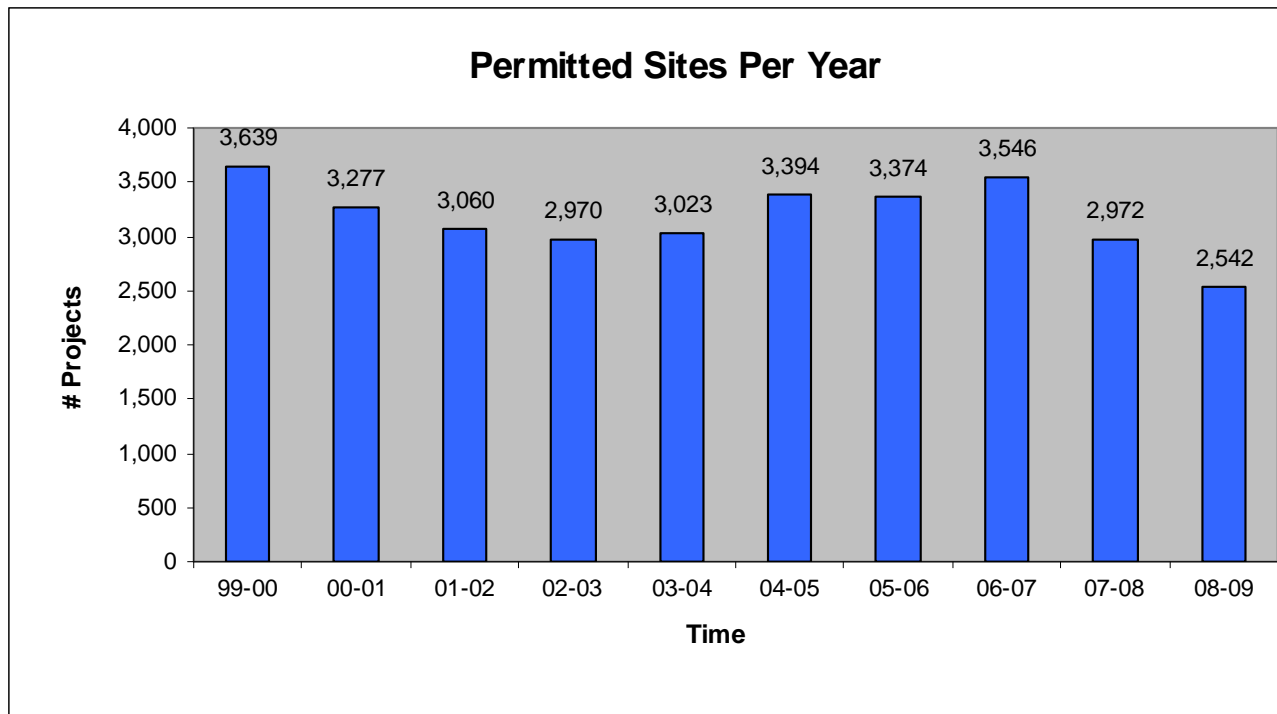


2009 Annual Erosion and Sedimentation Report to ERC

Division of Land Resources

Permitted Sites

Number of new sites decreasing, but total number of sites relatively same (8000)



