

Local Program Report to the SCC

Town of Lake Lure

The Town of Lake Lure delegated program was reviewed October 23, 2007. It has one full time person. The program has 114 projects, most of which are less than one acre. In the past year there were 97 plan reviews, with 95 approvals and 2 disapprovals. Enforcement activities included 23 notices of violation, no civil penalties and 4 stop work orders.

Lake Lure is trout waters. Four sites on the lakeshore were visited to discuss buffer zone issues. Landowners desire to replace failing masonry or concrete retaining walls at three of the sites. Work was stopped at one site because the vegetated buffer was removed in an effort to access the shoreline. A subdivision that included upland road construction as well as shoreline development was inspected. No sedimentation damage was observed, but some measures needed maintenance due to two days of rain.

Documents associated with plan approval, inspections and notices of violation were good. Citations of general statutes and rules on the inspection report were out of date, and staff went over the corrections.

Staff recommends continued program delegation.

Cabarrus County

Cabarrus County's Local Program was reviewed October 25, 2007. Currently a staff of 3.5 contributes 3.5 full-time equivalents to erosion control. There are currently 484 projects, of which 340 are active. Some of the projects were less than an acre, since plans are required in WS-II watersheds for projects greater than 10,000 square feet and in WS-IV watersheds for projects greater than 20,000 square feet. The staff has approved 163 projects in the past year and disapproved 70 plans. The staff conducted approximately 475 inspections in the past year, issued 14 notices of violation and 14 civil penalties. Once a notice of violation is issued the County automatically assesses a penalty for the first day of the violation. The Notice of Violation still provides a date for compliance, and the County has the right to assess continuing penalties. The initial penalties have been a great deterrent to continuing violations. Rarely has the County had to assess additional fines to bring a site into compliance.

The County can suspend inspections from other departments if sites are out of compliance. Building inspections and certificates of occupancy are currently stopped or withheld until erosion and sediment control problems are adequately addressed. The County is planning to move to a more advanced database, which will share information

between all departments in the county and streamline the process of coordinating suspending inspections.

Seven projects were evaluated. One site was approved but had not started construction, and three sites were found to be out of compliance with the Sedimentation Pollution Control Act.

The first site found out of compliance was a 15.0-acre residential site. This site was out of compliance due to sediment loss into a stream. Sediment has passing through a trap, and runoff was eroding the area between the trap and a stream. At a second stream crossing an area above the stream needed adequate ground cover. The rest of the site was in excellent condition. Road shoulders were seeded and matted and stood up to the recent rains. The check dams were well constructed and water flowing in the ditches could be seen flowing over the low point in the check dams. Baffles in the basins were properly constructed. A 2.93-acre site that was an additional phase to this project was found to be in compliance.

The second site was a 1.2-acre commercial site. This site was out of compliance due to not following the approved plan. Stone horseshoe pipe inlet protection for a junction box was not constructed properly. There was no construction entrance to prevent vehicles from tracking mud onto the street. The slope at the back of the lot was finished and needed groundcover. A staging area was not on the plan.

The last site out of compliance was a 3.51-acre commercial site. Sediment fence was not installed properly. Sediment traps needed spillway repairs. Temporary diversion ditches were needed to direct flow into the traps.

General documentation in files was adequate. The sedimentation and erosion control plans were adequate. Practices should be designed according to the revised standards in the Erosion and Sediment Control Planning and Design Manual. The inspection reports should indicate if there is a potential NPDES permit violation.

In the past year Cabarrus County has focused more of its efforts on larger sites. This focus was reflected in the review. There were 136 acre and 98 acre sites that were in compliance. Smaller sites may have been inspected if watercourses were associated with the project. Due to the addition of a second inspector, Cabarrus County should focus on inspecting all sites on a routine basis.

Staff recommends continued delegation of the program, conditioned upon the recommendations above.

Town of Cary

Town of Cary's Local Program was reviewed August 28, 2007. Currently a staff of four contributes three full-time equivalents to erosion control. There are currently 180 active

projects that are larger than 12,000 square feet. The staff has approved 98 projects in the past year and disapproved 400 plans. The staff conducted 2488 inspections in the past year and issued 72 notices of violation and 4 civil penalties. The Town has assessed initial one-day penalties.

Five projects were evaluated and all were in compliance with the Sedimentation Pollution Control Act. The sedimentation and erosion control plans for each of the sites were adequate. The general documentation was acceptable, however staff needs to have access to plans and previous inspection reports in the field. The inspection report should indicate if the site currently under a Notice of Violation and in compliance with the SPCA?

Staff recommends continued delegation of the program.

City of Newton

The City of Newton's Local Program was reviewed October 24, 2007. Currently a staff of one contributes a quarter full-time equivalent to erosion control. There are currently 5 active projects larger than one acre. The staff reviews plans of projects that are a half an acre or more in size. The staff has approved 3 projects in the past year and disapproved one plan. The staff conducted approximately 80 – 120 inspections in the past year. No notices of violation were issued and no civil penalties were assessed. The City's attorney can get an order from the court to make a violator comply with the City's ordinance. The City also has the ability to work with the water and sewer department and the building permits department to suspend inspections and permits to gain compliance.

