

**Item Title:** Memorandum of Agreement between Wake County and the North Carolina Sedimentation Control Commission

**Specific Action Requested:**

**That the Board of Commissioners authorizes the County Manager to execute the Memorandum of Agreement between Wake County and the North Carolina Sedimentation Control Commission subject to terms and conditions acceptable to the County Attorney.**

**Item Summary:**

**Purpose:** The Board of Commissioners must approve the delegated authority granted by the State for administration of the County's erosion and sediment control program.

**Background:** Wake County operates a State-delegated erosion and sediment control program that aims to prevent sediment from leaving a construction site and contaminating Wake County's natural environment. This is accomplished by enforcing state and local erosion prevention regulations and by working with developers, builders and landowners in Wake County. Wake County manages erosion and sediment control for all unincorporated areas of the County and the following municipalities: Garner, Morrisville, Rolesville, Wendell and Zebulon.

The authority to administer and enforce the program is granted by the State Sedimentation Control Commission. This arrangement was last formalized in an agreement with the State in 2013. The NC Department of Environmental Quality is requesting an update to this agreement.

**Strategic Plan:** This action aligns with the Board of Commissioners' land use and development regulatory authority under North Carolina General Statutes and does not relate to a specific Strategic Plan goal or initiative.

**Fiscal Impact:** No fiscal impact.

**Additional Information:**

The Sediment Pollution Control Act (SPCA) of 1973 is a performance-oriented law. It was created to prevent pollution by sedimentation while still allowing development within our state. The SPCA is the enabling legislation that gives authority to the State's Sedimentation Control Commission (SCC) and the Land Quality Section (LQS) - Erosion and Sediment Control (E&SC) Program. Pursuant to state law, local jurisdictions may operate their own erosion control program. The current agreement between Wake County

and the State was executed in 2013. The State is requesting the agreement be updated to capture various changes.

Proposed changes to the agreement have no impact on our current ordinance or the process in which the County administers the program. It also has no impact on current development permit applications. The changes include clarification of roles and responsibilities between the parties; process and requirements when a local program is terminated; and language addressing term/renewal of the agreement.

**Attachments:**

1. Memorandum of Agreement