



# NEW HANOVER COUNTY

Engineering Department  
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Soil Erosion Specialist

## MEMORANDUM

**TO: Grading Contractors, Surveyors and Developers  
(Please copy all Project Supervisors as needed)**

**FROM: Beth Easley Wetherill/NHC County Engineering**

**RE: Land Disturbing Permits and Requirements**

All private development within the New Hanover County limits, including the corporate city limits of Wilmington is subject to New Hanover County's Erosion and Sediment Control Ordinances. The owner/developer of a tract where more than one (1) acre is to be disturbed will be required to get a Land Disturbing Permit unless it is under the State of North Carolina's Regulatory Jurisdiction, or is regulated by provisions of the Mining Act of 1971, or otherwise exempt. This applies to **all** areas disturbed during construction that are associated with the project. It includes sewer, right-of-ways, drainage, roads, landscaped areas, landfills, borrow areas, construction lay down areas, and **any** other land disturbing activity associated with that project whether it is on or off site.

A New Hanover County application and fees will be accompanied with four plans which should include the following information:

### **SEDIMENT AND EROSION CONTROL PLAN COMPONENTS**

- Name, address, phone number, fax number, email address and signature of the financially responsible party. This person **must** have a North Carolina address.
- The entire application must be filled out, signed and notarized.
- Name and address of the designer.
- Vicinity map, north arrow, legend and scale.
- Site address (assigned by the Planning Department).
- Tax map and parcel number.
- Current deed(s) for the site.
- Existing and proposed topography. Geologic features: ditches, streams, lakes, wetlands, etc.
- Area to be disturbed (shown or noted).
- Proposed site improvements on and off site (structures, roads, parking lots, easements, utilities, right-of-way work, drainage improvements, stockpiles, construction lay down areas, etc.).
- Temporary and permanent sediment control measures (locations, dimension, details, **calculations**) and a maintenance plan with stabilization time frames.
- Graveled construction entrance with dimensions and cross section details of #4 stone or 2" to 3" aggregate.
- Proposed stormwater network (swales, culverts, inlet and outlet structures, etc. with grades, elevations, details, dimensions of each) and drainage calculations with velocities and energy dissipater dimensions.

- Permanent erosion controls (locations, dimensions, details and calculations).
- Temporary and permanent seeding specifications (seedbed preparation, soil amendments, seeding rates and schedule).
- Construction sequence.
- Sediment and erosion control material specifications.
- General notes.
- Erosion control and stabilization maintenance plans.
- Dewatering instructions and erosion control needs for this activity.
- Tree removal approval.

### **NARRATIVE STATEMENT COMPONENTS**

- Name and address of owner and designer, phone number, fax number and email addresses.
- Purpose of land disturbing activity.
- Site location and description of soils.
- Storm water runoff calculations and explanation of the method of determination.
- Construction sequence and schedule (flow chart if available) and phases of activities.
- Temporary and permanent re-vegetation specifications (preparation - seed type and rates; fertilizer, lime and mulch rates and schedule).

**Other changes or emphasized points in the permitting procedure include the following:**

1. The applicant will be notified in writing of approval of the plan and issuance of a permit. The permit will include specific erosion control measures to be installed on site and may also include plan modifications. The permit must be signed upon receipt (by the financially responsible party) and the blue copy returned to this office. A preconstruction conference must be scheduled with this office at which time the specified measures will be discussed.
2. Erosion control should be practiced on all sites as per State law, even those sites under an acre. These sites may not require a permit; however, a plan may be requested. Notices of Violation and fines can be issued for sites less than one acre if significant erosion and/or sedimentation has occurred as a result of a land disturbing activity. Phased development letters may also be requested if work on a site has a potential to exceed one acre in the future. All activity on a tract since 1988 will be cumulative toward the 1 acre limit. If the total cumulative site work exceeds an acre without issuance of a land disturbing permit, a Notice of Violation may be issued and a fine assessed.
3. A permit will expire one (1) year from the date it was issued if no activity begins. Permits must be reactivated and revised prior to additional work on any previously permitted site; additional fees may apply. This can be done by calling Beth Easley Wetherill in the Engineering Department at (910) 798-7139.
4. If revisions to the permitted plan are necessary, new plans must be submitted and approved by this office prior to any new work on the site. If work proceeds on site without submittal and approval of a revised plan and/or re-issuance of a permit, a Notice of Violation may be issued and a fine assessed.
5. A permit issued by this office does not exempt any project from the requirements or permits of any other office, i.e., U.S. Corps of Engineers, CAMA (Major or Minor), City Engineering, City Stormwater, City Planning, County Planning, County Stormwater Authorization to Construct (ATC), County Zoning, DEM Stormwater, Solid Waste, Wetlands, EPA or any other office. **It is the permittee's responsibility to obtain all necessary permits and approvals.** The approval of

an erosion control plan is conditioned on the applicant's compliance with Federal and State Water Quality laws, regulations and rules.

