

**MINUTES**  
**NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION**  
**AUGUST 20, 2009 MEETING**  
**GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING**  
**RALEIGH, NORTH CAROLINA**

The North Carolina Sedimentation Control Commission met on August 20, 2009 at 10:00 a.m. in the Ground Floor Hearing Room, Raleigh, North Carolina. The following persons were in attendance for all or part of the meeting:

**COMMISSION MEMBERS**

Mr. Donnie Brewer, Chair  
Mr. Richard Vick  
Ms. Elaine Chiosso  
Mr. William "Buzz" Bryson  
Mr. Joe Glass  
Dr. Joseph Kleiss, Vice Chair  
Dr. Bill Miller  
Mr. Robert Weintraub  
Mr. Grover McPherson  
Mr. Tommy Esqueda  
Ms. Robin Smith  
Dr. Michael Voiland

**OTHERS**

Mr. Jim Simons, Director, Division of Land Resources  
Mr. Gray Hauser, State Sedimentation Specialist, Land Quality Section  
Ms. Stephanie Lane, Administrative Secretary  
Mr. Mell Nevils, Section Chief, Land Quality Section  
Mr. Tracy Davis, Chief Engineer, Land Quality Section  
Mr. Gowon Goode, Assistant State Sedimentation Specialist, Land Quality Section  
Ms. Jana Vo, Sedimentation Education Specialist, Land Quality Section  
Mr. Frank Crawley, Assistant Attorney General  
Mr. Ted Sherrod, NCDOT  
Mr. Brian O. Sullivan, City of High Point  
Ms. Erin Wynia, NC League of Municipalities  
Ms. Melanie McCaleb, NCSU  
Dr. Jean Spooner, NCSU  
Ms. Kelly Porter, WRRRI  
Mr. Scott Ford, City of High point  
Mr. Ron Smith, Iredell County  
Mr. Kenny S. Llywelyn, Iredell County  
Ms. Amy Simes, DENR  
Mr. Bradley Bennett, DWQ  
Mr. Matt Matthews, DWQ

Mr. John Payne, Assistant Attorney General  
Mr. Ryan Whitson, Polk County  
Ms. Cathy Ruth, Polk County  
Ms. Cindy Walker, Polk County  
Mr. Rufus Allen, Assistant Attorney General  
Mr. Kirk Stafford, Town of Cary

### **PRELIMINARY MATTERS**

Mr. Brewer called the meeting to order and read Executive Order No. 1.

Mr. Esqueda recused himself from Action Item II, B, Local Program Review pertaining to the Wake County delegated program.

Those in attendance introduced themselves.

Mr. Brewer welcomed Mr. Joseph Glass and Dr. Michael Voiland, two new members to the Sedimentation Control Commission.

### **Approval of August 20, 2009 Minutes**

Mr. Brewer called for approval of the minutes for the May 21, 2009 meeting. The motion to waive the reading and approve the minutes was made by Mr. Bryson. Dr. Kleiss seconded the motion, and it carried unanimously.

### **ACTION ITEMS**

#### **Request for Local Program Delegation from Polk County - Mr. Gray Hauser**

A request by Polk County for a delegated program was presented by Mr. Hauser. Polk County passed a local Soil Erosion and Sedimentation Control ordinance and has agreed to make a few minor changes recommended by LQS staff. Polk County is seeking to enter into agreement with Henderson County to provide the staff to run their local program with a number of details yet to be worked out. Mr. Nevils stated that staff recommends approval of the delegation with the condition that Polk County and Henderson County work out all the necessary details and submit their plan for staff review and approval before their program begins. After some discussion, Mr. Glass made a motion to postpone the decision until the next regularly scheduled Commission meeting. Dr. Kleiss second the motion, and it carried unanimously.

## **Local Program Reviews - Mr. Gowon Goode**

Mr. Goode reported on the reviews of the Wake County, Gaston County, Village of Whispering Pines, Town of Southern Pines, City of Rocky Mount and Pitt County delegated programs.

Mr. Esqueda recused himself from any action pertaining to the Wake County Local Program review.

