

MINUTES  
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION  
FEBRUARY 22, 2022  
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING  
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on February 22, 2022, 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. Benjamin Brown  
Mr. Mark Taylor  
Mr. Michael Taylor  
Ms. LaToya Ogallo (Vice-Chair)  
Dr. Richard McLaughlin  
Ms. Marion Deerhake  
Ms. Emily Sutton  
Mr. Jason Connor

**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. Kimberly Turney, DEMLR-Winston Salem Regional Office  
Ms. Alaina Morman, DEMLR Stormwater  
Mr. Josh Kastrinsky, DEMLR  
Ms. Sarah Zambon, Commission Counsel, Attorney General's Office  
Mr. Tom Gerow, NCFS  
Ms. Karyn Pageau, Wake County  
Ms. Ashley Rodgers, Wake County  
Mr. Jeevan Neupane, Wake County  
Ms. Carrie Mitchell, Town of Wake Forest  
Mr. Kirk Stafford, Town of Cary  
Mr. Cass Heaton, Greensboro  
Mr. Joe Allen, Macon County

Ms. Anita Simpson, High Point  
Mr. Trevor Spencer, High Point  
Mr. Nick Tosco, Attorney representing the city of High Point  
Ms. Sila Vlachout, High Point  
Mr. Scott Ford, High Point  
Ms. Meghan Maquire, High Point  
Ms. JoAnne Carlyle, High Point  
Mr. Greg Ferguson, High Point  
Ms. Kathy Blake, High Point  
Mr. Joel Ferguson, High Point  
Mr. Jon Shepherd, High Point  
Mr. Earl Davis, Guilford County  
Mr. Ike Archer, Knightdale  
Mr. John Stover, Knightdale  
Mr. Phillip Bunton, Knightdale  
Mr. Chris Millis  
Mr. Mike Horney  
Mr. Peter Kane

## **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 asked for a motion to approve the minutes from the November 4, 2021, meeting. Dr. McLaughlin moved to approve the minutes. Ms. Ogallo made a second; the motion passed.

## **ACTION ITEMS**

### **County of Macon Local Program Review**

The recommendation was made to continue the county's delegation. Dr. McLaughlin made a motion to approve the recommendation made by the DEMLR staff. Mr. Mark Taylor made a second; the motion passed.

### **City of High Point Local Program Review**

The staff recommendation was made to revoke the city's delegation. Commission members asked questions regarding the recommendation and what would happen to projects if the delegation was revoked. Staff addressed the comments.

Much of the discussion centered around whether surrounding local programs and the DEMLR regional office had capacity if the city's program was revoked. Staff addressed the comments. Other members noted that this capacity should not be a factor in the commissions' decision. City staff presented comments in defense of the city's program and provided further context regarding staff's report. Further discussion ensued. Mr. Mark Taylor made a motion to place the program on probation for a period of three months. Dr. McLaughlin made a second; the motion passed.

#### **City of Rocky Mount Local Program Review**

The recommendation was made to continue the city's delegation with review for three more months. Mr. Michael Taylor made a motion to approve the recommendation made by the DEMLR staff. Dr. McLaughlin made a second; the motion passed.

#### **City of Greensboro Local Program Review**

The recommendation was made to continue the city's delegation. Dr. McLaughlin made a motion to approve the recommendation made by the DEMLR staff. Ms. Sutton made a second; the motion passed.

#### **City of Greenville Local Program Review**

The recommendation was made to continue the city's delegation. Mr. Mark Taylor made a motion to approve the recommendation made by the DEMLR staff. Dr. McLaughlin made a second; the motion passed.

#### **Town of Knightdale Ordinance Review**

Ms. Coco introduced the town's ordinance as adopted by their council. She brought Counsel comments to the attention of town staff and to the commissioners. Chair White asked about the program's capacity to manage a program. Ms. Coco answered in regards to full-time equivalent (FTE) positions while town staff stated that they are hiring additional staff to provide 1.5 FTEs and have a private engineer on retainer. Ms. Ogallo made a motion to approve the Town of Knightdale's ordinance and to receive delegated authority for administering the Sedimentation Pollution Control Act of 1973. Ms. Sutton made a second; the motion passed.

### **INFORMATION ITEMS**

#### **NCDOT Report**

Ms. Coco reported on the one trout buffer waiver issued to the Department of Transportation from this past quarter.

#### **Commission Technical Committee**

Mark Taylor is the Chair for this committee. Meetings are being held monthly, with workgroups providing updates as to their progress. The workgroups are considering practices out of the NCDOT manual, best practices in other states, as well as their own experience in evaluating the practice standards.

The committee hopes to be able to hold an in-person meeting before too long.

### **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**

The Sedimentation Education Specialist made several appearances from November through February at career fairs or schools to distribute education materials on behalf of the program. Ms. Coppa also helped moderate a stormwater webinar and facilitate meetings for other educators.

The 2022 Local Program Workshop and Awards Program has been scheduled for April 19 & 20 at the Union County Agricultural Center, and is being planned in coordination with the Water Resources Research Institute (WRRRI).

### **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.

### **Land Quality Section Report**

Mr. Vinson deferred this conversation to the DEMLR Director to address in his remarks.

## **CONCLUSION**

### **Remarks by the Director –**

Following the November 2021 SCC meeting and in response to the omicron variant of COVID-19, the Department reverted back to a primarily telework schedule. As of February 14, 2022, the Department has returned to normal operations with staff limited to a 2 days per week telework schedule and supervisors and managers limited to one day per week.

With approval of the FY2021-2023 budget in November 2021, the Division was provided an opportunity to significantly increase staff in the Erosion and Sedimentation Control Program. Overall, the Division has been approved to add 41 new positions. The addition of these positions will increase the Division staff by 36%. The positions break down as follows:

- The Department received \$2.5 million dollars of appropriated funds for permitting positions. DEMLR received funding to hire 6 engineer positions in 6 of the 7 regional offices. The primary function of these engineers will be to review erosion & sediment control (ESC) plans and stormwater permit applications. All 6 positions have been created and the hiring process has begun.
- The per acre fee for review of erosion and sedimentation control plans was increased from \$65 to \$100. This increase along with an existing sediment fee fund balance will allow DEMLR to hire 12 new erosion and

sedimentation Program staff across the 7 regional offices. These positions include 6 – environmental program consultants, 3 – engineers, and 3 – environmental specialists. These positions will work on ESC plan reviews and compliance inspections.

- The Department was also given a 3% administration fee for the \$1.7 billion infrastructure grant program. The Division was allocated an additional 23 positions from this funding. These positions will be dedicated to reviewing ESC plans and stormwater permit applications for infrastructure projects which have been awarded grant funds. Twenty-one of these will be in the 7 regional offices and 2 will be in the central office and will include 11 engineers, 1 environmental program consultant, and 11 environmental specialists.

**Remarks by Commission Members** – None

**Remarks by the Chair** –The Chair thanked everyone for staying engaged for the duration of the meeting, and thanked the DEMLR for their reports.

**Adjournment** – Chair White adjourned the meeting at 2:15 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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Susan White, Chair  
Sedimentation Control Commission