

**RESOLUTION REGARDING INCREASING THE FEE FOR THE REVIEW OF EROSION AND
SEDIMENTATION CONTROL PLANS AS PROVIDED IN THE SEDIMENTATION POLLUTION
CONTROL ACT**

WHEREAS, erosion degrades land resources, and sediment is the number one pollutant of concern for waters of the State that adversely impacts the State's water resources and aquatic habitat, and

WHEREAS, the North Carolina General Assembly enacted the Sedimentation Pollution Control Act of 1973 to preserve land resources and protect water quality from potentially adverse impacts associated with land-disturbing activities, and

WHEREAS, compliance with the Sedimentation Pollution Control Act is dependent upon adequate erosion and sedimentation control plans and the frequency of compliance inspections by the Department of Environment and Natural Resources, Division of Energy, Mineral, and Land Resources, and

WHEREAS, a major part of the Commission's State Erosion and Sedimentation Control Program is dependent on the receipt of erosion and sedimentation control plan review fees to provide adequate staff for pre-application meetings, reviewing plans, providing good customer service and conducting compliance inspections, and

WHEREAS, the receipt of plan review fees based upon \$65 per disturbed acre is insufficient to fund an adequate State Erosion and Sedimentation Control Program, and

WHEREAS, the Sedimentation Control Commission's 1997 Plan of Action Report recommended that sediment sites be inspected on average once per month, and

WHEREAS, the Division of Energy, Mineral, and Land Resources eliminated 25 positions between September 2010 and December 2013 that were supported by the receipt of erosion and sedimentation control plan review fees, and

WHEREAS, the Division of Energy, Mineral, and Land Resources does not have adequate staff to effectively monitor compliance with the Sedimentation Pollution Control Act, and

WHEREAS, the North Carolina Sedimentation Control Commission is charged with the responsibility to develop, promulgate, publicize, and administer a comprehensive State Erosion and Sedimentation Control Program.

THEREFORE, BE IT RESOLVED that the Sedimentation Control Commission recommends that the North Carolina General Assembly amend the Sedimentation Pollution Control Act of 1973 to increase the erosion and sedimentation control plan review fee to \$170 per disturbed acre or part thereof, as recommended in the October 1, 2013 report to the Environmental Review Commission and in the Sedimentation Control Commission's March 2014 study group fee analysis report.

ADOPTED this the 5th day of September 2014, by the North Carolina Sedimentation Control Commission.

Robin K. Smith
Chair, Sedimentation Control Commission