

Minutes of Special Teleconference meeting of the
North Carolina Sedimentation Control Commission

October 1, 2013
Archdale Building, Fifth Floor Conference Room
Raleigh, North Carolina

The North Carolina Sedimentation Control Commission met in a special session on October 1, 2013 at 10:00 a.m. via teleconference. The following people were in attendance for all or part of the meeting:

Commission Members

Mr. Robin K. Smith (Chair)
Mr. Randy Veltri
Mr. Tommy Anderson
Mr. Rob Weintraub
Mr. Joe Glass
Mr. Johnathan Bivens
Ms. Heather Deck
Mr. Rich McLaughlin
Ms. Charlotte Mitchell

Others

Mr. Toby Vinson, Chief Engineer (Land Quality Section)
Ms. Stephanie Lane (Land Quality Section)
Mr. Shawn Maier, Assistant Attorney General

PRELIMINARY MATTERS

Ms. Smith called the meeting to order and read the Ethics Statement and asked if there were any conflicts of interests. There were none.

Those in attendance via teleconference introduced themselves.

ACTION ITEMS

Resolution of Appreciation -- Chair Robin Smith

Chair Smith stated that the purpose of the specially called meeting was to approve a Resolution of Appreciation for retiring Land Quality Section State Sediment Specialist, Thomas Gray Hauser, Jr. She advised that once the resolution is approved, Mr. Hauser will be presented the resolution on an engraved plaque at his retirement party.

Dr. McLaughlin made a motion, seconded by Mr. Veltri to approve the Resolution of

Appreciation. The vote was unanimous. The approved Resolution is attached to these minutes.

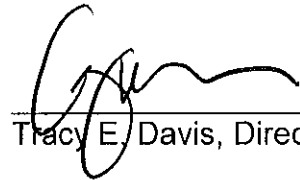
Conclusion

Remarks by the Director -- None
Remarks by the Commission -- None
Remarks by the Chair -- None

Adjournment -- Following discussion regarding Mr. Hauser retirement plans, Mr. Glass made a motion, seconded by Mrs. Deck, to adjourn the meeting. The vote was unanimous.

As there was no further business, Ms. Smith adjourned the meeting at 10:30 a.m.


Stephanie Lane, Recording Secretary


Tracy E. Davis, Director

MINUTES OF SPECIAL TELECONFERENCE MEETING OF THE
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION

October 29, 2013
Archdale Building, Fifth Floor Conference Room
Raleigh, North Carolina

The North Carolina Sedimentation Control Commission met in special session on October 29, 2013 at 3:00 p.m. via teleconference. The following people were in attendance for all or part of the meeting:

COMMISSION MEMBERS

Ms. Robin K. Smith (Chair)
Mr. Jonathan Bivens
Mr. Joe Glass
Mr. Randy Veltri
Ms. Heather Jacobs Deck
Dr. Rich McLaughlin
Mr. Tommy Anderson
Mr. Rob Weintraub

OTHERS

Mr. Tracy Davis, DEMLR Director
Mr. Toby Vinson, Chief Engineer, Land Quality Section
Mr. Matt Poling, Assistant State Sediment Specialist, Land Quality Section
Ms. Evangelyn Lowery-Jacobs, Sediment Education Specialist, Land Quality Section
Mr. Shawn Maier, Assistant Attorney General (via teleconference)

PRELIMINARY MATTERS

Chair Smith called the meeting to order and read the Ethics Statement and asked if there were any conflicts of interest. There were none.

Those in attendance via teleconference introduced themselves.

ACTION ITEMS

Formation of Rules Review Committee -- Chair Robin Smith

Chair Smith stated that the purpose of the specially called meeting was to form a Rules Review Committee of the Sedimentation Control Commission. This action is necessary to satisfy the requirements of Session Law 2013-413 (HB74). Further guidance for the process was recently provided at a meeting of the Rules Review Commission (RRC), which was attended by the Chairperson of various Commission groups. She asked Mr. Maier to briefly discuss the requirements set forth in Session Law 2013-413 (HB74),

which requires review of existing rules, and details of the recent RRC meeting.

