

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
FEBRUARY 23, 2021
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on February 23, 2021 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)
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. Carson arrived at the meeting around 12:00pm)
Mr. Robert "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, Commission Counsel, Attorney General's Office
Mr. Robert Johnson, Public Information Officer, DEMLR
Mr. Tom Gerow, NCFS
Mr. Andrew Lake, Wake County
Ms. Karyn Pageau, Wake County
Mr. Jeevan Neupane, Wake County
Ms. Ashley Rodgers, Wake County
Mr. Larry Ward
Mr. Kirk Stafford, Town of Cary
Ms. Anita Simpson, City of High Point
Mr. Scott Ford, City of High Point

Mr. Trevor Spencer, Engineering Services Director, High Point
Ms. Sila Vlachou, Civil Engineer, City of High Point
Mr. David Bowman, City of Burlington
Mr. Josh Nance, Caruso Homes
Mr. Victor Barbour, Associated General Contractors
Mr. Fred Tarver, DWR
Mr. Earl Davis, Soil Erosion Control Chief, Guilford County
Mr. Levi Hiatt, DEMLR-Asheville Regional Office

PRELIMINARY MATTERS

Dr. White called the meeting to order at 10:02 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.

Dr. White asked for a motion to approve the minutes from the November 5, 2020 meeting. Ms. Foster moved to approve the minutes. Dr. McLaughlin made a second; the motion passed, and the minutes were approved unanimously.

ACTION ITEMS

Pitt County Local Program Review

The recommendation was made to continue their delegation. A discussion ensued. Mr. Willis made a motion, with Ms. Ogallo making a second, to continue the delegation with staff following up on the Commission's comments with Pitt County. The motion failed. Mr. Taylor moved to continue delegation of the program under review for an additional three months. Dr. McLaughlin made a second; the motion passed by majority.

City of Burlington Local Program Review

The recommendation was made to continue the city's delegation under review for another three months. Ms. Foster moved to approve the recommendation made by the DEMLR staff. Dr. McLaughlin made a second; the motion passed unanimously.

Town of Weddington Local Program Review

The recommendation was made to continue the town's delegation under review for another six months. Mr. Willis moved to approve the recommendation made by the DEMLR staff. Mr. Carson made a second; the motion passed unanimously.

City of High Point Local Program Review

The recommendation was made to continue the town's delegation under review for another six months. Mr. Willis moved to approve the recommendation made by the DEMLR staff. Ms. Foster made a second; the motion passed unanimously.

INFORMATION ITEMS

Ethics Training Reminder

Ms. Ogallo addressed the members regarding their ethics training and statements of economic interest. Statements of Economic Interest are due by April 15, 2021 from all members.

Commission Technical Committee

Mr. Mark Taylor sought to create a diverse membership to this committee. He named the eight representatives to date. They are as follows:

1. Robin Smith
2. Karyn Pageau, Wake County, LP
3. A. J. Lang, NCFS
4. Toni Norton, Catawba County LP
5. Steve Albright, Kill Devil Hills LP
6. Dr. Rich McLaughlin
7. Donald Pierson, NCDOT
8. Mark Taylor

The first meeting is expected for mid-March of 2021. Dr. White mentioned that there is a maximum membership of twelve, and that she will set a staggered schedule for the members in the coming year.

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 January 2021.

Education Program Status Report

Ms. Rebecca Coppa reported on Sediment Education Program activities. Regarding workshops, she commented on the success of our weekly design webinars conducted in partnership with the IECA and NCSU. The webinar presentations averaged 300 attendees. She also reported that the 2021 Local Program Workshop has been moved to a virtual format and is being planned in coordination with the Water Resources Research Institute (WRRI). It is planned for April.

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 Immediate Corrective Action Reports 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. In-person meetings must be scheduled. The Department is continuing its teleworking policy.

Civil Penalty Remissions Committee Update

Ms. Deerhake stated that this committee will hold its first-ever meeting today following the commission meeting. Commission members can attend, but only those on the committee can deliberate and vote. The committee will need one more member, and asked volunteers to contact SCC Chair, Dr. White if they are interested in serving.

Ad-hoc Committee Proposal

Mr. Carson proposes a new committee to discuss topics concerning sedimentation and ways to prevent it. The committee would look at funding, enforcement, legislation, etc., the topics of which are yet to be finalized.

CONCLUSION

Remarks by the Director – Mr. Wrenn discussed the risk-based approach to construction projects requiring an erosion control plan. The DEMLR is refining the risk factor threshold of project size and analyzing appropriate inspection frequencies for higher risk projects based on staffing and resources. Since our last discussion on this approach, DEMLR has been awarded funding from NC's Office of Resilience and Recovery to develop the probable maximum precipitation model. This model will assist state and local government agencies with infrastructure planning and resiliency. On March 10th, Wrenn will be presenting DEMLR's risk-based approach to the Water Quality Committee of the EMC and will be partnering with Division of Water Resources staff in a larger discussion on Executive Order 80 and the efforts of the two divisions to address resiliency in their respective programs.

On December 2nd and 9th of last year, DEMLR conducted an erosion and sedimentation control plan consistency workshop for the western and eastern regional offices, respectively. Staff from these regional offices were provided a common set of plans prior to the workshop to review and comment on. During the workshop, each regional office was given the opportunity to critique the plans and discuss the positive and negative components of them.

DEMLR has made several legislative requests to the General Assembly this session. Three requests were made for changes to the Sedimentation Pollution Control Act.

- Request for an increase in sedimentation plan fees from \$65 per acre to \$90 per acre and then to \$170 per acre over a two-year time frame.
- Request to remove the hand delivery notification of notices of violation for first time violators.
- Request to revise the stop work order language to remove the requirement to file an injunctive relief order within two days of issuing the stop work order.

Remarks by Commission Members – none

Remarks by Chairman – The Chair thanked everyone for their efforts today and thanked the DEMLR team for keeping the commission running. She also thanked the commissioners for their patience.

Adjournment – Dr. White adjourned the meeting at approximately 2:01 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