

Division of Energy, Mineral and Land Resources

Program Evaluation Division Report and Implementation Update for Sedimentation and Erosion Control

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Department of Environmental Quality



Erosion and Sediment Control Program Updates

- ▶ Local Programs
- ▶ Erosion Control Plan Review
- ▶ Risk-Based Inspections
- ▶ Database Management
- ▶ Statewide Performance Expectations
- ▶ Local Program Delegation Requests
- ▶ Delegated Program Ordinance Reviews- Process Updates

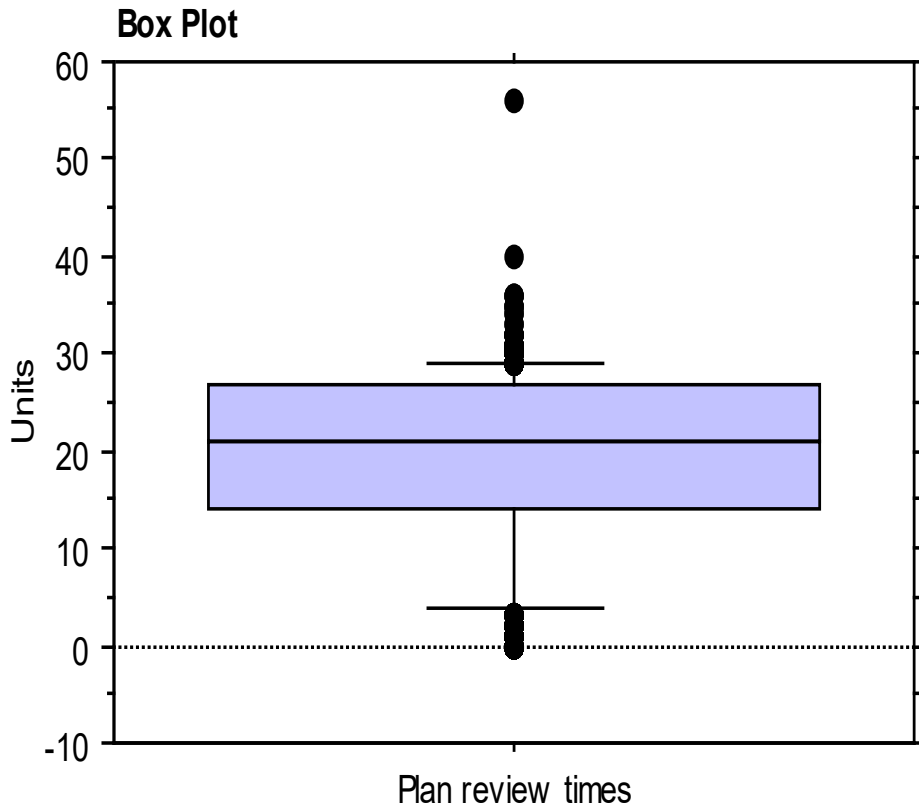
Local Sediment Programs

- ▶ **Local Sediment Program -Reporting Requirements:** DEMLR staff have conducted a review of the current delegated Local Program monthly reporting expectations. Staff have presented recommendations to update the existing format and reporting criteria. These changes will enhance the usefulness of the information that is submitted monthly. This will also be used to better complement Local Program inspections and oversight.
- ▶ **Memorandum of Agreement (MOA).** DEMLR staff is currently in the process of updating the delegated program MOA. The MOA will include the above-mentioned monthly reporting requirements.
- ▶ **DEMLR's new Local Program Inspections.** The Local Program inspection schedule has been developed based on risk and efficiency.

DEMLR's delegated program goal is to inspect approximately one-third of the 54 delegated Local Programs per year. We have reviewed the distribution of Local Programs based on program size and project activity. Larger and more active sites are prioritized for inspection. During these efforts, we also inspect nearby/smaller Local Programs. This process enables us to efficiently accomplish inspection goals.



