

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS45109-SBza-24B* (05/09)

Short Title: Clarify Gravel Under Stormwater Laws.

(Public)

Sponsors: Senator Jackson (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE REGULATION OF GRAVEL UNDER STATE
3 STORMWATER LAWS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW
4 COMMISSION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** G.S. 143-214.7(b2) reads as rewritten:

7 "(b2) For purposes of implementing stormwater programs, "built-upon area" means
8 impervious surface and partially impervious surface to the extent that the partially impervious
9 surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon
10 area" does not include a ~~wooden-slatted deck, deck or~~ the water area of a swimming pool, ~~or~~
11 ~~gravel pool.~~"

12 **SECTION 1.(b)** The Environmental Management Commission shall amend its
13 rules to be consistent with the definition of "built-upon area" set out in subsection (b2) of
14 G.S. 143-214.7, as amended by Section 1(a) of this act.

15 **SECTION 2.** Unless specifically authorized by the General Assembly, neither the
16 Environmental Management Commission nor the Department of Environment and Natural
17 Resources have the authority to define the term "gravel" for purposes of implementing
18 stormwater programs. Any rule adopted by the Environmental Management Commission or the
19 Department of Environment and Natural Resources that defines the term "gravel" for purposes
20 of implementing stormwater programs is not effective and shall not become effective.

21 **SECTION 3.** Of funds available to the Department of Environment and Natural
22 Resources for the 2013-2015 biennium, the Department shall use up to the sum of one hundred
23 ten thousand dollars (\$110,000) to contract with the Department of Biological and Agricultural
24 Engineering at North Carolina State University to conduct the study required by this section.
25 The Department of Biological and Agricultural Engineering at North Carolina State University
26 shall conduct a study to determine the extent to which different aggregate surfaces are pervious,
27 impervious, or partially pervious. The study shall include variables such as different types of
28 aggregate, different types of underlying soil, different levels of compaction, different types of
29 soil preparation and aggregate installation, different depths of aggregate, and any other
30 variables that may significantly affect whether an aggregate surface is pervious, impervious, or
31 partially pervious. The Department of Biological and Agricultural Engineering at North
32 Carolina State University shall submit an interim report on the results of the study to the
33 Department of Environment and Natural Resources and the Environmental Review
34 Commission no later than September 1, 2014. The Department of Biological and Agricultural
35 Engineering at North Carolina State University shall submit a final report on the results of the



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1 study to the Department of Environment and Natural Resources and the Environmental Review
2 Commission no later than January 1, 2015.

3 **SECTION 4.** This act is effective when it becomes law. Subsection (b2) of
4 G.S. 143-214.7, as amended by Section 1(a) of this act, applies to projects for which permit
5 applications are received on or after that date.