6. All graded slopes and fills will be on a 3:1 slope (three feet of run to every one foot of rise) unless otherwise approved by this office.
7. Denuded areas must be stabilized within fifteen (15) working days of cease of any phase of activity. All slopes must be stabilized within twenty-one (21) calendar days of cease of any phase of activity. This includes slopes, swales, channels and stockpiles.
8. Silt fence should be used where sheet flow may create erosion problems. Silt fences will **not** be allowed to control erosion in a concentrated flow or ditch situation. Silt fence stakes should be six (6) feet apart if no wire backing is used. **ALL STAKES MUST BE METAL**. No wooden stakes will be allowed!
9. Sediment traps composed of rock filters (#57 stone and rip rap) and sumps will be required to control erosion in a channel flow situation. Calculations and dimensions will be required for the surface area and sediment storage requirements.
10. A gravel construction entrance is required at **all** points where construction traffic encounters a paved road. Construction entrances will be made of 2" to 3" aggregate or #4 stone and will be minimum six (6) inches deep, twelve (12) feet wide and fifty (50) feet long.
11. Inlet protection may include block-n-gravel, DOT screen and stone inlet protection, silt sacks, dandy bags or beaver dams. The details on the plan **must** reflect the type of inlet protection used on site. No haybales or fabric diapers wrapped around grates will be allowed. After 2006 silt fences will **NOT BE ALLOWED** as inlet protection.
12. Sediment will be controlled on site, by an approved method, at all cost, regardless of who is responsible. If the approved erosion control measures fail to contain sediment on site, revised plans and additional measures may be required. The owner may receive a violation with fines and a deadline to achieve compliance.
13. Property disturbed as a unit will be considered **one** tract, regardless of ownership. The tract will need permitting if the total areas disturbed exceed an acre. This includes but is not limited to properties that share driveways, parking areas and drainage. It includes all work within that unit since 1988.
14. The size of a tract and weather are not excuses for not being able to control erosion and sedimentation. A Notice of Violation may be issued if the erosion control measures fail or offsite sedimentation occurs. The County may require the person who engaged in a land disturbing activity and failed to retain sediment to restore the affected areas. Fines of \$5000 a day may be assessed.
15. Spoil from any site shall be disposed of in an approved landfill or permitted site. If soil is removed from a permitted site you must contact the Engineering office and identify its destination. If that destination is in excess of one acre, it too may require a permit and/or erosion control measures. State mining or borrow permits may also be required. Contact Land Quality at (910) 796-7215 for information on State permits. These activities may also require City or County Zoning approval (910-798-7118). It will be the permittee's responsibility to get any additional permits required for these spoil locations off site.

16. Erosion control devices are not self-maintaining. The plans will have maintenance plans that note when maintenance is required. The permit requires that the erosion control measures must be inspected by you once a week and within 24 hours of any rain event. It is your responsibility to make sure that maintenance is performed on site.
  
17. A violation of the New Hanover County Soil Erosion and Sedimentation Control Ordinance will be brought into compliance with the plan and/or the ordinance. In the case of a violation, the owner/permittee will be notified by registered mail and will be given sufficient time to correct the violation. Upon receipt of a violation letter, all work must cease until the project is brought back into compliance with the ordinance. Failure to take corrective actions within the specified time period will result in the assessment of additional civil penalties, or other enforcement action, pursuant to Section 21 of the ordinance. Fines are \$5,000 a day. A \$5000 fine is automatically assessed the day the violation is issued.
  
18. NPDES monitoring of erosion control measures and water quality observations are **your responsibility!** Written reports must be done once a week and within 24 hours of every ½ rain event. This is an **EPA nationwide construction permit requirement** of every job one acre or more in size.

We try to be as flexible as possible with every applicant. The fee and application along with three (3) copies of the plan and narrative shall be submitted to this office, four (4) copies if the project is within the corporate city limits of Wilmington, six (6) plans if any wetlands are on site. Try to be as detailed as possible to limit review time. There are fees for plan reviews, and also land disturbance fees. These fees are noted below. Checks are to be made payable to New Hanover County. The permit review process takes thirty (30) days and a letter is sent to the applicant, who is usually the engineer or plan designer when additional information is required. When a plan is approved, the financial responsible party will receive a letter and a permit. The blue copy of the permit must be signed and returned to this office. A preconstruction meeting and notification of the date construction will begin is required prior to any work on site.

We look forward to working with you on your project. Please be as concerned with erosion control as we are and help us educate your clients to prevent problems. Please do not use this department to manage your site work. It is your responsibility to inspect and repair the erosion control measures on your site once a week and within 24 hours of any rain event. You may also be responsible for NPDES documentation for Water Quality permits issued as per North Carolina General Statute 143-215.1 and for City/County and State Stormwater requirements. If any questions arise, please don't hesitate to call Beth Easley Wetherill in Engineering.

**The County has established the following rate schedule for the permit fee:**

### **Sedimentation & Erosion Control Fee Schedule**

#### **Residential Subdivision**

|                       |   |
|-----------------------|---|
| Review Fee:           | \$200 (Paid at time of application, includes initial and 2 <sup>nd</sup> review).   |
| Land Disturbance Fee: | \$150 per lot (Paid at the time of plat recordation).<br>All lots must be in the limits of disturbance and have erosion control measures. |

Subsequent Reviews: \$200 each (For each review after 2<sup>nd</sup> review).  
Modifications: \$200  
Name Change: \$200  
Transfer of Ownership: \$200

### **Commercial Development**

Review Fee: \$200 (Paid at time of application, includes initial and 2<sup>nd</sup> review).  
Land Disturbance Fee: \$400 per acre disturbed (Paid at the time of Certificate of Occupancy).  
Subsequent Reviews: \$200 each (For each review after 2<sup>nd</sup> review).  
Modifications: \$200  
Name Change: \$200  
Transfer of Ownership: \$200

### **Other**

Review Fee: \$200 (Paid at the time of application, includes initial and 2<sup>nd</sup> review).  
Land Disturbance Fee: \$400 per acre disturbed (Paid at time of application).  
Subsequent Reviews: \$200 each (For each review after 2<sup>nd</sup> review).  
Modifications: \$200  
Name Change: \$200  
Transfer of Ownership: \$200