

Local Program Report to the SCC Town of Wake Forest, September 18, 2020

On September 18, 2020, personnel from the NCDEQ, Land Quality Section, conducted a review of the Town of Wake Forest's Erosion and Sedimentation Control Program. Wake Forest was last reviewed on September 30, 2015. The Town has 6 staff members that currently contribute 3 full time equivalents to the erosion control program. The Town requires a sediment and erosion control plan for sites with a total land disturbance of 0.5 acres or more as well as individual lots that are a part of a common plan of development. In the 2019-2020 fiscal year, the Town of Wake Forest reviewed or re-reviewed 161 erosion and sedimentation control plans, approved 53, and disapproved 108. The most common reasons for disapproval of a plan were incomplete applications, calculations missing or inadequate construction sequencing and phasing. In the same time frame the Town performed 1,527 inspections, issued 40 NOVs, and 4 stop work orders. The Town states that each site has a monthly inspection and the inspectors perform periodic site drive-throughs between inspections. The Town has started working with the building permits department to hold COs and TCOs as another means of achieving compliance. Preconstruction meetings are required for all approved projects before land disturbance can commence. The Town currently has a total of 98 active projects. During our review of the program, we reviewed four sets of plans, however due to time, we inspected two of the four job sites.

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

1. Wake Forest Goldston

This project consists of 23.89 acres disturbed for residential development. The file for this project contained the plan, approval letter, calculations, inspection reports and the FRO form. The FRO form included a statement requesting a deed, but the Town indicated that the planning department retained a copy of the deed. This plan went through 3 review cycles with the final revised plan received on 11/7/2018 and approved on 11/16/2018. The approved plan was adequate. The site has received 12 inspections, the last being performed on 8/12/2020 and was given a "conditional pass" noting: silt fence and outlets needing repair, needing stabilization of graded lots, rills around basin inlets needing repair and stabilization, fallen trees needing to be removed and sediment on the road at stream crossings needing to be cleaned and surrounding area stabilized with ground cover. No NOVs or CPAs have been issued to this site. During our inspection, the site was in compliance but still required some actions to prevent further issues. The contractor had established good temporary ground cover and the area above the culvert at the first stream crossing had been sodded. Areas of silt fence had been repaired. The transitions into basins were stabilized well. Internal silt fence needed to be repaired where undercutting had occurred and where sediment had accumulated. Silt fence outlets needed to be cleaned out and fresh stone needed to be added. The baffles in the skimmer basins needed to be reinstalled. A large gully had formed above the buffer where a permanent SCM was to be installed and needed to be immediately repaired and stabilized to prevent any sediment leaving the site.

2. Wegmans

This project consists of 34.0 disturbed acres for commercial development. The file for this project contained the plan, approval letter, calculations, inspection reports and FRO form. The deed was indicated to be held in the planning department. The plan went through 6 review cycles with the final revised plan received on 3/18/2019 and approved on 3/31/2019. This site has received 10 inspections after disturbance began in November of 2019. The last inspection was conducted on 9/14/2020 and the site was found to be in compliance. No NOV's or CPAs have been issued to this site. During our inspection, the site was out of compliance for failure to follow approved plan, failure to take measures to protect property and failure to install and maintain measures. Inlet protections needed maintenance and fresh stone, and one needed inundated sediment to be cleaned out. A sediment basin needed re-installation after being removed prior to the up-gradient area being stabilized. The skimmer in the southeast permanent stormwater pond needed to be reattached. Slopes throughout the site had recently been tracked.

3. Wheatfield Shopping Center

This project consists of 4.94 disturbed acres for commercial development. The file for this project contained the plan, approval letter, calculations, inspection reports and FRO. The deed was indicated to being held in the planning department. This plan went through 3 review cycles with the last revised plan being received on 3/17/2020 and was approved on 3/30/2020. The approved plans were adequate. The site had received 5 previous inspections with the most recent being 8/27/2020 with the site being in compliance. No NOV's or CPAs have been issued to this site. Due to time constraints, a site inspection was not completed.

4. Holding Village Phase 4

This project consists of 12.85 disturbed acres for residential development. The file for this project contained the plan, approval letter, calculations and FRO. The deed was indicated to being held in the planning department. The site has had their pre-construction meeting and is in the process of installing their initial ESC measures so no inspections have been conducted yet. The plans have gone through 2 review cycles with the final revised plan being received on 2/3/20 and were approved on 2/13/2020. The approved plans showed impacts into a buffer and neither a 404 nor 401 permit was included. Due to time constraints, a site inspection was not completed.

Positive findings:

During our review we found a number of positive aspects about Wake Forest's local erosion control program including:

- Lower disturbed area threshold compared to the state.
- All approved plans are required to include site specific construction phasing/sequencing to receive approval.

- Preconstruction meetings are required for all projects prior to the start of land disturbance and NPDES plan sheets are required to be obtained by contractors at or before the meeting.
- Regular monthly inspections with unofficial weekly drive through site visits.

Issues Noted and Required Actions:

During our review we found that the Town of Wake Forest's local erosion control program had a few deficiencies including:

- A plan approved was missing a 404/401 permit for impacts into a buffer.
- Land Owner information is not required on the FRO form.

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

- Update FRO form to include Land Owner information and update FRO form Part B, item 1 to reflect the following language; "Company(ies) or firm(s) who are financially responsible for the land-disturbing activity (Provide a comprehensive list of all responsible parties on an attached sheet.) If the company or firm is a sole proprietorship the name of the owner or manager may be listed as the financially responsible party."
- Require a signed agreement when the landowner and FRP are different entities.
- Make sure if a FRP or Owner changes on a project, that the updated FRO form has been re-notarized. Ensure appropriate 404/401 permits have been obtained prior to plan approval when impacts to a buffer or stream are possible. Under General Statute 113A-54.1(c), you shall disapprove an erosion control plan if it would result in a violation of NCAC rules adopted to protect riparian buffers along surface waters.

Additional Recommendations for Improvement (Optional changes):

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

- Retain a copy of the deed in the project file
- 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 Raleigh Regional Office.
- Increase details and notes added to inspection reports to better describe what was observed during inspections.

Conclusion:

During our review we found that the Town of Wake Forest was effectively implementing their Locally Delegated Erosion and Sediment Control Program. Based on the review, staff will recommend to "Continue Delegation" for the Town of Wake Forest's Erosion and Sedimentation Control Program.

This report has been prepared based on the review of the Town of Wake Forest's Local Program conducted on 9/18/2020. This report will be presented to the Sedimentation Control Commission (SCC) on November 5, 2020.