

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
AUGUST 1, 2023
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on August 1, 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. Benjamin Brown (Vice Chair)
Mr. Michael Taylor
Mr. James Lamb
Dr. Richard McLaughlin
Ms. Emily Sutton
Ms. Marion Deerhake
Mr. Mark Taylor

OTHERS

Douglas Ansel, Assistant General Counsel and Acting Director, DEMLR
Toby Vinson, Program Operations Chief, DEMLR

Julie Coco, State Sedimentation Specialist, DEMLR
Rebecca Coppa, State Sedimentation Education Specialist, DEMLR
Davy Conners, Environmental Program Consultant, DEMLR
Josh Kastrinsky, Public Information Officer, DEMLR
Paula Chappell, Notary Public, NCDEQ
Anne Deaton, NCDEQ Division of Marine Fisheries
Jimmy Johnson, Albemarle-Pamlico National Estuary Partnership
Sarah Zambon, Commission Counsel, Attorney General's Office
Ryan Carter, Environmental Conservation
Ryan Eaves, Durham County
Jonathan McNeill, Durham County
Jay Gibson, Durham County
Jeevan Neupane, Wake County
Karyn Pageau, Wake County
Sarah McAllister, City of Monroe
Sila Vlachou, City of Monroe
Travis Welborn, City of Greenville

Josh Canup, Rowan County
Joseph Alm, Gaston County
Joshua Baird, Town of Clayton
Alexandra Farrell, Southern Environmental Law Center
Mike Wallace, Haw River Assembly
Robert Freedland

PRELIMINARY MATTERS

Dr. Susan White called the meeting to order at 10:05 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.

Dr. White asked for a motion to approve the minutes from the May 23, 2023, meeting. Mr. Michael Taylor moved to approve the minutes. Ms. Emily Sutton made a second. The motion passed.

ACTION ITEMS

Town of Clayton Local Program Review

Ms. Davy Conners presented the findings from her 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 Q1 meeting. A discussion ensued. Ms. Marion Deerhake encouraged the local programs to work with the Division of Water Resources for cleanup and restoration in buffers, waters, or wetlands. Ms. Sutton recommended the Town of Clayton staff attend training such as the Local Program Workshop or Designers Workshop during the review period. Dr. McLaughlin stated he would like to see evidence of staff training as part of the 2024 Q1 follow-up review report. Mr. Benjamin Brown made a motion to approve the recommendation made by the DEMLR staff. Ms. Sutton made a second; the motion passed.

Durham City/County Local Program Review

Ms. Conners presented the findings from her review of this program. Staff's recommendation was to continue the program's delegation. A discussion ensued. Dr. White and Ms. Sutton encouraged the program to make the GIS dashboard tool available to the public. Mr. Michael Taylor made a motion to approve the recommendation made by the DEMLR staff. Mr. James Lamb made a second; the motion passed.

Durham City/County Memorandum of Agreement

Ms. Julie Coco provided an overview of the Memorandum of Agreement between Durham City/County and the Sedimentation Control Commission. Mr. Michael Taylor made a motion to allow the Chair to sign the MOA on behalf of the Commission. Ms. Sutton made a second; the

motion passed.

Gaston County Local Program Review

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

City of Greenville Ordinance Review

Ms. Coco provided an overview of the city's ordinance. Ms. Sarah Zambon reminded the commission that an informal review had been conducted during the February 21, 2023, SCC meeting and that the ordinance had been adopted by the city. Ms. Zambon recommended that the Commission approve the ordinance. A discussion ensued. Mr. Lamb moved to approve the ordinance. Dr. McLaughlin made a second; the motion passed.

INFORMATION ITEMS

City of Monroe Ordinance Review

Ms. Coco introduced the city's ordinance and proposed changes for an informal review by the members. A discussion ensued. Ms. Coco informed the commission that the notes sections of the model ordinance were not intended to be in the body of the ordinance adopted by the local programs. Ms. Zambon stated that the note about who has the burden in an appeal should be in the body of the model ordinance in its next update.

Rowan County Ordinance Review

Ms. Coco introduced the county's ordinance and proposed changes for an informal review by the members. A discussion ensued.

Coastal Habitat Protection Plan

Jimmy Johnson, Coastal Habitats Coordinator for Albemarle-Pamlico National Estuary Partnership, and Anne Deaton, Habitat Assessment Supervisor for the Division of Marine Fisheries, presented on the Coastal Habitat Protection Plan and discussed the impacts of sedimentation on coastal habitats.

NCDOT Report

Ms. Coco presented that NCDOT received one trout buffer waiver from DEMLR for the previous quarter. No ICA reports were issued by NCDOT for the previous quarter. Ms. Deerhake noted that the EMC approved the reclassification of several streams including trout waters in Watauga County. Ms. Coco stated that she was aware of the reclassifications and had made the regional offices aware of it, as well.

Commission Technical Committee Update

Mr. Mark Taylor, the Chair of the Committee, shared that the committee continues to meet monthly to review practice standards. The committee recently completed a draft of the skimmer basin practice standard, for DEMLR's review. The committee is in the process of increasing

membership and, with the help of the commission, is vetting 11 candidates to fill 6 open positions. Dr. White commended Mr. Mark Taylor for his leadership on this technical committee, Ms. Rebecca Coppa for her coordination support, and DEMLR for their technical support.

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

Ms. Coppa provided an update on the Education Program including two early education summer camps programs that she was involved with and teacher trainings for STEM teachers. The annual Designers Workshop is scheduled for December 6, 2023, and will be held both in-person at the McKimmon Center and virtually.

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 June.

Land Quality Section Vacancy Report

Mr. Vinson reported that there are 37 or 38 vacancies within the regional offices that deal with the Sedimentation Program. Current available positions include those for engineers, environmental program consultants, and environmental specialists. The Department continues to work to fill these vacancies.

Status of Draft House Bills

Mr. Ansel reported on the status of bills in the legislature that might affect the Sedimentation Program. The General Assembly is completing its current session. There is not much happening with House Bill 579. House Bill 488 was vetoed by Governor Cooper and is on the calendar for August 7 for the vote to be overridden.

CONCLUSION

Remarks by Division Director

Mr. Ansel stated that he will likely step down as the Acting Director after the end of this General Assembly's session.

Remarks by Chairman

Dr. White thanked Commission members for their participation in person and online and the DEMLR staff for their organization.

Adjournment

The Chair adjourned the meeting at 1:15 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