

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
August 21, 2008
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met August 21, 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. Kyle Sonnenberg, Chair
Mr. Donnie Brewer, Vice-Chair
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

OTHERS

Mr. Gray Hauser, State Sedimentation Specialist, Land Quality Section
Ms. Stephanie Lane, Administrative Secretary, Land Quality Section
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.
Mr. John Payne, Assistant Attorney General
Ms. Ashley Rodgers, Sedimentation Education Specialist, Land Quality Section
Mrs. Sonya Avant Tankersley, Assist. Sedimentation Specialist, Land Quality Section
Mr. Jim Simons, Director, Division of Land Resources
Mr. Tracy Davis, Chief Engineer, Land Quality Section
Ms. Melanie McCaleb, NC State University
Mr. Scott Ford, City of High Point
Mr. David Harris, NC DOT
Mr. Kirk Stafford, Town of Cary
Mr. Paul Rawls, DWQ
Mr. Dan Crawford, CCNC
Mr. John Hennessy, DWQ, SWPS

PRELIMINARY MATTERS

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

Those in attendance introduced themselves.

Approval of May 28, 2008 Minutes

Mr. Sonnenberg called for approval of the minutes of the May 28, 2008 meeting. The motion to approve the minutes was made by Dr. Miller. Dr. Kleiss seconded the motion, and it carried unanimously.

Mr. Hauser read the Evaluation of Statement of Economic Interest filed by Ms. Robin K. Smith. There were no actual conflicts of interest or the potential for conflict of interest. Ms. Smith will represent the Conservation Council of NC.

ACTION ITEMS

Local Program Reviews

City of Monroe

Mrs. Tankersley reported on the review of the City of Monroe's delegated program. The City of Monroe's Local Program was reviewed on August 6, 2008. Six people contribute three full time equivalent positions to erosion and sediment control. There is currently one vacancy that will be filled in a month. The staff has approved 29 erosion and sedimentation control plans and disapproved 18 plans. They conducted 207 inspections from August 2007 to July 2008. Four projects were evaluated during the review. Three of the four projects reviewed in November 2007 were not in compliance. All of the sites were in compliance during August 2008 review. The City has updated their approval letter as requested and is conducting and documenting inspections properly for each site visited. Staff recommended continued delegation of the program.

Mr. Bryson made a motion to continue delegation of the City of Monroe's local program. The motion was seconded by Ms. Chiosso and passed unanimously.

Henderson County

Mr. Hauser reported on the review of Henderson County program performed on August 12, 2008. This is a new program that started in October 2007. A field inspector and an administrative assistant work full time in the sediment and erosion control program. The program has received 623 sketch plans for sites less than one acre. Thirty-four projects greater than one acre have been approved. Six projects were reviewed, mostly notably a 1400 acre golf resort. A number of areas had been initially graded but not finished, resulting in many exposed slopes. The remainder of the projects reviewed ranged from

2 to 4 acres. Two were in excellent condition. Two had minor violations, stemming from a lack of ground cover. The sixth project was reviewed at the request of the local program to generate recommendations on controlling runoff from a steep roadbed. Staff recommends continued delegation of the program.

Mr. Bryson made a motion to continue delegation of Henderson County local program. The motion was seconded by Mr. McPherson, and passed unanimously.

Caldwell County

Mr. Hauser reported on the review of Caldwell County program performed on August 13, 2008. This is a new program that started October 2007. The County has an environmental engineer and a field inspector that administer the sedimentation and erosion control program and the stormwater program. The County has not accepted existing projects from Land Quality. So the County has 8 projects greater than one acre, while Land Quality still has 80 to 100 projects it is inspecting in Caldwell County. The inspector reports doing about 30 inspections per month, but has not been doing written inspections reports. No notices of violation have been issued. Four projects were reviewed. One of the projects did not have an approved E&SC plan. Two of the projects were issued letters of plan approval after grading had begun. A 5500-foot road to a cell tower had vertical cut slopes on the upper side of the road, and steep fills slopes on the other side. All areas were bare except for the roadbed, which had gravel. The tower was complete, with a fence around it. A bare waste and borrow area was beyond the fence. The ditches were bare and eroding. The Caldwell County local program received a contract for start-up funding for the previous fiscal year. It has also been awarded a contract for additional funding this fiscal year. Staff recommended that the program be placed on probation and that Caldwell County be asked to respond to the Commission at the November 2008 meeting.

Dr. Miller made a motion to put the Caldwell County local program on probation and have them respond by the next Commission meeting in November. The motion was seconded by Ms. Chiosso and passed unanimously.

Ms. Chiosso also made a motion to include in the probation letter that Caldwell County shall not spend the money in the contract until after the status of the program was determined by the Sedimentation Control Commission meeting in November. The motion was seconded by Ms. Smith and passed unanimously.

