



Changes within the State Sedimentation Pollution Control Program

Innovative Erosion & Sediment Control Workshop
October 8, 2019 – Hickory, NC

Division of Energy, Mineral and Land Resources
Julie Coco, PE, CPESC
State Sedimentation Program Engineer



Division of Energy, Mineral and Land Resources (DEMLR) Sedimentation Pollution Control Program

- State “Sediment Rule” revisions
- Sedimentation Program website changes
- SPCA & NCG01 – Working towards unity
- Self-Inspection & Monitoring Form revisions
- Remission Requests from Penalties



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)



~ 7,900 active projects
~ 2,500 new/year



Regional Offices



DEQ
Regional Offices

deq.nc.gov

*Statutes and Rules
governing the
Sedimentation Program*

- Sedimentation Pollution Control Act of 1973 as amended through 2017 (North Carolina General Statutes 113A-50 et. Seq.) enacted by the General Assembly.
- North Carolina Administrative Code Title 15A Chapter 4 Subchapter A-E adopted by the Sedimentation Control Commission



Sedimentation Control Rule Revisions
NC Administrative Code, Title 15A, Chapter 04

SCHEDULE FOR READOPTION
of
Sedimentation Control Rules
NCAC 04

Commission meetings

Date	Required Task	Met
8/01/19	Public Hearing Held.	✓
8/14/19	SCC meeting (no rule action planned)	✓
9/13/19	End of Comment Period	✓
9/20/19	Draft Hearing Officer Report prepared by staff	✓
10/02/19	Hearing Officer Report finalized	✓
11/04/19	Present final rule recommendations at Sedimentation Control Commission meeting*	

*Statutory deadline for Sedimentation Commission adoption: 11/30/19



Website Home

<https://deq.nc.gov/about/divisions/energy-mineral-land-resources/erosion-sediment-control>

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Erosion and Sediment Control

Program Overview

The mission of the Erosion and Sediment Control (E&SC) Program is to allow development within our state while preventing pollution by sedimentation.

In cooperation with the [Sedimentation Control Commission](#) and pursuant to the Sedimentation Pollution Control Act of 1973, the Erosion and Sediment Control Program:

- Develops, adopts, and revises [rules and regulations](#) for erosion and sediment control.
- Assists and encourages [local programs](#) and other agencies in developing erosion and sedimentation control programs.
- Develops and distributes recommended methods of erosion and sedimentation control, including the [E&SC Planning and Design Manual](#).
- Develops and distributes other material relating to erosion and sediment control including technical, instructional, and [educational material](#), including the [Field Manual](#), [Inspector's Guide](#), [E&SC Practices Videos](#), and the [Erosion and Sedimentation Newsletter](#).
- Requires the submission of [erosion and sedimentation control plans](#), and completes or delegates the completion of the review, inspection, and [enforcement](#) of those plans and their associated projects.

Why is it important to prevent erosion and sedimentation?

Energy, Mineral and Land Resources

[About Energy, Mineral and Land Resources](#)

[Contact DEMLR](#)

Erosion and Sediment Control

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

[Forms](#)

[Sedimentation Control Commission](#)

[Local Government Programs](#)

[Laws and Rules](#)

[Enforcement](#)

[Erosion and Sediment FAQs](#)

[Erosion and Sediment Education](#)

[Erosion and Sedimentation Newsletters](#)

Newsletter

Volume 22 No 1 • January 2019 - June 2019

Newsletter of the North Carolina Sedimentation Control Commission

SEDIMENTS

State of North Carolina
Department of Environmental Quality
Michael S. Regan, Secretary

Division of Energy, Mineral, and Land Resources
S. Daniel Smith, Director

ABOUT SEDIMENTS

SEDIMENTS is a newsletter published by the North Carolina Sedimentation Control Commission to provide information and assistance to the regulated community and to facilitate communication among personnel of state and local erosion and sedimentation control programs.

