

Report to the North Carolina General Assembly's Environmental Review Commission



Stormwater and Sedimentation Joint Report

October 1, 2025

**Division of Energy, Mineral, and Land Resources
NORTH CAROLINA DEPARTMENT OF
ENVIRONMENTAL QUALITY**

Pursuant to G.S. 143-214.7(e); G.S. 113A-67

**Report to the Environmental Review Commission
on the Implementation of the
Sedimentation Pollution Control Act of 1973
and the State Stormwater Program
by the Department of Environmental Quality
Division of Energy, Mineral, and Land Resources**

October 1, 2025

Table of Contents

Sedimentation Pollution Control Act of 1973	2
and the State Stormwater Program.....	2
Introduction.....	Error! Bookmark not defined.
Executive Summary – Annual Sedimentation Program Report	Error! Bookmark not defined.
Background	Error! Bookmark not defined.
Program Implementation.....	Error! Bookmark not defined.
Plan Approval.....	7
Inspections	7
Enforcement.....	10
Local Programs.....	10
Training and Education	10
New Program Efforts	12
Executive Summary – Annual Stormwater Program Report	Error! Bookmark not defined.
Program Overview	Error! Bookmark not defined.
Webinar series to increase knowledge of stormwater	Error! Bookmark not defined.
Electronic reporting for NPDES Industrial Stormwater permittees ..	Error! Bookmark not defined.
Timely renewal of NPDES General Permits with improvements	Error! Bookmark not defined.
Summary	Error! Bookmark not defined.

Introduction

Pursuant to Session Law 2017-10 (Senate Bill 131), the Department of Environmental Quality (DEQ) is required to submit a combined report to the Environmental Review Commission by October 1st of each year that provides an annual update on the implementation of both the State Sedimentation Pollution Control Program and the State Stormwater Program housed within the Division of Energy, Mineral, and Land Resources. This report contains two sections that outline how the Department has implemented these programs through its seven Regional Offices and Central Office as well as in coordination with multiple local government programs that implement these programs through Local, State and Federal laws, rules, and permits.

Executive Summary – Annual Sedimentation Program Report

The Department shall report to the Environmental Review Commission on the implementation of the [Sedimentation Pollution Control Act \(SPCA\) of 1973](#) on or before 1 October of each year. The Division of Energy, Mineral, and Land Resources is responsible for implementing the SPCA. There are 54 delegated SPCA programs across the state implemented by either county or municipal governments. The total number of applications received and approved by the Department increased from 2,764 in FY 2023-24 to approximately 3,287 in FY 2024-25. The total number of newly disturbed acres increased from 29,322 acres in FY 2023-24 to approximately 32,848 acres in FY 2024-25. Sediment inspections increased from 11,179 in FY 2023-24 to 12,551 inspections in FY 2024-25.

Background

“The sedimentation of streams, lakes and other waters of this State constitutes a major pollution problem. Sedimentation occurs from the erosion or depositing of soil and other materials into the waters, principally from construction sites and road maintenance. The continued development of this State will result in an intensification of pollution through sedimentation unless timely and appropriate action is taken. Control of sedimentation and erosion is deemed vital to the public interest and necessary to the public health and welfare, and expenditures of funds for sedimentation and erosion control programs shall be deemed for a public purpose”.

-Preamble to the Sedimentation Pollution Control Act of 1973

The Division of Energy, Mineral, and Land Resources (DEMLR) in the Department of Environmental Quality administers the SPCA. The Sedimentation Control Commission has also delegated administration of the SPCA to 54 county or municipal governments and the North Carolina Department of Transportation. The local program delegations do not regulate land-disturbing activities conducted by local, State or United States governments or persons with the power of eminent domain (e.g. public utilities), which remain under jurisdiction of DEMLR.

The state sedimentation and erosion control program also plays a critical role in meeting federal construction stormwater permitting requirements under the Clean Water Act. The United States Environmental Protection Agency (EPA) implements federal permitting requirements for stormwater discharges from active construction sites, but also has the authority to delegate those permitting responsibilities to the states. The federal construction stormwater requirements supplement and complement the requirements of the state Sedimentation Pollution Control Act and the intent of the federal program are to prevent damage to water bodies and other property from pollutants.

North Carolina is authorized by the EPA to issue federal construction stormwater permits in the state through DEQ. DEMLR has incorporated cross-training of central and regional personnel and consolidation of inspection and monitoring forms between the sedimentation and erosion control program and the construction stormwater program. This allows one point of contact for meeting both programs' permitting, inspection and reporting requirements to be used to communicate compliance with both programs' state and federal provisions.

