

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
MAY 12, 2020
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on May 12, 2020 at 10:00 a.m. via an online webinar. The following persons were in attendance via webinar for all or part of the meeting, with Commission members being present for the entire meeting:

COMMISSION MEMBERS

Dr. Susan White (Chair)
Mr. Jonathan Bivens
Ms. Natalie Berry
Ms. Heather Deck
Mr. Mark Taylor
Mr. Hartwell Carson
Ms. Susan Foster
Ms. LaToya Ogallo
Dr. Richard McLaughlin
Mr. Robert (Jason) Conner
Ms. Marion Deerhake

OTHERS

Mr. Matt Gantt, Regional Operations Chief, DEMLR
Mr. Toby Vinson, Program Operations Chief, DEMLR
Mr. Brian Wrenn, Interim Director, DEMLR
Ms. Julie Coco, State Sedimentation Engineer, DEMLR
Ms. Rebecca Coppa, State Sedimentation Education Specialist, DEMLR
Mr. Boyd DeVane, DEMLR
Mr. Tom Gerow, Jr., NCFS
Mr. Zac Lentz, DEMLR-Winston Salem Regional Office
Ms. Sarah Zambon, Attorney General's Office
Ms. Nancy Watford, City of Asheville
Mr. Craig Benedict, Orange County
Mr. Michael Harvey, Orange County
Ms. Karyn Pageau, Wake County
Mr. Shelton Sullivan, DWR
Ms. Anna Martin, WRRRI

PRELIMINARY MATTERS

Dr. White called the meeting to order at 10:01.

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

Those in attendance introduced themselves. Dr. White announced any potential conflicts with the Commission members and reminded them to recuse themselves from any discussions related to those conflicts. Dr. White read the guidelines for participating in the webinar.

Dr. White asked for a motion to approve the minutes from the February 20, 2020 meeting. Ms. Deck requested a change to the minutes to reflect she was not present. Ms. Foster moved to approve the minutes with the change. Mr. Carson made a second; the motion passed, and the minutes were approved unanimously.

ACTION ITEMS

Sediment Control Rules Adoption: Update and Action Required

Mr. Boyd DeVane explained the action required by the Sedimentation Control Commission to address the Rules Review Commission's recommendation that two existing rules, 15A NCAC 04C .0103 and .0106, be repealed. Mr. Boyd Devane and Mr. Toby Vinson addressed Commissioners' questions.

The motion was as follows:

Ms. Deck moved to adopt the recommendation to repeal both rules. Dr. McLaughlin made a second to the motion. The Commission voted unanimously to repeal rules 15A NCAC 04C .0103 and 15A NCAC 04C .0106.

City of Asheville Local Program Review

Ms. Coco summarized the DEMLR staff review of the City of Asheville Program. Staff recommended to continue delegation of the City's program.

The motion was as follows:

Mr. Bivens moved to continue delegation of the City's program. Ms. Deck made a second. The Commission voted to continue delegation authority for the program. The motion passed unanimously.

County of Orange Local Program Review

Ms. Coco summarized the DEMLR staff review of the Orange County Program. Staff recommended to continue delegation authority for the program.

The motion was as follows:

Dr. McLaughlin moved to continue delegation of the County's program. Ms. Deck made a second. The Commission voted to continue delegation authority for the program.

The motion passed unanimously.

Memorandum of Agreement Template

Ms. Julie Coco summarized proposed changes to the memorandum issued to Local Programs. Ms. Deck made a motion to accept the changes with one revision to that requested. The one revision involved continued notification by Local Programs to the DEMLR regional offices of the issuance of Notices of Violation. Dr. McLaughlin made a second; The Commission voted unanimously to approve the changes requested by DEMLR staff that included the revision to notifications.

INFORMATION ITEMS

Committee Nominations & Topics

Ms. Rebecca Coppa summarized the nominations received for committee membership and topics of interest.

Dr. McLaughlin reminded the members of an earlier discussion in the meeting whereby it was suggested to add a topic regarding the effectiveness of construction entrances. Dr. White extended the nomination deadline by one month. She encouraged members to submit nominations for the Commission Technical Committee (CTC) and Education Advisory Commission directly and only to Rebecca Coppa with the DEMLR.

Local Program Ordinance Review and Delegation Procedures

Ms. Julie Coco summarized the discussion on these two procedures from the October 2, 2019 committee meeting. An ordinance review procedure is being developed by DEMLR staff in conjunction with interested commission members. DEMLR staff are also developing criteria and enhancing their procedures by which local governments receive delegation for administering and enforcing the Sedimentation Pollution Control Act.

Civil Penalty Remission Guidelines and Pending Cases

Ms. Coco provided an update on the status of the pending remission requests from civil penalties assessed by Local Programs. She also answered questions regarding the guidelines approved on February 20, 2020.

Land Quality Section Active Sediment Cases and Enforcement

Ms. Coco reported on the status of civil penalty assessments and judicial actions.

Education Program Status Report

Ms. Rebecca Coppa reported on Sediment Education Program activities.

Sediment Program Status Report

Ms. Coco reported on the Land Quality Section's statewide plan approvals, inspections, and enforcement activities.

NCDOT Report

Ms. Julie Coco reported on the Immediate Corrective Action Report issued by the

Department.

Land Quality Section Report

Mr. Toby Vinson provided a report on the current number of vacancies in the Section and other Land Quality Section activities and issues.

CONCLUSION

Remarks by the Acting DEMLR Director – Mr. Wrenn stated that based on the current guidance to minimize the spread of COVID-19, the DEMLR has adjusted operations to protect the health and safety of the staff and public. Many employees are working remotely or are on staggered shifts. To accommodate these staffing changes, all DEQ office locations are limiting public access to appointments only. We have temporarily stopped routine inspections but are continuing to conduct complaint investigations, emergency response, and compliance/enforcement inspections.

PED report response update – DEMLR continues to analyze and implement process improvements in response to the Performance Evaluation Division report. He highlighted topics that include risk-based inspections, inspection expectations during the pandemic, progress on our electronic permitting of projects, and the possible budget cuts to the program based on this COVID-19 pandemic.

Remarks by Commission Members – Ms. Ogallo reminded the members of upcoming expiration dates for their Statements of Economic Interest and the need to provide new statements to the DEMLR. The annual deadline is April 15th. Ms. Ogallo also reminded the members of upcoming expiration dates for their ethics training. She will send an email to the members whose ethics training will be expiring soon.

Remarks by Chairman – The Chair thanked everyone for their time in attendance, and patience with this first-ever webinar. She thanked the DEMLR staff for conducting a successful online event.

Adjournment – Dr. White adjourned the meeting at approximately 12:47 pm.

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

Brian Wrenn, Acting Director
Division of Energy, Mineral, and Land
Resources

Dr. Susan White, Chair
Sedimentation Control Commission