

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
November 1, 2016
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on November 1, 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. Natalie Berry
Dr. Susan White (Vice-Chair)
Dr. John Havlin
Ms. Heather Jacobs Deck
Ms. Karla Hammer Knotts (via teleconference)

OTHERS

Mr. Tracy Davis, Director, DEMLR
Mr. Toby Vinson, Chief, Program Operations, DEMLR
Mr. Brad Cole – Chief, Regional Operations, DEMLR
Mr. John Holley, State Sediment Specialist, DEMLR
Ms. Evangelyn Lowery-Jacobs, Sed. Education Specialist, DEMLR
Ms. Ashley Rodgers, City of Raleigh
Mr. Sean Maier, Attorney General's Office
Mr. Kirk Stafford, Town of Cary
Mr. Chris Rice, Town of Waxhaw

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 4, 2016, meeting.

Dr. Susan White made a motion to approve the minutes. Mr. Bivens seconded the motion, and it was approved unanimously.

ACTION ITEMS

Mr. Toby Vinson asked for Action Item B (Request for Remission) to be removed from the agenda. The City of Reidsville previously requested remission of a civil penalty issued July 20, 2016 for Reidsville Senior Center (ROCK-2015-005). The City later withdrew their request, and notified DEMLR that it has agreed to pay the penalty.

Town of Waxhaw Delegation Request – Mr. Toby Vinson

Mr. Vinson presented the Town of Waxhaw delegation request to the Commission for consideration. A copy of the request to the SCC is attached to the original minutes.

Mr. Rice, Town of Waxhaw, addressed the Commission.

Staff recommended approval of the Town ordinance, Memorandum of Agreement, and program delegation.

After much discussion, Ms. Deck made a motion to approve the Town of Waxhaw delegation request. Dr. White seconded the motion, and it was approved unanimously.

Ms. Knotts asked when staff would review the new delegated program. Mr. Vinson indicated the Mooresville Regional Office would conduct an initial orientation with Waxhaw to discuss file transfer. An informal review will be conducted within 6 months, followed by a formal review in 1 year.

Ms. Smith noted the removal of Action Item B (Request for Remission) from the agenda for the record. She asked for a reading of the recently filed ethics documents. Mr. Vinson read the Statements of Economic Interest filed by Karla Hammer Knotts, Kevin Charles Martin, and Heather Jacobs Deck.

INFORMATION ITEMS

Legislative Update – Mr. Davis discussed the 2016 Annual Sedimentation Program Report to the ERC. He reiterated the need for a phased sediment fee increase, and mentioned plans for an expansion budget. Ms. Smith encouraged staff to include additional statistics in the reports for a thorough analysis of the DEMLR workload.

Rules Review Process Update – Mr. Vinson gave an update on the rules review process. The stakeholders group held the first meeting in October, and will continue on the 1st Friday of each month. The group conducted an initial evaluation of the Sediment Rules by categorizing them into 3 groups for analysis: 1) Rules with expected need for modification, 2) Rules without need for modification, and 3) Rules that are unnecessary. Workload will be adjusted as necessary to ensure completion by September 2017.

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. Vinson presented a report on ICAs that have been issued by NCDOT since September 1, 2016. No Trout Buffer Waivers for Secondary Road Projects have been issued by DEMLR since the last Commission meeting.

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.


CONCLUSION

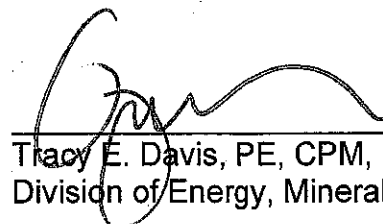
Remarks by the Director – Mr. Davis recognized John Holley as the new State Sediment Specialist and thanked DEMLR central and regional staff for their efforts. He discussed the 2% budget cut requested by DEQ management and how the proposed cuts would impact DEMLR programs. Mr. Davis noted that despite the loss of funding to host erosion and sedimentation control design workshops as has been done in the past, DEMLR staff intends to continue to provide technical guidance to design professionals through pre-application meetings and formal plan reviews, and to contractors during site inspections. Staff also intends to provide presentations during other organizations' meetings and conferences in order to continue to get the word out on our Sediment Program requirements and initiatives.

Remarks by the Commission – Ms. Knotts asked whether the schedule for 2017 SCC meetings has been determined. Ms. Smith indicated the Commission could hold a teleconference meeting to vote on meeting dates. Staff was asked to coordinate the teleconference and notify members.

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

Adjournment – Mr. Bivens made a motion to adjourn. Ms. Deck seconded the motion, and it was approved unanimously. As there was no further business, Ms. Smith adjourned the meeting at 12:26 PM.


Evangelyn Lowery-Jacobs,
Sedimentation Education Specialist


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

