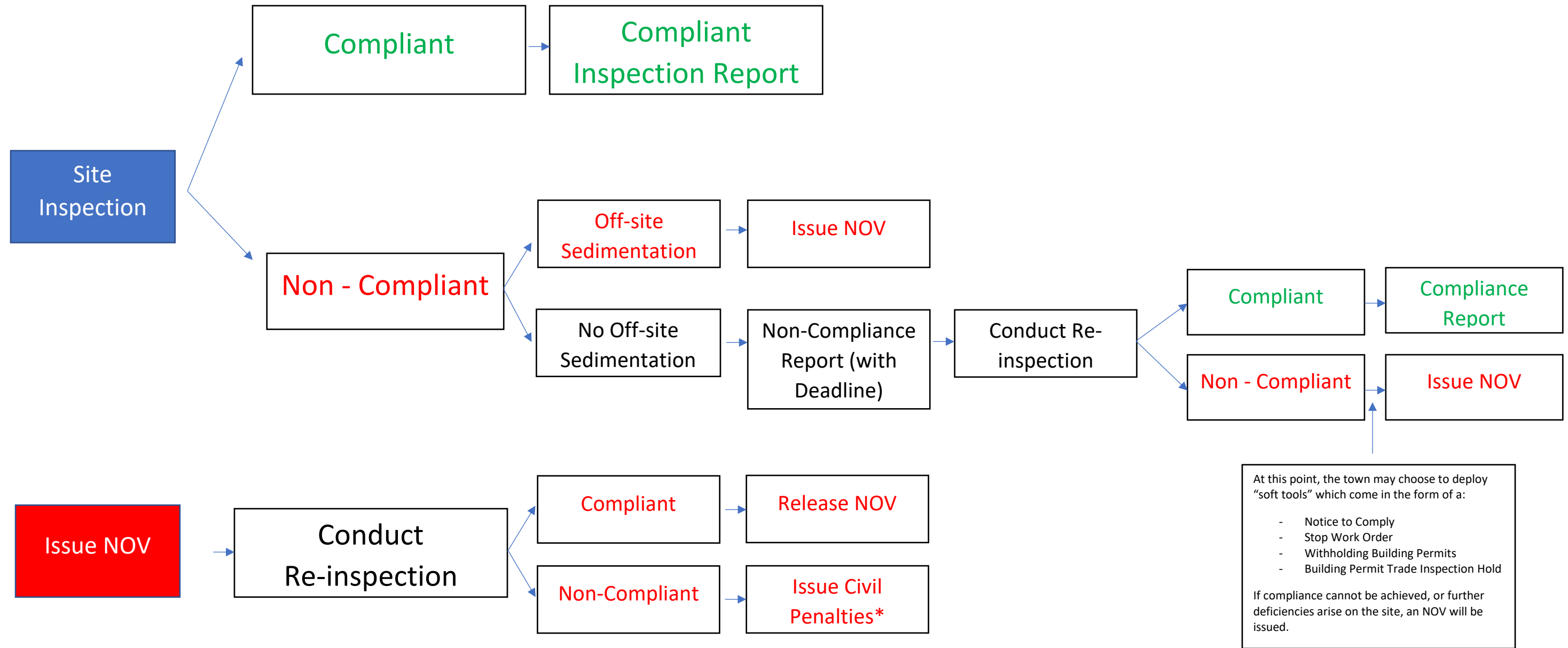


# Erosion and Sedimentation Control Enforcement Tree



\*Civil Penalties begin collection upon the issuance of a NOV

### **Enforcement / Inspection Definitions:**

- 1) Compliant (C) – The site is following the approved plan and all local/state/federal regulations. All basic control objectives are being met, and no additional inspection or follow up is required. The site will be scheduled for its next routine inspection in 14 days.
- 2) Non-Compliant (NC) – One or more deficiencies have been observed that indicate the project is no longer in compliance with local/state/federal regulations or the approved plan. One or more basic control objectives are not being met, this will result in a NC inspection report which includes a deadline for remediation.
  - Non-compliance can be one major failure, or the culmination of various small issues that are contributing to an overall deficiency.
- 3) Notice to Comply (NTC) – Will be issued when compliance cannot be achieved by the initial NC inspection report and remediation deadline. A NTC will be used in situations where the deficiencies in the original NC inspection report do not pose an immediate risk to off-site sedimentation. This notice will include information on the deficiencies along with an additional deadline for completion. Failure to meet that deadline will result in further enforcement from the town. (See attached enforcement tree)
- 4) Notice of Violation (NOV) – Will be issued following the enforcement tree above and when
  - Off-site sedimentation is observed
  - A site has failed to meet a prior NC report or NTC w/ remediation deadline.
  - Repeat violations are observed on a site that has been issued a prior NOV
  - Continuing violations occur despite the use of our “soft” enforcement tools
- 5) Completion Deadlines – all deadlines provided for the completion of required remediation will be at the discretion of our inspectors. In some cases, our inspector may request a formal onsite meeting to discuss the deficiency and establish a project specific timeline based on the current conditions and availability of materials.  
When assigning timelines for completion, our inspectors will consider the following:
  - Is the failure contributing to immediate off-site sedimentation?
  - Forecast / When is the next projected rain event that could worsen current field conditions?
  - How long has this deficiency been noted in prior inspection reports / NCG01 inspection documents?

These factors will directly impact the timeline provided, and in some cases may result in multiple deadlines being assigned to cover varying deficiencies onsite.

### **Inspection types:**

- 1) Bi-weekly Site Inspections – Routine audit inspection conducted by the Town of Knightdale to ensure development projects are following all applicable local/state/federal regulations regarding sedimentation and erosion control.
- 2) Perimeter Control Inspection – Initial inspection conducted by the Town of Knightdale to ensure all perimeter ESC measures have been installed per the approved plan. This will occur sometime after the preconstruction meeting, but prior to the Certificate of Compliance Inspection. **For individual lot LDPs and their associated building permits, this will serve as the COC inspection and can be scheduled in Energov (Wake County Permit Portal)**
