

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
AUGUST 16, 2018
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on August 16, 2018 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

Dr. Susan White (Chair)
Mr. Jonathan Bivens
Ms. Natalie Berry
Ms. Karla Hammer-Knotts
Ms. Heather Deck
Dr. John Havlin
Mr. Mark Taylor
Mr. Hartwell Carson

OTHERS

Ms. Julie Coco, State Sedimentation Engineer, DEMLR
Ms. Rebecca Coppa, State Sedimentation Education Specialist, DEMLR
Mr. Boyd DeVane, DEMLR
Ms. Mary S. Crawley, Assistant Attorney General, Attorney General's Office
Mr. Kirk Stafford, Town of Cary
Mr. Zac Lentz, DEQ-Winston-Salem Regional Office
Mr. Ben DeWit, NCDOT
Mr. Jeremy Goodwin, NCDOT
Mr. Tom Gerow, Jr., NC Forest Service
Mr. Tracy Stephenson, Town of Fuquay-Varina
Ms. Jennifer Mitchell, Town of Fuquay-Varina
Mr. Matthew Poling, Town of Fuquay-Varina
Ms. Adora Thayer, NCGA-PED
Ms. Sydney Thomas, NCGA-PED
Mr. Sean Hamel, NCGA-PED

PRELIMINARY MATTERS

Dr. White called the meeting to order.

Those in attendance introduced themselves. Dr. White announced any potential conflicts with the new Commission members, and reminded them to recuse themselves from any discussions related to those conflicts.

Dr. White read Executive Order No. 1 regarding avoidance of conflict of interest.

Dr. White asked for a motion to approve the minutes from the May 17, 2018 meeting. Ms. Knotts moved to approve the minutes. Ms. Berry made a second; the minutes were approved unanimously.

ACTION ITEMS

Nomination and Election of Vice-Chairmen for the Commission – Dr. White asked for nominations and a vote on the election of a Vice-Chairman for the Commission. Mr. Taylor, Mr. Bivens and Ms. Deck were nominated. Ms. Deck removed herself from nomination. After two votes ending in a tie, the Commission members agreed to elect Mr. Bivens to serve in a limited exchange for the first year as Vice-Chairman, and for Mr. Taylor to serve in a limited exchange for the second year as Vice-Chairman. Mr. Bivens' term will run from November 2018 – October 2019. Mr. Taylor's term will run from November 2019 – October 2020.

Local Program Review, Recommendation and Vote on Delegation – Ms. Julie Coco summarized the DEMLR staff's review of the City of Newton's program (under conditional approval at the time). The Commission voted to place the program under probation with a requirement that any new plan reviews be conducted with assistance from the NCDEQ.

The motions were as follows:

City of Newton: A motion was made by Ms. Berry for the local program to be placed on probation for a period of one year with a requirement that any new plan reviews be conducted with assistance from the NCDEQ. Mr. Carson provided a second. A Motion to amend was made by Mr. Taylor. This amendment called for a probationary period of six months. Mr. Carson provided a second to the motion to amend. The commission voted to adopt the amendment. The main motion as amended was made by Ms. White to place the program on probation for six (6) months with a requirement that any new plan reviews be conducted with state representation from the NCDEQ. Ms. Berry provided a second. The Commission voted to approve the main motion as amended.

Continued review and a report from the DEMLR is to be presented at the first quarterly meeting in 2019.

Town of Fuquay-Varina Request for Ordinance Review and Delegation – Ms. Coco presented a Town Board adopted ordinance for review and vote by the Commission. Town staff requested delegation approval at the meeting. Mr. Taylor made a motion to approve the ordinance. A second was provided by Mr. Bivens. One member abstained from voting. The Commission members voted to approve the ordinance. In addition, a Memorandum of Agreement (MOA) was presented to the Chairman by Town staff at the meeting. The MOA was not addressed by the Commission at this meeting, and will be voted on by the Commission during a specially convened meeting in the future.

