

**MINUTES**  
**NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION**  
**May 21, 2009**  
**GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING**  
**RALEIGH, NORTH CAROLINA**

The North Carolina Sedimentation Control Commission met May 21, 2009 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. Donnie Brewer, Chairman  
Mr. Mark Taylor  
Mr. Richard Vick (via phone conference)  
Ms. Elaine Chiosso  
Ms. Robin Smith  
Mr. William "Buzz" Bryson  
Dr. Joe Kleiss  
Mr. Robert Weintraub  
Mr. Grover McPherson  
Mr. Tommy Esqueda

**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  
Mr. Gowon Goode, Assistant State Sedimentation Specialist, Land Quality Section  
Ms. Stephanie Lane, Administrative Secretary, Land Quality Section  
Mr. Tracy Davis, Chief Engineer, Land Quality Section  
Mr. Frank Crawley, Assistant Attorney General  
Mr. John Payne, Assistant Attorney General  
Mr. John Holley, Regional Engineer, Land Quality Section  
Ms. Christina Mason, Environmental Specialist, Land Quality Section  
Mr. Mark Selquist, Iredell County  
Mr. Ron Smith, Iredell County  
Mr. Zahid Khan, Regional Engineer, Land Quality Section  
Ms. Michelle Stoyner, CCNC  
Mr. David Harris, NCDOT  
Mr. Ted Sherrod, NCDOT  
Mr. Scott Ford, City of High Point  
Mr. Kirk Stafford, Town of Cary  
Mr. Richard McLaughlin, NCSU  
Ms. Melanie McCaleb, NCSU  
Ms. Kelly Porter, WRRRI  
Ms. Erin Wynia, NC League of Municipalities

## **PRELIMINARY MATTERS**

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

Meeting attendees introduced themselves.

Dr. Kleiss recused himself from the approval of funding that involved the Soil Science Department at NC State.

### **Approval of February 18, 2009 Minutes**

Mr. Brewer called for approval of the minutes for the February 18, 2009 meeting. The motion to approve the minutes was made by Mr. McPherson. Ms. Chisso seconded the motion, and it carried unanimously.

## **ACTION ITEMS**

### **Proposed Education Projects - Gray Hauser**

Mr. Hauser presented the three educational proposals for action with recommendations from the Sedimentation Education Committee.

(1) Four workshops are to train Design Professionals. The Committee recommended that the proposal be amended from having two fall workshops and two spring workshop to having one fall workshop and two spring workshops. The recommendation came as a result of the decline in attendance of this past years' workshops. The proposed budget is \$20,088.

Mr. Taylor made a motion to approve the workshop proposal. Mr. Bryson seconded the motion, and it carried unanimously.

(2) Annual workshop and banquet for local E&SC programs. The budget for this program is \$73,762. The Committee recommended approval for the support for the cost of the meeting facility, including meals, rooms and travel for all attendances.

Ms. Smith made a motion to support the annual local E&SC workshop and banquet for local programs. Dr. Kleiss seconded, motion carried.

(3) The Sediments Newsletter. The Committee recommended approval for the cost of the Sediments Newsletter to be sent electronic starting Fall 2009, with a proposed budget of \$28,750. Dr. Kleiss recused himself from participation in the voting on this proposal.

Mr. Taylor made a motion for the staff to explore the cost to send out postcards or another form of notification to current recipients of the sediment newsletter, to announce the conversion to electronic publishing. Ms. Chiosso seconded the motion and it was approved.

Mr. Taylor also made a motion to approve the proposal of the sediment newsletter. Ms. Chiosso seconded the motion and it was approved.

Mr. Nevils stated that the Sedimentation Education Committee recommended that the Commission consider approval of WRRF putting on the fall and spring workshops at no cost to the Commission in the event education funds were not available this coming fiscal year.

Ms. Smith made a motion to approve WRRF putting on the fall and spring workshops in the event education funds were not available. Mr. McPherson seconded the motion and it was approved.

Mr. Nevils made a proposal to the Commission that any excess education funds be used for operation expenses to pay regional offices' rent and other operating funds.

Dr. Kleiss made a motion to approve any excess monies in the education funds for operating expenses. Mr. McPherson seconded the motion and it was approved.

### **Local Erosion and Sediment Control Program Reviews – Gowon Goode**

#### Orange County

Mr. Goode reported on the review of the Orange County Program. The local program was reviewed on February 9, 2009. Currently a staff of four (4) contributes three and a half full-time equivalents to erosion control. There are currently 105 active projects that are greater than an acre. The County disapproved approximately 30 plans since last year, approved 105 projects and conducted 1800 inspections since last year. No civil penalties were assessed and approximately eight stop work orders have been issued. Five projects were evaluated. The sedimentation and erosion control plans for each of the sites were adequate. Four of the sites were in compliance with the Sedimentation Pollution Control Act. The site that was found to be out of compliance was Oakdale Village. Oakdale Village is a 10.9 acre site constructed for residential purposes. General documentation was good. The County is sending Letters of Approval. However the County needs to use a formal disapproval letter for notifying clients when the plan is not approved.

