

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
February 21, 2024
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on February 21, 2024, at 10:00 a.m. in person in the Ground Floor Hearing Room of DEQ's Archdale Building located at 512 N Salisbury Street, Raleigh, and remotely. The following persons were in attendance (either in-person or remotely) for all or part of the meeting.

COMMISSION MEMBERS

Dr. Susan White (Chair)
Mr. Benjamin Brown (Vice Chair)
Mr. Michael Taylor (absent)
Mr. James Lamb
Dr. Richard McLaughlin
Ms. Emily Sutton
Ms. Marion Deerhake
Mr. Mark Taylor
Mr. Ryan Carter
Dr. Kenneth Taylor
Mr. Steven Wilson
Mr. David Beck

OTHERS

Toby Vinson, Interim Director and Program Operations Chief, DEMLR
Julie Coco, State Sedimentation Engineer, DEMLR
Graham Parrish, Assistant State Sedimentation Specialist, DEMLR
Rebecca Coppa, State Sedimentation Education Specialist, DEMLR
Davy Conners, Environmental Program Consultant, DEMLR
Michael N Wallace, DWR
Sarah Zambon, Commission Counsel, Attorney General's Office
Danielle Rudisill, Lincoln County
Jessica Batten, Johnston County
Chandra Farmer, Johnston County
Joshua Baird, Town of Clayton
Megan Gilbert, Lincoln County
Jeevan Neupane, Wake County
Karyn Pageau, Wake County
Joseph Threadcraft, Wake County
Ashley Rodgers, Wake County

Andrew Lake, Wake County
Carrie Mitchell, Wake County
Barney Blackburn, Wake County
Shawn Springer, Wake County
Theo Udeigue, Wake County
Carolina Loop, Wake County
Betsy Pearce, Wake County
Nancy Daly, Wake County
Janet Boyer, Wake County
Jay Wilson, City of Charlotte
Christopher Rice, Town of Waxhaw
Zachary Lentz
Jeff Bock
Jeffrey Gunter
Joe Albiston
Robert Freedland
Kathleen M Russel
Grady O'Brien
Brenden Smith

PRELIMINARY MATTERS

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

Dr. White read Executive Order No. 1 regarding avoidance of conflict of interest. She asked if anyone has a known conflict of interest or potential conflicts. Mr. Wilson stated that he had a conflict with the City of Charlotte review and recused himself from voting on that action item.

Those in attendance introduced themselves.

Dr. White asked for a motion to approve the minutes from the November 16, 2023, meeting. Dr. Kenneth Taylor moved to approve the minutes. Dr. Richard McLaughlin made a second. The motion passed.

Dr. White amended the agenda to include discussion of an Ad-Hoc Committee under Informational items.

ACTION ITEMS

Johnston County Review

The county was originally reviewed and presented to the commission during the May 2023, SCC Q2 meeting, during which the commission voted to approve staff's recommendation of continuing the town's delegation with review for a period of 9 months with a follow up report to

be presented at this meeting. Mr. Graham Parrish presented the findings from his review of this program. Staff's recommendation was to continue the county's delegation with review for a period of 6 months with a follow up report to be presented at the 2024 Q3 meeting. A discussion ensued. Mr. Ben Brown made a motion to continue delegation with review for a period of 6 more months with a recommendation for the program to approve their proposed additional and qualified staff position. Mr. James Lamb made a second; the motion passed.

Town of Clayton Review

Mr. Graham Parrish presented the findings from his follow up review of this program. Staff's recommendation was to continue the program's delegation with review for a period of 3 months with a follow up report to be presented at the 2024 Q2 meeting. Ms. Sutton made a motion to approve the recommendation made by the DEMLR staff. Mr. Carter made a second; the motion passed.

Jackson County Review

Ms. Davy Conners presented the findings from her review of this program. Staff's recommendation was to continue the program's delegation. Ms. Deerhake made a motion to approve the recommendation made by the DEMLR staff. Mr. Carter made a second; the motion passed.

Wake County Review

Ms. Davy Conners presented the findings from her review of this program. Staff's recommendation was to continue the program's delegation. Ms. Sutton made a motion to approve the recommendation made by the DEMLR staff with the recommendation that the county add the proposed seven Erosion and Sedimentation Control staff positions. Mr. Carter made a second; the motion passed.