Voluntary Revocation of a Local Program Delegation – Ms. Julie Coco discussed a request by the community of Grandfather Village (Linville, NC) to revoke their delegation of an erosion control program. A letter dated July 20, 1999 from the then Zoning Administrator of Grandfather Village to the DEMLR requesting review and approval of the Village's local ordinance was presented to the Commission for review. The current Grandfather Village Zoning Ordinance and a draft Memorandum of Agreement (MOA) for requesting rescission of delegation was also provided to the members. Upon rescinding the delegation, governance of erosion and sediment control within Grandfather Village would default to governance by the Avery County program. Ms. Coco reported that Avery County's Director of Planning provided a verbal assessment of the Village and stated that he was confident the county could take over the program. A discussion followed as to jurisdiction under which the Village would now fall. Ms. Coco mentioned that if not under Avery County, then NCDEQ would have jurisdiction until Avery County's ordinance could be reviewed and re-adopted with changes, if necessary.

A motion was made by Mr. Taylor to rescind delegation to Grandfather Village through execution and approval of the proposed MOA. A second was made by Mr. Havlin. The Commission voted to rescind the delegation and approve the MOA. A motion was made by Ms. Deck to authorize the chairman to sign the approved MOA on behalf of the commission. Ms. Berry provided a second. The Commission voted to grant the Chairman authority to sign the approved MOA.

INFORMATION ITEMS

Enforcement Report – Ms. Coco presented a statewide summary of our enforcement proceedings.

Land Quality Section Active Sediment Cases Report – Ms. Coco summarized the status of active sediment cases against violators, whereby the penalty was assessed by the Division.

NCDOT Report – Ms. Julie Coco reported on one Immediate Corrective Action (ICA) that was generated. There were no Trout Buffer Zone Waivers reported as being issued to the NCDOT within the last quarter.

Education Program Status Report – Ms. Coco reported that the Sediment Education Specialist position had been filled by Mrs. Rebecca Coppa. Her employment commenced on June 7, 2018. Since then, she has been updating files and our web pages.

Ms. Coco stated that planning has started for the Designer's and Planner's Workshop to be held December 4, 2018 in Raleigh.

A proposal for services by the Water Resources Research Institute (WRRRI) to assist with the 2019 Local Program Workshop & Awards Banquet was presented to the DEMLR, and is currently under review. The proposal will be provided to the Commission for review. The Commission will vote to grant approval for execution of a contract by DEMLR for these services at their next quarterly meeting in November.

Civil Penalty Initial Remission Request Assessment and Status – Ms. Julie Coco reported on the status of the civil penalty remission request made by the Keystone Group, Inc. Since the last meeting, a partial remission was granted, and the violator responded by paying the full, amended amount in order to close the case. Therefore, no deliberation is needed on the part of the Commission.

Sediment Program Status Report – Ms. Coco reported on the number of plan approvals, inspections, and enforcement activities from each of the regional offices.

Land Quality Section Report – Ms. Coco reported to the Commission about the existence of five statewide vacancies within the DEMLR.

Rules Review Process Update – In a follow-up to the May minutes, it should be noted that changes based upon the Rules Review Commission (RRC) have not yet been addressed due to a re-prioritization of tasks requested of Mr. Devane. He intends to have another version of the draft rules by the end of the calendar year. The Chairman requested a tentative schedule for when interested members would need to meet.

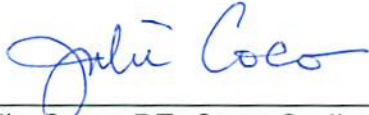
CONCLUSION

Remarks by Interim Director – Ms. Coco thanked the members for their assistance in acting on matters related to decisions sought by the DEMLR.

Remarks by Commission Members - A request was made to post relevant agenda items to the website ahead of the meeting, including local program summary reports.

Ms. Berry inquired about municipalities that lack delegated erosion control authority who desire to enforce erosion control measures on single family lots with disturbances of less than one acre. A discussion ensued with the possibility for requiring such measures in their zoning ordinance.

Adjournment - A motion to adjourn was made by Dr. White along with a second to the motion made by Ms. Knotts. All members voted in favor of adjournment. The meeting was adjourned at approximately 11:50 AM.



Julie Coco, PE, State Sediment Engineer
Division of Energy, Mineral, and Land
Resources



William "Toby" Vinson, Jr., PE,
Interim Director,
Division of Energy, Mineral, and Land
Resources

Dr. Susan White, Chair
Sedimentation Control Commission