

## **Local Program Report to the SCC Watauga County, November 14, 2022**

On September 14, 2022, personnel from NCDEQ, DEMLR conducted a formal review of the Watauga County Erosion and Sedimentation Control Program. The Watauga County program was last reviewed on June 21, 2017. The County requires an erosion and sediment control plan for all projects disturbing greater than 1 acre. They also require an erosion and sediment control plan for projects disturbing greater than 0.5 acre but less than 1 acre; however, they may waive this requirement upon conducting a site inspection and determining that the site does not have the potential to cause erosion or off-site damage. Jurisdiction of the program covers all unincorporated areas of the county and within the Town of Blowing Rock. During the period from September 2021 through August 2022, the County conducted 6 plan reviews or re-reviews and issued 6 plan approvals. During this same period, the County conducted 75 inspections and issued 2 NOVs. The County has 1 staff who contributes roughly 0.33 full time equivalents to the program. In addition to NOVs and CPAs the County does have the ability to place holds on various building permits or inspections throughout the construction process as additional tools to bring sites into compliance. At the time of our review the County had 18 open projects. During our review of the program, we looked at three project files and conducted site inspections of those projects.

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

### **1. Poplar Forest:**

This project consists of 17.71 acres disturbed for residential development. The project file contained the approved plan, letter of approval, design calculations, a copy of the property deed, previous inspection reports and the FRO form. This application was dated 4/4/2022 and the letter of approval was issued on 7/12/2022. The County stated that this plan would have been received and reviewed within 30 days per the required review timeframes; however, there was no documentation of the date the complete application was received by the County. The approved plan for this project appeared to be adequate. This project recently began construction and the County had conducted 1 inspection prior to our review. No NOVs or CPAs have been issued to this project. This project consisted of clearing, grading and installation of the road only. On the day of our review, clearing had begun and the roadbed was being graded. Sediment traps and check dams had been installed per the approved plan. The completed ditches had been matted and vegetation was being established. Some debris from clearing activities had fallen on the perimeter silt fence and would need to be removed. Overall, this site was in compliance and no signs of offsite sedimentation were noted.

### **2. Scout Inc.:**

This project consists of 7.0 acres disturbed for commercial development. The project file contained the approved plan, letter of approval, design calculations, a copy of the property deed, previous inspection reports and the FRO form. This application was dated 1/5/2022 and the letter of approval was issued on 2/15/2022. The date the complete package was received by the County was not documented. The approved plan for this project appeared to be adequate. This project recently began construction and the County had conducted 1 inspection prior to our review. No NOVs or CPAs had been issued to this project. This project is a waste site, using the spoil from a nearby mining operation to bring the site to a more desirable grade for development. On the day of our review, material was being hauled in and grading of the front portion of the site was underway. The remainder of the site was being cleared as needed to install the remaining basins and perimeter measures. The front skimmer basin had been installed and the basin slopes had been matted. The slope above the basin was actively being

graded and the contractor was vertically tracking the slope during our inspection. The County had noted on the previous inspection report that one slope drain needed to be rerouted to outlet into the first bay of the basin. This slope drain had been relocated and appeared to be installed correctly. Inlet protection measures and the riprap dissipator pads for the slope drains still needed to be installed. Overall, this site was in compliance and no off-site sedimentation was noted.

### **3. Townhomes at Brookshire Phase 2A:**

This project consists of 12.1 acres disturbed for residential development. The project file contained the approved plan, letter of approval, design calculations, a copy of the property deed, previous inspection reports and the FRO form. This application was dated 3/2/2021 and the letter of approval was issued on 5/12/2021. Again, the date the complete application was received by the County was not documented. The approved plan for this project appeared to be adequate. This project began construction in April of 2021 and the County had conducted 9 inspections prior to our review. No NOV's or CPAs had been issued to this project. The County previously required a revision to the approved plan be made to add a basin as the project transitioned between phases. On the day of our review, grading of the site was complete and various stages of homebuilding were underway. Vegetation had been established in previously completed areas. Recently completed areas had been seeded and mulched with straw. The construction entrance, perimeter silt fence, and inlet protection measures throughout the site appeared to be maintained and functioning properly. The added basin had been installed and appeared to be maintained and the diversion ditch had recently been reworked and matted. A reminder to stabilize slopes that had been recently disturbed to install septic systems was noted. Overall, this site was in compliance and no off-site sedimentation noted.

