

Local Program Report to the SCC

Jackson County

Jackson County's Local Program (established 2000) was reviewed September 21, 2010. Three persons conduct code enforcement for the planning department, including flood plain management and erosion control. The County has 146 active project files, but 100 of the projects are idle. During the past year, the staff approved 15 projects, conducted 987 inspections and issued 5 notices of violation. No civil penalties were assessed and no stop work orders were issued.

Six projects were evaluated. The sedimentation and erosion control plans for five of the sites were inadequate. Five of the projects were inspected in the field. They all had some violations. One of the projects had been underway since first approved by Land Quality in 1991, as a mountain side has been excavated, and level building pads for commercial development have been created. The site lacked an adequate sediment basin, and fill slopes had been bare a long time. A similar project had been in and out of foreclosure, and had eroding diversion ditches, vertical bare slopes and rudimentary sediment controls. A third site required a revised plan to provide a sediment basin as the grading of the site progressed. The sites all had some sediment controls, but they were not properly designed and installed.

The approved plans lacked sufficient detail. Accurate topographic information and stream buffers were not shown. Supporting design calculations were not in the files. Sediment basins needed to be drawn to scale, with spillways and baffles shown.

The County is not taking effective enforcement action against sites with significant violations, notably for ground cover. A follow-up visit was made to the three worst sites on October 28, 2010. Slight improvement had been made to two of the sites, but none of the substantial corrections that were needed.

Staff recommends continuing the review to the February, 2011 SCC meeting. The County has been asked to arrange for the Asheville Regional Office to assist with plan reviews. The County has also been told to take effective enforcement action against projects that remain in violation.

Macon County

Macon County's Local Program (established 2001) was reviewed September 22, 2010. Two people are responsible for erosion and sedimentation control. The County has 23 active projects. During the past year, the staff approved 23 projects, conducted 1090 inspections and issued 9 notices of violation. Two civil penalties were assessed and two stop work orders were issued.

Six projects were evaluated. Three projects were in good condition, one had an inadequate sediment trap, and two had significant issues. An 8-acre commercial site had

a landslide after a cut slope was excavated. The lower portion of the site away from the slide had good controls. A revised plan was being developed for the upper portion to deal with the slide and ground water running out of the slope. Enforcement action was initiated on the project, but the County settled the case without assessment. A 16-acre commercial site had large exposed slopes. An inspection report citing the exposed slopes had been issued September 2, 2010.

The files contained very thorough documentation. The approved plans were adequate. Revised plans were needed at the two commercial sites described above as site conditions no longer matched those on the approved plans.

Staff recommends continued delegation of the program.

Town of Highlands

The Town of Highlands' Local Program (established 1984) was reviewed September 23, 2010. One person serves as the planning and development code official. The County has one active project. During the past year, the staff approved one project and conducted 6 inspections. There were no enforcement actions.

Five project files were reviewed. The one active project was inspected. It was in good condition. New files had good documentation. The letter of approval needed to include reference to the NPDES stormwater permit. Previously the Town had hired a private engineering consultant to review erosion control plans. The current code official reviewed plans for Macon County. Due to a potential conflict of interest and the Town's few plan reviews, the Asheville Regional Office offered to assist in the review of any complex plans in the future.

Staff recommends continued delegation of the program.

Town of Boone

The Town of Boone's delegated Local Program (established 1981) was reviewed August 17, 2010. Currently one person contributes one full time equivalent to erosion control. There are 15 active projects that are larger than one acre. The staff has approved 30 projects in the past year. There were 10 disapprovals. The staff conducted 91 inspections last year. One Notice of Violation was issued for a single family residential lot and no Civil Penalties have been assessed. The Town also works with the building inspectors to hold the certificate of occupancy for non compliant sites until compliance is achieved.

Four projects were evaluated in the office. The sedimentation and erosion control plans for each of the sites were adequate. General documentation was good for all files reviewed. The Town has files on each project and issues letters of approval for approved

erosion and sedimentation control plans. The files contain all necessary documentation as well as written inspection reports.