Town of Southern Pines Review

Mr. Graham Parrish presented the findings from his review of this program. Staff's recommendation was to continue the program's delegation with review for 3 months and a follow up report to be presented at the 2024 Q2 meeting. A discussion ensued. Dr. McLaughlin stated that, for the projects DEMLR looks at during the review, he would like to know how frequently those sites have been inspected. Mr. Carter made a motion to approve the recommendation made by the DEMLR staff. Mr. Mark Taylor made a second; the motion passed.

City of Charlotte Review

Mr. Wilson abstained from the discussion and voting. Mr. Graham Parrish presented the findings from his review of this program. The Commission discussed how many sites should be visited based on local program size. Staff's recommendation was to continue the program's delegation. Mr. Beck made a motion to continue the program's delegation with a recommendation for the city to enter into a Memorandum of Agreement with the Commission. Mr. Carter made a second; the motion passed.

Town of Waxhaw Review

Mr. Graham Parrish presented the findings from his review of this program. Staff's recommendation was to continue the program's delegation with review for a period of 3 months with a follow up report to be presented at the 2024 Q2 meeting. Mr. Mark Taylor made a motion to approve the recommendation made by the DEMLR staff. Mr. Carter made a second; the motion passed.

County of Lincoln Ordinance Review

Ms. Julie Coco provided an overview of the county's updated ordinance and reminded the commission that an informal review had been conducted during the November 16, 2023 SCC meeting. Mr. Carter moved to approve the ordinance. Mr. Brown made a second; the motion passed.

INFORMATION ITEMS

Ad-Hoc Committee

Mr. Carter proposed forming a new committee for the purpose of evaluating the Model Ordinance for Local Programs to provide examples of community-specific practices permitted under the Model Ordinance. Mr. Carter solicited the members to serve on this committee with him. Counsel Zambon stated that no more than five commission members could serve on this committee as that would constitute a quorum for a commission meeting. Ms. Sutton volunteered to serve. Mr. Carter also asked for nominations for relevant stakeholders to serve on the Ad-Hoc Committee.

NCDOT Report

Ms. Coco reported on the two Immediate Corrective Action (ICA) reports issued by the NCDOT and one ICA extension issued followed by the two inspection reports showing the sites to have achieved compliance.

Commission Technical Committee Update

Mr. Mark Taylor, the Chair of the Committee, shared that the committee continues to meet monthly to review practice standards. They have made good progress on providing final draft standards to DEMLR for review. The committee has also started to review supplemental practice standards. Mr. Taylor is looking for two additional members to serve on the committee.

Land Quality Section Active Sediment Cases and Enforcement

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

Land Quality Section Report

Mr. Vinson reported that there are currently 15 vacancies within the Division. Those vacancies are expected to be posted soon.

Sediment Program Status Report

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

enforcement activities. Numbers were available through the end of January.

Education Program Status Report

Ms. Coppa provided an update on the Education Program covering activities from November 2023 through February 2024. There were 114 attendees at the annual design workshop attending in-person, and approximately 58 attendees for the half-day virtual presentation.

The annual Local Programs Workshop & Awards Banquet is scheduled to be held April 23-24, 2024 in Jacksonville this year. The contract has been submitted to DEQ's Division of Financial Services for approval. Ms. Coppa is soliciting articles for the SEDIMENTS Newsletters.

Updates to the Memorandum of Agreement between Local Governments and the Commission

Counsel Zambon commented that there are no procedures in the current memorandum for when a local government desires to rescind their delegation and return that authority to the NCDEMLR and that staff has asked for this mechanism to be added. DEMLR is asking the members to recommend a transition plan that includes timelines for the transfer of projects and associated documents. Counsel asked members any potential language or other issues they would like incorporated into the new MOA. New programs would signed the edited MOA as approved by the Commission, existing programs would be asked to sign an amendment to the agreement. She requested that a draft copy or template of the latest MOA be provided to the members.

CONCLUSION

Remarks by DEMLR Interim Director

None

Remarks by Commission Members

Ms. Sutton commented that the public comment period for the NCG01 permit is open. This permit is up for renewal.

Mr. Taylor is requesting staff to quantify an expected minimum FTE (Full-Time Equivalent) position count for Local Programs against their reported FTE count in order to understand any deviations from the expected count.

Remarks by Chairman

Dr. White thanked all who were in attendance and thanked the DEMLR staff for their assistance in preparing materials for the commission members ahead of the meeting.

Adjournment

The Chair adjourned the meeting at 2:16 pm.

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

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

Susan White (Chair)
Sedimentation Control Commission