

**RESOLUTION REGARDING QUALIFIED INSPECTION PERSONNEL FOR
NORTH CAROLINA CONSTRUCTION ACTIVITIES FOR EROSION AND SEDIMENTATION
CONTROL**

WHEREAS, sediment runoff degrades land resources, and sediment is a pollutant of concern for waters of the state that can adversely impact aquatic habitat; and

WHEREAS, the North Carolina General Assembly enacted the Sedimentation Control Pollution Act (SPCA) to preserve land resources and protect water quality from potentially adverse impacts associated with land-disturbing activities, and

WHEREAS, the operation and performance of erosion and sedimentation control measures must be inspected on a routine basis to ensure that the maintenance of the measures are being performed so that the measures continue to perform as planned and designed; and

WHEREAS, the SPCA currently has no education or training requirements for personnel assigned to conduct inspections of erosion and sedimentation control measures; and

WHEREAS, establishing minimum education or training requirements for inspection personnel would result in improved operation and performance of erosion and sedimentation control measures, which would preserve land resources and protect water quality; and

WHEREAS, the North Carolina Sedimentation Control Commission is charged with developing and adopting rules and regulations for the control of erosion and sedimentation resulting from land disturbing activities.

THEREFORE, BE IT RESOLVED that the Sedimentation Control Commission recommends that the North Carolina General Assembly investigate and consider enacting statutory authority requiring qualified personnel for the inspection of erosion and sedimentation control measures.

ADOPTED this the 12th day of November 2009, by the North Carolina Sedimentation Control Commission.

Donnie Brewer, PE
Chairman
Sedimentation Control Commission

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, even if a delegated local erosion and sedimentation control programs requires plan approval for 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.

DRAFT
(for consideration by SCC 11-12-2009)

November 2, 2009

Requirements and Associated Costs for Certifications

Descriptions excerpted from *Stormwater: The Journal for Surface Water Quality Professionals*, May 2009, The Ins and Outs of Certification Programs by Shirley D. Morrow

CPESC. The Certified Professional in Erosion and Sediment Control (CPESC) certification has been around the longest and is recognized in some state and municipal permits. A six-hour class is offered that may help you prepare for the exam, but the class is not mandatory. To become certified, you must meet the eligibility requirements in education, experience, and knowledge base. You must provide references who are aware of your knowledge in the industry. You must fill out an application, pay a fee, and be approved to sit for the exam. The exam is in two parts and should take approximately five hours to complete. You must pass both parts of the exam with a score of at least 70% in order to become certified. After you are certified, you must pay annual dues and show a certain amount of continuing education credits throughout the life of your certification. As a CPESC, you must adhere to a code of ethics.

Application Fee - \$200
Renewal Fee - \$100/year

CPSWQ. For the Certified Professional in Storm Water Quality (CPSWQ) certification, there is also a six-hour class you may take to help prepare you for the exam, but the class is not mandatory. As with the CPESC certification, to become certified, you must meet the eligibility requirements in education, experience, and knowledge base, and you must provide references who are aware of your knowledge in the industry. You must fill out an application, pay a fee, and be approved to sit for the exam. The exam should take approximately five hours to complete, and you must pass the exam with a score of at least 70% in order to become certified. After you are certified, you must pay annual dues and show a certain amount of continuing education credits throughout the life of your certification. You must adhere to the CPSWQ code of ethics.

Application Fee - \$200
Renewal Fee - \$100/year

CESSWI. The Certified Erosion, Sediment and Stormwater Inspector (CESSWI) certification, also offered through EnviroCert International, also has a six-hour, non-mandatory class you may take to help prepare you for the exam. To become certified you must meet the eligibility requirements in education, experience, and knowledge base, and you must provide references who know of your knowledge in the industry. You must fill out an application, pay a fee, and be approved to sit for the exam. The CESSWI exam should take approximately four hours to complete, and you must pass both parts of the exam with a score of at least 70% in order to become certified. As with the CPESC and CPSWQ certifications, after you are certified, you must pay annual dues and show a certain amount of continuing education credits throughout the life of your certification. You must also adhere to the CESSWI code of ethics.

Application Fee - \$150
Renewal Fee - \$75/year

CISEC. The Certified Inspector of Sediment and Erosion Control (CISEC) certification was developed by the board of CISEC Inc., a nonprofit organization formed to provide a nationwide inspector certification program. To become certified, you must fill out an application that describes your education, experience, and knowledge of the industry. You must provide references who are aware of your knowledge in the industry. You must pay a fee and be approved to sit for the exam. There is a class you can take that may help you prepare for the exam, but it is not mandatory. The class lasts from one to one-and-a-half days, depending where it is taught. The exam takes from two to four hours to complete, and you must pass with a score of at least 75% to obtain the certification. After you become certified, you must pay annual dues and demonstrate 12 hours of continuing education each year to maintain the certification. You must also adhere to the CISEC code of ethics.

Certification Exam Fee - \$350
Renewal Fee - \$35/year

Erosion & Sediment Control/Stormwater Certification for NCDOT Workshops (3 year certifications)

Level I: Erosion and Sediment Control/Stormwater Inspector/Installer

This level includes accountability for reading and following E&SC plans, installing BMPs correctly, understanding the purpose of BMPs, and recognizing and reporting observed problems.

\$125 early registration
\$150 late registration
\$75 recertification/3 year

Level II: Erosion and Sediment Control/Stormwater Site Management

This level includes accountability for understanding E&SC/stormwater techniques, ensuring E&SC/SW plan is implemented properly, reporting observed problems, highlighting potential problem areas, and record keeping.

\$125 early registration
\$150 late registration
\$75 recertification/3year

DRAFT
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