



PROGRAM EVALUATION DIVISION

NORTH CAROLINA GENERAL ASSEMBLY

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Opportunities Exist to Improve the Erosion and Sedimentation Control Program and Recover \$1.7 Million in Annual Costs

Summary

The Joint Legislative Program Evaluation Oversight Committee directed the Program Evaluation Division to examine the effectiveness and efficiency of the State Erosion and Sedimentation Control (E&SC) program and determine whether duplication exists between it and the federal National Pollution Discharge Elimination System (NPDES) program. The E&SC program was created to prevent environmental damage from development activities by verifying erosion and sedimentation control measures are installed and maintained and overseeing other units of government to ensure federal and state standards are upheld. In Fiscal Year 2017–18, the E&SC program reviewed 28,024 acres (44%) of land development in North Carolina.

The E&SC program is not duplicative. The federal NPDES program regulates stormwater pollutants, and the E&SC program satisfies federal construction stormwater requirements.

The E&SC program is not self-supporting. Although total program expenditures have declined over the last five fiscal years, program fees (\$65 per disturbed acre) cover less than 50% of expenditures and state appropriations help support program operations. In Fiscal Year 2017–18, total program expenditures were \$2.98 million. Raising fees could recover \$1.7 million in annual appropriations.

Opportunities exist to improve program performance, but insufficient information management practices challenge continuous improvement. In Fiscal Year 2017–18, the E&SC program met its statutorily-mandated targets related to the review of erosion and sedimentation control plans. Target revision may further improve the process. Other targets related to performing inspections and reviewing delegated local programs are not being met. Additionally, poor information management practices hinder continuous improvement.

Based on these findings the General Assembly should

- amend state law to outline reporting requirements for delegated programs and increase fees;
- direct the Sedimentation Control Commission to develop rules for inspections, and amend Memorandums of Agreement with delegated local programs; and
- direct the Department of Environmental Quality's Division of Energy, Mineral and Land Resources to follow inspection policies, collect data on delegated programs, and strengthen the collection, maintenance, and monitoring of valid and reliable program data to be used for performance management.