

MINUTES  
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION  
AUGUST 18, 2022  
TRAINING ROOM, GREEN SQUARE BUILDING  
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on August 18, 2022, at 10:00 a.m. in person in Room 1210 of DEQ's Green Square Building located at 217 W. Jones Street and remotely. The following persons were in attendance for all or part of the meeting.

**COMMISSION MEMBERS**

Mr. Benjamin Brown  
Mr. Michael Taylor  
Ms. LeToya Ogallo (Vice-Chair, serving as Chair for this meeting)  
Dr. Richard McLaughlin  
Ms. Marion Deerhake  
Mr. Mark Taylor  
Ms. Emily Sutton  
Mr. Michael Willis (arrived late)  
Ms. Susan Foster

**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. Zahid Khan, Mooresville Regional Office, DEMLR  
Mr. Kenny Llywelyn, Mooresville Regional Office, DEMLR  
Ms. Sarah Zambon, Commission Counsel, Attorney General's Office  
Mr. Tom Gerow, NCFS  
Mr. Jeevan Neupane, Wake County  
Mr. Trevor Spencer, High Point  
Mr. Nick Tosco, attorney representing the city of High Point  
Ms. Meghan Maguire, High Point  
Mr. Kyle Manning, City of Wilson  
Mr. Daniel Colavito, Town of Holly Springs  
Mr. Robert Patterson, Town of Apex  
Mr. James Misciagno, Town of Apex  
Ms. Toni Norton, Catawba County  
Mr. Matt Poling, Fuquay-Varina

Ms. Jennifer Mitchell, Fuquay-Varina  
Mr. Jonathan McNeill, Durham County  
Mr. Ryan Eaves, Durham County  
Mr. Shannon Langley  
Ms. Kathryn Cooper  
Mr. Grady O'Brien

## **PRELIMINARY MATTERS**

Ms. Ogallo in her role as Vice-Chair and in the absence of Chair Susan White, chaired this meeting. Ms. Ogallo called the meeting to order at 10:29 am

Ms. Ogallo read Executive Order No. 1 regarding avoidance of conflict of interest.

Those in attendance introduced themselves. Ms. Ogallo announced any potential conflicts with the Commission members and reminded them to recuse themselves from any discussions related to those conflicts.

Ms. Ogallo asked for a motion to approve the minutes from the May 19, 2022, meeting. Mr. Michael Taylor moved to approve the minutes. Dr. McLaughlin made a second. Mr. Mark Taylor abstained from voting; the motion passed.

## **ACTION ITEMS**

### **City of Wilson Local Program Review**

Staff's recommendation was to continue the city's delegation. Mr. Brown made a motion to approve the recommendation made by the DEMLR staff. Ms. Sutton made a second; the motion passed.

### **County of Chatham Local Program Review**

Staff's recommendation was to continue the county's delegation. Mr. Brown made a motion to approve the recommendation made by the DEMLR staff. Ms. Foster made a second; the motion passed.

### **County of Catawba Local Program Review**

Staff's recommendation was to continue the county's delegation. Ms. Foster made a motion to approve the recommendation made by the DEMLR staff. Mr. Mark Taylor made a second; the motion passed.

### **Town of Apex Local Program Review**

Staff's recommendation was to continue the town's delegation. Mr. Michael Taylor made a motion to approve the recommendation made by the DEMLR staff. Mr. Brown made a second; the motion passed.

### **Town of Holly Springs Local Program Review**

Staff's recommendation was to continue the town's delegation. Mr. Brown made a motion to approve the recommendation made by the DEMLR staff. Ms. Sutton made a second; the motion passed.

## **INFORMATION ITEMS**

### **City of High Point Ordinance Review**

Ms. Coco presented the city's draft ordinance for the members to review. She also mentioned that this ordinance would need to be adopted by City Council after all changes have been made and prior to requesting approval by the commission members. There was discussion regarding the provision on injunctive relief. One of the members questioned the authority for action taken on injunctive relief as it was written. No other changes were suggested by the members.

### **NCDOT Report**

Ms. Coco presented the two ICA reports issued by the NCDOT and three trout buffer waivers issued by the DEMLR to the NCDOT during the most recent reporting period.

### **Commission Technical Committee**

Mark Taylor is the Chair for this committee. He stated that the committee is looking to expand from eight to twelve members, and is asking the Commission to provide nominations by August 31, 2022. Nominations should include a name, contact information, and experience in erosion and sedimentation control at a minimum. Committee Chair Taylor requested the nominee's resume if possible. At present, the committee is reviewing some twenty practice standards in which Division staff have contributed their suggestions for improvement. Committee members have also been tasked with reviewing practice standards from a select group of other states and with research from 2-3 institutions to take advantage of the latest practices which may be applicable within North Carolina. At present, the committee is expected to have the first revised practice standards ready for presentation to the Commission sometime in the year 2023.

### **Ad-Hoc Committee, SWANC Presentation on Enforcement**

At the request of the Ad-Hoc Committee, members of the Stormwater Association of North Carolina presented on enforcement tools available and in use to Local Erosion and Sedimentation Control Programs. Multiple local programs were available to present and other programs were in the audience. Much discussion ensued. SWANC members explained the difference between stop-work orders, Notices of Violation, and the different types of holds. They further explained when these enforcement tools could be used. Commission members were asking questions as to the effectiveness of the tools once put into use. Local programs would like feedback from the commission members as to reporting once these different tools have been used.

### **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**

The Sedimentation Education Specialist, Ms. Coppa, conducted an activity and virtual workshop between May and June for students and educators as part of Project WET. The Local Program Workshop and Awards Program is being planned in accordance with the Water Resources Research Institute (WRRRI) for the Spring of 2023. Ms. Coppa continues to host monthly education talks with her peers and to present to students visiting the Department both domestically and internationally.

### **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 2021-2022 fiscal year.

### **Land Quality Section Report**

Ms. Coco spoke on behalf of Mr. Vinson to report that the Division currently has 39 vacancies within the regional offices. Some offices have been more successful than others in filling vacant positions. Current available positions include those for engineers and environmental specialists.

## **CONCLUSION**

**Remarks by the Director** – Mr. Wrenn mentioned that many of the positions filled thus far have been from internal promotions. He also discussed the study requested of DEQ through Session Law 2022-11 (Senate Bill 372) and mentioned that the Division is on track to meet the September 1st submittal deadline for this study.

**Remarks by Commission Members** – None

**Remarks by the Chair** – Ms. Ogallo mentioned that a civil penalty remission hearing would follow the commission meeting. She also reminded Commissioners to complete their SEI disclosures and ethics education requirement.

**Adjournment** – Vice-Chair Ogallo adjourned the meeting at 2:28 pm.

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

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William Vinson, Jr.  
Chief of Program Operations  
Division of Energy, Mineral, and  
Land Resources

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LeToya Ogallo, Vice-Chair (Acting Chair for this meeting)  
Sedimentation Control Commission