- 3) Certificate of Compliance Inspection – A Certificate of Compliance inspection will be conducted once all phase one erosion control measures are installed and operational. This inspection releases the Land Disturbance Permit and allows the developer to continue with the approved development plan. Following a compliant inspection, a formal letter will be issued from the town stating that all initial ESC measures have been installed and the site is compliant with the approved plan / town ordinance.
- 4) Final Plat Inspection – inspection scheduled around the time of final plat recordation. Any deficiencies noted during this inspection will be provided in the form of a punch list that will hold the final plat approval.
- 5) SCM Conversion Inspection – As outlined in the Construction Sequence, this inspection will be requested once 90% of all lots have been completed and adequately stabilized. This inspection will provide permission for you to proceed with converting the ESC device to its final SCM form.
- 6) Final / Closeout Inspection – Final inspection to ensure that all temporary erosion measures have been removed, and permanent stabilization has been achieved. 85% germination will be required on all portions of the site prior to closeout.

### **Building Permit Specific ESC inspections:**

- 7) Initial Perimeter Control Inspections – Can be scheduled in Energov and will serve as the COC for individual lots included in a common plan of development.
  - a. Compliant = Pass - All measures included in the custom or standard ESC plan are installed and operational. The site is ready to proceed with vertical construction.
  - b. Non-Complaint = Fail – Measures included in the approved plan are not installed, or not functioning as intended. The site is not ready to proceed with vertical construction.

**\*Following a compliant Initial Perimeter Inspection, the inspection status in Energov will be toggled to “Pass”. Please note that failure to follow the approved site plan and prevent off-site sedimentation will result in an inspection hold being placed on the building permit. This hold will prevent the scheduling of any trade inspections until a complaint inspection report is received from our inspector. \***
- 8) Final Site Stabilization Inspection – Will be scheduled in Energov prior to the “Zoning Final” where we will be looking for proper stabilization and drainage on each lot. Ideally, we would like to see proper germination, however we will work on a case-by-case basis.

### **Inspections**

#### ***Our inspections are just audits.***

The LDP is an agreement between you (Applicant) and the Town of Knightdale. We are auditing to ensure this agreement is being upheld, and that all requirements / expectations associated with your Land Disturbance Permit are being met. The plan you provided was designed by your team to demonstrate the proposed development would not contribute to any erosion or off-site sedimentation. You are responsible for following this plan, reporting any deviations, and correcting any performance deficiencies observed.