The Town of Boone is undergoing transition with the loss of staff. Currently there is one person that performs duties for two positions. Due to the economic downturn, development has been slow. For the most part there have been a lot of rehabilitation projects whereas the new zoning codes have also hindered development. The Town of Boone does an excellent job of submitting monthly activity reports which are kept in a separate file. The Town also keeps a separate file of inspections. The inspection reports for the projects evaluated were well documented and detailed. The Town is in the process of developing a Code Enforcement Officer position that will primarily deal with inspections. The Town manager is waiting to see if the budget will fund the position.

Staff recommends continued delegation of the program.

Watauga County

The Watauga County Local Program (established 1975) was reviewed August 26, 2010. Currently one person contributes less than one full time equivalent to erosion control. The Watauga County Local Program is transitioning from the loss of experienced staff. Current staff is not solely dedicated to erosion control and has many other responsibilities. There were approximately three active projects. The staff has approved four projects in the past year. There were no disapprovals. The staff conducted approximately 18 inspections last year. No Notices of Violation were issued and no Civil Penalties had been assessed in the past year.

Three projects were evaluated in the office. The sedimentation and erosion control plans for each of the sites were adequate. General program procedures and three construction sites were reviewed in the field. There was no systematic order to the files in the office. The files reviewed did not contain the necessary documentation. There was no history of inspections. Two of the three project files evaluated didn't have approval letters, but there were dates of approval on the permit application.

Two of the three projects were out of compliance. An 8-acre residential project was out of compliance for bare slopes, scouring ditch lines and unmaintained measures. There was an approved plan that appeared adequate from field evaluation. A 2.13-acre commercial site was out of compliance for stockpiles that were located outside of the limits of disturbance. During the review it was recommended that the Local Program request a revised plan to include the stockpiles and provide silt fence and groundcover. The plan was approved and appeared adequate from field evaluation. The third site selected was a waste storage site but the County staff took us to a different site than the one shown on the approved plan.

The review of this program should be continued while the Winston-Salem Regional Office staff work with the Local Program to obtain organization and structure while

training staff on erosion control plan review and strengthening the ability to conduct formal inspections and document them appropriately.

A follow-up inspection of the program was conducted on October 5, 2010. The Local Program wasn't able to clearly provide the number of active projects, plan reviews, and number of inspections conducted. During this follow-up, Winston-Salem Regional Office Assistant Regional Engineer, Matt Poling, and Senior Environmental Specialist, Tim Latham inspected two sites and reviewed two plans with staff. The sites inspected were the two sites that were previously out of compliance during the formal review conducted on August 26, 2010. The 8-acre residential project was last inspected by the Local Program on October 4, 2010. During the informal review with Regional Office Staff the site was actively being graded and roads were ready to be paved. Most of the ditches constructed were being armored and/or matted and seed and straw had been applied to the site. Overall the site was in good condition and was stated to be in compliance. The 2.13-acre commercial site was last inspected on August 27, 2010. The site was actively being graded and the installation of measures on the approved plan was not completed. Sediment traps on site were installed correctly and appeared to be catching all sediment. There were areas of silt fence that were installed incorrectly along the limits of disturbance near US 421. The site was noted to be out of compliance. While there was an effort made to conduct formal inspections, the Watauga Local Program needs to be monitored and trained so that an acceptable level of performance and consistency can be achieved.

Staff recommends the review of this program should be continued until May 2011 while the Winston-Salem Regional Office staff work with the Local Program to obtain organization and structure while training staff on erosion control plan review and strengthening the ability to conduct formal inspections and document them appropriately. A follow-up review of the program will be conducted before the May 2011 SCC meeting where it is hoped a recommendation to continue delegation of the Watauga County Local Program will be expressed.

Buncombe County

The Buncombe County delegated Local Program (established 1986) was reviewed August 24, 2010. Currently a staff of four contributes four full time equivalents to erosion control. There were approximately 50 active projects. The Town approved 30 projects last year and conducted 2,803 inspections. The Town issued 59 Notices of Violation and no stop work orders last year. Four Civil Penalties were assessed.