SEDIMENTS is available in electronic form at:

<https://deq.nc.gov/Sediments>

And via the WRRI Sediments listserv. To subscribe follow the directions at:

<https://wrri.ncsu.edu/contact-us/listservs/>

Lincoln and Chatham Counties Win Awards for Excellence in Erosion and Sediment Control

The annual Local Programs Workshop and Awards Banquet was held at the Renaissance Centre in Wake Forest, NC on April 23-24, 2019. The keynote speaker was Dr. Walter Robinson, professor of atmospheric sciences in the Department of Marine, Earth, and Atmospheric Sciences at NC State, and the Interim Director of the NC State Climate Office. This annual workshop brought together delegates from a majority of the 54 local programs throughout the state and specialized in training and discussions of erosion and sediment control issues in North Carolina. Support for the Workshop and Awards Program is provided by the North Carolina Sedimentation Con-

within their respective jurisdictions. The North Carolina Sedimentation Control Commission recognizes the importance and the value of local erosion and sediment control programs in controlling pollution by sedimentation to the waters of North Carolina. In addition to training, the workshop seeks to recognize outstanding local programs. Each year awards of excellence are presented to programs in two categories:

- Small program – program providing 0-3 man-years or full-time equivalents supporting erosion and sediment control
- Large program – program providing 3+ man-years or full-time

Website Updates - Forms



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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 – Education & Training Publications

Packets and Modules for Professionals

This page contains free downloads of educational packets and modules for professionals. To order printed copies, use the order form on the [DEMLR Publications page](#).

These materials are for educational purposes only, remember to always refer to and follow the applicable rules and regulations provided by the federal, state, and local governments.

Sediment Information Packets

[Designer Sediment Information Packet](#) 

[Inspector Sediment Information Packet](#) 

[Planner Sediment Information Packet](#) 

Supplemental Content for Packets

[Temporary and Permanent Seeding Specification Sheet](#) 

[Common E&SC Plan Symbol Sheet](#) 

**Erosion and Sediment
Education**

**Packets and Activities for Students
and Teachers**

**Packets and Modules for
Professionals**

Website Updates – Education & Training Publications

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[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](#)

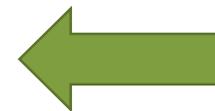
[Dam Safety](#)

[North Carolina Geological Survey](#)

DEMLR Publications

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

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SPCA & NCG01

Similarities:

- Share common goal of protection of water quality & property
- Similar/overlapping requirements & violations



SPCA & NCG01

Similarities:

- **“Tract”** means all contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.
- **“Common plan of development”** means a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times and on different schedules under one common plan. The “common plan” of development or sale is broadly defined as any announcement or piece of documentation indicating construction activities are planned to occur on a specific plot regardless of ownership of the parcels.



SPCA versus NCG01

Differences:

- State program versus federal program (NPDES)
- Materials handling (solid & hazardous wastes)
- Inspection frequencies
- Record-keeping & reporting
- Herbicides, Pesticides, Rodenticides
- Surface withdrawals from basins/traps
- Ground stabilization timeframes



SPCA versus NCG01

Differences, cont.:

- SPCA applies to all land-disturbing activities and requires an approved erosion & sediment control plan for disturbances that exceed 1 acre.
- NCG01 applies to land-disturbing activities and requires an approved erosion & sediment control plan for disturbances that equal or exceed 1 acre or those that are part of a common plan of development or sale of that size.



SPCA & NCG01

Effective April 1, 2019:

Erosion control plan approvals

&

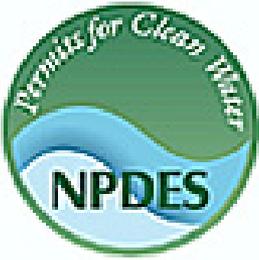
NCG01 permit coverage

involve two separate application processes

but hold a

dependent relationship





How do we meet federal requirements in order to obtain a Certificate of Coverage?

“Common Plans of Development or Sale”

Stormwater Pollution Prevention Plans



References to “Common Plans of Development or Sale”

Permit coverage is required if one acre or greater of land will be disturbed, regardless of the size of the individually owned or developed sites. For example, if a developer buys a 20-acre lot and builds roads with the intention of building homes or other structures in the future, or if the land is parceled off or sold, and construction occurs on plots that are less than an acre by separate, independent builders, these activities would still be subject to stormwater permitting requirements.

