

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRIAN WRENN

Director



NORTH CAROLINA
Environmental Quality

9/22/2021

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

7018 7830 0001 8032 1320

Cabarrus County Schools
Attention: Tim Lowder, Executive Director of Operations
4401 Old Airport Road
Concord, North Carolina 28025

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

7018 1830 0001 8032 1337

Cabarrus County Schools
Attention: Tim Lowder, Executive Director of Operations
P.O. Box 388
Concord, NC 28025

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

7018 1830 0001 8032 1344

Cabarrus County
Attention: Mike Downs, County Manager
P.O. Box 707
Concord, NC 28026



CERTIFIED MAIL

Cabarrus County & Cabarrus County Schools

Page 2

September 22, 2021

Re: Civil Penalty Assessment for Violations of the Sedimentation Pollution Control Act of 1973, N.C. General Statute 113A-50 et seq.
Cabarrus County
LQS-21-006

Dear Mr. Lowder and Mr. Downs:

Pursuant to North Carolina Administrative Code 15A 4A.0001 et seq. and the above-referenced Act, this letter is notice of a civil penalty assessed by the Department of Environmental Quality (**DEQ**), formerly Department of Environment and Natural Resources. The civil penalty assessment document is attached.

Within thirty (30) days from the date of receipt of this letter, you must do one of the following:

- (1) Pay the civil penalty assessment; or
- (2) File a written petition for a contested case hearing in the Office of Administrative Hearings (**OAH**).

Alternatively, if you choose to stipulate to the facts on which this assessment was based, but wish to request remission of the civil penalty, then within sixty (60) days from the date of receipt of this letter, you must do the following:

- (3) File a written request for a remission of the civil penalty.

Pursuant to N.C. General Statute 150B-22, informal settlement negotiations may be initiated at any time. To negotiate a settlement of this assessment, please contact Carolyn McLain, Assistant Attorney General, who may be reached by telephone at (919) 716-6600. Settlement offers do not extend the 30-day deadline for payment or filing of a contested case petition, nor the 60 days deadline for request for remission.

Additional information about your options is provided below.

PAYMENT

To pay the penalty, send your payment by check or money order made payable to the North Carolina Department of Environmental Quality (or **NCDEQ**) to Carolyn McLain, Assistant Attorney General, North Carolina Department of Justice, Environmental Division, 9001 Mail Service Center, Raleigh, North Carolina 27699-9001. The Attorney General's Office will represent **NCDEQ** in the resolution of this civil penalty assessment.

CERTIFIED MAIL

Cabarrus County & Cabarrus County Schools

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September 22, 2021

APPEAL

If you file a contested case petition, it must be in writing and in the form prescribed by N.C. General Statutes 150B-23. File the original petition and one copy with:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, North Carolina 27699-6714

Any questions about filing a petition may be directed to the Clerk of OAH by telephoning (919) 431-3000.

You must serve **DEQ** by mailing a copy of the petition to:

Mr. Bill Lane
Registered Agent and General Counsel
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

REMISSION

A request for remission is limited to consideration of the six factors listed below and is not the proper procedure for contesting the accuracy of any of the statements contained in the assessment document.

Because a remission request forecloses the option of an administrative hearing, such a request will not proceed without a waiver of your right to an administrative hearing and a stipulation that there are no factual or legal issues in dispute.

You must execute and return to this office the attached “Waiver of Right to an Administrative Hearing and Stipulation of Facts” and the attached “Justification of Remission Request” which should provide additional information on the following factors which shall be considered in determining whether a civil penalty remission request will be approved:

- 1) One or more of the civil penalty assessment factors in G.S. 113A-64(a)(3) were wrongly applied to the detriment of the petitioner.
- 2) The petitioner promptly abated continuing environmental damage resulting from the violation.
- 3) The violation was inadvertent or a result of an accident.
- 4) The petitioner had been assessed civil penalties for any previous violations.
- 5) Payment of the civil penalty will prevent payment for necessary remedial actions or would otherwise create a significant financial hardship.
- 6) The assessed property tax valuation of the petitioner's property upon which the violation occurred, excluding the value of any structures located on the property.

CERTIFIED MAIL

Cabarrus County & Cabarrus County Schools

Page 4

September 22, 2021

You have the burden of providing information concerning the financial impact of a civil penalty and the burden of showing any financial hardship.

