



Sedimentation Pollution Control Program
& other DEMLR Updates

Innovative Erosion & Sediment Control Workshop

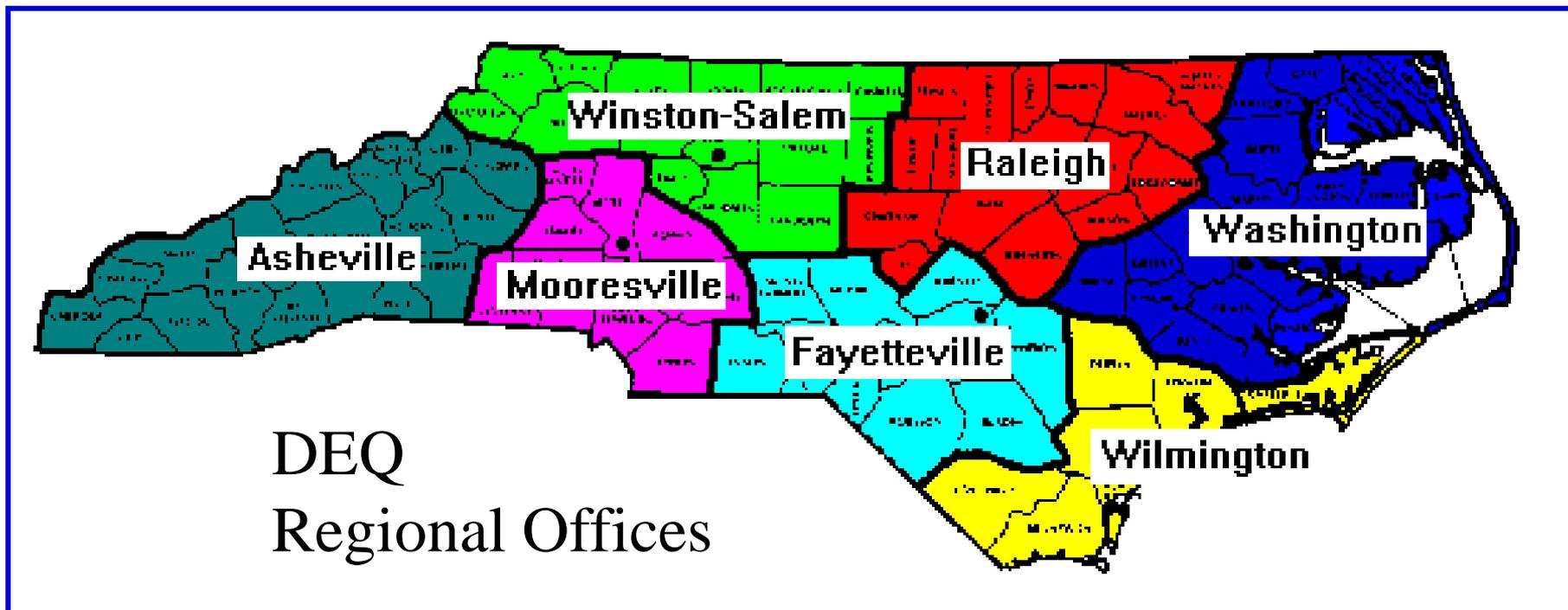
December 4, 2018

Division of Energy, Mineral and Land Resources

Julie Coco, PE, CPESC
State Sedimentation Program Engineer



Regional Offices



Regional Office Locations

- Asheville Regional Office – Stan Aiken, PE, Regional Supervisor
2090 U.S. 70 Highway Swannanoa, NC 28778-8211
Phone: 828-296-4500, Fax: 828-299-7043
- Fayetteville Regional Office – Tim LaBounty, PE, Regional Supervisor
225 Green Street, Suite 714, Fayetteville, NC 28301-5095
Phone: 910-433-3300, Fax: 910-486-0707
- Mooresville Regional Office – Zahid Khan, MS, Regional Supervisor
610 East Center Avenue, Suite 301, Mooresville, NC 28115
Phone: 704-663-1699, Fax: 704-663-6040
- Raleigh Regional Office – Bill Denton, PE, Regional Supervisor
3800 Barrett Drive, Raleigh, NC 27609
Phone: 919-791-4200, Fax: 919-571-4718
- Washington Regional Office – Samir Dumpor, PE, Regional Supervisor
943 Washington Square Mall, Washington, NC 27889
Phone: 252-946-6481, Fax: 252-975-3716
- Wilmington Regional Office – Dan Sams, PE, Regional Supervisor
127 Cardinal Drive Ext., Wilmington, NC 28405
Phone: 910-796-7215, Fax: 910-350-2004
- Winston-Salem Regional Office – Matt Gantt, PE, Regional Supervisor
450 West Hanes Mill Road, Suite 300, Winston-Salem, NC 27105
Phone: (336) 776-9800, Fax: (336) 776-9797



Division of Energy, Mineral and Land Resources (DEMLR) Updates

- Sedimentation Program Accomplishments
- Stormwater Program Updates
- Mining Program Activities



Topic Overview

- Sediment Rules Review
- Civil Penalty Remission Requests
- E-Permitting
- Administering the Sedimentation Pollution Control Act
- Sedimentation Program Website Changes
- Permitting Assistance through DEACS



