

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
NOVEMBER 16, 2023
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on November 16, 2023, at 10:00 a.m. in person in the Ground Floor Hearing Room of DEQ's Archdale Building located at 512 N Salisbury St, Raleigh, and remotely. The following persons were in attendance (either in-person or remotely) for all or part of the meeting.

COMMISSION MEMBERS

Dr. Susan White (Chair)
Mr. Benjamin Brown (Vice Chair)
Mr. Michael Taylor
Mr. James Lamb
Dr. Richard McLaughlin
Ms. Emily Sutton
Ms. Marion Deerhake
Mr. Mark Taylor
Mr. Ryan Carter
Dr. Kenneth Taylor
Mr. Steven Wilson
Mr. David Beck

OTHERS

Toby Vinson, Acting Director and Program Operations Chief, DEMLR
Julie Coco, State Sedimentation Engineer, DEMLR
Graham Parrish, Assistant State Sedimentation Specialist, DEMLR
Rebecca Coppa, State Sedimentation Education Specialist, DEMLR
Davy Conners, Environmental Program Consultant, DEMLR
Laura Oleniacz, Public Information Officer, DEMLR
Paula Chappell, Notary Public, NCDEQ
Sarah Zambon, Commission Counsel, Attorney General's Office
Danielle Rudisill, Lincoln County
Megan Gilbert, Lincoln County
Kristine Leggett, NC General Assembly, Fiscal Research Division
Jessica Meed, NC General Assembly, Fiscal Research Division
Sean Hamel, NC General Assembly, Fiscal Research Division
Mike Thompson, Town of Cary
Will Feely, Town of Cary
Charles Brown, Town of Cary

Jeevan Neupane, Wake County
Karyn Pageau, Wake County
Scott Reams, Wake County
Michelle Russell, Wake County
Jeremy Goodwin, NCDOT
Ben DeWit, NCDOT
Corey N Clayton, NCDEQ DEMLR
Mike Wallace, NCDEQ DWR
David Joseph (DJ) Seneres, City of Archdale
Jay Wilson, City of Charlotte
Lauren Witherspoon, City of Raleigh
Victoria Hoyland, Buncombe County
William Guess, Buncombe County
Josh Canup, Rowan County
Zachary Lentz, NCDEQ DWR
Robert Freedland

PRELIMINARY MATTERS

Dr. Susan White called the meeting to order at 10:00 am.

Dr. White read Executive Order No. 1 regarding avoidance of conflict of interest. She asked if anyone has a known conflict of interest or potential conflicts. Dr. White stated she had a conflict of interest with the first action item, the 2024 Local Program Workshop, and will recuse herself from the discussion and vote.

Those in attendance introduced themselves.

Ms. Emily Sutton read the evaluation of the Statement of Economic Interest filed for the newest members, Mr. Ryan Carter and Dr. Kenneth Taylor. Mr. Carter and Dr. Taylor swore the oath of office, and the oaths were signed and notarized.

Dr. White asked for a motion to approve the minutes from the August 1, 2023, meeting. Dr. Kenneth Taylor moved to approve the minutes. Mr. Benjamin Brown made a second. The motion passed.

ACTION ITEMS

2024 and 2025 Local Program Workshops

Dr. White recused herself from this action item and Vice-Chair Ben Brown chaired this item. Ms. Rebecca Coppa gave an overview of the purpose of the two-year contract with the Water Resources Research Institute (WRI) for the Local Program Workshop in 2024 and 2025, announced the dollar amount proposed within the contract, and recommended allowing for use of the funds. Dr. Taylor made a motion to approve the recommendation made by the DEMLR

staff. Mr. Carter made a second. The motion passed. Dr. White did not participate in the discussion, nor did she vote on the motion.

Buncombe County Review

Ms. Davy Conners presented the findings from her review of this program. Staff's recommendation was to continue the county's delegation with review for a period of 9 months with a follow up report to be presented at the 2024 Q3 meeting. A discussion ensued. Ms. Sutton made a motion to approve the recommendation made by the DEMLR staff. Mr. David Beck made a second; the motion passed.

City of Archdale Follow Up Review

The City of Archdale was originally reviewed and presented to the commission during the May 23, 2023, SCC Q2 meeting, during which the commission voted to approve staff's recommendation of continuing the city's delegation with review for a period of 6 months with a follow up report to be presented at this meeting. Mr. Graham Parrish presented the findings from his follow up review of this program. Staff's recommendation was to continue the program's delegation. A discussion ensued. Dr. Richard McLaughlin made a motion to approve the recommendation made by the DEMLR staff. Mr. Michael Taylor made a second; the motion passed.