If you file a request for remission of the civil penalties, you must submit the required information within 60 days of receipt of this notice. Submit this information to the attention of:

If sending by First Class Mail via
the US Postal Service:

Julie Coco, PE, State Sediment Engineer
DEMLR
1612 Mail Service Center
Raleigh, NC 27699-1612

If sending via delivery service
(e.g. UPS, FedEx):

Julie Coco, PE, State Sediment Engineer
DEMLR
512 N. Salisbury Street
Raleigh, NC 27604

Payment of this penalty will not foreclose further enforcement action against you for any new violation. If the violations which resulted in this penalty assessment are continuing in nature, **DEQ** reserves the right to assess additional civil penalties in the future, or take other enforcement action against you.

Your attention to this matter is appreciated.

Sincerely,


William E. Vinson, Jr., PE, CPM
Section Chief of Program Operations
DEMLR

cc: Julie Coco, State Sedimentation Engineer & Carolyn McLain, Assistant Attorney General

STATE OF NORTH CAROLINA

DEPARTMENT OF ENVIRONMENTAL QUALITY

COUNTY OF CABARRUS

LQS-21-006

IN THE MATTER OF:)	
)	
CABARRUS COUNTY)	CIVIL PENALTY ASSESSMENT
)	
CABARRUS COUNTY SCHOOLS)	
)	
FOR VIOLATIONS OF:)	
)	
THE SEDIMENTATION POLLUTION)	
CONTROL ACT OF 1973)	

Acting pursuant to North Carolina General Statutes (N.C.G.S.) 113A-64(a) and North Carolina Sedimentation Control Commission (Commission) Rule Title 15A of the North Carolina Administrative Code (NCAC) and delegated to me by the Secretary of the Department, I, William E. Vinson, Jr., PE, CPM, Section Chief of Program Operations make the following:

I. FINDINGS OF FACT

- A. The subject property is located on Hickory Ridge Road in Harrisburg Cabarrus County, North Carolina. The project is known as Southwest Cabarrus Elementary School.
- B. The owner of record is Cabarrus County.
- C. On 2/14/2018, Tim Lowder listed as the “Financially Responsible Person” signed a Financial Responsibility/Ownership form, stating under oath, that Cabarrus County Schools, was financially responsible for the land disturbance.
- D. An erosion control plan (hereinafter "Plan") for the project was received on 3/13/2018 and was approved on 3/16/2018.
- E. On 11/17/2020, a duly authorized representative of the Division of Energy, Mineral, and Land Resources (hereinafter "DEMLR"), North Carolina Department of Environmental Quality (hereinafter "DEQ"), inspected the subject property and determined that a land-disturbing activity had occurred on the site in violation of the Sedimentation Pollution Control Act (hereinafter "SPCA") of 1973 (G.S. 113A-50, et seq.).
- F. The land-disturbing activity was conducted for institutional purposes and covered approximately 27.51 acres.

- G. On 12/1/2020, the DEMLR Regional Engineer sent a Notice of Violation (hereinafter "Notice") to Cabarrus County and Cabarrus County Schools by certified mail, return receipt requested, which was received on 12/3/2020, and which cited violations of the SPCA. A copy of the Notice is attached hereto and incorporated herein by reference. The Notice required that the corrective measures stated therein be completed within 15 days of receipt of the Notice, or 12/18/2020, whichever term is longer.
- H. A compliance inspection was performed on 1/12/2021 and the site continued to be in violation of the SPCA.
- I. A subsequent inspection on 2/10/2021 revealed that the site continued to be in violation of the SPCA for one or more of the reasons previously cited in the Notice.
- J. Sedimentation damage was noted during inspections conducted on the following dates: 1/12/2021, 2/10/2021, 3/3/2021, 3/16/2021, 4/2/2021, 4/27/2021, 5/14/2021 and 6/29/2021.
- K. On 3/8/2021, the DEMLR Regional Engineer sent a Notice of Continuing Violation to CABARRUS COUNTY SCHOOLS by certified mail, return receipt requested.

