

Local Program Report to the SCC

Town of Knightdale, November 20, 2025

On September 15, 2025, personnel from NCDEQ, DEMLR conducted a formal review of the Town of Knightdale Erosion and Sedimentation Control Program. The Town was originally delegated authority to implement the Sedimentation Pollution Control Act of 1973 (SPCA) on February 22, 2022. The Town requires an erosion and sediment control plan for all projects disturbing 1.0 acre or greater. The jurisdiction of the program includes the corporate limits and extraterritorial jurisdiction (ETJ) of the Town. All areas of the Town's jurisdiction are within the Upper Neuse Subbasin of the Neuse River Basin. The Town currently have 8 staff who contribute approximately 1.5 full time equivalent (FTE) to the program. The Town has the ability to place holds on building permits and building inspections as well as issue stop work orders as additional tools to bring sites into compliance. At the time of DEMLR's review, the Town had 63 open projects.

Previous Year Program Activity:

September 2024 through August 2025:			
Plan Reviews or Re-reviews:	82	Building Permit/Inspection holds utilized:	0
Approvals:	36	NOVs issued:	2
Disapprovals:	46	SWO issued:	1
Inspections conducted:	188	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. Kiddie Academy & Fresenius Kidney Center:

This project consists of 3.47 acres disturbed for commercial development. 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's information was missing on the FRO form and the letter of approval with modifications included conditions beyond the condition for the applicant to comply with Federal and State water quality laws, regulations and rules. The Town received the complete application on 8/25/2023 and underwent 2 review cycles before issuing the approval with modifications on 10/19/2023. A review cycle begins when the complete application is received by the Town and ends when a formal review decision and notification of that decision is sent. Both review cycles were conducted within the appropriate timeframe. Overall, the approved plan appeared adequate. Construction on this project began in January of 2024 and the Town had conducted 5 inspections prior to the review. No NOVs or CPAs had been issued to this project prior to the review.

On the day of the review, one building and the parking area had been completed. Construction and landscaping of the second building were underway. The slopes around the completed building were

mulched or were being stabilized with vegetation. Some minor repairs along the perimeter silt fence were needed below these slopes. Curb inlet protection had been installed. The skimmer basin appeared to be functioning. Sections of the slopes around the building under construction needed to be stabilized. Perimeter measures along the top of the slope had been removed or needed to be repaired. The removal of the perimeter measures had not been approved by the Town. Sediment was noted along the sidewalk below the slope in these areas but did not appear to have moved offsite. Overall, this site was out of compliance with repairs and maintenance required.

2. Atlas Stark – Knightdale Station Mixed Use:

This project consists of 10.99 acres disturbed for a mixed commercial and residential development. 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 Town received the complete application on 5/10/2024 and underwent 3 review cycles before issuing the approval on 12/10/2024. All review cycles were conducted within the appropriate timeframe. Specific maintenance notes were missing for some proposed measures. Overall, the approved plan appeared adequate. Construction on this project began in February of 2025 and the Town had conducted 2 inspections prior to the review. No NOVs or CPAs had been issued to this project prior to the review.

On the day of the review, mass grading was underway. The sediment basin had been installed. One of the slope drains was located directly next to the skimmer device. The slope drain needed to be placed in the bay furthest from the skimmer device to ensure flow passes through the baffles. Signs of sediment accumulation were noted on the outlet of the basin. Sediment had settled beyond the limits of disturbance at this location and was encroaching towards the adjacent wetlands. Perimeter measures were not shown in the approved plan along an area that was shown as draining away from the LOD. However, in the current site conditions, some disturbed areas were draining towards these areas and sediment had begun to move beyond the LOD. Perimeter measures would need to be added or if the grading of the site has changed from that shown on the plan, a revised plan should be submitted. Pipe inlet protection measures needed to be reinstalled or maintained. The silt fence along the road-front side of the project needed to be repaired. The Town indicated that site conditions warranted a Notice of Violation and State staff agreed. The Town issued a NOV on 9/16/2025. The Town conducted a follow up inspection on 10/6/2025 and found that all corrective actions had been completed, and the site was in compliance.

3. The Preserve at Marks Creek:

This project consists of 23.94 acres disturbed for residential development. 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 Town received the complete application on 8/21/2023 and underwent several review cycles before being approved with modifications. This plan had also undergone multiple revisions, with the most recent being approved on 1/5/2025. All review cycles

appeared to be conducted within the appropriate timeframes. The letter of approval with modifications included conditions beyond the condition for the applicant to comply with Federal and State water quality laws, regulations and rules. Specific maintenance notes were missing for some proposed measures. Overall, the approved plan appeared adequate. Construction on this project began in March of 2024 and the Town had conducted 5 inspections prior to the day of the review. No NOVs or CPAs were issued to this project prior to the review.

