

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 449*
Committee Substitute Favorable 5/2/91

Short Title: Sedimentation Control Amendments-2.

(Public)

Sponsors:

Referred to:

April 1, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO STRENGTHEN THE SEDIMENTATION POLLUTION CONTROL
3 ACT.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 113A-52 is amended by adding a new subdivision to read:

6 "(10a) 'Tract' means all contiguous land and bodies of water being
7 disturbed or to be disturbed as a unit, regardless of
8 ownership."

9 Sec. 2. G.S.113A-57 reads as rewritten:

10 "§ 113A-57. **Mandatory standards for land-disturbing activity.**

11 No land-disturbing activity subject to this Article shall be undertaken except in
12 accordance with the following mandatory requirements:

- 13 (1) No land-disturbing activity during periods of construction or
14 improvement to land shall be permitted in proximity to a lake or
15 natural watercourse unless a buffer zone is provided along the margin
16 of the watercourse of sufficient width to confine visible siltation within
17 the twenty-five percent (25%) of the buffer zone nearest the land-
18 disturbing activity. Waters that have been classified as trout waters by
19 the Environmental Management Commission shall have an
20 undisturbed buffer zone 25 feet wide or of sufficient width to confine
21 visible siltation within the twenty-five percent (25%) of the buffer
22 zone nearest the land-disturbing activity, whichever is greater.
23 Provided, however, that the Sedimentation Control Commission may

1 approve plans which include land-disturbing activity along trout
2 waters when the duration of said disturbance would be temporary and
3 the extent of said disturbance would be minimal. This subdivision
4 shall not apply to a land-disturbing activity in connection with the
5 construction of facilities to be located on, over, or under a lake or
6 natural watercourse.

7 (2) The angle for graded slopes and fills shall be no greater than the angle
8 which can be retained by vegetative cover or other adequate erosion-
9 control devices or structures. In any event, slopes left exposed will,
10 within 30 working days of completion of any phase of grading, be
11 planted or otherwise provided with ground cover, devices, or structures
12 sufficient to restrain erosion.

13 (3) Whenever land-disturbing activity is undertaken on a tract comprising
14 more than one acre, if more than one ~~contiguous~~-acre is uncovered, the
15 person conducting the land-disturbing activity shall install such
16 sedimentation and erosion control devices and practices as are
17 sufficient to retain the sediment generated by the land-disturbing
18 activity within the boundaries of the tract during construction upon and
19 development of said tract, and shall plant or otherwise provide a
20 permanent ground cover sufficient to restrain erosion after completion
21 of construction or development within a time period to be specified by
22 rule of the Commission.

23 (4) No person shall initiate any land-disturbing activity on a tract if more
24 than one ~~contiguous~~-acre is to be uncovered unless, 30 or more days
25 prior to initiating the activity, an erosion and sedimentation control
26 plan for such activity is filed with the agency having jurisdiction."

27 Sec. 3. This act becomes effective October 1, 1991.