

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
August 16, 2007
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met August 16, 2007 at 10:00 p.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. Kyle Sonnenberg, Chairman
Mr. Donnie Brewer
Mr. Mark Taylor
Mr. Richard Vick
Ms. Elaine Chiosso
Mr. William "Buzz" Bryson
Mr. Grover McPherson
Dr. Joe Kleiss
Dr. David Moreau
Dr. Bill Miller

OTHERS

Mr. Jim Simons, Director, Division of Land Resources
Mr. Mell Nevils, Section Chief, Land Quality Section
Mr. Tracy Davis, Chief Engineer, Land Quality Section
Mr. Gray Hauser, State Sedimentation Specialist, Land Quality Section
Ms. Ashley Rodgers, Sedimentation Education Specialist, Land Quality Section
Ms. Stephanie Lane, Administrative Secretary
Mrs. Joyce Sanford, Sediment Secretary
Ms. Anna Arnold, Environmental Specialist, Land Quality Section
Mr. Ed Gavin, Assistant Attorney General
Mr. David Harris, NCDOT
Mr. Ted Sherrod, NCDOT
Mr. Rob Weintraub, NCHBA
Ms. Johanna Reese, NCDOT
Mr. Jon Nance, NCDOT
Mr. Don Lee, NCDOT
Mr. Steve Varnedoe, NCDOT
Ms. Lacy Love, NCDOT

Ms. Robin Smith, CCNC
Mr. Jay Stem, NCAA
Dr. Jean Spooner, NCSU
Ms. Cathy Smith, NCSU
Mr. John Payne, DOJ
Mr. John Holley, LQS, RRO
Ms. Sandy Taylor, LSQ, RRO
Mr. Joel Idol, LQS, RRO
Mr. Brad Cole, LQS, RRO
Ms. Lisa Martin, NC Home Builders Association
Ms. Karyn Pageau, LQS, RRO
Mr. Jim Willis, Chatham County
Mr. Scott E. Ford, City of High Point
Ms. Holly Spring, Town of Wake Forest

PRELIMINARY MATTERS

Mr. Sonnenberg called the meeting to order and read Executive Order No. 1.

Those in attendance introduced themselves.

Approval of August 16, 2007 Minutes

Mr. Sonnenberg called for approval of the minutes for the August 16, 2007 meeting. The motion to approve the minutes was made by Dr. Moreau. Mr. Bryson seconded the motion, and it carried unanimously.

II. Action Items

Local Program Reviews

Chatham County

Mr. Hauser reported on the review of Chatham County. The County program currently has a staff of two that contributes one and a half full-time equivalents to erosion control. There are currently 125 active projects that are larger than one acre. The staff approved sixty-three plans and disapproved forty-five. The staff conducted 411 inspections in the past year. Five projects were evaluated. Four out of the five sites were in compliance with the Sedimentation Pollution Control Act. Staff recommended continued delegation of the program. Mr. Brewer moved to accept the staff's recommendations. Mr. McPherson seconded the motion, and it carried unanimously.

Durham County

Mr. Hauser reported on the review of Durham City/County program. The program was reviewed on May 23, 2007. Currently a staff of eight contributes five and a quarter full-time equivalent to sedimentation and erosion control. There are currently 169 active projects that are larger than an acre. The staff has approved 71 projects this year. There were eighteen disapprovals. The staff conducted approximately 2207 inspections in the past year. Three civil penalties were assessed and no stop work orders were issued. Five projects were evaluated. Two out of five sites were in compliance with the Sedimentation Pollution Control Act. One of the sites out of compliance was a 35-acre residential site, which was a small portion of a 400-acre development that was submitted to the County for approval. This site was currently under a Notice of Violation and awaiting a civil penalty assessment.

Recommendations to strengthen the County's program are the following:

1. Separate the temporary and permanent groundcover violations on the County inspection report, which are currently both enforced after 21 calendar days. The time period for compliance is different for permanent and temporary groundcover. Permanent groundcover must be planted within 15 working days or 90 calendar days. The County's ordinance and enforcement of the ordinance cannot be less stringent than the State law or rules.
2. Require revised plans on sites where large measures will be installed, where engineering design and calculations are required.
3. Add the following question to their inspection report: Is the site currently under a Notice of Violation?

Staff recommended continued delegation of the program. Mr. Brewer moved to accept the staff's recommendations. Mr. Vick seconded the motion, and it carried unanimously.

Rocky Mount

Mr. Hauser reported on the review of the City of Rocky Mount program. The City of Rocky Mount program was reviewed on February 9, 2006. The City currently has a staff of five that contributes two full-time equivalents to sedimentation and erosion control. There are currently 29 active projects that are larger than one acre. The staff has approved 32 projects in the last year. There were multiple disapprovals per project. The staff conducted approximately 754 inspections in the past year. No civil penalties were assessed and no stop work orders were issued. Five projects were evaluated and two projects were out of compliance. Staff recommended continued delegation of the program. Mr. Brewer moved to continue delegation. Dr. Miller seconded the motion, and it carried unanimously.

