

March 24, 2005

**S 1114. ENHANCE LOCAL GOVT. ADM. OF ENV. PRGMS. TO PROVIDE ADDITIONAL AUTHORITY FOR LOCAL GOVERNMENTS THAT ADMINISTER APPROVED LOCAL ENVIRONMENTAL PROGRAMS, AND TO PROVIDE ADDITIONAL INCENTIVES FOR LOCAL GOVERNMENTS TO REQUEST THE AUTHORITY TO ADMINISTER ALL OR A PORTION OF CERTAIN ENVIRONMENTAL PROGRAMS.** Amends GS 113A-60, the part of GS Chapter 113A, Article 4 (Sedimentation Pollution Control Act of 1973) dealing with local erosion and sedimentation control programs (programs), to specifically authorize a local government to establish a fee for the review of an erosion and sedimentation control plan (plan) and other activities. Specifies that the NC Sedimentation Control Comm'n (Comm'n) may review any local government plan approval, as well as local government enforcement actions or failure to take enforcement actions. Comm'n may require changes in either.

Adds new subsection to GS 113A-60 authorizing a local government to submit a limited erosion and sedimentation control program to Comm'n for its approval. Provides guidelines for a local government setting up such a program, and makes such programs subject to existing Comm'n review requirements for local programs. Under a limited program, the local government is granted the responsibility only for the assessment and collection of fees and for the inspection of land-disturbing activities within its jurisdiction, while the Comm'n is to administer and enforce all other components of the program and the requirements of Article 4. Authorizes local government to adopt ordinances and regulations necessary to establish a program, and requires that an ordinance so adopted must at least meet and may exceed State minimum requirements regarding inspection of land-disturbing activities. Local government is to establish a fee to be paid by each person who submits an erosion and sedimentation control plan to it; bill specifies how amount of fee is to be determined and how it is to be allocated between State and Comm'n. Allows joint programs for two or more local governments, and provides guidelines for their establishment.

Adds new GS 113A-54.1(e) requiring that approved plans under either State or a local erosion and sedimentation control program contain a schedule for inspection of area covered by the plan by the person submitting the plan or his or her agent. Record of inspection is to be maintained on site in manner specified in subsection.

Amends GS 143-215.3D, "Fee schedule for water quality permits," to specify that section does not limit a local government's authority to assess or collect a fee for the review of an application for a permit or a mitigation plan under any local program that is approved by the NC Environmental Management Comm'n (EMC) under GS Chapter 143, Article 21, Water and Air Resources. Amends GS 143-215.6A(j) to authorize local governments that are certified and approved by the EMC to administer and enforce stormwater programs pursuant to GS 143-214.7 or riparian buffer protection programs pursuant to GS 143-214.23 to assess civil penalties for violations of their respective programs as specified in section.

Makes clarifying changes. Effective September 1, 2005.

**Intro. by Albertson.**

Ref. to Agriculture

GS 113A, 143

May 31, 2005

**S 1114. ENHANCE LOCAL GOVT. ADM. OF ENV. PRGMS.** Intro. 3/24/05. Senate committee substitute makes the following changes to 1st edition. (1) Modifies proposed GS 113A-54.1(e) by requiring the landowner or financially responsible party or their agent to perform each inspection of the area covered by an approved erosion and sedimentation control plan and to maintain and make available a record indicating whether the erosion control measure required by the plan have been correctly installed and maintained. (2) Modifies amendments to GS 113A-56 to grant the NC Sedimentation Control Commission authority to review delegated local erosion and sedimentation control plan approvals and to require a revised plan if necessary, and to review compliance activities of delegated local programs. Deletes proposed GS 113A-60(a1) which would have granted the Commission substantially the same authority. (3) Modifies amendments to GS 113A-60(d) to limit the amount of the total fee collected by a local government from each person who submits an erosion and sedimentation control plan to \$100 per acre.