**Our goal is Compliance, not enforcement.**

Our expectation is that you will follow these guidelines and ensure that all elements of your project are monitored for compliance. The Town does not gain anything from issuing enforcement notices. However NOV's are currently the only form of enforcement recognized by the NCDEQ / EMC fo0r local ESC programs. Enforcement will be issued in situations where verbal / written communication is ineffective. All enforcement issued by the town will follow the attached enforcement tree, which is designed to provide you with adequate time to remediate all deficiencies. The timeline for completion is at the discretion of the inspector, please understand that some items will require an immediate correction while others can be provided more time to complete.

**Development Process:**

**Application Submittal** – An application will not be accepted unless all required documents are included and complete. the 30-day deadline for ESC plan review does not begin until a complete application has been received. A submittal checklist can be found on the towns IDT website here: [Town of Knightdale \(idtplans.com\)](http://Town of Knightdale (idtplans.com))

**Plan Review** – Statute provides the town 30 days to review your submitted Erosion Control Plan and provide a decision. This process will ensure that all elements of your plan meet the minimum design criteria listed in the latest version of the NCDEQ design manual.

**Plan Approval** – Once the plan has been approved, a formal approval letter will be issued to the FRP and Project applicants. An approval letter does not indicate permit issuance or allow you to proceed with site work until the following conditions have been met.

**NCG01 Certificate of Coverage** – Prior to the issuance of any LDP, the Town of Knightdale requires the applicant to provide a copy of the NCG01 Certificate of Coverage Letter. This is a NCDEQ issued permit that cannot be applied for until a plan approval letter from the reviewing municipality has been issued.

**Pre-Construction Meeting** – Our Construction Inspector will require an onsite PreCon prior to issuing the LDP. This meeting will go over our expectations moving forward, and provide a platform for our team to familiarize ourselves with the timeline of the project. This is a time to discuss any concerns / questions you or our staff may have.

**Land Disturbance Permit Issued** – Once the Preconstruction meeting has been held, and all permit fees have been paid, the formal LDP will be issued for the project. **This allows you to begin installing your initial perimeter silt / tree protection fence.**

**Perimeter Silt Fence Inspection** – Will be required once all perimeter controls are installed. You are not released to proceed any further until a passing inspection report is received. Once received, you are permitted to continue clearing **ONLY** enough to install the remaining ESC measures included in the Phase 1 plan.

**Certificate of Compliance Inspection** – Will be required once all phase 1 erosion control measures have been installed per the approved plan. Must be scheduled with the Town Inspector associated with your project.

**Permit released** – Following a Complaint COC inspection and issued COC letter, the permit will be released to proceed with the approved development plans.