### **Wake County**

Mr. Goode reported on the review of the Wake County delegated program. The County's local program was reviewed on May 13, 2009. Currently a staff of eight contributes eight full time equivalents to erosion and sediment control and stormwater in Wake County. The County has 352 active projects. In the previous year, the staff had approved 91 projects, disapproved 92 plan submittals and conducted approximately 6,389 inspections. Ten Civil Penalties were assessed and no Stop Work Orders were issued.

Five projects were evaluated. The sedimentation and erosion control plan for each of the sites was adequate. Several problems were noted on three of the five sites.

General documentation of plan reviews was good. The County tracks inspections on a mainframe electronic computer database. The inspectors have the ability to access this mainframe while in the field through the use of wireless air cards. The inspectors make comments about field conditions that are seen on the day of inspection and make notes of corrective actions that need to be taken to keep the site in compliance. Follow-up is usually through phone communication.

Staff recommended continued delegation of the program with the condition that written inspection reports be completed when violations are observed. Mr. Bryson moved to accept the staff's recommendations to continue delegation to Wake County. Dr. Miller seconded the motion, and it carried unanimously.

### **Gaston County**

Mr. Goode reported on the review of the Gaston County delegated program. The County's local program was reviewed on May 20, 2009. A staff of four contributes 3.7 full-time equivalents to erosion and sediment control. There are currently 140 active projects. Last year the staff approved 71 new projects and conducted approximately 1,230 inspections.

Five projects were evaluated. Three projects were found to be noncompliant with the local ordinance and SPCA as noted in recent inspection reports by the County.

Documentations of plan reviews, inspections and enforcement actions were good. Staff

recommended continued delegation of the program. Mr. McPherson made a motion to continue delegation of the Gaston County program. Mr. Vick seconded the motion. Ms. Chiosso moved to amend the motion to continue delegation stipulating that staff perform a follow-up review and come back with a recommendation at the February 2010 commission meeting. Mr. Glass seconded the motion. A vote was made on the amended motion and it failed. Mr. Bryson made a motion to approve continued delegation of the Gaston County program. Mr. Vick seconded the motion and it passed with Ms. Chiosso opposing.

### **Village of Whispering Pines**

Mr. Goode reported on the review of the delegated program of the Village of Whispering Pines. The local program review was conducted on June 23, 2009. The program currently has a staff of two dedicated to sediment and erosion control. The local program is new and has been working on the transition of accepting projects from the Fayetteville Regional Office as of March 2009. The staff has approved ten projects. Since March the staff has conducted eighteen inspections and three of the ten projects were noncompliant. To date there have been no Notices of Violations or Stop Work Orders issued and no Civil Penalties assessed. The Village of Whispering Pines Local Program issues a notice of noncompliance to noncompliant sites.

Three projects were evaluated. The sedimentation and erosion control plan for each of the sites was adequate. One site was noncompliant with the SPCA and the two other sites had minor maintenance issues. General documentation was adequate.

Staff recommended continued delegation of the program. Mr. Weintraub made a motion to continued delegation. Ms. Chiosso seconded the motion, and it was carried unanimously.

### **Town of Southern Pines**

Mr. Goode reported on the review of the delegated program of the Town of Southern Pines. The Town's local program was reviewed on June 25, 2009. The Town currently has a staff of three dedicated to sediment and erosion control. The staff has approved 6 projects and conducted 448 inspections. There were 25 active projects at the time of the review. No Notices of Violations, Civil Penalties or Stop Work Orders had been issued. The Town of Southern Pines uses notices of noncompliance to get noncompliant sites in compliance.

Four projects were evaluated. The sedimentation and erosion control plans for each of the sites were adequate. Two of the sites were noncompliant with the SPCA. General documentation was adequate.

Staff recommended continued delegation of the program. Dr. Miller made a motion to continue delegation. Dr. Voiland seconded the motion, and it carried unanimously.

## **The City of Rocky Mount**

Mr. Goode reported on the review of the City of Rocky Mount's delegated program. The City of Rocky Mount's program was reviewed on July 15, 2009. A staff of five contributes two full-time equivalents to erosion and sediment control. Currently the program has 7 projects, 6 active and 1 inactive. The staff has approved 11 projects since last year and conducted about 1820 inspections. No Notices of Violation were issued and no Civil Penalties were assessed.

