

## **Local Program Report to the SCC Buncombe County, October 15, 2019**

On October 15, 2019 personnel from the NCDEQ, Land Quality Section, conducted a review of the Buncombe County's Erosion and Sedimentation Control Program. Buncombe County was last reviewed on 11/29/2012. The County has 2 staff members that currently contribute 2 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 1 acre or more, as well for any lot that is classified as a Hillside Subdivision that is a quarter-acre or more in disturbance. A Hillside Subdivision is defined as a lot, parcel, or tract with an average slope of 25 percent or greater in its natural state. In the 2018-2019 fiscal year, Buncombe County reviewed 101 erosion and sedimentation control plans, approved of 94 plans, and disapproved 4 plans. The County requires erosion control measures to be designed for a 25-year storm as opposed to a 10-year storm across the entire county. Plans are reviewed within 20 days of receipt. Pre-construction meetings are required for every approved project before work can begin, and the County will not schedule a pre-con meeting until they are shown a certificate of coverage under the NCG01. The County conducted 2,300 site inspections, issued 18 NOVs, and 0 CPAs during the 2018-2019 fiscal year. The County states that it will often use permit holding as another tool to get sites back into compliance. Any time someone is caught grading or clearing prior to approval of an erosion control plan, they will be penalized by having to pay double the fees for a plan review. Buncombe inspectors say they are currently able to get to an average site once a month. Inspection rates will typically start at once every two weeks as the project begins, then transition to monthly inspections as they move forward. During inspections the County will check self-inspection records. Buncombe County currently has 367 active projects. 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. Pond Road Subdivision.**

This project consists of 36.2 disturbed acres for residential development. The file for this project contained the plan, approval letter, inspection reports, calculations, and the FRO form, and a landowner agreement between the FRO and the deed holder. The deed was not in the file but is checked during the plan review using an online database. The approval letter on file was missing language stating that the approval of this plan does not supersede any other law or permit they must abide to. The plan was received on 5/13/2019 and approved on 5/31/2019. The approved plan was adequate. A revised plan was approved on 10/3/2019. This site has received 5 inspections. The last inspection for the site was conducted on 10/8/2019, and was found to be out of compliance for failure to follow the approved plan. No NOVs or CPAs have been issued to this site at the time of our review. During our inspection, the site continued to be out of compliance, for failure to follow the approved plan. During our inspection Buncombe staff stated that the skimmer basin that had been noted in the past two reports remained to be unfinished, and the silt fence at the outlet was down. Upon seeing this the County inspector stated that the site would receive an NOV for repeat violations. Other issues were noted such as an unmaintained construction entrance, lack of proper diversion

into the basin, and a lack of groundcover. County inspectors met with the site supervisor after our inspection and discussed the unfinished basin and other issues with the site.

## **2. Retreat at Arden Farms**

This project consists of 21 disturbed acres for residential development. The file for this project contained the plan, approval letter, inspection reports, FRO form, and a landowner agreement between the FRO and the deed holder. The deed was checked using an online database. The plan was received on 5/16/19 and was approved on 6/17/19. The approved application was adequate. The site has had 2 inspections. The most recent inspection was performed on 10/2/2019, during which the site was found to be in 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 in compliance. The phase one basins and preliminary measures had been properly installed and maintained. Due to the lack of rain the area has received over the last couple of months, the contractor has been mulching the removed trees on site and plans to use the mulch as additional temporary groundcover.

## **3. ABCCM Transformation Village**

This project consists of 17.94 disturbed acres for the commercial and residential 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 database. The plan was received on 5/24/2018 and was approved on 6/11/2019. The approved plan was adequate. The site has been inspected 12 times. The site was last inspected on 10/11/2019 and was in compliance at the time. No NOV's or CPAs have been issued to this site at the time of our review. During our inspection the site was active and was found to be in compliance. The site was currently preparing to go inactive due to a lack of funding needed to finish construction. The contractor was finishing up pouring curb and gutter, future roads will be covered with gravel, and unprotected soils are to be seeded and matted. The site had adequate ground cover on all slopes and basins. Basins and perimeter silt fence all appeared to be well maintained. As we were leaving the site we observed the operator of the concrete truck washing off concrete along the edge of the project. No concrete washout was seen on site. Buncombe County was advised to monitor for NPDES violations and seek assistance from the Regional Office Staff if needed.

### **Conclusion:**

During our review we found that Buncombe County is effectively implementing their Locally Delegated Erosion and Sediment Control Program. All the approved plans that were reviewed were adequate and inspections are frequent. Buncombe County should implement the following to improve the program:

1. 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.”

2. Add remission language to CPA letter
3. Add more detail and notes to inspection reports to better describe what was observed during inspections.

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

This report has been prepared based on the review of Buncombe County’s Local Program conducted on 10/15/2019. This report will be presented to the Sedimentation Control Commission (SCC) on November 4, 2019.