

MINUTES  
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION  
FEBRUARY 20, 2020  
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING  
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on February 20, 2020 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 (via phone)  
Mr. Michael Willis  
Ms. Heather Deck  
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, DEMLR  
Mr. Brian Wrenn, DEMLR  
Ms. Julie Coco, State Sedimentation Engineer, DEMLR  
Mr. Taylor Young, Assistant State Sedimentation Engineer, DEMLR  
Mr. Boyd DeVane, DEMLR  
Mr. Robert Johnson, Public Information Officer for DEMLR  
Ms. Mary Crawley, Assistant Attorney General, Attorney General's Office  
Mr. Jeevan Neupane, Wake County  
Ms. Melinda Clark, Wake County  
Ms. Karyn Pageau, Wake County  
Mr. Alan Alcock, Wake County  
Mr. Tom Gerow, Jr., NCFS  
Mr. Zac Lentz, DEMLR-Winston Salem Regional Office  
Ms. Beth Wetherill, New Hanover County  
Mr. Jim Iannucci, New Hanover County  
Mr. Ryan Eaves, Durham City/County Program  
Mr. Scott Ford, City of High Point  
Mr. Zac Lentz, DEMLR

Ms. Sarah Zambon, Attorney General's Office

## **PRELIMINARY MATTERS**

Dr. White called the meeting to order.

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

Those in attendance introduced themselves. Dr. Richard McLaughlin was sworn in as a new member before the meeting was called to order. Ms. Ogallo read the conflicts of interest information into the record. 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 asked for a motion to approve the minutes from the November 20, 2019 meeting. Mr. Conner moved to approve the minutes. Mr. Bivens made a second; the motion passed, and the minutes were approved.

## **ACTION ITEMS**

### **Internal Operating Procedures of the Sedimentation Control Commission of North Carolina**

The Chair presented procedures to the members regarding how the commission would operate. Questions arose, and a discussion was held by the members. Mr. Willis moved to approve the internal operating procedures (otherwise referred to as "by-laws"). Ms. Ogallo made a second; the motion passed, and the procedures were approved.

### **Delegations of Authority and Guidelines for Remissions**

The Chair presented guidelines to the members regarding the process for handling penalty remission requests. Questions arose, and a discussion was held by the members. In regard to confidential materials provided to a civil penalty remissions committee, counsel agreed to provide an introductory statement addressed to Local Program staff that would preface and explain the purpose of these guidelines.

Ms. Foster moved to adopt the remission guidelines for the DEMLR. Mr. Bivens made a second; the motion passed, and the guidelines were approved.

Ms. Foster moved to adopt the remission guidelines for local government erosion and sedimentation control programs. Dr. McLaughlin made a second; the motion passed, and the guidelines were approved.

Ms. Ogallo moved to adopt delegation authority for the DEMLR to act on behalf of the commission to resolve remission requests made from penalty assessments. Mr. Bivens made a second; the motion passed, and the delegation was approved.

Ms. Ogallo moved to adopt delegation authority for local government erosion and sedimentation control programs to act on behalf of the commission to resolve remission requests made from penalty assessments. Mr. Carson made a second; the motion passed, and the delegation was approved.

### **Durham City/County Program Ordinance Review**

Mr. Eaves presented changes to their ordinance to the commission. There were questions from the members. A discussion was held amongst the members.

#### **Motion to pass the ordinance as is. Carson/2<sup>nd</sup> Deerhake**

Mr. Carson then said he would be willing to amend the original motion to adopt ordinance contingent upon Durham removing the (parenthesis language) in subsection B. Ms. Deerhake said she would support that motion if he did so. Discussion ensued. *Motion to amend original motion was not made.*

#### **Motion to amend original motion to approve ordinance contingent upon striking all of section 12.10.2.A.3 (b) from the ordinance and approve the rest of ordinance as is. Foster/2<sup>nd</sup> Willis**

Discussion ensued as whether to approve contingent today when Durham stated their intention to have a revised ordinance before the Commission in August.

Motion to amend original motion taken to vote:

Nays: Carson.

Motion to amend original motion passes.

Original motion as amended: Approve ordinance contingent upon Durham striking 12.10.2 A.3(b) in its entirety.

Original motion as amended taken to a vote:

Nays: Deerhake and Carson. Motion passes.

Ms. Deerhake states she voted against because concerned about the “contingency” language.

### **County of Wake Local Program Review**

Mr. Young summarized the DEMLR staff review of the Wake County Program. Staff recommended to continue delegation of the County’s program.

The motion was as follows:

Mr. Bivens moved to continue delegation of the County's program. Mr. Willis made a second. The Commission voted to continue delegation authority for the program. The motion passed.

### **County of New Hanover Local Program Review**

Mr. Young summarized the DEMLR staff review of the New Hanover County Program. Staff recommended to continue delegation authority for the program.

The motion was as follows:

Ms. Ogallo moved to continue delegation of the County's program. Mr. Connor made a second. The Commission voted to continue delegation authority for the program. The motion passed.

### **County of Guilford Local Program Review**

Mr. Young summarized the DEMLR staff review of the Guilford County Program. Staff recommended to place the program on probation for nine months.

The motion was as follows:

Mr. Carson moved to accept the recommendation from DEMLR staff. Mr. Willis made a second. The Commission voted to accept the recommendation and place the program on probation. A status report will be provided at the fourth quarterly meeting scheduled for November 5, 2020. The motion passed.

### **Standing Committee Discussion**

The Chair invited new members to serve on a standing committee mandated under statutory law and consisting of three erosion and sedimentation control plan review members:

Ms. Susan Foster  
Dr. Rich McLaughlin  
Mr. Jason Conner  
Chairperson: Ms. Foster  
Vice-chairperson: Dr. McLaughlin

The Chair invited members to serve on a new committee called the Civil Penalty Remissions Committee:  
Ms. Marion Deerhake  
Ms. LaToya Ogallo  
Mr. Mark Taylor  
Chairperson: Ms. Deerhake  
Vice-chair: Ms. Ogallo

[\*Dr. Susan White (ex-officio)]

## **CONCLUSION**

**Remarks by the Acting DEMLR Director** – Mr. Wrenn introduced himself to the members, and mentioned that he looks forward to working with them.

**Remarks by Chairman** – The Chair decided to postpone the remainder of Action Items and all Information Items until the next quarterly meeting.

**Adjournment** – Dr. White adjourned the meeting at approximately 1:20 pm.

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

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

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Dr. Susan White, Chair  
Sedimentation Control Commission