

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
AUGUST 17, 2021
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on August 17, 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)
Mr. Benjamin Brown
Mr. Mark Taylor
Mr. Michael Taylor
Ms. LaToya Ogallo (Vice-Chair)
Dr. Richard McLaughlin
Mr. Michael Willis (not present at the beginning of the meeting)
Mr. Robert "Jason" Conner
Ms. Susan Foster

Marion Deerhake, Hartwell Carson and Emily Sutton were not present.

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. Sarah Zambon, Commission Counsel, Attorney General's Office
Mr. Tom Gerow, NCFS
Ms. Karyn Pageau, Wake County
Mr. Jeevan Neupane, Wake County
Mr. Kirk Stafford, Town of Cary
Ms. Deb Johnson, Henderson County Site Development
Ms. Natalie Berry, Henderson County Site Development Director
Mr. Trevor Spencer, City of High Point
Ms. Sila Vlachou, City of High Point
Ms. Kathy Blake, City of High Point
Mr. Scott Ford, City of High Point

Mr. Kirk Stafford, Town of Cary
Mr. Patrick Mallet, Orange County
Mr. Joe Allen, Macon County
Mr. Phillip Bunton, Town of Knightdale Public Works Director
Mr. Ike Archer, Town of Knightdale Stormwater
Mr. Peter Kane, Legislative Affairs
Mr. Tracy Davis, ATS Environmental Solutions

PRELIMINARY MATTERS

Dr. White called the meeting to order at 10:02 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 read the guidelines for participating in the webinar.

Dr. White asked for a motion to approve the minutes from the May 4, 2021, meeting. Ms. Ogallo moved to approve the minutes. Mr. Brown made a second; the motion passed, and the minutes were approved unanimously

ACTION ITEMS

Town of Weddington Local Program Review

The recommendation was made to continue the town's delegation. Dr. McLaughlin made a motion to approve the recommendation made by the DEMLR staff. Ms. Foster made a second; the motion passed. Mr. Willis did not respond to roll call vote.

City of High Point Local Program Review

The recommendation was made to continue the city's delegation under review for another six months. Mr. Mark Taylor made a motion to approve the recommendation made by the DEMLR staff. Ms. Foster made a second; the motion passed.

Henderson County Local Program Review

The recommendation was made to continue the county's delegation under review for another three months. Mr. Willis moved to continue the county's delegation without further review at this time. Staff stated they were in support of Mr. Willis' motion based on the comments provided from the local government. Ms. Ogallo made a second; the motion passed.

Macon County Local Program Review

The recommendation was made to continue the county's delegation under review for

another six months. Dr. McLaughlin moved to approve the recommendation made by the DEMLR staff. Mr. Mark Taylor made a second; the motion passed.

City of Wilson Local Program Review

The recommendation was made to place the program on probation for nine months. This would bring the program before the commission again at their second quarterly meeting of the year 2022. Ms. Foster moved to approve the recommendation made by the DEMLR staff; Dr. McLaughlin made a second. Mr. Mark Taylor stated that he thought that staff's recommendation would mean a one-year review. He moved to amend the motion to accept staff's recommendation but changed the probation period to eight months. Ms. Ogallo made a second; the motion for the amendment passed. The members then voted on the motion initially made by Ms. Foster; that motion passed.

INFORMATION ITEMS

Town of Knightdale Ordinance Review

Ms. Coco presented a draft of the town's ordinance for the members to review as part of an informal request by the town. Comments were provided to town staff.

Commission Technical Committee

Mark Taylor is the Chair for this committee. He mentioned that the meeting schedule has been set for the third Thursday of the month. Some topics are planned for referral to the new ad-hoc committee. The more technical topics included requested updates to the Erosion and Sediment Control Planning and Design Manual. The committee did have one special meeting in early July to prioritize the topics presented. During the regular meeting on July 15, 2021, the committee elected Ms. Karyn Pageau as the committee's vice-chair. Mr. Taylor and Ms. Coppa (DEMLR staff) worked to divide tasks into four workgroups with two committee members each. In addition, a presentation from Division of Water Quality staff may be held during the September meeting. The next meeting is scheduled for August 19, 2021, via Cisco WebEx online webinar. Meetings are open to the public and must adhere to the NC Open Meetings Law.