II. CONCLUSIONS OF LAW

- L. A civil penalty may be assessed against Cabarrus County and Cabarrus County Schools, jointly and severally, pursuant to North Carolina General Statute 113A-64(a) for the violations committed on the subject property.
- M. From 11/17/2020 through 6/28/2021, violations of one or more of the requirements of the SPCA or the rules adopted thereunder existed on the subject property as follows:
 - 1. N.C.G.S. 113A-57(5) was violated for failure to conduct a land-disturbing activity in accordance with the approved erosion and sedimentation control plan.
 - 2. N.C.G.S. 133A-57(3) and 15A N.C.A.C 4B.0107(b) were violated for failure to provide adequate permanent groundcover within 90 calendar days following the completion of construction or development
 - 3. 15A NCAC 04B .0105 was violated for failure to take measures to protect all public and private property from sedimentation and erosion damage caused by land-disturbing activity.
 - 4. N.C.G.S. 133A-57(1) was violated for failure to retain a buffer zone of sufficient width along a lake, trout water or natural watercourse (25-foot minimum for trout waters) in which to confine visible siltation by natural or artificial means within the 25 percent of that portion of the buffer zone nearest the land-

disturbing activity.

5. N.C.G.S. 113A-57(2) was violated for failure to restrain erosion on slopes by providing temporary or permanent ground cover, devices, or structures within 21 calendar days of completion of any phase of grading
6. 15A NCAC 04B .0113 was violated for failure to install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan or any provision of the SPCA or rules adopted thereunder.

III. DECISIONS

- A. Pursuant to N.C.G.S. 113A-64(a) and the authority delegated to me by the Secretary of the Department, I, William E. Vinson, Jr., PE, CPM, Section Chief of Program Operations, DEMLR, do hereby assess a civil penalty against Cabarrus County and Cabarrus County Schools in the amount of \$310.00 per day for the 223 day period beginning 11/17/2020, the day the violation was discovered and ending on 6/28/2021. The total penalty amount is calculated at \$69,130.00.
- B. In determining the amount of this penalty, I have considered the criteria in N.C.G.S. 113A-64(a)(3).
- C. I hereby put Cabarrus County and Cabarrus County Schools on notice that I reserve the right to initiate further enforcement action for any violations occurring after 6/28/2021.

9/22/2021
Date



William E. Vinson, Jr., PE, CPM
Section Chief of Program Operations
Division of Energy, Mineral, and Land Resources

JUSTIFICATION FOR REMISSION REQUEST

DEMLR Case Number: LQS-21-006

County: Cabarrus

Assessed Party: Cabarrus County & Cabarrus County Schools

Project No. (If applicable): CABAR-2018-086

Amount Assessed: \$69,130.00

Please use this form when requesting remission of this civil penalty. You must also complete the “Waiver of Right to an Administrative Hearing, and Stipulation of Facts” form to request remission of this civil penalty. You should attach any documents that you believe support your request and are necessary for the Commission to consider in evaluating your request for remission. Please be aware that a request for remission is limited to consideration of the factors listed below. Requesting remission is not the proper procedure for contesting whether the violation(s) occurred or the accuracy of any of the factual statements contained in the civil penalty assessment document. Pursuant to N.C.G.S. § 113A-64.2(b), the following factors shall be considered in determining whether a civil penalty remission request will be approved. Please check each factor that you believe applies to your case and provide a detailed explanation, including copies of supporting documents, as to why the factor applies (attach additional pages as needed).

- (a) one or more of the civil penalty assessment factors in N.C.G.S. 113A-64(a)(3) were wrongfully applied to the detriment of the petitioner (please refer to the “Assessment Factors” summary attached);
- (b) the violator promptly abated continuing environmental damage resulting from the violation (i.e., explain the steps that you took to correct the violation and prevent future occurrences);
- (c) the violation was inadvertent or a result of an accident (i.e., explain why the violation was unavoidable or something you could not prevent or prepare for; proof is recommended);
- (d) the violator had not been assessed civil penalties for any previous violations;
- (e) payment of the civil penalty will prevent payment for the remaining necessary remedial actions or would otherwise create a significant financial hardship (i.e., explain how payment of the civil penalty will prevent you from performing the activities necessary to achieve compliance);
- (f) the assessed property tax valuation of the violator’s property upon which the violation occurred, excluding the value of any structures located on the property.

Please note that you have the burden of providing information concerning the financial impact of a civil penalty and the burden of showing any financial hardship.

