

**MINUTES**  
**NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION**  
**August 22, 2017**  
**GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING**  
**RALEIGH, NORTH CAROLINA**

The North Carolina Sedimentation Control Commission met on August 22, 2017 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. Jonathan Bivens (Chair)  
Ms. Natalie Berry  
Dr. Susan White (Vice-Chair)  
Karla Hammer-Knotts

**OTHERS**

Mr. Tracy Davis, Director, DEMLR  
Mr. Toby Vinson, Chief, Program Operations, DEMLR  
Ms. Julie Coco, State Sediment Engineer, DEMLR  
Mr. Jeevan Neupane, Asst. Sed. Engineer, DEMLR  
Mr. Brad Cole, Chief, Regional Operations, DEMLR  
Mr. Shawn Maier, Attorney General's Office, General Council to SCC  
Mr. Boyd DeVane, DEMLR  
Mr. David Harris, DOT  
Mr. Ryan Eaves, Durham County Local Program  
Ms. Karyn Pageau, Durham County Local Program  
Mr. Kirk Stafford, Town of Cary Local Program  
Mr. Rob Stewart, Durham County Local Program  
Mr. Bill Swartley, Division of Forestry  
Mr. Scott Ford

**PRELIMINARY MATTERS**

Mr. Bivens called the meeting to order.

Those in attendance introduced themselves.

Mr. Bivens asked for a motion to approve the minutes from the May 18, 2017 meeting. Ms. Hammer-Knotts moved to approve the minutes. Ms. Berry seconded the motion, and the minutes were approved unanimously.

## **ACTION ITEMS**

Mr. Bivens read Executive Order No. 1 regarding avoidance of conflict of interest.

**Local Program Review, Recommendation and Vote on Continued Delegation – Mr. Jeevan Neupane** – Mr. Neupane reviewed each of the Local Programs in order (Greensboro, Burlington, Watauga County, Boone, Chapel Hill, Durham County/City, and Greenville). See the 18-page report entitled “Local Program Report to the SCC” dated August 22, 2017. Dr. White requested that Greensboro’s FTE count (2 FTE) be included in the report. Mr. Bivens clarified that there were 15 active projects in Burlington and asked that this clarification be included in the report. He also asked that Mackintosh on The Lake, Parcel #1, be corrected at item 3) to state “Remove all the stockpiles that are within 50 feet of the skimmer basins.” Dr. White requested that further clarification be added in the Watauga County report clarifying whether there was initial non-compliance at Sites 3 and 4 and if they are now back into compliance. Ms. Hammer-Knotts requested that the number of FTEs for the Town of Boone be added to that local program review report.

Ms. Berry moved to renew the delegation for all seven programs together and remove the Durham County and Greenville Local Programs from probationary status. Dr. White seconded that motion. The motion passed unanimously.

## **INFORMATION ITEMS**

**Rules Review Process Update – Mr. Boyd DeVane** – Mr. DeVane reported on the status of the Sediment Rules Stakeholders Rules and Re-adoption Workgroup meetings and the associated documents produced by the Workgroup. See attached “Suggested changes to Chapter 04 of the Sedimentation Control Rules” memo, “Proposed Re-Adoption Schedule,” and the red-line copy of the suggested changes to Sedimentation Control Rules. Mr. DeVane requested that the Commission members begin reviewing the proposed changes to the sediment rules and to share them with their constituents and other interested parties and to provide any feedback directly to DEMLR staff. DEMLR staff intends to place the documents on its web page to facilitate public review in advance of DEMLR’s next update to the Commission in November.

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

**NCDOT Report** – Mr. Neupane reported that two ICAs have been issued since May 2017 and no Trout Buffer Waivers have been issued.

**Sediment Program Status Report** – Mr. Vinson provided a report on the current statistics and work of the Sediment Program. DEMLR's Monthly Activity Report outlining various program metrics for Fiscal Year 2016-17 is attached to the minutes.