Five projects were evaluated. All sites had adequate approved plans. A 7.6 acre residential project was out of compliance for ground cover. The Local Program requested a revised plan be submitted because a planned cul-de-sac was eliminated. The Local Program is doing great job communicating with the contractor. The Local Program suspects there are funding issues which are hindering compliance efforts. The site has had a history of being in and out of compliance.

The Town had files on each project evaluated and issued letters of approval erosion and sedimentation control plans. The files contained all necessary documentation as well as written inspection reports.

The Buncombe County Local Program is transitioning with the loss of four (4) staff positions. Due to the economic downturn development has been slow. There has been an increase in the issuance of Notices of Violation. The Local Program has the ability to have a permit revoked which is a tool that is used to aid in obtaining compliance for sites. The County makes the effort to inspect active and inactive sites at least once a month. The County does an excellent job of submitting monthly activity reports. The Town also keeps a separate file of inspections. The inspection reports for the projects evaluated were well documented and detailed. The County is in the process of transitioning into an all electronic system for recordkeeping, plan review, and permit issuance. The County also requested plan review training from the Asheville Regional Office to stay abreast and to be effective and consistent with plan review.

Staff recommends continued delegation of the program.

City of Asheville

The City of Asheville's Local Program (established 1985) was reviewed August 31, 2010. Currently a staff of 31 contributes nine full time equivalents to erosion control. There were 46 active projects larger than one acre. The staff has approved 434 projects in the past year. There were 13 disapprovals. The staff conducted 7406 inspections last year. Fifty-one Notices of Violation was issued and 35 Civil Penalties were assessed for a total of \$33,302.00.

Four projects were evaluated. The sedimentation and erosion control plans for each of the sites were adequate. General documentation was good for all files reviewed. The City has files on each project and letters of approval for erosion and sedimentation control plans are issued through the City's permit issuance. The sites evaluated in the field were contained and in compliance. The Local Program uses it's guidance on NOV's from the Local Ordinance as a tool to be consistent in enforcing the Local Ordinance. The Local Program has also utilized "phasing" of projects where a phase of a project doesn't begin until one ends. The City seeks to inspect projects bi-weekly.

Due to the economic downturn development has been slow; however, activity has been steady. The sizes of land disturbances are smaller and there has been an increase in home additions versus the building of new houses. The Local Program does a great job of submitting monthly reports. The City also keeps a separate file of hard copy inspections. The Local Program has the ability to complete inspections in the field. There is a good working relationship with the Asheville Regional Office and the City of Asheville. The Local Program noted that the Regional Office was very instrumental in the development/modification of the current Local Ordinance.

Staff recommends continued delegation of the program.

Town of Beech Mountain

The Town of Beech Mountain's delegated Local Program (established 1986) was reviewed October 19, 2010. Currently one person contributes less than one full time equivalent to erosion control. There were no active projects. The Local Program as experienced transition due to the loss of staff. The staff present has only been with the program for about 18 months. There were no files to evaluate. The Town Manager requested that the State provide information and guidance to the Town of Beech Mountain so that the delegated Local Program can be strengthened to administer its Local Ordinance and the SPCA of 1973.

The Winston-Salem Regional Office will contact the Town of Beech Mountain to set up meetings and exchange information and provide guidance to strengthen the delegated Local Program so that the Local Ordinance of the Town of Beech Mountain and the SPCA of 1973 can be effectively administered.

Staff recommends continued delegation of the program.

Grandfather Village

The Grandfather Village delegated Local Program (established 2007) was reviewed October 19, 2010. Currently one person contributes less than one full time equivalent to erosion control. There were no active projects. There were no files to evaluate. The Local Program has only had one project since delegation and it was eventually taken over by the State. The jurisdiction of the Local Program is almost built out with the exception of some private land.

Staff recommends continued delegation of the program.

Haywood County

The Haywood County delegated Local Program (established 1988) was reviewed October 20, 2010. Currently a staff of four contributes an equivalent of three full time equivalents to erosion control. There are currently approximately 14 active projects larger than one acre. The Town approved 30 projects last year and conducted 428 inspections. The Town issued 14 Notices of Violation, assessed 1 Civil Penalty and issued 14 stop work orders last year.

Five projects were evaluated in the office. Three projects were evaluated in the field. All sites had adequate approved plans.