Town of Lake Lure Follow Up Review

The Town of Lake Lure was originally reviewed and presented to the commission during the May 23, 2023, SCC Q2 meeting, during which the commission voted to approve staff's recommendation of continuing the town's delegation with review for a period of 6 months with a follow up report to be presented at this meeting. Mr. Parrish presented the findings from his follow up review of this program. Staff's recommendation was to continue the program's delegation. Dr. White commended DEMLR staff and local programs on their continued efforts towards updating ESC ordinances to reflect changes in rules and regulations. Dr. White also stated she would like the commission to have a future discussion on whether to make the commission's recommendation for local programs to inspect their sites monthly be in writing. Mr. Brown made a motion to approve the recommendation made by the DEMLR staff. Mr. Carter made a second; the motion passed.

Town of Cary Follow Up Review

The Town of Cary was originally reviewed and presented to the commission during the May 23, 2023, SCC Q2 meeting, during which the commission voted to approve staff's recommendation of continuing the town's delegation with review for a period of 6 months with a follow up report to be presented at this meeting. Ms. Conners presented the findings from her review of this program. Staff's recommendation was to continue the program's delegation. A discussion ensued. Dr. McLaughlin stated that he would like the commission to consider making a recommendation for all local program staff to obtain ESC training. Dr. White agreed that there are best management practices that the commission and DEMLR staff could document in the future. Mr. Carter made a motion to approve the recommendation made by the DEMLR staff.

Mr. Beck made a second; the motion passed.

Lincoln County Review

Ms. Conners presented the findings from her review of this program. Staff's recommendation was to continue the program's delegation. A discussion ensued. Dr. McLaughlin stated that, for the projects DEMLR looks at during the review, he would like to know how frequently those sites have been inspected. Mr. Carter made a motion to approve the recommendation made by the DEMLR staff. Mr. Mark Taylor made a second; the motion passed.

County of Rowan Ordinance Review

Ms. Julie Coco provided an overview of the county's ordinance and reminded the commission that an informal review had been conducted during the August 1, 2023, SCC meeting. Ms. Sarah Zambon noted differences between the county's ordinance and the model ordinance, but that those differences have no legal concern. A discussion ensued. Dr. Kenneth Taylor moved to approve the ordinance. Mr. Carter made a second; the motion passed.

NCDOT Annual Program Review

Mr. Parrish presented the findings from his review of this program. Staff's recommendation was to continue delegation of the state program. A discussion ensued. Mr. Mark Taylor made a motion to approve the recommendation made by the DEMLR staff. Dr. McLaughlin made a second. Ms. Sutton made an amendment to the motion by making a formal request for the NCDOT Program to report back to the Commission on changes they have made to their reporting regarding compliance or remediation measures as an alternative to that included within Immediate Corrective Action reports. Those changes, as requested by the Commission, include but are not limited to data collected thus far that specifically counts and describes the impacts to Environmental Management Commission classified trout water buffers and other Environmentally Sensitive Areas associated with projects from the annual report. In addition, DEMLR staff are to provide recommendations for the NCDOT Program to the Commission from their most recent annual report. The Commission requests that the NCDOT Program report back to the Commission at the second quarterly meeting in May 2024. Mr. Beck made a second to the amended motion. The amendment and the motion passed.

INFORMATION ITEMS

NCDOT, DOH-NCDEQ, DEMLR Memorandum of Agreement

The new Memorandum of Agreement was presented to the Commission, though it was not in final form as parties were still reviewing the document. The Commission discussed the Memorandum with reflection on the current annual program review. The Chair requested that further discussion be held as an Information Item at the first quarter meeting in February of 2024.

Lincoln County Ordinance Review

Ms. Coco introduced the county's ordinance and proposed changes for an informal review by the members. A discussion ensued.

Commission Technical Committee Update

Mr. Mark Taylor, the Chair of the Committee, shared that the committee continues to meet monthly to review practice standards. The committee increased membership to 12 members; however, one member recently resigned. Dr. White commended Mr. Mark Taylor for his leadership on this technical committee and thanked the committee members for their time and efforts.

Legislative Updates

Ms. Coco reported on the status of bills in the legislature that affect the Sedimentation Program.

2024 Commission Meeting Dates

Commission meetings are scheduled for next year on the following dates: February 21st, May 23rd, August 1st, and November 21st, 2024. Dr. White encouraged commissioners to attend these meetings in person.

The Chair removed other items from the agenda due to time constraints.

CONCLUSION

Remarks by Chairman

Dr. White thanked Commission members for their participation in person and online, and the DEMLR staff for their organization.

Adjournment

The Chair adjourned the meeting at 3:05 pm.

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

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

Susan White (Chair)
Sedimentation Control Commission