Program Implementation

The number of new projects under state jurisdiction is approximately 3,287 applications received in FY 2024-25. The actual area of land disturbance covered by erosion and sedimentation control plans approved in FY 2024-25 increased to approximately 32,484 acres. The graphs below show that there is an upward trend towards both the quantity and size of land disturbing projects within North Carolina. This is evidenced not only through the extraordinarily high demand for housing in certain areas of the State, but also through incentives aimed at satisfying the State's clean energy initiatives and the return of manufacturing jobs. Solar farms and "mega site" projects ranging from hundreds to even thousands of acres in land disturbance involve complex, phased plans to review and require hours, if not days, to conduct one complete inspection.

These totals do not include sedimentation and erosion control plans approved by local government sedimentation programs or land disturbed by the Department of Transportation under its delegated program.

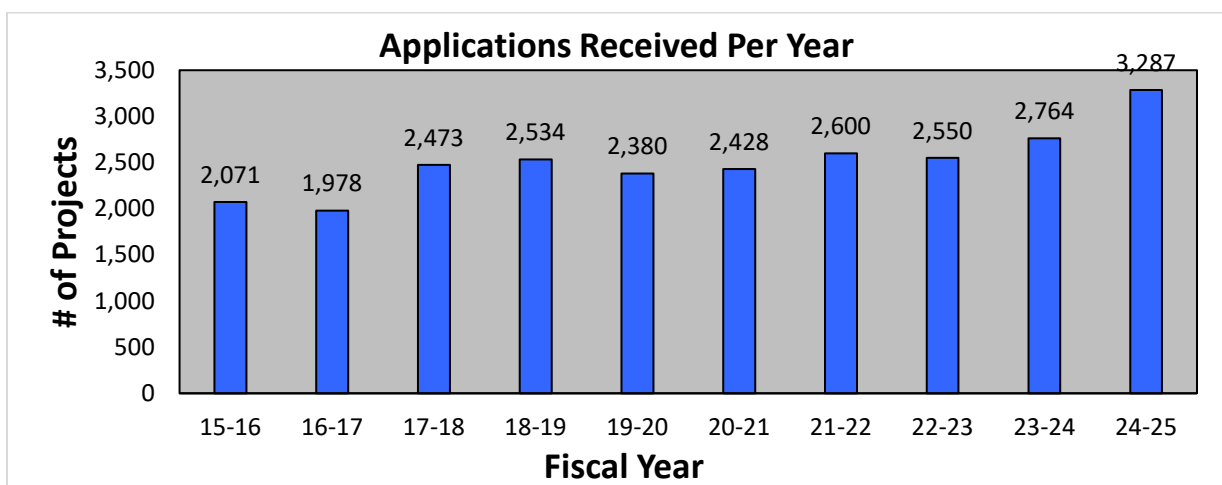


Figure 1 - Applications Received Per Year

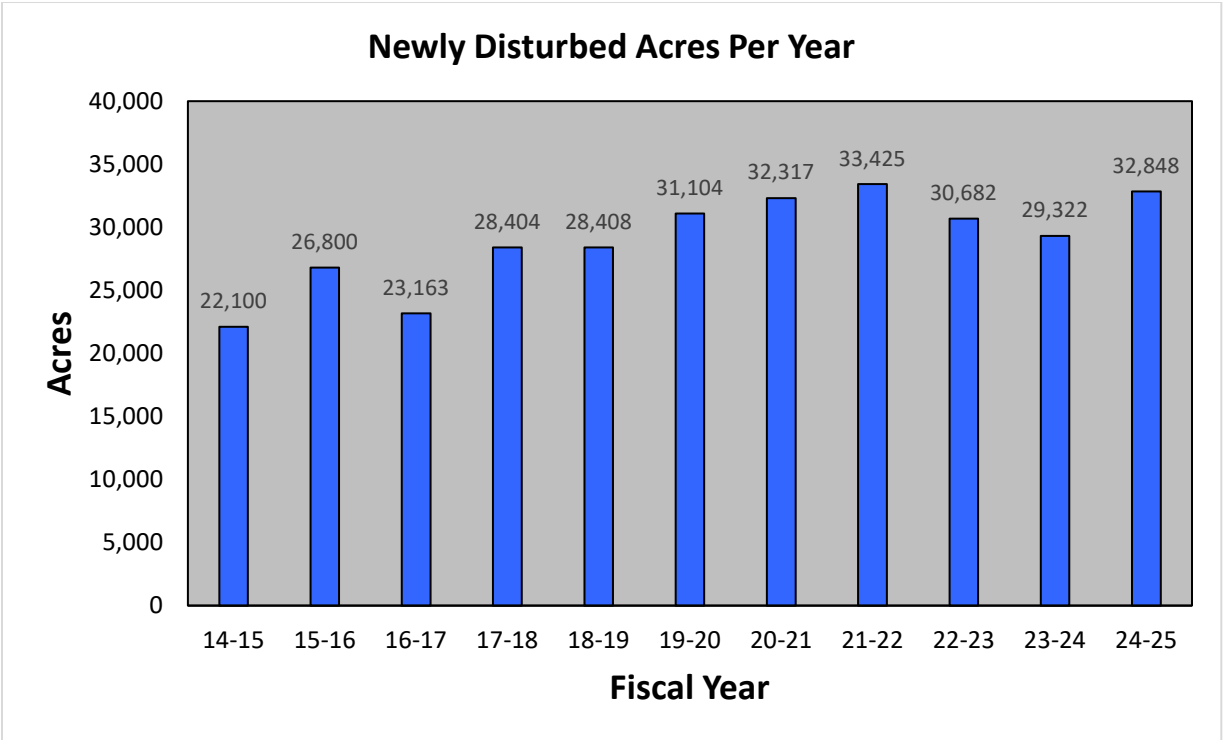


Figure 2 – Newly Disturbed Acres Per Year

Open sediment projects are sites that are either under active construction or are inactive and not completed.

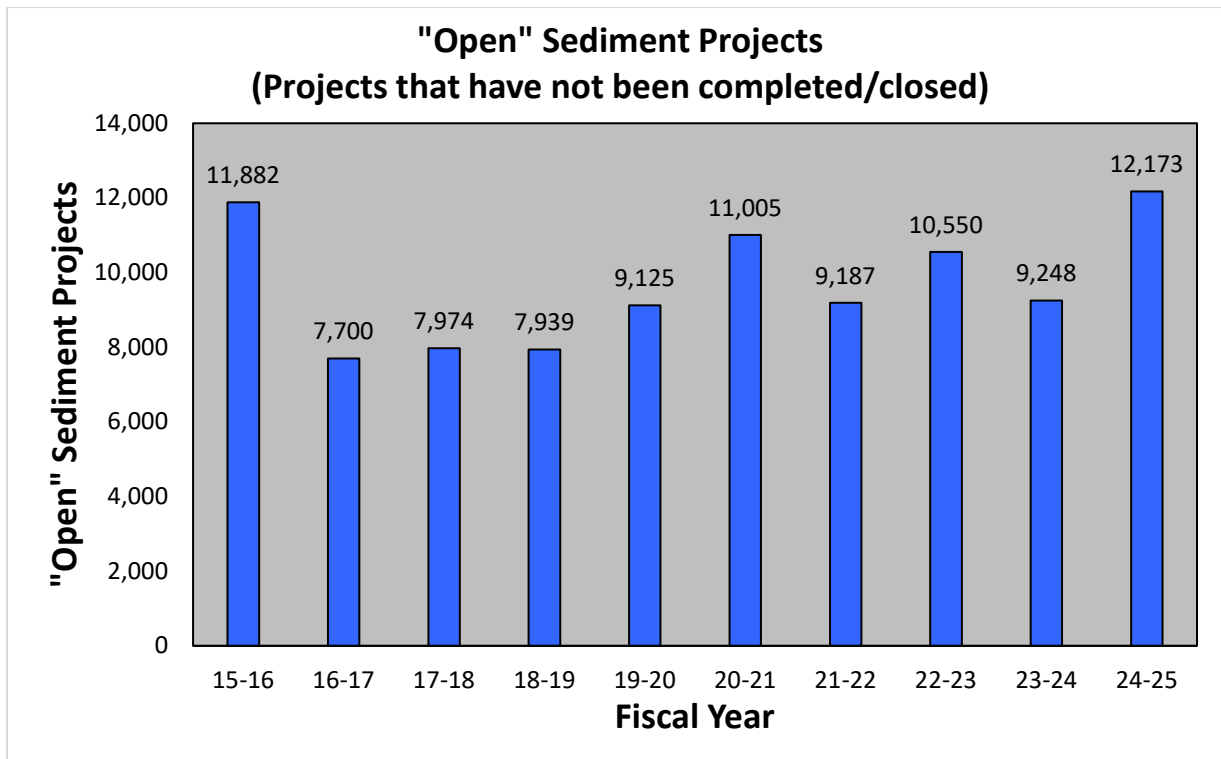
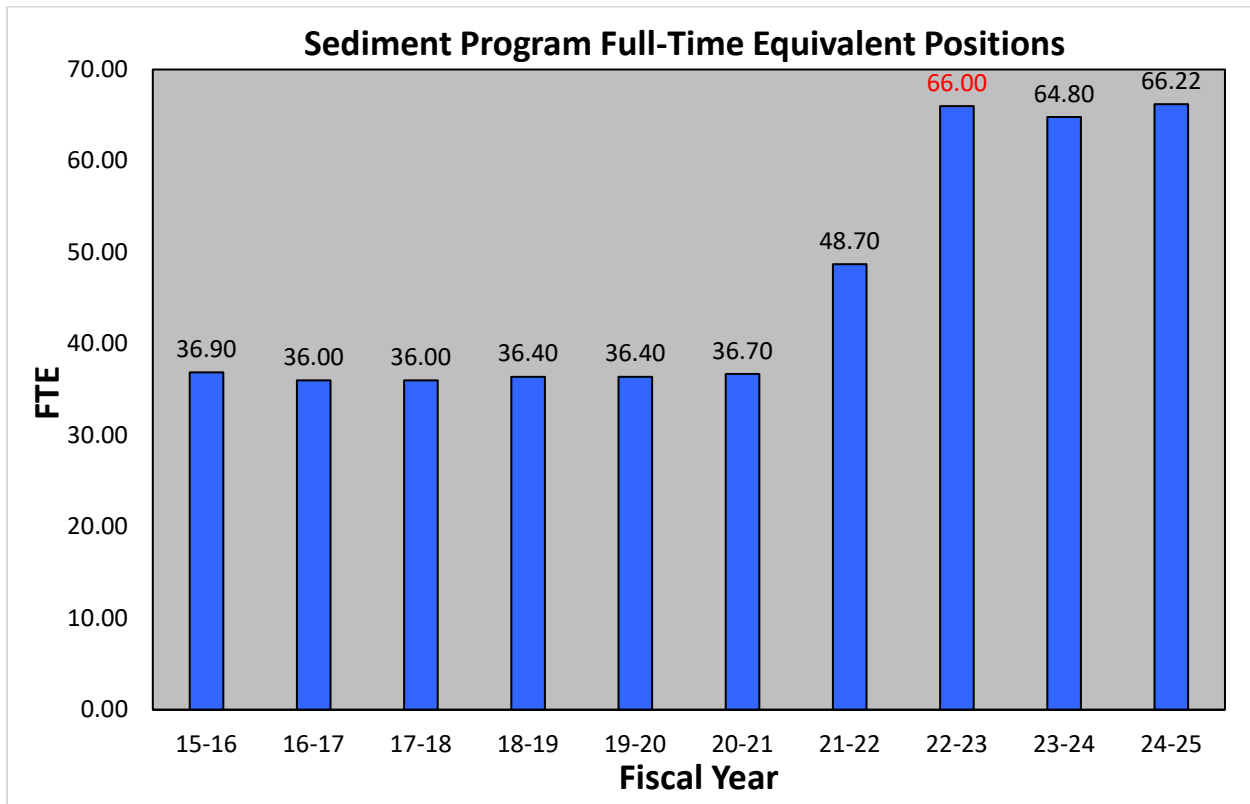