#### **Positive Findings:**

During our review we noted a few positive aspects about the Watauga County Erosion and Sedimentation Control Program including:

- The County can place holds on various building permits and building inspections as additional tools to bring sites into compliance.
- Preconstruction meetings are required for all projects.
- The County requires that all 404/401 and Trout Buffer Waivers are obtained prior to approving the ESC plan.
- The Town has a more restrictive criterion than the State as to when an approved ESC plan is required. An approved ESC plan is required for projects disturbing 0.5 acres or more. The County may waive this requirement for projects between 0.5 and 1 acre of disturbance upon determining that the project site does not have the potential to cause erosion or off-site damage.
- The County provides reference to the NCG01 permitting process within their letter of approval.

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

During our review we found that the Watauga County Erosion and Sedimentation Control Program had a few deficiencies including:

- The date a complete application is received by the County is not being documented, this makes ensuring that a plan is reviewed, and a decision rendered within the appropriate timeframe difficult.
- The County has not been providing monthly activity reports to DEMLR.

The County 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 person submitting the plan notified that it has been approved, approved with modifications, or disapproved within 30 days of receipt of a new plan and 15 days for a revised plan. G.S. 113A-64(b), MOA Part III.C.1&3. Official notice of disapproval should include reasons which the plan is being disapproved and must be sent with the ability to track receipt by the applicant. The date the complete application is received should be documented and retained in the project file. It is recommended to include the date the application package was received within the letter of approval as well.
- The County shall provide monthly activity reports to the Commission in the form adopted by the Commission. MOA Part III.B.1. The County should update their monthly activity reports on the [Local Program SharePoint site](#). Since we recognize the workload that the program faces, we ask that monthly activity reports are updated at least quarterly. The monthly numbers from the previous quarter should be uploaded within the first two weeks of the following quarter.

**Recommendations for Improvement:**

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

- While the County is not delegated the authority to enforce the NPDES Program through the NCG01 permit, the County would benefit from familiarizing themselves with the permit requirements and educating the regulated community when violations are noted. The County does provide reference to gaining coverage under the NCG01 permit and is reviewing self-inspection records while onsite. The County should monitor and provide guidance while onsite and refer any potential violations such as improper concrete washout or improper fuel/chemical/paint storage to the Winston-Salem Regional Office when necessary.

**Conclusion:**

During our review we found that the Watauga County locally delegated erosion and sedimentation control program had a few deficiencies. The County will need to adjust the application intake process to include documentation of the received date. This will help to ensure that all plans are reviewed, and notification of the review decision sent to the applicant within 30-days for new plans and 15-days for revised plans. The County also needs to update their monthly activity reports and continue to do so quarterly moving forward. The County reported a low number of inspections compared to the number of open projects over the past year, however staff stated that out of the 18 open projects, many of their projects were inactive for long periods of time or had recently been approved. Staff indicated that several projects consisted of borrow or waste sites which are stable but remain open due to periodic minor activity onsite. Previous inspection reports and sites inspected during our review indicated that the County is capable of bringing and keeping sites in compliance. The approved plans we reviewed appeared to be adequate. During our inspections it appeared that measures were being installed and maintained properly and County staff noted all areas seen by State staff. The County demonstrated their knowledge and ability to effectively implement the local program's delegated authority. DEMLR staff recommends to "Continue Delegation" of the Watauga County locally delegated program.

This report has been prepared based on the formal review of the Watauga County Erosion and Sedimentation Control Program conducted on September 14, 2022 and will be presented to the SCC during its 2022 Q4 meeting on November 15, 2022.