

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
MAY 23, 2023
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on May 23, 2023, at 10:00 a.m. in person in the Ground Floor Hearing Room of DEQ's Archdale Building located at 512 N Salisbury St, 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. Michael Taylor
Mr. James Lamb
Dr. Richard McLaughlin
Mr. Hartwell Carson
Ms. Emily Sutton
Ms. Marion Deerhake
Mr. Mark Taylor
Mr. Steven Wilson
Mr. David Beck

OTHERS

Douglas Ansel, Assistant General Council and Acting Director, DEMLR
Toby Vinson, Program Operations Chief, DEMLR
Graham Parrish, State Assistant Sedimentation Specialist, DEMLR
Rebecca Coppa, State Sedimentation Education Specialist, DEMLR
Davy Conners, Environmental Program Consultant, DEMLR
Lauren Garcia, Environmental Senior Specialist, DEMLR
Paula Chappell, Notary Public, NCDEQ
Sarah Zambon, Commission Counsel, Attorney General's Office
Robert Patterson, Town of Apex
Mike Thompson, Town of Cary
Will Feely, Town of Cary
Charles Brown, Town of Cary
Ryan Eaves, Durham County
Jonathan McNeill, Durham County
Beth McLaughlin, Johnston County
Jeevan Neupane, Wake County
Karyn Pageau, Wake County
Michelle Russell, Wake County

Ashley Rodgers, Wake County
Scott Reams, Wake County
Ross Smith, North Carolina Manufacturers Alliance
Alexandra Farrell, Southern Environmental Law Center
David Joseph Señeres, City of Archdale
Sarah McAllister, City of Monroe
Sila Vlachou, City of Monroe
Tonya Griffin, City of Monroe
Pam Andrews, Preserve Rural Durham
Pam Williams
Donna Stainback
Alan Stiles

PRELIMINARY MATTERS

Dr. Susan White called the meeting to order at 10:03 am.

Dr. White read Executive Order No. 1 regarding avoidance of conflict of interest. She asked if anyone has a known of a conflict of interest or potential conflicts. None heard.

Those in attendance introduced themselves.

Mr. James Lamb swore the oath of office, and the oath was signed and notarized. Dr. White read the evaluation of the Statement of Economic Interest filed for the newest member, Mr. Lamb.

Dr. White asked for a motion to approve the minutes from the February 21, 2023, meeting. Mr. Michael Taylor moved to approve the minutes. Mr. Hartwell Carson made a second. The motion passed.

ACTION ITEMS

Johnson County Local Program Review

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 9 months with a follow up report to be presented at the 2024 Q1 meeting. A discussion ensued. Ms. Marion Deerhake encouraged the local programs to use the SPCA as a tool to regulate dust because of the public health issue related to dust. Dr. White suggested that an educational opportunity for future Local Program Workshops could be about dust management. Dr. White appreciated the inclusion of the river basins in the report and Ms. Emily Sutton thanked DEMLR staff for the information on inspection/permit holds. Mr. Mark Taylor made a motion to approve the recommendation made by the DEMLR staff. Mr. Carson made a second; the motion passed.

City of Archdale Local Program Review

Mr. Parrish presented the findings from his review of this program. Staff's recommendation was

to continue the city's delegation with review for a period of 6 months with a follow up report to be presented at the 2023 Q4 meeting. A discussion ensued. Ms. Sutton made a motion to approve the recommendation made by the DEMLR staff. Mr. Carson made a second; the motion passed.

Town of Lake Lure Local Program Review

Mr. Parrish presented the findings from his review of this program. Staff's recommendation was to continue the town's delegation with review for a period of 6 months with a follow up report to be presented at the 2023 Q4 meeting. Mr. Carson made a motion to approve the recommendation made by the DEMLR staff. Mr. Michael Taylor made a second; the motion passed.

Town of Cary Local Program Review

Ms. Davy Conners presented the findings from her review of this program. Staff's recommendation was to continue the town's delegation with review for a period of 6 months with a follow up report to be presented at the 2023 Q4 meeting. A discussion ensued. Mr. Michael Taylor made a motion to approve the recommendation made by the DEMLR staff. Ms. Sutton made a second; the motion passed.

City of Monroe Local Program Review

Ms. Conners presented the findings from her review of this program. Staff's recommendation was to continue the town's delegation. Ms. Deerhake stated for the record that the Environmental Management Commission's responsibility is to develop basin-wide management plans for each of the 17 major river basins and the EMC approved the Yadkin-Pee Dee River basin-wide plan in 2022/2023. Ms. Deerhake wanted to point out the water quality concern being raised about the Rocky and Yadkin-Pee Dee Rivers for the record and for the City's awareness. Mr. Mark Taylor made a motion to approve the recommendation made by the DEMLR staff. Mr. Steven Wilson made a second; the motion passed.

