

## **Local Program Report to the SCC Lincoln County, April 5, 2019**

On April 5, 2019 personnel from the NCDEQ, Land Quality Section, conducted a review of the Lincoln County's Erosion and Sedimentation Control Program. Lincoln County was last reviewed on 5/24/2012. The County has 5 staff members that currently contribute 4 full time equivalents to the erosion control program. The County requires a sediment and erosion control plan for sites that have a total land disturbance of 20,000 sq ft or more for non-residential development. Any residential development of 1,000 sq ft to 20,000 sq ft requires a building permit and a single lot E&SC application, which is a one page worksheet that shows common lot layouts and allows the builder to pick the E&SC measures that best match their lot. They also require enhanced erosion control for any projects that are 20 acres or more. Enhanced erosion control includes such requirements as basin designs for a 25-year storm event, double rows of silt fence, and a 100 ft construction entrance instead of 50 ft in length. In 2018, Lincoln County, reviewed 93 erosion and sedimentation control plans (including re-review), approved of 61 plans, and disapproved 16 plans. A pre-construction meeting is conducted for every project before work can begin. During this pre-construction meeting the County provides a detailed pre-construction form, inspection form, other assisting documents, and goes over their County's "three strike rule" for erosion control enforcement. The "three strike rule" goes as follows for an individual violation: upon first discovery, inspectors write an out-of-compliance inspection report, on the subsequent inspection a NOV is issued if the violation has not been corrected (can be with a stop work order based on severity), if the violation has still not been corrected by the time the program conducts a compliance inspection a CPA and a stop work order are issued. The stop work order will not be lifted until the site is in compliance and the penalty has been paid. This rule does not apply to grading without a permit or severe off-site sedimentation, in which case a CPA is issued immediately. After the pre-construction meeting the contractor can clear the site perimeter and install erosion control measures. Once measures are installed an initial inspection is conducted for compliance. If the site is in compliance, the grading permit is issued and work can begin. This last year the County conducted 5591 site inspections, issued 37 NOV's, 13 CPAs, and 13 stop work orders. Lincoln County currently has 583 active projects, with approximately 110 that have disturbance over an acre. 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. Starbucks - Lincolnton**

This projects consist of 1.3 disturbed acres for commercial development. The file for this projects contained the plan, approval letter, 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

erosion control plan was received on 3/6/2018 and approved on 3/21/2018. The approved plan was adequate. This site has received 5 inspections, with the last inspection being conducted on 3/29/2019. 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 was not active and continued to be in compliance. The site has finished grading and is now in the building phase. The County inspector made a few comments about maintaining measures such as inlet protection, as well as establishing ground cover on the exposed slope near the outlet structure.

## **2. Trilogy**

This project is a multi-lot development consisting of several single family homes. The mass grading in this subdivision was submitted as a different project, and now they are just in the home building phase. The file for this projects contained the plan, approval letter, 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 first single lot application was received on 5/26/2016 and was approved on 5/27//2016. The approved application was adequate. The site has had 25 inspections, with the last inspection being conducted on 3/25/2019, and the site was found to be out of compliance. The site has not received any NOV's or CPAs at this time. During our inspection, the site was active and continued to be out of compliance. The issues mentioned in a previous inspection report had not been corrected, as well as there were some new issues. The County inspector noted several violations including: slight off-site sedimentation onto neighboring lot, knocked down and damaged silt fence, mud tracks down the road, missing construction entrances, uncovered/exposed stockpiles and slopes, and an unmaintained outlet on low side of the lot. The County inspector marks each violation and issue by lot number on inspection report so contractor knows exactly were the corrective actions are needed. Due to this being the "second strike", The County says an NOV will be issued along with this inspection report.

## **3. Killian Creek**

This project consists of 22.5 disturbed acres for residential subdivision 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 FRO form and plan did not have matching disturbed acreage. The plan submittal was received on 10/7/2016 and was approved on 12/2/16. The approved plan was adequate. The site had last been inspected on 3/29/2019 and was in compliance at the time. No NOV's or CPAs have been issued to this site. During our inspection the site was active and in compliance with the SPCA. Mass grading has finished and the project is now in the home building phase. The County inspector made some comments for maintenance including: maintain inlet protection, install silt fence around or establish ground cover on

stockpiles, and make sure vehicles are only driving on roads and using construction entrances on site.

**Conclusion:**

During our review we found that Lincoln 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. Lincoln County should implement the following to improve the program:

1. Require an agreement to be signed whenever the name on the FRO form does not the name on the deed to prevent any land disturbance that was not permitted.
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. Continue to attend state-provided workshops to keep staff education current.
4. Continue to use Regional Office and Central Office as a resource to help with potential trouble sites.

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

This report has been prepared based on the review of Lincoln County’s Local Program conducted on 4/5/2019. This report will be presented to the Sedimentation Control Commission (SCC) on May, 29, 2019.