Mr. Maier indicated Session Law 2013-413 (HB74) was signed by the Governor after the August meeting of the Sedimentation Control Commission (SCC), thus enacting the rules review process. He provided the following summary of the review process.

The RRC mandated development of a rules review schedule, which should be available in February/March 2014, with an early draft due in fall 2013. The RRC will send a report detailing all active rules to the SCC staff, requiring response within 10 days. Staff will review the report for completeness, and forward to the SCC to undertake the review process.

The RRC meeting clarified items that were not apparent in the statute.

- A waiver has been included for anything adopted/amended within the past 10 years. The waiver will be difficult to obtain. It will not be used for individual rules, but reserved for changes to entire sections of code.

- The SCC will need to categorize each rule as one of the following types:
 - a) Necessary with substantive public interest -- this category will comprise most of the rules.
 - b) Necessary without substantive public interest -- a narrow definition including informational items, which will not be subject to controversy.
 - c) Unnecessary

The RRC anticipates the process will last approximately 4-8 months for each agency to complete. A report including the determinations for each rule will be published on the agency website and Office of Administrative Hearings website for a public comment period of 60 days. The agency will address public comments objecting to the substance of the rule, by providing staff responses referencing the supporting statutes.

The public comments and agency responses will be sent to the RRC for review. Any rules designated by the agency as unnecessary, and receive public comments, may be bumped into the necessary with substantive public interest category by the RRC. The rule may be subject for revision later by the legislature.

The final RRC report will be sent to a joint legislative committee (Administrative Procedure Oversight Committee - APOC), enabling a meeting to be scheduled with the agency within 60 days. The RRC report becomes final, if no agency meeting is scheduled by the APOC. The final report initiates the following:

- Any rules deemed unnecessary will automatically expire on the first day of the month, following the final report date.
- Rules necessary without substantive public interest stay in the code, with no additional action required.
- Rules necessary with substantive public interest must be adopted by the SCC, as if they were new rules.

Mr. Weintraub asked if the meetings will be open to the public. Ms. Smith indicated all Commission meetings are open to the public and are required to issue a public notice.

Ms. Smith asked if the SCC members participating in the teleconference, which she had not previously contacted, will be able to serve on the rules review committee. Mr. Weintraub indicated he would serve until his SCC term expires, and added his successor has agreed to assist in the future. Mr. Glass agreed to serve on the committee.

Ms. Smith requested a motion for formation of the Rules Review Committee of the SCC.

Ms. Deck made a motion in the matter of reviewing chapter 4 of Title 15A of the NC Administrative Code as required by Session Law 2013-413 be referred to a Rules Review Committee with full power consisting of seven members, to be selected by appointment of the Chair. The Committee will work with staff to complete the review of Chapter 4 of Title 15A of the NC Administrative Code, and report its findings to the Commission, no later than the deadline set by the Rules Review Commission review schedule. Dr. McLaughlin seconded the motion, and it was approved unanimously.

Ms. Smith announced the members selected to serve on the Rules Review Committee:

1. Ms. Robin K. Smith
2. Dr. Rich McLaughlin
3. Mr. Rob Weintraub
4. Ms. Heather Jacobs Deck
5. Mr. Joe Glass
6. Mr. Tommy Anderson
7. Mr. Jonathan Bivens

INFORMATION ITEMS

Ms. Smith asked Mr. Davis to discuss the draft spreadsheet to be used during the evaluation process by the RRC.

Mr. Davis indicated the RRC issued the spreadsheet to the Department, and requested feedback within 10 days on the template format. The spreadsheet will be used for categorization of all agency rules. He added the Department is waiting to receive the final spreadsheet template, and the rules review schedule.

Staff have started the process of reviewing the rules to place them into the proper categories in the spreadsheet, as well as identifying any amendments to existing rules that may be necessary. Staff recommendations will be presented to the Rules Review Committee to complete the initial portion of the report before the agency is scheduled for the official process.

