



# NEW HANOVER COUNTY

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## ENGINEERING

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**Jim Iannucci, PE, CFM, County Engineer**

July 10, 2019

NC Department of Environmental Quality

Division of Energy, Mineral and Land Resources

Attention: Ms. Julie Coco, PE, CPESC

1612 Mail Service Center

Raleigh, NC 27699-1612

Dear Ms. Coco,

New Hanover County would like to thank you for the review of our local erosion and sedimentation control program on April 25, 2019 and for a review of the findings by the Sedimentation Control Commission. As requested, we are responding to your request regarding a memorandum dated January 1, 2018 affecting program administration. An updated copy of the memorandum dated July 1, 2019 is attached for further clarification.

1. Inspections are and will continue to be performed periodically and after major phases of construction. Inspections are scheduled and completed utilizing a countywide quadrant system to improve efficiency by reducing driving time. Periodic inspections are being performed and documented on permitted sites at a frequency of less than 90 days. It is not our policy or intent to wait 90 days prior to performing the next inspection. Complaints are now handled separately and documented in our new Energov Code Compliance software called IG Enforce. Complaints will be linked to an Inspection Report if determined to be associated to a permitted site.
2. Our policy regarding the issuance of a Notice of Violation (NOV) has been updated in the memorandum. New Hanover County will issue an NOV for a significant violation documented in an Inspection Report per the Sediment Act. However, the goal of New Hanover County will continue to be to work with the permit holder to correct all deficiencies on-site prior to elevating the matter to issuing an NOV. A Notice of Violation (NOV) shall be issued for any significant violation of the Sediment Pollution Control Act of 1973 (SPCA), rules adopted pursuant to the SPCA, or the local erosion and sedimentation control ordinance documented in an inspection report. Working with

permit holders by other means is the reason we have not issued NOV's but we have made adjustments to this policy as stated above. Maintaining sediment on-site will remain a priority of our locally delegated program. New Hanover County has begun utilizing Energov permitting software that allows us to verify if a site requires a grading permit and tree protection at the time that a building permit is requested so that the site is compliant prior to the start of land disturbing activities. This is part of our new work flow based permitting procedures and should not be considered a stop work order.

3. The "Porters Neck Crossing" project was out of compliance for different reasons on the two consecutive reports. The grading contractor was working to correct these deficiencies. We will further review this specific case and re-inspect as well as make adjustments to handling compliance issues on all projects and will utilize the issuance of an NOV per the Sediment Act.
4. New Hanover County has assessed the effectiveness of the changes and has received positive feedback. The review of the program as well as the feedback from the Sediment Control Commission has allowed us to further review these changes and make adjustments in accordance with the MOA. The attached revised memorandum dated July 1, 2019 demonstrates our commitment to adhering to the MOA as well as working with permit holders to correct deficiencies on-site before they become significant violations that require the issuance of an NOV.

Per Part II.A.3 of the MOA, we have responded and have taken corrective action. We look forward to the Sediment Control Commission completing the review and continuing delegation of our program.

Please contact me at (910) 798-7142 or [jiannucci@nhcgov.com](mailto:jiannucci@nhcgov.com) if you have any questions or require additional information.

Very Respectfully,



James P. Iannucci, PE, CFM

County Engineer

New Hanover County

Attachment: Memorandum dated July 10, 2019