There was one project that was out of compliance. It was a 14.8 acre residential project currently under Notice of Violation and pending before the County Board. There had been off-site sedimentation. There had been efforts to stabilize ditches/swales but the

road surface and ditches/swales were not stabilized. The Local Program has been working hard to obtain compliance. Documentation and inspection reports were available. As a result of the project going before the County Board, there is a request for the renewal of the performance bond and the site has 60 days to get in compliance.

The Town has files on each project and issues letters of approval for erosion and sedimentation control plans. The files contain all necessary documentation as well as written inspection reports. The County seeks to inspect projects formally once a month. The County does a great job of submitting monthly reports. The program is run very well. Staff is organized and is very knowledgeable about issues in the County. The Local Program is often called to assist and give guidance with other environmental issues in County.

Staff recommends continued delegation of the program.

Town of Lake Lure

The Town of Lake Lure's delegated Local Program (established 2005) was reviewed October 25, 2010. Currently a staff of two contributes less than one full time equivalent to erosion control. There was one active project. The Town approved 34 projects last year, most of them less than one acre, and conducted 19 inspections. The Town assessed approximately \$10,000 in Civil Penalties last year and issued eight Notices of Violation with no stop work orders.

Two projects were evaluated in the office. The sedimentation and erosion control plans for each of the sites were adequate. General documentation was good for all files reviewed. The Town has files on each project and issues letters of approval for erosion and sedimentation control plans. The files contain all necessary documentation as well as formal written inspection reports. One project, 0.23-acre residential site was reviewed to evaluate enforcement documentation. The Local Program did an excellent job with documenting violations and utilized Land Quality's guidelines on assessing Civil Penalties. The project over an acre, a 2.4 institutional site, was evaluated in the field. There was a good effort to achieve ground cover with seeding and matting on slopes; however, there was silt fence in areas of concentrated flow. There was moderate scouring in swales. Staff recommended that the channels be lined with rip rap to handle velocities and prevent to prevent scour and sedimentation.

The Town of Lake Lure has a solid program. Staff seems to have a good handle on erosion and sediment control and performs various duties as the Floodplain Manager, Lake Structure Administrator as well as the Tree Protection Manager. The Town does an excellent job of submitting monthly activity reports.

Staff recommends continued delegation of the program.

Town of Columbus

The Town of Columbus' delegated Local Program (established 2009) was reviewed October 27, 2010. Currently a staff of one contributes less than one full time equivalent to erosion control. There was one active project. This project was forwarded to the Local Program upon delegation from Land Quality Asheville Regional Office. There were detailed inspection reports in the file. As a part of the review a final inspection was performed on the site. It was permanently stabilized and as a result of inspection it was closed out. Staff does a good job with submitting monthly activity reports. Staff also requested more training on conducting formal inspections and plan review from the Asheville Regional Office. The Asheville Regional Office will be in contact to setup trainings and field inspections for staff.

Staff recommends continued delegation of the program.

Henderson County

The Henderson County delegated Local Program (established 2007) was reviewed October 20, 2010. Currently a staff of two contributes two full time equivalents to erosion control. There are currently 84 active projects. The Town has approved 12 projects and conducted 281 inspections from October 2009 to present. The Town has issued 19 Notices of Violation, assessed two Civil Penalties and no stop work orders from October 2009 to present.

Five projects were evaluated in the office and in the field. One of the projects reviewed was a project transferred from LQS. The projects reviewed were over an acre. All sites had adequate approved plans.

A 7-acre commercial site was out of compliance. There were groundcover issues. Previous inspections documented the lack of groundcover and advised that groundcover be provided. The Local Program will issue an NOV to get the site into compliance. A 15.8-acre was out of compliance for lack of ground cover. The Local Program has met with the landowner and contractor. There has been a good attempt to establish groundcover, ditches were matted. The Local Program is doing a good job working with the site to implement measures per the approved plan and obtain compliance.