Figure 3 - Count of Open Sediment Projects

The number of full-time equivalent positions (FTE) in the DEMLR's Sedimentation Control Program declined for several fiscal years until steadying as shown below. More recently, the number of positions available has escalated due to a combination of fee increases and temporary funding as a result of The American Rescue Plan Act of 2021 (ARPA) which provides, in part, pandemic-associated fiscal relief to state and local government infrastructure.



Since revenue for the program comes from a sedimentation plan review fee for new projects, an increase in new construction coupled with a statutory fee increase has consequently provided an increase in our funding for vacant positions and operations. In November of 2021, the plan review fee increased from \$65 per acre to \$100 per acre. This provided some relief for the backlog of incoming applications and the resulting growing size and number of open projects within the state to monitor. This year, the number of full-time equivalent positions available to contribute to the program increased slightly to approximately 66 with federal ARPA-funded positions remaining to assist with the plan review workload. Hiring is on-going at this time and has been challenging due to limited resources and competition for qualified staffing from higher resourced Local Governments and Private Consulting. Our current overall vacancy rate is approximately 10% with an estimated Engineer Class vacancy rate over 20%. Figure 4 reflects the increase in the FTE count for this reporting period.

Regional activities for the 2024-25 fiscal year include:

- 1,932 new sedimentation and erosion control plan reviews

- 441 sedimentation express plan reviews
- 914 revised sedimentation and erosion control plan reviews
- 12,551 sedimentation site inspections
- 293 notices of violation
- 5 enforcement case referrals

Plan Approval

The SPCA requires review of a proposed sedimentation and erosion control plan within 30 days for a new plan submittal and within 15 days for a revised plan. As mentioned above, newly disturbed acreage in North Carolina increased since the last fiscal year. The number of sedimentation and erosion control plans received was 3,287 (up from 2,764 in FY 2023-24). Since fiscal year 2017-18, there has been a general upward trend in the number of applications received. In addition, DEMLR encourages applicants to meet with permit review staff in advance of the initial plan submittal to resolve quality and completeness issues prior to formal submittal to reduce the overall time for plan review and approval.

The Express Permitting Program for sedimentation and erosion control plans provides for plan review within as little as three working days. During FY 2024-25, 441 Express Permit reviews were conducted. This is an increase of requests in express permit reviews from the 330 in FY 2023-24. This trend follows the increase in overall applications. The Raleigh and Fayetteville Regional Offices conducted the most express reviews.

