



ENGINEERING AND ENVIRONMENTAL SERVICES

Stormwater and Erosion Control Division

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To: All Development Community Members, Consultants and Development Design Professionals Practicing in Durham County, NC

From: Ryan D. Eaves, CFM, CPESC
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Engineering and Environmental Services
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Subject: Letter to Industry 5/1/2018: Durham County Erosion Control Ordinance Amendments and Policy Changes

Purpose

The purpose of this memo is to inform Durham County and the Development Community of recent amendments to the Unified Development Ordinance with regards to Sedimentation and Erosion Control as well as policy changes to the plans submittal process.

Applicability

On March 1, 2018, UDO text amendment *TC1700006: Technical Updates Regarding Sedimentation and Erosion Control and State Legislation* became effective. There were several amendments to the Sedimentation and Erosion Control requirements in the UDO. Full text of the amendments can be found at <https://durhamnc.gov/DocumentCenter/View/20644/TC1700006-Ordinance-Legislative-Changes---Effective-March-1-2018>. The most significant changes include:

- Plan submittal requires **2 copies** of the erosion control plan and **1 copy** of preliminary construction drawings. Preliminary construction drawings are recommended to be submitted in electronic format (e.g., DVD, USB, or FTP link). (Sec 3.8.2)
- Self Inspections are now required on all land disturbing activity. Records of the self inspections must be kept on site at all times and made available to County staff when requested. Further details, including a timeline of inspections and reporting requirements can be found in Sec 12.10.10.
- Notices of Violation to first time violators must be hand-delivered, or all reasonable efforts must be made to hand deliver NOVs. The County must also offer to provide technical assistance to those in Violation. (Sec 15.5.3)
- Limits are placed on Civil Penalties for first time violators up to \$25,000. (Sec 15.5.7)

- Civil Penalties may also now be challenged through the remissions process as outlined in Sec 15.5.8.

In addition, Durham County Stormwater and Erosion Control has changed its requirements for plan submittals. Beginning May 1, 2018, submittals requiring an erosion control plan (disturbed area greater than 20,000 sq. ft.) will **no longer be accepted without a signed and sealed Plan Submittal Checklist**. The checklist can be found on the County's website: <http://www.dconc.gov/government/departments-a-e/engineering-and-environmental-services/stormwater-and-erosion-control-division>

Effective Date

This Letter to Industry will become effective for all erosion control plans submitted to the Durham County Stormwater and Erosion Control Division with a submission date on or after May 1, 2018.

Staff Contact

Please contact Ryan D. Eaves, reaves@dconc.gov, or 919-560-7992 with any questions or comments related to this Letter to Industry.