

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
November 21, 2024
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on November 21, 2024, at 10:00 a.m. in person in the Ground Floor Hearing Room of DEQ's Archdale Building located at 512 N Salisbury Street, 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. Michael Holder
Mr. David Beck (Absent)

OTHERS

Toby Vinson, Director and Program Operations Chief, DEMLR
Julie Coco, State Sedimentation Program Engineer, DEMLR
Graham Parrish, Assistant State Sedimentation Specialist, DEMLR
Rebecca Coppa, State Sedimentation Education Engineer, DEMLR
Meghan Melloy, Attorney General's Office
Kathleen Russell, NCDEQ, DEMLR
Jeevan Neupane, Wake County
Karyn Pageau, Wake County
Mahfuz Islam, Wake County
Michael Holder, Professional Engineers of North Carolina
Michael Seewald
Scott Reams
Joshua Baird, Town of Clayton
Travis Williams, NCDMF

PRELIMINARY MATTERS

Dr. 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.

Those in attendance introduced themselves.

Dr. White asked for a motion to approve the minutes from the August 1, 2024, meeting. Dr. Taylor moved to approve the minutes. Ms. Emily Sutton made a second. Mr. Holder was unable to vote as he was not yet sworn in. Ms. Deerhake and Mr. Carter abstained from voting. The motion passed.

ACTION ITEMS

Buncombe County Review

Ms. Coco made the recommendation to move the review decision for this program from Q1 of the year 2025 meeting, as scheduled, to the Q2 meeting which would be held in May of 2025. This recommendation was made considering the impacts of Hurricane Helene on the area. A discussion ensued as to how much time would be needed for the review. Staff mentioned that they could keep in contact with the Chair regarding progress and consider whether to further postpone a review decision. Dr. Taylor made a motion to approve the recommendation made by DEMLR staff. Dr. McLaughlin made a second; the motion passed.

Town of Clayton Review

Mr. Parrish presented the findings from his follow up review of this program. Staff's recommendation was to continue delegation of the program. A discussion ensued. Dr. Taylor made a motion to approve the recommendation made by the DEMLR staff. Mr. Brown made a second; the motion passed.

Swearing in of New Members

As the notary arrived after the start of the Commission meeting, the swearing in of Mr. Michael Holder was postponed until the notary's arrival. Ms. Sutton read the ethics evaluation conducted by the State Ethics Commission on Mr. Michael Holder. He then took the oath of office and was sworn in as a new commissioner.

NCDOT Annual Program Review

Mr. Parrish reported on the activities of the Department of Transportation and the findings from the audit of their program in the past year. Ms. Sutton questioned the scoring scale used for monthly inspections. NCDOT staff responded stating that a score of 10 indicated a perfect site and was rarely used. They compared the scale to that used in grade school where scores of 1-5

reflect a grade of “F” are rarely used. Scores between 7 and 9 are similar to a grade of 70% to 90%. Poor site conditions that receive a score of 6 indicate the need for ICA, but it may not be given if the contractor shuts down all work except for erosion control or moves to address problems quickly. Only if there are systematic failures with the site or contractor’s performance will an ICA be given. Mr. Parrish reminded the members that scores can be given for certain portions of the site in addition to an overall project score. Ms. Deerhake requested in future annual reports that DOT provide the locations of where ICA’s occurred over the past year for the SCC’s awareness. Further discussion ensued on topics related to vegetation establishment and stop work orders. Mr. Michael Taylor made a motion to approve the recommendation made by the DEMLR staff to continue the programs delegation. Mr. James Lamb made a second. Mr. Michael Holder abstained from voting. The motion passed.

INFORMATION ITEMS

NCDOT Report

Ms. Coco reported on Immediate Corrective Action (ICA) reports issued by the NCDOT and stated that no trout buffer waivers were issued to the Department by DEMLR during the previous quarter.

Commission Technical Committee Update

Mr. Mark Taylor, the Chair of the Committee, shared that the committee continues to meet monthly. He gave an update on the progress made on the practice standards in the *Erosion and Sediment Control Planning and Design Manual*. He summarized the reorganization of the workgroups, the diversity in industry of the 12 members and how they have been giving some new perspectives on the standards under revision. Chair White noted that milestones to complete portions of the CTC’s work with DEMLR would be presented to the SCC in Q1 of 2025. Mr. Taylor also wanted to thank committee Vice-Chair, Karyn Pageau for all of her work.

Introduction to a History of Revisions to the Erosion & Sediment Control Planning and Design Manual

Ms. Coco highlighted the history of revisions to this manual and then presented drafts of the first re-formatted practice standards as revised for content and proposed for comments by the commissioners. Further discussion ensued on topics related to any budgetary needs to support finalizing practice standards for distribution and the potential of developing cost-calculations that may help users compare costs of different approaches recommended.

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

Ms. Coppa provided an update on the Education Program. The Annual NC Erosion & Sediment Control Workshop will be held December 5th in Raleigh in partnership with the IECA and NCSU. The Annual Local Programs Workshop and Awards Banquet dates have already been set for April

23-24, 2025 at the Chatham County Agriculture and Conference Center. This workshop is being planned in cooperation with the WRRRI. Ms. Coppa summarized her education and outreach initiatives at college career fairs, K-12 and college classes, and in support of other educators. She solicited topic suggestions or volunteers to speak at upcoming workshops or to write articles for the *SEDIMENTS* newsletter. Dr. McLaughlin will work on a “blanket” permission to re-use the articles he writes for the IECA.

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 October.

Land Quality Section Report

Mr. Vinson reported on the number of vacancies within the Land Quality Section and commented that DEMLR currently has the fewest number of vacancies in the last few years.

CONCLUSION

Remarks by DEMLR Director - none

Remarks by Commission Members - none

Remarks by Chairman – The Chair thanked the members and DEMLR staff for their work in preparation for these meetings.

Adjournment

The meeting was adjourned at 12:37 pm.

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

Toby Vinson, Director
Energy, Mineral, and Land Resources

Dr. Susan White, Chair
Sedimentation Control Commission