



SEDIMENTS

Newsletter of the North Carolina Sedimentation Control Commission

STATE OF NORTH CAROLINA, DEPARTMENT
OF ENVIRONMENT AND NATURAL RESOURCES
William G. Ross, Jr. Secretary

Land Quality Section
Division of Land Resources
James D. Simons, Director and State Geologist

Vol 11 No 4

October - December 2004

Fall Erosion Control Workshops Well Attended

The workshops on Basic Erosion and Sedimentation Control Planning and Design took place in Hickory on October 5-6, 2004, and in New Bern on November 9-10, 2004. Both workshops were well attended with 156 participants in Hickory and 147 participants in New Bern.

Mr. John Holley, Regional Engineer for the Land Quality Section (LQS) Raleigh Regional Office, gave a presentation titled "The Zen of Drainage: Calculating Stormwater Flow", with a complementary presentation given by Mr. Gray Hauser, State Sediment Specialist for LQS, titled "Sediment Basin Design: Designing Basins for Trapping Efficiency". Both workshops ended with presentations given by contractors, titled "How to Design a Plan that a Contractor Can Follow". Mr. Bill Moyers of Rea Contracting, LLC, Charlotte, NC, spoke



Ms. Janet Paith, Sedimentation Education Specialist, of the NC Land Quality Section, talks with Mr. Kevin Clark of the Burke County Soil and Water Conservation District.

at the Hickory workshop, and Mr. Sim Wooten of PLT Construction, Wilson, NC, spoke at the New Bern workshop.

We would like to thank all the workshop participants for giving helpful comments and suggestions on the evaluation forms. This information is reviewed and applied to future workshops. To view the presentations from these workshops please go to <http://www.ncsu.edu/wrri/erosionseminars.html>.

Please see the back page for the upcoming spring workshops on Advanced Erosion and Sedimentation Control Planning and Design coming up March 2-3, 2005, in Wrightsville Beach and April 26-27, 2005, in Asheville. These workshops will include an afternoon field tour.

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November Action of the North Carolina Sedimentation Control Commission

At its meeting on November 18, 2004, the NC Sedimentation Control Commission (SCC) took the following action:

- ☐ Approved the report on NC DOT Annual Review. Nine contract construction projects and seven maintenance/force account projects were chosen at random. Flood damaged areas in the mountains were not included this year. Limited right-of-way is still a problem on contract construction projects and two maintenance projects. Overall, the construction and maintenance projects were good. NCDOT is providing training on erosion control for their employees. The Land Quality Section (LQS) staff assisted in training contract engineering inspectors.
- ☐ Approved continued delegation of the Town of Banner Elk local program with the condition that LQS staff revisit the program within six months to evaluate its status.
- ☐ Approved continued delegation of the Town of Beech Mountain local program.
- ☐ Approved continued delegation of Buncombe County local program with the condition that LQS staff revisit the program in six months to evaluate its status.
- ☐ Approved a motion that all local programs that need a six month review due to deficiencies must submit a written report for the May 2005 SCC meeting.
- ☐ Approved continued delegation of the Town of Kill Devil Hills local program.
- ☐ Approved continued delegation of the Town of Kitty Hawk local program with the condition that LQS staff revisit the program in six months to evaluate its status.
- ☐ Approved continued delegation of the Town of Nags Head local program.
- ☐ Approved the City of Winston-Salem local program be placed on probation. Effective enforcement was not being taken against significant violations. The local ordinance was out of date and was not as stringent as the Sedimentation Pollution Control Act (SPCA).
- ☐ Approved delegation of local program authority to Polk County. Approved their proposed local ordinance with the condition that the erosion and sedimentation control program not be implemented until January 2005. (*Note: The Polk County Board of Commissioners rescinded the ordinance in December 2004.*)
- ☐ Approved Cabarrus County local program to assume jurisdiction within the municipal limits of the City of Kannapolis.
- ☐ Approved subcommittee recommendations for amendments to the SPCA. Recommendations were forwarded to the Department of Environment and Natural Resources for review.
- ☐ Approved formation of a subcommittee consisting of Mr. Roger Watson, Mr. Kyle Sonnenberg and Mr. Ralph Stout to oversee law changes to the SPCA.
- ☐ Approved creation of a subcommittee to evaluate interim stages of delegation of local programs. Local program and LQS staff will discuss this matter. Currently, a delegated local program is responsible for both approval/disapproval of submitted erosion and

