The North Carolina Sedimentation Control Commission met on November 4, 2021, at 10:00 a.m. via an online webinar. The following persons were in attendance via webinar for all or part of the meeting, with Commission members being present for the entire meeting:

COMMISSION MEMBERS

Dr. Susan White (Chair) – Left meeting early
Mr. Benjamin Brown
Mr. Mark Taylor
Mr. Michael Taylor
Ms. LaToya Ogallo (Vice-Chair)
Dr. Richard McLaughlin
Mr. Michael Willis
Ms. Susan Foster
Ms. Marion Deerhake
Mr. Hartwell Carson
Ms. Emily Sutton

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
Ms. Tamera Eplin, DEMLR-Winston Salem Regional Office
Ms. Alaina Morman – DEMLR Stormwater
Ms. Sarah Zambon, Commission Counsel, Attorney General’s Office
Mr. Tom Gerow, NCFS
Ms. Karyn Pageau, Wake County
Ms. Betsy Pearce, Wake County
Ms. Ashley Rodgers, Wake County
Mr. Jeevan Neupane, Wake County
Ms. Carrie Mitchell, Town of Wake Forest
Mr. Johnny Williams, Iredell County
Mr. Kirk Stafford, Town of Cary
Ms. Pat Donovan-Brandenburg, City of Jacksonville
Mr. Tracy Davis, ATS Environmental Solutions
Mr. David Harris, NCDOT REU
Mr. Robert Barrier, NCDOT REU
Mr. Lamar Sylvester, NCDOT
Mr. Gregory Ewanitz, Lennar Homes
Mr. W. Smith, Lennar Homes
Mr. Justin Pittman, Lennar Homes
Ms. Kathryn Cooper

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. Dr. White asked the members to turn on their cameras when speaking.

Mr. Mark Taylor was re-appointed to the commission on August 3, 2021. He took the oath of office at this meeting.

Dr. White asked for a motion to approve the minutes from the August 17, 2021, meeting. Mr. Mark Taylor asked for textual amendments to the minutes. Dr. McLaughlin moved to approve the minutes as amended. Mr. Mark Taylor made a second; the motion passed, and the minutes were approved as amended. Ms. Deerhake abstained from voting because she did not attend the August 17, 2021 meeting.

ACTION ITEMS

Modifications to the Remission Guidelines for the DEMLR
One recommendation was made to shorten the deadline for remission requests of a civil penalty from sixty days to thirty days per Session Law 2021-158 that amends sub-section (a) of General Statute 113A-64.2 of the Sedimentation Pollution Control Act of 1973. Mr. Carson made a motion to approve the recommendation made by Counsel. Dr. McLaughlin made a second; the motion passed.

Modifications to the Remission Guidelines for Local Government Erosion and Sedimentation Control Programs
One recommendation was made to shorten the deadline for remission requests of a civil penalty from sixty days to thirty days per Session Law 2021-158 that amends sub-section (a) of General Statute 113A-64.2 of the Sedimentation Pollution Control Act of 1973.
Mr. Carson made a motion to approve the recommendation made by Counsel. Ms. Sutton made a second; the motion passed.

City of Jacksonville Local Program Review
The recommendation was made to continue the city’s delegation. Mr. Willis made a motion to approve the recommendation made by the DEMLR staff. Ms. Foster made a second; the motion passed.

Chair White left the meeting at 10:28 am and Vice-Chair Ogallo chaired the remainder of the meeting. Quorum was unaffected.

Iredell County Local Program Review
The recommendation was made to continue the county’s delegation. Mr. Willis made a motion to approve the recommendation made by the DEMLR staff. Ms. Foster made a second; the motion passed.

Model Ordinance for Local Programs
Changes were requested to this ordinance due, in part, to amendments made to the Sedimentation Pollution Control Act of 1973. Mr. Willis made a motion to approve the recommendation made by the DEMLR staff. Mr. Brown made a second; the motion passed.

NCDOT Annual Program Review
Ms. Coco and Mr. Parrish presented the results of their findings and recommendations from the audit of transportation projects and practice standards as a part of this agency’s delegated erosion and sedimentation control program. The recommendation was made to continue the state’s delegation. Ms. Deerhake asked staff to consider reviewing the 1991 Memorandum of Agreement between DEMLR and the DOT for any needed updates. Vice-Chair Ogallo asked if there were differences in opinion between the two agencies as to when in-field revisions should be made in place of plan reviews. NCDOT staff stated that a process exists called “erosion control plan audit review” that may be initiated by field forces to discuss the need for plans to be re-evaluated. It was further noted that field staff positions have been upgraded to qualify them for conducting plan reviews, but that the central office was also available for plan reviews. DEMLR staff commented that plan revision requests were made in the field to DOT staff and that staff reviewed and approved those plans, but did not necessarily review the calculations used to support the design revision.