Sedimentation Rules Review

SCHEDULE FOR READOPTION of EROSION & SEDIMENT CONTROL RULES NCAC 04

Date	Required Task	Met
12/12/18	Complete revisions to draft rules based on the Office of Administrative Hearings (OAH) comments	
12/17/18	Send Draft Rules to Sediment Rules Work Group (16 member) and to three-member Sediment Commission subgroup.	
1/25/18	Complete preparation of Draft Regulatory Impact Analysis (RIA) and send to Office of State Budget & Management (OSBM)	
2/07/19	Sedimentation Control Commission Meeting	
2/28/19	Revise RIA as needed and achieve approval from OSBM	
2/15/19	Send draft rules and RIA to Sediment Control Commission	
5/29/19	Seek approval from SCC to send rules to public hearing	
6/01/19	Last day to file for NC Register	
7/01/19	Publish Notice of Text in NC Register.	
7/16/18	Public Hearing Held.	
8/30/19	End of Comment Period.	
9/09/19	Draft Hearing Officer Report sent to 3-member subgroup	
9/23/19	Hearing Officer Report finalized	
11/21/19	Present final rule recommendations at Sedimentation Control Commission meeting	

- Statutory deadline for Commission adoption: 11/30/19



Sedimentation Rules Review

12/12/18
Complete
revisions to
draft rules
from OAH
comments

12/17/18
Send draft
rules to
Sediment
Rules Work
Group

1/25/19
Complete
RIA for
OSBM

2/7/19
SCC
Meeting

Civil Penalty Remission Requests

Budget Bill – SL 2015-241 (House Bill 97)



Civil Penalty Remission Requests

- New to E&SC program
- Must be made within 60 days of receipt of the CPA
- Must stipulate to the facts (admit violations) on which the assessment was based and waive the right to appeal to OAH
- Remissions requests will be heard by the Sedimentation Control Commission for requests through a local program, and MAY be heard by the Commission for requests made through a DEQ regional office.



Civil Penalty Remission Requests

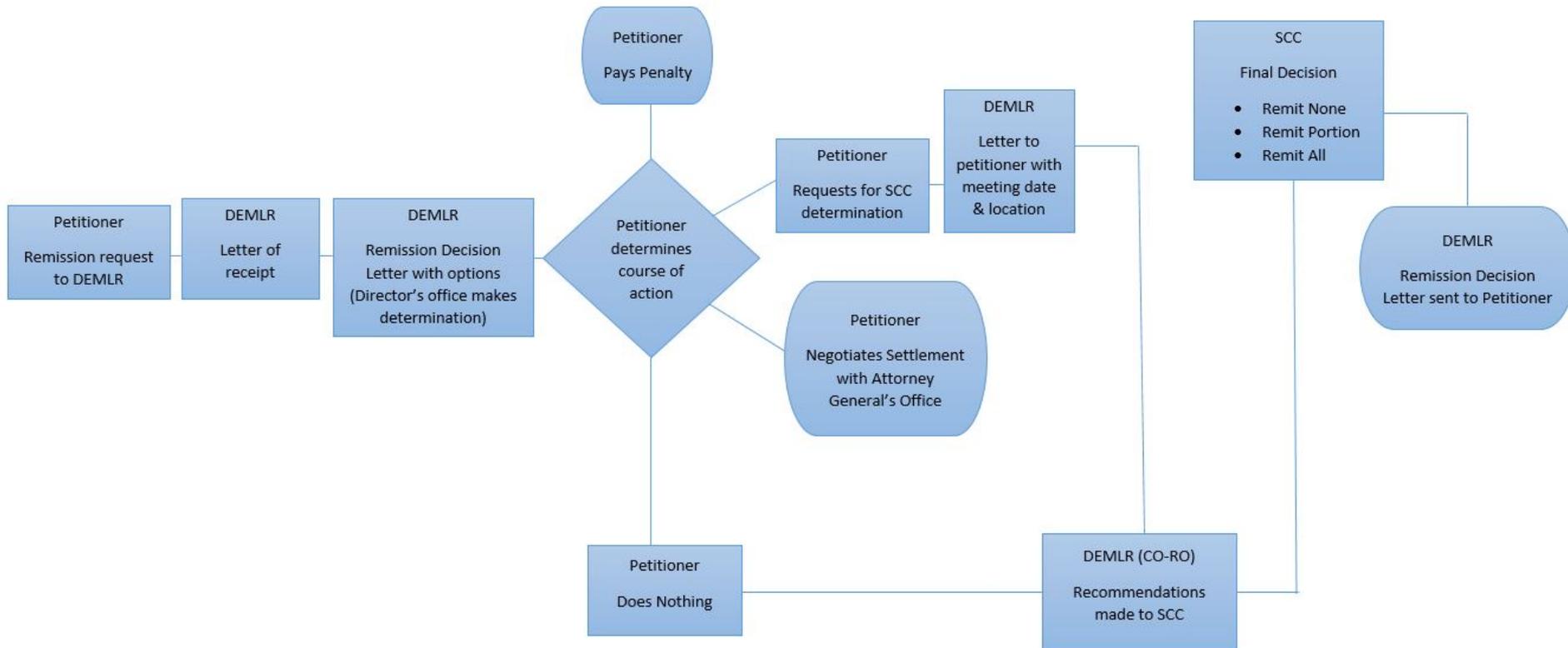
Factors/possible justifications which may be considered:

- Whether the CPA factors were wrongly applied
- Whether the violator promptly abated continuing environmental damage
- Whether the violation was inadvertent or accidental
- Whether the violator has received previous CPAs
- Whether payment of the CPA would cause significant financial hardship
- Assessed property tax valuation of the property on which the violation occurred



Civil Penalty Remission Requests

CIVIL PENALTY REMISSION PROCESS – INITIAL REQUEST SETTLED BY DEMLR



Civil Penalty Remission Requests



ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

WILLIAM E. VINSON, JR.