-Virginia DEQ



References to “Common Plans of Development or Sale”

A construction activity is part of a larger common plan of development if it is completed in one or more of the following ways:

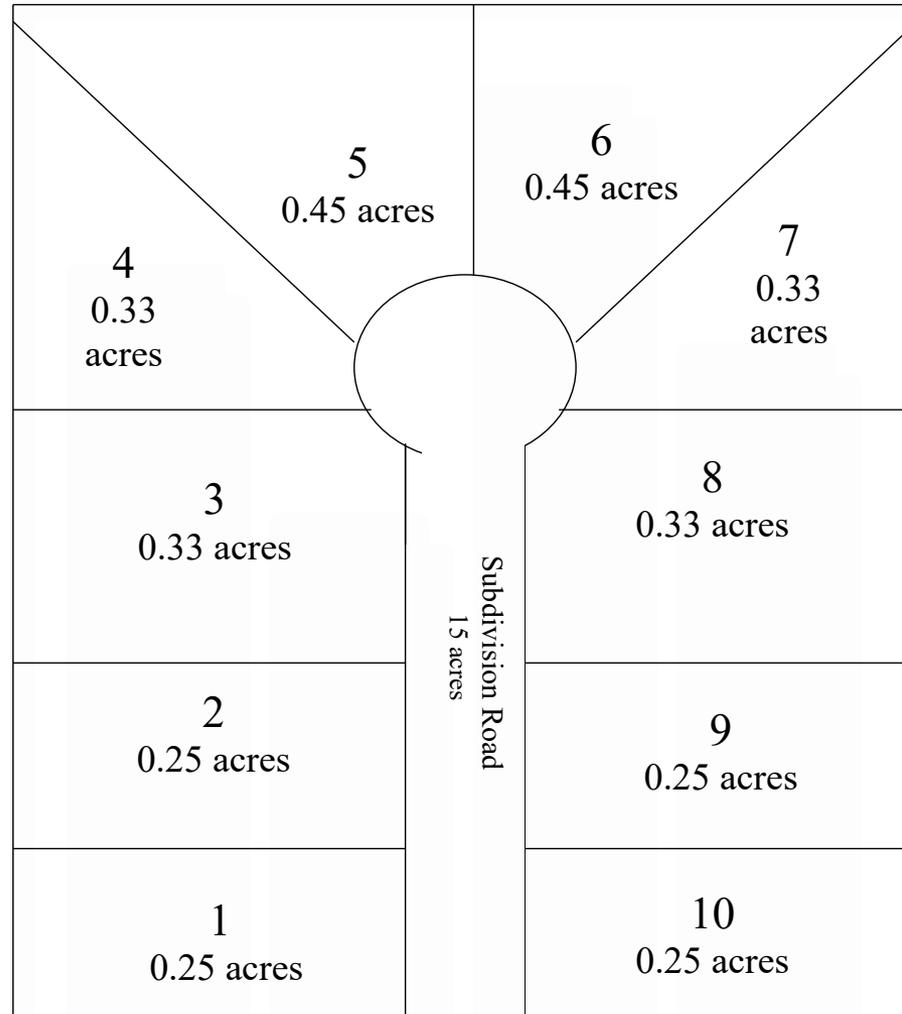
- in separate stages
- in separate phases
- in combination with other construction activities