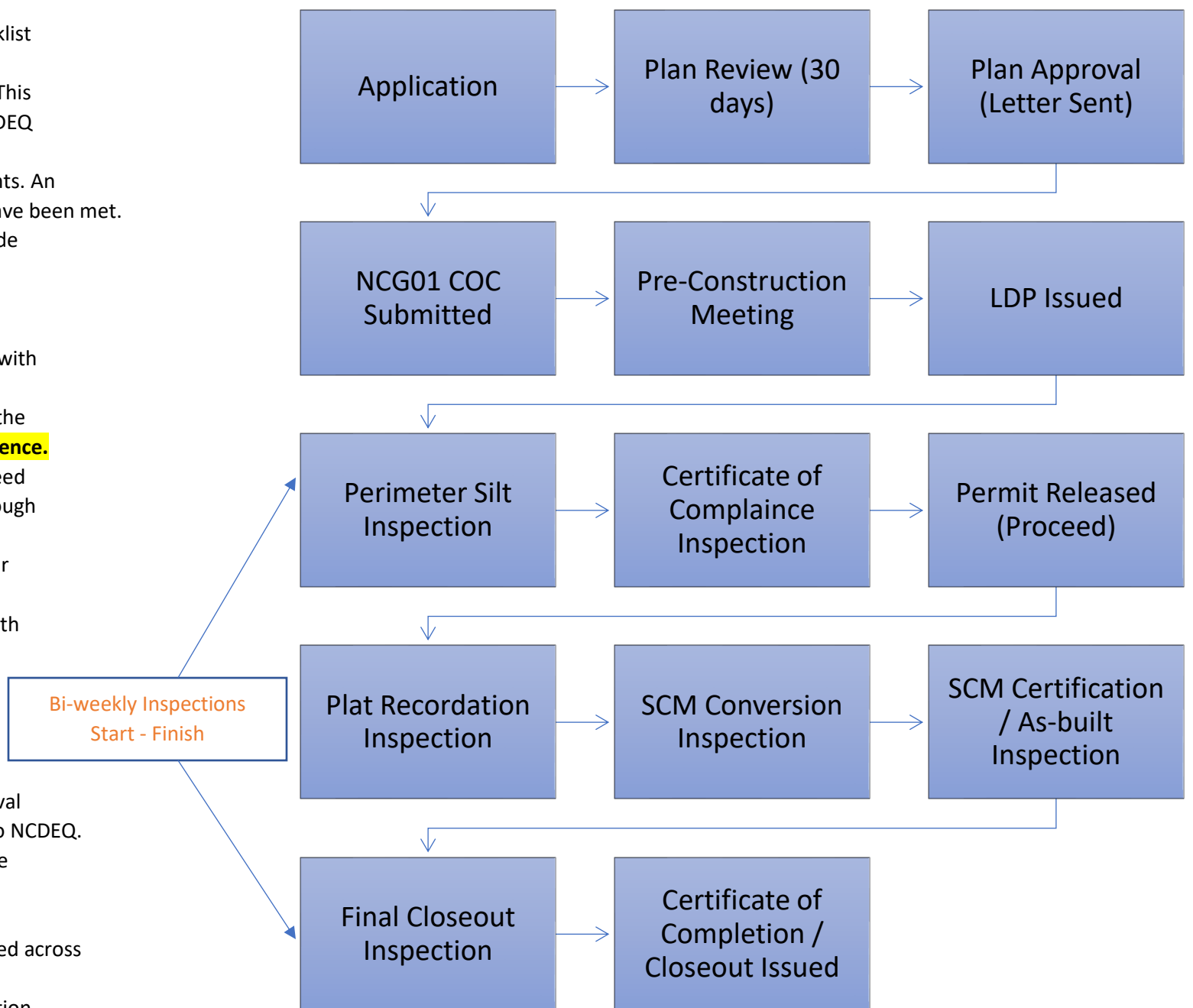
**Plat Recordation Inspection** – Once you are ready to record the final plat, an inspection will be conducted to ensure there are no issues / deficiencies on the site. The plat cannot be recorded until a passing inspection report is issued.

**SCM Conversion** – Once 90% stabilization upstream of a temporary basin device has been achieved, a SCM conversion inspection can be requested. Approval will result in the final conversion of the device to its permanent SCM form. Approval must be given by the Towns Construction Inspector and Stormwater Technician, and de-watering notification provided to NCDEQ.

**SCM Certification / As-built Inspection** – Once converted, as-built drawings along with an engineer’s certification must be submitted to the town for review. Following the review process, a formal inspection will be conducted to ensure all conditions of the approved plan have been met, and the device is functioning as designed.

**Final Closeout Inspection** – Can be requested once all SCMs have been converted, and 90% stabilization has been achieved across the entire project.

**Certificate of Completion / Closeout Issued**- Following a passing final closeout inspection, a formal Certificate of Completion will be issued, closing the LDP.



**Development Process: Individual Lot Submittal / Construction**

Individual lots that are part of a larger common plan of development, regardless of their disturbed area, will require a Land Disturbance Permit. This LDP will require the same process as mentioned above, and will precede the issuance of any building permit located within the project footprint.

**Individual Lot LDP Process**

If the developer and builder are the same entity, an amendment can be made to the sites existing LDP to incorporate the individual lots. However, if the developer and builder are different, then the builder must apply for their own Land Disturbance Permit to cover the associated lots within the project.