Mr. Willis made a motion to approve the recommendation made by the DEMLR staff. Mr. Michael Taylor made a second; the motion passed.
INFORMATION ITEMS

NCDOT Report
Ms. Coco reported on the Immediate Corrective Action Report issued to the Department of Transportation. Dr. McLaughlin asked about the ability to conduct inspections using drones.

Commission Technical Committee
Mark Taylor is the Chair for this committee. Multiple regularly scheduled as well as special topics meetings were held since the third quarter commission meeting in August. The last special topics meeting was held on November 1, 2021, to discuss procedures and expectations between DEMLR and this committee. The Committee Chair will relay that discussion to the remaining committee members.

Ad-hoc Committee Proposal
Hartwell Carson is the Chair for this committee. Three sub-committees have been formed: 1) Legislative Committee, 2) Local Programs Committee, and 3) Science and Technology Committee. These sub-committees will report to the larger committee.

Education Advisory Committee
Vice-Chair Ogallo opened a discussion on re-establishing this committee. Dr. McLaughlin provided some history. Vice-Chair Ogallo asked for additional nominations from those solicited approximately one year ago. Ms. Coppa requested that she also be notified of those nominations to compile them for the Commission Chair.

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
In September, Ms. Coppa participated in a SciREN Virtual Teachers Event and presented on the Virtual DEQ Career Panel for the NC Governor’s Page Program.

Additionally, Ms. Coppa and DWR’s water educator began co-hosting bi-weekly Virtual Water Education Coffee Talks for formal and non-formal educators. The purpose of these coffee talks is to answer questions, showcase our education resources, facilitate networking, and discover or facilitate collaboration opportunities.

The Sediment Education Specialist also co-hosted a virtual Project WET workshop for educators in October.

Regarding workshops, the hybrid in-person and virtual 2021 NC Erosion & Sediment Control Workshop (formally called the E&SC Design Workshop) has been scheduled for December 2 at the McKimmon Center in Raleigh, and is being planned in coordination with SE-IECA and the NCSU Department of Crop and Soil Sciences. The 2022 Local Program Workshop and Awards Program has been scheduled for April 19 and 20 at the Union County Agricultural Center, and is being planned in coordination with the Water
Resources Research Institute (WRRI).

Ms. Coppa also reminded Commissioners that if they want to submit articles to the December edition of the Sediments Newsletter to reach out to her.

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 September.

Land Quality Section Report
Mr. Vinson discussed the vacancies within the Section and other programs within the Division.

Recent Legislative Changes and Potential Impacts to DEMLR and the Local Programs
Mr. Wrenn summarized recent amendments to the Sedimentation Pollution Control Act of 1973 under Session Laws 2021-121 and 2021-158 which affect both DEMLR staff and Local Programs.

Local Programs and Full-Time Equivalent Positions
Ms. Coco defined Full-Time Equivalent Positions and discussed DEMLR’s use of those position numbers to evaluate a Local Program’s ability to effectively operate their program.

2022 Commission Meetings Schedule and Discussion of a Hybrid Meeting Model
Ms. Ogallo opened the floor for a discussion on options and format for future commission meetings. One member expressed an interest in a hybrid meeting format. Other members expressed a desire to return to in-person meetings. Several members suggested various times for the in-person meeting to start. One member suggested to have information items presented to them ahead of time as usual, but to defer a discussion on those items unless there is a need. DEMLR staff will discuss the feasibility of changing the meeting from the standard 10:00 AM start time and report back to the members.

CONCLUSION

Remarks by the Director –

DEQ Return to Office Schedules
On October 18, 2021, DEQ staff returned to full time in-office work. Some staff are allowed to telework up to 2 days per week with approval from their supervisor. Other staff can telework one day per week with approval. We continue to see an uptick in productivity and employee satisfaction by maintaining the telework option.

DEMLR Budget Predictions
Draft budgets and conversations with our legislative liaisons continue to hint at the possibility of budgetary increases for DEMLR. The main source would be through
potential fee increases proposed by House budget. Other opportunities may be available through infrastructure funding grants. However, nothing has been finalized at this time.

Plan Review Consistency
The DEMLR is planning a series of ESC plan review consistency workshops. The Regional Offices will be given the same plan to review with the task of developing a list of issues/comments to discuss with the group. Where differences in review comments or issues are identified, DEMLR Central Office staff will provide guidance to build consistency. We hope these workshops will improve consistency among regional offices as well as within regional offices. These workshops will be held on a quarterly basis over the next year.

Remarks by Commission Members – Mr. Carson thanked DEMLR staff and the NCDOT for their time today.

Remarks by the Chair – The Vice-Chair stated that she will send notice to the commission members reminding them about their ethics education requirement. She also thanked the members and staff for the work put into this meeting.

Adjournment – Vice-Chair Ogallo adjourned the meeting at approximately 2:42 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

Toya Ogallo, Vice-Chair
Sedimentation Control Commission