Five projects were evaluated. One site was under review, one site just been approved but had not started construction, one was inaccessible due to rain conditions and two sites were found to be out of compliance with the Sedimentation Pollution Control Act.

The first site found out of compliance was a 23.7 acre residential retirement community. This site was out of compliance due to not following approved plan. One ditch was not installed and the other did not direct flow to the basin. If runoff occurred, it would bypass the basin and potentially leave the property causing off-site sediment damage. An inspection report will be issued in an effort to correct the problem.

The second site was a 2.06 acre residential site that had been inactive for over 5 months. The road entering the phased development area was bare. The road needs to be provided with ground cover.

General documentation in files was adequate. Plan actions such as letters of approval or disapproval should be issued within 30 days of receipt of the plan. The sedimentation and erosion control plans for each of the sites were adequate, however, the City should require the limits of disturbance and existing and proposed contour elevations on plans.

The inspection report should indicate if a notice of violation has been issued, if the site is in compliance, sedimentation damage and potential NPDES permit violations.

Staff recommends continued delegation of the program.

Rowan County

Rowan County's Local Program was reviewed September 20, 2007. There are two staff positions. The position that covers the eastern half of the county is vacant. Both positions contribute 1.8 full-time equivalents to erosion control. There are approximately 100 active projects. The staff has reviewed 112 projects in the past year, which includes revised plans. One plan was disapproved in western Rowan. The staff conducted 546 inspections in the past year. Six notices of violation were issued, all for no approved plan. One stop work order was issued in western Rowan County.

Five projects were evaluated. One site was found to be in compliance with the Sedimentation Pollution Control Act. The first site found to be out of compliance was an 8.25-acre commercial site. This land-disturbing activity was started without an erosion and sediment control plan. The County attorney recommended placing the site under a stop work order instead of issuing a Notice of Violation. The only activity at this time that is taking place is the cleanout of an industrial lagoon and filling the lagoon with clean soil.

A preliminary plan has been submitted for review. Upon a preliminary review of the plan, proposed contours were missing as well as the area where the lagoon area. There were no perimeter control measures or basins. Sludge had entered a stream.

The Division of Water Quality has issued a Notice of Violation and recommendation for enforcement. Sludge was discharged to an unnamed tributary to Yadkin River from an inactive aeration basin at the old Color-Tex wastewater treatment plant. Approximately 300-500 feet of stream was impacted with sludge accumulations. The unpermitted discharge was never reported to DWQ. A deadline of October 31, 2007 was granted to submit a site restoration plan to repair the areas disturbed as a result of the illegal discharge and clean up. Rowan County has not received a plan on this area and has been advised to do an inspection and send a notice of violation.

The second site out of compliance was an 8.2-acre residential subdivision. The site had not been maintained. Utility crews had been out to install buried lines and the site had not been reseeded. Severe gully erosion has occurred on North Devonpark. Ditches were poorly matted and unstable. Other road shoulders of the subdivision need to be reseeded and mulched. The plan did not show limits of disturbance. Land Quality staff advised the County to inspect the site and cite violations for failure to follow the approved plan and inadequate groundcover.

The third site out of compliance was a 7.6-acre industrial site. Several basins were not installed as shown on the approved plan. The site had been cleared and some volunteer vegetation had grown. Areas had been cleared beyond the limits of disturbance in the approved plan. Land Quality staff recommended a notice of violation for failure to follow the approved plan and failure to provide ground cover.

The last site out of compliance was a 3.9 acres residential site. Several basins were not installed and other measures had been removed. The approved plan did not cover over half of the actual land disturbance.

Overall the plans were inadequate and the staff of Rowan County needs additional training in plan review. Land Quality also recommends hiring a qualified person to review erosion and sediment control plans.

The Rowan County ordinance should be amended to allow the County staff to assess civil penalties. Currently, penalties must be assessed by the County Commissioners, who are reluctant to take action. Past and present local program staff have not received support from the Board of Commissioners when sites are found to be out of compliance and assessments are necessary. It is recommended that the assessment of penalties be under a non-political body. Assessment of penalties should be the responsibility of the local erosion and sediment control program.

General documentation was acceptable, however; staff is not meeting the 30-day requirement on plan reviews. The inspection reports should contain necessary comments about field conditions. A review of inspection reports indicates that the staff is unsure of what violations can be cited. Additional training with a neighboring local program and field calibration with the Regional Office is recommended. The location of sedimentation damage and potential NPDES permit violations should be indicated on the inspection reports.

Rowan County has been asked to provide a written response to the review by November 9, 2007. This report will be considered before staff recommends action to the Sedimentation Control Commission.