EXPLANATION (attach additional pages as necessary):

STATE OF NORTH CAROLINA

SEDIMENTATION POLLUTION
CONTROL COMMISSION

COUNTY OF CABARRUS

IN THE MATTER OF ASSESSMENT)
OF CIVIL PENALTIES AGAINST)
)
CABARRUS COUNTY)
)
CABARRUS COUNTY SCHOOLS)

**WAIVER OF RIGHT TO AN
ADMINISTRATIVE HEARING AND
STIPULATION OF FACTS**

CASE NO. LQS-21-006

Having been assessed civil penalties totaling \$69,130 for violation(s) as set forth in the assessment document of the Division of Energy, Mineral and Land Resources dated 9/22/2021 the undersigned, desiring to seek remission of the civil penalties, does hereby waive the right to an administrative hearing in the above-stated matter and does stipulate that the facts are as alleged in the assessment document.

The undersigned further understands that all evidence presented in support of remission of this civil penalty must be submitted to the Division of Energy, Mineral and Land Resources within sixty (60) calendar days of receipt of the civil penalty assessment. No new evidence in support of a remission request will be allowed after sixty (60) calendar days from the receipt of the civil penalty assessment.

This the _____ day of _____, 20_____

NAME (printed)

SIGNATURE

ADDRESS

TELEPHONE

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

BRIAN WRENN
Director



NORTH CAROLINA
Environmental Quality

December 1, 2020

**NOTICE OF VIOLATIONS OF THE
SEDIMENTATION POLLUTION CONTROL ACT**

AND

**GENERAL PERMIT - NCG 010000
TO DISCHARGE STORMWATER UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
FOR
CONSTRUCTION ACTIVITIES**

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

7017 2620 0000 6788 9380

Cabarrus County
Attention: Mike Downs, County Manager
Post Office Box 707
Concord, North Carolina 28026

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

7017 2620 0000 6788 9397

Cabarrus County Schools
Attention: Tim Lowder, Executive Director of Operations
4401 Old Airport Road
Concord, North Carolina 28026

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

7017 2620 0000 6788 9403

Cabarrus County Schools
Attention: Tim Lowder, Executive Director of Operations
Post Office Box 388
Concord, North Carolina 28026



RE: Project Name: Southwest Cabarrus Elementary School
Project ID: CABAR-2018-086
County: Cabarrus
Compliance Deadlines: 15 days from receipt for SPCA violations
15 days from receipt by certified mail for Construction Stormwater Permit
NCG 010000 violations

Dear Sirs:

On November 17, 2020, personnel of this office inspected a project located on Hickory Ridge Road, Harrisburg in Cabarrus County, North Carolina. This inspection was performed to determine compliance with the North Carolina Sedimentation Pollution Control Act (SPCA) of 1973 and General Permit - NCG 010000 to Discharge Stormwater Under The National Pollutant Discharge Elimination System for Construction Activities (Construction Stormwater Permit NCG 010000). The inspection revealed a land-disturbing activity of approximately 27.51 acres being conducted.

It is our understanding that you and/or your firm are responsible for this land-disturbing activity. The purpose of this letter is to inform you that this activity was found to be in violation of the SPCA, G.S. 113A-50 to 66, Title 15A, North Carolina Administrative Code (NCAC), Chapter 4 and Construction Stormwater Permit NCG 010000. If you feel that you are not responsible for the following violations, please notify this office immediately.

The violations of the SPCA that were found are:

1. Failure to conduct a land-disturbing activity in accordance with the approved erosion and sedimentation control plan. G.S. 113A-57(5).

Failure to repair and maintain measures per the approved plan.

2. Failure when a land disturbing activity that will disturb more than one acre is undertaken on a tract, to provide a permanent ground cover sufficient to restrain erosion on such exposed areas within 15 working days or 90 calendar days, whichever is shorter, after completion of construction or development. G.S. 113A-57(3) and 15A NCAC 4B .0107(b).

Failure to establish groundcover within the timeframe of the approved plan.

3. Failure to take measures to protect all public and private property from sedimentation and erosion damage caused by the land-disturbing activities. 15A NCAC 4B .0105.

Failure to maintain measure or take additional measure to prevent sediment from leaving the limits of disturbance and impacting wetland area on tract.

