

Local Program Report to the SCC Town of Lake Lure, April 10, 2019

On April 10, 2019 personnel from the NCDEQ, Land Quality Section, conducted a review of the Town of Lake Lure's Erosion and Sedimentation Control Program. Lake Lure was last reviewed on 10/25/2010. The Town has 2 staff members that currently contribute 2 full time equivalents to the erosion control program. The Town requires a sediment and erosion control plan for sites that have a total land disturbance of 2,000 sq ft or more. In 2018, Lake Lure, reviewed 41 erosion and sedimentation control plans, approved 40 plans, and disapproved 1 plan. The Town staff say they conduct about 2 inspections/site/week; however, no inspection reports have been filled out. In 2018 Lake Lure issued 5 NOV's, 2 CPAs, and 3 stop work orders. Lake Lure currently has 40 active projects. During our review of the program, we reviewed three sets of plans, as well as inspected four job sites.

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

1. Bentley Property

This project consists of 0.97 disturbed acres for residential development. The file for this project contained the plan, permit, and the Financial Responsibility Owner (FRO) form. Deeds are collected by Lake Lure's Zoning department, and a zoning permit is required for E&SC approval. The erosion control plan was received on 10/30/2018 and approved on 11/8/2018. The approved plan was adequate. This site has received two stop work orders since it has begun construction. During our inspection, the site was out of compliance. The town inspector noted the following: failure to provide adequate groundcover, failure to take all reasonable measures, unprotected and exposed slopes, and failure to maintain measures. The inspectors filled out an inspection report for the site during our inspection with guidance from DEQ staff.

2. Robert Burton

This project consists of 0.6 disturbed acres for residential development. The file for this project contained the plan, approval letter, and the FRO form; however, the FRO was not notarized. Deeds are collected by Lake Lure's Zoning department, and a zoning permit is required for E&SC approval. The original application was received on 10/29/2017 and the permit was issued 4/30/2018. The approved plan appeared to be adequate but was missing a detail for silt fence. The site has not received an NOV, CPA, or stop work order at this time. During our inspection, the site was out of compliance. The town inspector noted the following: failure to provide adequate groundcover, failure to take all reasonable measures, unprotected and exposed slopes, and failure to maintain measures. The Inspector noted that

they had given the site a previous warning about maintaining their measures and cleaning out the silt fence; however, due to a large storm Lake Lure had experienced the night before, the sediment in the silt fence could be new. The inspectors filled out an inspection report for the site during our inspection with guidance from DEQ staff.

3. Beihl Property

This project consists of 0.752 disturbed acres for residential development. The file for this project contained the plan, permit, and the FRO form. Deeds are collected by Lake Lure's Zoning department, and a zoning permit is required for E&SC approval. The plan submittal was received on 8/3/2018 and was approved on 8/13/2018. The approved plan was adequate. During our inspection, the site was out of compliance. The town inspector noted failure to maintain measures as well as potential slight offsite sedimentation and a need for more ground cover on the low side of the site. The inspectors filled out an inspection report for the site during our inspection with guidance from DEQ staff.

4. Firefly Cove Lot 6 (Site Visit Only)

This project was a single lot being developed within a subdivision along the lake. Upon our site inspection the site was in compliance. The Inspector noted some areas that needed to be maintained, such as silt fence with high sediment build up, that could be an issue if left alone. The inspector also took note of a freshly cut slope that should be covered as soon as possible to avoid slope failure. The inspectors filled out an inspection report for the site during our inspection.

Conclusion:

During our review we found that Lake Lure has the knowledge required to effectively implement their Locally Delegated Erosion and Sediment Control Program; however, they are lacking documentation. All the approved plans that were reviewed were adequate, but the files lacked approval letters and deeds. Project sites are supposedly being inspected frequently, but they lack any reports to document said inspections. The Town of Lake Lure should implement the following to improve the program:

1. Fill out an inspection report for each site at least once a month and/or anytime a site is found to be out of compliance or in violation of the SPCA or local ordinance. Provide the responsible party with a copy of the inspection report after it has been filled out. Keep a copy of all inspections within the project folders.
2. Send out an approval letter with the permit for all approved plans. A copy of the state approval letter can be found within the SharePoint Site.

3. Have the applicant provide a copy of the deed along with the FRO form. Require an agreement to be signed whenever the name on the FRO does not match the name on the deed to prevent any land disturbance that was not permitted by the land owner.
4. Provide self-inspection forms for any site that is over an acre, and check self-inspection records when conducting your own site inspection.
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 any NPDES violations you discover.

Based on the review, staff will recommend “continuing review” of the Town of Lake Lure’s Erosion and Sedimentation Control Program with a follow up in three (3) months so that the program can get their documentation in order. During these three months the Town of Lake Lure should submit at least one inspection report per month to DEMLR staff for review.

This report has been prepared based on the review of Lake Lure’s Local Program conducted on 4/10/2019. This report will be presented to the Sedimentation Control Commission (SCC) on May, 29, 2019.