



## Legislation Text

File #: [21-0381], Version: 1

### **Amend the Soil Erosion and Sedimentation (SE&S) Control Agreement between the Town of Chapel Hill and Orange County.**

**Staff:**

Lance Norris, Director  
Chris Roberts, Manager of Infrastructure and Engineering  
Ernest Odei-Larbi, Senior Engineer

**Department:**

Public Works

**Overview:** The Town of Chapel Hill's National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Storm Sewer System (MS4) permit requires the Town to enforce Soil Erosion and Sedimentation Control measures to protect water quality. In 1986, the Town delegated enforcement of the Town's Ordinance for Soil Erosion and Sedimentation Control to Orange County. North Carolina Department of Environmental Quality (NCDEQ) has asked all NPDES Phase II communities that are relying on another entity to implement any of the minimum measures of the NPDES permit to consider including the following specific contractual items in any service agreement:

- Clearly defined services that will be provided.
- Requirements to notify the Town if the county's delegated program is put on probation by NCDEQ.
- Reimbursement of any resulting legal defense and /or penalties for failure to implement the agreed upon program components.



**Recommendation(s):**

That the Council adopt the attached resolution to authorize the Town Manager to execute an amended agreement with Orange County for the continuous enforcement of the Town's Soil Erosion and Sedimentation Control Agreement and to add the contractual items recommended by NCDEQ.

**Key Issues:**

- The Town of Chapel Hill holds a National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Storm Sewer System (MS4) permit, which regulates stormwater runoff from the Town's stormwater conveyance system that discharge pollutants to waters of the United States. One of the six minimum measures that the NPDES permit requires the Town to enforce is "Construction Site Runoff Controls," also known as Soil Erosion and Sedimentation Control.
- The Town of Chapel Hill delegated to Orange County the enforcement of the Town Code of Ordinances Chapter 5 - Article V, Soil Erosion and Sedimentation Control through a Soil Erosion and Sedimentation Control Agreement signed on December 15, 1986.
- The Agreement with Orange County has been amended to include the contractual items recommended by NCDEQ. Items number 4, 5, and 6 underlined in the attached amended agreement are the new added items. Both the Orange County and Town of Chapel Hill attorneys have reviewed and approved the amended agreement.



**Attachments:**

- Resolution
- Amended Soil Erosion and Sedimentation Control Agreement between the Town of Chapel Hill and Orange County

**A RESOLUTION TO AUTHORIZE THE TOWN MANAGER TO EXECUTE THE AMENDED AGREEMENT BETWEEN THE TOWN OF CHAPEL HILL AND ORANGE COUNTY FOR ENFORCEMENT OF SOIL EROSION AND SEDIMENTATION CONTROL (2021-05-05/R-6)**

WHEREAS, the North Carolina Department of Environmental Quality has recommended that all NPDES Phase II communities that are relying on another entity to implement any of the six-minimum measures of the NPDES Phase II Municipal Separate Storm Sewer System (MS4) to consider including specific contractual items in any service agreement; and

WHEREAS, the Town of Chapel Hill delegated to Orange County enforcement of the Town's Ordinance for Soil Erosion and Sedimentation Control; and

WHEREAS, both Orange County and Town of Chapel Hill Attorneys reviewed the amended agreement and recommended that the Council accept the amended agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to execute the amended Soil Erosion and Sedimentation Control Agreement between the Town of Chapel Hill and Orange County to add the contractual items recommended by NCDEQ, as described in the May 5, 2021 meeting materials.

This the 5<sup>th</sup> day of May, 2021.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

By adopting the resolution, the Council authorizes the Town Manager to execute the amended Soil Erosion and Sedimentation Control Agreement between the Town of Chapel Hill and Orange County.