compliance with a few minor maintenance needs noted.

3. Buckhorn Business Center Ph. 2:

This project consists of 23.95 acres disturbed for industrial development and is located within the Haw Subbasin of the Cape Fear River Basin. The project file contained the approved plan, letter of approval, design calculations, a copy of the property deed, the FRO form and previous inspection reports. The registered agent information for the FRP was missing from the FRO form. The County received the complete application on 8/1/2022 and went through 5 review cycles before being approved on 12/6/2022. When the plan was found to be inadequate review comments were sent back to the applicant, but no official disapproval was issued. Following the approval in December, the plan for this project has had 2 revisions submitted to and approved by the County. Both revisions were reviewed and notice of the official review decision were sent to the applicant within the appropriate timeframe. The first being adding acreage to the limits of disturbance and the second to change the financially responsible party. The approved plan appeared adequate from a design standpoint; however, the silt fence detail was outdated and did not have the appropriate trenching dimensions. Specific maintenance notes were also missing for some proposed measures. Construction on this project began in February of 2023 and the County had conducted 37 inspections prior to the review. No NOV's or CPAs had been issued

to this project. On the day of the review vertical construction of the building and the stream crossing installation were underway. The skimmer basin appeared to be functioning properly and maintained. The stream diversion and work area dewatering pump with a silt bag was installed. Pumping was not active during the inspection. Staff stated that they had recommended additional silt fence and a couple of silt fence outlets be installed above the stream crossing work area to provide additional protection. These additional measures had been installed and appeared to be maintained. A few drop inlet protection measures needed to be maintained but appeared to be functioning. Completed slopes and diversion ditches had been matted throughout the site. No offsite sediment was noted. Overall, this project was in compliance.

Positives Findings:

During the review DEMLR Staff noted positive aspects about the Orange County Erosion and Sedimentation Control Program including:

- The County has a more restrictive criterion than the State as to when an ESC plan is required. Plans are required for all projects disturbing 20,000 sq. ft. and projects disturbing greater than 10,000 sq. ft. if the project is located within the Cane Creek, University Lake, or Upper Eno Watersheds. Also, the County requires that a “Waiver” is obtained for projects in a protected watershed but disturbing less than 10,000 sq. ft. This waiver requires the owner to acknowledge that while an approved ESC plan and permit is not required, the responsibility to retain sediment still applies.
- The County requires a preconstruction meeting for all approved projects.
- The County can place a hold on building permits and various development inspections and issue Stop Work Orders as additional tools to bring sites back into compliance.
- The County requires that perimeter and initial phase ESC measures be installed and approved by County staff before mass grading of a project can begin.

Deficiencies Noted and Corrective Actions Needed:

During the review DEMLR staff found that the Orange County Erosion and Sedimentation Control Program had a few deficiencies and will need to implement the following changes:

- The FRO form in one of the project files had not been signed and notarized. The registered agent information for the company listed as the FRP was missing on the FRO form for another project.
 - Erosion and sedimentation control plans shall be disapproved unless the application includes an authorized statement of financial responsibility and documentation of property ownership. 15A NCAC 04B.0118. The signed and notarized FRO form should be obtained and retained in the project file prior to approval of the ESC plan. When the FRP is a company or firm, their registered agent information should be included on the FRO form. This applies to both in- and out-of-state companies.
- Maintenance notes for some proposed measures were not included in all approved plans.
 - Specific maintenance notes for each proposed measure should be included within each approved plan.

Recommendations for Improvement:

DEMLR staff have also noted a few recommendations that would help to improve the program:

- Staff appear to be monitoring for potential NPDES violations and provide guidance to contactors onsite. Staff should continue to monitor for potential violations and provide guidance to contractors while conducting inspections. Refer potential violations to the Raleigh Regional Office when necessary.

Conclusion:

During the review, DEMLR staff noted the Orange County locally delegated erosion and sedimentation control program had a few deficiencies. Staff should ensure that the registered agent information is provided on the FRO form if the FRP is a company or firm. The County also needs to retain the fully signed and notarized FRO form in the project file. Plans should not be approved until this form is completed. Following the local program workshop last year, the County adjusted their plan review process to ensure that notice of the official review decision is being sent to the applicant within the appropriate timeframes. The Buckhorn Business Center Ph. 2 project was reviewed prior to these changes being implemented. The other two projects were reviewed and notice of the review decision was sent to the applicant within the appropriate timeframe. Staff discussed the current plan review process and provided a copy of the current review decision letter templates. These templates included all of the required language. Staff also stated that letters of disapproval are being sent with the ability to track receipt by the applicant. Overall, staff appeared to be conducting adequate plan reviews but should ensure that proposed measures are shown within the limits of disturbance and that all construction details are up to date. Staff noted all areas seen by State staff while conducting inspections. The County requires an erosion control plan for projects disturbing a lower threshold than the state and also requires a signed waiver for projects that do not require a plan. This waiver helps to ensure that the responsible parties are aware of their responsibility to retain sediment on their site regardless of if a plan is required or not. Staff have demonstrated their understanding and ability to implement enforcement tools to bring sites back into compliance, including placing a hold on the building permits and development related inspections. The County has also updated the Local Ordinance in accordance with the most recent Model Ordinance. Staff stated they are starting to host a quarterly luncheon with developers, engineers and contractors as an additional outreach and educational opportunity. The County has worked to update the local ordinance and had taken proactive actions to address some of the common deficiencies discussed during the previous Local Program Workshop and in other program audits. Overall, the County demonstrated their ability to effectively implement the Local Program's delegated authority.

DEMLR staff recommend to "Continue Delegation" of the Orange County Erosion and Sedimentation Control Program. This report has been prepared based on the formal review of the Orange County Sedimentation Control Program conducted on March 19, 2024, and will be presented to the Sedimentation Control Commission during its 2024 Q2 meeting on May 23, 2024.

Local Program Report to the SCC Haywood County, May 23, 2024

On April 2, 2024, personnel from NCDEQ, DEMLR conducted a formal review of the Haywood County Erosion and Sedimentation Control Program. The County was last reviewed and presented to the Sedimentation Control Commission (SCC) in November 2019. The county requires an erosion and sediment control plan for all projects disturbing ½ acre or more. Projects disturbing less than ½ acre are required to submit a “small lot plan” through the County Building Department. A small lot plan includes the financially responsible party (FRP) information, and acknowledgement of the FRP’s responsibilities to retain sediment even though an erosion and sediment control plan is not required. Jurisdiction of the program covers all unincorporated areas of the county and within the Towns of Clyde and Maggie Valley. The County has approximately 2 full-time equivalents (FTE) contributing to the program. During the previous year from March 2023 through February 2024 the County conducted 18 reviews or re-reviews, issued 17 approvals and 1 disapproval. During this same period the County conducted 316 inspections, issued 13 NOVs and no CPAs. The County has the ability to place a hold on the building permits and inspections as additional tools to bring sites back into compliance. The County has utilized these tools 13 times in the previous year. At the time of DEMLR’s review, the County had 18 open projects. DEMLR staff reviewed three project files and conducted site inspections on these projects. The following is a summary of the projects reviewed.