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SEDIMENTS Vol 11, No 4
October-December 2004

SEDIMENTS is published quarterly by the NC Sedimentation Control Commission to provide information and assistance to the regulated community and to facilitate communication among personnel of state and local erosion and sedimentation control programs.

Send comments to Janet Paith, CPESC, NCDENR-Land Quality, 1612 Mail Service Center, Raleigh, NC 27699-1612. Email: Janet.Paith@ncmail.net. Send change of address and subscription information to WRRI, Box 7912, North Carolina State University, Raleigh, NC 27695-7912 (919/515-2815; water_resources@ncsu.edu). Fifty-nine hundred copies of this newsletter were printed at a cost of \$1,340 or 23 cents per copy.

Personnel of the Land Quality Section of the NC Department of Environment and Natural Resources provide information and assistance for implementation of the NC Erosion and Sedimentation Control Program. For assistance, please contact the Regional Engineer or the Raleigh headquarters listed below:

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Swannanoa, NC 28778 (828) 296-4500

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Fayetteville, NC 28301 (910) 486-1541

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610 East Center Ave.
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Raleigh, NC 27699-1612 (919) 733-4574

The North Carolina Sedimentation Control Commission

The Sedimentation Control Commission (SCC) was created to administer the Sedimentation Control Program pursuant to the NC Sedimentation Pollution Control Act of 1973 (SPCA). It is charged with adopting rules, setting standards, and providing guidance for implementation of the Act. The composition of the Commission is set by statute to encompass a broad range of perspectives and expertise in areas related to construction, industry, government, and natural resource conservation and quality. All members are appointed by the Governor and serve three-year terms, except for the Director of the Water Resources Research Institute of The University of North Carolina, who serves as long as he remains Director. The chairman of the SCC is named by the Governor. The following is a list of current members with the organizations they represent:

Chairman:
Kyle Sonnenberg
Fayetteville

NC League of Municipalities/
NC Association of County Commissioners

Vice Chairman:
Ralph Stout
Greensboro
Carolinas Associated General Contractors

Commissioners:

Donnie W. Brewer
Greenville
NC Environmental Management Commission

W. T. "Buzz" Bryson
Raleigh
NC Public Utilities

Hugh J. Franklin
Marion
NC Mining Commission

Phillip Ray Gibson
Asheville
Non-governmental Conservation

Joseph H. Kleiss
Raleigh
NC State University Dept. of Soil Science

Grover McPherson
Winston-Salem
NC Soil and Water Conservation Commission

Director of Water Resources Research Institute of
The University of North Carolina

Joseph Rudek
Raleigh
Non-governmental Conservation

Mark A. Taylor
Greensboro
Professional Engineers of NC

F. Roger Watson
Asheville
NC Home Builders Association

SCC *continued*

sedimentation control plans and inspections. This committee will review if there is an intermediate level of responsibility for local programs that could be shared with the LQS.

- ❑ Approved funding for development of Sedimentation Online Database (part of DENR IBEAM system) using unencumbered education funds.
- ❑ Approved adoption of the SCC meeting dates for 2005. The dates are as follows: February 16, May 19, August 17, and November 17. The November SCC meeting will include a field tour.

Personnel Changes

Steve Barron is the new Environmental Technician in the Winston-Salem Regional Office.

Michael Hedrick is the new Environmental Technician in the Mooresville Regional Office.

