

**MINUTES**  
**NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION**  
**MAY 17, 2018**  
**GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING**  
**RALEIGH, NORTH CAROLINA**

The North Carolina Sedimentation Control Commission met on May 17, 2018 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**

Dr. Susan White (Chair)  
Mr. Jonathan Bivens  
Ms. Natalie Berry  
Ms. Karla Hammer-Knotts  
Ms. Heather Deck  
Dr. John Havlin  
Ms. LeToya Ogallo  
Mr. Mark Taylor  
Mr. Hartwell Carson  
Dr. Albert Rubin

**OTHERS**

Mr. Toby Vinson, Chief, Program Operations and Interim Director, DEMLR  
Ms. Julie Coco, State Sedimentation Engineer, DEMLR  
Ms. Mary S. Crawley, Assistant Attorney General, Attorney General's Office  
Mr. Kirk Stafford, Town of Cary  
Mr. Ryan Eaves, Durham County  
Mr. Charles Pender, Johnston County  
Mr. Tom Gerow, Jr., NC Forest Service  
Mr. Matthew Starr, Upper Neuse River Keeper  
Ms. Krista Duffield, DEMLR Intern

**PRELIMINARY MATTERS**

Dr. Albert R. Rubin was sworn in by Debra Godwin, notary for the DEMLR.

Dr. White called the meeting to order.

Those in attendance introduced themselves. Dr. White announced any potential conflicts with the new Commission members, and reminded them to recuse themselves from any discussions related to those conflicts.

Dr. White read Executive Order No. 1 regarding avoidance of conflict of interest.

Dr. White asked for a motion to approve the minutes from the February 8, 2018 meeting. Ms. Deck moved to approve the minutes. Dr. Taylor made a second to the motion, and the minutes were approved unanimously. *MSW*

## **ACTION ITEMS**

**Local Program Review, Recommendation and Vote on Delegations** – Ms. Julie Coco summarized the DEMLR staff's review of both of the Local Programs listed in the agenda. The Commission voted to continue delegation of the Village of Whispering Pines, pending a follow-up field review by the Fayetteville Regional Office. The Commission members were briefed on the progress of Johnston County's program (currently on probation) through an interim review. No action was taken at this time.

The motions were as follows:

*Village of Whispering Pines:* A motion was made by Ms. Deck to continue delegation to the Village with a follow-up inspection and report to be presented at the November 2018 meeting. A second to the motion was made by Mr. Bivens. The motion was approved.

**Durham County/City Local Program Ordinance Review** – Ms. Julie Coco

The Durham County Sediment & Erosion Control Division presented changes to their unified development ordinance, which reflected the latest updates to the SPCA. These changes had been preliminarily approved by both the Durham County Board of Commissioners and the City of Durham Town Council. Approval was sought from the Commission based on these changes. A motion to accept the changes was made by Ms. Ogallo. A second to the motion was made by Mr. Taylor. The motion was unanimously approved.

## **INFORMATION ITEMS**

**Enforcement Report** – Mr. Vinson presented a statewide summary of our enforcement proceedings.

**Land Quality Section Active Sediment Cases Report** – Mr. Vinson summarized the status of active sediment cases against violators, whereby the penalty was assessed by the Division.

**NCDOT Report** – Ms. Julie Coco reported on one Immediate Corrective Action (ICA) that was generated and lifted. One Trout Buffer Zone Waiver was issued to the NCDOT within the last quarter.

**Education Program Status Report** – Ms. Coco reported that the Sediment Education Specialist position has yet to be filled. An interview was conducted recently and an offer will be extended to the candidate pending a check of credentials.

Ms. Coco stated that the annual Local Programs Workshop & Awards Banquet was held May 3 – 4, 2018. There were almost 100 attendees, including DEMLR personnel, from across the state. Forty-one of the fifty-three locally delegated programs attended the workshop. A variety of speakers and topics related to erosion and sediment control and post-construction stormwater were presented.

