

Local Program Report to the SCC

New Hanover County, February 5, 2026

On January 15, 2026, personnel from NCDEQ, DEMLR conducted a formal review of the New Hanover County Erosion and Sedimentation Control Program. The County was last reviewed and presented to the Sedimentation Control Commission (SCC) in February of 2020. The County requires an erosion and sediment control plan for all projects disturbing 1.0 acre or greater or projects disturbing less than 1.0 acre but are within a larger common plan of development. The jurisdiction of the program includes the unincorporated areas of the County and within the City of Wilmington. The County currently has 4 staff contributing approximately 2.5 full time equivalents (FTE) to the program. The County recently hired a new inspection staff who began the week prior to the review. This staff position is included in the 2.5 FTE count. The County has the ability to issue stop work orders and place holds on building inspections as additional tools to bring sites into compliance. At the time of DEMLR's review, the Town reported that they had 537 open projects. Staff indicated that this count may not be accurate as many projects had expired or been completed and due to staff turnover and workload had not yet been formally closed.

Previous Year Program Activity:

2025 Calendar Year:			
Plan Reviews or Re-reviews:	395	Building Permit/Inspection holds utilized:	0
Approvals:	203	NOVs issued:	16
Disapprovals:	192	SWO issued:	0
Inspections conducted:	544	CPAs issued:	4

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

1. Haven at Galleria:

This project consists of 14.54 acres disturbed for residential/commercial mixed-use development located in the New River Subbasin of the White Oak 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 on the FRO form. This project was one that had been initially approved a number of years ago but had undergone multiple complete overhaul revisions. The County received the complete application package for this most recent overhaul of the plan on 4/30/2025 and underwent 3 review cycles before being approved on 5/23/2025. A review cycle begins when the complete application is received by the County and ends when the formal review decision is issued. All review cycles appeared to be completed within the appropriate timeframes. The County is sending a "Request for additional information letter" when plans are found to be inadequate. Within the letter, the disapproval of the plan is mentioned. A formal letter of disapproval should be sent to the applicant once a review decision has been made. The County conducted its last two inspections of the site on 7/9/2025 and 10/1/2025. No NOVs or CPAs had been issued to this

project prior to the review. The approved plan proposed to convert an existing permanent stormwater control pond to be utilized as a sediment basin during construction. The plan did not include a specific construction sequence regarding the conversion of this and then conversion back to a permanent SCM once construction is completed. The plan also needed to show the baffles within the basin where they should be installed. The disturbed acreage noted on the FRO form did not match the acreage noted on the plans.

On the day of the review, vertical construction had begun, and curb and gutter were being poured throughout the site. The diversion ditch along the east side of the project had been disturbed by recent grading for the roadway, curb and gutter. The diversion needed to be regraded to ensure positive drainage. The division along the south side of the project appeared to be functioning and a large portion of it had been matted. The side slopes appeared to be steeper than the 3:1 slope specified in the plans. Check dams were present in the ditch but had not been installed correctly and drop inlet protection measures needed to be installed or repaired throughout the site. The Skimmer device did not have the proper orifice size installed and had become detached from the outlet structure. A construction entrance had been installed using a traditional stone pad and manufactured mats. This appeared to be functioning, but trucks driving beside the lengths of manufactured mats rather than across them were observed. No signs of offsite sedimentation were noted. Overall, this site was out of compliance.

2. The Towns at Allen Lane:

This project consists of 1.42 acres disturbed for residential development located in the New River Subbasin of the White Oak 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 on the FRO form. The County received the complete application on 11/16/2022 and issued a request for additional information for needing a tree clearing permit from the City of Wilmington on 12/9/2022. Staff are aware that a plan can no longer be disapproved based solely on the need for the applicant to obtain other relevant permits, however, the County received the relevant permit directly from the City and no subsequent letter of approval was issued once it was received. The County issued their grading permit documents on 4/24/2023. The approved plan did not include a construction sequence. The County conducted their last two inspections prior to the review on 11/1/2024 and 10/1/2025. No NOVs or CPAs had been issued prior to the review.

