

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
NOVEMBER 15, 2007
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met November 15, 2007 at 9:00 a.m. in the Ground Floor Hearing Room, Archdale Building, Raleigh, North Carolina. The following persons were in attendance for all or part of the meeting:

COMMISSION MEMBERS

Mr. Kyle Sonnenberg, Chairman
Dr. Bill Miller
Dr. Joe Kleiss
Mr. Mark Taylor
Mr. Richard Vick
Mr. Grover McPherson
Mr. Elaine Chiosso
Mr. William "Buzz" Bryson
Mr. Rob Weintraub
Dr. Joe Rudek

OTHERS

Mr. Jim Simons, Director, Division of Land Resources
Mr. Mell Nevils, Section Chief, Land Quality Section
Mr. Gray Hauser, State Sedimentation Specialist, Land Quality Section
Ms. Sonya Tankersley, Assistant State Sedimentation Specialist, Land Quality Section
Mr. Tracy Davis, Chief Engineer, Land Quality Section
Ms. Stephanie Lane, Administrative Secretary
Mr. John Payne, NC DOJ, Assistant Attorney General
Ms. Ashley Rodgers, Sedimentation Education Specialist, Land Quality Section
Mr. Ed Gavin, Assistant Attorney General
Mr. David Harris, NC DOT
Mr. Steve Varnedoe, NC DOT
Ms. Robin Smith, CCNC
Mr. Jay Stem, NCAA
Dr. Jean Spooner, NCSU
Mr. John Holley, LQS, RRO
Ms. Lisa Martin, NC Homebuilders

PRELIMINARY MATTERS

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

Those in attendance introduced themselves.

Approval of August 15, 2007 Minutes

Mr. Sonnenberg called for approval of the minutes for the August 16, 2006 meeting. The motion to approve the minutes as amended was made by Dr. Moreau. Mr. Bryson seconded the motion, and it carried unanimously.

Dr. Kleiss recused himself from deliberations on funding Education Projects.

ACTION ITEMS

Local Program Reviews

Town of Lake Lure

Mr. Hauser reported on the review of the Town of Lake Lure. The Town of Lake Lure program was reviewed on October 23, 2007. It has one full time person. The program has 114 projects, most of which are less than one acre. Staff recommended continued delegation of the program. Dr. Miller moved to accept the staff's recommendations. Mr. Bryson seconded the motion, and it carried unanimously.

Cabarrus County

Mrs. Tankersley reported on the review of Cabarrus County, conducted on October 25, 2007. The County program currently has a staff of 3.5 full-time equivalents for erosion control. There are 340 active projects. The program conducted approximately 475 inspections in the past year, issued 14 notices of violation and 14 civil penalties. Seven projects were evaluated. Three projects were out of compliance. Staff recommended continued delegation of the program conditioned upon the staff conducting inspections on all sites on a routine basis. Mr. Taylor moved to accept the staff's recommendations. Dr. Kleiss seconded the motion, and it carried unanimously.

Town of Cary

Mrs. Tankersley reported on the review of the Town of Cary, conducted on August 28, 2007. The County program currently has a staff of four that contributes three full-time equivalents to erosion control. There are currently 180 active projects that are larger than 12,000 square feet. The staff approved 98 projects in the past year and disapproved 400 plans. The staff conducted 248 inspections in the past year and issued 72 notices of violation and 4 civil penalties. Five projects were evaluated and all were in compliance with the Sedimentation Pollution Control Act. Staff recommended continued delegation of the program. Mr. Bryson moved to accept the staff's recommendations. Dr. Rudek seconded the motion, and it was carried unanimously.

City of Newton

Mrs. Tankersley reported on the review of the City of Newton, conducted on October 24, 2007. One person provides a quarter full-time equivalent to erosion control. There are currently 5 active projects larger than one acre. The staff conducted approximately 80-120 inspections in the past year. No notices of violation were issued and no civil penalties were assessed. Five projects were evaluated. One site was under review, one site been approved but had not started construction, one was inaccessible due to rain conditions and two sites were found to be out of compliance with the Sedimentation Pollution Control Act. Staff recommended continued delegation of the program. Ms. Chiosso moved to accept the staff's recommendations. Dr. Kleiss seconded the motion, and it carried unanimously.

Rowan County

Mrs. Tankersley reported on her review on Rowan County, conducted on September 20, 2007. There are two staff positions. The position that covers the eastern half of the county is vacant. Together the positions contribute 1.8 full-time equivalents to erosion control. There are approximately 100 active projects. The staff has reviewed 112 projects in the past year, which includes revised plans. One plan was disapproved in western Rowan. The staff conducted 546 inspections in the past year. Six notices of violation were issued, all for no approved plan. One stop work order was issued in western Rowan County.