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. Rebecca Coppa reported on Sediment Education Program activities. This included presentations to 8th graders as part of the SciMatch Program and the co-hosting of multiple virtual Project WET workshops with fellow educators. The 2021 NC Erosion & Sediment Control Workshop (formerly called the E&SC Design Workshop) is scheduled for December 2nd in Raleigh. This workshop is being planned in coordination with the Southeast Chapter of the IECA and the NCSU Department of Crop and Soil Sciences. The 2022 Local Program Workshop and Awards Program has been scheduled for April 19th and 20th in Union County. This workshop is being planned in coordination with the

WRRI. Volume 24, Number 1 of the SEDIMENTS newsletter was published in July. Ms. Coppa is continuing to solicit commission members to write articles for this newsletter.

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 the fiscal year.

NCDOT Report

Ms. Coco reported on the Immediate Corrective Action Reports and the one Trout Buffer Waiver issued to the Department of Transportation.

Land Quality Section Report

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

Q4 November and Future Commission Meetings

The Chair questioned the members as to their preference for holding an in-person meeting in November (Q4). The Commission discussed but there was no resolution at this time.

Ad-hoc Committee Proposal

Since Mr. Carson was not present, this item was postponed until the next meeting.

CONCLUSION

Remarks by the Director –

COVID Update

Over the last 3 months, the Division has been planning for the return to in-office work. However, the recent surge in the Delta variant has delayed those plans. Staff continue to telework and social distance when in the office. The Department has recently implemented requirements to provide proof of vaccination or submit to weekly COVID testing. Face coverings are required for unvaccinated staff and strongly recommended for those who are vaccinated. Despite the continued struggles with the pandemic, DEMLR staff continue to be highly productive and responsive. It is expected that future work environments beyond the pandemic will include telework options for DEMLR staff.

Budget Update

The House and Senate budget proposals have been released. The House budget proposed an increase in sediment fees from \$65 per acre to \$150 per acre while the Senate budget proposal only proposed a study of permitting fees increases. The Division is obviously hopeful that the fee increases will remain part of any final budget that is approved. Revenue generated by the fee increases would be used to add staff in our regional offices who are facing increasing project loads with insufficient staff numbers.

HB489

The Senate will be voting on HB489 today. HB489 proposes a variety of changes to the delegated local program requirements. Of note are restrictions on the fees that a local program can charge for a single family lot that is less than an acre and on the application materials that local programs can require for single family lots less than an acre. We have some concerns regarding the financial viability of some local programs should this bill pass the Senate. The bill could cause confusion among the regulated community regarding application requirements in situations where single family lots less than an acre are under a common plan of development, and which require an NCG01 Construction Stormwater Permit.

Coastal Habitat Protection Plan Amendment

A draft amendment to the Coastal Habitat Protection Plan (CHPP) was released in early August. The amendment referenced continued collaboration with DEMLR to reduce sediment inputs from land disturbing activities regulated by DEMLR. The amendment included a goal to develop a workgroup by 2022 tasked with determining “the baseline use of BMPs related to water quality within the submerged aquatic waterbody regions and develop a plan to increase their use by 50 percent.” Recent meetings of the CTC and the Ad Hoc Committee included discussions that would be relevant to this workgroup and its goal.

Remarks by Commission Members – Mr. Mark Taylor spoke on a benchmark for the number of local government full-time equivalent staff positions needed to effectively operate a program and guidance on issuing Notices of Violation. He thinks it should be based on population. He would now like to hear about this as an information item.

Remarks by the Chair –The Chair expressed her appreciation for DEMR staff, the members, and guests for their service and contributing knowledge to the commission.

Adjournment – Dr. White adjourned the meeting at approximately 1:21 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

Dr. Susan White, Chair
Sedimentation Control Commission