On the day of the review construction of the final building was nearing completion. Contractor's vehicles appeared to be parked adjacent to the project in an area that was not included within the limits of disturbance. The areas behind the final buildings needed to be stabilized and sections of silt fence had not been installed along the rear perimeter as shown in the approved plan. A small construction entrance had been installed at the rear of the site behind the active building. This area was within approved limits of disturbance; however, the construction entrance and the material storage area were not shown on the approved plan. The material would need to be removed, or a revised plan submitted to the County showing any necessary additional measures for this area. Inlet protection measures had been installed and appeared to be maintained throughout the site. Overall, the site was out of compliance. No signs of offsite sedimentation were noted.

3. Bradley Heights:

This project consists of 7.87 acres disturbed for residential development located in the New River Subbasin of the White Oak 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 on the FRO form. The County received the complete application on 4/4/2024 and underwent 3 review cycles before being approved in their system on 7/19/2024. Each of these review cycles was completed within the respective 30- and 15-day timeframes. A revised plan was approved on 1/2/2026. The approved plan did not show stable conveyance from diversion ditches into the basins and did not show the baffles in the basins on the plan sheets. Construction details for the baffles were included. The County had issued an NOV to this project on 10/24/2025 for failing to install measures, failure to follow the approved plan and offsite sediment loss. The County conducted follow up inspections on 11/24/2025 and 12/18/2025. During these inspections some progress towards compliance had been made and the deadline for corrective actions had been extended. A follow up inspection was conducted on 12/30/2025 where outstanding corrective actions were noted. The County issued a Notice of Continuing Violations on 12/31/2025. The County conducted a final inspection on 1/7/2026 and found the site to be back in compliance.

On the day of the review, installation of the skimmer basin at the front of the site was underway. The diversion ditch along the rear of the site had been matted and rock check dams and wattles installed. The check dams needed to be reinstalled per the detail in the approved plan. The larger basin at the rear of the site was being dewatered using a pump. A silt bag needed to be installed on the outlet side of the pump. Sediment appeared to be flowing just beyond the silt fence outlet below this pumping operation and into a ditch that had been disturbed by an adjacent project. The silt fence outlet at this location needed to be repaired. Baffles had not been installed in either basin. The skimmer device in the larger basin had been installed with an elbow; this configuration would prevent the skimmer device from operating properly. The contractor stated that the adjacent construction project on the ditch running along the perimeter of the site had removed the silt fence in the area and that they had recently reinstalled the silt fence along these sections. The silt fence needed to be trenched in correctly. Construction materials and Conex boxes were being staged on the adjacent property. The contractor stated that the adjacent property owner had given consent for them to utilize the area. County staff stated that the materials would have to be removed and placed within the approved limits of disturbance or a revised plan would need to be submitted to add this area to the limits of disturbance. Overall, this site was out of compliance.

Positive Findings:

During the review the following positive aspects about the New Hanover County Erosion and Sedimentation Control Program were noted:

- The County has the ability to utilize Stop Work Orders and holds on Building inspections as additional tools to bring sites into compliance.

Issues Noted and Required Actions:

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

- The Registered Agent information was not included on the FRO form.
- Items were missing from the approved plans, such as, showing baffles within the basins, the construction sequence on one plan and showing stable conveyance from diversions into the basins on another.
- When plans are found to be inadequate, the County is not sending formal notice of disapproval that includes all of the necessary language and is not sent with the ability to track receipt.
- Certain sections within the local ordinance are devoid or no longer adhere to the most recent statutes and administrative code.
- While overall, staff appeared to be knowledgeable, and the County has recently hired a new erosion control inspector. Due to the current workload, the average frequency of inspections is once a year for each project. Staff indicated that the current number of open projects is likely to include a backlog of expired or completed projects that have not been formally closed out. Staff also stated that for an extended period, there was no dedicated inspector for ESC and that staff had to be pulled from other duties to perform inspections when critical.