Sediment Control Plan Review Target (days)



Descriptive Statistics

	Mean	Count	Minimum	Maximum	Median
Plan review times	19.075	2182	0.000	56.000	21.000

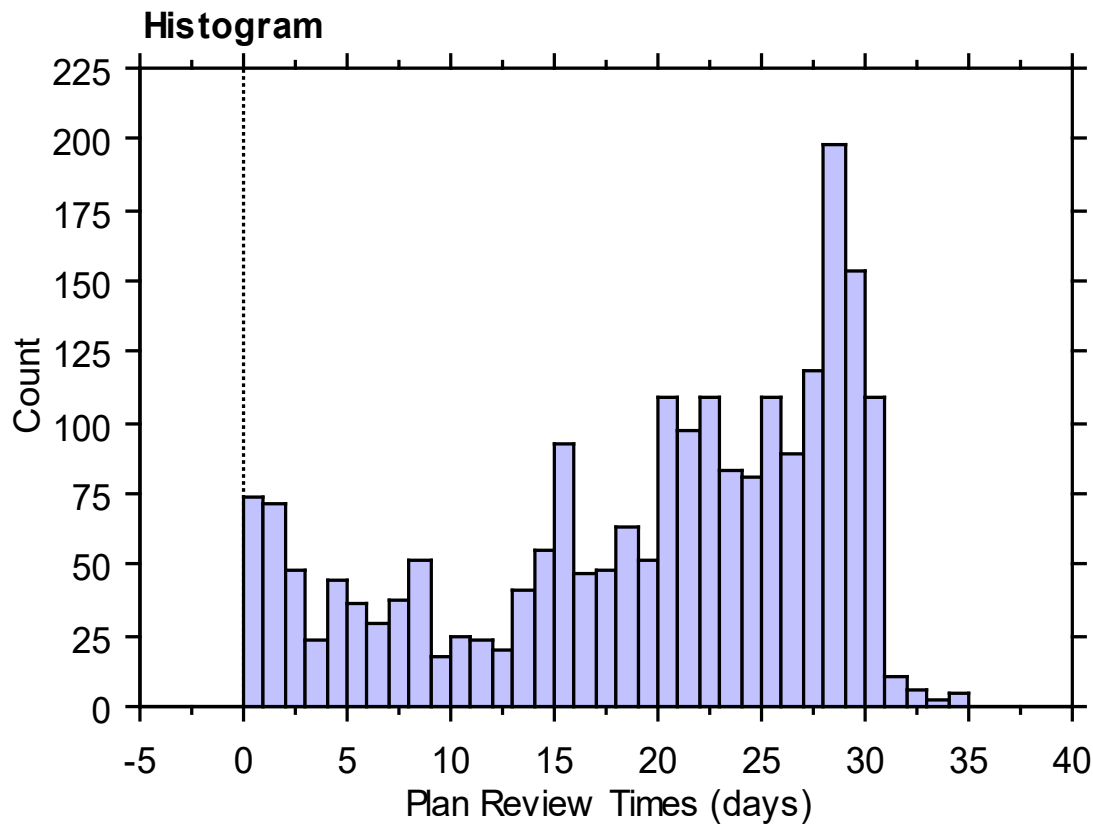
DEMLR is actively conducting quarterly audits of plan review times.

An audit of the 2018 and 2019 plan review data confirmed that 99% of new sediment plans are reviewed within the statutory time limit of 30 days.

In addition, the DEMLR internal goal of 25 days or less is met 73% of the time.



Sediment Control Plan Review Target (days)



Percentiles

	Plan Review Times (days)
10	4.000
25	14.000
50	21.000
75	27.000
90	29.000

The intervals specified do not contain the entire range of the data.