Town of Apex Ordinance Review

Ms. Sarah Zambon reminded the commission that an informal review had been conducted during the November 2022 SCC meeting and that the ordinance has been adopted by the Town of Apex Council. Mr. Carson moved to approve the ordinance. Mr. Michael Taylor made a second; the motion passed.

City/County of Durham Ordinance Review

Ms. Zambon reminded the commission that an informal review had been conducted during the November 2022 SCC meeting and that the City of Durham and Durham County have adopted the ordinances, which are the same. A discussion ensued. Dr. McLaughlin clarified that turbidity is an issue regardless of soil type and the flocculation process works statewide. Mr. Carson moved to approve the ordinance. Ms. Sutton made a second; the motion passed.

Swain County Rescission Request

Mr. Parrish stated that Swain County has requested their local program delegation be rescinded.

The Asheville regional office has assumed the responsibility for E&SC in Swain County. A discussion ensued. Mr. Michael Taylor moved to approve Swain County's rescission request. Mr. Wilson made a second; the motion passed.

INFORMATION ITEMS

NCDOT Report

Mr. Parrish presented the one ICA report issued by NCDOT and one inspection report that removed the ICA. No trout buffer waiver was issued by DEMLR to NCDOT during the most recent reporting period.

Commission Technical Committee Update

Mr. Mark Taylor, the Chair of the Committee, shared that the committee continues to meet monthly to review practice standards and is on track and making gradual progress. Last week, the meeting was cancelled due to lack of a quorum; they are working on improving communication with committee members. Recently, one member resigned from the 8-member committee; with the commission's support they would like to expand to 12 members. Dr. White commended the committee's progress and asked for suggestions for members to join that committee.

Land Quality Section Active Sediment Cases and Enforcement

Mr. Parrish reported on the status of civil penalty assessments and judicial actions. Jumping Run has been paid and closed out as of last week. There was a question about a federal case.

Education Program Status Report

Ms. Rebecca Coppa provided an update on the Education Program. The annual Local Programs Workshop was conducted on April 19 & 20, 2023, in-person at the Wake County Common's Building and virtually. The Local Program Awards went to the Town of Fuquay (large program award) and Guilford County (small program award). Ms. Coppa requested article submissions for the Sediments Newsletter, by June 9. Dr. White commended the Local Program Workshop. Mr. Mark Taylor noted that several of the audits had common deficiencies and asked if those could be educational topics discussed at the Local Program Workshop. Mr. Parrish agreed and noted that common deficiencies of local program audits are a perennial topic for the workshop and will continue to be. Dr. McLaughlin noted that the local programs are denying several plans and suggested that there is an educational opportunity for the engineers during the Design Workshop on what is required for the plans to be approved.

Sediment Program Status Report

Ms. Parrish reported on the Land Quality Section's statewide plan approvals, inspections, and enforcement activities. Numbers were available through the end of April. Questions arose regarding trend data and DEMLR staff said that data is collected and would be presented to the SCC in Q4.

Land Quality Section Report

Mr. Parrish reported that there are 28 vacancies within the regional offices that deal with the Sedimentation Program. Current available positions include those for engineers, environmental program consultant, and environmental specialists. The Department continues to work to fill these vacancies. DEMLR and all DEQ will be or has transitioned to new email addresses: firstname.lastname@deq.nc.gov. The old emails will continue to work for the next three years.

CONCLUSION

Remarks by Interim Director

Mr. Ansel wanted to thank the division for its hard work. He stated that there are a couple bills in the legislature that might affect the Sedimentation Program. The Senate Budget has a provision that a permit cannot be denied based on failure to obtain a separate permit. It's unknown exactly how that will affect the Sedimentation Program. Additionally, House Bill 579 is focused on the interplay between the Stormwater Program and the SPCA. DEMLR is concerned the bill might affect the authorization from EPA to DEQ. Senate Bill 613 would remove the agricultural exemption for land disturbing activities within a trout buffer and would require a trout buffer waiver for such disturbances. Senate Bill 240 creates an exemption for certain sized airports to obtain E&SC plan approval from the local government instead of the State. Ms. Sutton noted that HB 579 would also remove the NGO and EMC members from the SCC. Dr. White added that it would make significant changes to appointees and subcommittees.

Remarks by Commission Members

Ms. Sutton gave an update on ethics and education and will reach out to those who still need to complete the education component.

Remarks by Chairman

Dr. White thanked DEMLR staff and commission members and reminded the commission that the next meeting is August 1, 2023.

Adjournment

The Chair adjourned the meeting at 1:01 pm.

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

Susan White (Chair)
Sedimentation Control Commission