4. Failure to retain a buffer zone of sufficient width along a lake, trout water or natural watercourse in which to confine visible siltation by natural or artificial means within the 25 percent of that portion of

the buffer zone nearest the land-disturbing activity. G.S. 113A-57(1).

Failure to maintain buffer and allowing sediment to deposit in wetland area on tract and near perennial stream onsite.

5. Failure within 21 calendar days of completion of any phase of grading, to plant or otherwise provide exposed graded slopes or fills with temporary or permanent ground cover, devices, or structures sufficient to restrain erosion. G.S. 113A-57(2).

Failure to establish groundcover in the allowed timeframe per the approved plan.

6. Failure to install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan or any provision of the Act, and rules adopted thereunder, during or after the development of a site. 15 NCAC 4B .0113.

Failure to repair and maintain measures per the approved plan, and allowing sediment to deposit beyond the limits of disturbance in a wetland area on tract.

The violations of the Construction Stormwater Permit NCG 010000 that were found are:

1. Failure to develop or adhere to the erosion and sedimentation control plan. The approved erosion and sedimentation control plan is considered a condition of Construction Stormwater Permit NCG 010000, Part I

Failure maintain measures and establish groundcover per the approved plan.

2. Failure to provide ground stabilization, NCG 010000 Part II, Section E
 - a. Soil stabilization shall be achieved on any area of a site where land-disturbing activities have temporarily or permanently ceased according to the following schedule:
 - i. All perimeter dikes, swales, ditches, perimeter slopes and all slopes steeper than 3 horizontal to 1 vertical (3:1) shall be provided temporary or permanent stabilization with ground cover as soon as practicable but in any event within 7 calendar days from the last land-disturbing activity.
 - ii. All other disturbed areas shall be provided temporary or permanent stabilization with ground cover as soon as practicable but in any event within 14 calendar days from the last land-disturbing activity.
 - b. Conditions - In meeting the stabilization requirements above, the following conditions or exemptions shall apply:

- i. Extensions of time may be approved by the Erosion & Sediment Control (E&SC) plan authority based on weather or other site-specific conditions that make compliance impracticable.
- ii. Slopes equal to or less than 2:1 and 10 feet or less in length allow for ground cover to be applied up to 14 days from the last land-disturbing activity.
- iii. Slopes steeper than 4:1 and greater than 50 feet in length require ground cover within 7 days of the last land-disturbing activity.
- iv. Portions of a site that are lower in elevation than adjacent discharge locations and are not expected to discharge during construction may be exempt from the temporary ground cover requirements if identified on the approved E&SC Plan or added by the permitting authority.

Failure to establish groundcover within the timeframe of the approved plan causing impacts to wetland areas on tract outside limits of disturbance.

3. Failure to install and maintain BMPs and control measures, NCG 010000 Part II, Section G.2-3 The permittee shall install and maintain all temporary and permanent E&SC measures as required by this permit and the approved E&SC plan. If self-inspections required by this permit identify a need for maintenance of control measures, modifications or additions to control measures, or corrective actions to control sediment or other pollutants, these actions shall be performed as soon as possible considering adverse weather and site conditions.

Failure to repair and maintain measures per the approved plan causing impacts to wetland areas on tract outside limits of disturbance.

To correct these violations, you must:

1. Provide adequate permanent ground cover on all areas where development has been completed according to the time limits in the approved plan, including all slopes, basin, and impacted areas outside of the limits of disturbance.
2. Take all reasonable measures to prevent sedimentation damage to adjacent properties.
3. Install and maintain adequate drop inlet protection as shown on the approved plan, including installing filter baskets over inlet near children play areas.
4. Provide an adequate stream buffer zone of sufficient width to confine visible sedimentation within the 25 % of the buffer nearer the land disturbance using natural or artificial means including all area west of the limits of disturbance. Sediment needs to be carefully removed that it does not cause damaged to the aquatic plants in the area. this area is to be stabilized with riparian blend seed mix.
5. Maintain all sedimentation and erosion control measures as specified in the approved plan and as required to prevent sedimentation damage including all perimeter silt fence. Skimmer basin needs to be repaired and stabilized and functioning as shown on the plans.

Please note that merely planting grass seed does not satisfy the requirements of "vegetative cover" or of "ground cover sufficient to restrain erosion." These requirements are not satisfied until an adequate cover of grass or other ground cover (such as properly applied and secured, mulched seeding or appropriate rip-rap) is established which is, in fact, sufficient to restrain accelerated or man-made erosion.