Overall the plans were inadequate and the staff of Rowan County needs additional training in plan review. Land Quality also recommends hiring a qualified person to review erosion and sediment control plans. General documentation was acceptable, however; staff is not meeting the 30-day requirement on plan reviews. The inspection reports should contain necessary comments about field conditions. A review of inspection reports indicates that the staff is unsure of what violations can be cited. Currently, the Board of County Commissioners must assess civil penalties. It is recommended that the assessment of penalties be the responsibility of the erosion and sediment control program. Staff recommended that the County be placed on probation and be reviewed in 6 months. Dr. Rudek moved to accept the staff's recommendation to be put on probation and reviewed in 6 months. Mr. Bryson seconded the motion and it carried unanimously.

Proposed Education Projects

Ms. Rodgers presented the recommendations from the Sedimentation Education Committee meeting on October 11, 2007. The only recommendation from the SEC at this time was that the research project "Field Evaluation of Mulches for Establishing Vegetation on Steep Slopes" be approved and funded at the level of \$7,156.04. The Principal Investigator is Dr. Rich McLaughlin with North Carolina State University. Mr. Taylor made a motion that the project be approved and fully funded. Dr. Rudek seconded the motion and it passed unanimously.

Adoption of the 2006 Meeting Dates

Mrs. Tankersley presented the dates for the 2008 SCC meetings.

February 20, 2008
May 28, 2008
August 21, 2008
November 19 & 29, 2008

Mr. Bryson moved to approve the new dates. Dr. Rudek seconded the motion, and it carried unanimously.

Adoption of Draft Rule

Mr. Hauser presented recommendations of the Technical Advisory Committee for a draft rule to clarify self-inspection requirements.

After much discussion, Mr. Sonnenberg made a motion to take the draft rule back to the Technical Advisory Committee for editing. Dr. Kleiss seconded the motion, and the motion passed seven to three.

INFORMATION ITEMS

Report on the Work Groups established in the 1997 SCC Action Plan—Mr. Nevils presented a brief summary of the recommendations from the five work groups. A copy of this report is attached to the original minutes.

Recommendations of the Watershed Alliance – Ms. Smith with the Conservation Council of North Carolina presented recommendations from the Watershed Alliance to update the 1997 SCC Action Plan. A copy of this report is attached to the original minutes.

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

PENC/ACEC Stormwater/Land Resources Subcommittee Report-Mr. Taylor reported on the work of the subcommittee in regards to improving sedimentation and erosion control plan submittals.

Update on Trout Buffer Waiver Requests—Mr. Hauser presented an update on the trout buffer waiver requests. A handout was given to the Commission to summarize the progress of these requests and is attached to the original minutes.

Land Quality Section Active Sediment Cases Report—Mrs. Tankersley reviewed the status of Civil Penalty Assessments. There were no questions. A copy of this report is attached to the original minutes.

NCDOT Status Report—Mrs. Tankersley presented the report on DOT’s Erosion and Sedimentation Control Program with respect to the issuance of ICA’s and approval of trout buffer waivers for maintenance projects. There were no questions. A copy of this report is attached to the original minutes.

Education Program Status Report—Ms. Rodgers provided a report on the past and current projects in the Sedimentation Education Program.

Sediment Program Status Report- Mrs. Tankersley presented the report on the Land Quality Section’s current plan approval, inspection and enforcement activities statewide.

Land Quality Section Report—Mr. Nevils provided a report on the current number of vacancies in the Section and other LQS activities and issues. Mr. Nevils also thanked the Sediment Commission Members and staff for all their continuous hard work. He also recognized the Regional Engineers that was present.

CONCLUSION

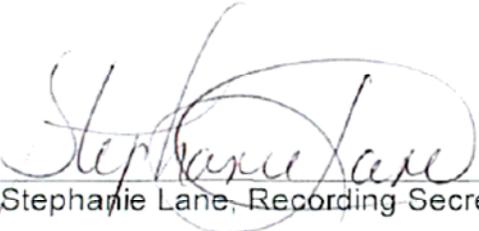
Remarks by the Director—Mr. Simons thanked the Sediment Commission Members for their hard work.

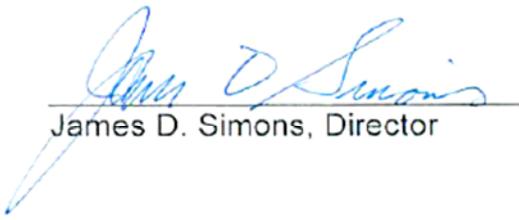
Remarks by the Commission Members—Ms. Chiosso discussed the violations at a site in Chatham County that had claimed to be a forestry activity.

Remarks by the Chairman—No remarks were made.

Adjournment

As there was no further business, Chairman Sonnenberg adjourned the meeting, which was followed by a field trip.


Stephanie Lane, Recording Secretary


James D. Simons, Director