

## Local Program Report to the SCC Chatham County, May 7, 2026

On April 7, 2026, personnel from NCDEQ, DEMLR conducted a formal review of the Chatham County Erosion and Sedimentation Control Program. Three sites were visited during this review. The County was last reviewed and presented to the Sedimentation Control Commission (SCC) in August 2022. The County requires an erosion and sediment control plan for all residential construction that disturb 25,000 square feet or more, and for residential disturbance of any size if it is within a common plan of development. All other land disturbances of 20,000 square feet or more require an approved plan. An approved plan may also be required when the proposed activity is to be conducted in or near any surface water. The jurisdiction of the program includes all unincorporated areas of the county except the areas of Siler City and the Town of Cary. The County currently has 6 staff contributing 5 full-time equivalents. The County can revoke a land disturbing permit and require applicants to submit new applications and pay the permit fees again to reinstate the permit. These revocations can be used as additional tools to Notice of Violations (NOVs) and Civil Penalty Assessments (CPAs) to bring sites into compliance at these various stages. The County also has the ability to utilize stop work orders (SWO) and building permit/inspection holds. At the time of DEMLR’s review, the County reported 456 open projects.

**Previous Year Program Activity:**

March 2025 through February 2025:			
Plan Reviews or Re-reviews:	582	Building Permit/Inspection holds utilized:	0
Approvals:	240	NOVs issued:	54
Disapprovals:	341	SWO issued:	0
Inspections conducted:	2,716	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. Chatham Park Section 7.1 Phase 2:**

This project consists of 31.39 acres for residential development located in the Haw Subbasin of the Cape Fear River Basin. The project file contained the approved plan, letter of approval, design calculations, a copy of the property deed, the Financial Responsibility/Ownership (FRO) form, and past inspection reports. The registered agent information was missing from the FRO form. Prior to approval, the County received 3 application packages that were disapproved, and the letters of disapproval were not sent with the ability to track receipt. The County received the complete application package on 6/13/2024 and issued the letter of approval on 7/17/2024. The approved plan set did not include maintenance notes for some of the proposed measures, had an incorrect seeding specification plan, and was missing a skimmer outlet pad. From a design perspective, the approved plan appeared to be adequate. Construction at this site began in July 2025 and the County conducted 6 inspections in the year prior to the review. No NOVs or CPAs had been issued to this project prior to the review.

On the day of the review, significant grading efforts were underway. Perimeter silt fence had been installed and appeared to be functioning, however some areas required maintenance or re-installation. Inlet protection measures had been installed throughout, and some required some minor refreshment. Diversion outlet pads also needed maintenance. The site also included two

stream crossings that needed repair/replacement in order to successfully follow the approved plan. The permit box on-site contained out-of-date plans, the inspection reports were not current, and the site lacked a rain gauge. Overall, the site was out of compliance with general maintenance and repair needs noted.

## **2. Pittsboro Pointe:**

This project consists of 4.2 acres disturbed for commercial development located in the Haw Subbasin of the Cape Fear 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 registered agent information was missing from the FRO form. Prior to approval, the County received 3 application packages that were disapproved, and the letters of disapproval were not sent with the ability to track receipt. The final complete application was received by the County on 3/5/2024 and the letter of approval issued on 3/6/2024. The approved plan used a generic construction sequence and did not provide a sequence specific to the respective phases being shown in the plans. Otherwise, the plan appeared adequate. Construction at this site began in November 2024 and the County conducted 9 inspections in the year prior to the review. No NOV's or CPAs had been issued to this project prior to the review.

On the day of the inspection, work on this site had been paused for a significant period of time. Large portions of the site were left un-stabilized during this pause, and stockpile areas were un-stabilized and lacking silt fence perimeter protection. The construction entrance, basin inlets, skimmer outlet, baffles, and silt fences throughout the site needed routine maintenance. Check dams and wattles had been installed in the roadside ditches. Additionally, there was no permit box or rain gauge on site. These items had been noted on multiple previous inspection reports. The County issued an NOV on 4/13/2026.