-Texas Commission on Environmental Quality



Common Plans of Development or Sale

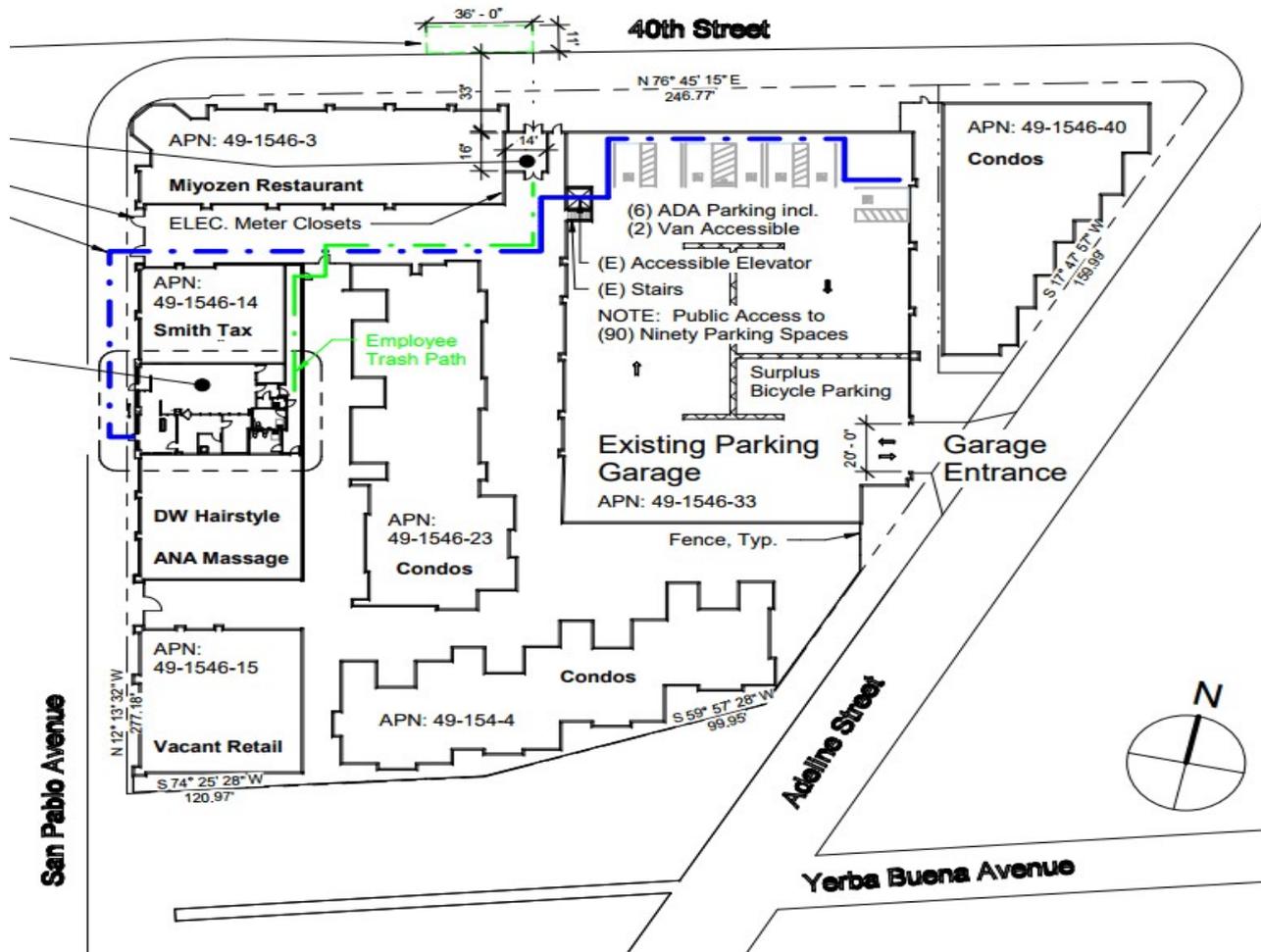
Subdivision



State Road



Common Plans of Development or Sale?



Mixed-Use Tract



Common Plans of Development or Sale?



Single commercial lot



Common Plans of Development or Sale?



