

Local Program Report to the SCC

City of Wilson, June 16, 2021

On June 16, 2021, personnel from the NCDEQ Land Quality Section, conducted a review of the City of Wilson's Erosion and Sedimentation Control Program. The City of Wilson was last reviewed on 10/13/2014. The city has 1.5 staff members that currently contribute 1 full time equivalent to the erosion control program. The city requires an erosion and sedimentation control plan for sites disturbing greater than 1 acre within the City of Wilson's corporate limits and extraterritorial jurisdiction. During the period from June 2020 through May 2021 the City approved 27 plans and conducted 39 reviews/re-reviews. During the same period, the City conducted 200 inspections and issued 1 NOV. No CPAs or Stop Work Orders were issued. The city is conducting regular monthly inspections. The City requires a preconstruction meeting for all sites before land disturbance commences. During our review of the program, we reviewed three sets of approved plans as well as inspected three job sites. At the time of the review the City had 17 open projects. It should be noted that the City of Wilson had a large rain event of over 6 inches within in 24 hours, two weeks prior to the date of our review.

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

1. Pine/Nash Street Development (Wilson Family YMCA):

This project consists of 6.35 acres disturbed for commercial development. The project file contained the approved plan, letter of approval, FRO form, calculations, a copy of the property deed and prior inspection reports. The approved plan for this project was received on 2/24/2021 and was approved on 3/3/2021. The plan was drawn at a scale that made distinguishing the Limits of Disturbance (LOD), Silt Fence, and contours difficult. DEMLR staff recommended that plans be required to be drawn at a larger scale to show LOD, silt fence, proposed and existing contours, etc. more clearly and when plans are difficult to read, they should not be approved. This project started construction in March of 2021 and building foundations were being poured during our inspection. The City had conducted two inspections prior to our review and found the site to be in-compliance during its most recent one on 6/8/2021. No NOVs or CPAs had been issued to this project at the time of our review. The city had noted some areas in need of maintenance and minor sediment tracking onto the surrounding road during their previous inspection. On the day of our review the site was found to be out of compliance for failure to maintain measures. The contractor indicated that they were in the process of replacing the baffles in the basin and that the skimmer had recently been repaired. A piece of rebar that was used to maneuver the skimmer after it was repaired needed to be removed and the skimmer properly tied off to the side of the basin per the approved plans. Drop inlets and silt fence throughout the site needed maintenance or repair. One section of silt fence had been installed beyond a stake marking the LOD and should be replaced back within the LOD. The construction entrance and concrete washout appeared to be well maintained and functioning properly.

2. Janice Place:

This project consists of 2.3 acres disturbed for residential development. The project file contained the approved plan, letter of approval, FRO form, a copy of the property deed and past inspection reports. The plan for this project was received on 8/13/2019 and was approved on 8/30/2019. The approved plan did not contain any basins or diversions; therefore, additional

calculations were not required. Requiring a drainage map was recommended to ensure that the area draining to each proposed measure such as silt fence outlets and silt fence does not exceed the design standards. This project began construction in December of 2019 and had received 45 inspections prior to our review. No NOVs or CPAs had been issued to this project at the time of our review. The City found this project to be out of compliance during its previous two inspections for minor loss of sediment off-site and maintenance needed on multiple measures throughout the site, with the most recent inspection conducted on 6/7/2021. The City stated that some of the areas noted on the previous inspections had been addressed by the contractor but not all corrective actions had been completed. On the day of our review the site was found to still be out of compliance with offsite sediment into a wetlands area. This needed to be cleaned out and the area seeded with riparian seed mix. Silt fence and silt fence outlets were still in need of maintenance or repair throughout the site. The contractor was onsite beginning to address these areas and replace silt fence and silt fence outlets during our inspection. It was noted that the outlet stone size being installed should be in accordance with the approved plan. No required documentation was present onsite. On June 29, City staff conducted a follow-up inspection and found all areas of non-compliance had been addressed and all off-site sediment had been cleaned out and areas seeded.

3. Cranberry Ridge Phase II – Section 3:

This project consists of 6.5 acres disturbed for residential development. The project file contained the approved plan, letter of approval, FRO form, calculations, and a copy of the property deed. This project had recently started, and the City had not yet conducted an inspection on this site. The approved plan for this project was received on 5/26/2021 and was approved on 5/28/2021. The approved plan for this project was drawn at a scale that made distinguishing between proposed silt fence and the LOD difficult. On the day of our review the site was found to be out of compliance for failing to install measures and follow the approved plan. The construction entrance and perimeter silt fence had been installed; however, the basin and diversions had not been installed before the rest of the site had started to be cleared. The approved plan and construction sequence states that only that which is necessary for installation of temporary measures should be cleared until measures have been installed. Once measures are installed the contractor is to contact the City to get approval prior to clearing the remainder of the site. No documentation was kept on-site. City staff contacted the responsible party and clearing was stopped immediately. The City conducted a follow-up inspection on 6/30/2021 and found that the basin had been installed and approved clearing for the remainder of the site.

