

# **Local Program Report to the SCC**

## **City of Winston-Salem/Forsyth County**

The City of Winston-Salem/Forsyth County Local Program was reviewed November 10, 2009. Currently a staff of five is dedicated to sediment and erosion control. There are currently 63 active projects. The staff approved 105 projects and s conducted 2767 inspections last year. Twenty-seven Notices of Violations were issued and 8 Civil Penalties were assessed. General documentation and the documentation of plan reviews were good. Files contained the necessary documentation, and written inspection reports were kept in the files reviewed. Data on enforcement actions were detailed and readily available. A total of 12 sites were reviewed. Four sites were noncompliant with the Sedimentation Pollution Control Act and the Local Ordinance.

A 1.5-acre residential site recently inspected was noted to be out of compliance for failure to follow the approved plan. Silt fence was not installed per plans. Also there were no attempts made to provide adequate groundcover. The measures in place needed maintenance, such as repairing wash-outs and replacing the existing baffles in the traps.

A 69.0-acre residential site recently inspected was noted to be out of compliance for failure to maintain measures. Inlet protection needed to be maintained and hardware cloth and gravel should have been used instead of silt fence. Additional check dams were needed in ditches as shown on the plan, and baffles were needed in the skimmer basin.

A 6.3-acre residential site was noted to be out of compliance for failure to take reasonable measures. Inlet protection needed to be maintained and eroded areas needed repair. Stormwater drainage needed inlet protection and dissipators at the outlets. Some areas needed groundcover due to the recent work of the city utility department.

Six individual lots (0.2-acres each) in the Salem Springs Development were noted to be out of compliance for not installing silt fence per plan.

The City is currently taking measures to bring the noncompliant sites into compliance. On the day of this review it was pouring rain as a result of the Tropical Depression Ida. There were no signs of visible off-site sedimentation during this review.

Staff recommends continued delegation of the program.

## **Town of Holly Springs**

The Town of Holly Springs' Local Program was reviewed December 15, 2009. Currently a staff of 5 contributes approximately two and a half full time equivalents to erosion control. There are currently 48 active projects. The staff has approved 25 projects since last year with 53 plan disapprovals. The staff conducted 1650 inspections

last year, issued 7 Notices of Violation and assessed 8 civil Penalties. To gain compliance, the Town also uses its authority to revoke building permits for sites that are in violation.

Three projects were evaluated. Two sites were not in compliance with the Sedimentation Pollution Control Act. A 10.9-acre site used for a soccer field was out of compliance for failure to take reasonable measures. There was failed silt fence at the northeast corner of the site and additional silt fence was needed. The other noncompliant site was a 12.7-acre residential site that needed inlet protection, and silt fence at the base of fill slopes, including the sediment basin embankment. The construction entrance was not adequate and it was recommended that if work wasn't going to continue that groundcover should be provided. The site that was compliant was a 4.2-acre residential site that had been issued a Notice of Violation and assessed a Civil Penalty of \$5,000 for failure to provide adequate groundcover, insufficient measures to retain sediment onsite, failure to take all reasonable measures, unprotected exposed slopes and failure to maintain erosion control measures. The Town has done an excellent job of documenting enforcement for this site. Inspection reports are detailed and frequent to document compliance. Although the fine hasn't been paid, the site is in receivership and is now in compliance. The Violator wants the fine to be waived due to the economy.

General documentation was excellent. The Town keeps detailed files on each of the projects with various forms to help facilitate the needs of the program.

Staff recommends continued delegation of the program.

### **Town of Cary**

Town of Cary's delegated Local Program was reviewed January 12, 2010. Currently a staff of three contributes three full-time equivalents to erosion control. The Town currently has a vacancy for an inspector. There are currently 130 active projects. The staff has approved 50 new projects in the past year, with 450 plan disapprovals. The staff conducted 2000 inspections, issued 92 Notices of Violation and assessed 4 Civil Penalties in the past year. The Town may also withhold certificates of occupancy until projects are in compliance

Six projects were evaluated. Three sites were found to be in compliance with the Sedimentation Pollution Control Act. The sedimentation and erosion control plans for each of the sites were adequate. The general documentation and the documentation of plans reviews were good.