Commercial lot < 1 acre

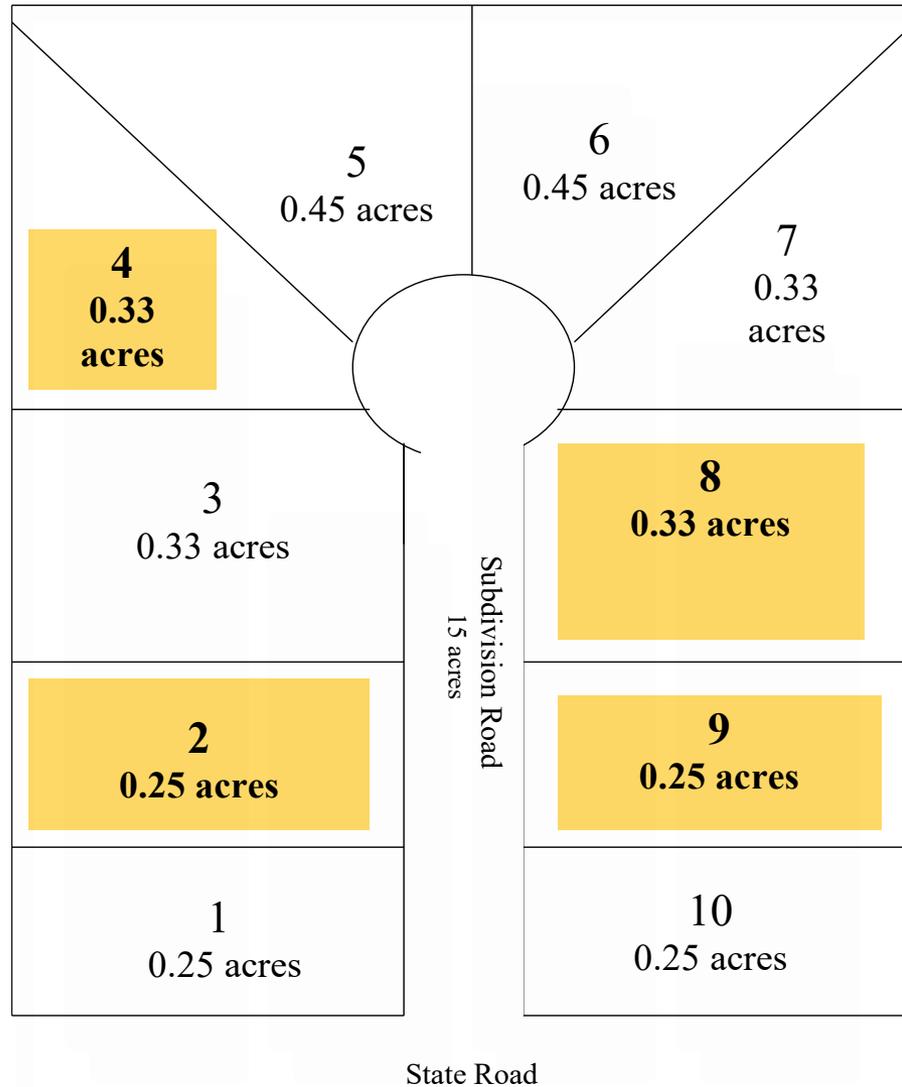


So when is an erosion & sedimentation control plan necessary?