Inspections

Regional staff conducted 12,551 inspections last year, an increase of 1,372 inspections from the previous year. This has moderated as a result of the temporary increase in federal funding of FTE positions. Inspection reports document field observations and compliance or non-compliance with the SPCA. Based upon current staffing levels, open sedimentation and erosion control projects are inspected, on average, once every 9 - 10 months. Those under enforcement are routinely inspected more frequently.

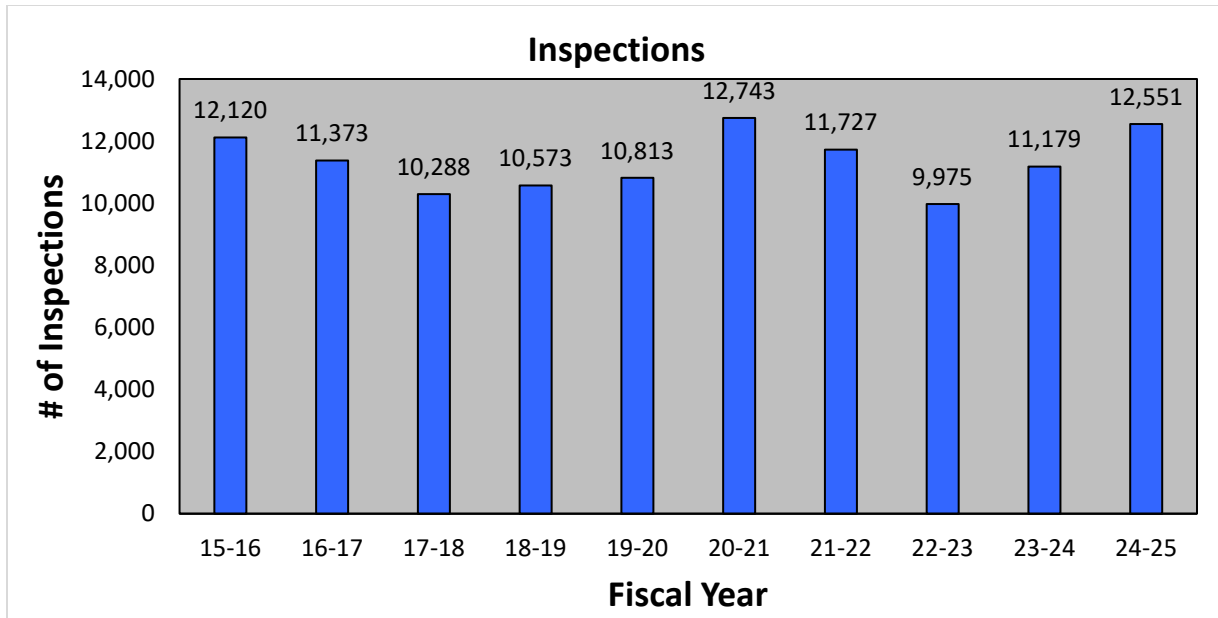


Figure 4 - Inspections per Year

The following are photos of good and poor practices found on construction sites during inspections. (Figures 6-13)



Figure 5 - Unmanaged Concrete Washout



Figure 6 - Good Construction Entrance



Figure 7 – Poor Construction Entrance



Figure 8 - Good Application of Ground Cover



Figure 9 - No Ground Cover



Figure 10 - Rill Erosion on Sediment Basin Slope



Figure 11 - Good Vegetative Stabilization



Figure 12 - Good Inlet Protection

Enforcement

DEMLR documents compliance or non-compliance with the SPCA through sedimentation inspection reports. Most violations are resolved by providing an inspection report to the responsible party and requesting correction of the deficiencies. Of the 12,551 inspections conducted during FY 2024-25, 272 (2.2%) resulted in a Notice of Violation (NOV). The NOVs led to 5 requests from the regional offices for additional enforcement action (1.8% of NOVs issued). No new civil penalties or injunctions were assessed or issued this fiscal year.

The Attorney General's Office provides litigation support to DEQ by filing actions in state courts and federal bankruptcy court to defend the agency's civil penalty assessments, complaints for injunctive relief, and to collect unpaid civil penalties.

Local Programs

The Sedimentation Control Commission encourages [local governments](#) to administer delegated sedimentation and erosion control programs. The Commission, through DEMLR, provides a model ordinance and technical assistance. Once a program is delegated to a local government, DEMLR provides periodic oversight to ensure that the local programs are meeting the responsibilities under their delegation authority. State personnel informally assist and advise the local staff on problematic sites. DEMLR's goal is to review each local program at least once every three years. The Division reviews the local ordinance to ensure that it is at least as restrictive as state law and rules. DEMLR's Regional Office and Central Office staff meet with local program staff during the review. A detailed report is provided back to the local government, noting strengths, deficiencies, and corrective actions. A summary report is presented to the Sedimentation Control Commission at its quarterly meetings.