1. Springdale Driving Range Expansion

This project consists of 6.47 acres disturbed for commercial development and located within the Pigeon Subbasin of the French Broad River Basin. The project file contained the approved plan, a letter of approval, a copy of the property deed, the FRO form and previous inspection reports. The registered agent information for the FRP was not included on the FRO form. The proposed basin dimensions were noted on the plan; however, the design calculations were not included in the project file. Staff should ensure that design calculations are included with the erosion and sediment control plan and that measures are properly designed for the proposed drainage area. Specific maintenance notes for some proposed measures were not included in the approved plan. The County received the complete application package on 11/7/2022 and approved the plan on 11/16/2022. Construction on this project began in 2022 and the County issued an NOV on 1/24/2023 noting that areas had been disturbed outside of the approved limits of disturbance. The County coordinated with the Division of Water Resources and the U.S. Army Corp of Engineers to facilitate required revisions to the plans. The County received a set of revised plans on 3/29/2023. These plans were disapproved and the County continued to coordinate with DWR and USACE to ensure that all areas of concern were addressed. The County received a set of revised ESC plans including the relevant revisions approved by DWR and USACE on 7/27/2023 and issued the approval letter on 8/17/2023. It was also noted that these revisions included proposed impact to a trout buffer. It did not appear that a Trout Buffer Waiver from DEMLR had been obtained. State Staff discussed that the financial responsible party would need to submit an application for a waiver immediately. The County had issued 6 official inspection reports. They stated that a formal inspection report is not always generated following an inspection. County

staff will coordinate directly with the FRP and onsite contacts for minor repairs and maintenance needs and were not always issuing an inspection report when a site was found to be in compliance. On the day of the review, grading was underway. The silt fence had been installed improperly with the wire backing placed on the wrong side of the fence. It appeared that some rills had formed underneath the matting installed along one section of the stream bank. Recently graded slopes below the parking areas had been matted while slopes above still needed to be stabilized. Inlet protection measures appeared to be functioning. The section of stream restoration had been matted with coir fiber matting and live staking had been installed. However, these restoration measures did not appear to be the proper width from the stream and would need to be extended to meet the details of the approved plan. Minor sediment loss into the unnamed tributary running along one side of the site of approximately 5 gallons was noted. The sediment in the stream did not appear to have moved beyond the limits of disturbance of the site but would need to be removed and the areas disturbed stabilized in accordance with the stream restoration plan. It appeared that a strip along the adjacent power line had been disturbed as well. This area had not been included in the approved plan. The County issued a NOV to this site based on these findings. The County sent the NOV on 4/9/2024 and noted a compliance deadline of 5/13/2024 for all corrective actions to be completed.

2. Pisgah Rd. Retail Store:

This project consists of 2.6 acres disturbed for commercial development and is located within the Pigeon Subbasin of the French Broad River Basin. 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 appeared adequate. However, specific maintenance notes for some proposed measures were not included in the approved plan. The County received the complete application on 7/24/2023 and issued the approval on 8/21/2023. Construction of this project began shortly afterwards. The County had issued 1 formal inspection report. Staff stated that more frequent inspections are conducted, but an official report is not always generated. No NOVs or CPAs had been issued to this project. On the day of the review, the building foundation was being poured. The perimeter silt fence appeared to be functioning; however, it had been installed using wooden stakes and was not trenched in properly. The construction entrance appeared to be functioning and maintained. A recently completed section of the roadside ditch had been matted with wattles installed while another section appeared to have recently been graded and needed to be stabilized if completed. Overall, this site was out of compliance, needing to reinstall silt fence per the construction detail in the approved plan. No offsite sediment was noted.

3. Johnathon Creek Subdivision:

This project consists of 5.15 acres disturbed for residential development and is located within the Pigeon Subbasin of the French Broad River Basin. The project file contained the approved plan, letter of approval, a copy of the property deed, and the FRO form. The approved plan for this project was for lot development only and appeared to be adequate. The County received the complete application on 3/6/2024 and issued the letter of approval on 3/11/2024. The County had not conducted any inspections on this project prior to the day of the review. On the day of the review, disturbance of individual lots had begun. Silt fence and construction entrances had

been installed on individual lots. Curb inlet protection measures had been installed along the active areas. A few drop inlet protection measures behind the first row of lots would need to be maintained prior to the surrounding lots being disturbed. The areas surrounding these drop inlets and the remaining inactive lots appeared to be stabilized. Overall, this project was in compliance. No offsite sediment loss was noted.

Positives Findings:

During the review DEMLR Staff noted positive aspects about the Haywood County Erosion and Sedimentation Control Program including:

- The County has a more restrictive criterion than the State as to when an ESC plan is required. Plans are required for all project disturbing ½ acre or more. Projects disturbing less than ½ acre are required to submit a “small lot plan” where they provide the responsible party information and acknowledge their responsibility to retain sediment on their site.
- The County can place a hold on various development inspections and issue Stop Work Orders as additional tools to bring sites back into compliance.
- The County requires an erosion and sediment control bond for projects greater than 5 acres.
- The County recently updated their local ordinance in accordance with recent Model Ordinance changes.

Deficiencies Noted and Corrective Actions Needed:

During the review DEMLR staff found that the Haywood County Erosion and Sedimentation Control Program had a few deficiencies and will need to implement the following changes:

- The registered agent information for the company listed as the FRP was missing on the FRO form for another project.
 - When the FRP is a company or firm, their registered agent information should be included on the FRO form. This applies to both in- and out-of-state companies.
- Maintenance notes for some proposed measures were not included in all approved plans.
 - Specific maintenance notes for each proposed measure should be included within each approved plan.
- The County stated that they are conducting inspections at least monthly on projects disturbing greater than ½ acre but are not always generating an official inspection report. Staff will often communicate any minor repairs or maintenance needs through a phone call to the onsite contact or FRP. Staff also stated that they typically would not generate a report if the site was found to be in compliance.
 - The County should document inspections using an official inspection report. An official inspection should be conducted periodically and regularly. (MOA Part III (D)) The Commission has established that an inspection frequency of at least monthly should be conducted on all projects. Staff should document

their inspection findings at least monthly for each project and issue an official inspection report, even if the site is found to be in compliance.