Schuyler Snowdon is the new Environmental Technician in the Wilmington Regional Office.



NC Division of Land Resources Land Quality Section Selected Activities Report (All Regions) July to September 2004

Erosion and Sedimentation Control Program

New Projects	836
Sedimentation Plan Reviews	1,180
Plan Disapprovals	256
Site Inspections	4,034
Notice of Violations	172
Cases Referred to Enforcement	20

Mining Program

Estimated Mine Total	933
Mine Permits Reviewed	70
Mine Inspections	155

Dam Safety Program

Estimated Dam Total	4,653
Dam Safety Plans Reviewed	33
Dam Inspections	521

Address Change

The Mooresville Regional Office recently moved. The office is now located at:

610 East Center Avenue
Mooresville, NC 28115

Phone: (704) 663-1699
Fax: (704) 663-6040

Latest Edition of Model Local Ordinance Streamlined

The latest revision of the *Model Local Ordinance for Soil Erosion and Sedimentation Control* was approved by the Sedimentation Control Commission on August 18, 2004. The model ordinance is a tool municipalities and counties use as a foundation for their own ordinance needed to start and/or maintain a local erosion and sedimentation control program.

The 2004 model ordinance is now streamlined and easier to follow. The 2001 version of the model ordinance reflected the order of law changes as they were added or enacted. The language of the new model ordinance better reflects the language of the Sediment Pollution Control Act (SPCA). Areas of duplication were removed. The content now follows a logical sequence and is sorted by subject; it is organized in sections and flows chronologically from erosion and sedimentation control plans to inspections. This detailed work was done Ms. Mary Penny Thompson, DENR Assistant General Counsel.

Listed here are some specific changes and additions:

- ❑ Section 4(b) lists exclusions from regulated land-disturbing activities. The text “firefighting and stockpiles” was removed from Section 4(b)(5) as it is already implicated in the statement “an activity which is essential to protect human life during an emergency”, and the exemption for mining.
- ❑ The mandatory standards for land-disturbing activities (buffer zone maintenance, stabilized slopes, ground-cover, prior approval of a plan) are described in Sec-

tion 5 and have been separated from the design and performance standards (Section 8).

- ❑ The section on prior plan approval (5(e)) was updated to contain information that is stated in the SPCA (G.S. 113A-57(4)): A local program is to “forward to the Director of the Division of Water Quality a copy of each

erosion and sedimentation control plan for a land-disturbing activity that involves the utilization of ditches for the purpose of dewatering or lowering the water table of the tract.”

- ❑ Under Section 19(a)(1), the maximum civil penalty amount per violation was changed from \$500 per day to a maximum of \$5,000 per day. The penalty period may start the day the violation is observed rather than the day the notice is received.

Contact Mr. Gray Hauser, State Sediment Specialist, or Ms. Sonya Avant, Assistant

State Sediment Specialist, for a copy of the updated model ordinance. There are 46 existing local programs that will have to compare their ordinances with the revised 2004 model ordinance and make the necessary changes. If local programs have suggestions for this process please contact Mr. Gray Hauser.



Sonya Avant, Assistant State Sediment Specialist

Model Ordinance Contact Information

LQS Headquarters Phone: (919) 733-4574
 Gray Hauser's email: gray.hauser@ncmail.net
 Sonya Avant's email: sonya.avant@ncmail.net

How to Find Classified Trout Waters

Plan designers and others involved in land-disturbing activities should check with local, state and federal agencies about the assigned surface water classification for a waterbody or stream on or adjacent to a property where land-disturbing activity is planned to take place, especially for Division of Water Quality (DWQ) classified trout waters (*Tr*). To understand DWQ waterbody classifications visit <http://h2o.enr.state.nc.us/csu/swcfaq.html>.

