

Mandatory Evaluation Components

Report 2019-01: Opportunities Exist to Improve the Erosion and Sedimentation Control Program and Recover \$1.7 Million in Annual Costs

N.C. Gen. § 120-36.14 requires the Program Evaluation Division to include certain components in each of its evaluation reports, unless exempted by the Joint Legislative Program Evaluation Oversight Committee. The table below fulfills this requirement and, when applicable, provides a reference to the page number(s) where the component is discussed in the report.

N.C. Gen. § 120-36.14 Specific Provision	Component	Program Evaluation Division Determination	Report Page
(b)(1)	Findings concerning the merits of the program or activity based on whether the program or activity		
(b)(1)(a)	Is efficient	<p>The State's Erosion and Sedimentation Control program is inefficient because regional office performance was variable and often fell short of total statewide performance. In Fiscal Year 2017–18:</p> <ul style="list-style-type: none"> • 4 of 7 regional offices reported higher cost per approved erosion and sedimentation control plan compared to total statewide performance (\$841.49); • 4 of 7 regional offices did not meet erosion and sedimentation control approval rates compared to total statewide performance (88.4%); • 2 of 7 regional offices decreased the amount of time spent on erosion and sedimentation control plan review and approval per employee per week, and 3 of 7 did not experience the same level of workload growth as was experienced statewide (12.4%); and • 7 of 7 regional offices decreased the amount of time spent on monitoring and compliance per employee, and 4 of 7 experienced a greater decline than the total statewide workload decline (31%). 	21, 23, 27
(b)(1)(b)	Is effective	<p>The Erosion and Sedimentation Control program meets two performance target, but most other internal outcomes monitored by the program are not being met. In Fiscal Year 2017–18:</p> <ul style="list-style-type: none"> • 7 of 7 regional offices processed most erosion and sedimentation control plans within 30 days of receipt and total statewide performance was 99.6%; and 7 of 7 regional office processed most revised plans within 15 days; and total statewide performance was 99.4%. However, high target attainment suggests the need for target revision to stretch performance; • 4 of 7 regional offices performed fewer pre-application meetings per submitted erosion and sedimentation control plan compared to total statewide performance (0.6); • 0 of 7 regional offices inspected all approved sites once per month and total statewide performance in attaining this target was only 55%; and 	17, 22, 24, 26

		<ul style="list-style-type: none"> • 26 of 54 delegated local programs have not undergone review in the last two years and the State is not performing oversight. 	
(b)(1)(c)	Aligns with entity mission	The mission of the Erosion and Sedimentation program is to allow development in North Carolina while preventing pollution from sedimentation. This mission aligns with the Department of Environmental Quality's mission to provide science-based environmental stewardship for the health and prosperity of all North Carolinians.	6
(b)(1)(d)	Operates in accordance with law	The Erosion and Sedimentation Control program operates in accordance with the Sedimentation Pollution Control Act of 1973 and reports to the U.S. Department of Environmental Protection (EPA) on program operations. The EPA provides continual review of the State's performance on the implementation of the Clean Water Act.	11-16
(b)(1)(e)	Does not duplicate another program or activity	The Program Evaluation Division found that no duplication exists ; the State's Erosion and Sedimentation Program satisfies federal requirements that North Carolina must meet in delegation the State received from the EPA to implement the National Pollution Discharge Elimination System program.	11-16
(b)(1a)	Quantitative indicators used to determine whether the program or activity		
(b)(1a)(a)	Is efficient	The Program Evaluation Division determined efficiency of the State Erosion and Sedimentation Control program based on statutorily-created and internally established performance targets : <ul style="list-style-type: none"> • cost per approved erosion and sedimentation control plan by regional office and statewide, • erosion and sedimentation control plan approval rates by regional office and statewide, • erosion and sedimentation control plan review and approval workload per employee per week by regional office and statewide, and • monitoring and compliance workload per employee per week by regional office and statewide. 	21, 23, 27
(b)(1a)(b)	Is effective	The Program Evaluation Division determined effectiveness of the State Erosion and Sedimentation Control program based on statutorily-created and internally established performance targets : <ul style="list-style-type: none"> • erosion and sedimentation plan review and approval process within 30 and 15 days of receipt by regional office and statewide, • ratio of pre-application meetings to the number of plans submitted by regional office and statewide, • percentage of site inspections of approved sites performed once per month by regional office and statewide, and • delegated local program review performed once every two years by the Raleigh Central Office. 	17, 22, 24, 26
(b)(1b)	Cost of the program or activity broken out by activities performed	In Fiscal Year 2017–18, total expenditures for the Erosion and Sedimentation Control program were \$2.98 million. Those expenditures break down as follows: <ul style="list-style-type: none"> • plan review and approval = \$1,791,580 (60%) • monitoring and compliance = \$803,476 (27%) • technical support and outreach = \$384,944 (13%) The Program Evaluation Division performed further cost analysis on plan review and approval activities.	8-10, 23

(b)(2)	Recommendations for making the program or activity more efficient or effective	<p>To improve the effectiveness and efficiency of the Erosion and Sedimentation Control program, Recommendations 1 through 6 state the General Assembly should do the following:</p> <ul style="list-style-type: none"> • amend state law to outline reporting requirements for delegated local programs and program review frequency; • direct the Sedimentation Control Commission to amend agreements with delegated local programs and develop administrative rules for the use of a risk-based approach for performing inspections; and • direct the Department of Environmental Quality's Division of Energy, Mineral and Land Resources to follow inspections policies and coordinate with the regulated community for the performance of inspections; develop policies and procedures for regularly performing oversight of delegated local programs; amend current policies on the use of risk-factors; enforce reporting; collect data on delegated local programs; and strengthen the collection, maintenance, and monitoring of valid and reliable program data to be used for performance management. 	37-40
(b)(2a)	Recommendations for eliminating any duplication	The Program Evaluation Division did not find evidence of duplication between the State's Erosion and Sedimentation Control program and the federal National Pollution Discharge Elimination System program.	11-16
(b)(4)	Estimated costs or savings from implementing recommendations	Recommendation 5 states the General Assembly should amend state law to increase sedimentation fees based on per acre of disturbed land to fully support the cost of program operations. Increasing the current \$65 per disturbed acre to \$125 per disturbed acre should allow the Erosion and Sedimentation Control program to be self-sufficient and could save an estimated \$1.7 million in annual appropriations.	29-33, 39-40