Mr. Davis announced a meeting scheduled with the Division Directors to discuss the review schedule within DENR. The RRC is seeking recommendations for scheduling agency reviews, which will include 400-500 rules per year, through 2019. Training will

be provided to agencies to ensure the spreadsheet categories are utilized appropriately.

Ms. Smith indicated the Rules Review Committee of the SCC has been formed to ensure the process is started promptly, to avoid a backlog before the formal review. She added the RRC informed the Commission representatives they have the option of requesting an early review date in the queue.

Mr. Davis asked the Commission members for a recommended timeframe for placing the SCC rules on the RRC's rules review calendar, which would be discussed with the DENR Rules Coordinator. There was general agreement that the SCC rules could be scheduled early 2015.

Mr. Vinson indicated Mr. Hauser has already started the preparation of a spreadsheet which includes all rules and staff recommendations. Ms. Smith asked for the spreadsheet to be emailed to all Committee members, which will allow for discussion with the SCC.

Mr. Davis indicated some rules are out of date, and this process will allow review of items that need to be amended to be consistent with the statutes. Ms. Smith asked if a fiscal note will be required for all rules that need to be re-adopted. Mr. Maier indicated the State Budget Office has not yet indicated whether that is necessary.

Ms. Smith asked staff to get further clarification on requirements for rules that may need to be amended. Mr. Davis indicated he will ask for guidance from the RRC.

Dr. McLaughlin asked if staff wanted to wait until DEMLR is fully staffed to begin the preliminary review work. Mr. Davis indicated that the Committee initiating the process would be very helpful, including feedback from staff.

CONCLUSION

Remarks by the Director -- None

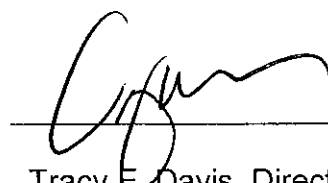
Remarks by the Commission -- None

Remarks by the Chair -- None

Adjournment -- Following discussion regarding the rules review process, Ms. Deck made a motion, seconded by Mr. Glass, to adjourn the meeting. The vote was unanimous.

As there was no further business, Ms. Smith adjourned the meeting at 3:46 pm.


Stephanie Lane, Recording Secretary


Tracy E. Davis, Director, DEMLR

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
NOVEMBER 7, 2013
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on November 7, 2013 at 10:00 a.m. in the Archdale Building in the Ground Floor Hearing Room, Raleigh, North Carolina. The following people were in attendance for all or part of the meeting:

COMMISSION MEMBERS

Ms. Robin K. Smith (Chair)
Mr. Joe Glass
Mr. Jonathan Bivens
Mr. Rob Weintraub
Ms. Charlotte Mitchell
Mr. Tommy Anderson
Ms. Heather Deck
Mr. Randy Veltri
Dr. Rich McLaughlin

OTHERS

Mr. Toby Vinson, Acting Section Chief / Chief Engineer, Land Quality Section
Ms. Stephanie Lane, Administrative Secretary
Mr. Gray Hauser, State Sedimentation Specialist, Land Quality Section
Ms. Evangelyn Lowery-Jacobs, Sed. Education Specialist, Land Quality Section
Mr. Matt Poling, Land Quality Section
Mr. John Holley, Land Quality Section
Mr. Shawn Maier, Assistant Attorney General
Mr. David Harris, NC DOT
Mr. Johnnie Marion, NC DOT
Mr. Don Lee, NC DOT
Mr. Terry Gibson, NC DOT
Mr. Ricky Greene, NC DOT
Mr. Kirk Stafford, Town of Cary
Ms. Amanda Rada, Methodist University
Mr. Jonathan Kanipe, Town of Columbus
Ms. Natalie Berry, Henderson County
Ms. Chandra Coats, Johnston County
Mr. Jamie Guerrero, Johnston County

PRELIMINARY MATTERS

Ms. Smith called the meeting to order and read Executive Order No. 1.

