

Local Program Report to the SCC New Hanover County, January 23, 2020

On January 23, 2019 personnel from the NCDEQ, Land Quality Section, conducted a follow up review of the New Hanover County's Erosion and Sedimentation Control Program based on the Sedimentation Control Commission's decision to continue the review of the program during the August 14, 2019 SCC quarterly meeting. New Hanover County has updated their local ordinance, which was reviewed and approved on 12/16/2019. The County has 2 staff members that currently contribute 1.5 full time equivalents to the erosion control program. The county is in the process of hiring an inspector, which will add 1 FTE. The County requires a sediment and erosion control plan for sites that have a total land disturbance of a one acre or more. In the 2018-2019 fiscal year, New Hanover County reviewed 358 erosion and sedimentation control plans, approved 187, and disapproved 171. Most of the county's plan disapprovals are due to submitting incomplete plans such as not acquiring tree removal approval prior to submitting or missing plan information or calculations. The County has conducted 1679 inspections in the 2018-2019 fiscal year, with each site receiving an inspection about every 60 to 90 days. Sites that are out of compliance or under NOV will receive more frequent inspections. The County has begun to issue NOV's, with 4 NOV's issued in the month of December. All NOV's remain open, and no CPAs have been issued at this time. The County frequently issues holds on building permits as another means to achieve compliance. New Hanover put a hold on 233 permits in the 2018-2019 fiscal year. New Hanover County states that they provide erosion control classes and professional development hours for regional contractors and engineers. New Hanover County currently has 423 permitted sites, 217 of which are active. 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. Smith Creek Village

This project consists of 23.3 disturbed acres for residential development. The file for this project contained the plan, approval letter, inspection reports, calculations, deed, and the FRO form. The plan was received on 3/5/2018 and approved on 3/25/18. A revised plan was received on 4/11/2019 and approved on 5/7/2019. The approved plans were adequate. This site has received 10 inspections. The last inspection for the site was conducted on 12/9/2019 and was found to be out of compliance. An NOV was issued on 12/27/19 for offsite sedimentation into a creek, failure to follow plan, failure to install all reasonable measures and failure to maintain measures. No CPAs have been issued to this site at the time of our review. During our inspection, we saw that the contractor had done a lot of work to remedy the violations noted in the 12/27/19 NOV; however, the offsite sediment remained in the creek and DWR had not yet been contacted about clean up. The previously downed and missing measures, such as silt fence and inlet protection, had been repaired and installed. The site still needed ground stabilization, especially on sloped areas along the creek. DEMLR staff recommended not lifting the NOV until the offsite sediment had been cleaned up and stabilization had been established in unprotected areas.

2. Hendrick Honda of Wilmington

This project consists of 15.86 disturbed acres for commercial development. The file for this project contained the plan, approval letter, calculations, inspection reports, FRO form, and the deed. The plan was received on 6/4/2019 and approved on 6/19/2019. The approved plan was adequate. The site has had 3 inspections. The most recent inspection was performed on 1/18/2020, during which 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 continued to be out of compliance; however, the contractor had performed a lot of work towards compliance. An area that had previously been reported to be eroded had been repaired as well as had matting, and riprap installed to prevent future damage and new silt fence was installed in the surrounding area. The construction entrance, inlet protection, and the skimmer basin were all well maintained. A few out of compliance items from the 1/18/2020 inspection report still needed to be addressed such as installation of the silt fence in the corner of the project along the street.

3. Blend in Meadows

This project consists of 10.47 disturbed acres for residential development. The file for this project contained the plan, approval letter, calculations, inspection reports, deed, and the FRO form. The plan was received on 3/21/18 and was approved on 3/26/18. The approved plan was adequate. The site has been inspected 5 times. The site was last inspected on 10/21/19 and was out of compliance at the time for failure to maintain measures. No NOV's or CPAs have been issued to this site at the time of our review. During our inspection the site was in compliance, but needed to continue to work on growing permanent stabilization across the site and extend the silt fence to provide better protection for a stream crossing on-site. New wattles and been installed within the roadside diversion ditches as well as new matting in areas experiencing erosion. The skimmer and silt fence appeared to be well maintained.

Positive findings:

During our review we found a number of positive aspects about New Hanover County's local erosion control program including:

- All approved plans had adequate phasing and sequencing.
- The County has started to issue NOV's for sites that are in violation of the SPCA along with holding permits.
- Local ordinance has been updated.
- County provides education opportunities, providing erosion control classes for local engineers and contractors.

Issues Noted:

During our review we found that New Hanover County's local erosion control program had a few deficiencies including:

- Inspection reports do not provide a citation or reference to the law or general statute when a violation is indicated.

Additional Recommendations for Improvement:

DEMLR staff has also put together a list of recommendations, or option items, to improve the program:

- Increase the program's number of field inspectors in order to reduce time between inspections.
- Provide a reference to the law or ordinance when a violation is listed on an inspection report.
- Require preconstruction meetings for all projects to review SPCA and NPDES requirements and plan expectations.

Conclusion:

During our review we found that New Hanover County has addressed the concerns that the SCC had expressed about the program and is diligently working towards continued improvement in implementing their Locally Delegated Erosion and Sediment Control Program.

Based on the review, staff will recommend ending the review of New Hanover County's Erosion and Sedimentation Control Program and place the program on "continuing delegation".

This report has been prepared based on the review of New Hanover County's Local Program conducted on 1/23/2019. This report will be presented to the Sedimentation Control Commission (SCC) on February 20, 2020.