Interim Director

{DATE}

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

{FRP}
{Address1}
{Address1}
{City, State, Zip}

Re: Civil Penalty Assessment for Violations of the Sedimentation Pollution Control Act of 1973, N.C. General Statute 113A-50 et seq.
{COUNTY}
LQS {XX-XXXX}

Dear Sir or Madam:

Pursuant to North Carolina Administrative Code 15A 4A.0001 et seq., and the above-referenced Act, this letter is notice of a civil penalty assessed by the Department of Environmental Quality (DEQ), formerly Department of Environment and Natural Resources. The civil penalty assessment document is attached.

Within thirty (30) days from the date of receipt of this letter, you must do one of the following:

- (1) Pay the civil penalty assessment; or
- (2) File a written petition for a contested case hearing in the Office of Administrative Hearings (OAH).

Alternatively, if you choose to stipulate to the facts on which this assessment was based, but wish to request remission of the civil penalty, then within sixty (60) days from the date of receipt of this letter, you must do the following:

- (3) File a written request for a remission of the civil penalty.

Pursuant to N.C. General Statute 150B-22, informal settlement negotiations may be initiated at any time. To negotiate a settlement of this assessment, please contact John A. Payne, Assistant Attorney General, who may be reached by telephone at (919) 716-6600. Settlement offers do not extend the 30-day deadline for payment or filing of a contested case petition, nor the 60 days deadline for request for remission.

Additional information about your options is provided below.

Action req'd in
30 days



Civil Penalty Remission Requests

CERTIFIED MAIL

???Resp Person???

Page 2

???date???

PAYMENT

To pay the penalty, send your payment by check or money order made payable to the North Carolina Department of Environmental Quality (or **NCDEQ**) to John A. Payne, Assistant Attorney General, North Carolina Department of Justice, Environmental Division, 9001 Mail Service Center, Raleigh, North Carolina 27699-9001. The Attorney General's Office will represent **NCDEQ** in the resolution of this civil penalty assessment.

APPEAL

If you file a contested case petition, it must be in writing and in the form prescribed by N.C. General Statutes 150B-23. File the original petition and one copy with:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, North Carolina 27699-6714

Any questions about filing a petition may be directed to the Clerk of OAH by telephoning (919) 431-3000.

You must serve **DEQ** by mailing a copy of the petition to:

Mr. Bill Lane
Registered Agent and General Counsel
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

REMISSION

A request for remission is limited to consideration of the six factors listed below and is not the proper procedure for contesting the accuracy of any of the statements contained in the assessment document.

Because a remission request forecloses the option of an administrative hearing, such a request will not proceed without a waiver of your right to an administrative hearing and a stipulation that there are no factual or legal issues in dispute.

You must execute and return to this office the attached "Waiver of Right to an Administrative Hearing and Stipulation of Facts" and the attached "Justification of Remission Request" which should provide additional information on the following factors which shall be considered in determining whether a civil penalty remission request will be approved:

- 1) One or more of the civil penalty assessment factors in G.S. 113A-64(a)(3) were wrongly applied to the detriment of the petitioner.

Updated text



Instructions



Civil Penalty Remission Requests

Action req'd in
60 days



CERTIFIED MAIL

???Resp Person???

Page 3

???date???

- 2) The petitioner promptly abated continuing environmental damage resulting from the violation.
- 3) The violation was inadvertent or a result of an accident.
- 4) The petitioner had been assessed civil penalties for any previous violations.
- 5) Payment of the civil penalty will prevent payment for necessary remedial actions or would otherwise create a significant financial hardship.
- 6) The assessed property tax valuation of the petitioner's property upon which the violation occurred, excluding the value of any structures located on the property.

You have the burden of providing information concerning the financial impact of a civil penalty and the burden of showing any financial hardship.

If you file a request for remission of the civil penalties, you must submit the required information within 60 days of receipt of this notice. Submit this information to the attention of:

*If sending by First Class Mail via
the US Postal Service:*

Julie Coco, PE, State Sediment Engineer
DEMLR
1612 Mail Service Center
Raleigh, NC 27699-1612

*If sending via delivery service
(e.g. UPS, FedEx):*

Julie Coco, PE, State Sediment Engineer
DEMLR
512 N. Salisbury Street
Raleigh, NC 27604

Payment of this penalty will not foreclose further enforcement action against you for any new violation. If the violations which resulted in this penalty assessment are continuing in nature, **DEQ** reserves the right to assess additional civil penalties in the future, or take other enforcement action against you.

Please also be aware that because you have never previously been assessed a civil penalty for violations of the Sedimentation Pollution Control Act, should you abate continuing environmental damage resulting from these violations within 180 days of the date of the Notice of Violations (no later than {DATE}), then the maximum cumulative civil penalty assessed against you for these violations cannot exceed \$25,000.00.