Four projects were evaluated. Three sites were noncompliant with the SPCA. General documentation was good. Plan adequacy was fair. Staff recommends that the review of this program be continued while the Raleigh Regional Office staff work with the local program to require better plans and adequate site inspection and inspection reports. A follow-up review will be presented at the next SCC meeting.

No motion was made for the City of Rocky Mount.

## **Pitt County**

Mr. Goode reported on the review of Pitt County's delegated program. The County's local program was reviewed on July 21, 2009 and has two staff members. There are currently 41 active projects. The staff has approved 21 plans since last year and conducted approximately 1200 inspections. Three Notices of Violation have been issued and no Civil Penalties have been assessed.

Five projects were evaluated. The sedimentation and erosion control plans for the projects reviewed were adequate. One site was found noncompliant with the SPCA. Local program staff will issue a Notice of Violation. Documentation of plan reviews, inspections and enforcement actions were good.

Staff recommended continued program delegation. Ms. Chiosso made a motion to continue delegation. Mr. Bryson seconded the motion, and it carried unanimously.

## **Resolution to Support the Use of Qualified Inspectors for NPDES Self-Monitoring Inspections – Mr. Mell Nevils and Mr. Ted Sherrod**

Mr. Nevils reported on the request to support inclusion of EPA's definition of "Qualified Inspectors" in NPDES General Stormwater Permit for Construction Activities. After considerable discussion, a sub-committee was formed to further study this issue. The sub-committee consisted of Ms. Smith, Mr. Esqueda, Mr. Bryson and Mr. Weintraub. The sub-committee was charged to look at minimum requirements for a qualified inspector and whether this should be taken directly to the legislature or some other path.

No motion was made.

## **Iredell County Expanded Jurisdiction – Mr. Gray Hauser**

Mr. Hauser reported on the request by Iredell County and the Town of Mooresville that the County's delegation include this municipality. The staff recommended adoption of the County's request to expand jurisdiction to the Town of Mooresville.

Mr. McPherson made a motion to grant authority of Iredell County's delegation to include the Town of Mooresville. Dr. Miller seconded the motion, and it was passed unanimously.

## **INFORMATION ITEMS**

**Sediment Program Status Report** - Mr. Nevils provided a report on LQS's current plan approval, inspection, and enforcement activities statewide.

**Land Quality Section Report** - Mr. Nevils provided a report on the current number of vacancies in the Section and other LQS activities and issues. A copy of this report is attached to the original minutes.

**Update on Legislation** – Mr. Simons provided the status of legislative bills affecting the SPCA. A copy of the bills are attached to the original minutes.

**Update on Trout Buffer Waiver Requests** - Mr. Hauser presented an update on the trout buffer waiver requests. A handout was given to the Commission to summarize the progress of these requests and is attached to the original minutes.

**Enforcement Report-** Mr. Payne gave a summary of the Attorney General's enforcement report. A copy of this report is attached to the original minutes.

**Land Quality Section Active Sediment Cases Report** - Mr. Goode reviewed the status of Civil Penalty Assessments. There were no questions. A copy of this report is attached to the original minutes.

**Status NCDOT Report** - Mr. Goode presented the report on NCDOT's Erosion and Sedimentation Control Program with respect to the issuance of ICA's and approval of trout buffer waivers for maintenance projects. There were no questions. A copy of this report is attached to the original minutes.

**Education Program Status Report** - Mr. Hauser presented a report on the past and current projects in the Sediment Education Program. Mr. Hauser also introduced and welcomed the new Sedimentation Education Specialist, Ms. Jana Vo.

**CONCLUSION**

**Remarks by the Director** – Mr. Simons welcomed the two new Commission members and stated he looked forward to working with them. He also reported about the budget cuts and expressed his hopes that no layoffs would be necessary.

**Remarks by the Commission Members** – Mr. Esqueda requested that staff prepare a schedule outlining the Falls Lake Watershed rule-making to present at the next meeting.

**Remarks by the Chairman** - Mr. Brewer thanked the staff for their work and thanked his colleagues. He read a letter from Mr. Ed Gavin and asked the SCC members to respond with a letter of appreciation to Mr. Gavin for the service he has provided to the Commission. He also introduced Mr. Rufus Allen as the new legal counsel.

**Adjournment**

As there was no further business, Chairman Brewer adjourned the meeting.



Stephanie Lane, Recording Secretary



James D. Simons, Director