Positive Findings:

During our review we found a few positive aspects about the City of Wilson's local erosion and sedimentation control program including:

- The City conducts regular and frequent inspections every 2-3 weeks.
- The City will hold pre-review meetings with some applicants to go over areas of concern and areas of deficiencies on proposed plans prior to the full application being submitted and a formal plan review conducted.
- The City requires pre-construction meetings for all projects.
- The City requires that any 404/401 permits be obtained and presented to the City prior to the start of any land disturbance.

- The City provides reference to the NCG01 permit application process in their approval letters.

Issues Noted and Required Actions:

During our review we found that the City of Wilson's local Erosion and Sedimentation Control Program had deficiencies including:

- The City is providing a pre-review meeting for some projects prior to receiving the complete application and conducting a formal review. This a good practice to streamline the formal review process; however, plans are not always reviewed, and notification of the review decision is not being sent out within statutory deadlines.
- Approved plans were not all drawn at an adequate scale. Proposed silt fence, limits of disturbance (LOD) and grade lines were sometimes difficult to distinguish from each other and other features on the plan. Multiple phases of the plan were shown on one plan sheet and lacked sequencing of how to conduct the construction during and in-between each phase.
- While regular inspections are good and areas of non-compliance are being documented, corrective actions taken by the contractor are not being documented making areas of continued non-compliance difficult to distinguish and does not provide documentation of when contractors are being responsive and bringing sites back into compliance.
- Certain sections within your ordinance are devoid or no longer adhere to the most recent state statutes or state administrative code pertaining to that which constitute your delegation authority for erosion and sedimentation control.

The City shall implement the following changes to correct the deficiencies found during our review and noted above:

- Once a complete application is received, plans are to be reviewed, and the applicant notified that it has been approved, approved with modifications, or disapproved within 30 days of receipt of a new plan and within 15 days of receipt of a revised plan. G.S. 113A-61(b).
- When plans are drawn at a scale which makes measures, contours, LOD and/or perimeter measures difficult to see, plans should not be approved, and a larger scale plan set should be required. Plans should be drawn to clearly distinguish between phases and should be labeled as such. The construction sequence and notes should address the transition between phases and erosion control measures during said transitions. If the proposed plan is found to be inadequate or drawn at an illegible scale, the plan should be disapproved, and a disapproval letter should be sent out to notify the applicant within the appropriate time-period.
- Multiple reports showing the same areas needing maintenance or repair suggests that no corrective actions have been taken and out of compliance areas are continuing violations of the SPCA. Inspectors should note when corrective actions have been taken and whether areas are a continuing violation or due to a subsequent rain event after corrective actions were taken. When areas of non-compliance persist, the use of enforcement should be considered. NOV's should be issued in cases where sites are continuously found to be out of compliance, are non-responsive to previous inspection reports and communications

from inspectors, or when offsite sedimentation due to violations is found. G.S. 113A-61.1, MOA Part III(E).

- Your local ordinance should be updated to meet the changing requirements of the program. It appears that your ordinance has not been updated in at least ten years. The Commission recently approved an updated Model Ordinance, and it is available on the NC DEQ Erosion and Sedimentation Control website.

Recommendations for improvement:

DEMLR staff has also put together a list of recommendations that would help to improve the program:

- Update all template letters and inspection reports to reflect the most current references to the North Carolina Administrative Code and your local ordinance once it is updated. Template letters and inspection reports with the most recent references to the NCAC rules and State Statutes can be found on our Local Program Reporting SharePoint site.
- Monitor and provide guidance for NPDES violations including operating without a permit, improper concrete washout, and fuel containment on site during inspections. Note possible NPDES violations and refer to the NCDEQ Raleigh Regional Office.
- Request NPDES Plan sheets: Ground Stabilization and Materials Handling, and Inspection, Recordkeeping and Reporting, be included on plans prior to approval. Both sheets can be found on the NCDEQ Construction Stormwater Website.
- Continue to report your monthly program activity numbers per your MOA Part II(B). Reporting should be done at the beginning of each quarter on the Local Program Reporting SharePoint site.

Conclusion:

During our review we found that the City of Wilson's locally delegated Erosion and Sedimentation Control Program had deficiencies. While the City of Wilson's staff showed adequate knowledge of erosion and sediment control practices, DEMLR staff noted concerns regarding the approved plans we reviewed. The essential file documentation was adequate, however some plans reviewed were difficult to read due to the scale and lack of phasing on multiple sheets. City staff demonstrated the relationships and cooperation they have built with their regular contractors and developers by the responsiveness they were able to get while walking the site and through phone calls resulting in immediate actions. City staff were noting the same deficiencies as State staff while onsite, however previous inspection reports reviewed and site conditions on the day of the review showed evidence of areas of continued non-compliance. The City's program staff showed their knowledge and experience in erosion control but would benefit from additional oversight and guidance.

Based on the review, DEMLR staff recommends that the City of Wilson's Erosion and Sedimentation Control Program be placed on "Probation" for 9-months.

This report has been prepared based on the Formal Review of the City of Wilson's Local Program conducted on June 16, 2021 and will be presented to the Sedimentation Control Commission (SCC) on August 17, 2021.