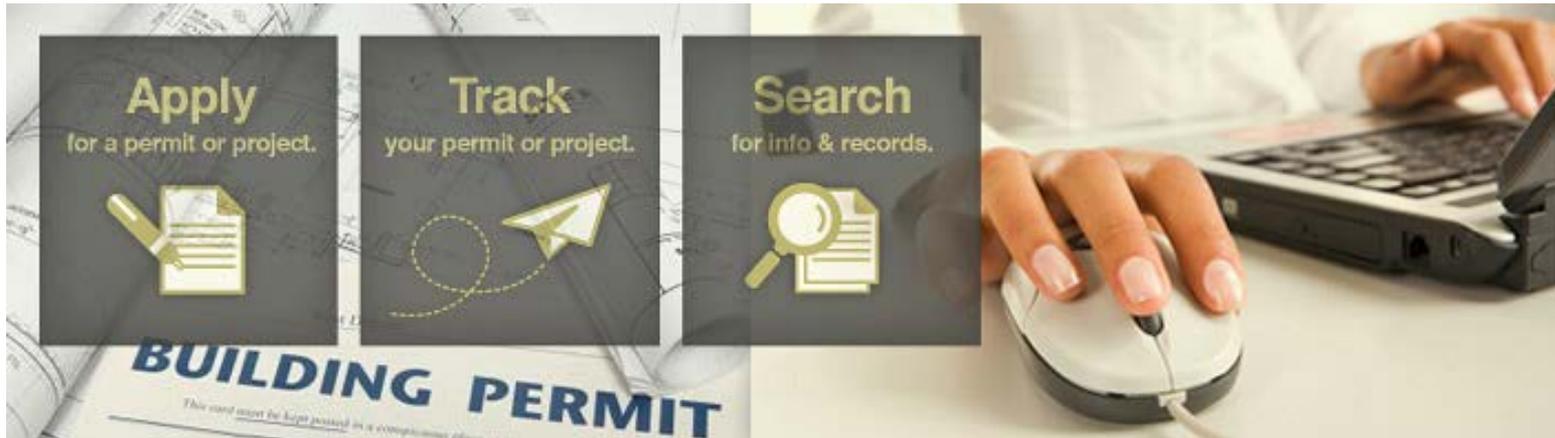
Your attention to this matter is appreciated.

Sincerely,

{Name}
{Title}
DEMLR

cc: Julie Coco, State Sedimentation Engineer & John A. Payne, Assistant Attorney General

E-Permitting



Department of Environmental Quality + Department of Information Technology

DEQ + DIT



E-Permitting

~~AMAR...LIPS~~

**MS Dynamics 365
Customer Relationship
Management (CRM)
database model**



E-Permitting

Project database management and electronic permitting system

- Public Portal (login)
- Online application submittals
- Upload plans, narratives, deeds, calculations, etc.
- Online payments with instant confirmation
- View documents & permit status
- Track & report on plans, inspections & enforcement



The Sedimentation Pollution Control Program

To allow development within our State while preventing pollution by sedimentation

- Enforces Sedimentation Pollution Control Act of 1973
- Oversees local sedimentation programs
- Educational Outreach
- Covers all land disturbing activities except agriculture and mining (conditional forestry exemption)