The Dorothy Cook Property Pond Breach was evaluated and it was noted that the plan was not followed. The plans called for a rip-rap channel at the location of the dam breach. Instead, a tarp-lined channel with check dams was installed. The plans lacked limits of disturbance, site ingress, construction entrance details, and dewatering details. The current installation was working however; it didn't follow the approved plan. The

Town will make efforts to get the site into compliance by requiring the rip-rap channel be installed as specified in the plans.

Chancery Village at The Park was a 15.4-acre residential site that was evaluated and was noted to be out of compliance for failure to maintain measures. There was a need for silt fence near the buffer area. The site has been having problems with the conversion of sediment basins to storm water BMPs. This site has been assessed 3 Civil Penalties by the Town. The Town continues to perform inspections and record actions and is pursuing compliance through enforcement.

Chatham Village was a 5.1-acre residential site that was out of compliance for failure to take reasonable measures. The construction entrance was not adequate. Also a soil stockpile had been left without ground cover. As result of a recent inspection, the inspector had already noted the issues prior to our inspection and the site was under a deadline to have corrective actions completed.

The Town has “in-field” capabilities where plans, general documentation, and inspection reports are available at the site. Also, updated standards and specifications by the Town are located online via the Town of Cary’s website. The Town has strict buffer rules and requires skimmers on all sediment basins. Detailed data on enforcement actions was available. The Town is currently taking measures to bring the noncompliant sites into compliance through Notices of Violation and enforcement.

Staff recommends continued delegation.

### **Cabarrus County**

Cabarrus County’s delegated Local Program was reviewed January 19, 2010. Currently a staff of two and a half contributes two and a half full-time equivalents to erosion control. The County lost an inspector to death in August of 2009 and currently has a vacancy for an inspector. There are currently 130 active projects. The staff has approved 50 projects in the past year, and 31 plans were disapproved. The staff conducted 985 inspections in the past year. Ten Notices of Violation were issued and ten Civil Penalties were assessed totaling \$132,640.00. Project documentation is stored electronically and was available via hard copy. The County utilizes electronic software, Accela, which allows county departments to share information. This software allows departments to flag a project at anytime the site is out of compliance with the County Ordinance. Projects that are flagged will not receive future permits or inspections until compliance is achieved. The Town has been assessing civil penalties and holding up certificates of occupancy which help keep the projects in their jurisdiction in compliance.

Four projects were evaluated. The sedimentation and erosion control plans for each of the sites and documentation of plan reviews were good and detailed. Three sites were noncompliant with the Sedimentation Pollution Control Act.

The Grand in Kannapolis was an 18-acre residential site that was under a Notice of Violation and had been assessed a Civil Penalty for failure to follow the approved plan, insufficient measures to retain sediment, failure to take all reasonable measures, and inadequate buffer zone. At the time of the review, issues were being addressed such as maintenance of silt fence and silt fence outlets. The sewer system was in the process of being tested and the local program staff said that they would pursue groundcover upon successful testing of the sewer.

Jacobs Landing was a 24.3-acre commercial site that was evaluated and was noted to be out of compliance for inadequate inlet protection. Inlet protection consisted of silt fence instead of the hardware cloth and gravel. There was no groundcover even though utility/sewer work had been finished. There was no evidence of off-site sediment.

The Farm at Riverpointe was a 34-acre residential site that was out of compliance. There was mud in the street from the corner lot to the construction trailer. Also there was no inlet protection. During the review, a breach in the sediment basin embankment was observed, as well as steep eroding slopes at the basin. The entire site lacked groundcover.

It was noted during this review that staff is not inspecting sites at least monthly. Sites should be at a minimum inspected monthly with a written inspection report. Past records showed that local program staff had noted sites out of compliance and issued a deadline for corrective actions, but there was no record of a follow-up inspection. Training and field calibration with the Mooresville Regional Office is recommended. Additional information should be noted on the inspection reports such as location of the sedimentation damage. Also, the Local Program should require that ground cover be established in a timely manner, and document this in writing. The County currently has a vacant staff position primarily dedicated to the local erosion and sediment control program. It would benefit the County to fill that position with a qualified person to inspect erosion and sediment control sites.

