

SEDIMENTS

State of North Carolina
 Department of Environmental Quality
 Michael S. Regan, Secretary

Division of Energy, Mineral, and Land Resources
 S. Daniel Smith, Director

ABOUT SEDIMENTS

SEDIMENTS is a newsletter published by the North Carolina Sedimentation Control Commission to provide information and assistance to the regulated community and to facilitate communication among personnel of state and local erosion and sedimentation control programs.

SEDIMENTS is available in electronic form at:

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Lincoln and Chatham Counties Win Awards for Excellence in Erosion and Sediment Control

The annual Local Programs Workshop and Awards Banquet was held at the Renaissance Centre in Wake Forest, NC on April 23-24, 2019. The keynote speaker was Dr. Walter Robinson, professor of atmospheric sciences in the Department of Marine, Earth, and Atmospheric Sciences at NC State, and the Interim Director of the NC State Climate Office. This annual workshop brought together delegates from a majority of the 54 local programs throughout the state and specialized in training and discussions of erosion and sediment control issues in North Carolina. Support for the Workshop and Awards Program is provided by the North Carolina Sedimentation Control Commission, NC Department of Energy, Mineral, and Land Resources, Land Quality Section, and the Water Resources Research Institute of the University of North Carolina System.

Local erosion and sediment control programs have the ability to exercise greater control over erosion and sediment control in their respective jurisdictions and may often inspect sites more frequently than the state erosion and sediment control program. Furthermore, local erosion and sediment control program ordinances may be more restrictive than state law, giving additional control over erosion and sedimentation control during the development occurring

within their respective jurisdictions. The North Carolina Sedimentation Control Commission recognizes the importance and the value of local erosion and sediment control programs in controlling pollution by sedimentation to the waters of North Carolina. In addition to training, the workshop seeks to recognize outstanding local programs. Each year awards of excellence are presented to programs in two categories:

- Small program – program providing 0-3 man-years or full-time equivalents supporting erosion and sediment control
- Large program – program providing 3+ man-years or full-time equivalents supporting erosion and sediment control

The programs that were nominated for the awards include:

Small Program Nominees:

- Chatham County
- Macon County

Large Program Nominees:

- City of Asheville
- Lincoln County
- Wake County
- Winston-Salem/Forsyth County

Chatham County received the Local Program Award for Excellence for a small program. This program is overseen by the Chatham County Watershed Protection Department. *(continued on page 2)*



SEDIMENTS is published by the NC Sedimentation Control Commission to provide information and assistance to the regulated community and to facilitate communication among personnel of state and local erosion and sedimentation control programs. Past issues are available on the Land Quality Section website:

<https://deq.nc.gov/SEDIMENTS>

Send comments to the [Sediment Education Specialist](#).

Personnel of the Land Quality Section of the NC Department of Environmental Quality provide information and assistance for the implementation of the NC Erosion and Sedimentation Control Program. For assistance, please contact your Regional Office or the Raleigh headquarters listed below:

Asheville Regional Office
Phone: (828) 296-4500

Fayetteville Regional Office
Phone: (910) 433-3300

Mooresville Regional Office
Phone: (704) 663-1699

Raleigh Regional Office
Phone: (919) 791-4200

Washington Regional Office
Phone: (252) 946-6481

Wilmington Regional Office
Phone: (910) 796-7215

Winston-Salem Regional Office
Phone: (336) 776-9800

Raleigh Central Office
Archdale Building
Phone: (919) 707-9220

Awards for Excellence

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This program oversees enforcement of erosion control for the County and holds an inter-local agreement with the Town of Pittsboro that covers Chatham Park, the largest planned development in the state. Chatham County erosion control staff were noted for their adaptation to rapid growth, their frequent inspections, and their enforcement initiatives. This small program contributes four staff members to erosion and sedimentation control. Current staff members within the Watershed Protection Department: Rachael Thorn, Watershed Protection Director; Morgan DeWit, Sr., Watershed Specialist; Drew Blake, Watershed Specialist; and Justin Hasenfus, Watershed Specialist.