Recommendations for Improvement:

DEMLR staff have also noted a few recommendations that would help to improve the program:

- Staff appear to be monitoring for potential NPDES violations and provide guidance to contactors onsite. Staff should continue to monitor for potential violations and provide guidance to contractors while conducting inspections. Refer potential violations to the Asheville Regional Office when necessary.
- The County is aware of the high quality, specifically designated trout waters within their jurisdiction, and works to ensure that the design standards for these areas are being met when reviewing plans. The County requires a larger plan review fee for projects with trout waters on site. It is recommended that the County continue to put an emphasis on protecting these areas. DEMLR encourages staff to note the need to obtain a Trout Water Buffer Waiver from DEQ and direct applicants to the DEMLR Asheville Regional Office if necessary.

Conclusion:

During the review, DEMLR staff noted the Haywood County locally delegated erosion and sedimentation control program had a few deficiencies. Staff should ensure that the registered agent information is provided on the FRO form if the FRP is a company of firm. The County should also ensure that specific maintenance notes are included in the plans for all proposed measures. One project file did not include the design calculations. The skimmer basin dimensions were included on the plan; however, staff should ensure that these calculations are included in the application submittal and retained in the project file. Design calculations were included in other project files. Documentation of property ownership was obtained and retained in each project file. Plans were reviewed and notification of the plan review decision was sent within the appropriate timeframes. When a plan is disapproved, notice of the disapproval is being sent with the ability to track receipt. The County requires an erosion and sediment control plan for all projects disturbing greater than ½ acre and requires a “Small Lot Plan” for projects disturbing less than ½ acre. Staff stated that inspections are conducted on each project monthly, but a formal inspection report is not always generated. Moving forward staff will need to document inspection findings, even when the site is found to be in compliance. Staff noted all areas seen by State Staff while conducting site inspections. The County has updated their local ordinance in accordance with the most recent model ordinance. Overall, the County has demonstrated their ability to effectively implement the Local Program’s delegated authority.

DEMLR staff recommend to “Continue Delegation” of the Haywood County Erosion and Sedimentation Control Program. This report has been prepared based on the formal review of the Haywood County Sedimentation Control Program conducted on April 2, 2024, and will be presented to the SCC during its 2024 Q2 meeting on May 23, 2024.

MEMORANDUM OF AGREEMENT

BETWEEN

THE NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION

AND

LOCAL GOVERNMENT

This MEMORANDUM OF AGREEMENT is entered into between the **North Carolina Sedimentation Control Commission** (hereinafter, “Commission”) and ***Local Government*** (hereinafter, “***Local Government***,” collectively, “Parties”) for the purpose of clarifying their roles in the enforcement of the Sedimentation Pollution Control Act of 1973, N.C. Gen. Stat. Ch. 113A Art. 4 and any rules adopted pursuant to the Act (hereinafter collectively, “SPCA.”)

Part I. Local Program Creation.

A. Model Ordinance

The Parties agree that the Commission shall do the following:

1. Per N.C. Gen. Stat. § 113A-54 (d) (1), provide a model erosion and sedimentation control ordinance (hereinafter, “model ordinance”) for adoption by local governments who wish to operate a delegated local erosion and sedimentation control program (hereinafter, “local program.”)
2. Update its model ordinance upon changes in the SPCA.

B. Proposed Ordinance Review

The Parties agree that:

1. Local governments who choose to create and operate a local program may do so by ordinance (hereinafter, “local program ordinance”.) However, the local government must submit the proposed local program ordinance to the Commission for review prior to adoption.

2. North Carolina General Statute § 113A-60(b) requires the Commission to review, approve, approve as modified, or disapprove proposed local program ordinances based upon the minimum requirements of the SPCA.
3. The Commission shall review a local program ordinance submitted and, within 90 days of receipt thereof, shall notify the local government submitting the program that it has been approved, approved with modifications, or disapproved.
4. The local program's erosion and sedimentation control standards must equal or exceed those of the SPCA.
5. The *Local Government* has an existing local program and an ordinance approved by the Sedimentation Control Commission.

Part II. Responsibilities and Expectations of the Commission.

A. Local Program Review

The Parties agree that the Commission shall do the following:

1. Review periodically approved local programs for compliance with the SPCA. The results of the reviews shall be presented at the next quarterly meeting of the Commission.
2. If the Commission determines that any local government is failing to administer or enforce an approved erosion and sedimentation control program, it shall notify the local government in writing and shall specify the deficiencies of administration and enforcement.
3. If the local government has not taken corrective action within 30 days of receipt of notification from the Commission, the Commission shall assume administration and enforcement of the program until such time as the local government indicates its willingness and ability to resume administration and enforcement of the program.

B. Training and Education for Local Programs

The Parties agree that the Commission shall provide the following:

1. Educational programs in erosion and sedimentation control directed toward persons engaged in land-disturbing activities, general educational materials on erosion and sedimentation control, and instructional materials for persons involved in the enforcement of the SPCA and erosion and sedimentation control rules, ordinances, regulations, and plans.
2. Manuals and publications to assist in the design, construction and inspection of erosion and sedimentation control measures.
3. Periodic reviews of local erosion and sedimentation control programs and through the reviews provide recommendations to improve program administration.
4. Technical assistance in review of draft erosion and sedimentation control plans for complex activities.

C. Concurrent Jurisdiction

The Parties agree that the Commission shall maintain concurrent jurisdiction with the local government for land-disturbing activities and may take appropriate compliance action if the Commission determines that the local government has failed to take appropriate compliance action. The Commission shall provide the local government 30 days written notice if the Commission intends to take compliance action except where exigent circumstances exist. For the purposes of this Agreement, exigent circumstances are defined as where failure to take immediate action would result in the serious and long-lasting damage to public or private property or significant risk of injury or loss of life such as in a natural disaster, technological failure, or man or nature made accident.

D. Exclusive Jurisdiction

The Parties agree that the Commission shall maintain exclusive jurisdiction to administer the SPCA for all land disturbing activities that:

1. Are outlined in North Carolina General Statute § 113A-56; or
2. Relate to oil and gas exploration and development on the well pad site.

Part III. Responsibilities and Expectations of the Local Government.

A. Enforcement

The Parties agree that the local government shall administer its own local program ordinances, through the following:

1. Enforce the provisions of the SPCA.
2. Administer the SPCA for all land-disturbing activity within its jurisdiction, including existing sites at the time the local government received program delegation. The Commission may continue to administer the SPCA over specific projects under enforcement action upon mutual agreement with the local government. The local program is not responsible for activities over which the Commission has exclusive jurisdiction.
3. Employ a sufficient number of qualified personnel. Qualified personnel shall be competent to review sedimentation and erosion control plans and conduct inspections of land-disturbing activities.
4. Provide adequate resources for plan review and compliance inspections.

B. Reporting

The Parties agree that the local government shall provide the following reports/information:

1. Monthly activity reports to the Commission.
2. Notification to the appropriate regional office of DEMLR of issuance of Notices of Violation at the time the violator is notified.
3. Current contact information for their local program to the Division of Energy, Mineral, and Land Resources.