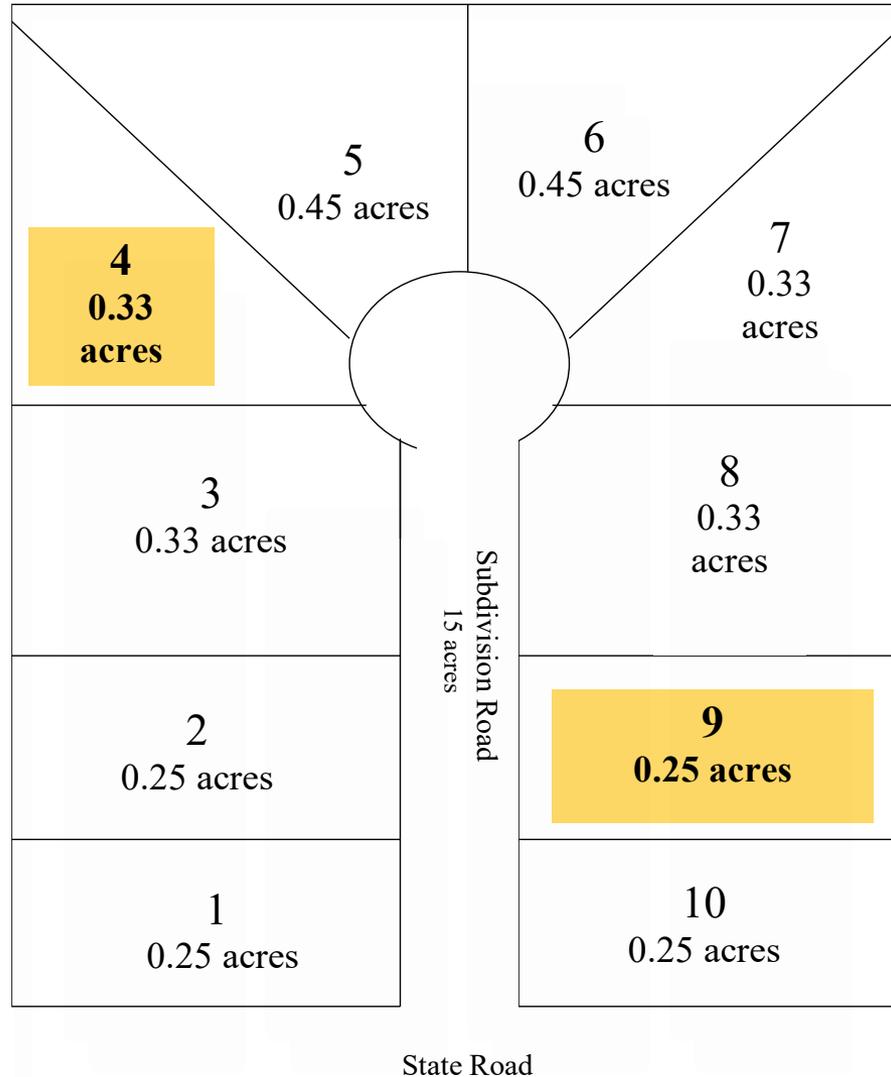
SPCA versus NCG01

Total disturbance =
1.16 ac by builder;
Other builders active



SPCA versus NCG01

Total disturbance =
0.58 ac by builder;
Other builders active



References to Stormwater Pollution Prevention Plans

Operators of these land-disturbing activities are automatically authorized to discharge under the (construction) general permit....However, operators must comply with the terms and conditions of the general permit including the preparation of a Stormwater Pollution Prevention Plan (SWPPP).

-Virginia DEQ



Construction Stormwater General Permit

deq.nc.gov/ncg01 (short link)



- [e-NOI form directions](#)
- [e-NOT form](#) (live as of May 22, 2019)
- [Modification form](#) (Use this link to add updated E&SC Plan approval and close-out letters to the file for projects that already have an approved COC.)

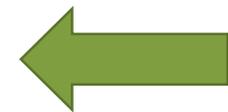
Single Family Lots and Outparcels

COCs may be issued on a “per contiguous project, per owner” basis - this may be convenient for a builder who is taking down multiple lots in a subdivision or for a campus that is often starting and completing construction projects. See [Options for Covering Lots/Outparcels under the NCG01](#) for guidance on how to cover multiple construction activities within a contiguous project under the NCG01 permit.

Sample Plan Sheets

Below are sample plan sheets that provide guidance on complying with key portions of the [NCG01 Permit](#) . These sample plan sheets provide more detail than is provided in the NCG01 permit. Permittees are not required to use the sample plan sheets; they convey one way that the objectives set forth in the permit may met.

Sample_Plan_Sheet_Topic	Provides_Guidance_to_Comply_With			
Ground Stabilization and Materials Handling	Part II of the NCG01 permit for topics that may not be addressed in the E&SC Plan.	.pdf 	CAD 	CAD 2013
Inspection, Recordkeeping and Reporting	Part III of the NCG01 permit and requirements for draw down of sediment basins (II-G.4).	.pdf 	CAD 	CAD 2013



Combined SPCA Self-Inspection & NCG01 Monitoring Form

DEMLR Monitoring Form Rev. 08082019

INSPECTION AND MONITORING RECORDS FOR ACTIVITIES UNDER STORMWATER GENERAL PERMIT NCG010000 AND SELF-INSPECTION RECORDS FOR LAND DISTURBING ACTIVITIES PER G.S. 113A-54.1

Project Name			Land Quality or Local Program Project/Permit #	
Approving Authority		Date of Plan Approval	Expiration Date, if applicable	
NCG010000 Certificate of Coverage Number			Date of Issuance	
Coverage under the NCG010000 permit must be renewed annually, if issued after April 1, 2019 until Notice of Termination is filed and approved.				