The Commission then acts to continue the delegation, continue the review, place the program on probation, or give a 30-day notice that the Commission will assume administration and enforcement of the program.

Six formal local program reviews were conducted during FY 2024-25.

Training and Education

In the Fall of 2024, the hybrid in-person and virtual North Carolina Erosion and Sediment Control workshop was held in Raleigh. The DEMLR helped plan the workshop aimed at design professionals, contractors, and developers. It is the result of a joint planning effort between NCSU, the International Erosion Control Association (IECA) and DEMLR staff. The

planning team hosted a full-day event with morning presentations that could be viewed in-person or virtually. A wide range of experts presented on common E&SC issues and on solutions based on design and solid research. Approximately 138 people, including vendors and speakers, attended the full-day in-person workshop with approximately 58 people attending the morning presentations online. State and local program representatives provided updates on the latest regulatory changes, program updates and approaches to successful plan approval.

The 2025 Annual Local Program Workshop was held April 23-24 in Chatham County. The event attracted 70 in-person participants both days with a maximum virtual daily rate of 110 participants. State agency representatives provided regulatory updates, various program updates and local program staff discussed plan review procedures and best management practices on construction sites.



Figure 13 – 2025 Local Program Workshop

The Division is in the process of hiring permanent and time-limited staff as described above. As a result, program staff have taken a number of initiatives to assist regional office staff in onboarding and training. The DEMLR Employee Training SharePoint site has been created for each program. Resources have been compiled and uploaded or cross-linked in an effort to take advantage of SharePoint libraries. Resources such as forms, template letters, design calculation spreadsheets, handbooks, and additional training opportunities can be found in one convenient location. A new-hire PowerPoint presentation provides a quick overview of the Sedimentation Program's objective, policies, and operations to include guidance for plan reviews, site inspections, and compliance. This past year was spent creating and updating

resource materials for both staff and the public in promoting the new AccessDEQ platform. This online digital permitting hub, as it is aptly named, allows the public to complete their applications and upload plans through an online portal. Public service announcements about AccessDEQ have been distributed. User guides, video tutorials, policy documents, FAQs documents, and other miscellaneous help documents have been developed to familiarize staff with interfaces and workflows, and provide ease of use for the public.

In an effort to provide training and ensure consistency, DEMLR program staff started statewide Sediment Program meetings three years ago. Meetings have been held in varying frequency from quarterly to monthly via Microsoft Teams, providing a convenient online meeting platform for personnel across the state. Topics thus far have included updates to the Permit Transformation Program (discussed below), troubleshooting assistance for applications, and training opportunities.

As part of the division's customer service obligations, the regional offices provided 9,967 hours of technical assistance in FY 2024-25 through reviews of local government programs, communication with the public, and post-construction related requests for assistance. This increase can partially be attributed to assistance provided with familiarizing permittees with AccessDEQ.

The semi-annual electronic newsletter, *SEDIMENTS*, is distributed through a listserv of approximately 400 recipients, and is also made available as an online news publication. This past edition included an article promoting Project WET (Water Education Today).

New Program Efforts

Efforts are continuing to move the Sedimentation Program to an electronic permitting system. Through an agreement between the Department of Information Technology and the Department of Environmental Quality, the Permit Transformation Project (PTP) aims to streamline the application and approval processes for those needing sedimentation and erosion control certificates of plan approvals. Applicants are now able to complete their applications and upload plans through an online portal. The new permitting system has been designed to enable the tracking of permits, communications, complaints, compliance efforts, and reporting. Similarly, efforts are underway to move the Construction Stormwater Program to the electronic system. The Construction Stormwater Permit (NCG010000) has launched in AccessDEQ and applicants can complete their application and upload supporting documents. Efforts are underway to develop a combined Sedimentation and Construction Stormwater Program application, thus, eliminating any administrative duplication of efforts by persons applying for land-disturbing activities regulated under both the Sedimentation Pollution Control Act and the Clean Water Act NPDES program.

Executive Summary – Annual Stormwater Program Report

The Stormwater Program serves a large and diverse number of permittees in a highly efficient manner. In addition to keeping up with our permitting workload described under “Program Overview” below, some accomplishments of the Stormwater Program for the year are as follows:

Construction stormwater permitting application in AccessDEQ Portal

Online application system for NCG010000/NCG250000 construction stormwater permit coverage went live in the AccessDEQ Portal on May 12, 2025. In addition to applying for and obtaining new permit coverage through the portal, applicants can also modify or terminate an existing Certificate of Coverage (COC) and pay annual invoices. From May 12, 2025 to September 1, 2025, ~1,300 COCs have been issued through the portal. User Guides for utilizing the AccessDEQ Portal for construction stormwater permitting have been developed and incorporated under the Help menu on the portal login screen.