C. Sediment and Erosion Control Plans for Land-Disturbing Activity Review

The Parties agree that the local government shall review erosion and sedimentation control plans for land-disturbing activity (hereinafter, “plans”) submitted to its local program under the following standards:

1. Review plans within 30 days of receipt of a new plan and within 15 days of a revised plan.

2. Approve, approve with modifications, or disapprove draft plans in conformance with the basic control objectives contained in 15A NCAC 04B .0106.
3. Notify in writing the person submitting the plan that it has been approved, approved with modifications, or disapproved within 30 days of receipt of a new plan and within 15 days of a revised plan.
4. Include in written notifications of plan approval the following:
 - a. reference to NPDES General Stormwater Permit NCG 010000,
 - b. expiration date of the approval,
 - c. the right of periodic inspection, and
 - d. condition the approval upon the applicant's compliance with federal and State water quality laws, regulations, and rules.
5. Enclose with all written permit notifications the Certificate of Approval for posting at the site of the land-disturbing activity.

D. Inspection

The Parties agree that the local government shall inspect all sites undergoing land-disturbing activity under the following standards:

1. Periodically and regularly inspect sites undergoing land-disturbing activity within its jurisdiction. Periodically and regularly means with sufficient frequency to effectively monitor compliance with the SPCA and rules adopted pursuant to the SPCA and the local erosion and sedimentation control ordinance.
2. Document all inspections in writing, including electronic documents.
3. Inspection reports shall include, at a minimum, all information in the model sedimentation inspection report developed by the Commission.
4. Maintain inspection records for active projects in accordance with State and local record retention policies.

E. Enforcement

The Parties agree that the local government shall enforce its local program ordinance under the following standards:

1. Issue Notices of Violation (hereinafter, “NOV”) for any significant violation of the SPCA, rules adopted pursuant to the SPCA, or the local erosion and sedimentation control ordinance documented in an inspection report. An NOV shall be issued to the persons responsible for the violations, pursuant to N.C. Gen. Stat. § 113A-61.1.
2. The NOV shall specify the following:
 - a. describe the violation with reasonable particularity
 - b. request that all illegal activity cease
 - c. the actions that need to be taken to comply with the SPCA and the local ordinance
 - d. a date by which the person must comply with the SPCA and the local ordinance
 - e. inform the violator that any person who fails to comply within the time specified is subject to additional civil and criminal penalties for a continuing violation as provided in G.S. 113A-64 and the local ordinance
3. Undertake appropriate enforcement actions, including injunctive relief, or assessment of civil penalties for an initial penalty or a daily penalty for continuing violations.
4. Require a person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by G.S. 113A-57(3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation.

F. Termination of Local Program

1. Should LOCAL GOVERNMENT decide to end their local programs and return jurisdiction to the Commission shall provide 120 days written notice of their intent to the Commission and the Department of Environmental Quality (hereinafter “Department”) to end the local program and transfer existing projects to the Commission, by and through the Department. Included in the notice shall be a list of all open projects that fall under

the local program.

- a. Upon sending notice of intent to end the local program, the Local Government shall not accept any new applications for new land-disturbing activities.
- b. Local Government shall undertake and provide evidence to the Commission that they have removed provisions in their local Ordinance pertaining to the local program or local jurisdiction for the SPCA.
- c. Within 90 days prior to the expiration of their local program, the Local Government shall provide the Department copies of all its local program projects including all applications, inspection reports, enforcement documentation. Staff from the local program shall make themselves available to the Department staff to do any necessary site visits or coordinate inspections.
- d. Within 60 days prior to the expiration of the local program, the Local government shall notify the responsible party for all active local program projects that the local program is ending and with the contact information for the relevant staff at the Department.
- e. Within 14 days prior to the expiration of the local program, local program staff shall provide a written update to all active projects under the jurisdiction including contact information for each project, copies of any and all permits, current photos of the project, description of any enforcement actions taken, and the status of the project.
- f. Any legal action or existing litigation undertaken by the local government under the local program must stay with the local government and cannot be transferred to the Department. This does not prevent the Department from taking new actions against violators for new or continuing violations of the SPCA.

4.2. This section only applies to local governments who choose to terminate their local programs. In an instance where a local program fails to comply with the terms of this Agreement or fails to satisfactorily administer or enforce the terms of the SPCA as determined under Part II Section A above, the Commission shall establish a schedule for the transfer of the local program to the Department.

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IN WITNESS HEREOF, the Parties enter into this Memorandum of Agreement, this the _____ day of _____ 20__.

SEDIMENTATION CONTROL COMMISSION

LOCAL GOVERNMENT

By: _____

Name of Chair

Dated: _____

By: _____

Name #1

Title: Mayor/Council Chair/Commissioner

Dated: _____

By: _____

Name #2

Title: Mayor/Council Chair/Commissioner

Dated: _____

Approved as to Form

Approved as to Form

Name of Counsel to the Commission

Dated: _____

Name #3

Local Government Attorney

Dated: _____

Appendix I.

NORTH CAROLINA GENERAL STATUTES

Sedimentation Pollution Control Act (Ch. 113A Art. 4)

(selected statutes)

§ 113A-54. Powers and duties of the Commission.

(d) In implementing the erosion and sedimentation control program, the Commission shall:

- (1) Assist and encourage local governments in developing erosion and sedimentation control programs and, as a part of this assistance, the Commission shall develop a model local erosion and sedimentation control ordinance. The Commission shall approve, approve as modified, or disapprove local programs submitted to it pursuant to G.S. 113A-60.

and sedimentation control program to be administered by it, if the program has been approved by the Commission as being in conformity with the general State program.

- (c) The Commission shall have concurrent jurisdiction with local governments that administer a delegated erosion and sedimentation control program over all other land-disturbing activities. In addition to the authority granted to the Commission in G.S. 113A-60(c), the Commission has the following authority with respect to a delegated erosion and sedimentation control program:

§ 113A-56. Jurisdiction of the Commission.

(a) The Commission shall have jurisdiction, to the exclusion of local governments, to adopt rules concerning land-disturbing activities that are:

- (1) Conducted by the State.
- (2) Conducted by the United States.
- (3) Conducted by persons having the power of eminent domain other than a local government.
- (4) Conducted by a local government.
- (5) Funded in whole or in part by the State or the United States.

- (1) To review erosion and sedimentation control plan approvals made by a delegated erosion and sedimentation control program and to require a revised plan if the commission determines that a plan does not comply with the requirements of this Article, or the rules adopted pursuant to this Article.

- (2) To review the compliance activities of a delegated erosion and sedimentation control program and to take appropriate compliance action if the Commission determines that the local government has failed to take appropriate compliance action.

