

Local Program Report to the SCC Village of Whispering Pines, February 7, 2019

Since the review of the Village of Whispering Pines' Erosion and Sedimentation Control Program conducted on October 19, 2018, personnel from the Fayetteville Regional Office have conducted three (3) informal reviews of program, as per direction of the Sedimentation Control Commission. The following are the results of said reviews:

November 28, 2018

The Village of Whispering Pines has been providing inspection reports to FRO/Contractors to document inspections conducted at sites. Inspections are being conducted every two weeks or so. The Village plans to use the FRO form for all sites requiring a plan. The Village plans to change its threshold for requiring an erosion and sediment control plan from 10,000 square feet to one (1) acre. Regional Office staff recommended that site inspections be performed at least quarterly for all projects and weekly for enforcement-related sites. Staff also recommended that the Village contact the Central Office to clarify rules for common plans of development. This was explained to Ms. Christopher.

December 13, 2018

The Village is continuing to implement our previous recommendations including documentation of applicable site inspections, and they have updated the inspection form to include their local ordinance citations. Regional Office staff recommended the Village continue to report monthly to the central office.

January 31, 2019

The Village has changed their threshold requiring an erosion and sediment control plan from 10,000 square feet to one (1) acre. Below are their criteria for permitting and plan approval of land disturbing activities.

| Criteria | Status |
|---|---|
| Disturbance: 500 – <1 acre Slopes < 3:1 Critical Areas = No Within 150 ft of a waterbody = No | Grading Permit with Compliance Form required. Minimum EC measures required. |
| Disturbance: 500 – <1 acre Slopes >= 3:1 Or Critical Areas = Yes Or Within 150 ft of a waterbody = Yes | Grading Permit with Compliance Form and (<i>schematic</i>) “erosion control lot plan” required. |
| Disturbance: > = 1 acre | Erosion Control Plan required. FR/O form required. |

During this review, we followed up with recommendations to improve the program that were made at the last formal review (10/19/2018). The first recommendation stated that the Village needed to update their local ordinance. The Village is aware of the need to update Chapter 10 of the Whispering Pines Land Development Ordinance (LDO) to include the latest statutory exemptions from the Sediment Pollution Control Act of 1973. This includes exemptions (G.S. 113A-52.01) and the handling of civil penalty remission requests (G.S. 113A-64.2). The Village is waiting on changes related to Stormwater issues that will also affect the LDO. Once those changes are ready, the Village will update the LDO with both Stormwater and erosion control language from our Model Ordinance. The next several recommendations discussed improvements for inspection reports and issuing NOVs. Further guidance for site inspection expectations was given. Inspections for projects requiring a E&SC plan must be done after the completion of each construction phase. For projects that do not require a plan, an inspection report should be filled out whenever offsite sedimentation has been observed, or when sediment has entered the nearest 25 percent of the buffer to a lake or natural watercourse. The Village shall also complete an inspection report for all citizen complaints. There have been no NOVs issues since the last review. The last few comments touched on plan reviews. There have been no project applications that require an E&SC plan since our last review.

Conclusion:

Since their last review, The Village of Whispering Pines has shown a lot of improvement in the documentation and reporting of their erosion control program. The Village of Whispering Pines should implement the following recommendations to continue to improve the program:

1. Update Chapter 10 of the Whispering Pines Land Development Ordinance (LDO) to include the latest state statutory exemptions from the Sedimentation Pollution Control Act of 1973 under which your program has delegated authority. This includes exemptions (G.S. 113A-52.01) and the handling of civil penalty remission requests (G.S. 113A-64.2). The latest promulgated law can be found on the DEQ-DEMLR website. A copy of our model ordinance for local programs can also be provided upon request.
2. Require an erosion and sediment control plan for disturbances within the boundaries of a common plan of development or sale that will equal or exceed one acre.
3. Continue to report erosion control program statistics to SharePoint. If the program has not received any E&SC applications that require plan approvals during the quarter, then an e-mail stating such is acceptable.
4. Continue to give inspection reports to the Financially Responsible Party, and keep a copy for Village records.

5. Continue to use the Regional and Central office staff as a resources to help you with any questions or trouble sites you may have.

Based on the reviews, staff recommends ending the review of the “Sediment and Erosion Control Program” of the Village of Whispering Pines, and to place the program on continuing delegation.

This report has been prepared based on the reviews of the Village of Whispering Pines Local Program. This report will be presented to the Sedimentation Control Commission (SCC) on February 7, 2019.