

Local Program Report to the SCC Town of Cary, August 6, 2019

On August 6, 2019 personnel from the NCDEQ, Land Quality Section, conducted a review of the Town of Cary's Erosion and Sedimentation Control Program. Cary was last reviewed on 12/8/2014. The County has 6 staff members that currently contribute 5.5 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 12,000 sq. ft. or more. Sites that are smaller than 12,000 sq. ft. are still required to install erosion control measures but do not receive a full plan review and only receive complaint driven inspections. In the 2018-2019 fiscal year, Cary reviewed 250 erosion and sedimentation control plans, approved 59 plans, and disapproved 170 plans. These numbers include resubmittals for the same project. The Town says that plans go through multiple levels of reviews, and the average plan will go through 4 submittals before it is approved. The maximum length for a plan review in Cary is 28 days. Pre-construction meetings are required for every approved project before work can begin. Cary conducted 2,580 site inspections, issued 14 NOVs, and 0 CPAs, and 0 stop work orders during the 2018-2019 fiscal year. The Town states that they begin with weekly inspections when a project first starts, and transition to bi-weekly inspections as construction progresses. Cary uses a variety of methods to get sites into compliance such as holding permits and building inspections. The Town of Cary currently has 104 active projects that meet the program's need for an approved plan. 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. Bee Safe (plan review and site visit)

This project consists of 2.6 disturbed acres for commercial development. The file for this project contained the plan, approval letter, inspection reports, calculations, and the FRO form. The deed was not in the file but is checked during the plan review using an online data base. The approval letter was missing some language stating that the approval of this plan does not supersede any other permits or laws the project must abide to. The final erosion control plan was received on 10/24/2018 and approved on 11/13/2018. The approved plan was adequate. DEMLR staff commented that a few of Cary's standard details were outdated and needed to be updated. DEMLR staff also advised the town to provide a link for the new stormwater plan pages provided by the state to be submitted along with their erosion control plan. This site has received 4 inspections.

The last inspection for the site was conducted on 7/17/2019 and was found out of compliance for failure to follow the approved plan, and failure to maintain measures. No NOVs or CPAs have been issued to this site at the time of our review. During our inspection we found that site to be out of compliance for failure to provide adequate groundcover, insufficient measures to retain sediment on site, and failure to maintain measures. We found an area where sediment had gone outside the limits of disturbance and into the woods but remained on site. The site had installed super silt fence along the entire perimeter of the project with silt fence outlets; however, areas of the silt fence had been damaged over time or installed incorrectly and needed to be repaired/ reinstalled. A large stockpile of fill dirt had been brought onto the site a few weeks ago but had no

measures or ground cover to protect it. DEMLR staff provided advice to the Cary inspector to modify the control measures at an outlet to help an overwhelmed device. Cary staff performed a follow up inspection of this site after our review. During this inspection they found that new silt fence outlets have been installed, seeding have been applied, baffles have been installed in the skimmer basin, diversion ditches have been lined, silt fence has been repaired, and the stock pile has been seeded and tacked, and silt fence has been placed at the base of the stock pile. The site is now in compliance.

2. Bitting Electric (plan review and site visit)

This project consists of 5.096 disturbed acres for commercial development. The file for this project contained the plan, approval letter, inspection reports, calculations, and the FRO form. The approval letter was missing some language stating that the approval of this plan does not supersede any other permits or laws the project must abide to. The final plan was received on 6/6/2019 and was approved on 6/18/2019. The approved application was adequate. DEMLR staff commented that a few of the a few of Cary's standard details were dated and needed to be updated. DEMLR staff also advised the town to provide a link for the new stormwater plan pages provided by the state to be submitted along with their erosion control plan. This site has had 2 inspections. The most recent inspection was performed on 7/24/2019, 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 was in compliance. This project was in an early stage of construction and were still installing some of their preliminary control measures. The site's crew was actively digging out the future sediment basin. The devices that had already been installed appeared to be well maintained and were waiting for a compliance inspection to move forward to their next phase of erosion control. Cary staff performed a follow up inspection of this site after our review. During this inspection they found that the basin has been installed, seeded, and matted, the diversion channel has been lined and seeded, and the small basin that was already installed has been seeded and matted. The site continues to be in compliance.

3. Sorrell Street/ Towns of Page Square (plan review and site visit)

This project consists of 5.49 disturbed acres for 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 data base. The plan submittal was received on 5/2/2018 and was approved on 5/30/2018. A revised plan was approved on 5/24/2019. The approved plan was adequate. The site has been inspected 18 times. The site was last inspected on 7/22/2019 and was found to be out of compliance for failure to follow the approved plan, failure to maintain measures, failure to protect slopes, and failure to provide adequate ground cover. 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 in compliance. Overall the site had well maintained measures, with the inspectors only noting that the skimmer basin baffles needed some maintenance as well as few areas were in need to be reseeded. The Town had worked with the site to adjust to the project's skimmer basin location to prevent failure due to its proximity to a steam. The adjustments made appeared to be effective and the basin was functioning without issue. Cary staff performed a follow up

inspection of this site after our review. During this inspection they found that the baffles had been replaced as well as they replaced the damaged skimmer, and groundcover has been established on the unprotected lots. The site continues to be in compliance.

4. Willow Oak (site visit only)

This project consists of 11.9 acres of disturbance for home building. The project had a mix of lot grading and home building going on while we were on site. This site has been inspected 55 times and at the last inspection the site was found to be out of compliance for failure to follow the approved plan, and failure to maintain measures. During our inspection the site was in compliance but needed maintenance on some measures as well as ground cover applied to the embankments of one of the skimmer basins. Most of the silt fence and silt fence outlets had been well maintained, only needing to repair a small corner, and reinstall the silt fence where it had been temporarily removed to perform some grading. Each lot had adequate ground cover and seeding and inlet protection was well maintained. There was some evidence of slight sediment staining just outside the limits of disturbance but remained onsite. The Cary inspector provided guidance to the site supervisor on how to clean up and repair the area, as well as provided advice to prevent future sediment loss.

Conclusion:

During our review we found that the Town of Cary is effectively implementing their Locally Delegated Erosion and Sediment Control Program. All the approved plans that were reviewed were adequate and sites are inspected frequently, and the inspections seen were thorough. Cary 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. Update details to match state design requirements.
3. Provide source for stormwater plan sheets and require them to be attached to all plan submittals to meet NCG01 requirements.

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

This report has been prepared based on the review of the Town of Cary’s Local Program conducted on 8/6/2019. This report will be presented to the Sedimentation Control Commission (SCC) on November 4, 2019.