(b) The Commission may delegate the jurisdiction conferred by G.S. 113A-56(a), in whole or in part, to any other State agency that has submitted an erosion

(1973, c. 392, s. 7; c. 1417, s. 4; 1987, c. 827, s. 130; 1987 (Reg. Sess., 1988), c. 1000, s. 4; 2002-165, s. 2.5; 2006-250, s.2.)

§ 113A-60. Local erosion and sedimentation control programs.

(a) A local government may submit to the Commission for its approval an erosion and sedimentation control program for its jurisdiction and may adopt ordinances and regulations necessary to establish and enforce erosion and sedimentation control programs. An ordinance adopted by a local government may establish a fee for the review of an erosion and sedimentation control plan and related activities. The fee shall be calculated on the basis of either the number of acres disturbed or in the case of a single-family lot in a residential development or common plan of development that is less than one acre set at no more than one hundred dollars (\$100.00) per lot developed. Local governments are authorized to create or designate agencies or subdivisions of local government to administer and enforce the programs. Except as otherwise provided in this Article, an ordinance adopted by a local government shall at least meet and may exceed the minimum requirements of this Article and the rules adopted pursuant to this Article.

(a1) Two or more units of local government are authorized to establish a joint program and to enter into any agreements that are necessary for the proper administration and enforcement of the program. The resolutions establishing any joint program must be duly recorded in the minutes of the governing body of each

unit of local government participating in the program, and a certified copy of each resolution must be filed with the Commission.

(b) The Commission shall review each program submitted and within 90 days of receipt thereof shall notify the local government submitting the program that it has been approved, approved with modifications, or disapproved. The Commission shall only approve a program upon determining that its standards equal or exceed those of this Article and rules adopted pursuant to this Article.

(b1) When a development project contains an approved erosion control plan for the entire development, a separate erosion control plan shall not be required by the local government for development of individual residential lots within that development that disturb less than one acre if the developer and the builder are the same financially responsible person. For review of an erosion control plan for a single-family lot in a common plan of development under this subsection where the developer and builder are different, the local government may require no more than the following information:

- (1) Name, address, telephone number, and email of owner of lot being developed.
- (2) Street address of lot being developed.
- (3) Subdivision name.
- (4) Lot number.
- (5) Tax parcel number of lot being developed.
- (6) Total acreage of lot being developed.
- (7) Total acreage disturbed.
- (8) Anticipated start and completion date.
- (9) Person financially responsible.
- (10) Signature of person financially responsible.

(11) Existing platted survey of the lot.

(12) A sketch plan showing erosion control measures for the lot being developed, but the sketch shall not be required to be under the seal of a licensed engineer, landscape architect, or registered land surveyor unless there is a design feature requiring such under federal or State law or regulation.

(b2) Except as may be required by federal law, rule, or regulation, a local erosion control program under this Article shall provide for all of the following:

(1) That no periodic self-inspections or rain gauge installation is required on individual residential lots where less than one acre is being disturbed on each lot.

(2) For a land-disturbing activity on more than one residential lot where the total land disturbed exceeds one acre, the person conducting the land-disturbing activity may submit for approval a single erosion control plan for all of the disturbed lots or may submit for review and approval under subsection (b1) of this section the erosion control measures for each individual lot.

(b3) No development regulation under Chapter 160D of the General Statutes or any erosion and sedimentation control plan under a local program shall require any of the following:

(1) A silt fence or other erosion control measure to be placed in a location where, due to the contour and topography of the development site, that erosion control measure would not substantially and materially retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of the tract.

(2) A wire-backed reinforced silt fence where, due to the contour and topography of the development site, that fence would not substantially and materially retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of the tract.

(c) If the Commission determines that any local government is failing to administer or enforce an approved erosion and sedimentation control program, it shall notify the local government in writing and shall specify the deficiencies of administration and enforcement. If the local government has not taken corrective action within 30 days of receipt of notification from the Commission, the Commission shall assume administration and enforcement of the program until such time as the local government indicates its willingness and ability to resume administration and enforcement of the program.

(d) A local government may submit to the Commission for its approval a limited erosion and sedimentation control program for its jurisdiction that grants the local government the responsibility only for the assessment and collection of fees and for the inspection of land-disturbing activities within the jurisdiction of the local government. The Commission shall be responsible for the administration and enforcement of all other components of the erosion and sedimentation control program and the requirements of this Article. The local government may adopt ordinances and regulations necessary to establish a limited erosion and sedimentation control program. An ordinance adopted by a local government that establishes a limited program shall conform to the minimum requirements regarding the

inspection of land-disturbing activities of this Article and the rules adopted pursuant to this Article regarding the inspection of land-disturbing activities. The local government shall establish and collect a fee to be paid by each person who submits an erosion and sedimentation control plan to the local government. The amount of the fee shall be an amount equal to eighty percent (80%) of the amount established by the Commission pursuant to G.S. 113A-54.2(a) plus any amount that the local government requires to cover the cost of inspection and program administration activities by the local government. The total fee shall not exceed one hundred dollars (\$100.00) per acre. A local government that administers a limited erosion and sedimentation control program shall pay to the Commission the portion of the fee that equals eighty percent (80%) of the fee established pursuant to G.S. 113A-54.2(a) to cover the cost to the Commission for the administration and enforcement of other components of the erosion and sedimentation control program. Fees paid to the Commission by a local government shall be deposited in the Sedimentation Account established by G.S. 113A-54.2(b). A local government that administers a limited erosion and sedimentation control program and that receives an erosion control plan and fee under this subsection shall immediately transmit the plan to the Commission for review. A local government may create or designate agencies or subdivisions of the local government to administer the limited program. Two or more units of local government may establish a joint limited program and enter into any agreements necessary for the proper administration of the limited program. The resolutions establishing any joint limited program must be duly recorded in the minutes of the governing body of each

unit of local government participating in the limited program, and a certified copy of each resolution must be filed with the Commission. Subsections (b) and (c) of this section apply to the approval and oversight of limited programs.

(e) Notwithstanding G.S. 113A-61.1, a local government with a limited erosion and sedimentation control program shall not issue a notice of violation if inspection indicates that the person engaged in land-disturbing activity has failed to comply with this Article, rules adopted pursuant to this Article, or an approved erosion and sedimentation control plan. The local government shall notify the Commission if any person has initiated land-disturbing activity for which an erosion and sedimentation control plan is required in the absence of an approved plan. If a local government with a limited program determines that a person engaged in a land-disturbing activity has failed to comply with an approved erosion and sedimentation control plan, the local government shall refer the matter to the Commission for inspection and enforcement pursuant to G.S. 113A-61.1.

(1973, c. 392, s. 11; 1993 (Reg. Sess., 1994), c. 776, s. 7; 2002-165, s. 2.8; 2006-250, s. 3; 2021-121, s. 5(c).)

