

In the year 2000, Jackson County was granted permission from the North Carolina Sedimentation Control Commission to operate a Delegated Local Program to enforce the provisions of the Sedimentation and Pollution Control Act within the boundaries of Jackson County. Jackson County has continued to operate the Delegated Local Program under an official Memorandum of Agreement with the North Carolina Sedimentation Control Commission. (Hereinafter referred to as the "Commission.")

Jackson County has continued to expand its Delegated Local program with additional staffing and training activities. Our local program has been recognized by DEQ staff as one of the strongest programs in the western part of the state if not the entire state. We have the expertise and capability to supervise large projects within our county by making site visits and inspections on a weekly if not daily basis. The regional office of the Commission is an hour and a half drive away. Their staffing levels do not allow them to make site visits and inspections on nearly as frequent a basis for large projects.

Appendix "L" of the Memorandum of Agreement between Jackson County and the Commission references the Sedimentation and Pollution Control Act to define the enforcement jurisdiction of the Commission. G.S. 113A-56(a) referenced within this Appendix states: "The Commission shall have jurisdiction, to the exclusion of local governments, to adopt rules concerning land disturbing activities that are:

- (1) Conducted by the state.
- (2) Conducted by the United States.
- (3) Conducted by persons having the power of eminent domain other than a local government.
- (4) Conducted by a local government.
- (5) Funded in whole or in part by the State or the United States."

G.S. 113-56(b) states: "The Commission may delegate the jurisdiction conferred by G.S. 113A-56(a), in whole or in part, to any other state agency..."

Due to the large number of state projects and public/private partnership projects within our county recently, and the inability of the regional office of the Commission to provide adequate on-site supervision of these projects, Jackson County would like to request that the statute be amended to allow the Commission to delegate the jurisdiction of enforcement of the Sedimentation and Pollution Control Act and associated rules for these state projects and state funded projects to the Jackson County Delegated Local Program Staff.