Those in attendance introduced themselves.

Ms. Smith asked for a motion to approve the minutes from the August 15, 2013 meeting.

The motion to approve the minutes was made by Ms. Mitchell. Mr. Anderson seconded the motion, and it was approved unanimously.

ACTION ITEMS

Request by Johnston County for Delegation of Local Program -- Mr. Matt Poling

Mr. Poling discussed the Johnston County ordinance and indicated changes are underway to edit Section 19(8) to conform with House Bill 74, which requires all civil penalties shall be remitted to the Civil Penalty Forfeiture Fund.

Mr. Anderson indicated references to the Division of Land Resources should be revised to indicate the Division of Energy, Mineral, and Land Resources.

Staff recommended approval of the County ordinance, contingent upon the proposed changes.

Mr. Guerrero thanked the Commission for entertaining the Johnston County delegated program request. He discussed the public interest in establishing an erosion control program at the local level.

Ms. Smith thanked Mr. Guerrero for the impressive application package submitted for the delegation process. She affirmed all existing permits would be transferred from the Raleigh Regional Office to Johnston County staff. She also discussed the requirements for the self-inspection process, and issuing Notice of Violations for offsite sediment.

Dr. McLaughlin asked how many Full Time Equivalents (FTEs) would be involved with erosion and sedimentation control. Mr. Guerrero indicated there are currently three FTEs involved with sedimentation/stormwater inspections, and one additional position is scheduled to be funded during FY14-15.

Ms. Smith asked if Johnston County has the authority to issue Stop Work Orders (SWOs). Mr. Guerrero indicated SWOs may be issued by the stormwater program, and also by the inspections department.

Mr. Anderson indicated the ground cover requirements in Section 5 of the model ordinance should be revised to be consistent with those outlined in the NPDES. Mr. Poling added staff encourages local programs to update the ground cover requirements.

Ms. Deck stated the model ordinance should be updated to remove reference to the

Division of Water Quality. Mr. Hauser acknowledged that the model ordinance needs to be updated with a number of revisions for future applicants.

- Mr. Anderson made a motion to approve the Johnston County delegation. Mr. Bivens seconded the motion, and it was approved unanimously.
- Mr. Glass made a motion to approve the Johnston County ordinance with the corrections discussed by the Commission. Ms. Deck seconded the motion, and it was approved unanimously.
- Dr. McLaughlin made a motion to approve the Memorandum of Agreement for Johnston County. Mr. Anderson seconded the motion, and it was approved unanimously.

Annual Review of Delegation of NC DOT -- Mr. Gray Hauser

The Land Quality Section reviewed the program delegation to the North Carolina Department of Transportation (NCDOT) on September 17-19, 2013. A copy of the NCDOT Annual Review Report to the SCC is attached to the original minutes.

Mr. Hauser summarized the review of 16 NCDOT projects (8 Western NC / 8 Eastern NC). The projects selected for review were a mix of contract construction, design-build, and maintenance projects across the state. Projects were generally between 30 and 70 percent complete. Twelve contract construction or design-build projects and four maintenance/force account projects were chosen based on the stage of construction and the significance of the project.

Mr. Hauser discussed the inspection process utilized by the NCDOT Roadside Environmental Unit (REU). Weekly inspections are performed by the project inspector, and after ½ inch of rainfall. REU Operations staff inspects the NCDOT project monthly. The projects are evaluated on a rating of "Poor, Fair, or Good." Half of the contract projects reviewed were considered Good, and half were rated Fair or Fair +. Three maintenance projects were considered Good, and one was rated Fair + for ground cover issues.

Ms. Smith asked why vegetation was lacking on the Piney Green Road Project in Onslow County. Mr. Hauser indicated vegetation had been applied once and failed, but was not refurbished. Onslow County has sandy soils, and the site had minor issues with erosion in various places. He added that DOT overall tries to provide vegetation within the 7/14 day timeframes, but occasionally does not establish well.

