

Chatham County Planning Board Meeting
5 December 2005

Dear Members of the Planning Board and Department Staff:

Thank you for the opportunity to address you all tonight regarding sedimentation and erosion control issues in Chatham County. I thought you might appreciate an update of problems the NC Division of Land Resources (DLR) and Division of Water Quality (DWQ) been tracking here in Chatham:

The Preserve -- Notice of Violation to Sedimentation Pollution Control Act issued to developer on September 4, 2001.

Chatham Downs -- Notice of Violation has been drafted by DLR recently and should be out by now (Joel Idle, pers. comm.). The developer has been out of compliance for weeks. In mid-October DLR informed them they had 2 weeks to come into compliance; they didn't, so were issued a NOV of the Sedimentation Pollution Control Act.

Buck Mountain/Chapel Ridge -- Notice of Violations from both Division of Land Resources AND Division of Water Quality for sedimentation in and water quality impacts to Dry Creek from construction issued in August 2005.

These three developments all had Erosion and Sedimentation Plans approved by the State; all three issued NOV for non-compliance to their plans. In all three cases, the contractor did not follow the plan and downsized the temporary sediment basins before ground cover was established.

Windfall Creek Estates -- Parker's Creek impacted by construction of utility lines down Big Woods Road. Developer received verbal warning from DLR that they were out of compliance and that issuance of Notice of Violation was pending further investigation

The Homestead -- Grading of meadows exposed acres of soil just before 5-day rainfall in early October 2005, resulting in significant sediment in streams. Development on site is currently under investigation by the DWQ Surface Water Protection Unit for impacts to water quality. Both DWQ and DLR will visit the site within the next month (Joel Idle, DLR and Eric Culls, DWQ, pers. comm.).

Staff from DLR and DWQ are also planning on visiting other sites in Chatham for which they've received complaints, including the Lowes Home Improvement site within the Pittsboro ETJ and the Briar Chapel site.

Please keep this information in mind as you consider approval of more development in Chatham, including the final plat approval request for The Legacy at Jordan Lake (formally The Homestead at Jordan Lake).

Regarding The Homestead (Legacy) at Jordan Lake, it is unclear whether or not the developer has applied for a 404 permit from the Army Corps of Engineers for impacts to streams and wetlands, including road crossings, at the site. A 404 permit should be applied for and approved before final plat approval. Depending on the determination made by the ACOE, a 401 certification from the DWQ may also be warranted (see http://h2o.enr.state.nc.us/ncwetlands/rd_wetlands_certifications.htm). To date, no 401 certification application has been received (John Dorney, Supervisor, DWQ, pers. comm.).

It's important to remember that this first phase of development at The Homestead site will take place not only in the WS-IV Protected Area of the Jordan Lake watershed, but also in the WS-IV Critical Area.

Finally, I'd like to comment on the Environmental Impact Assessment conducted by CH2MHill for the Homestead development, but it was not posted on the County website until yesterday, December 5th - a little over 24 hours before the Planning Board meeting. (When did the Planning Board receive it?) I've not yet had a chance to look at it in any detail, and would be the Planning Board hasn't either.

It would be prudent to postpone decision on final plat approval until the investigation by the DLR and DWQ is complete. I urge you to wait to consider final plat approval of this development until DWQ and DLR have had a chance to investigate water quality impacts at the site, and until all permits required by DWQ and the Army Corps of Engineers have been obtained by the developer.

I also urge you to not approve any more developments in Chatham County until the Soil Erosion and Sedimentation person is on staff and able to visit these development sites on a regular basis.

If you have any questions about this matter, feel free to contact me at 919.942.9731 or aeweakley@earthlink.net.

Sincerely yours,

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