

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
February 14, 2017
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on February 14, 2017 at 10:00 a.m. in the Ground Floor Hearing Room, Raleigh, North Carolina. The following persons were in attendance for all or part of the meeting:

COMMISSION MEMBERS

Mr. Jonathan Bivens (Chair)
Ms. Natalie Berry
Dr. Susan White (Vice-Chair)
Mr. Frank Dean
Mr. Kevin Martin

OTHERS

Mr. Tracy Davis, Director, DEMLR
Mr. Toby Vinson, Chief, Program Operations DEMLR
Mr. Brad Cole, Chief, Regional Operations, DEMLR
Mr. John Holley, State Sediment Specialist, DEMLR
Ms. Evangelyn Lowery-Jacobs, Sed. Education Specialist, DEMLR
Mr. Shawn Maier, Attorney General's Office
Mr. Kirk Stafford, Town of Cary
Ms. Karyn Pageau, Durham County

PRELIMINARY MATTERS

Mr. Bivens called the meeting to order and read Executive Order No. 1.

Those in attendance introduced themselves.

Mr. Bivens asked for a motion to approve the minutes from the November 1, 2016 meeting.

Dr. Susan White made a motion to approve the minutes. Ms. Berry seconded the motion, and it was approved unanimously.

ACTION ITEMS

There were no Action Items on the calendar for discussion by the Sedimentation Control Commission.

INFORMATION ITEMS

Legislative Update – Mr. Davis discussed the sediment fee increase proposal. DEMLR has been pursuing the increase through the budget process since 2010. The phased in, 3-year sediment fee increase was included in the Governor's 2015 budget but did not make it to the legislature's final budget. DEQ has included the phased sediment fee increase among its budget priorities for the 2017 legislative session. Mr. Bivens indicated the additional fee is needed to ensure adequate service by the Division to promote consistency with the local delegated programs.

Rules Review Process Update – Mr. Vinson gave an update on the rules review process. The stakeholders group held the first meeting in October, and will continue the 1st Friday of each month.

Enforcement Report – Mr. Vinson gave a summary of the Attorney General's enforcement report. A copy of this report is attached to the original minutes.

Land Quality Section Active Sediment Cases Report – Mr. Vinson presented the status of Civil Penalty Assessments. A copy of this report is attached to the original minutes.

NCDOT Report – Mr. Holley presented a report on ICAs that have been issued since December 1, 2016. No Trout Buffer Waivers for Secondary Road Projects have been issued. He also discussed changes in the annual inspection schedule for NCDOT projects to throughout the year versus the current two-week period held in the fall. Mr. Bivens indicated the process should still include a random project sample rather than only visiting sites with issues.

Education Program Status Report – Ms. Lowery-Jacobs presented a report on the past and current projects in the Sediment Education Program. A copy of this report is attached to the original minutes.

Sediment Program Status Report – Mr. Holley provided a report on the DEMLR current plan approval, inspection, and enforcement activities statewide.

Report on SCC Statistic Request – Mr. Cole provided a report on DEMLR statistics in response to a request from the SCC during the November 2016 meeting. The Commission asked for data to be compiled from the regional offices to show trends in the following staff activities: inspection frequency, active/inactive projects, inspection priorities, NOV hand deliveries, and time accounting by staff (i.e., inspections, other job duties).

Land Quality Section Report – Mr. Vinson provided a report on the current number of vacancies in the Section and other LQS activities and issues.

Ms. White asked how many positions are occupied when the regional offices are fully staffed. Mr. Cole indicated there are 63 regional office positions. Mr. Vinson added DEMLR currently has a 25% vacancy rate, and was last at full staffing capacity in 2007.

Mr. Vinson conducted a brief PowerPoint presentation to familiarize newly appointed members with the laws and rules related to erosion and sedimentation control. The discussion included recent legislative changes such as HB97 (Civil Penalty Remissions and NOV hand delivery), SB 513 (SPCA exemptions for wetland restoration), SB 770 (SPCA exemption for mulch, ornamental plants, and other horticultural products).

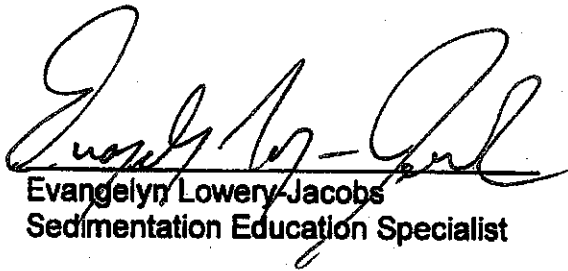
CONCLUSION

Remarks by the Director – Mr. Davis noted that he has met with the new DEQ Secretary, Michael S. Regan, to discuss current and emerging issues associated with DEMLR's four regulatory programs. Mr. Davis noted that, at the present time, there were no details on potential budget cuts to report due to a projected budget surplus. Mr. Davis thanked all central and regional office staff for their efforts.

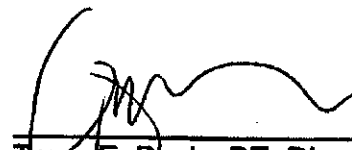
Remarks by the Commission – Dr. White asked how vacancies will be filled on the Commission. Mr. Davis indicated DEMLR staff will make recommendations to DEQ management who will provide potential candidates to the Governor's Office for consideration.

Remarks by the Chair – None

Adjournment – Mr. Martin made a motion to adjourn. Dr. White seconded the motion, and it was approved unanimously. As there was no further business, Mr. Bivens adjourned the meeting at 12:35 PM.



Evangelyn Lowery-Jacobs
Sedimentation Education Specialist



Tracy E. Davis, PE, Director,
Division of Energy, Mineral, and Land
Resources