Mr. Veltri asked for clarification of the NCDOT grading scale. Mr. Hauser gave a brief outline of the scale: 10= Excellent, 9= Very Good, 8= Good, 7= Fair, 6-0= Immediate Corrective Action (ICA).

Ms. Smith stated some of the sites received "Very Good" scores by NCDOT, but had

erosion issues, during the annual review. Mr. Hauser indicated those instances allow an opportunity for calibration with NCDOT, to ensure critical evaluations are performed for ground cover. He reported few instances of offsite sediment were observed, during the annual review.

The following issues were noted and recommendations were made for corrections:

1. Measures below Fill Slopes -- Adequate and appropriate sediment control measures must be provided below graded slopes and fills. The use of wattles or coir logs as outlets in silt fence should be limited to small drainage areas and spots inaccessible to heavy equipment.
2. Ground Cover on Steep Slopes -- Matting bonded fiber matrix or flexible growth media should be used on slopes steeper than 2:1. Mr. Hauser indicated that Straw mulch will not remain on a 1:1 cut slope.
3. Review of Plans Prepared by Consulting Engineering Firms -- Plans should be subjected to a critical review, and measures designed to meet or exceed standards developed by the REU. Inadequate plans should be sent back for revisions.

Ms. Deck asked if the NCDOT ratings were consistent with project evaluations conducted by Mr. Hauser. Mr. Hauser indicated most were consistent, but a couple of the Divisions should issue more ICAs due to issues with ground cover.

Ms. Smith asked if there has been any improvement in coordination with REU regarding maintenance projects. Mr. Hauser indicated the Engineering Technicians do a good job with inspecting maintenance projects.

Ms. Deck asked for a suggested review timeframe to ensure an adequate critical evaluation of plans by NCDOT. Mr. Hauser suggested 30 days for new projects, and 15 days for revisions. NCDOT currently allows 15 days for design-build project review, which may not be adequate during periods of heavy work flow.

Mr. Weintraub asked if the ICA system allows for violations (i.e., ground cover) on NCDOT sites to be adequately addressed, rather than averaged into the overall project grade. Mr. Hauser indicated the system does allow for issues to be addressed, and NCDOT personnel are encouraged to issue ICAs for ground cover. Mr. Bivens added issues on site are noted in the overall project evaluation, rather than included in the mathematical average, to ensure corrective actions are taken.

NCDOT Report on Delegated Program -- Mr. Don Lee

Mr. Lee discussed the significance of the ICA process, which has been in place for 22 years. It is an internal warning to contractors and NCDOT staff that there are issues with a project. NCDOT does not have statutory authority for fines or penalties. It has become a report card for contractors, and is included in the performance evaluations of

NCDOT staff. The decision to issue an ICA is filtered by field staff, similar to an NOV, through the proper channels. Receiving an ICA is painful to contractors because it can cause projects to shut down.

Mr. Veltri asked if linear projects are different than confined development for retaining sediment. Mr. Lee indicated linear projects are approached the same as other projects, but some are complicated due to traffic phasing. Some contractors do not have experience with erosion control, and the tools provided by the SCC (i.e., ICA) are used to command attention. NCDOT is working to find ways to build infrastructure in compliance.

Mr. Glass asked what action is taken on a project with offsite sedimentation. Mr. Lee indicated that an ICA is typically issued unless there has been an extreme rain event, and corrective actions are already in progress.

Ms. Smith asked if NCDOT inspectors are reluctant to issue an ICA, due to potential consequences with performance evaluations. Mr. Lee indicated that is a reality, and expressed concerns that the ICA has become punitive. Mr. Hauser added the ICAs are usually issued because the contractor does not take corrective actions in a timely manner, and ultimately the NCDOT project inspector gets penalized.

Ms. Deck asked what reporting mechanisms are in place between NCDOT and DEMLR when there is sediment loss into a stream. Mr. Lee indicated sediment loss is immediately reported to the Division of Water Resources and DEMLR.

