

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. 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.

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