

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
NOVEMBER 15, 2018
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on November 15, 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
Mr. Michael Willis
Ms. Heather Deck
Ms. LeToya Ogallo
Mr. Mark Taylor
Mr. Hartwell Carson
Mr. Albert Rubin (via phone)

OTHERS

Ms. Julie Coco, State Sedimentation Engineer, DEMLR
Ms. Rebecca Coppa, State Sedimentation Education Specialist, DEMLR
Mr. Boyd DeVane, DEMLR
Ms. Mary S. Crawley, Assistant Attorney General, Attorney General's Office
Mr. Jeevan Neupane, Wake County
Ms. Karyn Pageau, Wake County
Mr. Zac Lentz, DEQ-Winston-Salem Regional Office
Mr. Tom Gerow, Jr., NC Forest Service
Ms. Jessica Batten, Johnston County
Ms. Chandra Farmer, Johnston County

PRELIMINARY MATTERS

Mr. Michael D. Willis was sworn in as a new member of the Commission. He will fill the role of the North Carolina Soil and Water Conservation Commission Representative.

Dr. White called the meeting to order.

Dr. White read Executive Order No. 1 regarding avoidance of conflict of interest.
Dr. White recused herself from deliberations and voting on matters pertaining to Item II.E.

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.

Ms. Coco read aloud evaluations by the NC Board of Elections & Ethics Enforcement on the Statements of Economic Interest filed by Mr. Dean and Mr. Taylor.

Dr. White asked for a motion to approve the minutes from the August 16, 2018 and September 7, 2018 meetings. Ms. Berry moved to approve minutes from the August meeting. Mr. Bivens made a second; the minutes were approved unanimously. Ms. Berry moved to approve minutes from the September meeting. Mr. Carson made a second; the minutes were approved unanimously.

ACTION ITEMS

Revocation of Local Program Delegated Authority to Grandfather Village – Ms. Coco requested the Commission vote to grant permission to the Chair and Counsel for signing the Memorandum of Agreement between the Village and the Commission. Mr. Bivens moved to grant permission; Ms. Berry made a second to this motion. The minutes were approved unanimously. The signed memorandum officially rescinds the authority for delegation under the Sediment Act to Grandfather Village.

Local Program Reviews, Recommendation and Vote on Delegation – Ms. Julie Coco summarized the DEMLR staff's review of the Village of Whispering Pines' program (under conditional approval at the time) and Johnston County's program (under probation). Staff recommended to continue reviews of both programs (with Johnston County being removed from probation) until the February 2019 quarterly meeting.

The motions were as follows:

Village of Whispering Pines: A motion was made by Ms. Deck to continue the review of this program until the next quarterly meeting. Ms. Berry made a second. The Commission voted to continue review of the program with a follow-up report to be provided at the February 2019 meeting. The vote was unanimous in support of continued review.

Johnston County: A motion was made by Ms. Deck to remove the program from probation and to continue the review of this program until the next quarterly meeting. Mr. Carson made a second. The Commission voted to continue review of the program with a follow-up report to be provided at the February 2019 meeting. The vote was unanimous in support of continued review.

Model Ordinance for Local Programs – Ms. Coco presented draft changes to the model ordinance. The ordinance is provided to local governments with delegated authority for administering the Sediment Act. The proposed updates include statute changes since the model ordinance was last updated in 2014, the handling of civil penalty remission requests, deposits made regarding civil penalties collected, and minor editorial changes. A motion was made by Mr. Taylor to approve these changes to the model ordinance. Mr. Bivens made a second. The vote was unanimous.

Water Resources Research Institute Proposal for Support of the 2019 Local Program Workshop & Awards Banquet – Ms. Julie Coco presented a proposal by the WRRRI to assist with services related to the annual Spring workshop. Mr. Taylor moved to approve the use of contract services provided by the WRRRI in support of this workshop. Dr. Rubin made a second to the motion. Dr. White recused herself from voting. Ms. Deck recommended that the results of the workshop be evaluated and presented to the Commission when considering support for future workshops. The vote was in favor of moving forward with this proposal.

INFORMATION ITEMS

Annual (2018) DEQ-DEMLR Combined Sediment and Stormwater Programs Report – Ms. Coco presented this report to the Commission. There was a discussion as to sediment fees and vacancies within the DEMLR. Dr. White requested the DEMLR fee schedule study that was prepared in 2014 be re-submitted to the Commission members.

Enforcement Report – Ms. Coco presented a statewide summary of our enforcement proceedings.

Land Quality Section Active Sediment Cases Report – Ms. Coco summarized the status of active sediment cases against violators, whereby the penalty was assessed by the Division. Most active cases are awaiting responses to letters demanding late payments.

NCDOT Report – Ms. Coco reported that no Immediate Corrective Actions (ICAs) were generated within the quarter. There were three Trout Buffer Zone Waivers reported as being issued to the NCDOT within the last quarter.

Education Program Status Report – Ms. Coppa presented a summary of the recent work that has been accomplished in the education program.

She stated that planning is near completion for the Designer's and Planner's Workshop to be held December 4, 2018 in Raleigh. We are looking forward to having Dr. John Havlin provide the opening remarks.

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

Land Quality Section Report – Ms. Coco reported to the Commission about the existence of six statewide vacancies within the DEMLR.

Rules Review Process Update – This item was not on the agenda, but an update was requested by one of the Commission members. Mr. Boyd DeVane discussed two possible schedules for meeting the November 2019 deadline. He is addressing comments received by staff from the Office of Administrative Hearings and is expecting to have all addressed by mid-December.

CONCLUSION

Remarks by Interim Director – *Absent*

Remarks by Commission Members – Dr. White thanked DEMLR staff for their work. She also thanked the members for their contributions and for their in-person presence.

Adjournment – Dr. White moved to adjourn the meeting. Mr. Bivens made a second. The meeting was adjourned at approximately 12:29 PM.

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

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

Dr. Susan White, Chair
Sedimentation Control Commission