

Local Program Report to the SCC

Jackson County, April 11, 2019

On April 11, 2019 personnel from the NCDEQ, Land Quality Section, conducted a review of the Jackson County's Erosion and Sedimentation Control Program. Jackson County was last reviewed on 8/23/2012. The County has 4 staff members that currently contribute 3 full time equivalents to the erosion control program. The County requires a sediment and erosion control worksheet, which has a list of measures and checks for the party to agree to installing, for sites that have a total land disturbance of a half-acre up to an acre and require a full E&SC plan for sites that are one acre or more. The Program requires a \$2,000 bond for every acre over 5 acres of disturbance. In 2018, Jackson County, reviewed 15 erosion and sedimentation control plans, and they were all approved; however, many of them had to undergo multiple plan revisions and resubmittals prior to approval. In the same year County conducted 1428 site inspections, only issued 1 NOV and 0 CPAs, but issued 72 stop work orders. Because the County likes for all NOV's to be reviewed by the County Attorney, the Local Program has found it faster and more effective to issue stop work orders rather than NOV's. Jackson County will also hold building permits as another tool to force sites to be in compliance with the SPCA. A site will not receive a building permit until it has passed an erosion control inspection. The County also implements an active stream monitoring program, where staff will travel up or down the rivers and streams within the county on a nearly daily basis. If they spot sediment entering the water, they will track the sediment all the way back to its source. Finally, the program holds a quarterly erosion control and self-monitoring training session for contractors and developers. Jackson County currently has 38 active projects that are over one acre in disturbance and an estimated 100 projects that are between a half-acre and one acre in disturbance. 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. Cullowhee River Club, Phase 2

This project consists of 1.5 disturbed acres for residential development. The file for this project contained the plan, approval letter, calculations, inspection reports, and the Financial Responsibility Owner (FRO) form. The deed was not in the file but is required to receive a land development permit, which is needed prior to an erosion control plan review. This phase of the project began construction prior to getting a permit and plan approval. Upon discovery, the Local Program issued a stop work order, that would not be lifted until the plans were submitted and approved. The Local Program doubled their plan review fee for this phase as a penalty for grading without an approved plan. The erosion control plan was received on 7/17/2018 and approved on 7/19/2018. The approved plan was adequate. This site has received 4 inspections, with the last inspection being conducted on 3/18/2019. The site was

in compliance with the SPCA during the last inspection. No NOV's or CPAs have been issued to the site. During our inspection, the site continued to be in compliance. The site had good ground cover and well-maintained measures. There was one area of silt fence that had begun to fall down; however, the slope leading to the silt fence had well established permanent ground cover.

2. Summit Charter School Gym

This project consists of 1.5 acres of disturbance for a new gym at a charter school. No public funds have been used for this project. The file for this project contained the plan, approval letter, inspection reports, and the FRO form. The deed was not in the file but is required to receive a land development permit, which is needed prior to erosion control plan review. The plan was received on 11/16/2017 and was approved on 11/27/2017. The approved plan was adequate. The site has had 13 inspections, with the last inspection being conducted on 4/4/2019, and the site was found to be in compliance. While no NOV's or CPAs have been issued to this site, the Local Program put a hold on the projects building permit for over 5 months due to the site being out of compliance with the SPCA. The building permit was finally issued after the site got back into compliance on 3/5/2019. The Local Program has had issues with this site since the School tried to complete the project using volunteers instead of a trained contractor. The County inspector meet with the volunteers to provide some erosion control training, but after multiple failed inspections the school hired a grading contractor. Volunteers continued to help with erosion control measure installation and maintenance throughout the project. During our inspection, the site was out of compliance due to these improperly installed measures. While the overall site had good ground cover, we found silt fence that had not been toed into the ground, inlets with no protection, and an exposed stock pile near the edge of the project limits with no measures to prevent sediment from potentially going offsite.

3. High Hampton Resort, Core

This project consists of 18.25 disturbed acres for commercial development. This is one of many phases for a large golf course/ resort. The County has gotten the contractor to agree to phasing out the project into 20-acre chunks, to minimize the amount of disturbed land at one time, due to the projects size and high number of stream crossings, water bodies, and wetlands within the site. The contractor and the County have agreed that 80% of each phase should be complete and permanently stabilized prior to opening a new phase. The file for this project contained the plan, approval letter, calculations, inspection reports, FRO form, bond, permit, power of attorney letter, and letter of receipt. The deed was not in the file but is required to receive a land development permit, which is needed prior to erosion control plan review. The plan submittal was received on 11/27/18 and was approved on 12/19/18. The

approved plan was adequate. The site has been inspected 4 times and had last been inspected on 3/7/2019. During the last inspection the site was in not in compliance for failure to provide groundcover, unprotected slopes, and failure to maintain measures. No NOVs or CPAs or stop work orders have been issued to this site. During our inspection the site was active and in compliance with the SPCA. Past issues had been resolved such as previously exposed slopes had received temporary groundcover and control measures looked like they had recently been repaired or cleaned out.

Conclusion:

During our review we found that Jackson County is effectively implementing their Locally Delegated Erosion and Sediment Control Program. All the approved plans that were reviewed were adequate and project sites are inspected frequently. Jackson County should implement the following the improve the program:

1. Ensure all necessary details and calculations are submitted with plans before they are approved.
2. Issue NOVs to sites that are found in violation with the SPCA on top of your other methods for compliance, such as stop work orders and permit holding.
3. Make sure all basins are built as designed in the approved plan.
4. Make sure groundcover is achieved at our sites within the time table requirements.
5. Continue to attend state-provided workshops to keep staff education current.
6. Continue to use Regional Office and Central Office as a resource to help with potential trouble sites and any NPDES violations you discover.

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

This report has been prepared based on the review of Jackson County’s Local Program conducted on 4/11/2019. This report will be presented to the Sedimentation Control Commission (SCC) on May, 29, 2019.