

## **Local Program Report to the SCC Guilford County, September 24, 2020**

On September 24, 2020, personnel from the NCDEQ, Land Quality Section, conducted a review of Guilford County's Erosion and Sedimentation Control Program. Guilford County was last reviewed on 1/30/2020. The Sediment Control Commission placed Guilford County on a 9-month probation at the February 5, 2020 Commission meeting. The County has since hired a second inspector, bringing their staff total to 3 members that contribute 3 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 one acre or more and any disturbance within Tier 1 or Tier 2 of critical watershed areas. From August 2019 to August 2020, the County reviewed or re-reviewed 45 erosion and sedimentation control plans and approved 34. During the same time frame the County stated that they had conducted 1067 inspections and issued 4 NOVs. All NOVs were issued during the probationary period. The County states that they hold building and other permits as a tool to achieve compliance. Preconstruction meetings are required for all approved projects before a grading permit is issued. Guilford County currently has 131 active projects. During the previous review DEMLR staff noted a few issues including; infrequent site inspections, sites not following approved plans, a plan review being conducted outside of the 30-day time frame requirement, sites not providing adequate groundcover within timetables, and sites with steep and unprotected slopes. The County states that they perform weekly site inspections on large sites, bi-weekly inspections on average sites and monthly inspections on smaller sites. The county explained that the reported number of inspections only accounted for inspections that were solely erosion and sediment control. When inspectors conducted inspections for other things, such as building, landscape, plumbing, etc., in conjunction with the erosion and sediment control inspection, due to the way they code each inspection within their system they are not counted as ESC inspections. The County and DEMLR regional staff conducted joint inspections throughout the probationary period on the 4 sites from the 1/30/2020 review and 5 additional sites. DEMLR regional staff reported that the local program appears to be performing at least monthly inspections on all sites, filing detailed inspection reports and communicating with project engineers, contractors and developers about issues noted during inspections and ways that they can prevent situations leading to noncompliance.

The following is a summary of the projects that were reviewed:

### **1. Aydogdu**

This project was one of the original 4 reviewed during the 1/30/2020 review and consists of 3.8 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 5/7/2019 and was approved on 6/6/2019. The approved plan was adequate. The site has been inspected 23 times. The site was last inspected on 9/9/2020 and was found to be 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 out of compliance for failure to document self-inspections. The site needed general maintenance and cleaning. A few areas of concrete slurry washouts were noted and pointed out to County staff as things to look for and refer to the Winston-Salem Regional office as NPDES violations. The site had good ground cover, stockpiles were stabilized and protected, and the entrance was well maintained. The skimmer basins were well maintained and

functioning properly. This site will soon be moving into a second phase and County staff has requested a revised plan before the builder can move into the next phase.

## **2. The Summit Church**

This project was one of the original 4 reviewed during the 1/30/2020 review and consists of 8.13 acres for the construction of a church. The file for this project contained the plan, approval letter, calculations, inspection reports, deed, and the FRO form. The plan was received on 3/27/2019 and was approved on 4/26/2019. The approved plan was adequate. The site has been inspected 22 times. The site was last inspected on 9/16/20 and was found to be 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 in compliance. Seeding/landscape crews were on-site, and it appeared they had recently mulched. Seed was germinating well. A small amount of sediment outside the LOD behind the steep slopes of the SE corner needed to be removed and slopes needed to be stabilized with seed and/or mulch. A channel that had formed and was undercutting an outlet needed to be repaired and the dissipation pad stabilized. County staff noted the need for overseeding with permanent vegetation and final stabilization of the sloped areas.

## **3. Summerfield Ridge**

This project was one of the original 4 reviewed during the 1/30/2020 review and consists of 11.3 acres 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 5/31/2019 and approved on 7/5/2019. The approved plans were adequate. This site has received 41 inspections. The site was last inspected prior to our review on 9/16/2020. Prior to the 1/30/2020 review, DEMLR staff had received multiple complaints from the public. DEMLR staff has not received any additional complaints during the probationary period. No NOV's or CPAs have been issued to this site at the time of our review. During joint inspections between DEMLR Regional and County staff over the probationary period, DEMLR staff reported that all deficiencies were noted and observed by County Inspectors, and that County staff consistently worked with project engineers, contractors, builders and landscape crews to bring the site into compliance. Many additional measures have been required by the County to ensure proper handling of erosion and sedimentation. Due to time constraints, a site inspection during our review was not completed. County staff conducted an inspection on 10/7/2020 and found that the site was out of compliance for failure to provide adequate groundcover, Unprotected exposed slopes and failure to maintain erosion control measures. The County set a 9-day deadline to complete corrective actions which were included on the inspection report.