**North Carolina Department of Transportation
Roadside Environmental Unit
Erosion & Sedimentation / Stormwater Report**

ICA / PCN

Immediate Corrective Action / Permit Consultation Needed

This project does not comply with the North Carolina Erosion and Sedimentation Control laws. Immediate Corrective Action is needed to resolve the situation to full compliance with the Law: (T15A: 04B.0000). This project does not comply with the permit requirements for the project. Permit consultation is needed to resolve the situation to full compliance.

Project Information

Inspection Date: 04/16/2024 **Evaluator:** Justin Davis
Project #: 38222.3.3 **TIP #:** B-4786 **Contract #:** C204376
Division #: 2 **County:** Pitt
Project Type: Contract **Engineer:** Greenville Resident
Project Length: 0.60 **Disturbed Acres:** 0
River Basin: Tar-Pamlico **HQW Zone:** NO **Trout Zone:** NO
Location Description: Bridge #38 on US 13 over the Tar River

Project Evaluation

Report Type: Routine ICA ICA Ex 1st ICA Ex 2nd CICA - SWO
 PCN ECPAR

Length	Section	Installation of BMPs	Maintenance of BMPs	Effectiveness of BMPs	Plan Implementation	Overall Project Evaluation
0.6	The Entire Project	6	7	6	6	6

Grading Scale: 0 - 6 = Immediate Corrective Action Required, 7 = Fair, 8 = Good, 9 = Very Good, 10 = Excellent

Remarks and Recommendations:

An ICA/PCN is being issued for two permit violations.

*1. Waste material from the project has been taken to an unapproved site. Approximatley 12 dump truck loads. Material will need to be collected and taken to the approved waste site.

*2. Near End Bents 6 and 7, rock fill material has been placed in an unapproved location. Some of the rock ended up in the river. We need to meet onsite and discuss the permitted areas. Project is currently in a moratorium, in water work is not allowed. We will need to discuss the proper methods to remove the rock in the river.

**I will return in 5 days to review the violations. If a good effort has been made, I will reaccess the ICA.

-Met onsite with Chris Rivenbark and inspectors. Walked site and reviewed the inspectors concerns.

-Chris and I agreed on the violation at End Bents 6 and 7.

-The inspectors informed me of the material being taken to an unapproved site. They had followed the dump trucks earlier and found the site.

North Carolina Department of Transportation Roadside Environmental Unit Erosion & Sedimentation / Stormwater Report



Project Information

Inspection Date: 04/23/2024 Evaluator: Justin Davis
 Project #: 38222.3.3 TIP #: B-4786 Contract #: C204376
 Division #: 2 County: Pitt
 Project Type: Contract Engineer: Greenville Resident
 Project Length: 0.60 Disturbed Acres: 0
 River Basin: Tar-Pamlico HQW Zone: NO Trout Zone: NO
 Location Description: Bridge #38 on US 13 over the Tar River

Project Evaluation

Report Type: Routine ICA ICA Ex 1st ICA Ex 2nd CICA - SWO
 PCN ECPAR

Length	Section	Installation of BMPs	Maintenance of BMPs	Effectiveness of BMPs	Plan Implementation	Overall Project Evaluation
0.6	The Entire Project	8	8	8	8	8

Grading Scale: 0 - 6 = Immediate Corrective Action Required, 7 = Fair, 8 = Good, 9 = Very Good, 10 = Excellent

Remarks and Recommendations:

An ICA/PCN was issued on 4/16/2024 for the following violations.

ICA-*1. Waste material from the project had been taken to an unapproved site.*

-I visited the dump site on 4/23/2024. All material has been removed and taken to the approved ST Wooten site. No issues noticed. The ICA is lifted.

PCN-*2. Near End Bents 6 and 7, rock fill material has been placed in an unapproved location. Some of the rock ended up in the river. We need to meet onsite and discuss the permitted areas. Project is currently in a moratorium, in water work is not allowed. We will need to discuss the proper methods to remove the rock in the river.*

-I met with Cadmus, Jordan, Jason, Tim and Robert with English the contractor, onsite Wednesday 4/17/2024. This was the day after the PCN was issued. We discussed the permit onsite. Jordan drew up a layout of the area in question and comments were handled. It was requested that the contractor remove any new rock from the water, very carefully. We had Chris Rivenbark on the phone and discussed the issue with Cadmus.

-Chris and Garcy reviewed the site on 4/22/2024. I discussed their inspection with Chris. Chris' concerns have been handled with the new turbidity curtain and rock removed from the water. It was noted, when the water level drops and new rock is visible, it will need to be removed. The work pad area is not a violation, it will need to be maintained to prevent any more rock from getting into the wtaer. It was requested that we plan to replant the area affected by the work pad. Also the turbidity curtain on the south side needs to be tightened up.

-I returned on the 5th working day, 4/23/2024 and reviewed the site. I found the site in the same condition as Garcy and Chris did the day before. Timber mats have been placed on the west corner of the retaining wall. After work is completed in the area, I will reach out to Chris when the time comes and we will review what steps need to be taken and what will be expected.

The work completed and the meetings onsite have satisfied the PCN that I requested. The PCN is lifted.

North Carolina Department of Transportation
 Roadside Environmental Unit
 Erosion & Sedimentation / Stormwater Report

ICA

Immediate Corrective Action

This project does not comply with the North Carolina Erosion and Sedimentation Control laws. Immediate Corrective Action is needed to resolve the situation to full compliance with the Law: (T15A: 04B.0000).

Project Information

Inspection Date: 02/07/2024 Evaluator: Jason Bullard
 Project #: 46377.3.1 TIP #: R-5705A Contract #: C204785
 Division #: 6 County: Harnett
 Project Type: Contract Engineer: Fay. Resident-Ramsey
 Project Length: 4.36 Disturbed Acres: 3
 River Basin: Cape Fear HQW Zone: NO Trout Zone: NO
 Location Description: NC 55 from south of SR 1532 (Oak Grove Church Rd) to NC 210

Project Evaluation

Report Type: Routine ICA ICA Ex 1st ICA Ex 2nd CICA - SWO
 PCN ECPAR

Length	Section	Installation of BMPs	Maintenance of BMPs	Effectiveness of BMPs	Plan Implementation	Overall Project Evaluation
4.36	The Entire Project	6	6	6	6	6

Grading Scale: 0 - 6 = Immediate Corrective Action Required, 7 = Fair, 8 = Good, 9 = Very Good, 10 = Excellent

Remarks and Recommendations:

Upon receiving a call from Nate Bradtmueller about concerns noted by inspection staff that the subcontractor was clearing/grubbing the -L- alignment at -L- 132+40 and grubbed beyond the limits of the jurisdictional stream without perimeter E/C devices or any containment devices installed. The operator also entered the jurisdictional stream with the machinery in different areas along the stream causing extreme turbidity in the waters of the stream. In the afternoon I met with Nate Bradtmueller, (CEI), Patrick Cheeves, (CEI), Aaron Graven, (Barnhill Co.), Steve Carlisle, (Barnhill Co.) along with Keith Jackson, (REU) to review and confirm the concerns. After review and further discussion with Chris Underwood, (DEO), all construction activities have been suspended except for E/C device installation for the remainder of the project. The contractor is to install the perimeter E/C devices around the disturbance and isolate the stream with an approved impervious dike. Once the erosion devices are in place, the installation of the 48 inch RCP can be installed in the jurisdictional stream. The suspension will be lifted when the installation of the perimeter E/C devices are completed, the installation of the 48 inch RCP is completed, and the disturbed area is stabilized.

