

Local Program Report to the SCC

Mecklenburg County

Mecklenburg County's Local Program was reviewed March 11th and 12th of 2008. Currently a staff of seventeen contributes eight full-time equivalent to erosion control. There are currently 309 active projects larger than one acre. The staff has approved 109 projects in the past calendar year and disapproved 226 plans. The staff conducted approximately 3,197 inspections in the past year. The County has the ability to review a project site about every two weeks. If in violation they can conduct more frequent inspections. Sixty-seven notices of violation were issued and 17 civil penalties were assessed. The County can also hold permits and prevent future development from being permitted by an entity under violation if there are problems on sites that have not been corrected. Their most effective tool outside of issuing notices of violation and assessing penalties is withholding occupancy inspections and permits.

Ten projects were evaluated. Three sites were found to be out of compliance with the Sedimentation Pollution Control Act and three others had maintenance problems.

The first site found out of compliance was a 4.7-acre industrial site. This site was out of compliance due to not following approved plan and failure to maintain measures. Sediment had gotten past the measures and had the potential to wash into a stream and off the tract. One interesting feature of this site was the use of floc logs in the flexible pipes located in the sediment basin between chambers.

The second site was a 2.75-acre commercial site. The site was out of compliance for failure to follow approved plan and failure to maintain measures. There was a potential for sediment loss from a stockpile. Slopes and the stockpile needed ground cover. Better diversions and sediment basin baffles were needed.

The third site was a 39.4-acre mixed-use residential/commercial site. The site was in violation for failure to follow the approved plan, failure to maintain measures, failure to take all reasonable measures to prevent sedimentation damage, and inadequate buffer zone. Five sediment basins had installation or maintenance problems. Bare slopes, silt fence installation and poor inlet protection were also observed. Sediment had entered the stream buffer zone. Instead of installing conventional sediment basins, rain gardens were installed. This had not worked at all. Sediment basins should not be converted to rain gardens until after the site is stabilized. Instead of trying this on one basin they installed sediment basin (rain gardens) on all basins located on this site. New technology should be encouraged but not until it has been tried and been found to be successful on a smaller scale.

General documentation in files was adequate. 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. The following two additional questions should be added to the general inspection report:

1. Is the site currently under a Notice of Violation?
2. Is the site in compliance with SPCA and rules?

The plan approval letter should contain notice of right to inspect the site and the paragraph "Acceptance and approval of this plan is conditioned upon your compliance with Federal and State water quality laws, regulations, and rules. In addition, local city or county ordinances or rules may also apply to this land-disturbing activity. This approval does not supersede any other permit or approval." Revised plans should be reviewed within 15 days of receipt of the plan.

The sedimentation and erosion control plans for all but one site were adequate. One plan had been "farmed out" to contract plan reviewers when there were staffing shortages. This plan was approved without the use of the current standards for designing erosion and sediment control measures. Staff has requested that Mecklenburg County calibrate with their contract plan reviewers to make sure that the details and measures that are approved are acceptable to the State of North Carolina.

Several sites had minor maintenance issues. The problems were fixable within 24 hours of the problem. To avoid future maintenance issues, staff also feels it would be beneficial for the inspectors to have more supervision in the field. This will prevent minor maintenance issues from becoming difficult problems to deal with in the future.

Staff recommends continued delegation of the program contingent on the County updating their general inspection report, adding required language to approval letter, and providing additional supervision to inspection staff.

City of Charlotte

The City of Charlotte's Local Program was reviewed March 24th and 25th of 2008. Currently a staff of eight contributes eight full-time equivalent to erosion control. There are currently 206 active projects larger than one acre. The staff has approved 227 projects in the past calendar year. The staff conducted approximately 5,460 inspections in the past year. Civil penalties are assessed on all 205 notices of violation.

Eight projects were evaluated. Three sites were found to be out of compliance with the Sedimentation Pollution Control Act and three others had maintenance problems.

The first site found out of compliance was a 3.7-acre residential site. This site was out of compliance failure to provide adequate groundcover, failure to maintain measures, and a sediment basin failure.

The second site was a residential site. The site was out of compliance for failure to provide adequate groundcover and sedimentation into a natural watercourse. Silt fence was placed along the toe of a fill slope that crossed a creek. At the lower end of the

project, the roads and slopes needed adequate groundcover. Sediment had entered the diversion channel around pond. Sediment basin embankments need groundcover.

