

## Draft

### Bill to Amend SPCA to Provide for Qualified Personnel to Conduct Inspections

**SECTION 1.** G.S. 113A-52 is amended by adding a new section to read:

(12) “Qualified personnel” means an individual that has any license, certification or certificate or sufficient training, education and experience that meets the guidelines set by the Commission and who possesses the skills necessary to:

(a) assess the operation and performance of erosion and sedimentation control measures and devices in the field;

(b) identify corrective actions necessary to prevent sedimentation damage; and

(c) complete documentation of sedimentation inspection reports, self-inspections or self-monitoring.

**SECTION 2.** G.S. 113A-54 is amended by adding a new section to read:

(g) The Commission shall set minimum guidelines for any license, certification or certificate or the training, education or experience to qualify an individual as qualified personnel.

**SECTION 3.** G.S. 113A-54.1 (e) reads as rewritten:

(e) The landowner, the financially responsible party, or the landowner's or the financially responsible party's agent shall perform an inspection of the area covered by the plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with G.S. 113A-57(2). The inspection shall be conducted by qualified personnel. The ~~person~~ individual who performs the inspection, the landowner, the financially responsible party, or the landowner's or the financially responsible party's agent, shall maintain and make available a record of the inspection at the site of the land-disturbing activity. The record shall set out any significant deviation from the approved erosion control plan, identify any measures that may be required to correct the deviation, and document the completion of those measures. The record shall be maintained until permanent ground cover has been established as required by the approved erosion and sedimentation control plan. This subsection shall not apply to land-disturbing activities of less than one acre, even if a delegated local erosion and sedimentation control programs requires plan approval for land-disturbing activities of less than one acre. The inspections required by this subsection shall be in addition to inspections required by G.S. 113A-61.1. (1989, c. 676, s. 2; 1993 (Reg. Sess., 1994), c. 776, s. 4; 1998-221, s. 1.11(a); 1999-379, s. 1; 2005-386, s. 7.1; 2006-250, s. 1.)

**SECTION 4.** G.S. 113A-61.1 (a) reads as rewritten:

(a) The Commission, a local government that administers an erosion and sedimentation control program approved under G.S. 113A-60, or other approving authority shall provide for inspection of land-disturbing activities to ensure compliance with this Article and to determine whether the measures required in an erosion and sedimentation control plan are effective in controlling erosion and sedimentation resulting from the land-disturbing activity. Inspections shall be conducted by qualified personnel. Notice of this right of inspection shall be included in the certificate of approval of each erosion and sedimentation control plan.

**November 2, 2009**

**RESOLUTION REGARDING QUALIFIED INSPECTION PERSONNEL FOR  
NORTH CAROLINA CONSTRUCTION ACTIVITIES FOR EROSION AND SEDIMENTATION  
CONTROL**

WHEREAS, sediment runoff degrades land resources, and sediment is a pollutant of concern for waters of the state that can adversely impact aquatic habitat; and

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

WHEREAS, the operation and performance of erosion and sedimentation control measures must be inspected on a routine basis to ensure that the maintenance of the measures are being performed so that the measures continue to perform as planned and designed; and

WHEREAS, the SPCA currently has no education or training requirements for personnel assigned to conduct inspections of erosion and sedimentation control measures; and

WHEREAS, establishing minimum education or training requirements for inspection personnel would result in improved operation and performance of erosion and sedimentation control measures, which would preserve land resources and protect water quality; and

WHEREAS, the North Carolina Sedimentation Control Commission is charged with developing and adopting rules and regulations for the control of erosion and sedimentation resulting from land disturbing activities.

THEREFORE, BE IT RESOLVED that the Sedimentation Control Commission recommends that the North Carolina General Assembly investigate and consider enacting statutory authority requiring qualified personnel for the inspection of erosion and sedimentation control measures.

ADOPTED this the 12<sup>th</sup> day of November 2009, by the North Carolina Sedimentation Control Commission.

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Donnie Brewer, PE  
Chairman  
Sedimentation Control Commission