**Civil Penalty Initial Remission Request Assessment and Status** – Ms. Julie Coco reported on the status of the civil penalty remission request made by the Keystone Group, Inc. The penalty was assessed by the DEMLR taking into consideration the six factors required by statute. A letter was sent to the petitioner on the remission amount with a deadline of May 25, 2018 for response. If no response is made by this date, the remission request is automatically forwarded to the Commission for deliberation.

**Sediment Program Status Report** – Ms. Coco reported on the number of plan approvals, inspections, and enforcement activities from each of the regional offices.

**Notification of Potential Revisions to the Commission's Approved Erosion and Sediment Control Planning and Design Manual** – Ms. Julie Coco informed the Commission members to changes in the NPDES Construction General Permit (NCG01) which is up for renewal and about the possibility of incorporating NCG01 requirements into the E&SC Planning and Design Manual. Draft changes would be summarized and presented to the members for reviews. The reviews would mainly consist of deciding the appropriate sections for inserting NCG01 requirements within the manual, and of ensuring consistencies between the requirements and the manual's recommendations and specifications. The final version would need to be approved by the Commission members.

**Land Quality Section Report** – Mr. Vinson reported to the Commission about the existence of five statewide vacancies within the DEMLR.

**The DEMLR Legislative Report** – The final report on the potential merger of the Sediment Control Commission with the Environmental Management Commission was presented and discussed by Mr. Toby Vinson. This report discusses the feasibility of combining the two commissions, and was prepared to fulfill the requirements of Section 13.6 of Senate Law 2017-257.

**Voluntary Revocation of a Local Program Delegation** – Ms. Julie Coco discussed a request by the community of Grandfather Village (Linville, NC) to revoke their delegation of an erosion control program. There was discussion as to the process. Mr. Bivens mentioned that this program should default to governance by Avery County's program. Mr. Taylor agreed, and mentioned that the procedure for revocation should be included either within an ordinance or within the Memorandum of Agreement.

He asked for a review of the procedure either by the DEMLR or by the Attorney General's office. Mr. Rubin suggested that Avery County perform due diligence in assessing the Grandfather Village program prior to its takeover. The chairman proposed three actions for follow-up: 1) the DEMLR is to investigate the current process for revocation; if there is no process, draft a process for review by the Commission going forward 2) recommend that Avery County assess the community for assimilation of their program, and 3) the DEMLR is to investigate and report on the origins of this delegation agreement with the Village.


**Rules Review Process Update** – In a follow-up to the February minutes, it should be noted that changes based upon the RRC comments have not yet been addressed due to a recent re-prioritization of tasks requested of Mr. Devane. The chairman and Mr. Vinson agreed that those members who volunteered to review the rules schedule this with Mr. Devane and Ms. Coco. One of the volunteers, Ms. Deck, has agreed to schedule a meeting. The chairman has requested that the latest revisions be provided to the Commission at the next meeting.

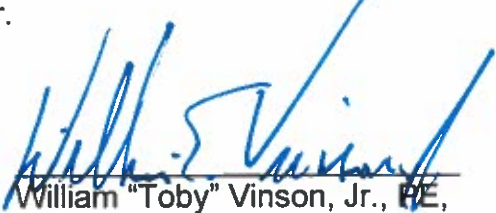
## CONCLUSION

**Remarks by Interim Director** – Mr. Vinson thanked Ms. Ogallo for her attendance at the Local Programs Workshop. He also thanked Ms. Coco for planning and coordinating a successful workshop. Mr. Vinson looked forward to working with the Commission on finalizing the sediment rules, and in filling the vacant positions.

**Remarks by Commission Members** - A request was made to post relevant agenda items to the website ahead of the meeting.

**Adjournment** - A motion to adjourn was made by Ms. Knotts. A second to the motion was made by Mr. Bivens, and all voted in favor.

  
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Julie Coco, PE, State Sediment Engineer  
Division of Energy, Mineral, and Land  
Resources

  
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William "Toby" Vinson, Jr., PE,  
Interim Director,  
Division of Energy, Mineral, and Land  
Resources

  
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Dr. Susan White, Chair  
Sedimentation Control Commission