SPCA Violations

The violations of the SPCA cited herein may be referred to the Division of Energy, Mineral and Land Resources for appropriate enforcement action, including civil penalty assessments for an initial one-day violation and/or a continuing violation. The penalty for an initial one-day violation of the SPCA may be assessed in an amount not to exceed \$5,000.00. The Division of Energy, Mineral and Land Resources is not required to provide a time period for compliance before assessing an initial penalty for the violations of the SPCA cited herein. Please be advised that a civil penalty may be assessed for the initial day of violations of the SPCA regardless of whether the violations are corrected within the time period set out below.

In addition, if the violations of the SPCA cited herein are not corrected within 15 calendar days of receipt of this Notice, this office may request that the Division take appropriate legal action against you for continuing violations pursuant to NCGS 113A-61.1 and 113A-64. A penalty may be assessed from the date of the violation of the SPCA, pursuant to NCGS 113A-64(a)(1), and for each day of a continuing violation of the SPCA in an amount not to exceed \$5,000.00 per day.

Construction Stormwater Permit NCG 010000 Violations

The violations of the Construction Stormwater Permit NCG 010000 cited herein may be referred to the Division of Energy, Mineral and Land Resources for appropriate enforcement action, including civil penalty assessments for a continuing violation. This Notice serves as a letter of proposed civil penalty assessment. You have 15 calendar days from receipt of this Notice by certified mail to cease the violations listed above, and to submit in writing reasons why the civil penalty should not be assessed.

Accordingly, you are directed to respond to this letter in writing within 5 calendar days of receipt of this Notice by certified mail. Your response should be sent to this regional office at the letterhead address and include the following:

1. The date by which the corrective actions listed above have been or will be completed.
2. Rainfall data and self-inspection or self-monitoring records from October 1, 2020 to November 20, 2020.
3. A plan of action to prevent future violations.
4. A plan for restoration of sedimentation damage.

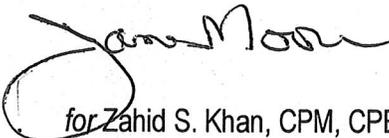
5. Reasons why a civil penalty should not be assessed.

Pursuant to G.S. 143-215.6A, these violations and any future violations are subject to a civil penalty assessment of up to a maximum of \$25,000.00 per day for each violation. Your above-mentioned response to this correspondence, the degree and extent of harm to the environment and the length of time and gravity of the violation(s) will be considered in any civil penalty assessment process that may occur.

Please be advised that any new land-disturbing activity associated with this project should not begin until the area presently disturbed is brought into compliance with the SPCA and Construction Stormwater Permit NCG 010000. When corrective actions are complete, you should notify this office so that work can be inspected. You should not assume that the project is in compliance with the SPCA and Construction Stormwater Permit NCG 010000 until we have notified you. After installation, all erosion control measures must be maintained in proper working order until the site is completely stabilized.

We solicit your cooperation, and would like to avoid taking further enforcement action. At the same time, it is your responsibility to understand and comply with the requirements of the SPCA and Construction Stormwater Permit NCG 010000. The relevant statute and administrative rules can be found at the Division's website at <http://deq.nc.gov/E&SC>. The permit can be found at the Division's website at <http://deq.nc.gov/ncg01>. Should you have questions concerning this notice or the requirements of the SPCA and Construction Stormwater Permit NCG 010000 please contact either Mr. Kenny S. Llywelyn or me at your earliest convenience.

Sincerely,



for Zahid S. Khan, CPM, CPESC, CPSWQ
Regional Engineer
Land Quality Section

KSL/CG/cys

Enclosures: Sedimentation Inspection Report

ec: State Sediment Specialist
Supervisor, Regional Water Quality Operations Section

Sedimentation/Construction Stormwater Inspection Report

North Carolina Department of Environmental Quality
Land Resources: 610 East Center Avenue, Suite 301, Mooresville, NC 28115 (704) 663-1699

County: Cabarrus **Project:** Southwest Cabarrus Elementary School **River basin:** Yadkin-PeeDee
Person financially responsible: Cabarrus County Schools - G Tim Lowder, **Project #:** CABAR-2018-086
Executive Director of Operations
Address: 4401 Old Airport Road, Concord, NC 28025

