

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
May 5, 2016
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on May 5, 2016 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

Ms. Robin K. Smith (Chair)
Mr. Jonathan Bivens
Ms. Heather Jacobs Deck
Dr. Susan White
Mr. Kevin Martin
Dr. John Havlin
Ms. Natalie Berry (via teleconference)
Ms. Karla Hammer Knotts (via teleconference)

OTHERS

Mr. Toby Vinson, Chief, Program Operations DEMLR
Mr. Brad Cole, Chief, Regional Operations, DEMLR
Ms. Stephanie Lane, Administrative Secretary, DEMLR
Ms. Evangelyn Lowery-Jacobs, Sed. Education Specialist, DEMLR
Ms. Ashley Rogers, Sedimentation Specialist, DEMLR
Ms. Karyn Pageau, Assistant Regional Engineer, Raleigh Regional Office, DEMLR
Mr. Sean Maier, Attorney General's Office
Mr. David Harris, NCDOT
Mr. Scott Godefroy, City of Greenville
Mr. Craig Midgett, City of Greenville
Mr. John Holley, Raleigh Regional Office Supervisor, DEMLR
Mr. Kirk Stafford, Town of Cary
Ms. Katherine Marciniak, NCDEQ-Oil and Gas Program
Mr. Ryan Channell, NCDEQ-Oil and Gas Program
Mr. Ryan Eves, Durham County
Mr. Jay Gibson, Durham County
Ms. Anna Martin, NC Water Resources Research Institute
Mr. Matthew Starr, Upper Neuse Riverkeeper
Ms. Lauren Witherspoon, City of Raleigh
Mr. Ben Brown, City of Raleigh

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 November 12, 2015, meeting.

Dr. White stated the minutes should be corrected to reflect her participation via teleconference, and also to include Ryan Eaves (Durham County) in the attendance list.

The motion to approve the minutes as amended was made by Ms. Deck. Mr. Bivens seconded the motion, and it was approved unanimously.

ACTION ITEMS

Local Program Reviews – Ms. Karyn Pageau

Ms. Pageau gave a slideshow presentation on the review of the City of Raleigh delegated program. A copy of the Local Program Report to the SCC is attached to the original minutes.

On February 9, 2016, Karyn Pageau conducted a review of the City of Raleigh Local Program. Fourteen staff members contribute 10 full time equivalents to the erosion control program. The City has 254 active projects. During the past year, the City has reviewed 586 plans, with 169 approvals and 400 disapprovals, and has conducted 7,263 inspections. The City has issued 57 notices of violations, and has assessed 7 civil penalties in the past 12 months. Four projects were reviewed and inspected in the field.

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

- 1) Continue requiring that adequate ground cover is provided within the time limits of the NPDES permit and the approved plan.
- 2) Continue to check for self-inspection records on site.

Staff recommends continued delegation.

Ms. Deck asked if any offsite sedimentation was associated with the projects visited during the review. Ms. Pageau indicated some offsite sedimentation did occur, but it did not warrant issuing a NOV.

Ms. Smith asked if inspections had been conducted on the sites prior to the DEMLR visit. Ms. Pageau indicated inspections had been conducted, but the issues were due to recent large rain events.

Ms. Smith asked if all sites have been able to achieve compliance. Ms. Pageau stated the sites were brought into compliance within two weeks following the review.

Dr. Havlin asked what is the frequency of site inspections for the City. Ms. Witherspoon (City of Raleigh) indicated sites are inspected every two weeks for compliant sites. Non-compliant sites are visited at least weekly.

Ms. Witherspoon and Mr. Brown gave a slideshow presentation to the SCC discussing the compliance process for the City of Raleigh, and follow-up on the sites visited during the DEMLR review.

Commission members thanked City staff for their thorough efforts to address the group.

Mr. Martin made a motion to continue delegation with staff recommendations. Dr. Havlin seconded the motion, and it was approved unanimously

Sediment Education Funds - Ms. Ashley Rodgers

Ms. Rodgers made a request to the SCC for expenditure of the remaining Sedimentation Education funds for the fiscal year. Funds would be spent for additional staff training, IECA membership, equipment/supplies for future workshops, and any leftover monies would be utilized for standard operating costs.

Ms. Deck made a motion to approve the request for expenditure of remaining Sedimentation Education funds per staff priority list. Mr. Bivens seconded the motion, and it was approved unanimously.

Old Business – Chair Smith

Ms. Smith asked whether there has been any follow-up with the City of Greenville and Durham County regarding probationary status. Ms. Rodgers indicated that an update on Durham County is scheduled for the August SCC agenda. Ms. Pageau added both programs were asked to attend the current meeting to address the Commission.

SCC Business – Chair Smith

Ms. Smith announced resignation letters have been received from Douglas Randolph, Joe Glass, and Charlotte Mitchell. All officially resigned due to one of the following reasons: retirement, expired term without reappointment/replacement, and dissolution of the NC Mining and Energy Commission.