More information on the Chatham County's Erosion and Sediment Control Program can be found at:

<https://www.chathamnc.org/government/departments-programs/watershed-protection/erosion-control>

Lincoln County received the Local Program Award for Excellence for a large program. The Lincoln Natural Resources Division oversees the enforcement of erosion control for Lincoln County and the City of Lincoln. Within recent years, the program started using software with mobile capabilities, such that when a penalty is issued for a site, all departments are notified, and building inspections are put on hold until repairs are made and the penalty is paid. Another initiative was created in 2018 to recognize the contractors/developers/builders that exceed requirements of their erosion control plan.

The County was recognized for their education and outreach initiatives, their progressive use of technology, their clearly defined enforcement policies, and the organization of their program. Staff members for this large program contributed four full-time equivalents to erosion and sedimentation control. Current staff members include: Danielle Rudisill, Erosion & Sedimentation Control Administrator; Patty Dellinger, Director; Mike Dellinger, Natural Resource Conservationist; and Jamie Martin, Natural Resources Technician.

More information on the Lincoln County's Erosion and Sediment Control Program can be found at:

<https://www.lincolncounty.org/index.aspx?NID=695>

Congratulations to these two well-deserving programs in recognition of their excellence in erosion and sediment control.



Dr. Susan White, SCC Chair, presenting the small program award to Chatham County .



Dr. Susan White, SCC Chair, presenting the large program award to Lincoln County .

NC Sedimentation Control Commission: February Actions

At its meeting on February 7, 2019, the NC Sedimentation Control Commission (SCC) took the following actions:

Delegated Local Programs

- Village of Whispering Pines: Released from review and approved to continue delegation.
- City of Newton: Voted to extend the program's probationary period for the next six months, with a report to be given at the August meeting.
- Johnston County: Released from review and approved to continue delegation.

NC General Assembly, Program Evaluation Division's (PED) Study on the Sedimentation Pollution Control Program

DEMLR staff presented the Commission with the results to the PED study, the draft legislation resulting from the report recommendations, and DEMLR's responses. The Commission voted to send a letter of response to the NC General Assembly in support of fee increase with appropriations maintained, as that was a previously discussed topic/concern of the Commission. The Commission decided to discuss at a later time their support for other issues of the Bill Draft.

The PED's final report:

<https://www.ncleg.net/PED/Reports/2019/Erosion.html>

Draft of Senate Bill 70:

<https://www.ncleg.gov/BillLookup/2019/s70>

Review of the Technical Advisory Committee, now the Commission Technical Committee

The SCC discussed the background information regarding this committee. The committee was reactivated as the Commission Technical Committee. It was decided that the discussion about potential topics for the committee to address this fiscal year would be added to the agenda for the May meeting.

NC Sedimentation Control Commission: May Actions

At its meeting on May 29, 2019, the NC Sedimentation Control Commission (SCC) took the following actions:

Rule Making Process

DEMLR staff reviewed the proposed rules under 15A NCAC Chapter 04 ("Sediment Rules") for the Commission members to vote on the proposed changes and taking them to public notice.

The votes on the rules and rule sets with proposed changes were:

- **Subchapter 4A:** The Commission voted to authorize DEMLR staff to publish the Notice of Text and Regulatory Impact Analysis as proposed.
- **04B .0107:** The Commission voted to amend paragraph (d) to substitute the word "approved" for "issued".
- **04B .0112:** The Commission voted against the repeal and in favor of taking rule to public notice as it exists.

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The North Carolina Sedimentation Control Commission

The Sedimentation Control Commission (SCC) was created to administer the Sedimentation Control Program pursuant to the NC Sedimentation Pollution Control Act of 1973 (SPCA). It is charged with adopting rules, setting standards, and providing guidance for implementation of the Act. The composition of the Commission is set by statute to encompass a broad range of perspectives and expertise in areas related to construction, industry, government, and natural resource conservation and quality. All members are appointed by the Governor and serve three-year terms, except for the Director of the Water Resources Research Institute of the University of North Carolina, who serves as long as they remain Director. The chairman of the SCC is named by the Governor. The following is a list of current members with the organizations they represent:

Chair:

Dr. Susan White
Water Resources Research Institute

Commissioners:

Ms. Karla Hammer-Knotts
NC Home Builders Association

Dr. Albert R. Rubin
NC Environmental Management Commission

Mr. Jonathan K. Bivens
Associated General Contractors

Mr. Michael D. Willis
NC Soil and Water Conservation Commission

Ms. Natalie J. Berry
NC League of Municipalities & Association of County Commissioners