-This project has soil stabilization timeframes of 7 or 14 days. Please refer to sheet EC-3A in the erosion control plans for guidance.

NPDES Permit Requirements:

-Inspect E&SC/Storm water measures at least once every 7 days & within 24 hrs of 1.00 inch of rainfall or

North Carolina Department of Transportation
Roadside Environmental Unit
Erosion & Sedimentation / Stormwater Report

ICA EX 1st

Immediate Corrective Action Extension (First Issuance)

This project does not comply with the North Carolina Erosion and Sedimentation Control laws. Immediate Corrective Action is needed to resolve the situation to full compliance with the Law: (T15A: 04B.0000).

Project Information

Inspection Date: 02/16/2024 Evaluator: Jason Bullard
 Project #: 46377.3.1 TIP #: R-5705A Contract #: C204785
 Division #: 6 County: Harnett
 Project Type: Contract Engineer: Fay. Resident-Ramsey
 Project Length: 4.36 Disturbed Acres: 3
 River Basin: Cape Fear HQW Zone: NO Trout Zone: NO
 Location Description: NC 55 from south of SR 1532 (Oak Grove Church Rd) to NC 210

Project Evaluation

Report Type: Routine ICA ICA Ex 1st ICA Ex 2nd CICA - SWO
 PCN ECPAR

Length	Section	Installation of BMPs	Maintenance of BMPs	Effectiveness of BMPs	Plan Implementation	Overall Project Evaluation
4.36	The Entire Project	6	6	6	6	6

Grading Scale: 0 - 6 = Immediate Corrective Action Required, 7 = Fair, 8 = Good, 9 = Very Good, 10 = Excellent

Remarks and Recommendations:

The contractor has isolated the stream, begun installing the 48 inch RCP, and installed the perimeter E/C devices around the disturbance at -L- 132+40. This is an extension of the ICA until the installation of the 48 inch pipe is complete and the disturbed area is stabilized.

-This project has soil stabilization timeframes of 7 or 14 days. Please refer to sheet EC-3A in the erosion control plans for guidance.

NPDES Permit Requirements:

- Inspect E&SC/Storm water measures at least once every 7 days & within 24 hrs of 1.00 inch of rainfall or more.
- Use an on-site rain gauge or the MPE website. Do not use a combination of the two.
- Maintain a log of rainfall and dates. If there is no rain, record 0.
- Maintain records on site for review by Department and Regulatory personnel.

North Carolina Department of Transportation Roadside Environmental Unit Erosion & Sedimentation / Stormwater Report



Project Information

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Project Evaluation

Report Type: Routine ICA ICA Ex 1st ICA Ex 2nd CICA - SWO
 PCN ECPAR

Length	Section	Installation of BMPs	Maintenance of BMPs	Effectiveness of BMPs	Plan Implementation	Overall Project Evaluation
4.36	The Entire Project	8	8	8	8	8

Grading Scale: 0 - 6 = Immediate Corrective Action Required, 7 = Fair, 8 = Good, 9 = Very Good, 10 = Excellent

Remarks and Recommendations:

The contractor has installed most of the 48 inch RCP at -L- 132+40. The perimeter E/C devices remain in place and all bare areas have been seeded/mulched. This review is to release the project from the ICA status and the contractor can resume construction activities.

-This project has soil stabilization timeframes of 7 or 14 days. Please refer to sheet EC-3A in the erosion control plans for guidance.

NPDES Permit Requirements:

- Inspect E&SC/Storm water measures at least once every 7 days & within 24 hrs of 1.00 inch of rainfall or more.
- Use an on-site rain gauge or the MPE website. Do not use a combination of the two.
- Maintain a log of rainfall and dates. If there is no rain, record 0.
- Maintain records on site for review by Department and Regulatory personnel.

more.

- Use an on-site rain gauge or the MPE website. Do not use a combination of the two.
- Maintain a log of rainfall and dates. If there is no rain, record 0.
- Maintain records on site for review by Department and Regulatory personnel.

Active Sediment Case Report as of May 8, 2024

Case#	Violator (Name of Case)	County	Date of Assessment	Penalty Assessment Amt	Final Amt Paid	Comments
21-014	Dump & Go, Inc.	Cumberland	03-Nov-21	\$5,000.00		Injunctive relief requested 3/22 NOVs issued 5/21/21 & 6/16/21 NOCV issued 6/13/22 Complaint amended as to defendent. Motion to Show Cause pending.
21-015	Wachhund Land Co., LLC	Transylvania	28-Nov-22	\$25,000.00		CPA rescinded
22-001	Wayfarers Cove and Marina Beach, LLC	Pamlico	12-Oct-22	\$25,000.00	\$25,000.00	Closed
23-001	Parker Leland, LLC	Brunswick	24-Jul-23	\$25,000.00		
23-002	Hawthorne Headwaters Apartments, LLC	Pender	11-Aug-23	\$5,000.00		
23-003	Partin Solar	Surry	04-Jan-24	\$268,730.00		Case is being appealed. Injunction filed in Superior Court.

N.C. SEDIMENTATION CONTROL COMMISSION ENFORCEMENT REPORT

by the OFFICE OF THE ATTORNEY GENERAL

5/23/2024

Status of Cases	7/17/2023	10/30/2023	2/1/2024	5/23/2024
1. LQS Drafting CPA	1	0	0	0
2. CPAs Out to Violator (30-day)	1	0	1	0
3. CPAs Prepared by LQS Under Review	3	5	2	2
4. CP Remission Requests Under Review	0	2	2	2
5. CP Remission Decisions	0	0	0	0
6. Cases Pending in OAH	0	0	0	1
7. Cases Awaiting Final Agency Decision	0	0	0	0
8. Cases Pending in General Courts of Justice				
a. Judicial Review	0	0	0	0
b. Injunctions	2	2	2	3
c. Pre-Judgement Collections	0	0	0	0
d. Post-Judgement Collections	0	0	0	0
e. Federal Cases	1	1	1	1
9. Cases in Bankruptcy Proceedings	0	0	0	0
10. *Cases where CPA Being Paid by Installment	0	0	0	0
11. Cases to be Closed	0	0	0	0
TOTALS:	8	10	8	9
Action Since Prior Quarterly Report:				
New Cases Received by AGO				
Cases Closed by AGO				