Ms. Deck asked if new appointments have been made by the Governor. Ms. Rodgers indicated there have been no notifications on new SCC appointments.

Ms. Smith indicated the resignations were prompted by the State Ethics Act requirements, and no longer impacts the SCC's ability to establish a quorum.

INFORMATION ITEMS

Rules Review Process Update – Ms. Rodgers provided a report on the status of the Rules Review Process. The Sediment Program rules readoption date has been scheduled for November 30, 2019. Staff presented a draft list for the stakeholder workgroup. A copy of this report is attached to the original minutes.

Sedimentation Control Commission Fee Schedule Study Group – Mr. Toby Vinson provided a report on behalf of the Sedimentation Control Commission Fee Schedule Study Group. The proposed sediment fee increase is a priority of the Department and has been submitted to the Governor's office for consideration. To date, no budget bill has been released. Ms. Smith offered to follow-up on the status.

Report on Local Program Assistance by Regional Offices – Ms. Pageau invited the City of Greenville and Durham County to address the SCC.

Mr. Godefroy and Mr. Midgett (City of Greenville) gave a slideshow on the status of staffing, and an overview of challenges on current projects.

Ms. Deck asked how many staff members the City has. Mr. Godefroy indicated there will be two FTEs once the program is fully staffed by the end of June 2016.

Mr. Martin questioned whether additional training has been conducted by DEMLR staff with the City. Ms. Pageau indicated some of the training was conducted with the program during the recent Local Program Workshop, and follow-up will be conducted by the new Regional Engineer in the Washington Regional Office.

Mr. Martin stated the City of Greenville was placed on probation during the February SCC meeting. Efforts should be made to fill vacant positions, and obtain DEMLR training for new and existing staff.

Mr. Bivens asked whether staff will conduct another review prior to the August meeting. Ms. Pageau indicated she would conduct another review.

Mr. Eaves and Mr. Gibson (Durham County) updated the Commission on the status of staffing, and enforcement currently pending. Proposed guidelines for enforcement and civil penalty assessment were discussed. Program enhancements were highlighted such as project phasing requirements, staff training efforts, and development of standard operating procedures for each position.

Ms. Deck asked for the timeline for hiring new staff. Mr. Gibson indicated the budget should be finalized within a couple of weeks, and forwarded to the County Commissioners for consideration.

Mr. Martin stated the County is scheduled for review again by the SCC in August.

Training and follow-up should be conducted by DEMLR staff.

As a follow up to the local program discussions, Ms. Rodgers announced Ms. Pageau has accepted an Assistant Regional Engineer position in the Raleigh Regional Office. Ms. Smith asked when the position is anticipated to be filled. Mr. Vinson indicated the position will be posted as soon as the new classification system allows.

Enforcement Report – Ms. Rodgers gave a summary of the Attorney General's enforcement report. A copy of this report is attached to the original minutes.

Ms. Deck asked how enforcement cases will be impacted since the DEQ contract was not renewed with the Attorney General's Office. Ms. Rodgers indicated 9 attorney and paralegal contracts were not renewed, and that Mr. Maier is serving the SCC in the interim. John Payne is currently the only DEMLR attorney.

Land Quality Section Active Sediment Cases Report – Ms. Rodgers presented the status of Civil Penalty Assessments. A copy of this report is attached to the original minutes.

NCDOT Report – Ms. Rodgers presented a report on ICAs that have been issued since January 1, 2016. No Trout Buffer Waivers for Secondary Road Projects have been issued. 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, and the new classification system for staffing.

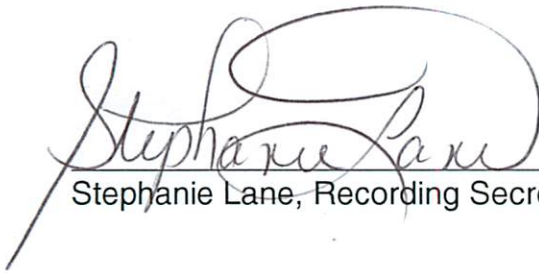
CONCLUSION

Remarks by the Director – In Director Davis' absence, Mr. Vinson commended the Sediment Program staff for their efforts on an exceptional Local Program Workshop.

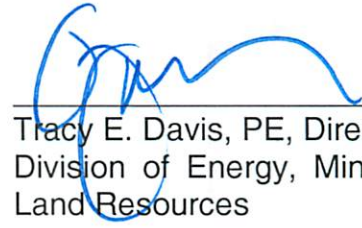
Remarks by the Commission – none

Remarks by the Chair – Ms. Smith thanked staff for their efforts.

Adjournment – Ms. Smith made a motion to adjourn. Mr. Bivens seconded the motion, and it was approved unanimously. As there was no further business, Ms. Smith adjourned the meeting at 12:16 pm.



Stephanie Lane, Recording Secretary



Tracy E. Davis, PE, Director,
Division of Energy, Mineral, and
Land Resources