Land Quality staff's recommendation to the Sedimentation Control Commission at this time is to continue the review until the May SCC Meeting. Meanwhile the Mooresville Regional Office will train and work with Cabarrus County staff to achieve an acceptable level of consistency in conducting inspections and writing inspection reports. Staff will conduct a follow-up review before the May SCC Meeting and report the findings.

### **Town of Wake Forest**

The Town of Wake Forest's delegated Local Program was reviewed January 21, 2010. Currently a staff of seven contributes to approximately four full time equivalents to erosion control. There are currently 51 active projects. The staff has approved 16 projects since last year with 9 plan disapprovals. The staff conducted 454 inspections last year. The Town issued 99 Notices of Violation and assessed four Civil Penalties. The Town also uses its authority to revoke permits for sites that are in violation.

Four projects were evaluated. Two sites were not in compliance with the Sedimentation Pollution Control Act. A 1-acre commercial site was out of compliance. The construction entrance was not adequate. The construction entrance needed the correct size stone and sufficient length to prevent mud/sediment from entering the street. Also the inlet protection needed maintenance. The other noncompliant site was a 13.5-acre residential site that had been issued a Notice of Violation and assessed a Civil Penalty of \$5,000 for sediment damage, exposed slopes, failure to follow approved plan, failure to provide adequate groundcover, failure to take all reasonable measures, and unprotected exposed slopes. The site had recently been seeded, mulched and tacked, however there were some areas of concern such as sloughing around the inlet protection. The Town should require a revised plan for the discharge of storm water onto level spreaders. The pipes were not discharging properly and the angle in which they were installed did not follow the plan. The Town has done an excellent job of documenting enforcement for this site. Inspection reports are detailed and frequent. The Town will not approve a Certificate of Occupancy until the assessed Civil Penalties are paid in full. On the day of this review it was cold and raining. There were no signs of visible off-site sedimentation during this review.

General documentation was excellent. Currently records for the Town are kept on paper, however with the transition to the "New World" program all records will be kept electronically. The Town has "in-field" capabilities where they will be able to access all information onsite.

Staff recommends continued delegation of the program.

# **Local Program Report to the SCC**

## **City of Burlington**

The City Burlington Local Program was reviewed February 11, 2009. Currently a staff of one provides one full-time equivalent for sediment and erosion control. Staff has approved two plans and conducted 18 inspections with the issuance of one Notice of Violation since the last review. No civil penalties or stop work orders have been issued.

Four projects were evaluated, including two projects found out of compliance on August 6, 2009. Three of the four projects evaluated were compliant with the SPCA and Local Ordinance.

Cox Toyota, a 12.4-acre commercial site was found noncompliant. This site was also noncompliant with the SPCA on August 6, 2009 and has been frequently inspected to obtain compliance but it has proven to be a challenge for the Local Program. A Notice of Violation prompted temporary compliance at the site, but recently graded slopes have not been stabilized. Inlet protection was inadequate and disturbed slopes throughout the site needed groundcover. Silt fence needed adjusting so that off-site water could be released. The channel along the overflow parking lot needed to be stabilized, and the skimmer in the basin needed to be cleaned so that dewatering could take place. Sediment was found on Dan Brook Road and construction entrances needed to be stabilized.

The sediment and erosion control plans and file documentation for each of the additional sites reviewed were adequate.

The City took the recommendations to strengthen the program very seriously and are conducting at least one written inspection report a month and formal inspections for sites that are out of compliance until the sites become compliant. The City has restructured their program and has made inspections a priority by conducting them at least monthly and pursuing corrective actions on sites that are noncompliant with the SPCA and the Local Ordinance. The City has also requested additional staff and will be hiring an inspector in the near future whose position will focus on conducting inspections. The City has implemented a process which utilizes all of the construction inspectors to recognize possible erosion control issues on City construction projects as well as reporting all land disturbing activities to the Local Program. This will ensure that no grading and land disturbing activities take place without an approved erosion control plan.

Previous issues addressed during the last review appear to have been adequately corrected. Staff is continuing to work with the S.T. Wooten Company on obtaining compliance on Cox Toyota. The City has shown great improvement since the last review.

Staff recommends continued delegation of the program.