Dr. John L. Havlin
NCSU, Dept. of Soil Science

Mr. Mark A. Taylor
Professional Engineers of NC

Mr. Hartwell E. Carson
Non-governmental Conservation

Ms. Heather Jacobs Deck
Non-governmental Conservation

Ms. LeToya F. Ogallo
NC Public Utilities

Vacant
NC Mining Commission

Highlighting the DEMLR Chiefs

William E. “Toby” Vinson, Jr., PE, CPM, CPESC
Program Operations Chief and DEQ Liaison to the NC ORR

Toby is the Section Chief of Land Quality Program Operations within the NC Department of Environmental Quality’s Division of Energy, Mineral, and Land Resources and also serves as the DEQ Liaison to the North Carolina Office of Recovery and Resilience. He graduated from North Carolina State University with a BS in Biological and Agricultural Engineering and is a Professional Engineer in North Carolina. He has over 25 years of experience in Dam Safety, Erosion & Sedimentation Control, Mining, Stormwater and Floodplain Management working in both State & Local Regulatory agencies and in private contracting & consulting. He also currently represents North Carolina within the Association of State Dam Safety Officials, the Interstate Mining Compact Commission and with the DHS Dam Sector - Government Coordinating Council.

Matthew E. Gantt, PE
Regional Operations Chief

Matt is a graduate of UNC Charlotte with a BS in Civil Engineering. He received his North Carolina Professional Engineering Licensure in 1996. He has been with DEMLR since September 1992. He first began employment as an Assistant Regional Engineer in the Winston Salem Regional Office and moved into the Regional Engineer position in August of 1996. Matthew assumed the position of Section Chief of Regional Operations with DEMLR in March of 2019.

S. Daniel “Danny” Smith was named the Interim Director of DEMLR in December of 2019 and was named the Permanent Director in June of 2019

NC Sedimentation Control Commission: May Actions

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- **Subchapter 4B:** The Commission voted to authorize DEMLR staff to publish the Notice of Text and Regulatory Impact Analysis as changed and amended.
- **Subchapter 4C:** The Commission voted to authorize DEMLR staff to publish the Notice of Text and Regulatory Impact Analysis as proposed.
- **Subchapter 4D:** The Commission voted to authorize DEMLR staff to publish the Notice of Text and Regulatory Impact Analysis as proposed.
- **04E .0503:** The Commission voted that the rule be modified to the proposed text titled “disposition of Request” and containing paragraphs (a) through (h), as found on lines 51 - 56, located on page 21, and continuing on lines 1 - 39 on page 22 of the ‘Recommendations for Changes’ document provided to the Commission.
- **Subchapter 4E:** The Commission voted to authorize DEMLR staff to publish the Notice of Text and Regulatory Impact Analysis as changed and amended.

The Commission voted to authorize DEMLR staff to compose a preamble to the proposed rules highlighting the text that the Commission would recommend to the public for considerations. The Commission also voted to authorize the appointment of Danny Smith, DEMLR Director, to serve as hearing officer for any public hearing as required by the Rules Review Commission.

Delegated Local Programs

- Town of Lake Lure: Voted to continue delegation of authority upon continued review.
- City of Charlotte: Voted to continue delegation authority.
- Lincoln County: Voted to continue delegation of authority.
- Jackson County: Voted to continue delegation of authority.
- New Hanover County: Voted to continue delegation with review until the August meeting with the amendment that DEMLR staff also send a letter to county staff to request additional information about recent changes to the program.

The NCG01 and e-NOI

The NC Construction General Permit NO. NCG010000 or NCG01 was renewed on April 1, 2019. The updated permit does not significantly change the measures that are required to be implemented on construction sites; however, there are some organizational and technical updates. Most notably, there is a new process in which construction sites will obtain official coverage under the NCG01. Permittees who have an E&SC Plan approved on or after April 1, 2019 are required to submit an electronic Notice of Intent (e-NOI) form to receive a Certificate of Coverage (COC). After the completion of the project the permittee will also have to submit an electronic Notice of Termination (e-NOT) form to end coverage.

More information on the NCG01, the e-NOI and e-NOT forms can be found on the DEMLR - Construction Stormwater website at:

<https://deq.nc.gov/NCG01>