

Local Program Report to the SCC

Buncombe County Follow Up, August 21, 2025

On November 16, 2023, a report was presented to the Sedimentation Control Commission (SCC) based on the formal review of the Buncombe County Erosion and Sedimentation Control Program conducted on October 11, 2023. The Commission voted to Continue Delegation with Review with a follow up report to be presented during the 2024 Q3 meeting. On August 1, 2024, a follow up report was presented to the SCC based on a follow up review conducted on July 9, 2024. The Commission voted to Continue Delegation with Review with a follow up report to be presented during the 2025 Q1 meeting. Following the impacts of Tropical Storm Helene and DEMLR staff vacancies, the continued review period was extended two additional quarters with a follow up report to be presented during the 2025 Q3 meeting.

Previously noted deficiencies:

During the continued review period, the County needed to ensure that the dates of inspections referenced in NOVs are consistent and accurate. Staff also needed to work to ensure that inspection reports fully depict the condition and corrective actions that may be required and demonstrate the necessary actions to bring sites back into compliance are being taken.

Follow Up:

DEMLR staff conducted a follow up review of the program on July 24, 2025. Three project files were reviewed, and field inspections were conducted on all sites. Over the continued review period the county transitioned one of the stormwater program staff to the erosion and sediment control program. The program currently has 4 staff contributing approximately 3 FTE to the program. At the time of the review, the County had 227 open projects.

Previous Year Program Activity:

July 2024 through June 2025:			
Plan Reviews or Re-reviews:	140	Building Permit/Inspection holds utilized:	8
Approvals:	69	NOVs issued:	29
Disapprovals:	46	SWO issued:	10
Inspections Conducted:	2318	CPAs issued:	0

DEMLR staff reviewed three project files and conducted site inspection on these projects. The following is a summary of the projects reviewed.

1. Parkview Cedar Ridge Apartments:

This project consists of 6.54 acres disturbed for residential development and located in the Upper French Broad Subbasin of the French Broad River Basin. The project file contained the approved plan, letter of approval, design calculations, a copy of the property deed, the FRO form and previous inspection reports. The County received the complete application on 11/20/2024 and issued a disapproval letter on 12/20/2024. The plan underwent 3 review cycles before being approved with modifications on 4/29/2025. The modification that was required was to provide

the written landowner consent that had not yet been obtained. Written consent from the landowner to allow the financially responsible party to submit the ESC plan application and conduct the proposed land disturbing activity must be obtained prior to approval of the plan and not included as a required modification. The approved plan appeared to be adequate. Construction on this project began in May of 2025 and the County had conducted 2 inspections prior to the day of the review. No NOVs or CPAs had been issued to this project.

On the day of the review, clearing and grubbing was underway along with some initial grading. The construction entrance and one sediment basin had been installed. The basin appeared to be installed correctly, and basin slopes had been matted. The second basin had not yet been installed. Staff stated that the basin should have been installed prior to clearing of the remainder of the site had begun. Perimeter measures throughout the site had been installed and appeared to be maintained. County staff stated that the site was out of compliance and would need to install the second basin and diversions before continuing to grade the site. No signs of offsite sediment were noted.

2. Transformation Village:

This project consists of 17.94 acres disturbed for residential development and located in the Upper French Broad Subbasin of the French Broad River Basin. The project file contained the approved plan, letter of approval, design calculations, a copy of the property deed, the FRO form and previous inspection reports. The County received the complete application on 6/8/2018 and issued an approval letter on 7/6/2018. The approved plans showed areas where runoff would flow beyond the shown limits of disturbance and then onto a lower section of the limits of disturbance and then directed towards a basin. County staff stated that this site has been idle for an extended period and had recently been communicating with the designer regarding a revision to the remainder of the site and that this would be addressed during these revisions. The original plan was approved by the previous review staff. In 2025, the County had conducted 4 inspections on this site prior to the review. No NOVs or CPAs had been issued to this site.

On the day of the review, the site remained idle, the initial 2 buildings, playground, parking lot and community garden area had been completed, and the remainder of the site had been vegetated. The stormwater drainage system had been installed, and inlet protection measures remained in place. The basins had been installed, and vegetation had overgrown those areas. Staff stated that all measures would need to be reinstalled, repaired or replaced prior to construction resuming. Overall, this site remained in compliance.

3. High Street Apartments:

This project consists of 3.05 acres disturbed for residential development and located in the Upper French Broad Subbasin of the French Broad River Basin. The project file contained the approved plan, letter of approval, design calculations, a copy of the property deed, the FRO form and previous inspection reports. The County received the complete application on 5/21/2024 and issued a letter of disapproval on 6/21/2024. A complete revised plan package was received by the County on 7/2/2024. Staff determined that all reasons for disapproval had been addressed and issued the letter of approval on 7/18/2024. The approved plan appeared to be adequate. The County had conducted 6 inspections in 2025 prior to the review. No NOVs or CPAs had been issued to this project prior to the review.

On the day of the review, grading of the site was underway and the contractor was onsite spreading seed and straw for mulch. Some perimeter measures along the stream adjacent to the site had been damaged and needed repair. It appeared that the skimmer basins or the diversion ditches had not been installed or had been removed prematurely without approval from the County. This did not appear to be noted in previous inspection reports; however, it was noted in March that the perimeter silt fence had been damaged and needed immediate repair to avoid damage to the adjacent stream. County staff noted that this site was being inspected by staff who had recently transitioned from the stormwater program and the need to review the approved plan and have the plan available onsite during inspections had recently been discussed with the inspection team. Following the inspection during the review, the County issued a notice of violation for this project and set a compliance deadline of August 8, 2025.

Conclusion:

During the continued review period the County has worked to address the items noted during the initial and follow reviews. The County has transitioned one staff from the stormwater program to the erosion control and is training newer staff. The County is also in the process of hiring an additional plan reviewer who will be shared between departments. This additional review staff will be contributing time to the program as needed once onboarded. The County have addressed most of the items noted regarding the project files and required documentation. Staff should ensure that when the landowner and financially responsible party are different, a letter of consent is required prior to issuing an approval. This item should not be listed as a modification. Staff noted all areas seen by State staff while on site. State staff agreed that an NOV was warranted on the High Street Apartments project. Overall, the County has demonstrated improvement over the continued review period and consistency with the documentation of inspection reports and notices of violations. Staff have also had to take on additional responsibilities related to the evaluation of and recovery from impacts from Helene throughout the continued review period. The County has demonstrated their ability to effectively implement the Local Program's delegated authority. DEMLR staff recommend to "Continue Delegation" of the Buncombe County Erosion and Sedimentation Control Program.

This report has been prepared based on the formal review and follow up reviews conducted on October 11, 2023, July 9, 2024, and July 24, 2025, and the subsequent continued review periods. This report will be presented to the Sedimentation Control Commission during its 2025 Q3 meeting on August 21, 2025.