Timely renewal of NPDES Individual Permits with improvements

The backlog of individual industrial permits continues to decrease while also issuing new permit coverages. The individual industrial permits continue to have permit conditions updated to meet the Program’s and permittees’ needs.

Timely renewal of NPDES General Permits with improvements

On July 1, 2025, the Stormwater Program renewed two (2) industrial general permits. Each of these permits has been reorganized and improved so that it is easier to understand and reference in order to assist the industrial permittees.

Electronic reporting for NPDES Industrial Stormwater permittees

Industries that are covered under an NPDES Industrial Stormwater permit are required to monitor the quality of stormwater discharged from their facilities and report that data to DEMLR. Previously, these data were reported on Data Monitoring Report (DMR) forms that were submitted by paper copy to DEMLR. The Stormwater Program continues to transition permittees into an electronic reporting process already established in the agency and is continuing to register users and update existing registrations as requested.

Webinar series to increase knowledge of stormwater

The Stormwater Program’s “WOW Webinar” series has continued to be offered to the regulated community and the public to increase understanding and communication about a wide variety of stormwater issues. The webinar series continues to be successful and well received.

Program Overview

The DEMLR Stormwater Program comprises many programs and resources aimed at protecting water quality from stormwater impacts. The following is a summary of the NC Stormwater Program's responsibilities:

- [NPDES Industrial Stormwater Program](#): Currently covers 4,782 active permits or certifications (3,365 facilities under general permits, 157 under individual permits, and 1,260 under no exposure certifications). Industrial activities are required to manage and monitor their facilities for potential sources of stormwater pollution.
- [NPDES Construction Program](#): Covers construction activities that disturb one or more acres or are part of a common plan of development of that size. Certificates of Coverage (COCs) are obtained under a general permit (NCG010000 or NCG250000). Permittees must have an approved Sedimentation and Erosion Control Plan, adhere to materials handling protocols, inspect their sites, and keep records. The Stormwater Program partners with the DEMLR's Sediment Program to implement the NPDES Construction Stormwater Requirements.
- [NPDES MS4 Program](#): Covers 121 entities within urbanizing areas, such as municipalities, counties, universities, as well as military bases and NCDOT. MS4 entities implement measures within their jurisdictions to prevent and control stormwater pollution from developed areas.
- [Post-Construction Program](#): Requires new developments to have permanent stormwater management measures after the project is constructed.
- The [Stormwater Design Manual](#) is a technical guidance document about implementing the stormwater rules for post-construction. The companion to the manual is the [Stormwater Control Measure Credit Document](#), which includes the state's estimation of each SCM's effectiveness in protecting hydrology and removing pollutants and was updated in February 2023.
- [Water Supply Watershed Protection Program](#): Local governments with some or all of their jurisdictions within one or more water supply watersheds are required to implement measures within the water supply watersheds to prevent and control stormwater pollution. There are currently over 229 watersheds classified as Water Supply Watersheds and approximately 292 local governments with all or part of their jurisdiction in one or more of these watersheds.
- Technical and compliance assistance for all the above programs.

[Current Active Stormwater Permits in North Carolina](#)

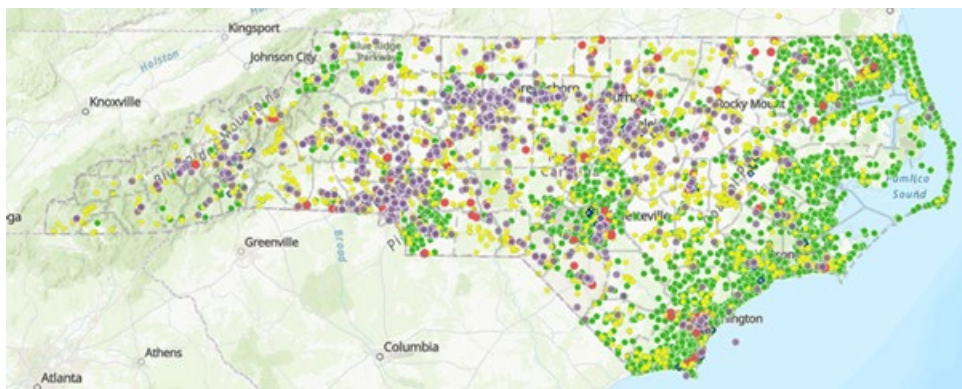


Figure 15 - Active Stormwater Permits in North Carolina

In the map above, green dots indicate post-construction permits, yellow dots indicate industrial general stormwater permits, red dots indicate industrial individual permits, blue diamonds indicate MS4 permits, and purple dots indicate No Exposure Certifications. Note: Construction stormwater permits are not included in this map.