Wake Forest

Mr. Hauser reported on the review of the Town of Wake Forest program. The Town of Wake Forest program was reviewed on June 25, 2007. It currently has a staff of seven that contributes four and a half full-time equivalents to sedimentation and erosion control. There are currently 142 active projects larger than one acre. The staff has approved 50 projects in the last year. The staff conducted 341 inspections in the past year. Three civil penalties were assessed and no stop work orders were issued. Five projects were evaluated. The sedimentation and erosion control plans for each of the sites were adequate. Two out of the five sites inspected were in compliance with the Sedimentation Pollution Control Act.

Staff recommended continued delegation of the program with routine interaction with the Raleigh Regional Office, modification to the inspection reports as discussed with Town staff, written inspection reports for sites found out of compliance, and the continuation of issuing letters of approval on all sites submitted for review. Mr. Brewer moved to continue delegation. Dr. Miller seconded the motion, and it carried unanimously.

Amendments to 2008 Local Program Contracts - Mr. Nevils presented the contracts for approval of minor contract amendments. A copy of the proposed contract is attached to the original minutes. Dr. Moreau made a motion to accept the minor changes as proposed to the Local Program Contract. Mr. Taylor seconded the motion, and it carried unanimously.

North Carolina Turnpike Authority – Mr. Don Lee presented the North Carolina Turnpike Authority request to operate under the program delegation of NC DOT. He outlined the conditions in the Erosion and Sediment Control Program agreement between the North Carolina Department of Transportation and the North Carolina Turnpike Authority. A copy of the agreement was given to the Commission and is attached to the original minutes. Mr. Vick made a motion to allow the NC Turnpike Authority to operate under the NC DOT program delegation. Dr. Kleiss seconded the motion, and it carried unanimously.

Proposed Education Projects – Ms. Rodgers presented the recommendations from the Sedimentation Education Committee for education projects.

Funding for Reprinting the Field Manual:	\$38,120.00
Funds to Reprint the Design Manual	\$1,965.96
Support of Temporary Environmental Specialist I	<u>\$26,688.00</u>
	\$66,773.96

Dr. Kleiss moved to approve the recommendations for funding. Mr. Bryson seconded the motion. The motion was carried unanimously.

INFORMATION ITEMS

Amendments to the Sedimentation Pollution Control Act of 1973- Mr. Nevils presented information on the increase in the plan review fee and the status of the Safe Artificial Slopes Study Bill. The General Assembly increased the plan review fee to \$65.00 per acre. The General Assembly did not ratify a study bill.

NC DOT Erosion and Sedimentation Control Program August 2007 Progress Report – Mr. Sherrod presented the Roadside Environmental Unit report on progress in implementing the recommendations of the 2006 Annual Review.

Summary of Progress Implementing the 1997 Plan of Action - Mr. Nevils summarized the response to each action. A handout was given to the Commission to summarize the progress on accomplishing the goals of the action plan and is attached to the original minutes.

Update on Trout Buffer Waiver Requests–Mr. Hauser presented an update on the trout buffer waiver requests. A handout was given to the Commission to summarize the progress of these requests and is attached to the original minutes.

Enforcement Report–Mr. Payne gave a summary of the Attorney General's enforcement report. A copy of this report is attached to the original minutes.

Land Quality Section Active Sediment Cases Report–Mr. Hauser reviewed the status of Civil Penalty Assessments. There were no questions. A copy of this report is attached to the original minutes

NCDOT Status Report–Mr. Hauser presented the report on DOT's Erosion and Sedimentation Control Program with respect to the issuance of ICAs and approval of trout buffer waivers for maintenance projects. There were no questions. A copy of this report is attached to the original minutes.

Education Program Status Report–Ms. Rodgers provided a report on the past and current projects in the Sedimentation Education Program.

Monthly Activity Report and Land Quality Section Report – Mr. Nevils provided a report on the current number of vacancies in the Section and other LQS activities and issues. Mr. Nevils thanked the Sediment Commission Members and staff for all their hard work.

CONCLUSION

Remarks by the Director—Mr. Simons stated that the Division personnel position has been filled and thanked everyone for their hard work. He also thanked the Commission members for their continuous hard work. He also mentioned the General Assembly proposed the fee increases for the Mining and Sediment programs.

Remarks by the Commission Members—

Remarks by the Chairman—No remarks were made.

Adjournment--As there was no further business, Chairman Sonnenberg adjourned the meeting.

Stephanie Lane, Recording Secretary

James D. Simons, Director

