

Local Program Report to the SCC New Hanover County, April 25, 2019

On April 25, 2019 personnel from the NCDEQ, Land Quality Section, conducted a review of the New Hanover County's Erosion and Sedimentation Control Program. New Hanover County was last reviewed on 2/23/2012. The County has 2.5 staff members that currently contribute 2 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 a one acre or more. In 2018, New Hanover County reviewed 357 erosion and sedimentation control plans, approved 178, and disapproved 179; however, many of the disapprovals were due to a lack of receiving tree removal approval prior to submitting erosion control plans. Per a new County Memorandum, signed on January 1, 2018, the local program can conduct inspections either when a complaint is received or once every 90 days. Despite being limited by this new memorandum, the County conducted 2,051 site inspections in 2018. The County Memorandum also limits the program's ability to issue NOVs, stating that a NOV will only be issued for violations that cannot be corrected or the responsible party refuses to correct them, and sediment is allowed to travel offsite. Because of this, the program did not issue any NOVs or CPAs in 2018, however New Hanover County issued 155 stop work orders as an alternative method to get their sites into compliance. New Hanover County currently has 172 active projects that are over one acre in disturbance. During our review of the program, we reviewed four sets of plans, as well as inspected three job sites.

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

1. Waterstone

This project consists of 62.3 disturbed acres for residential development. The file for this project contained the plan, approval letter, calculations, deed, inspection reports, Financial Responsibility Ownership (FRO) form, LLC annual report, and a landowner/ FRO notarized agreement. The erosion control plan was received on 6/12/2017 and approved on 6/28/2017. The approved plan was adequate. The last inspection was conducted on 3/27/2019. The site was not in compliance with the SPCA during the last inspection. No NOVs or CPAs or stop work orders have been issued to this site. During our inspection the site continued to be out of compliance. The County inspector noted that the site had failed to submit a revised plan for slope drains that were needed to protect the embankment of skimmer basins. At one of the many wetland crossings on site, the County inspector noticed a large amount of mulch that had been dispersed within the wetland crossing. During our inspection, the Local Program commented on the removal of perimeter silt fence prior to having permanent ground cover established on the slope leading to the wetlands. The site must submit a revised plan, reinstall silt fence at site limits where ground stabilization has not yet been achieved, and

clear out all fill in the wetland to get back into compliance with the SPCA. Despite these violations, the overall site had good ground cover and well-maintained measures.

2. Holiday Inn

This project consists of 2.85 acres of disturbance for commercial development. The file for this project contained the plan, approval letter, calculations, inspection reports, deed, and the FRO form. The original plan was received on 11/5/2018 and was approved on 1/10/2019 after a revised plan submittal. The approved plan was adequate. The site has had 1 inspection dated 3/21/2019 and a preconstruction meeting held on 2/25/19. During the inspection, the site was found to be in compliance. No NOVs or CPAs or stop work orders have been issued to this site. During our inspection, the site was active and out of compliance for failure to follow the approved plan, failure to install all measures, and pumping water offsite from a catch basin. The County inspector noticed that some of the catch basins had non-approved measures placed inside them, such as silt fence material wrapped around the basin grate, while the protection for most of the curb inlets onsite had been removed. The inspector also noted that the construction entrance had been mostly removed. There were several catch basins on site that had water pumped out of them. While most of these pumps discharged on site, one of them discharged over the silt fence. Self-inspection records were not on site during our inspection. The county inspector spoke with the workers and informed them of these violations.

3. Porters Neck Crossing

This project consists of 1.68 disturbed acres for commercial development. The file for this project contained the plan, approval letter, calculations, deed, inspection reports, and the FRO form. The plan submittal was received on 11/15/18 and was approved on 1/26/2019 after a revised plan submittal. The approved plan was adequate. The site has been inspected 5 times and had last been inspected on 3/21/2019. During the last inspection the site was in not in compliance for failure to maintain measures. No NOVs or CPAs or stop work orders have been issued to this site. During our inspection the site continued to be out of compliance. The silt fence on the back side of the site was down. The site rain gage was broken, and the site self-inspection records were inaccessible during our inspection.

4. Village at Plantation Landing

This project consists of 8.75 disturbed acres for residential development. The file for this project contained the plan, approval letter, calculations, deed, inspection reports, and the FRO form. The FRO and plan did not have matching disturbed acreage. The plan was received on 10/10/2018 and was approved on 10/15/2018. The approved plan was adequate.

The sites last inspection was conducted on 3/27/2019 and was found to be out of compliance for failure to maintain measures.

Conclusion:

During our review we found that New Hanover County is effectively implementing their Locally Delegated Erosion and Sediment Control Program. All the approved plans that were reviewed were adequate and the program conducts frequent inspections despite limitations. New Hanover County should implement the following to improve the program:

1. Continue to inspect sites as frequently as possible, responding to all complaints for active projects.
2. Issue NOVs to sites when applicable on top of your other methods for compliance, such as stop work orders.
3. Ensure project information, such as disturbed acreage, is consistent across all application documents.
4. Continue to attend state-provided workshops to keep staff education current.
5. Continue to use Regional Office and Central Office as a resource to help with potential trouble sites and NPDES violations.

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

This report has been prepared based on the review of New Hanover County’s Local Program conducted on 4/25/2019. This report will be presented to the Sedimentation Control Commission (SCC) on May, 29, 2019.