

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
MAY 19, 2022
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on May 19, 2022, at 10:00 a.m. in the Ground Floor Hearing Room of the Archdale Building located in Raleigh, North Carolina and via online access. The following persons were in attendance for all or part of the meeting either in person or remotely.

COMMISSION MEMBERS

Dr. Susan White (Chair) (in person)
Mr. Benjamin Brown (in person)
Mr. Michael Taylor (appearing remotely)
Ms. LaToya Ogallo (Vice-Chair) (appearing remotely)
Dr. Richard McLaughlin (in person)
Ms. Marion Deerhake (in person)
Mr. Hartwell Carson (appearing remotely)
Ms. Susan Foster (appearing remotely)

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
Mr. Josh Kastrinsky, DEMLR
Ms. Sarah Zambon, Commission Counsel, Attorney General's Office
Mr. Tom Gerow, NCFS
Ms. Karyn Pageau, Wake County
Ms. Lauren Witherspoon, City of Raleigh
Ms. Sally Hoyt, City of Raleigh
Ms. Carrie Mitchell, Town of Wake Forest
Mr. Kirk Stafford, Town of Cary
Ms. Anita Simpson, City of High Point
Mr. Trevor Spencer, City of High Point
Mr. Nick Tosco, Attorney representing the City of High Point
Ms. Sila Vlachout, City of High Point
Mr. Scott Ford, City of High Point
Ms. Meghan Maguire, City of High Point

Mr. Greg Ferguson, City of High Point
Ms. Kathy Blake, City of High Point
Mr. Joel Ferguson, City of High Point
Mr. Jon Shepherd, City of High Point
Mr. Earl Davis, Guilford County
Mr. Shelton Sullivan, DWR
Ms. Sarah Lim, Poyner Spruill

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. Mr. Brown alerted the Commission to a conflict of interest he had with one of the matters on the agenda and stated he would recuse himself from the discussion and the vote when that matter was taken up.

Dr. White asked for a motion to approve the minutes from the February 22, 2022, meeting. Dr. McLaughlin moved to approve the minutes. Mr. Brown made a second; the motion passed.

ACTION ITEMS

City of High Point Local Program Review

The recommendation was made to continue the city's delegation conditioned upon the local ordinance being updated to include, among other language, the civil penalty appeals process and the remissions process by the 2022 Q4 SCC meeting in November. The ordinance would be presented to the commission for approval at this meeting.

An initial motion was made by Michael Taylor to approve staff's recommendation and this was seconded by Ms. Ogallo.

Based on the discussion of the commission of the motion, Mr. Taylor requested permission to modify his motion, which was allowed, and made the motion to continue delegation to the local program conditioned on a local ordinance approval by the city by the fourth quarter of the year and if a local ordinance is not approved, the local program will come back before the Commission. Susan Foster seconded Mr. Taylor's modified motion; the motion passed.

City of Wilson Local Program Review

The recommendation was made to continue probation for three months. Ms. Deerhake

made a motion to approve the recommendation made by the DEMLR staff. Dr. McLaughlin made a second; the motion passed.

City of Henderson Local Program Review

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

City of Raleigh Local Program Review

Mr. Brown recused himself from the discussion and from voting based on a conflict of interest. The recommendation was made to continue the city's delegation. Dr. McLaughlin made a motion to approve the recommendation made by the DEMLR staff. Mr. Carson made a second; the motion passed. .

City of Rocky Mount 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. Mr. Brown made a second; the motion passed.

INFORMATION ITEMS

Local Program Review Recommendations

Ms. Coco addressed the members with a revision to the current document discussing program review considerations and examples of program expectations. A few suggestions were made by the members. Feedback was positive. Ms. Coco stated that this advisory document would be edited and posted on the Division's website.

NCDOT Report

Ms. Coco stated that there were no ICAs or trout buffer waivers reported as having been issued to the Department.

Commission Technical Committee

Mark Taylor is the Chair for this committee. He reported via a previous email that the committee is on a steady, stable progress mode with the manual revisions. In Mr. Mark Taylor's absence, the message was read aloud by Mr. Vinson.

Ad-Hoc Committee

Hartwell Carson is the Chair for this committee. He reported that the committee will be meeting soon to address several remaining issues.

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, Ms. Coppa, has participated in both virtual and in-person outreach efforts. With the help of the WRRRI, she also planned and coordinated the first-ever hybrid format Local Program Workshop. It was held April 19 – April 20, 2022 in Union County. There were 80 people who attended the workshop in-person, and 90 people who attended the workshop on April 19th virtually. Approximately 80 people attended the virtual workshop on April 20th. DEQ's Secretary was the keynote speaker. Local Program recognition was granted to both Durham County and Haywood County for their exemplary efforts in program administration.

Ms. Coppa also reported that the next Local Program Workshop will need to be funded from DEMLR's budget, and will therefore need to be approved by the Commission as well as the DEQ.

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 April. Dr. McLaughlin requested that this report only show items that were pertinent to the Commission.

Land Quality Section Report

Mr. Vinson stated that the report submitted to the members needs to be updated.

He reported the following positions for recruitment as shown below:

- Asheville, Fayetteville, Raleigh, Winston-Salem Offices – 5 vacancies for a total of 14 staff members in these offices once filled
- Mooresville Office – 8 vacancies for a total of 16 staff members in this office
- Washington Office – 5 vacancies for a total of 12 staff members in this office
- Wilmington Office – 7 vacancies for a total of 20 staff members in this office

Positions include those for engineers and environmental specialists.

CONCLUSION

Remarks by the Director –

Mr. Wrenn mentioned that he hopes to find permanent sources of funding for those positions listed above which may be time-limited. Fifty-three vacancies exist either due to new position openings or through attrition. Forty-one new job openings have been posted for advertisement; 22 openings have had to be re-posted. The DEMLR is working to fill all vacancies.

Remarks by Commission Members – Ms. Ogallo thanked every member for filing their Statements of Economic Interest in a timely manner. She will follow up with the members on their biennial ethics education training. Commission members remarked that they would like an update on local program delegation ordinances and whether the local ordinances are being routinely updated based on changes to state law.

Remarks by the Chair The Chair thanked the Commissioners for their participation and active engagement, and thanks DEMLR staff for their reports.

Adjournment – Chair White adjourned the meeting at 1:03 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

Susan White, Chair
Sedimentation Control Commission