

MINUTES  
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION  
NOVEMBER 4, 2021  
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING  
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on November 4, 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) – Left meeting early  
Mr. Benjamin Brown  
Mr. Mark Taylor  
Mr. Michael Taylor  
Ms. LaToya Ogallo (Vice-Chair)  
Dr. Richard McLaughlin  
Mr. Michael Willis  
Ms. Susan Foster  
Ms. Marion Deerhake  
Mr. Hartwell Carson  
Ms. Emily Sutton

**OTHERS**

Mr. Brian Wrenn, Director, DEMLR  
Mr. Brad Cole, 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. Tamera Eplin, DEMLR-Winston Salem Regional Office  
Ms. Alaina Morman – DEMLR Stormwater  
Ms. Sarah Zambon, Commission Counsel, Attorney General's Office  
Mr. Tom Gerow, NCFS  
Ms. Karyn Pageau, Wake County  
Ms. Betsy Pearce, Wake County  
Ms. Ashley Rodgers, Wake County  
Mr. Jeevan Neupane, Wake County  
Ms. Carrie Mitchell, Town of Wake Forest  
Mr. Johnny Williams, Iredell County  
Mr. Kirk Stafford, Town of Cary

Ms. Pat Donovan-Brandenburg, City of Jacksonville  
Mr. Tracy Davis, ATS Environmental Solutions  
Mr. David Harris, NCDOT REU  
Mr. Robert Barrier, NCDOT REU  
Mr. Lamar Sylvester, NCDOT  
Mr. Gregory Ewanitz, Lennar Homes  
Mr. W. Smith, Lennar Homes  
Mr. Justin Pittman, Lennar Homes  
Ms. Kathryn Cooper

## **PRELIMINARY MATTERS**

Dr. White called the meeting to order at 10:03 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 asked the members to turn on their cameras when speaking.

Mr. Mark Taylor was re-appointed to the commission on August 3, 2021. He took the oath of office at this meeting.

Dr. White asked for a motion to approve the minutes from the August 17, 2021, meeting. Mr. Mark Taylor asked for textual amendments to the minutes. Dr. McLaughlin moved to approve the minutes as amended. Mr. Mark Taylor made a second; the motion passed, and the minutes were approved as amended. Ms. Deerhake abstained from voting because she did not attend the August 17, 2021 meeting.

## **ACTION ITEMS**

### **Modifications to the Remission Guidelines for the DEMLR**

One recommendation was made to shorten the deadline for remission requests of a civil penalty from sixty days to thirty days per Session Law 2021-158 that amends sub-section (a) of General Statute 113A-64.2 of the Sedimentation Pollution Control Act of 1973. Mr. Carson made a motion to approve the recommendation made by Counsel. Dr. McLaughlin made a second; the motion passed.

### **Modifications to the Remission Guidelines for Local Government Erosion and Sedimentation Control Programs**

One recommendation was made to shorten the deadline for remission requests of a civil penalty from sixty days to thirty days per Session Law 2021-158 that amends sub-section (a) of General Statute 113A-64.2 of the Sedimentation Pollution Control Act of 1973.

Mr. Carson made a motion to approve the recommendation made by Counsel. Ms. Sutton made a second; the motion passed.

### **City of Jacksonville Local Program Review**

The recommendation was made to continue the city's delegation. Mr. Willis made a motion to approve the recommendation made by the DEMLR staff. Ms. Foster made a second; the motion passed.

Chair White left the meeting at 10:28 am and Vice-Chair Ogallo chaired the remainder of the meeting. Quorum was unaffected.

### **Iredell County Local Program Review**

The recommendation was made to continue the county's delegation. Mr. Willis made a motion to approve the recommendation made by the DEMLR staff. Ms. Foster made a second; the motion passed.

### **Model Ordinance for Local Programs**

Changes were requested to this ordinance due, in part, to amendments made to the Sedimentation Pollution Control Act of 1973. Mr. Willis made a motion to approve the recommendation made by the DEMLR staff. Mr. Brown made a second; the motion passed.

### **NCDOT Annual Program Review**

Ms. Coco and Mr. Parrish presented the results of their findings and recommendations from the audit of transportation projects and practice standards as a part of this agency's delegated erosion and sedimentation control program. The recommendation was made to continue the state's delegation. Ms. Deerhake asked staff to consider reviewing the 1991 Memorandum of Agreement between DEMLR and the DOT for any needed updates. Vice-Chair Ogallo asked if there were differences in opinion between the two agencies as to when in-field revisions should be made in place of plan reviews. NCDOT staff stated that a process exists called "erosion control plan audit review" that may be initiated by field forces to discuss the need for plans to be re-evaluated. It was further noted that field staff positions have been upgraded to qualify them for conducting plan reviews, but that the central office was also available for plan reviews. DEMLR staff commented that plan revision requests were made in the field to DOT staff and that staff reviewed and approved those plans, but did not necessarily review the calculations used to support the design revision.