## **3. 499 Olive Chapel Road:**

This project consists of 8.9 acres disturbed for residential development located in the Haw Subbasin of the Cape Fear River Basin. The project file contained the approved plan, letter of approval, calculations, a copy of the property deed, the FRO form, and previous inspection reports. Prior to approval, the County received 4 application packages that were disapproved, and the letters of disapproval were not sent with the ability to track receipt. The County received the final complete application package on 5/13/2025 and issued the letter of approval on 5/27/2025. The approved plan used a generic construction sequence and did not provide a sequence specific to the respective phases being shown in the plans. The plan also showed a skimmer outlet through the emergency spillway, which is an incorrect design element, but the approved plans generally appeared to be adequate. Construction on this project began in June 2025 and the County conducted 9 inspections prior to the review. This site was issued an NOV on 1/23/2026, citing the need for a revised plan and failure to install and maintain measures per the approved plan.

On the day of the review, there were significant issues noted on site. Large areas and slopes on the site were without temporary stabilization. Silt fence around the site was missing or undercut/un-trenched. A minor basin was installed and then removed without being on the approved plan. It also appeared that this basin had been dewatered using a silt bag but the silt bag had been placed beyond the limits of disturbance and areas of accumulated sediment were noted in this location. The primary basin contained only two baffles, had no rock pad for the skimmer, no stabilization, and no orifice plate in the skimmer. A storm drainage system that was not included in the approved plan had been installed. The permit box was missing a copy of the approved plan and inspection reports. Based on the issues noted during the review and the

previous required corrective actions in the NOV, the County issued Continuing Notice of Violations (CNOV) and revoked the land disturbing permit on 4/13/2026.

**Positive Findings:**

During the review DEMLR Staff noted positive aspects of the Chatham County Local Erosion and Sedimentation Control Program including:

- The County requires preconstruction meetings for all projects.
- The County has the ability to revoke land disturbing permits, and issue stop work orders as additional tools to achieve compliance.
- The County has a stricter criterion than the State when requiring an erosion and sediment control plan.

**Issues Noted and Required Actions:**

During the review DEMLR Staff found that the Chatham County Erosion and Sedimentation Control Program had deficiencies including:

- The Registered Agent information was not always provided on the FRO form.
- Plan disapproval letters are not always sent via certified mail, and they currently do not have a way of tracking receipt as the applicant has the right to appeal the disapproval if the request for appeal was made within 15 days of receiving the notice of the disapproval.

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

- Staff should ensure that the registered agent information is provided anytime the FRP is a company or corporation. If an FRP is an out of state company, the registered agent must be located in NC.
- The County should send disapproval letters with the ability to track receipt by the applicant.

**Recommendations for Improvement:**

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

- It is recommended that the County continues to monitor and provide guidance for NPDES violations, and note possible violations and refer to the NCDEQ Raleigh Regional Office when necessary.
- It is recommended to include the date the complete application package was received by the County in the letter of approval or disapproval. This serves to further document that the review and notice of the formal review decision was completed within the statutory timeframes.

**Conclusion:**

During the review, DEMLR staff noted the County’s locally delegated erosion and sedimentation control program had a couple deficiencies. The County must ensure that registered agent information is provided on the FRO form. The County also needs to ensure that disapprovals are mailed to applicants via appropriate means with tracking receipt. Staff needs to ensure that submitted plans contain maintenance notes for all measures and phased, site-specific construction sequences. County staff demonstrated a knowledge and understanding of design, standard practices and regulations regarding erosion and sediment control and an ability to

conduct adequate inspections and noted areas seen by state staff. The County demonstrated an understanding and willingness to utilize the tools at their disposal to bring sites back into compliance. The County demonstrated its ability to effectively implement the local program's delegated authority. DEMLR staff recommends to "Continue Delegation" of the Chatham County erosion and sedimentation control program.

This report has been prepared based on the formal review of the Chatham County local program conducted on April 7, 2026, and will be presented to the SCC during its 2026 Q2 meeting on May 7, 2026.