On the day of the review, the site appeared to have been idle. Roads had been paved throughout half of the site. Curb inlet protection measures were not installed or needed to be maintained. Skimmer basins had been installed; however, baffles were not installed, or the basin had been over excavated and graded to the permanent stormwater control measure basin design, and the baffles were not functioning. A large stockpile was placed directly adjacent to one basin. Large rills had formed along this stockpile and the basin slopes. A portable toilet had overturned and was lying in the forebay of one basin. Perimeter measures throughout the site were damaged or overtopped. Sedimentation beyond the LOD was noted in multiple areas. Town staff indicated that site conditions warranted a Notice of Violation and State staff agreed. The Town issued a NOV on 9/16/2025. The Town conducted a follow up inspection on 10/13/2025 and found that all corrective actions had been completed, and the site was in compliance.

Positive Findings:

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

- The Town requires a preconstruction meeting for all projects.
- The Town has the ability to place holds on various permits, construction inspections and utilize stop work orders as additional tools to bring sites into compliance.

Issues Noted and Required Actions:

During the review DEMLR Staff found that the Town of Knightdale Erosion and Sedimentation Control Program had deficiencies including:

- The Registered Agent information was not always provided on the FRO form.
- Maintenance details for some proposed measures were missing from some plans.
- Letters of approval and approvals with modifications included language conditioning the approval on items and requirements other than the applicant's compliance with Federal and State water quality laws, regulations, and rules, including the applicant's receipt of other environmental permits, authorizations, or certifications that may be required for the project.
- While overall, staff appeared to be knowledgeable and conduct adequate inspections. Due to the current workload, the frequency of inspections did not appear to be frequent enough to adequately monitor sites to ensure compliance with the SPCA.

The Town 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.
- Maintenance notes for all proposed measures should be included in the plans. This can be included as part of the construction detail or as notes listed elsewhere in the plan. Staff indicated that these notes are being required in recently reviewed plans.
- Approvals and approvals with modifications can only be conditioned upon the applicant's compliance with Federal and State water quality laws, regulations, and rules, including the applicant's receipt of other environmental permits, authorizations, or certifications that may be required for the project. Other items that may be required for the overall project may be mentioned in the approval document but should not be included as conditions of the approval.
- The Town must demonstrate the ability to monitor and enforce the provisions of the local ordinance and the SPCA. Over the past year, The Town has conducted inspections on a given site every 3-4 months on average. Staff indicated that priority is given to projects in the more sensitive areas or in phases with the most potential for sediment loss to occur. However, based on the site conditions noted, the Town 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.
- It is recommended that the Town 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 Raleigh Regional Office when necessary.

Conclusion:

During the review, DEMLR staff noted the Town's locally delegated erosion and sedimentation control program had a few deficiencies. The Town must ensure that registered agent information is provided on the FRO form and ensure that any additional conditions of approval that are not listed in the SPCA are removed from the letters of approval. These additional items can be included in the letter as reminders of additional items that may be required for the overall development project but cannot be listed as conditions of approval. The Town can use additional tools such as building permit holds, construction inspection holds or stop work orders, to bring sites back into compliance. The Town is

conducting plan reviews within the appropriate timeframes, and the approved plans appear to be adequate overall. Maintenance details have been required on more recently reviewed plans as the Town was notified of this requirement through the local program workshops and review findings of surrounding local programs. Town staff demonstrated a knowledge and understanding of design, standard practices and regulations regarding erosion and sediment control. Town staff demonstrated their ability to conduct adequate inspections and noted areas seen by state staff. The Town demonstrated its understanding and willingness to issue notices of violation when necessary. However, the Town will need to work to increase frequency onsite to ensure that sites are monitored adequately. Additional qualified staff are needed to ensure that the current workload is manageable, and the Town can adequately implement their delegated authority.

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 Q3 Sedimentation Control Commission meeting. During the continued review period, the Town would need to work to address the deficiencies listed above and increase the frequency of inspections to demonstrate an ability to effectively implement the local program’s delegated authority. It is highly recommended that the Town not only evaluate staffing levels that would be required based on the current workload but also looking 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 Town of Knightdale Erosion and Sedimentation Control Program conducted on September 15, 2025, and will be presented to the Sedimentation Control Commission during its 2025 Q4 meeting on November 20, 2025.