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.
- Staff should ensure that the following items are included on the plan prior to approval: a construction sequence, measures to provide stable conveyance from diversions into basins, and showing baffles as they are to be installed in the basin.
- The County should send a formal Letter of Disapproval when a plan is found to be inadequate. The Letter of Disapproval must include the reasons for disapproval and notice to the applicant of their right to appeal the decision. A request for appeal by the applicant must be submitted within 15 days of receiving the notice of disapproval. For this reason, Disapproval letters must be sent with the ability to track receipt. G.S. 113A-61 (c).
- The SCC approved the 2021 Model Ordinance in November of 2021. The local ordinance should be updated pursuant to this model. If substantive changes from the Model Ordinance are proposed, the update ordinance must be reviewed and approved by the SCC. The current Model Ordinance is available on the [DEMLR Local Programs Website](#).
- The County must demonstrate the ability to monitor and enforce the provisions of the local ordinance and the SPCA. Over the past year, The County has not conducted an inspection on each of the open projects. Staff indicated that when looking at inspections, they believe they are closer to a frequency of 2-3 inspection on active projects per year. Staff should prioritize clearing the backlog of expired and completed projects that did not get a formal closeout and developing an accurate accounting of open projects. The County should also maintain this open project list moving forward and/or develop a tool to be able to periodically and consistently pull this information from their new permitting systems. Based on the site conditions noted, and the project files reviewed, the County

will need to adjust processes or increase staffing levels to ensure the program is adequately monitoring sites for compliance.

Recommendations for Improvement:

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

- It is highly recommended to seek additional staffing to support the program. Based on historical and current workload it is important to consider staffing levels that will ensure the program's current deficiencies are addressed as well as being sustainable in the future. The staffing levels over the past year do not appear to be adequate to satisfactorily monitor the ESC projects for compliance. The addition of the new full-time inspector will help to improve inspection frequency once fully onboarded, although additional staff are likely needed to distribute a sustainable workload.
- It is recommended to include the date a complete application was received in all review decision letters.
- It is recommended that the County continues to monitor and provide guidance for NPDES violations including operating without a permit, improper or incomplete self-inspection records and improper concrete washouts. Note possible violations and refer to the NCDEQ Wilmington Regional Office when necessary.

Conclusion:

During the review, DEMLR staff noted the County's locally delegated erosion and sedimentation control program had a few deficiencies. The County must ensure that registered agent information is provided on the FRO form and ensure that formal letters of disapproval are sent when plans are found to be inadequate. The County can use additional tools such as building inspection holds and stop work orders, to bring sites back into compliance. County staff appear to be knowledgeable in erosion and sediment control practices, designs and procedures. The County has utilized their enforcement tools recently when warranted. Staff appeared to note most items onsite seen by state staff. However, the County must increase their inspection frequency to adequately monitor open projects for compliance. The County needs to prioritize obtaining an accurate accounting of open projects and ensure that each open project is periodically inspected. The County will need to evaluate the current and historic workload to determine adequate staffing levels to implement its delegated authority. It is recommended to seek additional staff to support the program, whether this is through restructuring duties of existing staff or seeking additional positions dedicated to the program. The current workload is not sustainable for the current staff.

DEMLR staff recommend to "Continue Delegation with Review" for a period of 3 quarters with a follow up report to be presented during the 2026 Q4 Sedimentation Control Commission meeting.

During the continued review period, the County would need to work to address the deficiencies listed above and demonstrate an ability to conduct periodic and frequent inspections on open projects and effectively implement the local program's delegated authority. It is highly recommended that the County not only evaluate staffing levels that would be required based on

the current workload but also look to the future based on historical and recent trends of increasing development activity.

This report has been prepared based on the formal review of the New Hanover County Erosion and Sedimentation Control Program conducted on January 15, 2026, and will be presented to the Sedimentation Control Commission during its 2026 Q1 meeting on February 5, 2026.