

AGENDA

North Carolina Sedimentation Control Commission
Business Meeting

Ground Floor Hearing Room
Archdale Building
512 North Salisbury Street
Raleigh North Carolina

February 18, 2010, 10:00 AM

The State Government Ethics Act mandates that the Chair inquire as to whether any member knows of any known conflict of interest or appearance of conflict with respect to matters before the Commission. Executive Order 34 requires any member to recuse herself or himself from voting on any matter before this Commission which would confer a financial benefit on the member. If any member knows of a conflict of interest, appearance of a conflict, or possible financial benefit please so state at this time.

Mr. Donnie Brewer, Chairman, Presiding

I. Preliminary Matters

- A. Call to Order
- B. Recognition of Those Attending
- C. Approval of Meeting Minutes of November 12 and December 14, 2009
- D. Governor's Executive Order 34

II. Action Items

- A. Local Program Reviews —Mr. Gowon Goode
Report on the reviews of the City of Winston-Salem/Forsyth County, City of Burlington, Town of Holly Springs, Town of Cary, Cabarrus County and the Town of Wake Forest
- B. NC DOT Annual Review—Mr. Gray Hauser, and Mr. Jon Nance and Mr. Don Lee for NCDOT
Staff will report on the field review of NC DOT projects conducted September 29-October 1, 2009.
- C. NC DOT Request for Delegation of NC DOT Rail Division to operate under the Division of Highways Delegation-- Mr. Don Lee and Mr. Michael Shumsky
- D. NC DOT Request for NC Turnpike Authority to exclusively operate under the Division of Highways Delegation—Mr. Don Lee

Session Law 2009-343 transferred function and funds of NCTA to NC DOT

- E. Adoption of Rule for Self-Inspection—Mr. Gray Hauser
Rule will be presented following the public notice period and prior to submittal to the Rules Review Commission.
- F. Recommendations of Subcommittee on Qualified Personnel—Mr. Mell Nevils
Staff will present draft amendment to SPCA recommended by committee.
- G. Nominations for Membership to the Technical Advisory Committee—Mr. Donnie Brewer
Additional nominations will be made to TAC.

III. Information Items

- A. Haywood County Resolution—Mr. Marc Pruett
Haywood County requests that the SCC endorse its request that the NC Department of Justice represent the County in future litigation over enforcement of the Haywood County Erosion Control Ordinance
- B. Water Quality Impacts and Enforcement Issues—Ms. Dianne Reid and Mr. John Hennessey
DWQ staff will discuss the impacts of sedimentation on water quality and enforcement of the NPDES General Permit for Construction Activities
- C. Update on Trout Buffer Waiver Requests—Mr. Gray Hauser
Staff will summarize recent requests for waivers of trout buffer zone requirements.
- D. Enforcement Report— Mr. John Payne
Action on Civil Penalty Assessments and Judicial Actions will be summarized.
- E. Land Quality Section Active Sediment Cases Report — Mr. Gowon Goode
The status of Civil Penalty Assessments will be summarized.
- F. NCDOT Activity Report — Mr. Gowon Goode
Staff will provide a report on DOT's Erosion and Sedimentation Control Program with respect to the issuance of ICAs and approval of trout buffer disturbances.
- G. Education Program Status Report — Mr. Gowon Goode
Staff will provide a report on the past and current projects in the Sediment Education Program.
- H. **Closed Session**
Discussion of Pending Litigation—Nancy Hensley, Diane Kent, and Clean Water for N.C. vs. NC DENR, Division of Land Resources, NC Supreme Court docket number 525A09
- I. Sediment Program Status Report — Mr. Mell Nevils

Staff will provide a report on LQS's current plan approval, inspection, and enforcement activities, statewide.

J. Land Quality Section Report — Mr. Mell Nevils

Staff will provide a report on the current number of vacancies in the Section and other LQS activities and issues.

IV. Conclusion

- A. Remarks by Director
- B. Remarks by Commission Members
- C. Remarks by Chairman
- D. Adjournment