



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, PE, CFM, CPESC
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Engineering and Environmental Services
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Subject: Letter to Industry 05/23/2023: Changes to Erosion Control Requirements

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, particularly in areas with Triassic Soils.

Applicability

On May 23, 2023, UDO amendment TC22000005 – An Ordinance to amend the Sedimentation and Erosion Control Provisions of the Unified Development Ordinance became effective after approval by the North Carolina Sedimentation Control Commission. Full text of the amendments can be found at <http://durhamcounty.legistar.com/gateway.aspx?M=F&ID=c5ac113e-eb32-45c3-a793-feafd4a1a063.pdf>. The most significant changes include:

- **Two rows of silt fence shall be placed along all buffer zones.** Rows should be at least 3 feet apart.
- **Specific Requirements for Projects with underlying Triassic Soils, including:**
 - **Flocculants must be used** on site.
 - Sediment basins must have a **minimum volume of 5,400 cu ft per acre** and a **minimum dewatering time of 4 days**.
 - Moderate and steep slopes, as defined in the UDO, must be stabilized with **matting and/or hydroseeding** in order to more rapidly establish groundcover.
- **Flocculant Requirements:**
 - A **Flocculant Application Plan** must be provided and include the following:

- **Type of Flocculant** to be used including manufacturer and supplier
 - Site-specific **dosing systems**
 - **Location(s)** of flocculant application
 - Identification of the **individual and/or position responsible** for dosing and monitoring of flocculant usage
- **Soil samples** should be obtained to determine appropriate flocculant for site. **Documentation** of the soil samples and determination should be provided with plan submittal.
- **Only flocculants listed on the NCDEQ website** may be used. Current list: https://files.nc.gov/ncdeq/Water+Quality/Environmental+Sciences/ATU/PAM8_30_18.pdf.
- Flocculant in solid form should be **evaluated and re-applied** if needed after every 0.5-inch rainfall event.
- Flocculants shall **not be applied directly to surface waters**.
- Flocculants shall be **applied upstream** of a pooling device such as a basin, trap, or silt fence.
- **The use of flocculants does not alter the requirements for site stabilization**. Sites should be stabilized as soon as possible using conventional methods to minimize the need to use flocculants.

To determine if a site has underlying Triassic Soils, Durham County has provided a searchable map on its website at www.dconc.gov/stormwater. Additional information regarding flocculants and their usage on construction sites is also available at <https://cals.ncsu.edu/crop-and-soilsciences/extension/publications/> (scroll down from top to find Erosion, Sediment, and Turbidity Control section)

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 23, 2023.

Staff Contact

Please contact Jonathan McNeill, jbmceill@dconc.gov, 919-530-0503, or Ryan Eaves, reaves@dconc.gov, 919-560-7992, with any questions or comments related to this Letter to Industry.