

TO: Engineering/Development Community
FROM: Lisa Kirby, Director of Engineering
DATE: March 18, 2022
SUBJECT: City of Greenville Manual of Fees & Erosion Control Program Changes

The City's locally delegated Erosion & Sedimentation Control Program was audited by the Department of Environmental Quality – Division of Energy, Mineral, & Land Resources in January 2022. I am excited to report, due to the dedication of city staff and the local development community, the Sedimentation Control Commission voted to "Continue Delegation" of administration of the Sedimentation Pollution Control Act of 1973 to the City of Greenville.

This audit, along with legislative updates require modifications and/or clarifications to the operation of our delegated erosion and sedimentation control program. Specifically, Session Laws 2021-121 and 2021-158, which are both already in effect, impact the City's program effective immediately unless otherwise noted. While the City's program is in compliance with many of the requirements of these laws, there are some minor adjustments we need to make to the program and fees. Details are provided below on all changes to our program dictated by the Session Laws.

- A) Section 5.(a) of Session Law 2021-121 allows for transfer of financial responsibility of land disturbing activities to a new owner of a residential lot prior to final stabilization. This only applies to residential construction with land disturbance of less than one (1.0) acre, and requires the builder's or developer's conveyance of the lot to the new owner, recording of the deed in the office of the register of deeds, an updated Financial Responsibility/Ownership Form, and notification to the office or local program that approved the erosion control plan. Moving forward, erosion control plans for new subdivisions shall include standard residential erosion control details. If a home builder in a subdivision with an erosion control plan approved without these standard details wants to transfer responsibility and ownership from the developer they will need to submit those standard details along with the other required documentation as mentioned above. The City will allow builders to get Certificates of Occupancy without final stabilization, however the required documentation for transfer of financial responsibility must have been completed. Sites must be in compliance with the approved plan prior to transferring financial responsibility and/or issuance of a CO.

- B) Sections 3.(b) and 5.(c) of Session Law 2021-121 relate to the fees that local programs are authorized to charge for land disturbance activities. Although the City of Greenville's Fees were already in compliance with the revised regulations, the City's Manual of Fees will be updated on July 1 to include an Erosion Control Plan review fee of \$100 per acre **or portion thereof**. For

instance, an erosion control plan with a disturbance of 3.06 acres will require a review fee in the amount of \$400 starting on July 1, 2022. The “Grading Permit” as it is currently stated in the Manual of Fees will be revised to a Land Disturbance Permit with no fee required. The current policy of not charging a fee for single family residential construction (home building) erosion control plan review will remain – as long as the home builder/applicant utilizes the standard templates for the erosion control plan that are on the North Carolina Environmental Quality website (referenced below in Section C)(12)). If the home builder is going to disturb greater than 1.0 acre and/or is creating a custom plan that needs to be reviewed, the review fee as shown in the Manual of Fees will apply. Regardless of whether or not the fee applies, ALL plans must include an executed FRO prior to approval. This will include single family residential home builders. To try and streamline the process, the City will accept one (1) FRO from a builder to cover all of that builder’s lots in a single development. The builder would need a separate FRO on file for each development in which they are building homes.

C) For review of an erosion control plan for a single-family lot in a common plan of development where the developer and builder are different, Section 5.(c)(b1) specifies that the City may require no more than the following information:

(1) Name, address, telephone number, and email of owner of lot being developed.

(2) Street address of lot being developed.

(3) Subdivision name.

(4) Lot number.

(5) Tax parcel number of lot being developed.

(6) Total acreage of lot being developed.

(7) Total acreage disturbed.

(8) Anticipated start and completion date.

(9) Person financially responsible.

(10) Signature of person financially responsible.

(11) Existing platted survey of the lot.

(12) A sketch plan showing erosion control measures for the lot being developed, but the sketch shall not be required to be under the seal of a licensed engineer, landscape architect, or registered land surveyor unless there is a design feature requiring such under federal or State law or regulation. *(The City intends to accept the standard templates from the Standard E&SC Plan Set for Small Residential Lots from the North Carolina Environmental Quality website to meet this requirement which can be found here - <https://deq.nc.gov/about/divisions/energy-mineral-and->*

[land-resources/erosion-and-sediment-control/erosion-and-sediment-control-forms#standard-esc-plan-set-for-small-residential-lots](#))

- D) Tract builders who develop the subdivision *and* build the houses are not required to submit a separate erosion control plan IF the developer AND the home builder are listed as the same Financially Responsible Person under the approved erosion control plan for the “entire development” and lot disturbance is less than one (1.0) acre.

As previously mentioned, this memorandum details the upcoming changes to our local program as dictated by the Session Laws. Other revisions and changes in the Session Law that did not apply to our program and/or were already applied in the operation of our program are not outlined in this memorandum.

In addition, as a result of our program audit, the City’s standard erosion control plan review comment letter will be revised to incorporate language that specifically states that a submitted plan is disapproved if there are any comments that must be addressed. Currently our letter states a plan must be resubmitted addressing any comments but does not specifically state the plan is disapproved until revised plans are resubmitted and approved.

The City of Greenville appreciates the Engineering/Development Community’s continual efforts to assist with implementing a successful Erosion & Sedimentation Control Program. Please do not hesitate to contact Travis Welborn at (252) 329-447 or twelborn@greenvillenc.gov should you have any questions or concerns regarding these changes to our program.

LK