

Local Program Report to the SCC Gaston County, July 11, 2019

On July 11, 2019 personnel from the NCDEQ, Land Quality Section, conducted a review of the Gaston County's Erosion and Sedimentation Control Program. Gaston County was last reviewed on 10/9/2012. The County has 3 staff members that currently contribute 3 full time equivalents to the erosion control program. A new inspector position has been opened and the County hopes to fill that position soon. The County requires a sediment and erosion control plan for sites that have a total land disturbance of 1 acre or more. For residential development with less than 1 acre of disturbance the County has a single lot E&SC plan application, which is a worksheet that shows common lot layouts and allows the builder to pick the E&SC measures that best match their lot. In the 2018-2019 fiscal year, Gaston County reviewed 56 erosion and sedimentation control plans, approved of 46 plans, and disapproved 10 plans. Plans are often disapproved for unfeasible transitions between construction phases and E&SC measures proposed being inadequate. All plans are reviewed within 30 days of receipt. The County will make recommendations for enhanced erosion control measures for projects within their critical watershed areas such as increased design storms for skimmer basins. Pre-construction meetings are required for every approved project before work can begin. The County conducted 659 site inspections, issued 82 NOV's, and 15 CPAs during the 2018-2019 fiscal year. The County inspectors are required to respond to all complaints, including draining issues, for both their permitted and non-permitted sites. Responding to these complaints can be very time consuming and can delay inspections for permitted sites. County inspectors say they are currently able to get to an average site every 6 to 8 weeks; more frequently for sites under NOV or out of compliance. The County plans to have the new inspector focus on responding to complaints allowing for their current inspectors to have more time to inspect their permitted sites. Gaston County currently has 118 active projects. During our review of the program, we reviewed three sets of plans, as well as inspected three job sites.

The following is a summary of the projects that were reviewed:

1. Blemont Town Square

This project consists of 25.43 disturbed acres for residential development. This project is part of a common plan of development and is neighboring two other active work sites. The file for this project contained the plan, approval letter, inspection reports, calculations, and the FRO form. The deed was not in the file but is checked during the plan review using an online data base. The erosion control plan was received on 1/31/2018 and approved on 3/2/2018. A revised plan had been approved on 9/24/2018. The approved plan was adequate. This site has received 6 inspections. On 3/26/2019 the site was found out of compliance for offsite sedimentation. The County planned to issue an NOV to the site, but the site was able to clean up the offsite sedimentation quickly and the NOV was no longer issued. The last inspection for the site was conducted on 5/15/2019. The site was found out of compliance for failure to maintain measures. No NOV's or CPAs have been issued to this site at the time of our review. During our inspection, the site continued to be out of compliance. County inspectors noted violations for offsite sedimentation in multiple locations, failure to provide adequate groundcover, insufficient measures to retain sediment on site, failure to take all

reasonable measures, unprotected slopes, and failure to maintain measures, as well as violations to their stormwater permit. During our inspection we found little to no groundcover on most of the project, apart from basin embankments and a few of the slopes at the back end of the project. We noted several areas where silt fence or silt fence outlets had been removed allowing sediment to travel into the neighboring worksite. When installing the storm system on site, sediment was piled overtop the silt fence, spilling over into the neighboring construction site. Unmaintained and damaged measures on the back side of the project resulted sediment running offsite into the sediment basin of the neighboring worksite. Sediment was noted offsite beyond the sediment basin outlet structures. Slopes and stockpiles were exposed and needed to be protected. County inspectors noted that the site needed to clean up all offsite sediment, repair and maintain all inlet protection on site, repair and reinstall all silt fence and outlet structures boarding the neighboring worksite, establish groundcover across entire site including stockpiles and slopes, as well as make sure they are following their stormwater permit for fuel storage and concrete washouts. County inspectors stated that the site will be receiving an NOV as a result of this inspection for offsite violations and repeat violations for 5/15/19 inspection. A NOV was issued to the site along with the inspection report on 7/16/2019.

2. Laurel Walk Subdivision

This project consists of 8.78 disturbed acres for home building. The mass grading of this subdivision was submitted as a different project. This project is part of the same common plan of development as the Belmont town square development. The file for this project contained the plan, approval letter, inspection reports, deed, FRO form, and a landowner agreement between the FRO and the deed holder. The plan was received on 4/24/2018 and was approved on 5/7/2018. The approved application was adequate. The site has had 5 inspections. On 3/27/2019, the site was found out of compliance and was issued an NOV. During the follow up inspection conducted on 4/30/2019, the site was able to fix the issues noted in the previous inspection and the NOV was lifted. The most recent inspection was performed on 5/7/2019, during which the site was found to be out of compliance for slight offsite sedimentation. The site has not received any CPAs at this time. During our inspection, the site was active and continued to be out of compliance. The County inspector noted offsite sedimentation that had run off the site and into the pump station of the neighboring project, poor construction entrance maintenance for individual lots, damaged or removed silt fence, failure to establish groundcover within the specified timeframes, as well as issues with the sites concrete washout. The County inspector noted that they will be issuing an NOV to this site as a result of this inspection. A NOV was issued to the site along with the inspection report on 7/15/2019.

3. Dhollandia

This project consists of 23.3 disturbed acres for industrial development. The file for this project contained the plan, approval letter, calculations, inspection reports, and the FRO form. The deed was not in the file but is checked during the plan review using an online data base. The plan submittal was received on 5/2/2018 and was approved on 5/30/2018. A revised plan was approved on 5/24/2019. The approved plan was adequate. The site has been

inspected 7 times. The site was last inspected on 5/16/ 2019 and was in compliance at the time. No NOVs or CPAs have been issued to this site at the time of our review. During our inspection the site was active and was found to be out of compliance with the SPCA. The County inspector noted slight sedimentation that had left the limits of disturbance, unmaintained perimeter silt fence and silt fence outlets, bare soil above newly installed curbs and future building pad that need groundcover, unprotected curb inlets with weep holes that would bypasses any inlet protection, maintenance needed for forebay of the sites sediment basin, as well as noted a few violations of the sites stormwater permit such as missing a concrete washout. The site had many small stockpiles scattered across the site that were created when installing the curb. The County inspector was advised to monitor the stockpiles and inform the contractor to install silt fence or provide groundcover to all stockpiles that will remain for a period of time. The County inspector met with the site supervisor prior to leaving the site. Violations/ deficiencies and corrective actions were described to the site supervisor as well as a few recommendations to prevent future violations. The County inspector stated that the site would receive and out of compliance inspection report.

Conclusion:

During our review we found that Gaston County is effectively implementing their Locally Delegated Erosion and Sediment Control Program. All the approved plans that were reviewed were adequate and inspections were thorough. Inspection rates for projects with an approved erosion control plan are lower than ideal due to the need to respond to complaints throughout the county; however, Gaston County is already in the process to hire a new staff member to help with this issue. Gaston County should implement the following the improve the program:

1. Increase inspection rate of projects with approved erosion and sedimentation control plans. Ideal inspection rate is at least one (1) inspection per project per month.
2. Add the following language to your approval letter: “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.”
3. Provide violators ten (10) days’ notice of a violation before issuing a civil penalty.

Based on the review, staff will recommend “continuing delegation” for Gaston County’s Erosion and Sedimentation Control Program.

This report has been prepared based on the review of Gaston County’s Local Program conducted on 7/11/2019. This report will be presented to the Sedimentation Control Commission (SCC) on August 14, 2019.