Education Program Status Report

Presentations/Exhibits

- Presented to 2-6th grade and 3-7th grade classes at Envision Science Academy on 2/27/24 (approximately 95 students total). The Enviroscape, sediment jar, and Sum of All Parts activities were presented.
- Partnered with educators in NC DEQ's Office of Environmental Education, NC DEQ's Department of Air Quality, NC DEQ's Geological Survey and the NC DEQ DEACs to host Moore Square Magnet Middle School's 7th Graders for the Students at Work program on March 7 & March 8. Approximately 200 students in total participated. Presented the Enviroscape in addition to having them participate in an abbreviated version of the Sum of All Parts activity.
- Attended Lincoln Height's Elementary School's STEM Expo for 3rd – 5th grades on 3/15/24. Approximately 300 students total participated in the STEM Expo. The Enviroscape was presented, and STEM and environmental careers discussed.
- Virtually hosted a Project WET – Getting Little Feet WET workshop for pre-service formal and non-formal educators at Brevard College on 4/3/24.
- Prepared materials for Fayetteville Regional Office LQS Staff to present the Enviroscape to 4 groups of approximately 30 second graders on 4/16 & 17/24 as part of Cumberland County School's Earth Day.
- Prepared materials for Fayetteville Regional Office LQS Staff to exhibit at Fayetteville Earth Day on 4/20/24.
- Assisted with the NC State Envirothon by writing the 'Current Environmental Issues' portion of the high school test, and preparing materials for Amber Rights, Washington Regional Office LQS Staff, to present the CEI overview to the NC Envirothon high school participants at the resources station training day on 4/26/24.
- Prepared materials for Wilmington Regional Office LQS Staff to exhibit at Heide Trask Senior High School's Career Day on 5/2/24.
- Assisted with moderating the monthly meetings of the NC Stream Watch Cohort of educators. January – April 2024.
- Continued to co-host monthly Water Education Coffee Talks with DWR's water educator, Lauren Daniel, for formal and non-formal educators. The purpose of these coffee talks are to answer questions, showcase our education resources, facilitate networking, and discover/facilitate collaboration opportunities.

Workshops

The Annual Local Programs Workshop was held on April 23 & 24, 2024 at the Sturgeon City Environmental Education Center in Jacksonville, NC. Approximately 73 people attended the in-person workshop both days and approximately 110 people attended the virtual workshop on both days. The Local Program Workshop was planned in partnership with the Water Resources Research Institute (WRRRI). The Town of Cary won the 2024 Outstanding Local Program Award.

The NC E&SC Workshop has been scheduled for December 5, 2024, in Raleigh at the McKimmon Center. This workshop is planned in partnership with the Southeast Chapter of the International Erosion Control Association and the NCSU Department of Crop & Soil Science.

If you or a colleague would like to present at the December workshop, email the Sediment Education Specialist!

Contract Administration

The contract between DEMLR and WRRRI for the support of the 2025 Annual Local Program Workshop and Awards Luncheon is already in place.

Updates

The E&SC website pages are continuously being updated as needed.

If you or a colleague would like to contribute an article or suggest a topic for the summer edition of the Sediments Newsletter, email the Sediment Education Specialist!

LAND QUALITY REGIONAL PROGRAM MONTHLY ACTIVITY REPORT

State Total FY 2023-2024 through:

April

Activity	WIRO Month	WIRO YTD	ARO Month	ARO YTD	WARO Month	WARO YTD	WSRO Month	WSRO YTD	RRO Month	RRO YTD	FRO Month	FRO YTD	MRO Month	MRO YTD	TOTALS
PLAN/APPLICATION REVIEW															
1. New Sedimentation Control Projects Rec'd	14	167	13	148	0	175	0	332	14	374	24	394	42	318	1908
2. New Sedimentation Plan Reviews	16	212	10	161	16	333	0	297	19	273	0	341	52	309	1926
3. Sedimentation Plan EXPRESS Reviews	0	19	4	27	0	20	0	7	0	83	0	69	6	26	251
4. New Sedimentation Plan Disapprovals	0	3	6	41	0	7	0	74	4	96	0	38	6	114	373
5. Revised Sedimentation Plan Received	0	46	5	76	0	27	0	144	5	185	4	99	23	281	858
6. Revised Sedimentation Plan Reviews	1	79	5	76	0	39	0	150	7	183	0	83	26	289	899
7. Revised Sedimentation Plan Disapprovals	0	0	0	24	0	0	0	18	1	33	0	13	3	55	143
8. Unreviewed E&SC Plans - End of Month	0	0	1	45	0	135	0	190	0	0	0	0	27	331	701
9. E&SC Plan Reviews > 30 Days	0	0	0	0	0	0	0	0	0	0	0	4	0	12	16
10. Revised Plan Reviews > 15 Days	0	0	0	0	0	2	0	0	0	0	0	0	1	12	14
MONITORING															
1. Sedimentation Inspections (Total)	56	1333	53	643	140	1509	140	1509	95	1099	0	1365	294	2242	9700
A. Landfills	0	7	0	1	0	0	0	0	0	1	0	7	0	6	22
B. DOT Contract	0	0	0	0	0	0	0	0	0	1	0	2	0	0	3
C. DOT Force Account	0	0	0	1	0	0	0	0	0	4	0	0	0	0	5
D. Complaints	26	70	9	151	3	24	3	24	3	110	0	58	11	144	581
ENFORCEMENT															
1. Sedimentation															
A. Notices of Violation (Total)	4	21	19	250	8	73	8	8	1	37	1	5	2	42	436
B. NOVs to Repeat Violators	0	1	0	27	1	8	1	0	0	10	0	0	2	4	50
C. Cases Referred for Enforcement	0	4	0	0	0	0	0	0	0	1	0	0	2	0	5
LOCAL PROGRAMS															
1. Local Ordinance Reviews	0	0	0	1	0	0	0	0	0	19	0	0	0	0	20
2. Local Programs Aided (hours)	0	5	0	8	0	0	0	82	0	95	0	16	0	0	206
CUSTOMER SERVICE															
Technical Assistance (Aided Hours)	37	1429	30	940	246	2171	0	0	30	527	14	518	0	3	5587
Pre-Application Meetings	6	418	2	11	21	215	0	0	0	2	0	73	0	0	719

Land Quality Section Report - May 23, 2024

Location	Classification
Asheville Regional Office	Environmental Specialist I
Asheville Regional Office	Engineer I
Mooresville Regional Office	Environmental Specialist I
Raleigh - Archdale	Environmental Division Director
Raleigh Regional Office	Environmental Specialist I
Raleigh Regional Office	Engineer II
Washington Regional Office	Engineer II
Washington Regional Office	Environmental Specialist I
Wilmington Regional Office	Environmental Specialist I
Winston Salem Regional Office	Engineer II