

## **Local Program Report to the SCC City of Burlington, January 14, 2021**

On January 14, 2021, personnel from the NCDEQ Land Quality Section, conducted a review of the City of Burlington's Erosion and Sedimentation Control Program. The City of Burlington was last reviewed on 8/22/2017. The City has 2 staff members that currently contribute 1 full time equivalent to the erosion control program. The City requires a sediment and erosion control plan for sites greater than 1.0 acres in disturbance. During the 2020 calendar year the City reviewed 14 plans and approved or approved with modifications 14 plans. The most common deficiencies noted by the City during their plan reviews were placing the sediment basin's inlets too close to the skimmer, short circuiting the full length of the basin, and having diversion ditches placed in areas which would not function properly in the field. During the 2020 calendar year the City performed 303 inspections, issued 2 NOVs and issued 8 stop work orders. The City is performing monthly inspections on all their projects and stated that the inspector will often drive through sites or do an abbreviated inspection every 1-2 weeks. The City currently has 30 open projects. Along with NOVs and Stop Work Orders, the City can hold building permits and building inspections as additional enforcement tools. The City also requires a preconstruction meeting for all projects. During our review of the program, we reviewed the approved set of plans and performed field inspections on three open projects.

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

### **1. Brassfield Meadows Section 3 Phase 2**

This project consists of 17.3 acres disturbed for residential development. The file for this project contained the approved plan, approval letter, calculations, the FRO form and past inspection reports. A copy of the deed was not on file for this project, the City stated that because this was a multi-section, multi-phase development the copy of the deed may have been kept in the initial project file. The plan was received on 7/24/2018 and was approved on 8/6/2018. The approved plans for this project were adequate. This site had received 25 inspections prior to our review and had not been issued an NOV or CPA. At the time of our inspection, the site had been graded, roads paved, and houses were being built. A few of the drop inlets throughout the site needed maintenance and any sediment accumulation cleaned out. There was no concrete washout on site, one needed to be installed and concrete slurry dumped on the ground needed to be cleaned up. A rock check at the end of the diversion ditch just before the temporary slope drain leading into the first basin needed to be maintained. Both sediment basins needed to be mucked out, have baffles replaced and re-stabilized. Ground cover was established on lots that were not being built on yet and the large stockpile at the back corner of the site. Smaller stockpiles throughout the site needed ground cover and silt fence installed around the toe. The builders were tracking mud onto the road from the active lots, construction entrances should be installed active lots to prevent sediment from moving down the road and over the limits of disturbance.

### **2. LIDL on South Church Street**

This project consists of 4.70 acres disturbed for commercial development. The file for this project contained the approved plan, approval letter, calculations, a copy of the deed, the FRO form and past inspections. The plan was received on 11/17/2019 and was approved on 12/17/2019. The approved plan was adequate. This project was not started until the fall of 2020 and had received 3 inspections prior to our review. No NOVs or CPAs had been issued to this site. At the time of our inspection construction of the building was underway and the parking lot was being prepared for paving. The construction entrance appeared to be maintained and functioning properly. A diversion ditch had been installed to divert runoff

from the parking lot to the back corner of the site. A small check dam should be installed at the end of the ditch to prevent the runoff from overwhelming the silt fence outlet down grade and causing failure during future rains. The stockpile along the south end of the parking lot should have silt fence installed around the toe. The sediment basin was very well maintained. The banks of the basin either had vegetation established or had recently been seeded and mulched with straw. The approaches were well maintained with rip rap dissipater pads transitioning the diversions into the basin. The emergency spillway was well maintained with fresh stone. The baffles and skimmer outlet appeared to be installed and functioning properly.

### **3. Birkdale at MOTL**

This project consists of 19.1 acres disturbed for residential development. The file for this project contained the approved plan, approval letter, calculations, a copy of the deed, the FRO form and past inspection reports. The plan was received on 10/29/2019 and was approved on 11/27/2019. This project was not started until the spring of 2020 and had received 7 inspections prior to our review. No NOV's or CPAs have been issued to this site. At the time of our inspection the road had been paved, ground cover had been established throughout the site and utilities were being installed. All disturbed area from the utilities installation will need to be re-stabilized and sediment on the street needs to be cleaned. A few curb inlets needed to have protections installed. The liner on the emergency spillway liner of the larger sediment basin had ripped and needed to be repaired. A series of three small sediment basins had been removed and excavated drop inlets with protection had been installed. The diversion ditches to the drop inlets had been stabilized with matting. Stockpiles toward the rear of the site needed to be stabilized, however the large stockpile along the road was covered with straw and had silt fence installed around the toe. Areas of downed silt fence around the perimeter of the site needed to be repaired.

#### **Positive Findings:**

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

- Preconstruction meetings are required by the City for all projects.
- The City encourages site specific construction sequencing and phasing on each plan.
- Regular monthly inspection reports are detailed regarding areas out of compliance and include photos and captions explaining corrective actions needed.
- The City provides references to the NCG01 permit process as well as the DEMLR NCG01 Fact Sheet with their approval letters.

#### **Issues Noted and Required Actions:**

During our review we found that the City of Burlington's local erosion and sediment control program had a few deficiencies including:

- A copy of the property deed was not kept in every project file.
- While monthly inspections are good, corrective actions taken since the previous inspection are not being documented.

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

- Documentation of land ownership must be obtained prior to approval of a plan. 15A NCAC 04B.0118(c). Retain a copy of the property deed in each project file.

- Corrective actions taken by the developer/contractor to address areas of non-compliance should be documented. Reports should note the positive actions that have been taken and if areas of non-compliance from the previous inspection continue to be out of compliance. Inspectors should either generate a report when follow up inspections are performed in between monthly inspections or inspectors should note when they see corrective actions taken on the following monthly inspections report. If the developer/contractor has not taken corrective actions the report should note the continued violations and the use of enforcement tools such as NOV's, stop work orders and local permit holds should be considered to bring the site into compliance.

### **Recommendations for Improvement:**

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

- Request NPDES Plan sheets for Ground Stabilization and Materials Handling, and Inspection, Recordkeeping and Reporting to be included on plans prior to approval. Both sheets can be found on the NCDEQ Construction Stormwater Website.
- When continuing violations persist on a site and the use of enforcement tools are needed an NOV should be issued as well.
- Monitor and provide guidance for NPDES violations such as improper concrete washout and fuel containment on site during inspections. Note possible violations and refer to the DEQ Winston Salem Regional Office.
- Update all letters, inspection reports and your Local Ordinance to reflect the latest language and references to North Carolina Administrative Code, as the NCAC rules have recently been updated.

### **Conclusion:**

During our review we found that the City of Burlington's Locally Delegated Erosion and Sediment Control Program had a few deficiencies that needed to be addressed. The City staff showed adequate knowledge and experience but needed guidance in a few areas.

Based on the review, staff recommends that the City of Burlington's Erosion and Sedimentation Control Program Continue Review for 3 months.

This report has been prepared based on the Review of the City of Burlington's Local Program conducted on 1/14/2021. This report will be presented to the Sedimentation Control Commission (SCC) on February 23, 2021.