A 4.5-acre commercial site was out of compliance for groundcover. There had been an attempt to provide groundcover but it was not successful. The Local Program will issue an NOV to get groundcover established. A 2.31-acre residential site transferred to the Local Program from LQS was noncompliant. Measures were not installed per plan and there were unstable slopes. The Local Program issued an NOV and has been doing a great job of documenting efforts of compliance. There was a joint inspection from DWQ/DLR/LP that noted severe sedimentation in streams and stream drainages. The Local Program assessed a Civil Penalty for approximately \$93,000 and will pursue criminal charges in this matter.

The Town has files on each project and issues letters of approval for approved erosion and sedimentation control plans. Plan review documentation was very detailed. The files contain all necessary documentation as well as formal written inspection reports with picture documentation. The County does a great job of submitting monthly reports.

The Henderson County Local Program should be commended for administering and enforcing the Local Ordinance and the SPCA. The Local Program has one full-time inspector with a large workload (disturbances greater than 100 square feet and addressing complaints and 54 projects transferred from LQS) and with the loss of staff the Local Program is doing a great job of administering and enforcing the Local Ordinance and the SPCA. The program is run very well. The Local Program seeks to provide prompt customer service by addressing each complaint and inspecting sites twice a month. Due to the economy the Local Program has encountered problems with sites not being maintained which has caused the increase in NOVs and enforcement. Currently, the Local Program seeks to inspect sites twice a month with one full-time inspector. With the large workload and increase in investigated complaints the Local Program should evaluate the workload and define priorities to manage the workload. The Local Program lost a position, but should funding become available the addition of a staff position will be extremely beneficial to the Local Program.

Staff recommends continued delegation of the program

Durham City/County

The Durham's City/County delegated Local Program (established 1985) was reviewed November 10, 2010. Currently a staff of three contributes two full-time equivalents to erosion control. There were 61 active projects that were larger than one acre. The staff approved 78 projects in the past year with no disapprovals. The staff conducted approximately 1,824 inspections in the past year. One Civil Penalty was assessed and no stop work orders were issued. The Local Program issues Non-Compliance letters for minor violations and issues Notices of Violation for major violations.

Four projects were evaluated in the office and in the field. All sites had adequate approved plans. A 5.96-acre institutional site was out of compliance. Two days prior to the Local Program Review, the Local Program had inspected the site and noted it as in compliance. On the day of the review the basin had been modified so that the contractor could have access to fill material. The Local Program met with the contractor onsite and the basin will be installed per plans.

A 16.15-acre residential site was out of compliance. There was moderate to severe off-site sedimentation in the streams. Measures had not been maintained and there were insufficient measures to retain sediment. Protection was needed on storm drain inlets as well as pipe inlet and outlets. There were areas that needed silt fence as well as groundcover. At the time of the review there was a lot of dust. The Local Program met

with the site superintendent to discuss the violations. The Local Program contacted DWQ, will issue a Notice of Violation, assess a Civil Penalty, and put a hold on further inspections until the site is in compliance.

A 50-acre commercial site was out of compliance. There were bare areas that needed groundcover. There was ponding water where runoff wasn't able to be conveyed into the basin. Measures such as silt fence and silt fence outlets needed maintenance and adjusting for field conditions. There was potential for sediment to leave the site.

The Local Program has files on each project and issues letters of approval for erosion and sedimentation control plans. Plan review documentation was good. The files evaluated contained all necessary documentation as well as formal written inspection reports. An enforcement package was evaluated in the office and the documentation was very detailed with inspections, chronologies, NOVs, picture documentation, and Civil Penalty Assessment Worksheets in the file. The Local Program does a great job of submitting monthly reports. The Local Program lost a position recently which caused a reassignment of duties of available staff. The Local Program seeks to inspect sites twice a month. As a result of the economic downturn the Local Program hasn't encountered many problems with abandoned sites. There has been an increase in inspections which the Local Program believes is a major reason why the numbers of Notices of Violation have decreased over the years.

During the Local Program review, inconsistency was observed between documentation in the inspection reports and site conditions. While sites are frequently inspected, the sites reviewed had deficiencies that had not been noted in recent inspections.

Staff recommends continued delegation of Local Program under the condition that the Local Program evaluates the integrity and consistency of inspection reports while working with the Raleigh Regional Office staff on conducting inspections and documenting inspection reports to achieve an acceptable level of consistency.