Mr. Lee discussed the implementation of a new procedure (Erosion Control Plan Audit Request – ECPAR) implemented by NCDOT in response to DEMLR/SCC concerns with the design-build process. This formalized program requires the project designer to make changes to deficient erosion control plans.

Staff recommends continued delegation of the program. Mr. Veltri made a motion to continue delegation of the program with implementation of staff recommendations. Mr. Glass seconded the motion, and it was approved unanimously.

Local Program Reviews -- Mr. Matt Poling

Mr. Poling conducted reviews of the Town of Wake Forest, Village of Whispering Pines, Towns of Southern Pines, Boone, and Rocky Mount delegated programs. A copy of the Local Program Report to the SCC is attached to the original minutes.

Town of Wake Forest

On August 28, 2013, Karyn Pageau, Joe Dupree and Matt Poling conducted a review of the Town of Wake Forest's Local Program. Seven staff members contribute 4.25 full time equivalents to the erosion control program. The town has 50 projects and has reviewed 52 plans, with 17 approvals and 35 disapprovals. The town has conducted

949 inspections, issued 8 notices of violations, 34 stop work orders and one civil penalty in the past 12 months. Six projects were reviewed. Five of the six projects were in compliance. One project was out of compliance at the time of inspection, and a NOV was immediately issued after the formal review for Heritage Garden Apartments.

The Town of Wake Forest's Local Program is visiting sites on a frequent basis. The local program should also implement the following recommendations to improve the program:

- 1) Continue to check for self-inspection records on site.
- 2) Please provide the new combined self-inspection form when approving erosion control plans.
- 3) Document when slopes have been graded or areas are left idle in the comments section of inspection reports in order to establish a time frame for establishing ground cover.

Staff recommends continued delegation.

Ms. Deck made a motion for continued delegation. Mr. Anderson seconded the motion, and it was approved unanimously.

Village of Whispering Pines

On September 12, 2013, Brad Cole, Diane Adams, Nick Mills, Mike Lawyer and Matt Poling conducted a review of the Village of Whispering Pine's Local Program. One staff member contributes one-tenth of a full time equivalent to the erosion control program. The village has 25 projects, all of which are single family home sites that are less than an acre. The village has reviewed 68 plans, with 67 approvals and one disapproval. The Village has also issued one notice of violations, and one civil penalty in the past 12 months. The village indicates that it conducts an inspection once per week for each project, however no written inspections were completed and placed in the project folders. Five projects were reviewed.

The local program should implement the following recommendations to improve the program:

- 1) Check for self-inspection records on site, for projects one acre or larger in disturbed area.
- 2) Please provide the new combined self-inspection form when approving erosion control plans for projects one acre or larger in disturbed area.
- 3) Document when slopes have been graded or areas are left idle in the comments section of inspection reports, in order to establish a time frame for establishing ground cover. The time limit for ground cover on slopes for projects less than one acre in disturbed area is 21 calendar days.
- 4) Invite staff from the Fayetteville Regional Office to come and participate in plan reviews.

5) The local program may be visiting sites with an adequate frequency, however without proper documentation this cannot be established. The Village must fill out an inspection report and document whether or not each site is in compliance with the adopted ordinance.

Mr. Poling indicated the field inspector is new to the Village staff, and needs assistance to learn about all of the delegated program responsibilities. Staff recommends continuing the review, with a follow-up in three months.

Ms. Smith asked if a Professional Engineer (PE) is on staff to review erosion control plans. Mr. Poling indicated the Village does not have a PE on staff for reviews.

Ms. Deck asked if adequate resources have been provided to the Village staff to adequately perform the assigned jobs. Mr. Poling indicated adequate manpower is available to handle the small project workload, however the inspector needs to incorporate better documentation for inspections conducted.

Ms. Deck made a motion to continue the review, with follow-up by staff in three months. Ms. Mitchell seconded the motion, and it was approved unanimously.