1. **Project Location:** Hickory Ridge Road, Harrisburg

Pictures: Yes - Digital

2. **Weather and soil conditions:** Sunny, Workable Soils **Initial inspection:** No

3. **Is site currently under notice of violation?** Yes

4. **Is the site in compliance with S.P.C.A. and rules?** No If no, check violations below:

5. **Violations:**

- ✓ b. Failure to follow approved plan, G.S. 113A-57(5), G.S. 113A-57(5)
- ✓ d. Failure to provide adequate groundcover, G.S. 113A-57(3) and 15A N.C.A.C. 4B.0107(b), G.S. 113A-57(3) and 15A NCAC 4B .0107(b)
- ✓ f. Failure to take measures to protect property, 15A N.C.A.C. 4B.0105, 15A NCAC 4B .0105
- ✓ g. Inadequate buffer zone, G.S. 113A-57(1), G.S. 113A-57(1)
- ✓ i. Unprotected exposed slopes, G.S. 113A-57(2), G.S. 113A-57(2)
- ✓ j. Failure to install and maintain measures, 15A N.C.A.C. 4B.0113, 15 NCAC 4B .0113
- ✓ n. Failure to develop or adhere to approved plan, NCG 010000, Part I
- ✓ p. Failure to provide ground stabilization, NCG 010000 Part II, E
- ✓ r. Failure to install and maintain BMP's, NCG 010000 Part II, G.2-3

6. **Is the site in compliance with NPDES Permit NCG010000 Construction Stormwater requirements?** No

Describe: Failure to maintain measure and prevent impact outside limits of disturbance in wetland area.

7. **Has sedimentation damage occurred since last inspection?** Yes If Yes, where? (check all that apply)

- ✓ Lake/Natural watercourse on the tract

Description: Sediment accumulated in the wetlands within the flood plain.

Degree of damage: Slight

8. **Contact made with (name):** No one on site Title:

Inspection report: Sent Report

Date given/sent: December 1, 2020 with NOV Letter

9. **Corrective action needed:**

1. Provide adequate permanent ground cover on all areas where development has been completed according to the time limits in the approved plan, including all slopes, basin, and impacted areas outside of the limits of disturbance.
2. Take all reasonable measures to prevent sedimentation damage to adjacent properties.
3. Install and maintain adequate drop inlet protection as shown on the approved plan, including installing filter baskets over inlet near children play areas.

Sedimentation/Construction Stormwater Inspection Report

North Carolina Department of Environmental Quality

Land Resources: 610 East Center Avenue, Suite 301, Mooresville, NC 28115 (704) 663-1699

4. Provide an adequate stream buffer zone of sufficient width to confine visible sedimentation within the 25 % of the buffer nearer the land disturbance using natural or artificial means including all area west of the limits of disturbance. Sediment needs to be carefully removed that it does not cause damage to the aquatic plants in the area. This area is to be stabilized with riparian blend seed mix.
5. Maintain all sedimentation and erosion control measures as specified in the approved plan and as required to prevent sedimentation damage including all perimeter silt fence. Skimmer basin needs to be repaired and stabilized and functioning as shown on the plans.

10. Comments: Construction of the school structure is complete and is actively being used as a school. The permanent basin has been dug out of accumulated sediment. The sediment has been laid out on the top of the hill southeast of the basin. The sediment basin has bare slopes and no baffles.

Some of this sediment has washed down slope and deposited along the silt fence. Onsite there are multiple failures along the silt fence that has allowed and is still allowing sediment to accumulate in the flood plain area impacting wetlands in the area. There is a large accumulation of sediment approximately .25-.5 acres in area. The depth of accumulation is approximately 2-8". Within this impacted area wetland plants were observed. Sediment accumulation was close to the perennial stream that runs onsite.

There are some rills and bare areas on the slopes that need to be addressed throughout the site.

Inlet protection around the school where the area is stabilized can be removed. It is recommended that areas with children playing that the filter basket inlet protection be used instead of hardware cloth and t post.

Reported by: Kenny Llywelyn

Others present:

Date of inspection: November 17, 2020

Time arriving on site: 3:15 PM

Time leaving site: 3:45 PM

cc: