

SEDIMENTS

State of North Carolina,
Department of Environment & Natural Resources
John E. Skvarla, III, Secretary

Division of Energy, Mineral, and Land Resources
Tracy Davis, Director

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SEDIMENTS is a newsletter published by the North Carolina Sedimentation Control Commission to provide information and assistance to the regulated community and to facilitate communication among personnel of state and local erosion and sedimentation control programs. SEDIMENTS is available in electronic form at:

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DENR Reorganization (adapted from NCDENR news release)



John Skvarla, Secretary of the N.C. Department of Environment and Natural Resources, announced on August 1, 2013

the state agency is consolidating several of its programs to create greater efficiency at protecting water resources in North Carolina.

The divisions of Water Quality and Water Resources merged into one program called the N.C. Division of Water Resources. Merging the divisions will bring together about 484 employees, with more than two-thirds of them from the water quality program. The programs will remain headquartered in the Archdale Building, part of the state government complex in Raleigh. Water quality programs are responsible for ensuring North Carolina's water is clean while water resources programs are responsible for ensuring people have enough water for everyday uses.

All programs in the two divisions are under review to determine those that may be outdated or in need of modification. The consolidation of the two divisions will be a lengthy process that will probably not be finalized until early 2014.

In addition to the consolidation of the two water agencies, the program devoted to stormwater regulation and education will be moved from the N.C. Division of Water Quality to the N.C. Division of Energy, Mineral, and Land Resources, or DEMLR. Under this organization, stormwater programs, including state permits for new construction and coastal development and federal stormwater permits, will move to DEMLR. About 30 stormwater staff members from the central office in Raleigh and regional offices statewide will be reassigned to DEMLR, but their locations and phone numbers will remain the same.



Announcement of Combined Sedimentation/Construction Stormwater Report

Preparation for merging the Stormwater Permitting Unit into the Land Quality Section involved a process of refinement to enhance DENR's public service endeavor. The Water Quality and Land Quality staff collaborated to develop an inspections procedure, which would be more straightforward for the customer. The result was a combined Sedimentation/Construction Stormwater Inspection Report.

The combined report includes violations of the Sedimentation Pollution Control Act and the National Pollutant Discharge Elimination System

(NPDES) Permit NCG010000. The deficiencies and corrective actions for both permits can be specified on one form. The Combined Sedimentation/Construction Stormwater Inspection Report has been implemented by Regional Office staff. The report was developed in an effort to support a collaborative stewardship among the citizens, government regulators, and the business community.

If you have questions, please contact the Land Quality Section at a DENR Regional Office.



Inside This Issue:

LQS Personnel Changes	2
Design Manual Updates	3
May Actions of the Sedimentation Control Commission	3
Aug. Actions of the Sedimentation Control Commission	4
Nov. Actions of the Sedimentation Control Commission	4
2013 Legislative Updates	5
Calendar of Events	6



Mell Nevils socializing with colleagues, during his retirement celebration.

Mell Nevils Retired

Francis “Mell” Nevils came to the Land Quality Section around 1989 where he worked as the State Sediment Specialist for two years. He was later promoted to the Land Quality Section Chief, and served that role until his retirement on June 30, 2013.

Mell completed 24 years of distinguished service to the North Carolina Department of Environment and Natural Resources. He worked tirelessly throughout his career to protect and conserve the State’s natural resources for this and future generations.

Mell provided exemplary leadership throughout his

tenure with the Department of Environment and Natural Resources. He fulfilled his most recent role as Land Quality Section Chief of the Division of Energy, Mineral, and Land Resources with the highest level of professional expertise and competence.

Mell has been a driving force in creating new standards, promoting interagency cooperation, enhancing erosion and sedimentation control education, and encouraging communication at all levels of the Land Quality Section. He was awarded the Order of the Long Leaf Pine by Governor McCrory.



Land Quality Section Personnel Changes



Mell Nevils, Land Quality Section Chief, retired June 30, 2013.

Charles Koontz, Assistant Regional Engineer in the Asheville Regional Office, retired July 31, 2013.

Ashley Rodgers, PE formerly an Assistant Mining Specialist in the Raleigh Central Office is now an

Assistant Regional Engineer in the Raleigh Regional Office.

Gray Hauser, State Sediment Specialist, retires January 31, 2014.



Gray Hauser Retiring



Gray Hauser received a Bachelor of Science from N C State University in Wildlife Biology in 1979. He then received a Master of Science from Virginia Tech in Fisheries and Wildlife Science in 1982. Gray Hauser began work for the former Department of Natural Resources and Community Development in 1978 as a season naturalist at Cliffs of the Neuse State Park, where he worked for four summers. He became a permanent employee in 1984 with the Division of Environmental Management, Water Quality Section, Winston-Salem Regional Office. He was recognized by the Department for Outstanding Service in 1987. Following his time in Water Quality, he worked in the Elizabeth City District Office of the Division of Coastal Management in 1989. He joined the Land

Quality Section, Winston-Salem Regional Office in November, 1989 as an Environmental Technician V. Following course work at NC A&T State University in engineering, he was certified by examination as an Engineering Intern in 1999, and was promoted to Assistant Regional Engineer the same year. He was licensed as a Professional Engineer in 2002. Gray was promoted to State Sedimentation Specialist in 2003. Major projects during the last 10 years include three sets of revisions to the Erosion and Sediment Control Planning and Design Manual, the Sediment Employee Handbook, and the IBEAM on-line data management system for the Sediment program. He retires in 2014 with 30 years of service.



Gray Hauser will retire from the Land Quality Section, effective January 31, 2014.

Announcement of Design Manual Updates

The Sedimentation Pollution Control Act of 1973 established a statewide program to control soil erosion and sedimentation. The Act sets basic performance standards backed by rules and regulations. The law and rules require land developers to prepare an erosion and sedimentation control plan, and employ appropriate measures to meet the performance standards.

The North Carolina Erosion and Sedimentation Control Planning and Design Manual was developed to satisfy educational requirements of the Act. The manual contains valuable information in the control of erosion and sedimentation from land-disturbing activities. It is intended to be used as a reference in the construction of erosion and sedimentation control measures and devices.

The manual was first introduced in 1988 and has proven to be a valuable tool in the implementation of erosion and sediment control plans. Over the course of time it has become necessary to make some revisions and additions to the manual. The latest revisions (May 2013) were developed to allow additional design options, and to comply with changes to permit requirements. Recent updates include the following practice standards:

NEW	REVISED
6.18 Compost Blankets	6.61 Sediment Basin
6.24 Riparian Area Seeding	6.62 Sediment Fence
6.66 Compost Sock	6.64 Skimmer Sed. Basin
	6.65 Porous Baffles
	8.07 Sediment Basin Design

Please download the new and revised Practice Standards and Specifications for use in preparing erosion and sedimentation control plans: <http://portal.ncdenr.org/web/lr/erosion>. If you print paper copies, please insert the new pages at the appropriate locations in your *Design Manual* and remove the old pages that have been replaced.

If you have questions, please contact the Land Quality Section at a DENR Regional Office.



NC Sedimentation Control Commission: May Actions

At its meeting on May 16, 2013, the NC Sedimentation Control Commission (SCC) took the following actions:

Francis “Mell” Nevils Retirement

The SCC passed a resolution and presented a certificate of appreciation to Mell Nevils for his many years of contributions. The SCC also congratulated him on his retirement.

Delegated Local Programs

- Haywood County: Approved the continuation of Local Delegation.
- Henderson County: Approved the continuation of Local Delegation.
- Mecklenburg County: Approved the continuation of Local Delegation.
- City of Henderson: Approved the continuation of Local Delegation.
- City of Newton: Approved the continuation of Local Delegation.

Note: All Local Delegations approved were also contingent upon following the LQS recommendations to continue to check for self-inspection records on site, provide the new combined self-inspection form for approved erosion control plans, and document when slopes have been graded or areas are left idle in the comments section of inspection reports to establish a timeframe for ground cover.

Memorandum of Agreements (MOA) with Local Programs

The new MOA was approved by the SCC in May 2011 and is to be adopted by each local program and submitted for approval by the SCC.

http://portal.ncdenr.org/c/document_library/get_file?uuid=e04f02e5-6d80-4cc6-abe9-aa6a6d5775fd&groupId=38334

- City of Rocky Mount: Approved the MOA submitted to the SCC.

Amendment to Local Program Ordinance

Pitt County: Approved the submitted amendments for the Erosion Control Ordinance. Three major changes were made: 1) amended sections to reflect the change in name of the Division of Land Resources to the Division of Energy, Mineral, and Land Resources; 2) to specify ground-cover requirements of 21 days on slopes (similar to Sedimentation Pollution Control Act); and to 3) include requirement for self-inspections (similar to the NC Administrative Code).

Education Projects:

- Approved the proposal, contingent upon funding, for WRRRI to support the NC Sediment Control Commission (SCC) and the Department of Environment and Natural Resources (DENR) Division of Energy, Mineral, and Land Resources (DEMLR) Land Quality Section staff by providing assistance in the continuation of workshops for design professionals. Four one day workshops will be conducted at strategic locations across the state to allow for broader geographical coverage and targeting of audiences (\$49,514).
- Approved the proposal, contingent upon funding, for WRRRI to continue support for the annual workshop and awards dinner for local programs, including meeting facility and attendee travel (\$70,235).
- Approved the proposal, contingent upon funding, for NC State to continue the electronic production of two *Sediments* newsletters (\$17,020).



NC Sedimentation Control Commission: August Actions

At its meeting on August 15, 2013, the NC

SCC 2014 Meeting Dates

10am, Ground Floor Hearing Room, Archdale Building

- Thursday, February 20
- Thursday, May 15
- Thursday, August 21
- Thursday, November 20

New SCC Member

Mr. Charles W. Hughes, III, was appointed by Governor Pat McCrory to fill the role of a representative of the Soil and Water Conservation Commission on the SCC. He became a member of the SCC in August 2013. He is the Supervisor of the Lenoir Soil and Water Conservation District.

Sedimentation Control Commission (SCC) took the following actions:

Delegated Local Programs

- Macon County: Approved the continuation of Local Delegation.
- Town of Highlands: Approved the continuation of Local Delegation.
- Town of Nags Head: Approved the continuation of Local Delegation.
- Town of Kitty Hawk: Approved the continuation of Local Delegation.
- Town of Kill Devil Hills: Approved the continuation of Local Delegation.
- Orange County: Approved the continuation of Local Delegation.
- Watauga County: Approved the continuation of Local Delegation.
- Avery County: Approved the continuation of Local Delegation and encouraged issuing a NOV on sites with offsite sediment.
- Town of Boone: Approved the continued review of the local program with the expectation of a report to be presented at the November SCC meeting.

Note: All Local Delegations approved were also contingent upon following the LQS recommendations to continue to check for self-inspection records on site, provide the new combined self-inspection form for approved erosion control plans, and document when slopes have been graded or areas are left idle in the comments section of inspection reports to establish a timeframe for ground cover.

Memorandum of Agreements (MOA) with Local Programs

The new MOA was approved by the SCC in May 2011 and is to be adopted by each local program and submitted for approval by the SCC.

http://portal.ncdenr.org/c/document_library/get_file?uuid=e04f02e5-6d80-4cc6-abe9-aa6a6d5775fd&groupId=38334

- Orange County: Approved the MOA submitted to the SCC.

- Henderson County: Approved the MOA submitted to the SCC.
- The City of Archdale: Approved the MOA submitted to the SCC.
- The City of Jacksonville: Approved the MOA submitted to the SCC.
- The Town of Kill Devil Hills: Approved the MOA submitted to the SCC.



NC Sedimentation Control Commission: November Actions

At its meeting on November 7, 2013, the NC Sedimentation Control Commission (SCC) took the following actions:

Thomas Gray Hauser, Jr. Retirement

The SCC passed a resolution in appreciation to Gray Hauser for his many years of contributions.

Request for Delegation of Local Program

- Approved request from Johnston County for a delegated program

Delegated Local Programs

- NC Department of Transportation (NCDOT): Approved the continued delegation of erosion and sedimentation plan approval. Issues noted and recommendations included: adequate and appropriate sediment control measures must be provided below graded slopes and fills; designs prepared by private engineering firms under contract to NCDOT, or as part of design-build contracts, should be subjected to a detailed and critical review by the Roadside Environmental Unit.
- Town of Wake Forest: Approved the continuation of Local Delegation.
- Village of Whispering Pines: Approved the continuation of Local Delegation.
- Town of Southern Pines: Approved the continuation of Local Delegation.
- Town of Boone: Approved the continua-

tion of Local Delegation contingent upon staff recommendations.

- Town of Rocky Mount: Approved the continuation of Local Delegation contingent upon staff recommendations.

Note: All Local Delegations approved were also contingent upon following the LQS recommendations to continue to check for self-inspection records on site, provide the new combined self-inspection form for approved erosion control plans, and document when slopes have been graded or areas are left idle in the comments section of inspection reports to establish a timeframe for ground cover.

Request by the Town of Columbus

The SCC approved the Town of Columbus and Henderson County interlocal agreement regarding administration of soil erosion and sedimentation control. The Town requested temporary assistance from Henderson County to fulfill inspection requirements, due to a lack of staffing.

Memorandum of Agreements (MOA) with Local Programs

The new MOA was approved by the SCC in May 2011 and is to be adopted by each local program and submitted for approval by the SCC.

http://portal.ncdenr.org/c/document_library/get_file?uuid=e04f02e5-6d80-4cc6-abe9-aa6a6d5775fd&groupId=38334

- Watauga County: Approved the MOA submitted to the SCC.

SCC 2014 Meeting Dates

10am, Ground Floor Hearing Room, Archdale Building

- Thursday, February 20
- Thursday, May 15
- Thursday, August 21
- Thursday, November 20



2013 Legislative Updates

Some laws passed during the 2013 legislative session impact the Division of Energy, Mineral, and Land Resources.

- Senate Bill 76 includes a study portion, which allows the Mining and Energy Commission to investigate the possibility of a coordinated oil and gas permit. This process would include all aspects of the Oil and Gas operation, including the erosion and sedimentation control plan.
- Senate Bill 279 allows the Division and Local Programs to transfer permits to a successor in interests, without the consent of the original permit holder. The Division/Local Programs have no authority to change terms of the permit, but they are allowed to require a revised plan if necessary.
- House Bill 480 requires a fast track permit process for stormwater management systems.
- House Bill 74 includes the following requirements:
 - a. Increases the threshold for fiscal notes from \$500,000 to \$1,000,000.
 - b. Requires a periodic review of existing rules, including an automatic expiration for those not reviewed within 10 years.
 - c. Restricts cities and counties from enacting an ordinance that regulates a field that is also regulated by a state or federal statute enforced by an environmental agency.
 - d. Clarifies the authority of a local government under the SPCA.
 - e. Directs DENR and local governments to study their internal processes for review of applications and plans for approval. Findings will be reported to the Environmental Review Commission for recommended legislative changes.