Risk-based Inspections

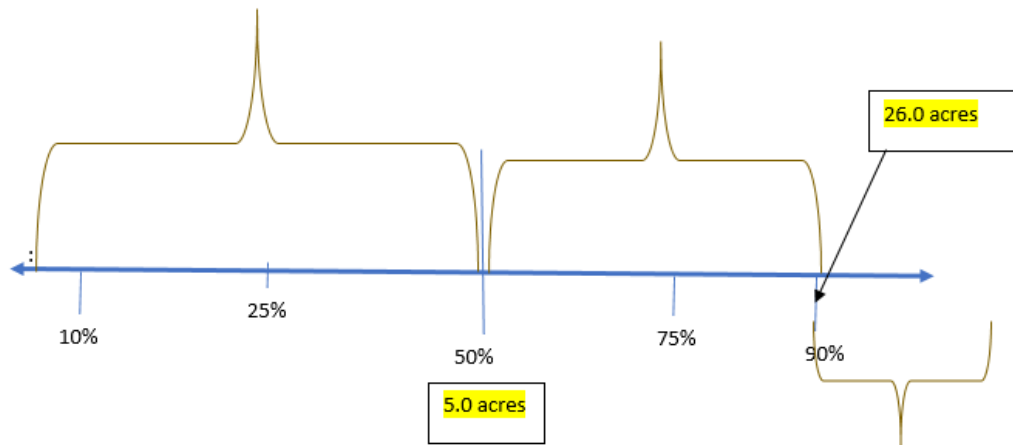
- ▶ **Risk Based Inspection.** DEMLR has developed an initial method to target risk-based inspections. This initial approach enables DEMLR to collect valuable data. The intent is to help assess and identify projects that exhibit the greatest risk to the environment and private property.
 - ▶ Total disturbed area for 2018 was 28,023 acres. This represents a total of 2,189 projects. The average site is 12.8 acres and the median site is 4.12 acres.
 - ▶ DEMLR has implemented a statistical analysis program which separates new sediment and erosion control projects into three distinct categories:
 - 0 acres to 5 acres of disturbed area.
 - Greater than 5 acres to 25 acres of disturbed area.
 - Greater than 25 acres of disturbed area.

Percentiles

	Total Disturbed Acres
10	1.000
25	1.970
50	4.120
75	11.688
90	26.980



Assignments: Inspect 25% from each portion of the distribution per quarter.



Percentiles

	Total Disturbed Acres
10	1.000
25	1.970
50	4.120
75	11.688
90	26.980

- The DEMLR Regional Supervisor assigns and distributes inspections to staff on quarterly schedule.
- DEMLR Staff work through assignment lists each quarter. During this process, DEMLR staff conduct inspections, produce inspection reports and issue NOVs and Civil Penalty Assessment recommendations.
- At the end of a quarter, the Regional Supervisor and staff meet to receive new assignments. Inspection results from prior quarters are reviewed. The goal is to ensure that a compliance strategy which identifies deficient sties is continuously being developed.



Database Management and Inspection Assignments

- ▶ **Database tracker.** DEMLR has developed a reporting tool that addresses the need for reporting 25-day plan review goals and risk-based inspections. (In use while we are developing Dynamic CRM).
- ▶ **Regional Office Inspection expectations.**

Statewide Inspection Performance Standards have been developed for the Sediment and Erosion Control and Construction Stormwater Permits (NCG010000). Each Regional Office has been assigned minimum quarterly inspection expectations for both programs. The Regional Office inspection assignment benchmarks are used to monitor DEMLR's statewide performance expectations.

Local Program Delegation Requests

- ▶ Local Program Delegation Requests: Working with the Sediment Control Commission (SCC) Subcommittee, DEMLR staff have developed a new formalized review request process to assist local governments. We have developed a systematic way of updating the SCC on the status of current reviews. In addition, we have developed internal presentation guidelines to better communicate staff review findings to the SCC. (This information is intended to be provided as an information item during the next commission meeting.)
- ▶ Delegated Program Ordinance Updates: Staff are currently developing a systematic approach to ensure Local Program ordinances mirror the current requirements. (This process will be an information item for the next commission meeting.)

The Program Evaluation Division and Sediment Program Report

- ▶ The General Assembly's Program Evaluation Division (PED) reviewed the effectiveness and efficiency of the State Erosion and Sediment Control (E&SC) program. PED concluded that no duplication exists between the E&SC program and the National Pollution Discharge Elimination System (NPDES) program. This report was issued on January 29, 2019 (Ref. Report #2019-01).
- ▶ However, the PED report did express concerns with the following: (1) The frequency of Local Program reviews, Local Program reporting requirements, and the need to update Local Program MOAs, (2) The investigation of the DEMLR internal 25-day plan review period, (3) The assignments to meet statewide program goals, (4) Modernization of the existing database management system, (5) S&EC rule re-adoption, and (6) Risk-based inspections efforts.
- ▶ This presentation has illustrated to the SCC that the items identified in PED's report have been and will continue to be addressed. Going forward, the implementation of the PED recommendations will enable DEMLR to modernize program reporting, prioritize inspections based on risk, improve delegated programs oversight, and work towards making the plan review process more efficient.