## **4. Angels Landing**

This project was one of the original 4 reviewed during the 1/30/2020 review and consists of 5.7 disturbed acres for residential development. The file for this project contained the plan, approval letter, calculations, inspection reports, FRO form, and the deed. The plan was received on 7/17/2019 and approved on 7/27/2019. The approved plan was adequate. The site has had 17 inspections. The site was last inspected prior to our review on 9/11/2020. Prior to the 1/30/2020 review, DEMLR staff had received multiple complaints from the public. DEMLR staff has not

received any additional complaints during the probationary period. The site has not received any NOVs or CPAs from the local program at this time. During joint inspections DEMLR Regional staff reported that the County was working with the grading contractor to bring the site into compliance, all sediment and erosion control measures had been installed per the approved plan and were functioning properly, and that temporary vegetative stabilization had been well established. Due to time constraints, a site inspection during our review was not conducted. County staff conducted an inspection on 10/7/2020 at which time the site was found to be out of compliance for failure to provide adequate groundcover, unprotected exposed slopes and failure to maintain erosion control measures. The County set a 12-day deadline to complete corrective actions which were included on the inspection report.

## **5. Brick Reform Church**

This project is one that DEMLR-Regional staff conducted inspections in conjunction with County staff over the probationary period. This project consists of 2.6 disturbed acres for commercial development. The file for this project contained the plan, approval letter, calculations, inspection reports, deed and the FRO form. The plan went through 2 review cycles, with the final revised plan being received on 3/27/2020 and approved the same day. This site has received 3 inspections. The last inspection was conducted on 9/21/2020 where the site was found to be in compliance. The approved plans were missing the site soil information. During joint inspections in August the site had been well seeded and maintained. Due to time constraints, a site inspection was not conducted during our review. DEMLR Regional staff and County Inspectors conducted an inspection on 9/28/2020. During this inspection the site was in compliance. The site was well stabilized with temporary vegetation, the construction entrance was well maintained and clean and the two skimmer basins were functioning properly and well maintained.

## **6. RCC 260K (Inspections Only)**

This project is one that DEMLR-Regional staff conducted inspections in conjunction with County staff over the probationary period. This site is a large industrial property. During the 8/25/2020 joint inspection, the site was in compliance. DEMLR-Regional Staff conducted an inspection on 9/28/2020, at which time the site continued to be in compliance. Inspectors noted that a skimmer basin was in need of baffle maintenance, sediment clean-out and new riprap on the outlet dissipater pad to prevent further undercutting. The site overall was well stabilized with temporary vegetation and inspectors noted that permanent vegetation could be seeded during the fall growing season. The same deficiencies were noted by both County and DEMLR staff.

### **Positive findings:**

During our review we found several positive aspects about Guilford County's local erosion control program including:

- Requires all disturbances within Tier1 and Tier 2 critical watershed area to receive a permit.
- The County requires applicants to include the DEMLR NPDES plan sheets in their plan submittals in order to receive an approval.
- Preconstruction meetings are required by the County for all projects.

- Conducting regular monthly site inspections and more frequent inspections on larger sites and when violations are noted.

### **Issues Noted and Required Action:**

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

- Plans should include all information necessary to ensure that they can be approved in accordance with 15A NCAC 04B .0107(a) & (c) and 15A NCAC 04B .0118(d)(1) pursuant to the basic plan objectives under 15A NCAC 04B .0106. A plan was approved which was missing soils information.
- The requirement for adequately documented self-inspections. G.S. 113A-54.1(e) and 15A NCAC 4B .0131.

The County shall implement the following changes to correct the deficiencies noted above:

- Make sure that all applicable items on the Plan Review Checklist, including but not exclusively soils information, stream delineations and stockpile locations, are included on the plans before approval.
- Check that self-inspection reports are kept on site for all projects not just ones out of compliance or bad actors.

### **Additional Recommendations for Improvement (Optional changes):**

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

- Update all template letters to reflect latest language and references to North Carolina Administrative Code as the NCAC rules have recently been updated.
- Monitor and provide guidance for NPDES violations including improper concrete washout and fuel containment on site during inspections. Note possible violations and refer to the Winston-Salem Regional Office.

### **Conclusion:**

During our review and correspondence throughout the probationary period we found that Guilford County's Locally Delegated Erosion and Sediment Control Program has addressed all the issues found during the 1/30/2020 review. The addition of a second full time inspector has increased the ability to conduct frequent and detailed inspections. The program has many tools outside of issuing NOVs to push sites toward compliance but will issue NOVs if necessary. DEMLR staff has not received any citizen complaints regarding Guilford County projects in the past few months. It appears that the County has addressed the issues previously noted during the 1/30/2020 review and continue to learn and input the work and effort to effectively implement their Local Erosion and Sediment Control Program.

Based on the review, staff will recommend that Guilford County's Erosion and Sedimentation Control Program be removed from probation and continue its delegation.

This report has been prepared based on the review of Guilford County's Local Program conducted on 9/24/2020. This report will be presented to the Sedimentation Control Commission (SCC) on November 5, 2020.