The North Carolina Sedimentation Control Commission

The Sedimentation Control Commission (SCC) was created to administer the Sedimentation Control Program pursuant to the NC Sedimentation Pollution Control Act of 1973 (SPCA). It is charged with adopting rules, setting standards, and providing guidance for implementation of the Act. The composition of the Commission is set by statute to encompass a broad range of perspectives and expertise in areas related to construction, industry, government, and natural resource conservation and quality. All members are appointed by the Governor and serve three year terms, except for the Director of the Water Resources Research Institute of the University of North Carolina, who serves as long as he remains Director. The chairman of the SCC is named by the Governor. The following is a list of current members with the organizations they represent:

Chair:

Robin K. Smith
Burnsville

Non-governmental Conservation

Commissioners:

Heather E. Jacobs Deck
Washington

Non-governmental Conservation

Tommy C. Anderson

NC League of Municipalities

NC Association of County Commissioners

Joseph E. Glass
Fayetteville

Professional Engineers of NC

Kevin Martin
Franklinton

NC Environmental Management Commission

Rich McLaughlin
Raleigh

NC State University, Dept. of Soil Science

Charlotte A. Mitchell
NC Mining and Energy Commission

Randy Veltri
Charlotte
NC Public Utilities

Jonathan K. Bivens
Goldsboro

Carolinas Associated General Contractors

Susan N. White
Raleigh

Water Resources Research Institute of
The University of North Carolina

Karla Hammer Knotts
Pineville

NC Homebuilders Association

Charles W. Hughes
LaGrange

NC Soil and Water Conservation Commission

Newsletter of the North Carolina Sedimentation Control Commission

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To report possible violations of the
NC Sedimentation Pollution
Control Act, call

1-866-STOPMUD
Comments Hotline

SEDIMENTS is published by the NC Sedimentation Control Commission to provide information and assistance to the regulated community and to facilitate communication among personnel of state and local erosion and sedimentation control programs. Past issues are on the Land Quality Section website: <http://portal.ncdenr.org/web/lr/newsletters>.

Send comments to Evangelyn Lowery-Jacobs, NCDENR-Land Quality, 1612 Mail Service Center, Raleigh, NC 27699-1612. Email: evangelyn.lowery-jacobs@ncdenr.gov.

To receive an email notice of *Sediments* issues, please see page 1 for list service instructions.

Personnel of the Land Quality Section of the NC Department of Environment and Natural Resources provide information and assistance for implementation of the NC Erosion and Sedimentation Control Program. For assistance, please contact the Regional Engineer or the Raleigh headquarters listed:

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Calendar of Events

5/16/2013 Sedimentation Control Commission Meeting,
Ground Floor Hearing Room, Archdale Building,
Raleigh, NC

8/15/2013 Sedimentation Control Commission Meeting,
Ground Floor Hearing Room, Archdale Building,
Raleigh, NC

11/06/2013 Erosion and Sedimentation Control Plan-
ning and Design Workshops, Raleigh, NC

11/7/2013 Sedimentation Control Commission Meeting,
Ground Floor Hearing Room, Archdale Building,
Raleigh, NC

12/12/2013 Erosion and Sedimentation Control Plan-
ning and Design Workshops, Hickory, NC

2/04 - 2/05/2014 Annual Local Programs Erosion and
Sedimentation Control Workshop, New Bern, NC

2/18 - 2/19/2014 Stormwater BMP Inspection and
Maintenance Certification, Fayetteville, NC
<http://www.bae.ncsu.edu/topic/bmp-im/>

2/20/2014 Sedimentation Control Commission Meeting,
Ground Floor Hearing Room, Archdale Building,
Raleigh, NC

3/03/2014 Erosion and Sedimentation Control Planning
and Design Workshop, Raleigh, NC

4/03/2014 Erosion and Sedimentation Control Planning
and Design Workshop, Hickory, NC

5/15/2014 Sedimentation Control Commission Meeting,
Ground Floor Hearing Room, Archdale Building,
Raleigh, NC

8/21/2014 Sedimentation Control Commission Meeting,
Ground Floor Hearing Room, Archdale Building,
Raleigh, NC

11/20/2014 Sedimentation Control Commission Meet-
ing, Ground Floor Hearing Room, Archdale Building,
Raleigh, NC