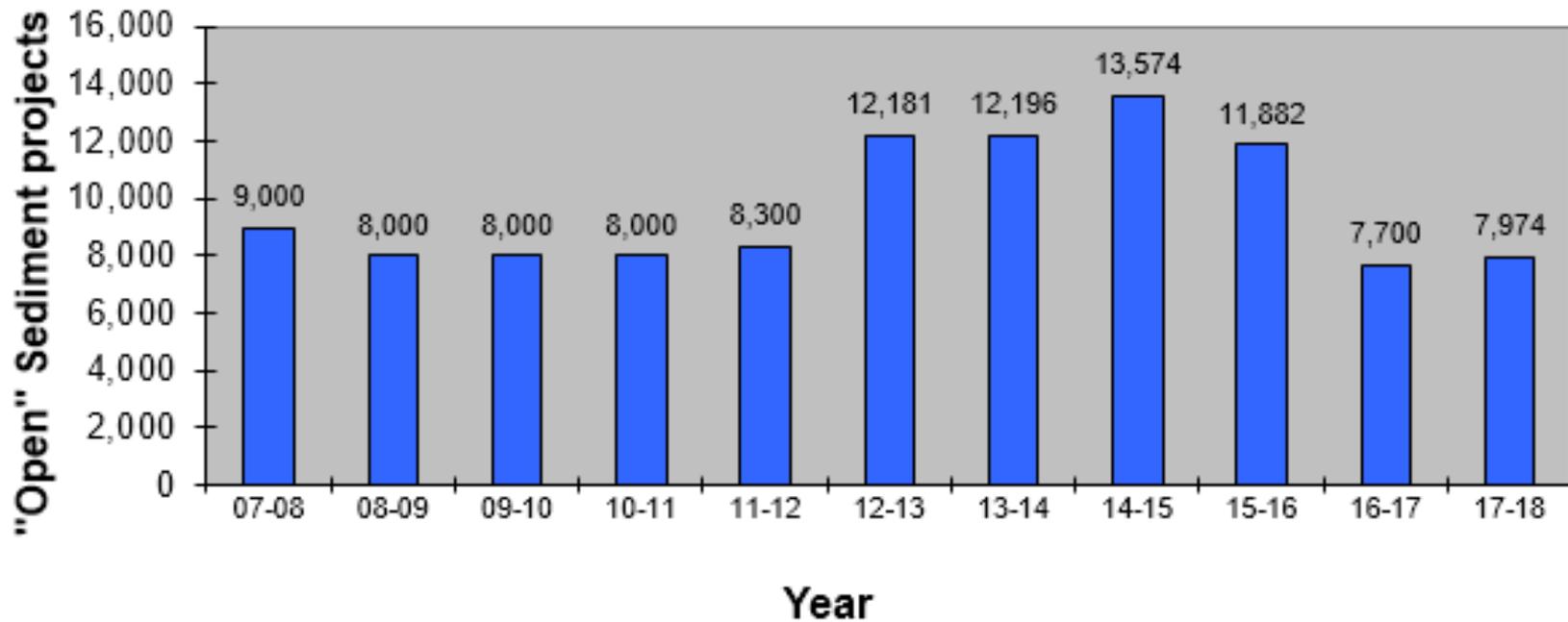


~ 8,000 active projects
~ 2,400 new/year



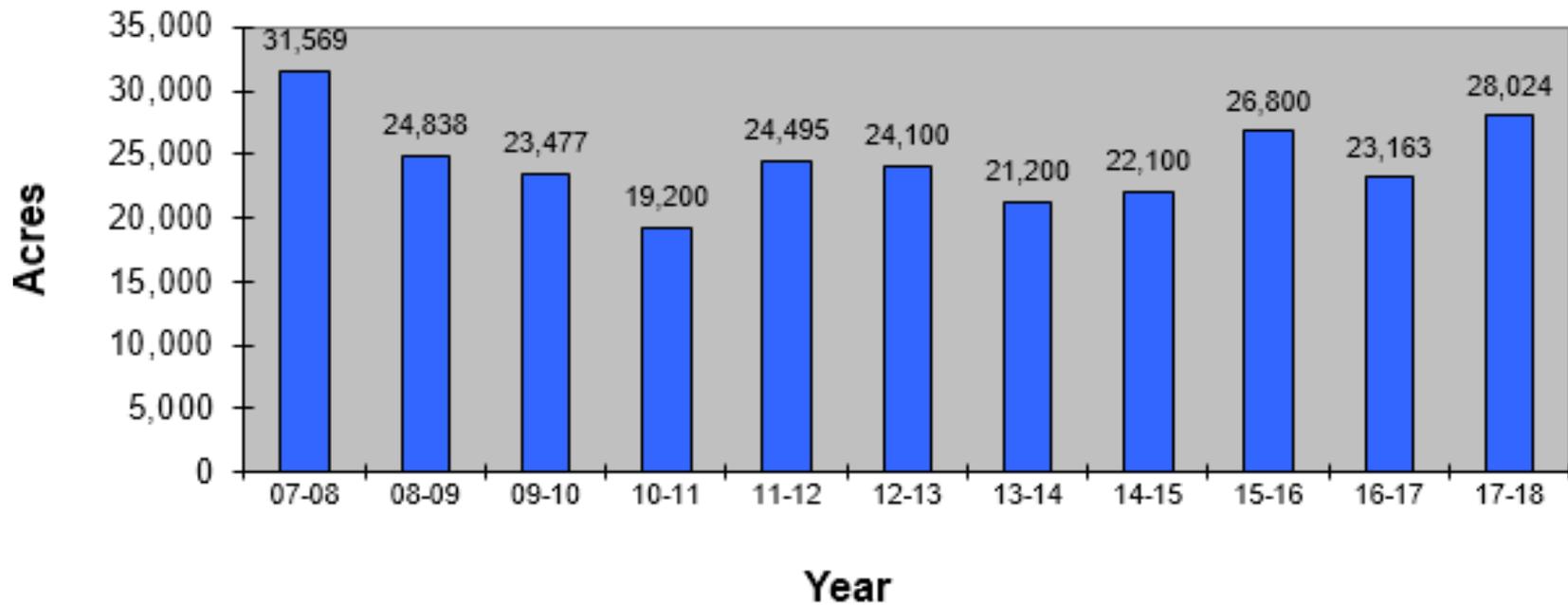
The Sedimentation Pollution Control Program

"Open" Sediment Projects
(active/inactive projects that have not been completed/closed)



The Sedimentation Pollution Control Program

Disturbed Acres Per Year



The Sedimentation Pollution Control Program

- 28,024 disturbed acres in FY 2017-2018 statewide
- An increase of 4,861 disturbed acres from FY 2016-2017
- 7,974 open projects in FY 2017-2018 statewide
- An increase of 274 open projects from FY 2016-2017
- Average of 3.5 acres per project
- Steady increase since FY 14-15