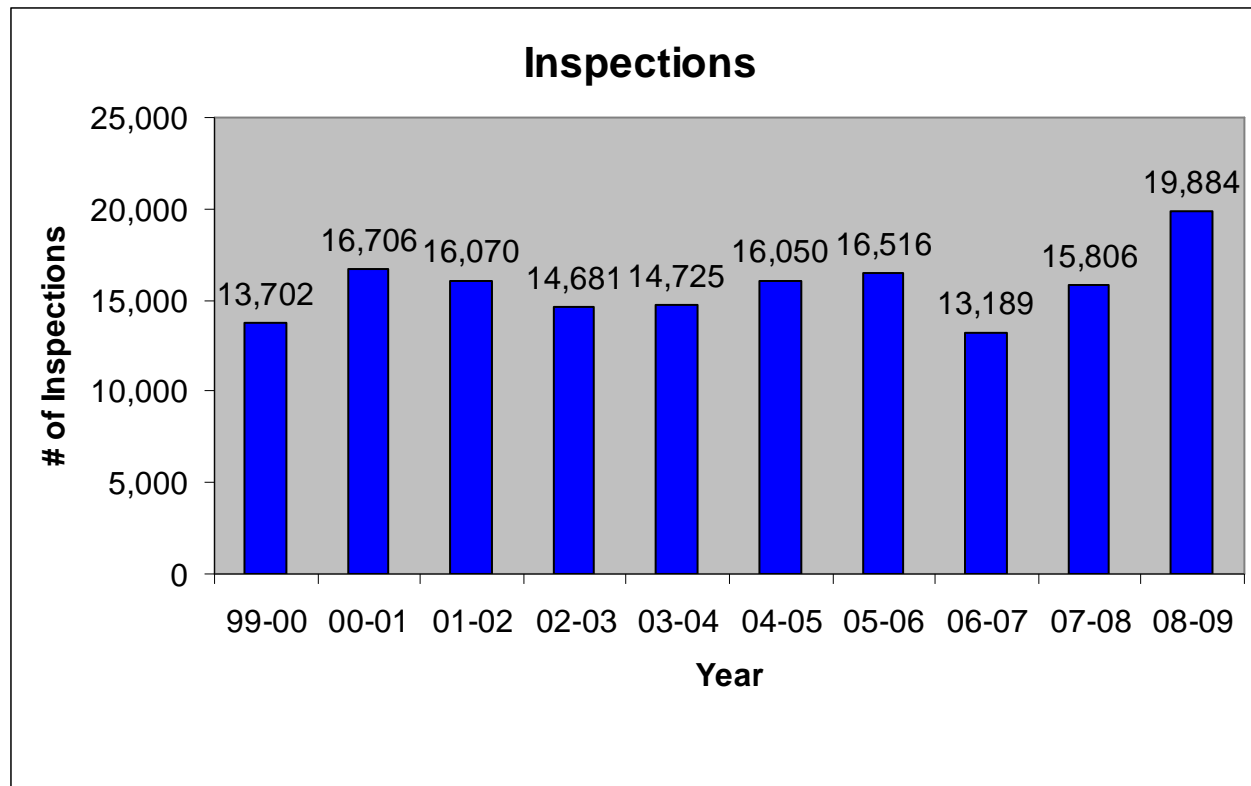
Personnel

- 61 full time equivalent positions (FTE) to handle the administration, plan review, inspection and enforcement of the sedimentation program (55 of which are located in Regional Offices)

Activities for FY 2008-2009

- 3,260 erosion and sedimentation control plan reviews,
- Express Permit reviews decreased to 434, from 584 in FY 07-08,
- 19,884 sedimentation site inspections,
- 557 notices of violation, and
- 60 enforcement case referrals.

Inspections



Enforcement

- 19,884 inspections led to 557 NOV's (2.8%)
- 60 Referrals for further enforcement (11% of NOV's)
- 45 civil penalties issued out of 60 referrals (75%)

Amendments to SPCA

- Session Law 2009-269 provides that if injunctive relief is sought pursuant to the SPCA, notice should be filed with the Clerk of Superior Court in accordance with N. C. General Statute 1-117.
- S.L. 2009-406 extended the expiration date of approved erosion and sedimentation control plans until after December 31, 2013.
- S.L. 2009-486 prescribes temporary erosion and sedimentation control standards for the Upper Neuse River Basin, or Falls Lake watershed. It also requires the Sedimentation Control Commission to develop permanent rules for the watershed by December 31, 2011.

Regulatory Issues

- Problem with bankrupt/abandoned sites



- Steep slopes



Wildflower Development, Macon County



Local Programs

52 delegated local programs

3 new ones FY 08-09

Local programs are encouraged and supported by technical assistance and training from State and limited grants