PART 1A: Rainfall Data

Day / Date	Rain Amt (inches) Daily Rainfall Required, except for Holidays or Weekends. If no rain, indicate with a "zero"
M	
T	
W	
Th	
F	
Sat (Optional)	
Sun (Optional)	

PART 1B: Phase(s) of the Plan

Check ALL applicable box(es) that apply to completed & current phases	X
Installation of perimeter erosion and sediment control measures	
Clearing and grubbing of existing ground cover	
Completion of any grading of slopes or fills	
Installation of storm drainage facilities	
Completion of all land-disturbing activity, construction or development	
Permanent ground cover sufficient to restrain erosion has been established	

<p>Are there any site or project conditions that limit completion of inspection? If yes, explain conditions and areas of site that were inaccessible.</p>	
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Combined SPCA Self-Inspection & NCG01 Monitoring Form

DEMLR Monitoring Form Rev. 08082019

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PART 2: STORMWATER PLANS AND CONTROLS: For each question below, mark the corresponding box as Yes, No or N/A. For all items marked "No", note in Part 2A or 3A the Reference letter and provide the Corrective Action and location of the deficiency, the original date noted, and the date it was noted as being corrected. NOTE: Reference letters may be used multiple times.

Reference	Part 2A: Storm Water Plans and Related Documents	Yes	No	N/A
A	Is the approval letter or certificate, COC and a copy of the NPDES Construction General Permit (CGP) on site? (Readily available electronic copy of CGP is acceptable)			
B	Is the approved plan on site and current?			
C	Is the construction sequence being followed?			
D	Have all areas within the approved limits of disturbance been inspected?			
Reference	Corrective Actions	Inspection Date	Date Noted as Corrected	

Reference	Part 2B: Stormwater Pollutant Controls	Yes	No	N/A
E	Are erosion and sediment controls that are shown on the approved plan installed and operating properly with no repairs needed?			
F	Are stormwater controls that are shown on the approved plan installed and operating properly with no repairs needed?			
G	Are BMPs needed on any areas of the site where not otherwise indicated on the approved plan?			
H	Vehicle Tracking: Are construction entrances operating properly with no repairs needed?			
I	Soil Stabilization: Are areas of the site where construction activities have ceased been properly stabilized within the required timeframes?			
J	Are earthen stockpiles protected from sediment loss and/or stabilized, and located away or downhill from drainage paths to water sources?			

Combined SPCA Self-Inspection & NCG01 Monitoring Form

DEMLR Monitoring Form Rev. 08082019

Reference	Part 2C: Non-Storm Water Pollutant Controls	Yes	No	N/A
K	Concrete, stucco, paint, etc. washouts: Are washouts properly located, installed, posted and operating with no repairs needed?			
L	Solid & hazardous wastes: Are trash, debris, and hazardous materials properly managed?			
M	Sanitary waste: Are portable toilets properly located and operating with no visible repairs needed?			
N	Equipment fluids: Are fuels, lubricants, hydraulic fluids, etc. contained so as not to enter surface and ground waters?			

For any items listed in this section, a full description of sedimentation is required in Part 3A. This includes, but may not be limited to: location, estimated amount of sediment that has left the site and/or entered waters, apparent causes of the sediment loss, and what corrective actions need to be taken to prevent this from recurring.

Reference	Part 2D: Sedimentation	Yes	No	N/A
O	Are sediment or other pollutants noted beyond site boundaries?			
P	Are BMPs detected as releasing sediment or other pollutants into receiving waters?			