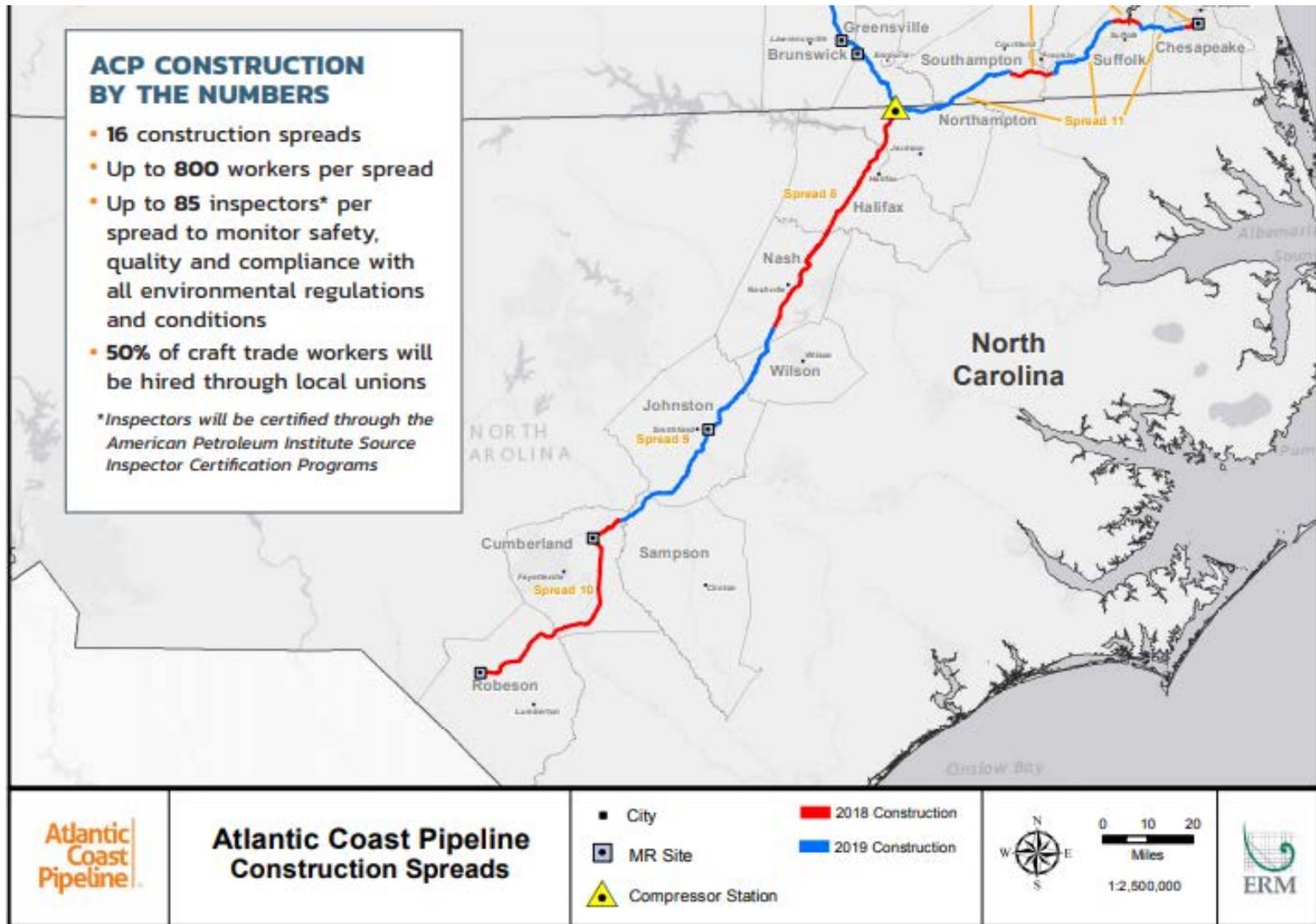


The Sedimentation Pollution Control Program

Natural Gas Pipelines



The Sedimentation Pollution Control Program



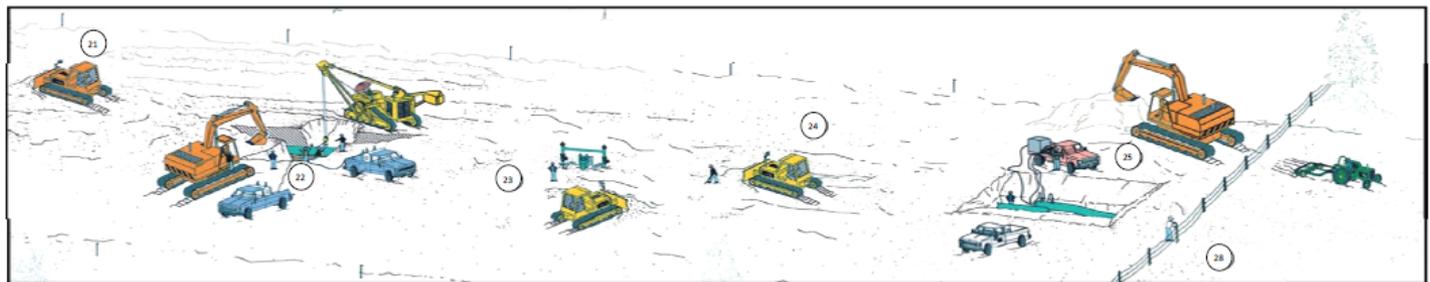
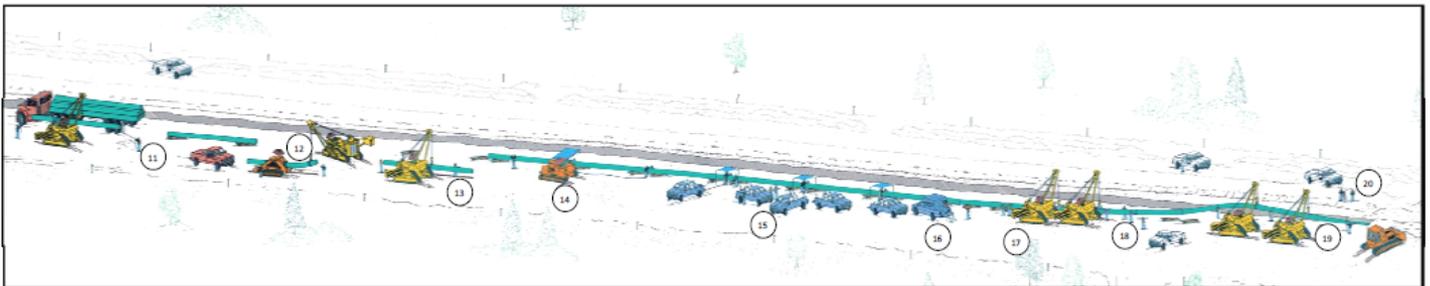
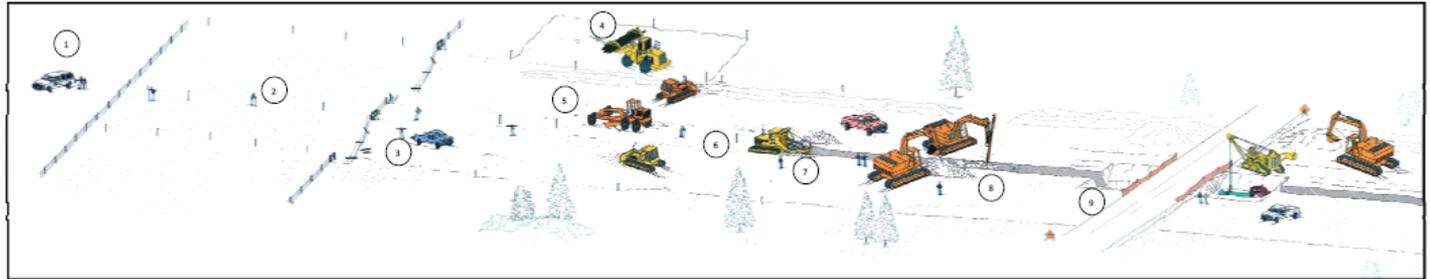
The Sedimentation Pollution Control Program