Mr. Willis made a motion to approve the recommendation made by the DEMLR staff. Mr. Michael Taylor made a second; the motion passed.

## **INFORMATION ITEMS**

### **NCDOT Report**

Ms. Coco reported on the Immediate Corrective Action Report issued to the Department of Transportation. Dr. McLaughlin asked about the ability to conduct inspections using drones.

### **Commission Technical Committee**

Mark Taylor is the Chair for this committee. Multiple regularly scheduled as well as special topics meetings were held since the third quarter commission meeting in August. The last special topics meeting was held on November 1, 2021, to discuss procedures and expectations between DEMLR and this committee. The Committee Chair will relay that discussion to the remaining committee members.

### **Ad-hoc Committee Proposal**

Hartwell Carson is the Chair for this committee. Three sub-committees have been formed: 1) Legislative Committee, 2) Local Programs Committee, and 3) Science and Technology Committee. These sub-committees will report to the larger committee.

### **Education Advisory Committee**

Vice-Chair Ogallo opened a discussion on re-establishing this committee. Dr. McLaughlin provided some history. Vice-Chair Ogallo asked for additional nominations from those solicited approximately one year ago. Ms. Coppa requested that she also be notified of those nominations to compile them for the Commission Chair.

### **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**

In September, Ms. Coppa participated in a SciREN Virtual Teachers Event and presented on the Virtual DEQ Career Panel for the NC Governor's Page Program.

Additionally, Ms. Coppa and DWR's water educator began co-hosting bi-weekly Virtual Water Education Coffee Talks for formal and non-formal educators. The purpose of these coffee talks is to answer questions, showcase our education resources, facilitate networking, and discover or facilitate collaboration opportunities.

The Sediment Education Specialist also co-hosted a virtual Project WET workshop for educators in October.

Regarding workshops, the hybrid in-person and virtual 2021 NC Erosion & Sediment Control Workshop (formally called the E&SC Design Workshop) has been scheduled for December 2 at the McKimmon Center in Raleigh, and is being planned in coordination with SE-IECA and the NCSU Department of Crop and Soil Sciences. The 2022 Local Program Workshop and Awards Program has been scheduled for April 19 and 20 at the Union County Agricultural Center, and is being planned in coordination with the Water

Resources Research Institute (WRI).

Ms. Coppa also reminded Commissioners that if they want to submit articles to the December edition of the Sediments Newsletter to reach out to her.

### **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 September.

### **Land Quality Section Report**

Mr. Vinson discussed the vacancies within the Section and other programs within the Division.

### **Recent Legislative Changes and Potential Impacts to DEMLR and the Local Programs**

Mr. Wrenn summarized recent amendments to the Sedimentation Pollution Control Act of 1973 under Session Laws 2021-121 and 2021-158 which affect both DEMLR staff and Local Programs.

### **Local Programs and Full-Time Equivalent Positions**

Ms. Coco defined Full-Time Equivalent Positions and discussed DEMLR's use of those position numbers to evaluate a Local Program's ability to effectively operate their program.

### **2022 Commission Meetings Schedule and Discussion of a Hybrid Meeting Model**

Ms. Ogallo opened the floor for a discussion on options and format for future commission meetings. One member expressed an interest in a hybrid meeting format. Other members expressed a desire to return to in-person meetings. Several members suggested various times for the in-person meeting to start. One member suggested to have information items presented to them ahead of time as usual, but to defer a discussion on those items unless there is a need. DEMLR staff will discuss the feasibility of changing the meeting from the standard 10:00 AM start time and report back to the members.

## **CONCLUSION**

### **Remarks by the Director –**

#### DEQ Return to Office Schedules

On October 18, 2021, DEQ staff returned to full time in-office work. Some staff are allowed to telework up to 2 days per week with approval from their supervisor. Other staff can telework one day per week with approval. We continue to see an uptick in productivity and employee satisfaction by maintaining the telework option.

#### DEMLR Budget Predictions

Draft budgets and conversations with our legislative liaisons continue to hint at the possibility of budgetary increases for DEMLR. The main source would be through

potential fee increases proposed by House budget. Other opportunities may be available through infrastructure funding grants. However, nothing has been finalized at this time.

Plan Review Consistency

The DEMLR is planning a series of ESC plan review consistency workshops. The Regional Offices will be given the same plan to review with the task of developing a list of issues/comments to discuss with the group. Where differences in review comments or issues are identified, DEMLR Central Office staff will provide guidance to build consistency. We hope these workshops will improve consistency among regional offices as well as within regional offices. These workshops will be held on a quarterly basis over the next year.

**Remarks by Commission Members** – Mr. Carson thanked DEMLR staff and the NCDOT for their time today.

**Remarks by the Chair** –The Vice-Chair stated that she will send notice to the commission members reminding them about their ethics education requirement. She also thanked the members and staff for the work put into this meeting.

**Adjournment** – Vice-Chair Ogallo adjourned the meeting at approximately 2:42 pm.

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

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

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Toya Ogallo, Vice-Chair  
Sedimentation Control Commission