

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H.B. 1106  
May 15, 2014  
HOUSE PRINCIPAL CLERK

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HOUSE DRH40131-TGz-18 (04/04)

Short Title: Erosion Control Designer Certification.

(Public)

Sponsors: Representatives Torbett and Brody (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DESIGNER OF A RETAINING WALL OR SIMILAR  
EROSION CONTROL DEVICE HAVING A STRUCTURAL FOUNDATION  
REQUIRED TO BE INSTALLED UNDER A STATE-APPROVED EROSION AND  
SEDIMENTATION CONTROL PLAN TO CERTIFY THAT THE DEVICE HAS BEEN  
DESIGNED IN ACCORDANCE WITH APPLICABLE CODES AND SPECIFICATIONS  
AND WILL BE INSTALLED ACCORDING TO THE APPROVED EROSION AND  
SEDIMENTATION CONTROL PLAN, AS RECOMMENDED BY THE LRC  
COMMITTEE ON LAND DEVELOPMENT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 113A-54.1 is amended by adding a new subsection to read:

"(a2) When the erosion and sedimentation control permit is issued by the Department and a retaining wall or other similar device requiring a structural foundation is included as a part of the applicable approved erosion and sedimentation control plan, but is inspected and permitted by a local government, the erosion and sedimentation control permit shall be conditioned to require that prior to allowing full land-disturbing activities to occur on either the entire property or the portion thereof to be served by the applicable device, the erosion and sedimentation control inspector shall receive written certification from the designer of the device assuring that the device has been designed in accordance with applicable codes and specifications and will be installed according to the approved erosion and sedimentation control plan. The Department shall provide a copy of the conditioned erosion and sedimentation control permit to the Chief Building Code Enforcement officer of the local government responsible for inspection and permitting of the erosion control device."

**SECTION 2.** This act becomes effective October 1, 2014, and applies to erosion and sedimentation control permits issued by the Department on or after that date.



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