Local Program Contract Fund Request – Mrs. Sonya Avant Tankersley

Mrs. Tankersley reported that the Town of Columbus had requested \$12,405 to assist with the start-up of a local erosion and sedimentation control program. The funds will be used to purchase tools and safety equipment, a vehicle, GIS and GPS software, and to provide training for erosion and sediment control staff.

Mr. Taylor made a motion to approve the request contingent on the Town of Columbus requesting and receiving delegation at the November Sedimentation Control Commission meeting. Dr. Miller seconded the motion, and it passed unanimously.

Amendments to 2009 Local Program Contract – Mrs. Sonya Avant Tankersley

Ms. Tankersley proposed several minor contract amendments to the 2009 local program contract.

Mr. Bryson made a motion to approve the amendments presented to the 2009 local program contract. Mr. McPherson seconded the motion and it approved unanimously.

Design Manual Revisions – Mr. Gray Hauser

Mr. Hauser recommended the adoption of revisions to the Erosion Control Planning and Design Manual. Chapter 3, Vegetative Considerations; Practice Standards and Specifications 6.05, Tree Protection, 6.11, Permanent Seeding, 6.64, Skimmer Sediment Basin, 6.72, Vegetative Streambank Stabilization, 6.73, Structural Streambank Stabilization; Appendix 8.02, Vegetation Tables, and Appendix 8.03, Estimating Runoff were revised. Copies attached to the originals of the minutes.

Mr. Taylor made a motion to adopt the revisions as proposed. Mr. Bryson seconded the motion, and it was carried unanimously.

Discussion of Field Tour for November Meeting – Ms. Ashley Rodgers

Ms. Rodgers proposed a field tour for the November 19 & 20, 2008 meeting and asked for suggestions on the location and topic. Ms. Smith recommended that the field tour be held in the western part of the state. A general consensus was reached to hold the field tour and meeting in the western part of the state and to focus on steep slope issues.

Adopt Proposed Rule for Self-Inspection of Construction Sites – Mr. Mell Nevils

Mr. Nevils presented the proposed rule, incorporating the wording reached by consensus by a stakeholders group. A copy of the draft rule is attached to the original minutes.

Ms. Smith made a motion to accept the draft rule as presented, which was seconded by Mr. Taylor. The motion was approved unanimously.

INFORMATION ITEMS

NC DOT Secondary Road Construction in Sensitive Watersheds – Mr. Nevils presented a brief update on NC DOT Secondary Road Construction in Sensitive Watersheds.

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 - Mrs. Tankersley reviewed the status of civil penalty assessments. A copy of this report is attached to the original minutes.

NCDOT Status Report – Mrs. Tankersley presented the report on NC DOT's Erosion and Sedimentation Control Program with respect to the issuance of ICAs and approval of trout buffer waivers for maintenance projects. A copy of this report is attached to the original minutes.

Education Program Status Report – Ms. Rodgers presented a report on the past and current projects in the Sediment Education Program. A copy of this report is attached to the original minutes.

Sediment Program Activity Report – Mrs. Tankersley provided a report on the Land Quality Section's current plan approval, inspection, and enforcement activities statewide. A copy of this report is attached to the original minutes.

Revised Plan of Action – Ms. Rodgers provided a report of the TAC to update the 1997 Plan of Action. A copy of this report is attached to the original minutes.

Update on Legislation – Mr. Nevils provided a report on the disposition of House Bill 2506. A copy of House Bill 2506 is attached to the original minutes.

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 welcomed Ms. Robin Smith to the Sedimentation Control Commission. He also thanked the staff for their continuous hard work.

CONCLUSION

Remarks by Director - Mr. Simons thanked everyone for their hard work. He also wished Mr. Stout a speedy recovery. He reported that the General Assembly had discussed, during this session, a bill to combine all the various environmental commissions into one full time environmental commission. Mr. Simons has prepared a report of the Division of Land Resources' accomplishments over the last eight years that will be put on the website. Mr. Simons stated that he is very pleased about the efforts being made in the Land Quality program.

Remarks by the Commission Members – None

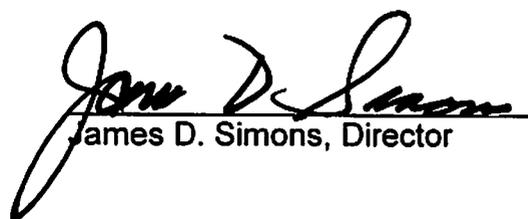
Remarks by the Chairman - Mr. Sonnenberg thanked the Commissioners for their hard work over the past years and thanked them for their professional manner. He thanked all of the staff for their professionalism, their concern for the quality of the environment and consistent efforts made through the low funding cycles.

Adjournment

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



Stephanie Lane, Recording Secretary



James D. Simons, Director