

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 1568 (Fourth Edition)

SHORT TITLE: Sedimentation Act Amendments

SPONSOR(S): Representatives Weiss and Hackney

	FISCAL IMPACT				
	Yes ()	No ()	No Estimate Available (X)		
	<u>FY 2002-03</u>	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>	<u>FY 2006-07</u>
REVENUES					
Local Governments			**No Estimate Available – See Assumptions and Methodology**		
EXPENDITURES					
Local Governments			**No Estimate Available – See Assumptions and Methodology**		
POSITIONS					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	Department of Environment and Natural Resource’s Division of Land Resources and local governments.				
EFFECTIVE DATE:	Sections 6 and 8 are effective when the bill becomes law. All other sections become effective on January 1, 2003.				

BILL SUMMARY: HB 1568 amends the Sedimentation Pollution Control Act of 1973. The bill requires the self-inspection of an area covered by an approved erosion and sedimentation control plan; allows a local government with an approved erosion and sedimentation control program to regulate land-disturbing activities conducted by the local government; requires exposed slopes to be planted or provided with ground cover within 12 working days or 25 calendar days, whichever is shorter, of completion of any phase of grading; authorizes a local government to establish an erosion and sedimentation control program that is limited to the inspection of land-disturbing within the jurisdiction; requires local governments with an approved limited local program to submit an amount equal to \$30 per acre of land disturbed to the Department of Environment and Natural Resources (DENR) for the costs associated with the review of the erosion and sedimentation control plans and related compliance activities; requires DENR to report on the implementation of the Sedimentation Pollution Control Act of 1973; and provides that the act does not apply to agricultural activities, forestry activities conducted in accordance with best management practices, permitted mining activities, and emergency activities.¹

¹ Summary by Rick Zechini, Counsel to the House Environment and Natural Resources Committee, October 2, 2002.

ASSUMPTIONS AND METHODOLOGY:

Local Government Impact

This bill does not place any new requirements on local governments. It does allow a local government with an approved erosion and sedimentation control program to regulate land-disturbing activities conducted by that local government. It also authorizes local governments to establish a “limited” erosion and sedimentation control program that is limited to the *inspection* of the land-disturbing activities. The Division of Land Resources still retains the responsibility for approval of plans and enforcement. If a local government chooses to establish a limited program, the bill requires the local government to establish a fee to be paid by each person who submits an erosion and sedimentation control plan to the local government. The local government in turn is required to pay an amount equal to \$30 per acre of land disturbed to the Department for costs associated with the review of the plan and related compliance activities.

The Department estimates that one to two local governments will establish limited programs. Those programs will be required to establish a fee that must be at least \$30 to cover the Department’s costs; however, the bill does allow the local government to set the fee at a higher rate to cover the cost of their inspection activities as well. Due to the wide variance in the fees for existing local government programs and the variance in the number of acres subject to local government regulation, Fiscal Research was unable to determine a reasonable way to estimate the amount of revenue generated by limited local programs or what their expenses might be.

SOURCES OF DATA: Department of Environment and Natural Resource’s Division of Land Resources

TECHNICAL CONSIDERATIONS: None

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DATE: October 3, 2002



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