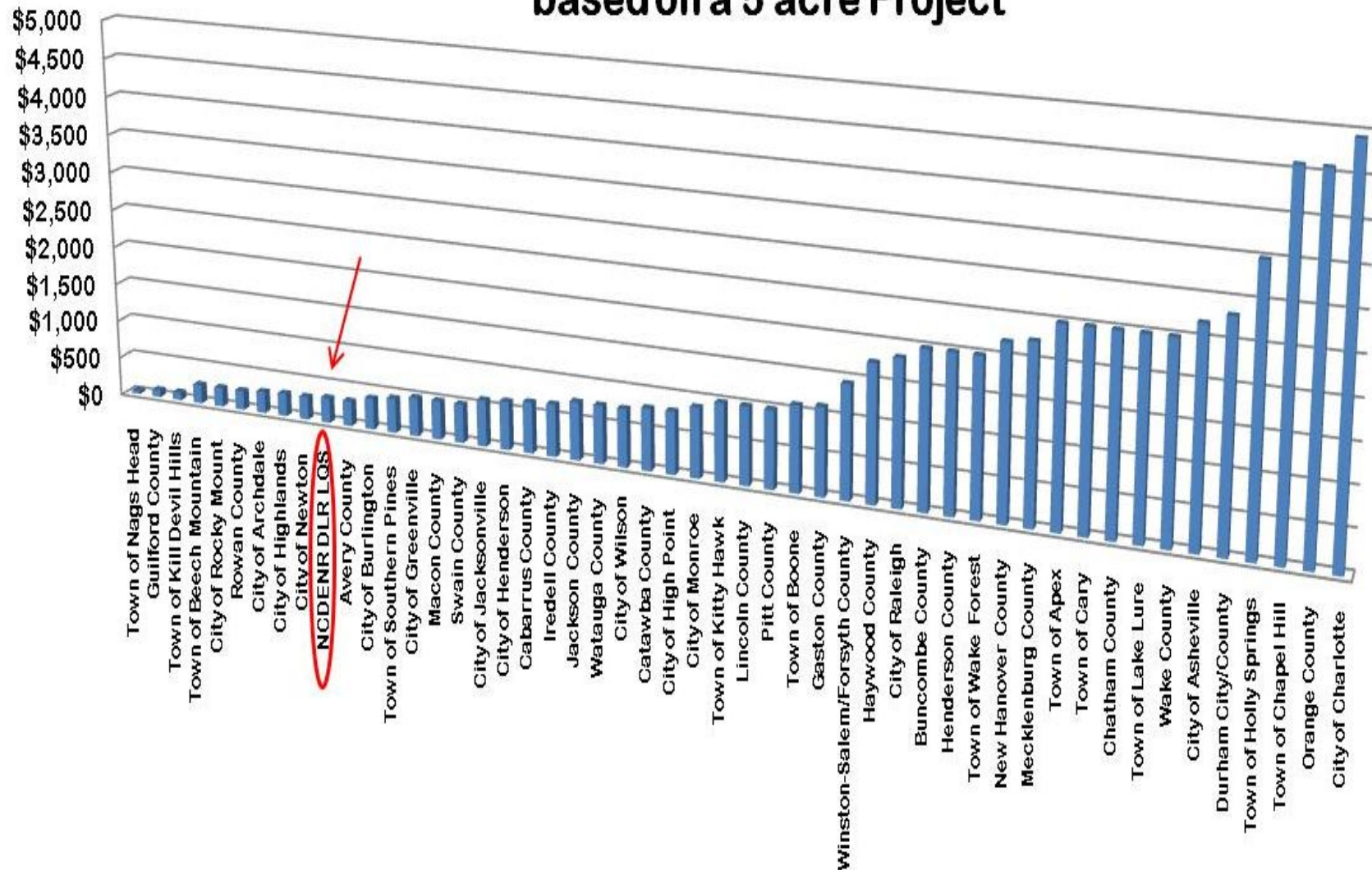
Oversight by State Program

Budgetary Issues

- The funds generated from the review fee have been significantly drained during the past year.
- 4 positions were eliminated to meet budget reductions and 5 additional positions are being held vacant.
- The review fee for erosion and sedimentation control plans is set in the SPCA at \$65 per acre. By comparison, the fees charged by delegated local programs to cover their costs have a median of \$174 per acre and an average of \$274 per acre. The General Assembly may want to review the adequacy of the review fee to cover state program costs

Comparison of Fees

Erosion and Sediment Control Plan Review/Permit Fees
based on a 5 acre Project



Upcoming

- Implement new amendments, particularly those dealing with Falls Lake watershed
- Clarification of allowing variances to disturbances in trout water buffers
- Implementing self-inspection – determining qualifications and responsibilities of inspector