

TO: Sedimentation Control Commission

FROM: Watershed Alliance Members

RE: Updating the 1997 Action Plan to reflect 2007 Data

DATE: August 16, 2007

At the February 15, 2007 SCC meeting, Mr. Dean Naujoks requested that the Sediment Control Commission revisit the 1997 Action Plan and update it to reflect 2007 data. The goal of this update is to reinvigorate the efforts of the SCC, Land Quality Section, and other policy makers to move forward on improving the control of sediment runoff from developed lands and eroding stream banks. To date, Mell Nevils presented on the status of the 1997 SCC Plan of Action Law Changes, Rule Changes and Policy Statements. Mr. Nevils is scheduled to present on the status of the Work Groups at the November 15, 2007 meeting. The Watershed Alliance, a coalition of 25 groups working on water issues in NC, recommends that the following aspects of the Plan be given particular attention and revised to reflect 2007 information:

1. Shorten time for establishment of ground cover

The deadlines for the establishment of temporary or permanent ground cover should be shortened to 14 calendar days after completion of any phase of grading. Establish a Work Group to evaluate of more rapid deployment of erosion control practices to be used prior to completion of a phase of grading, such as covering disturbed areas with straw when rain is predicted or when work on an area is not planned for the next day.

2. Restoration

The Sedimentation Pollution Control Act (SPCA) provides authority to require restoration of areas damaged by sedimentation caused by violations of the SPCA. The SCC should review its current policy and reexamine conditions when restoration is required and is appropriate. Upon completion of the review and revision, if appropriate, disseminate this policy to the development community and make this and other appropriate policies easily accessible on the LQS and/or SCC web page(s).

3. Evaluation of Review Process for Local Erosion Control Programs

The formal evaluation process of Local Erosion Control Programs by the Land Quality Section should continue, with evaluations conducted at least once a year. In addition, the Land Quality Section should continue to enhance its programs to foster technical exchange across local programs, and consistency training. Guidelines for staffing and equipment requirements should be defined to ensure an adequate level of enforcement in local programs. Clearly define communication requirements of local programs with the DLR and DWQ concerning violations of the General Construction Stormwater permit, NCG01000.

4. Proper Stabilization and Maintenance

The SCC should move quickly to establish strong rules to assure a robust self-inspection program (as provided in 113A-54.1(e)). Once rules are enacted, a revised policy statement should be issued by the SCC, to be used by state staff and local programs, emphasizing how traditional enforcement and the new self-inspection program are expected to work together to enhance maintenance of sites during construction, as well as long term. The updated policy statement should also reference the new vegetation guidance and phased construction in which large tracts of land are developed in smaller phases (currently under development in the TAC) as adding to the available tools to assure improved site stabilization.

5. Establishment of workgroups

Work Groups # 1, Escrow and Review of Fee and Civil Penalty Structure Incentives and # 2, Buffer Zones, Stream Bank Erosion, and Risk Assessment Incentives should be reconstituted and finalized into action items. Members of the design, research, and regulatory communities, as well as the SCC, Technical Advisory Committee, and the interested Divisions within the Department of Environment and Natural Resources should be involved in one or more of these Work Groups.

6. Budget recommendations:

One of the additional education positions recommended by the Staff and Local Program Subcommittee should be used for training local program staff. The new position should provide continuous training to local programs. Part of this training should focus on making local programs more uniform and consistent.

7. Resources Needs

The division should have adequate inspectors to ensure monthly inspection of projects. A renewed call for more inspectors or other means to achieve sufficient inspections should be issued with a review of progress towards this goal in the decade since the Plan of Action was approved by the SCC.

On behalf of NC Watershed Alliance groups, we are requesting that the SCC revisit the 1997 Action Plan and update it to reflect 2007 data. We ask that the SCC recommend that the NC General Assembly fully fund enough DLR positions to effectively conduct monthly routine inspections. The Division needs adequate staff to enforce our existing laws in order to preserve our rivers, streams and coastal waters that provide critical environmental and economic benefits to the entire state.

Sincerely,

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Conservation Council of NC

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