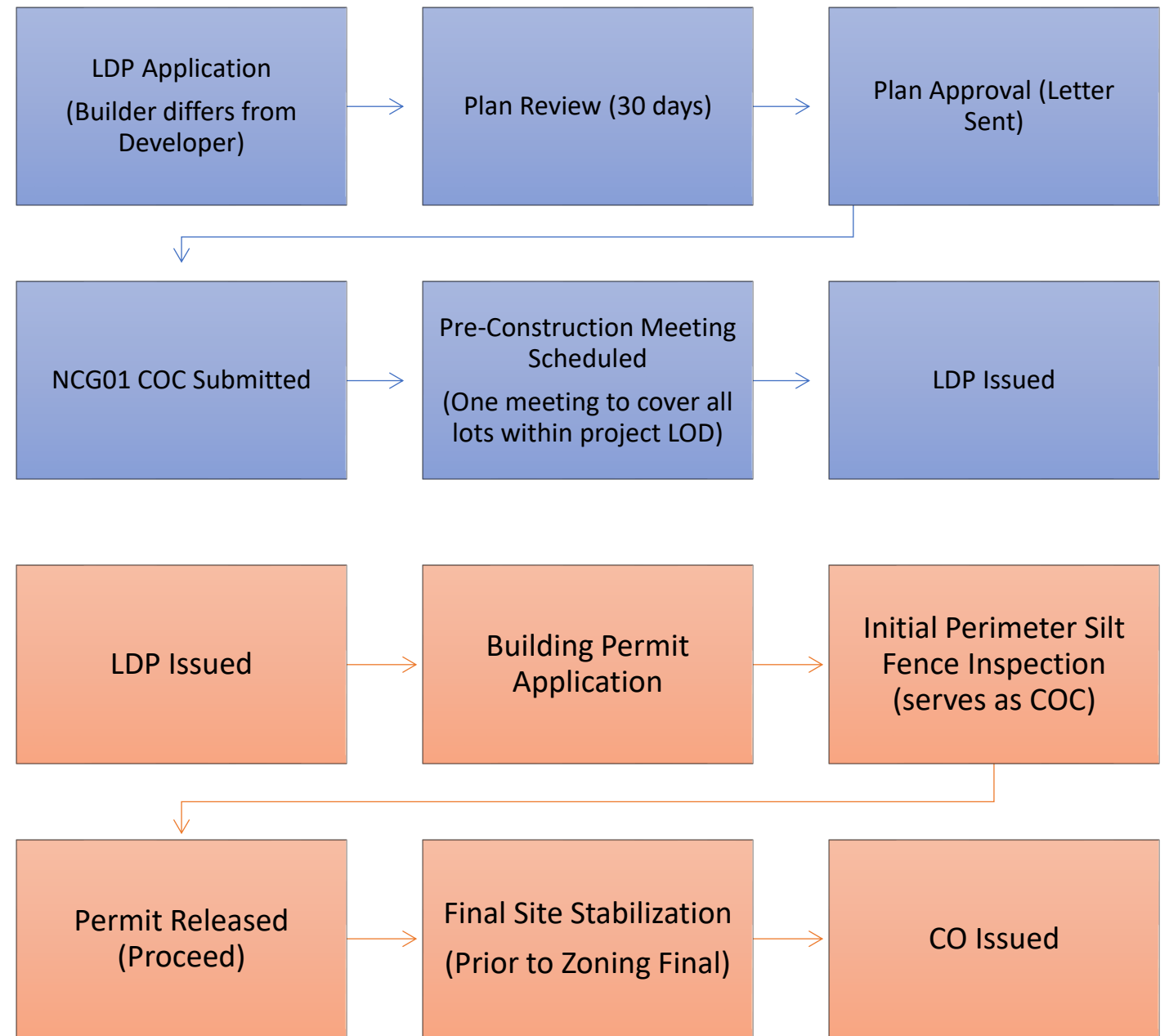
This individual lot LDP will require the same ESC plan submittal, which can cover all the lots or a cluster of lots within the project.

These plans can be customized by your design team, or standard using the “Town of Knightdale Standard Sediment and erosion Control Plan for Single Family Lots”.

To use the standard ESC plan for individual lots, all following conditions must be met.

- 1) Lot has a disturbance of less than 1 acre and a total site disturbance less than 5 acres.
- 2) Mass grading of the lots has already occurred and been stabilized, or mass grading will not occur
- 3) Site is not located within a High-Quality Water (HQW) Zone
- 4) Site does not contain a 15ft or greater elevation difference between the highest elevation to the lowest elevation across the disturbed area
- 5) Site does not contain concentrated flow/swales/ditches on or within 25ft of disturbed area, with The exception of roadside ditches/swales
- 6) No basement lots will be located within the plan

Even then, the town still reserves the right to require a custom plan if conditions onsite warrant additional considerations.



**\*Once the perimeter Silt Fence Inspection is completed, and a compliant (COC) is issued, bi-weekly inspections will begin for the entire LDP site. If at any time deficiencies are noted within the project footprint, an inspection / permit hold can be issued to ensure all issues are remediated. This hold will prevent you from scheduling any trade inspections associated with the building permit. \***