

April 15, 1999

**H 1098. AMEND SEDIMENTATION ACT (=S 1128). TO AMEND THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973.** Requires approval of erosion control plans to be conditioned on the plan's compliance with state and federal water quality laws. Requires disapproval of erosion control plan if implementation of the plan would result in a violation of (1) state or federal water quality law or (2) rules adopted by the Environmental Management Commission to protect riparian buffers. Prohibits land-disturbing activity (1) on tracts of more than one acre if the activity includes ditching or channelization that may increase erosion from the tract, unless an erosion control plan is filed 30 or more days before the activity begins, and (2) if more than one-half acre and no more than one acre is to be uncovered, unless an erosion control plan is filed with the local government agency that issues building permits before obtaining a building permit and 30 or more days before the activity begins. Failure to file a plan as required in this subsection bars issuance of a building permit and failure of the erosion control plan to comply with the Sedimentation Pollution Control Act invalidates a building permit. Changes civil penalties so that the maximum civil penalty for any violation is \$5,000, assessed from the date the violation is documented (now, date the notice of violation is served). Makes persons who fail to comply with a notice of violation in a timely manner subject to penalties for continuing violations (up to \$5,000 per day). Deletes cap on percentage of costs that may be paid for by fees for erosion control plans. Effective Oct. 1, 1999; applies to land-disturbing activity on or after that date.

**Intro. by Hackney.**

Ref. to Environment

GS 113A

June 14, 1999

**H 1098. STRENGTHEN SEDIMENTATION ACT.** Intro. 4/15/1999. House committee substitute makes the following changes to 1st edition. Revises amendment to GS 113A-54.1(a), concerning approval of erosion control plans, to remove requirement that Sedimentation Control Comm'n disapprove a plan if it would violate state or federal water quality laws or regulations, or would violate rules of Environmental Management Comm'n (EMC) that protect riparian buffers along surface waters. Revises amendment to GS 113A-54.1(c) to require Sedimentation Control Comm'n (now, Director of Div'n of Land Resources) to disapprove erosion control plan if it would violate EMC rules protecting riparian buffers.

Deletes proposed GS 113A-57(5) and (6) that would have forbidden certain land-disturbing activities without advance filing of erosion control plan. Amends GS 113A-57(4), which requires filing of erosion and sedimentation control plan 30 days in advance of any land-disturbing activity on tract of more than one acre, to require agency having jurisdiction of activity to forward copy of plan to Director of Div'n of Water Quality if it involves using ditches for de-watering or lowering water table of tract.

Amends GS 113A-74(a)(1), concerning penalties for violating sedimentation control requirements, to allow civil penalty to be assessed from date of violation (in previous version, penalty could not begin until violation was documented).

Amends GS 87-10(b) [as amended by SL 1999-123, sec. 1], concerning application for general contractor's license, to require license examination to include applicant's knowledge of sedimentation pollution control laws (GS ch. 113A, art. 4) and associated regulations.