

Local Program Report to the SCC Mecklenburg County, September 26, 2019

On September 26, 2019 personnel from the NCDEQ, Land Quality Section, conducted a review of the Mecklenburg County's Erosion and Sedimentation Control Program. Mecklenburg County was last reviewed on 3/13/2013. The County has 4 staff members that currently contribute 3.5 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. In the 2018-2019 fiscal year, Mecklenburg County reviewed 315 erosion and sedimentation control plans, approved of 72 plans, and disapproved 181 plans. Plans often go through multiple submittals and reviews, averaging 3 to 4 submittals per project. The County requires enhanced erosion control measures for projects within their critical watershed areas such as limiting disturbance to 20 acres at one time, use of PAM to reduce turbidity, matted diversion ditches, increased design storms for skimmer basins, etc. The County holds Pre-submittal meetings to go over potential site-specific issues and plan expectations. Pre-construction meetings are required for every approved project before work can begin. The County will also hold a meeting during the construction process before any stream/ water crossing work is done, to go over expectations and the approved plan with the contractors and engineers. The County conducted 1676 site inspections, issued 16 NOVs, and 5 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. Mecklenburg inspectors say they are currently able to get to an average site every 14 days, every 10 days for sites under NOV or out of compliance, and once a month for permitted but inactive projects. During inspection the County will check self-inspection records. Mecklenburg County requires certification, through a provided class, in order to be able to perform erosion control inspections within the County. Mecklenburg County currently has 200 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. Matthews Mixed Use Development

This project consists of 25.5 disturbed acres for a mix of commercial and residential 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 on file was missing language stating that the approval of this plan does not supersede any other law or permit they must abide to. This plan went through 4 rounds of submittals and reviews before being approved. The last submittal was received on 8/17/2018 and approved on 8/31/2018. The approved plan was adequate. This site has received 20 inspections. The last inspection for the site was conducted on 9/25/2019, and was found to be in compliance. No NOVs or CPAs have been issued to this site at the time of our review. During our inspection, the site continued to be in compliance, with a few maintenance items and additional measure needed. During our inspection Mecklenburg staff asked for our advice on the skimmer basins on site. The basins had been designed and built to the dimensions of the permanent wet ponds to remain after construction, with the condition that they are pumped into silt bags periodically. This resulted in high water within basin with baffles being submerged under multiple feet of water.

DEMLR staff recommended a routine/ conditional pumping schedule to achieve better sediment capture within the basins. During the inspection we also noted stockpiles with no protection, natural diversion ditch forming without any check dams or ground cover, as well as a fuel tank with no secondary containment and no concrete washout on site. County inspectors met with the site supervisor after our inspection and provided the details of the inspection and recommendations for improvement. Since our review, the County conducted another inspection of the site on 10/4/2019. During this inspection the site remained in compliance and had addressed all the concerns noted during our review.

2. West Branch

This project consists of 100 disturbed acres for residential development and home building. The file for this project contained the plan, approval letter, inspection reports, deed, FRO form, and a landowner agreement between the FRO and the deed holder. The plan was received on 2/22/17 and was approved on 3/10/2017. The approved application was adequate. The site has had 56 inspections. The most recent inspection was performed on 8/29/2019, during which the site was found to be out of compliance for failure to maintain measures on individual lots. The site has not received any NOVs or CPAs at this time. During our inspection, the site was active and continued to be out of compliance for failure to maintain measures, failure to take all reasonable measures to maintain sediment on site, as well as a few stormwater violations, including improper fuel storage on site. The County inspector noted that the skimmer on one of the basins had been flipped and was not able to do its job. The other basin was actively being mucked out during our inspection as per the direction of the County during the past inspection. It was noted during this process that the contractor was pumping the basin but was not using the silt bag at the end of the pump. County inspectors advised the contractor that they need to use a silt bag whenever they are pumping out a basin. The measures of the stream crossing appeared to be well implemented and maintained; however, the contractor decided to place a fuel tank nearby and did not have proper secondary containment. The County was directed on how to advise the contractor to follow NPDES regulations. Other issues noted was sediment piled overtop of a curb inlet, damaged or destroyed silt fence on individual lots, and a high volume of construction debris scattered across the site. Mecklenburg Inspectors meet with the site supervisor to discuss corrective actions needed. On 10/4/2019 Mecklenburg County conducted a follow up inspection of the site and found the issues noted during our review had been corrected and the site to be back in compliance

3. Bonnie Cone Classical Academy

This project consists of 13.25 disturbed acres for the construction of a charter school. 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. This plan went through 3 rounds of submittals and reviews before approval. The final submittal was received on 4/9/2019 and was approved on 4/12/2019. The approved plan was adequate. The site has been inspected 9 times. The site was last inspected on 9/11/2019 and was in compliance at the time. No NOVs 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 had adequate ground cover, and the contractor was actively hydroseeding during our inspection. Basins and perimeter silt fence all appeared to be well maintained. Two maintenance issues noted were that the construction entrance need new stone and that a tree that had fallen over some silt fence should be removed. The County conducted a follow up inspection on 10/4/2019. During this follow up inspection the site continued to be in compliance and had address the issues noted during our review.

Conclusion:

During our review we found that Mecklenburg 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 and thorough. Mecklenburg 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. Monitor and provide guidance for NPDES violations including improper concrete washout and fuel containment on site during inspections.
3. Ensure basins installed on site are adequately implemented to achieved desired treatment.
4. Refer site operators to Part II, Section G.4 of the NPDES NCG01 permit for proper draw down of basins.

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

This report has been prepared based on the review of Mecklenburg County’s Local Program conducted on 9/26/2019. This report will be presented to the Sedimentation Control Commission (SCC) on November 4, 2019.