

NORTH CAROLINA GENERAL ASSEMBLY  
1979 SESSION

CHAPTER 922  
SENATE BILL 525

AN ACT TO AMEND THE SEDIMENTATION POLLUTION CONTROL ACT TO PROVIDE FOR THE APPEAL OF LOCAL GOVERNMENT DECISIONS CONCERNING THE APPROVAL OF EROSION CONTROL PLANS TO THE DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT AND THE SEDIMENTATION POLLUTION CONTROL COMMISSION AND TO AMEND THE RULEMAKING POWER OF THE COMMISSION.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 113A-61(c) is rewritten to read as follows:

"(c) The disapproval or modification of any proposed erosion control plan by a local government shall entitle the person submitting the plan to a public hearing if such person submits written demand for a hearing within 15 days after receipt of written notice of the disapproval or modification. The hearings shall be conducted pursuant to procedures adopted by the local government. If the local government upholds the disapproval or modification of a proposed erosion control plan following the public hearing, the person submitting the erosion control plan shall be entitled to appeal the local government's action disapproving or modifying the plan to the Commission. The Commission, by regulation, shall direct the Secretary to appoint such employees of the Department as may be necessary to hear appeals from the disapproval or modification of erosion control plans by local governments. In addition to providing for the appeal of local government decisions disapproving or modifying erosion control plans to designated employees of the Department, the Commission shall designate an erosion control plan review committee consisting of three members of the Commission. The person submitting the erosion control plan may appeal the decision of an employee of the Department who has heard an appeal of a local government action disapproving or modifying an erosion control plan to the erosion plan review committee of the Commission. Judicial review of the final action of the erosion plan review committee of the Commission may be had in the superior court of the county in which the local government is situated."

**Sec. 2.** G.S. 113A-54(b) is amended to read as follows:

"(b) The Commission shall develop and adopt and shall revise as necessary from time to time, rules and regulations for the control of erosion and sedimentation resulting from land-disturbing activities. The Commission shall adopt or revise its rules and regulations in accordance with the rulemaking procedures set forth in Article 2 of Chapter 150A of the General Statutes."

**Sec. 3.** This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of June, 1979.