To determine North Carolina waterbody and stream classifications go to <http://h2o.enr.state.nc.us/bims/Reports/reports.html> and click on "Waterbody Reports (including Stream Classifications)". You can sort by river basin, county, subbasin, or find the information using a clickable basin map of the state. Any waterbody or section thereof that has the *Tr* by it is classified as a trout water.

North Carolina county maps depicting DWQ classified trout waters are located at <http://h2o.enr.state.nc.us/admin/maps/counties/>.

Call the Division of Water Quality regional offices for specific determinations. The regional office contact information is located at <http://www.enr.state.nc.us/html/regionaloffices.html>.

The DWQ *Tr* classification which protects water quality is *not* the same classification as the designated public mountain trout waters administered by the NC Wildlife Resources

Commission (WRC). The WRC regulates fishing activities only (seasons, size limits, creel limits, and bait and lure restrictions).

Note: View "What You Need to Know About Disturbing Buffers on Trout Waters", in *SEDIMENTS*, Vol. 11, No.3, at the LQS web site:

<http://www.dlr.enr.state.nc.us/pages/sedimentnewsletters.html>

Muddy Water Essay Contest Deadline: February 14, 2005

Students in any charter, public, or private high school or equivalent program, grades 9 through 12, in North Carolina are eligible to submit an essay to the Muddy Water Essay Contest. Essays should be on processes of soil erosion and sedimentation, the biological and economic impacts of these processes, how erosion and sedimentation affect the student and their community, or how to prevent erosion and control sedimentation. The state winner will receive a check for \$1,200.

Land Quality Regional Offices should receive entries from schools in their regions by **February 14, 2005**. Materials on this contest have been widely distributed throughout North Carolina. Brochures are available from the Land Resources web site in pdf format:
<http://www.dlr.enr.state.nc.us/images/muddyh20brochure.pdf>

Certified Professional in Erosion and Sedimentation Control Review Class and Exam

CPESC Exam Review Classes

March 8 & April 25, 2005

CPESC Exam

March 17 & April 28, 2005

Review and Exam Locations for March 8 and 17:

The March 8 exam review class will be offered at the Sediment & Erosion Control Research and Education Facility on Lake Wheeler Road in Raleigh, NC. The March 17 exam will be offered at five locations around the state. Please visit <http://www.cpesc.org> for more information.

Review and Exam Location for April 25 and 28:

NCDOT Division of Highways Conference Room
55 Orange Street
Asheville, NC 28801
(Located one block north of Renaissance Asheville Hotel.)

Registration Information

Prior approval is needed before the registration. The CPESC organization is handling the registration. The application fee is \$100.00. More information is available by calling the CPESC organization at (828) 655-1600. Details on application procedures, exam review class registration, and exam registration dates and sites can be found at <http://www.cpesc.org>. The April 25 review class occurs the day before and the April 28 exam occurs the day after the Spring Advanced Erosion and Sedimentation Control Planning and Design Workshop, April 26-27, 2005.

Advanced Erosion and Sedimentation Planning and Design Workshops

**March 2-3, 2005
Blockade Runner
Wrightsville Beach, NC**

**April 26-27, 2005
Renaissance Asheville Hotel
Asheville, NC**

Purpose: These workshops are presented to update design professionals who develop erosion and sedimentation control plans—including engineers, landscape architects, and surveyors—on regulations related to erosion and sedimentation control and present new design concepts and approaches. We anticipate offering twelve PDHs to professional engineers and land surveyors, and ten continuing education units to landscape architects for completion of both days.

Fee: \$125.00

Deadline: Registration will be taken on first-come, first-served basis. Registrations are due by February 14, 2005, for the March 2-3 meeting and April 11, 2005, for the April 25-26 meeting.

For registration and accommodation information visit:
<http://www.ncsu.edu/wrri/erosionseminars.html>

Sponsored by:

NC Sedimentation Control Commission; Division of Land Resources, NC Dept. of Environment and Natural Resources; and Water Resources Research Institute of The University of North Carolina

ADDRESS SERVICE REQUESTED

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