Timely renewal of NPDES Individual Permits with improvements

The backlog of expired individual industrial permits continues to decrease while also issuing new permit coverages. Our program continues to implement baseline quarterly analytical monitoring in all new and renewal permit issuances for pollutants of concern (backlogged permits previously only required semi-annual sampling). The individual industrial permits continue to have permit conditions updated to meet the Program's and permittees' needs.

Timely renewal of NPDES General Permits with improvements

On July 1, 2025, the Stormwater Program renewed two industrial general permits: NCG020000 (Active & Inactive Mining) and NCG190000 (Marinas & Shipbuilding). Both general permits have been improved and reorganized to reflect our most current standards and be easier to understand for our staff and permittees.

Electronic reporting for NPDES Industrial Stormwater permittees

Industries that are covered under an NPDES Industrial Stormwater permit are required to monitor the quality of stormwater discharged from their facilities and report that data to DEMLR. Historically, the data has been reported on Data Monitoring Report (DMR) forms and sent as a paper copy to the agency. However, during the past year, the Stormwater Program has continued transitioning permittees into the NPDES electronic reporting

process as staff resources allow. The Program has approximately 59% of its permittees registered in eDMR and a current participation rate of approximately 31%.

[Note: This rate of participation has been driven in part by the following: 1) staff turnover, 2) resources available to be dedicated to eDMR and registration, and 3) updates to original registrants that have since changed.]

The Stormwater Program continues to make progress in reaching the goal of electronically reporting NPDES construction stormwater basic permit and project site data to EPA with its electronic Notice of Intent (eNOI) application form that has been in place since April 2019 and transitioned to AccessDEQ in May 2025.

The electronic reporting gap for this sector of permits has been present since 2016, when the federal Electronic Reporting rule required those data be reported electronically to EPA and which North Carolina did not have the ability to convey before 2019. In May 2022, staff collaborated with EPA to overcome data compatibility obstacles and conveyed the first batch of NPDES Construction Stormwater permit data for EPA Region 4 staff, who are providing assistance in processing and loading these data into the agency's ICIS database. The transition to the AccessDEQ Portal for construction stormwater permitting and forthcoming implementation of combining Sedimentation and Erosion Control Plan submittal with NPDES Construction Stormwater application processes, data flows to EPA's ICIS database will be coordinated more effectively by DEQ.

[Webinar series to increase knowledge of stormwater](#)

The Stormwater Program launched the WOW (World of Water) Webinar series in September 2020 to continue its communication with permittees, consultants, local governments, and the public during the pandemic and has continued to be a part of the Stormwater Program's offerings currently. WOW Webinars are held from 11:00am to 12:00noon on the third Wednesday of each month. There have been a variety of speakers from within DEQ as well as the stormwater community at large. Webinar topics have included industrial and municipal stormwater, design and permitting, and resilient stormwater strategies.

The webinars are free and offer 1 hour of PDH. Each webinar has been attended by 150 to 250 participants monthly. These Webinars have been very successful with a lot of positive feedback. Our new 2025-2026 webinar series starts in October 2025. Information about the previous webinars is available on the [WOW Webinar web page](#), including recordings and presentations. The new upcoming WOW Webinar Schedule is in the process of being formulated. Some of the more recent webinars are listed below:

- **August 20, 2025:** Knightdale Stormwater Manager Ike Archer will talk about "Effective Uses of Limited Resources." His presentation will discuss meeting the 6 minimum control measures as well as the partnership with NC State and Old Castle to install a new stormwater control device.
- **June 17, 2025:** Pat Donovan-Brandenburg will speak about applying for a large NOAA grant to restore three streams, two City parks and Phase 4 of the Oyster

Highway as part of a larger "watershed approach" to restoration. It is titled the New River Restoration and Resiliency Initiative. The Stream restorations are nature based and will include Living shorelines, wetland restorations and floodplain restoration.

- **May 20, 2025:** North Carolina State University's Lauren Conway & Maya Hardison talks about monitoring various freshwater systems due to growing urbanization through water quality techniques.
- **April 16, 2025:** Colin Finlay discusses Microbial Nitrogen Transformations in Regenerative Stormwater Conveyance Systems.

Summary

The Stormwater Program continues to seek out ways to improve our program such that it is more responsive to permittee needs, more efficient, and more protective of water quality. As we neared the end of the fiscal year, Stormwater Program staff also began collaborating with Erosion and Sediment Control staff in the Division to develop a report detailing requirements of both the NC Sediment Pollution Control Act (SPCA) and applicable NPDES stormwater discharges with respect to construction projects. This report was provided as directed by Session Law 2022-11, Section 7. In addition, work to assess and determine pathways to enhance express permit and certification review program is on-going in keeping with Legislative request H219.

We appreciate the opportunity to provide this report to the Legislature each year, and we continue to look forward to work with the General Assembly and stakeholders on these matters.