Typical Pipeline Construction Spread Major Activities

Presented is a compressed view of activities that normally are spread over a distance of several miles. The major typical construction activities of a major pipeline project are depicted in this sketch.

TYPICAL PIPELINE CONSTRUCTION

1. Routing and Environmental Services
2. Staking for construction
3. Temporary fencing and signage
4. Clearing
5. Grading and topsoiling
6. Restaking trench centerline
7. Trenching
8. Rock trenching & padding
9. Boring-conventional
10. Boring-horizontal directional grill (not shown)
11. Stringing (ahead of or behind the trenching)
12. Pipe set-up & bending
13. Setup, end preparation, & alignment (pipeplay)
14. Welding-rootbead & hot pass (pipe gang)
15. Welding-fill passes & cap (firing line)
16. NDE examination (X-ray or UT)
17. Field weld coating
18. Final coating inspection
19. Lowering-in
20. As-built survey
21. Backfilling
22. Tie-ins
23. Fabrication
24. Cleanup
25. Caliper pigging & hydrostatic testing
26. Dewatering, drying, final tie-ins (not shown)
27. Commissioning ins (not shown)
28. Final cleanup, restoration, & revegetation
29. Monitoring & maintenance (not shown)



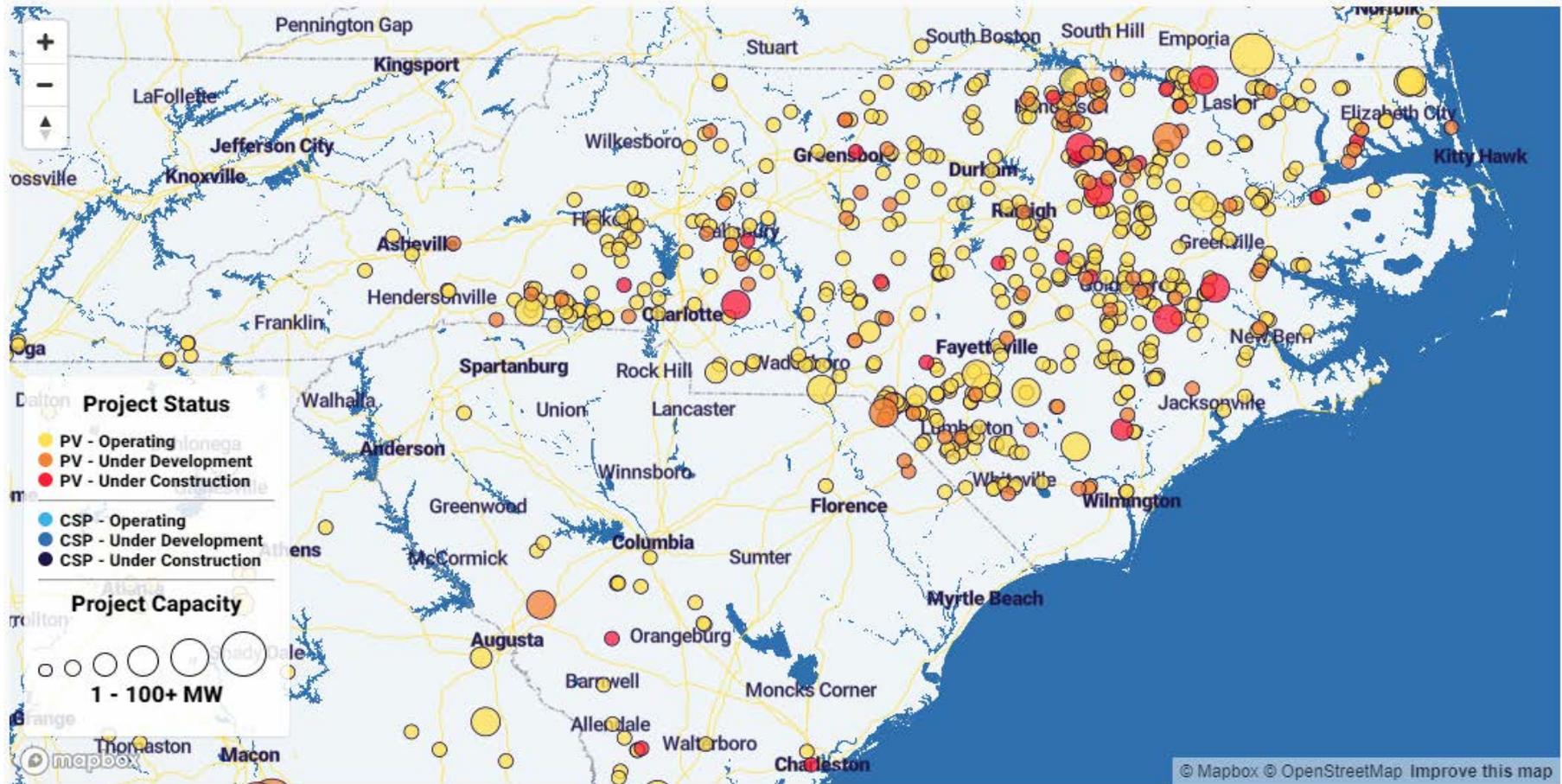
The Sedimentation Pollution Control Program