**Land Quality Section Report** – Mr. Vinson noted that DEMLR currently has 10 vacancies and has filled the State Sediment Engineer position and introduced Ms. Julie Coco to the Commission. Mr. Vinson then reported on the 10 vacancies as follows: there is a recommendation to hire an Environmental Specialist in the ARO; WSRO has a vacant Environmental Specialist position; the MRO is currently interviewing for an Environmental Specialist; an Assistant Regional Engineer position has been advertised in the RRO; WIRO has a vacant Environmental Specialist position; WARO has advertised for a vacant Environmental Specialist; the Mining Program has a vacant Supervisor position; a recommendation has been provided DEQ Human Resources with a recommendation to hire the Supervisor for the Stormwater Program; FRO has a vacant Environmental Specialist position; and the Sediment Education Engineer position is now vacant.

**Procedure for nomination and judging for Local Program Awards** - Ms. Hammer-Knotts conveyed her concerns with the current award nomination process and asked for reevaluation of the current process used by staff to nominate and judge these awards. Mr. Bivens and Dr. White do not feel this is an item for the commission to consider, but requested that staff review the existing process and determine if improvements can be made to improve the integrity of the program, if needed. DEMLR staff agreed to review the current process and will provide a presentation on the program at the next Commission meeting.

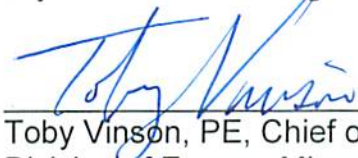
**Commission Member appreciation upon completion of service** – Ms. Hammer-Knotts would like for the Chairman to send thank you notes to departing members to show appreciation from the Commission for their service. Mr. Vinson reported that the Commission has written letters and resolutions of appreciation in the past. Mr. Bivens and Ms. Hammer-Knotts noted the names of past members that departed the Commission within the past year that would be issued such a letter of appreciation from the Chairman. DEMLR staff agreed to develop a letter for the Commission Chairman's signature that will be placed on the agenda as an action item for a vote by the full Commission at its November meeting.

## CONCLUSION

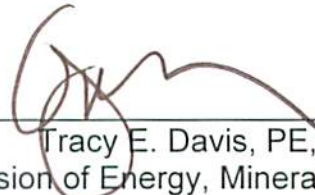
Remarks by the Director – Mr. Davis thanked Mr. Neupane, Mr. DeVane, Mr. Vinson and Mr. Cole for their contributions. He introduced and welcomed Ms. Coco as the new State Sediment Engineer. Mr. Davis also updated the Commission on two DEMLR positions that were abolished through recent legislative budget cuts and an additional budget cut of \$800,000 that is still pending that the Department and its Divisions must address through a Reduction Through Reorganization Plan. Mr. Davis also advised the Commission that the annual sediment and stormwater program reports have been combined through recent legislative action and that the combined report is due by October 1 to the Environmental Review Commission. Mr. Davis provided brief updates on the sediment program related aspects of Senate Bill 131, Senate Bill 615, and Senate Bill 16. Mr. Davis concluded with the status of vacant seats on the Commission and the Department's commitment to work with the Governor's Office to have the seats filled as soon as possible.

Remarks by the Chair – Mr. Bivens thanked staff for all the work they've been able to perform given current resources.

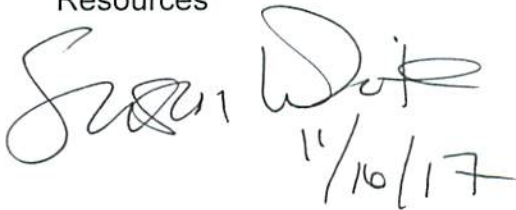
Adjournment – Dr. White made a motion to adjourn. Ms. Berry seconded the motion, and it was approved unanimously. As there was no further business, Mr. Bivens adjourned the meeting at 12:45 PM.



Toby Vinson, PE, Chief of Programs  
Division of Energy, Mineral, and Land  
Resources



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



11/16/17