

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
November 20, 2008
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met November 20, 2008 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
Dr. Joe Kleiss
Ms. Robin K. Smith
Dr. Bill Miller
Mr. Robert Weintraub
Mr. Grover McPherson
Ms. Elaine Chiosso
Mr. Buzz Bryson
Mr. Ricky Vick
Mr. Tommy Esqueda

OTHERS

Mr. Gray Hauser, State Sedimentation Specialist, Land Quality Section
Ms. Stephanie Lane, Administrative Secretary
Mr. Doug Jones, Engineering & Environment, Inc.
Mr. Ed Gavin, Assistant Attorney General
Mr. Mell Nevils, Section Chief, Land Quality Section
Mr. Jim Lowry, NC Utility Contractors Assn.
Ms. Josephine Kerr, Assistant Attorney General
Mr. Gowon Goode, Assistant Sedimentation Specialist, Land Quality Section
Mr. Jim Simons, Director, Division of Land Resources
Mr. Tracy Davis, Chief Engineer, Land Quality Section
Mr. Steve DeBolt, Whispering Pines
Mr. Lee Garrison, Lincoln County
Mr. Mike Jones, Lincoln County
Mr. David Harris, NC DOT
Mr. Kirk Stafford, Town of Cary
Mr. Rick McSwain, Lincoln County
Mr. Dan Crawford, CCNC
Mr. Scott Slusser, Assistant Attorney General
Mr. Bill Rosser, NCDOT
Mr. Jon Nance, NCDOT

1.2-acre residential site. Runoff had overtopped a silt fence at a 4.7-acre commercial site. The sedimentation and erosion control plans for each of the sites were adequate. General documentation was good for all files reviewed. The County uses the Land Quality Section's model documents as a basis for its official correspondence.

Staff recommended continued delegation of the program.

Mr. Taylor made a motion to approve the continued delegation to Iredell County. The motion was seconded by Mr. McPherson and passed unanimously.

Lincoln County

Lincoln County's local program was reviewed September 17, 2008. Currently a staff of four contributes 2.5 full time equivalents to erosion and sedimentation control. There are currently 411 active projects of which 162 are larger than an acre. The staff has approved eighty-seven projects since the program started. There were no disapprovals since the staff was able to obtain revised submittals before the review deadlines. The staff has conducted 1496 inspections since January 2008. The County sends a Notice of Noncompliance for violations, and issued 599 in 2008. Of those, 154 were for projects over an acre and 445 were under an acre. Twenty-seven enforcement actions were taken on sites larger than an acre. Civil penalties for all sites totaled \$49,855. The County does not use stop work orders, but holds up building inspections on sites out of compliance.

Six projects were evaluated. Four of the six projects were found out of compliance. Three out of the six sites did not have current inspection reports. Two were last inspected in March and one in January. This was a major deficiency in the program. Land Quality staff was concerned that the plan reviewer designs erosion and sediment control plans in other counties. The County has been advised to eliminate any appearance of a conflict of interest between its staff and the regulated community. Staff requested a report from Lincoln County addressing the concerns, and recommends continuing the review until the February 2009 meeting.

Lincoln County submitted a written report to the Commission and Mr. Rick McSwain of Lincoln County addressed the Commission to respond to the recommendations of the review.

Mr. Taylor made a motion to adopt the recommendation of staff to continue review of Lincoln County and report back to the commission at the February 2009 meeting. Mr. McPherson seconded the motion, which was approved.

Caldwell County

Mr. Hauser reviewed the action of the Commission at the August 21, 2008 Commission meeting. In August, staff had recommended that the Caldwell County program be placed on probation and that Caldwell County be asked to respond to the Commission at the November 2008 meeting. The Commission had voted to place the program on

Hauser noted that reviews are difficult under these circumstances. The project areas in the western portion of the state received rainfall levels common to or greater than a 10-year storm event during this review and should not be weighted the same as reviews in the past.

Mr. Hauser explained that there are still a few problems with some of the secondary road widening projects. Banks and back slopes are being left too steep by the grading crew and making it difficult for the landscapers to seed the areas. There is a need for the grading crews to better prepare the site for seeding before the landscaping crew arrives. This will eliminate the need for the crews to return to the site to reseed. Staff has worked frequently with the Roadside Environmental Unit on developing innovative sediment control BMP's for the mountain region including workshops to introduce research from NCSU. However, none of these BMP's were being used at the sites evaluated. Mr. Hauser urged DOT to use these methods. A project on US 421 had issues with failing skimmers in sediment basins. Mr. Hauser advised a review of the construction and maintenance of the skimmers to see if the problem stems from construction or design flaws and whether it's a pattern or an isolated incident.

Recommendation number four in the report was brought to the Commission's attention, as it has been in years past, to highlight the issue of contractors removing sedimentation controls for additional grading or seeding and then not reinstalling the measures. Mr. Hauser announced that reviews of projects in High Quality Waters have not been completed at this time, but are still planned. A list of sites is being completed at this time and staff will report to the Commission with the results of these reviews at a later date.

The question was asked if the projects were meeting the design standards for a 10-year storm. Mr. Hauser explained that many of the secondary project designs are not intended for a 10-year storm event. Other projects were right at capacity level and in some cases sites received the amount of rain equivalent to a 25-year storm event. Mr. Simmons noted that he was out on a site inspection in the same area the day of those inspections and the rainfall was very heavy.

Mr. Don Lee spoke about a few new items on the DOT website of which DOT wanted the Commission to be aware. He noted that in reference to recommendation number one, many of the new BMP options, such as the waddles, are being phased in to their projects. Flocculants are currently being used on High Quality Waters as well as trout waters and DOT is hoping to incorporate them in more projects.

The Commission voiced concern about the low ratings of the projects reviewed. Mr. Lee noted that he was in attendance at a few of the project reviews and was, himself, concerned about the state of some of the projects.

Mr. Bryson moved to continue to delegation with the Land Quality staff recommendations. Ms. Chiosso seconded the motion, and it carried unanimously.

Remarks by the Commission Members – None

Remarks by the Chairman - Mr. Brewer thanked for the Commission for their indulgence and patience with him as the new chairman of the Commission.

Adjournment

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



Stephanie Lane, Recording Secretary



James D. Simons, Director