Mr. Glass suggested the Village should contact the local Soil and Water District as an additional resource for the field inspector.

Town of Southern Pines

On October 1, 2013, Brad Cole, Diane Adams, Mike Lawyer, Nick Mills, and Matt Poling conducted a review of the Town of Southern Pines' Local Program. Four staff members contribute 2.0 full time equivalents to the erosion control program. The town has 18 projects and has reviewed 7 plans, with 5 approvals and 2 disapprovals. The town has conducted 495 inspections, and has not taken any enforcement actions so far for 2013. Five projects were reviewed.

The Town of Southern Pines' Local Program is visiting sites on a frequent basis. The local program should also implement the following recommendations to improve the program:

- 1) Continue to check for self-inspection records on site.
- 2) Please provide the new combined self-inspection form when approving erosion control plans.
- 3) Document when slopes have been graded or areas are left idle in the comments section of inspection reports in order to establish a time frame for establishing ground cover.

Staff recommends continued delegation.

Mr. Anderson made a motion for continued delegation. Mr. Veltri seconded the motion,

and it was approved unanimously.

Town of Boone

On July 25, 2013 and on October 23, 2013, Tim Latham, and Matt Poling conducted reviews of the Town of Boone's Local Program. The latest review was conducted as a follow up to help the Town of Boone bring several sites back into compliance.

The Town of Boone's Local Program is visiting their sites more frequently, since the last visit. The local program should continue to implement the following recommendations to improve the program:

- 1) Continue to check for self-inspection records on site.
- 2) Please provide the new combined self-inspection form when approving erosion control plans.
- 3) Document when slopes have been graded or areas are left idle in the comments section of inspection reports in order to establish a time frame for establishing ground cover.
- 4) Invite staff from the Winston Salem Regional Office to come and participate in the review of complex plans.
- 5) If sites remain out of compliance for extended periods of time, the Town of Boone should seek to hold building permits in order to regain compliance.

Staff recommends continued delegation.

Ms. Deck asked if Land Quality has the authority to issue penalties for offsite sediment into streams, since the recent merger with the Stormwater Permitting Program. Mr. Hauser indicated LQS has always had authority under the SPCA to assess penalties and issue NOVs for sedimentation damage to a stream. The LQS is now tasked with writing NOVs for violations of the NPDES Stormwater Permit. The Division of Water Resources (Surface Water Protection) enforce on sediment discharges into jurisdictional streams. Mr. Vinson added DWR will likely be the lead agency in issues related to stream clean-up.

Mr. Bivens made a motion for continued delegation. Dr. McLaughlin seconded the motion, and it was approved unanimously.

Town of Rocky Mount

On October 25, 2013, Karyn Pageau, Joe Dupree, Julie Ventaloro, and Matt Poling conducted a review of the City of Rocky Mount's Local Program. Four staff members contribute 1.75 full time equivalents to the erosion control program. The town has 8 projects and has reviewed 6 plans, with 6 approvals and no disapprovals. The town has conducted 57 inspections, and has issued 2 Notices of Violation in the past 12 months. Five projects were reviewed.

The City of Rocky Mount's Local Program is visiting sites on a frequent basis. The local program should also implement the following recommendations to improve the program:

- 1) Continue to check for self-inspection records on site.
- 2) Please provide the new combined self-inspection form when approving erosion control plans.
- 3) Document when slopes have been graded or areas are left idle in the comments section of inspection reports in order to establish a time frame for establishing ground cover.

Staff recommends continued delegation.

Mr. Veltri made a motion for continued delegation. Mr. Glass seconded the motion, and it was approved unanimously.

Request by the Town of Columbus for Henderson County to Administer Local Program -- Mr. Gray Hauser

Mr. Hauser discussed the Town of Columbus request seeking approval for Henderson County to administer its delegated Erosion Control Program.

Mr. Kanipe, the Town Manager, thanked the Commission for hearing the request. The Town does not have many active projects, and lacks adequate staff to maintain the program without significant liability. The Town reached out to Henderson County to develop an interlocal agreement for administering the local program.