The third site was a 6-acre roadway extension site. The site was in violation for failure to maintain measures, insufficient measures, and failure to take all reasonable measures to prevent sedimentation damage. Sediment had accumulated at the beginning of the project and flowed onto a city street. An existing pipe draining the roadbed needed inlet protection, and water needed to be diverted off the roadbed. Additional erosion and sediment controls were needed until the storm drainage system was installed. Silt fence needed repair.

General documentation was adequate. 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. The following two additional questions should be added to the general inspection report:

1. Is the site currently under a Notice of Violation?
2. Is the site in compliance with SPCA and rules?
3. Potential NPDES Permit Violations?

This information should be tracked in all logbook inspections and entered into the City of Charlotte's Accela database. The grading permit should contain the following statement: "Acceptance and approval of this plan is conditioned upon your compliance with Federal and State water quality laws, regulations, and rules. In addition, local city or county ordinances or rules may also apply to this land-disturbing activity. This approval does not supersede any other permit or approval."

The sedimentation and erosion control plans for all but one site were adequate. One plan had been approved in October of 2007. This plan was approved without the use of the current standards for designing erosion and sediment control measures. Staff is aware that plans should be approved using the current standards set forth in the Erosion and Sediment Control Planning and Design Manual.

Staff recommends continued delegation of the program contingent on the City updating their general inspection report and adding required language to their approval letter/grading permit.

Rowan County

Rowan County's Local Program was reviewed April 17, 2007. There are two staff positions. The previously vacant position has been filled for 4 months. Together the positions contribute 1.5 full-time equivalents to erosion control. There are approximately 87 active projects. The local program has reviewed 15 projects since the last review, including revised plans. The staff conducted 288 inspections since the last review. Twelve notices of violation and one stop work order were issued.

A total of six sites were evaluated. Four of the sites reviewed were the non-compliant sites from the previous review. Two additional sites were also evaluated. Three projects were found to be out of compliance with the Sedimentation Pollution Control Act. The first site out of compliance was a 2.5-acre institutional site. A basin was removed before the site was stabilized. The site contractor was agreeable to put a measure back in to prevent possible sediment from leaving the site.

The second site out of compliance was a 3.9 acres residential site. A basin had been removed before ditches were stabilized.

The last site found to be out of compliance was previously reported as an 8.25 acre commercial site that started without an approved plan. This site has been approved as a 196-acre site. The site is currently inactive. An old wastewater lagoon was previously breached, draining sludge into a cove at the upper end of High Rock Lake. The sludge has been removed but the fill dirt placed into the cove to provide a causeway to remove the sludge has not been removed. Access was previously achieved by using a dirt road to cross a railroad track. The site did not have a crossing permit. The railroad has barricaded access via crossing the railroad tracks. At the time of the review the only other possible access was through private land that has been posted with "No Trespassing" signs. The site has been under temporary restraining order and is under violation with the Division of Water Quality. The site was put under a consent order. The site is not in compliance with the consent order. Remedial access is needed to fix the site. (Since the review work has started again on the site. Rowan County officials contacted Land Quality on May 12, 2008 to say that site access had been obtained. The developer was clearing and grubbing 30 acres, but had not installed the sediment and erosion control measures on the approved plan. Land Quality advised Rowan County to issue a Notice of Violation, and contact the county attorney concerning violations of the consent agreement.)

Rowan County is working with their finance department to hire McGill and Associates to review the County's plans. Land Quality staff previously recommended that the County hire a qualified person to review erosion and sediment control plans.

The Land Quality staff is still concerned about the County's enforcement abilities. The County has not assessed a penalty since the last inspection of the program. Land Quality still holds fast to the recommendation 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. County staff is now meeting the statutory 30-day requirement on plan reviews and 15-day requirement on revised plan reviews. The County should continue to document what is seen in the field. Rowan County has also added the additional updates requested by Land Quality staff to their inspection form.

Inspectors for Rowan County have worked to gain additional knowledge in erosion and sediment control. Mr. Lloyd Pace has acquired certifications as a Charlotte/Mecklenburg

Site Inspector, Stormwater BMP Maintenance Certification, and DOT Level I and DOT Level II Certifications. Ms. Becky Bost has attended several trainings since she has been hired and has recently passed her Stormwater BMP Maintenance Certification. Mr. Pace and Ms. Bost have received training from LQS field staff on two occasions on inspection, program structure and enforcement, as well as have worked with Paul Canup and Greg Greene (Rowan County) and Patrick Ritchie (City of Salisbury) on plan review. Additional training with a neighboring local program and field calibration with the Regional Office is recommended.

Land Quality staff's recommendation to continue Rowan County's probation until their revised ordinance is adopted by the County including any suggested changes requested by the Attorney General's office or by the Land Quality Section.