Solar Farms



The Sedimentation Pollution Control Program

Solar Farms in NC



By: Solar Energy Industries Association

The Sedimentation Pollution Control Program

Solutions ?

Website Updates



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Erosion and Sediment Control Forms

Application Forms

- Financial Responsibility/Ownership ([MS Word](#) , [PDF](#) , [Fillable PDF](#))
- Plan Checklist for Designers ([MS Word](#) , [PDF](#) , [Fillable PDF](#))
- Plan Review Flowchart ([PDF](#))
- Notice of Plan Review Fee ([PDF](#))
- Ground Cover ([PDF](#))
- NPDES Ground Stabilization and Surface Dewatering ([PDF](#))

Erosion and Sediment Control

[Local Government Programs](#)

Forms

[Laws and Rules](#)

[Enforcement](#)

[Erosion and Sediment Control Planning & Design Manual](#)

[Erosion and Sedimentation Newsletters](#)

[Sedimentation Control Commission](#)

Website Updates

[Home](#)[Permits & Rules](#) ▾[Outreach & Education](#) ▾[Energy & Climate](#) ▾[Conservation](#) ▾[News](#) ▾[About](#) ▾

[North Carolina Erosion and Sediment Control Planning and Design Manual](#)

[North Carolina Erosion and Sediment Control Field Manual](#) 

This 156-page manual complements the larger design manual and is a convenient size for field reference for construction and installation of erosion and sedimentation control measures and devices. Design charts are not included in the Field Manual. [Order form](#). Printed copy: \$13*

[Erosion and Sediment Control - Inspector's Guide](#) 

This 64-page manual helps the inspector understand how to conduct inspections and evaluate projects, what to look for and how to interact with customers. The downloadable publication has embedded navigation hyperlinks; it is not searchable with the Adobe PDF search tool. [Order form](#). Printed copy: \$20*

Erosion and Sediment Control Practices Videos

This set of two award-winning videotapes demonstrates the actual construction of twelve of the most commonly installed erosion and sediment control measures. [Order form](#). Price: \$15 (in-state); \$50 (out-of-state)*

Erosion and Sediment Control Educational Forms

Many educational and training packets are available as free downloads on the Erosion and Sedimentation Education page. To order printed copies, use the order forms below.

[Order Form for Erosion and Sedimentation Control Education Packets for Teachers](#)  ([Fillable PDF](#) )

[Order Form for Erosion and Sedimentation Control Training Packets for Developers, Consultants and Local Governments](#)  ([Fillable PDF](#) )

*Physical copies limited - available while supplies last

[Mining Program](#)

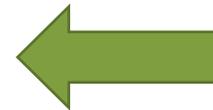
[Dam Safety](#)

[North Carolina Geological Survey](#)

DEMLR Publications

[Energy, Mineral and Land Resource Enforcement](#)

[Press Releases](#)



NCDEQ - Division of Environmental Assistance and Customer Service (DEACS)

Primary responsibility is to assist businesses, industries, local governments, other institutions, consultants and residents as they seek to identify, understand and comply with the state's environmental requirements.



NCDEQ - Division of Environmental Assistance and Customer Service (DEACS)

Asheville Region – Alison Davidson

828 – 296 - 500 / alison.davidson@ncdenr.gov

Mooresville & Winston-Salem Regions – Marcia Allocco

704 – 663 - 699 / marcia.allocco@ncdenr.gov

Raleigh & Fayetteville Regions – David Lee

919 – 791 – 4200 / david.lee@ncdenr.gov

Washington Region – Lyn Hardison

252 – 946 – 6481 / lyn.hardison@ncdenr.gov

Wilmington Region – Cameron Weaver

910 – 796 – 7215 / cameron.weaver@ncdenr.gov

www.ncenvironmentalassistance.org

Toll Free: 1-877-623-6748





Questions?