Ms. Mitchell asked if there are other instances where an entity, outside its jurisdiction, administers another local program. Mr. Maier indicated this is the first, but the SPCA does not limit the local governments from acting inside the jurisdiction of another.

Ms. Mitchell asked if Henderson County would be hindered from taking legal action, within the Town of Columbus. Mr. Maier indicated that the Town of Columbus, rather than Henderson County, would need to take any necessary legal action in order to achieve compliance.

Ms. Deck asked if this agreement is limited to six months, and what is the rationale. Mr. Kanipe indicated the status of progress would be evaluated after six months, and the interlocal agreement would be re-visited as needed.

Mr. Veltri stated this type of agreement is very practical. Mr. Hauser added the SPCA declares various local governments may enter into agreements together. There is a statutory provision for this type of action.

Ms. Deck made a motion to approve the Town of Columbus/Henderson County Interlocal Agreement regarding Administration of Soil Erosion and Sedimentation Control. Mr. Anderson seconded the motion, and it was approved unanimously.

Memorandum of Agreement with Local Programs -- Mr. Gray Hauser

Mr. Hauser reported on the Memorandum of Agreement with Local Programs for Watauga County that has been submitted and request agreement by the SCC.

Mr. Glass made a motion to accept the MOA for Watauga County. Mr. Anderson seconded the motion, and it was approved unanimously.

Adoption of Meeting Dates in 2014 -- Mr. Gray Hauser

Mr. Hauser presented the following proposed dates for the 2014 Sedimentation Control Commission meetings:

February 20, 2014
May 15, 2014
August 21, 2014
November 20, 2014

Ms. Deck made a motion to accept the SCC meeting dates in 2014. The motion was seconded by Mr. Bivens, and it was approved unanimously.

INFORMATION ITEMS

Report on Local Program Assistance by Regional Offices -- Mr. Hauser presented a report on Regional Office Contacts with the Town of Columbus, Guilford County, City of High Point and City of Greensboro. A copy of this report is attached to the original minutes.

Ms. Smith thanked the regional offices for their efforts with the local programs.

Enforcement Report -- Mr. Hauser 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. Hauser presented the status of Civil Penalty Assessments. A copy of this report is attached to the original minutes.

NCDOT Report -- Mr. Hauser presented an Immediate Corrective Actions/Permit Consultation Needed which was issued by the NCDOT on September 3, 2013. A copy of this report is attached to the original minutes.

Education Program Status Report -- Ms. Lowery-Jacobs presented a report on the past and current projects in the Sediment Education Program. A copy of this report is attached to the original minutes.

Sediment Program Status Report -- Mr. Vinson provided a report on the LQS current plan approval, inspection, and enforcement activities statewide.

Land Quality Section Report -- Mr. Vinson provided a report on the current number of vacancies in the Section and other LQS activities and issues. He thanked staff for their efforts.

Resolution of Appreciation -- Ms. Smith read the resolution of appreciation for Thomas Gray Hauser, Jr. and indicated that the plaque will be presented at his retirement celebration. Mr. Hauser expressed his appreciation, and thanked the SCC members for their commitment to the Commission.

CONCLUSION

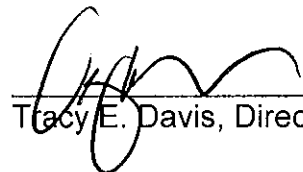
Remarks by the Director -- none

Remarks by the Commission -- Ms. Deck appreciated all of the information that has been provided by staff, and thanked them for their efforts.

Remarks by the Chair -- Ms. Smith informed the SCC the Rules Review Committee will conduct a poll for scheduling a meeting date, to begin the initial review process.

Adjournment -- Dr. McLaughlin made a motion to adjourn the meeting. Mr. Bivens seconded the motion, and it was approved unanimously. As there was no further business, Ms. Smith adjourned the meeting.


Stephanie Lane, Recording Secretary


Tracy E. Davis, Director