Continued delegation of the program was recommended. Ms. Chiosso moved to accept the staff's recommendations. Mr. Bryson seconded the motion, and it carried unanimously.

#### City of Greensboro

Mr. Goode reported on the review of the City of Greensboro Program. The local program was reviewed on April 14, 2009. A staff of two (2) is dedicated to sediment and erosion control. There are currently 243 projects. The staff has approved 69 projects since last year, have conducted 2,381 inspections and have issued 32 notices of violations. No civil penalties have been assessed, but seven stop work orders were issued in the past year. The City of Greensboro Local Program requires surety bonds on sites greater than (5) five acres at \$2,000 per acre and have cashed in

approximately \$250,000 in forfeited bonds in the past year. Six projects were evaluated. The sedimentation and erosion control plans for each of the sites were adequate. Three sites were noncompliant with the City Ordinance and the Sedimentation Pollution Control Act. The sites that were found to be noncompliant were Creswell Phase 2, Spring Lake Apartments and Spartan Crossing. Staff recommends continued delegation of the program, with the recommendation that a ratio of one inspector for every 80 active projects be maintained.

Ms. Chiosso made a motion to continue delegation of the City of Greensboro program. Mr. Taylor seconded the motion, and it carried unanimously.

#### City of High Point

Mr. Goode reported on the review of the City of High Point. The local program was reviewed on April 29, 2009. Currently a staff of three is dedicated to erosion and sediment control. There are currently 33 projects. The staff has approved 26 projects since last year. The staff conducted 440 inspections and issued 12 notices of violation. No civil penalties or stop work orders were issued last year. Seven projects were evaluated. The sedimentation and erosion control plans for each of the sites were adequate. Two sites were noncompliant with the Sedimentation Pollution Control Act. The sites found to be noncompliant were the Premier Medical Plaza and Wrenn Farm. General documentation was adequate. The County utilizes logs and inputs them into an electronic database. The County does a great job with keeping copies of their inspection reports in the files. Staff recommended continued delegation of the program.

Mr. McPherson made a motion to continued delegation of the City of High Point. Dr. Kleiss seconded the motion, and it carried unanimously.

#### **Lincoln County Expanded Jurisdiction – Mr. Gray Hauser**

Mr. Hauser reported on the City Lincolnton and Lincoln County request that the County's delegation include the City and its EJT. The staff made a recommendation that the County's delegation be expanded to include the City of Lincolnton.

Mr. Bryson made a motion to expand the jurisdiction. Ms. Smith seconded the motion; motion carried.

#### **Iredell County Expanded Jurisdiction – Mr. Gray Hauser**

Mr. Hauser reported on Iredell County, the City of Statesville and the Town of Troutman request that the County's delegation include these municipalities. The staff recommend adoption of the County's request to expand jurisdiction to Troutman and & Statesville.

Mr. Bryson made a motion to expand the jurisdiction of Iredell County Local & E&SC Program to the City of Statesville and the Town of Troutman. Mr. McPherson seconded the motion, and it was approved unanimously.

## **INFORMATION ITEMS**

### **Update on Legislation – Mr. Jim Simons-**

Mr. Simons gave the status of legislative bills affecting the SPCA. Copies of the bills are attached to the original minutes.

### **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.

### **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.

### **Land Quality Section Active Sediment Cases Report**

Mr. Goode reviewed the status of Civil Penalty Assessments. There were no questions. A copy of this report is attached to the original minutes.

### **Status NCDOT Report**

Mr. Goode presented the report on NC 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**

Mr. Hauser presented a report on the past and current projects in the Sediment Education Program.

### **Sediment Program Status Report**

Mr. Nevils provided a report on LQS's current status of plan approvals, inspections, 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. Also, in his report Mr. Nevils extended his thanks to the Land Quality staff.

## **CONCLUSION**

### **Remarks by the Director**

Mr. Simons reported on the budget. There have been no layoffs but there will be more budget cuts. He also reported his concern about the sediment sites that are state projects that are not in compliance.

### **Remarks by the Commission Members**

Ms. Chiosso stated her concern about the state projects that are under state jurisdiction that are being inspected and enforced.

Mr. Weintraub stated that the local programs, state programs and developers throughout the state are doing a very good job in regards to sediment and erosion control.

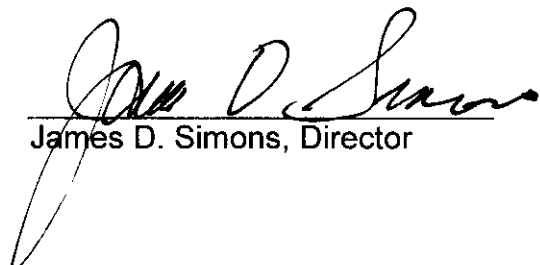
### **Remarks by the Chairman**

Mr. Brewer thanked the staff for his colleagues for their roles in helping with sediment and erosion control.

### **Adjournment**

As there was no further business, Mr. Brewer adjourned the meeting.

  
Stephanie Lane, Recording Secretary

  
James D. Simons, Director