

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 827

Short Title: Temporary Erosion Control Permit.

(Public)

Sponsors: Senators Sherron and Bryan.

Referred to: Environment and Natural Resources.

April 25, 1991

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A TEMPORARY EROSION CONTROL PERMIT
WHEREBY CERTAIN LIMITED ACTIVITIES MAY BE COMMENCED PRIOR
TO APPROVAL BY THE NORTH CAROLINA SEDIMENTATION CONTROL
COMMISSION OF A DRAFT EROSION CONTROL PLAN WHEN A
QUALIFIED PROFESSIONAL HAS CERTIFIED THAT THE DRAFT PLAN
COMPLIES WITH ALL REQUIREMENTS UNDER THE SEDIMENTATION
POLLUTION CONTROL ACT OF 1973.

The General Assembly of North Carolina enacts:

Section 1. Article 4 of Chapter 113A is amended by adding a new section to
read:

"§ 113A-54.2. Temporary erosion control permits.

(a) An applicant who is issued a temporary erosion control permit pursuant to
subsection (b) of this section may:

- (1) Install construction road stabilization and erosion control devices or
measures on;
- (2) Deliver materials to;
- (3) Place construction equipment on; and
- (4) Remove trees, tree stumps, trash, and debris from

the land that is the subject of the draft erosion control plan.

(b) Upon written request, an applicant who has submitted a draft erosion control
plan to:

- (1) The Commission, for approval pursuant to G.S. 113A-54.1; or

1 (2) Any local government which has an approved erosion and sediment
2 control program *for approval pursuant to G.S. 113A-61
3 shall be issued a temporary erosion control permit if the draft erosion control plan is
4 prepared by an engineer, an architect, or a landscape architect, licensed to practice in
5 North Carolina, who has certified that the draft erosion control plan complies with all
6 the requirements of this Article.

7 (c) A temporary erosion control permit expires automatically 60 days after the
8 temporary permit is issued or when the erosion control plan is approved by the
9 Commission, whichever occurs first. A temporary erosion control permit shall not be
10 extended or renewed."

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

12 **"§ 113A-57. Mandatory standards for land-disturbing activity.**

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

15 (1) No land-disturbing activity during periods of construction or
16 improvement to land shall be permitted in proximity to a lake or
17 natural watercourse unless a buffer zone is provided along the margin
18 of the watercourse of sufficient width to confine visible siltation within
19 the twenty-five percent (25%) of the buffer zone nearest the land-
20 disturbing activity. Waters that have been classified as trout waters by
21 the Environmental Management Commission shall have an
22 undisturbed buffer zone 25 feet wide or of sufficient width to confine
23 visible siltation within the twenty-five percent (25%) of the buffer
24 zone nearest the land-disturbing activity, whichever is greater.
25 Provided, however, that the Sedimentation Control Commission may
26 approve plans which include land-disturbing activity along trout
27 waters when the duration of said disturbance would be temporary and
28 the extent of said disturbance would be minimal. This subdivision
29 shall not apply to a land-disturbing activity in connection with the
30 construction of facilities to be located on, over, or under a lake or
31 natural watercourse.

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

38 (3) Whenever land-disturbing activity is undertaken on a tract comprising
39 more than one acre, if more than one contiguous acre is uncovered, the
40 person conducting the land-disturbing activity shall install such
41 sedimentation and erosion control devices and practices as are
42 sufficient to retain the sediment generated by the land-disturbing
43 activity within the boundaries of the tract during construction upon and
44 development of said tract, and shall plant or otherwise provide a

1 permanent ground cover sufficient to restrain erosion after completion
2 of construction or development within a time period to be specified by
3 rule of the Commission.

4 (4) ~~No~~ Subject to the provisions of G.S. 113A-54.2, no person shall
5 initiate any land-disturbing activity if more than one contiguous acre is
6 to be uncovered unless, 30 or more days prior to initiating the activity,
7 an erosion and sedimentation control plan for such activity is filed with
8 the agency having jurisdiction."

9 Sec. 3. This act becomes effective July 1, 1991.