

## **Local Program Report to the SCC City of Newton, August 16, 2018**

On July 31, 2018, personnel from NCDEQ, DEMLR, conducted a review of the City of Newton's Sedimentation and Erosion Local Program. The program is currently operating under conditional approval since its initial review on October 20, 2017. One staff member contributes 0.2 full time equivalent to the program. The City requires sediment and erosion control plans for sites that have a disturbed area of one acre or more. Since your last review on October 20, 2017, two (2) new plan reviews were conducted, both having been approved. The City currently has 4 active projects. The City indicated they averaged 12 site inspections per project per year, and last reported 2 inspections for the month of June. During our review of the program, we inspected 2 sites and reviewed 2 plans that had already been approved.

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

- **Azalea Glen Townhomes, Phase I**

This project consists of 4.2 disturbed acres and was being constructed for residential development. The file for this project included a notarized FRO form, deed, plans, calculations and an approval letter. The erosion and sediment control plan was approved on October 27, 2017. The approved plan for this site was not adequate. Ditch calculations were not provided. There was no detail for a concrete washout or a note on the plans for managing washout from concrete. Though skimmers were called for on the plans, there were no calculations provided for sizing the orifice.

The site was last inspected on July 24, 2018. A Notice of Violation was issued on July 30<sup>th</sup>, one day before our visit. The site was active and not in compliance during our inspection. Skimmer basin slopes needed stabilizing. Silt fence had been knocked down and needed repair. Concrete was being washed out onto the open ground. A rain gauge, but no plans were found onsite. Violations included failure to follow the approved plan, failure to maintain measures, failure to manage construction site pollutants, and failure to have approved plans and the permit onsite. (The Assistant Planning Director asserts that the plans are kept onsite in the contractor's truck; however, we were not presented with these plans.)

A few recommendations were made in the field. 1) Provide adequate ground cover on all slopes of the skimmer basin. 2) Reinstall silt fence as per the approved plan. 3) Provide a concrete washout area. 4) Provide a document box next to the rain gauge or at an appropriate location, and keep a copy of the plans, permit, and inspection records in it.

- **FKC-Newton**

This project was approved for 1.7 acres, and was being constructed for commercial development. The file for this project included a FRO form, deed, plan, calculations, and approval letter. The agreement between the landowner and the financially responsible party was missing. The erosion and sediment control plan was approved on May 30, 2018. The approved plan for this site was not adequate. There was no detail for a concrete washout or a note on the plans for managing washout from concrete. The construction sequencing was not specific to the plan, and referenced an incorrect contact name.

The site was reported to be active in the second week of July and was active during our visit, but had yet to be inspected. During our inspection, the site was not in compliance. There was slight visible damage from off-site sedimentation into an adjacent parking lot. The skimmer was not installed with the basin. No measure was in place to manage concrete washouts. A rain gage and document box were being installed upon our visit. Violations included failure to take all reasonable measures to protect property from damage, failure to maintain measures, failure to follow the approved plan, and failure to manage construction site pollutants.

A few recommendations were made in the field: 1) Remove sediment that deposited offsite. 2) Install skimmer as shown on the approved plan. 3) Provide a concrete washout area. 4) Maintain all sedimentation and erosion control measures as specified in the approved plan and as required to prevent sedimentation damage.

### **Conclusion:**

The City should implement the following recommendations to improve the program:

1. Continue to inspect the sites frequently (at least once a month and more if needed). Please continue sending us the inspection reports for all active projects. Document all internal inspection reports.
2. Continue requiring that adequate ground cover be provided within the time limits of the local ordinance and approved plan.
3. Continue to check for self-inspection records on site. Please continue to send DEMLR a minimum of one self-inspection report per month for a site.
4. Make sure that sediment and erosion control measures such as construction entrance, silt fence are well maintained.
5. Do not approve the plan until all calculations, details and sequencing are submitted.
6. Update the city's inspection reports to cite the ordinance, state statute, or state administrative code applicable to the violations listed.
7. Ensure the plans are reviewed by the statutory deadlines (G.S. 113A-54.1)

The reports and other documents requested must be submitted by the second week of the following month of reporting. Example- All inspection reports of January should be submitted by the second week of February.

While there have been some improvements made to the program, including consistent reporting of inspections to the NCDEQ, deficiencies still exist in plan approval process. There exists a lack of knowledge in the statutory deadlines for plan approvals. On the inspection side, there seemed to be some confusion as to when to issue Notices of Violation. City staff were informed as to these requirements. The staff recommends placing the program on probation, contingent upon implementing the above recommendations.