Combined SPCA Self-Inspection & NCG01 Monitoring Form

DEMLR Monitoring Form Rev. 08082019

PART 3D: NEW OR REVISED MEASURES: Erosion and sedimentation control measures, installed since the last inspection and as approved, should be documented here or by initialing and dating each measure or practice shown on a copy of the approved erosion and sedimentation control plan. Revisions or removal of measures should also be documented. List dimensions of measures such as Sediment Basins and Dissipator Pads. Corrective actions should be included in Part 3A.

Measure ID or Location and Description	Proposed Dimensions (ft.)	Actual Dimensions (ft.)	Significant Deviation* from Plan? (Y/N)	Date measure noted as installed, revised or removed	Installed (I) Revised (R) Removed (X)

*Significant deviation means any omission, alteration or relocation of an erosion or sedimentation control measure that prevents it from performing as intended.

Combined SPCA Self-Inspection & NCG01 Monitoring Form

*New for Lot Development

DEMLR Monitoring Form Rev. 08082019

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PART 3A: EROSION AND SEDIMENTATION CONTROL MEASURES: Measures must be inspected at least ONCE PER 7 CALENDAR DAYS AND WITHIN 24 HOURS OF A RAINFALL EVENT EQUAL TO OR GREATER THAN 1.0 INCH PER 24 HOUR PERIOD.

Erosion and Sedimentation Control Measures Inspected						Inspection Date	Describe Actions Needed <u>Corrective actions should be performed as soon as possible and before the next storm event</u>	Date Noted as Corrected
Lot Number	Reference(s)	Lot BMPs Operating Properly? (Y/N)	Lot Information					
			Date Lot Noted as Active	Date Lot Noted as Stabilized	Phase of Construction			

PART 3B: GROUND STABILIZATION:

Site area description and location where construction activities have temporarily or permanently ceased for more than the Time Limit	Time Limit for Ground Cover (see table below)	Have stabilization measures been installed? (Y/N)	Temporary or Permanent Stabilization (T/P)	Is Ground Cover Sufficient to Restrain Erosion? (Y/N)	Original Inspection Date	Describe Actions Needed <u>Corrective actions should be performed as soon as possible and before the next storm event</u>	Date Noted as Corrected

GROUND STABILIZATION TIMEFRAMES

Site Area Description	Stabilization	Timeframe Variations
Perimeter dikes, swales and slopes	7 Days	None
High Quality Water (HWQ) Zones	7 Days	None
Slopes Steeper than 3:1	7 Days	7 days for perimeter dikes, swales, slopes and HWQ zones 14 days for slopes 10 ft or less in length and not steeper than 2:1 10 days for Falls Lake Watershed
Slopes 3:1 to 4:1	14 Days	7 days for perimeter dikes, swales, slopes and HWQ zones 7 days for slopes greater than 50 ft in length 10 days for Falls Lake Watershed
All other areas with slopes flatter than 4:1	14 Days	7 days for perimeter dikes, swales, slopes and HWQ zones 10 days for Falls Lake Watershed

Combined SPCA Self-Inspection & NCG01 Monitoring Form

**New for Lot Development*

DEMLR Monitoring Form Rev. 08082019

PART 3C: NEW OR REVISED MEASURES INCOMPATIBLE WITH PLAN: Erosion and sedimentation control measures installed, revised or removed since the last inspection which deviate significantly* from the approved erosion and sedimentation control plan should be documented here or by initialing and dating each measure or practice shown on a copy of the approved plan. List dimensions of measures, if applicable, such as Construction Entrances. Corrective actions should be included in Part 3A.

Lot Number	Description of Measure that Deviates from Plan	Proposed Dimensions (ft.)	Actual Dimensions (ft.)	Date measure noted as installed, last revised or removed	Installed (I) Revised (R) Removed (X)

*Significant deviation means any omission, alteration or relocation of an erosion or sedimentation control measure that prevents it from performing as intended.

Civil Penalty Remission Requests

SL 2015-241 (House Bill 97)



Civil Penalty Remission Requests

- Meet your deadline (60 calendar days from receipt)



- Sign & submit all documents.



- Prepare your argument! Send proof.



- Know your rights. There's no turning back the clock.





The End

