

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
NOVEMBER 5, 2020
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on November 5, 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. Michael Taylor
Ms. Emily Sutton
Mr. Benjamin Brown
Mr. Mark Taylor
Ms. Susan Foster
Ms. LaToya Ogallo
Dr. Richard McLaughlin
Ms. Marion Deerhake
Mr. Michael Willis
Mr. Hartwell Carson
Mr. Jason Conner

OTHERS

Mr. Brian Wrenn, Director, DEMLR
Mr. Matt Gantt, Regional Operations Chief, DEMLR
Mr. Toby Vinson, Program Operations Chief, DEMLR
Mr. Graham Parrish, State Assistant Sedimentation Specialist, DEMLR
Ms. Julie Coco, State Sedimentation Specialist, DEMLR
Ms. Rebecca Coppa, State Sedimentation Education Specialist, DEMLR
Mr. Zac Lentz, DEMLR-Winston Salem Regional Office
Ms. Sarah Zambon, Attorney General's Office
Mr. Shelton Sullivan, DWR
Mr. Tom Gerow, NCFS
Ms. Susan Locklear, Stormwater Engineer, Town of Clayton
Mr. Joshua Baird, Town Engineer, Town of Clayton
Ms. Karyn Pageau, Wake County
Ms. Anna Martin, WRRRI
Mr. Victor Barbour, Associated General Contractors
Mr. Stan Aiken, DEMLR-Asheville Regional Office
Ms. Shawna Riddle, DEMLR-Asheville Regional Office

Mr. Fred Walker, DEMLR-Asheville Regional Office
Mr. Earl Davis, Soil Erosion Control Chief, Guilford County

PRELIMINARY MATTERS

Dr. White called the meeting to order at 9:58 am.

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.

Emily Sutton, Michael Taylor and Benjamin Brown were sworn into the meeting as new members.

Dr. White asked for a motion to approve the minutes from the August 11, 2020 meeting. Mr. Mark Taylor cited a duplication in the minutes. Ms. Ogallo moved to approve the minutes, pending a change in the wording under the section on Conclusions. Ms. Foster made a second; the motion passed, and the minutes were approved unanimously.

ACTION ITEMS

Election of a Vice-Chair to the Commission

Dr. White opened the floor for nominations from the members for the election of a vice-chair to the commission. Ms. Ogallo nominated herself. Dr. McLaughlin made a second; the motion passed unanimously, and Ms. Ogallo was named Vice-Chair of the Sedimentation Control Commission.

Guilford County Local Program Review

The recommendation was made to remove the county from probation and to continue their delegation. A discussion ensued. Dr. McLaughlin moved to approve the recommendation made by the DEMLR staff. Ms. Ogallo made a second; the motion passed unanimously.

Town of Wake Forest Local Program Review

The recommendation was made to continue the town's delegation. Mr. Mark Taylor moved to approve the recommendation made by the DEMLR staff. Ms. Foster made a second; the motion passed unanimously.

Formal Review of Local Government Ordinance

Ms. Coco presented the Town of Clayton's ordinance on erosion and sedimentation control before the members for review. She concluded with a recommendation to approve the local ordinance as drafted and adopted by the town's council. Ms. Foster

moved to approve the recommendation made by the DEMLR staff. Mr. Willis made a second; the motion passed. A subsequent motion was made by Dr. McLaughlin to delegate authority to the Town of Clayton for administering and enforcing the Sedimentation Pollution Control Act of 1973, after approval of their ordinance. Ms. Foster made a second; the motion passed unanimously.

Model Ordinance Update

Ms. Coco presented proposed changes to the model ordinance used by Local Programs.

The motion was as follows:

Ms. Ogallo moved to adopt the model ordinance with two administrative amendments.

Dr. McLaughlin made a second; the motion passed unanimously.

INFORMATION ITEMS

Risk-based Approach to Construction Projects in Mountainous Areas of North Carolina

Mr. Brian Wrenn, Mr. William (Toby) Vinson, and Mr. Matt Gantt presented on an enhanced approach to our risk-based inspection process in response to a perceived increase in rainfall and storm intensities. Studies are expected to take place which will re-evaluate intensity-duration-frequency curve data (IDF curves) used to determine peak discharges for the design of erosion and sedimentation control measures. In the meantime, the Division is evaluating projects to determine thresholds for their approach to risk-management of inspections and plan designs to reduce the risk of off-site sediment. The approach will consider site-specific conditions such as project size, predominant slopes, and nearby sensitive receptors.

Commission Technical Committee

The Chair provided an update as to progress on selecting members for this committee. Nominations continue to be sought, resumes are being solicited, and candidates are being evaluated.

Land Quality Section Active Sediment Cases and Enforcement

Ms. Coco reported on the status of civil penalty assessments and judicial actions. Numbers were available through the end of the first quarter of fiscal year 2020-2021.

Education Program Status Report

Ms. Rebecca Coppa reported on Sediment Education Program activities. Commentary included positive feedback from staff and a commission member as to the success of the ongoing design webinars. This webinar series has temporarily replaced the two in-person design workshops.

Sediment Program Status Report

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

NCDOT Report

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

Land Quality Section Report

Mr. Vinson provided a report on the current number of vacancies in the Section.

COVID-19 Status

Mr. Vinson discussed how the pandemic and ensuing State executive orders have impacted program operations. Workloads have remained consistent during the pandemic, and staff are meeting their obligations in plan reviews and inspections. This year marks the first time for which the Division has complete mobility with personal computers and tablets. The Department will continue its teleworking policy through the end of the calendar year.

Reminder of Next Commission Meeting

The next commission meeting will be February 23, 2021.

CONCLUSION

Remarks by the Director – Mr. Wrenn stated that the Sediment Program is developing an onboarding process for new employees. Reference materials, policies, and training materials and videos will be stored on a SharePoint site so that they can be accessed at any time. The Raleigh Central Office is conducting regional office coordination meetings. The Division will be conducting two erosion and sedimentation plan review workshops for staff in December as part of the training effort. Finally, the Department is working towards electronic permitting. Because of DEMLR's dedicated funding, the Sedimentation Program is one of the first programs within the entire Department to move towards electronic permitting and tracking of their projects.

Remarks by Commission Members – Mr. Michael Taylor announced that he is looking forward to working with the other commission members.

Remarks by Chairman – The Chair expressed her appreciation to the DEMLR staff for their initiatives. She also welcomed the new members.

Adjournment – Dr. White adjourned the meeting at approximately 2:51 pm.

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

William Vinson, Jr.
Chief of Program Operations
Division of Energy, Mineral, and
Land Resources

Dr. Susan White, Chair
Sedimentation Control Commission