

A. Termination of Local Program

1. Should a Local Government decide to end their local program, or portions thereof, and return jurisdiction to the Commission, the Local Government shall provide 120 days written notice of their intent to the Commission and to the Department of Environmental Quality (hereinafter “Department”) to end the local program and transfer existing projects to the Commission, by and through the Department.
2. To terminate all or part of their local program, a Local Government must comply with the following:
 - a. The notice of intent must include a list of all open projects that are anticipated to be transferred.
 - b. Any legal action or existing litigation undertaken by the Local Government under the local program must stay with the Local Government and cannot be transferred to the Department. This does not prevent the Department from taking new actions against violators for new or continuing violations of the SPCA.
 - c. Local Government shall make a good faith effort to resolve any Notices of Violation prior to transferring projects to the Department provided doing such would not adversely affect any enforcement actions or possible litigation.
 - d. At least 90 days prior to the transfer of all or part of their local program, the Local Government shall provide the Department copies of all its local program project files including all applications, inspection reports, and if applicable, enforcement documentation. Staff from the Local Government shall make themselves available to the Department staff to conduct any necessary joint site visits or coordinate joint inspections.
 - e. At least 60 days prior to the transfer, the Local Government shall notify the responsible parties of all open projects that the local program is

ending and shall provide contact information for the Department.

- f. At least 30 days prior to the transfer of all or part of the local program, Local Government must notify DEMLR upon the termination or expiration of any inter-local agreements.
 - g. At least 30 days prior to the transfer of all or part of their local program, the Local Government shall no longer accept applications for new or revised land-disturbing activities within the jurisdiction they are transferring to the Department and shall redirect such applications to the Department. Written notification of when new or revised applications can no longer be submitted to the Local Government shall be made public at least 60 days prior to the date of transfer to the Department.
 - h. Within 14 days prior to the transfer of the local program, Local Government shall provide a written update to the Department of all open projects to be transferred to the Department; including contact information for each project, copies of relevant permits, available photos of the project, descriptions of any enforcement actions taken, and the status of each project.
 - i. Local Government shall demonstrate to the Commission that the Local Government has removed provisions in their local ordinance pertaining to the local program or local jurisdiction for the SPCA.
3. This section only applies to local governments who choose to terminate their local programs or portions of them. In an instance where a local program fails to comply with the terms of this Agreement or fails to satisfactorily administer or enforce the terms of the SPCA as determined under Part II Section A above, the Commission shall establish a schedule for the transfer of the local program to the Department.