

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

FILED SENATE  
Mar 11, 2021  
S.B. 285  
PRINCIPAL CLERK

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SENATE BILL DRS45153-MH-80

Short Title: Erosion and Sedimentation Permitting Changes. (Public)

Sponsors: Senators Woodard and Murdock (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ADDRESS MISUSE OF THE AGRICULTURE EXCEPTION TO  
3 SEDIMENTATION AND EROSION CONTROL REQUIREMENTS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 113A-52.01 reads as rewritten:

6 "§ 113A-52.01. Applicability of this Article.

7 This Article shall not apply to the following land-disturbing activities:

- 8 (1) Activities, including the production and activities relating or incidental to the  
9 production of crops, grains, fruits, vegetables, ornamental and flowering  
10 plants, dairy, livestock, poultry, and all other forms of agriculture undertaken  
11 on agricultural land for the production of plants and animals useful to man,  
12 including, but not limited to:
- 13 a. Forages and sod crops, grains and feed crops, tobacco, cotton, and  
14 peanuts.
  - 15 b. Dairy animals and dairy products.
  - 16 c. Poultry and poultry products.
  - 17 d. Livestock, including beef cattle, llamas, sheep, swine, horses, ponies,  
18 mules, and goats.
  - 19 e. Bees and apiary products.
  - 20 f. Fur producing animals.
  - 21 g. Mulch, ornamental plants, and other horticultural products. For  
22 purposes of this section, "mulch" means substances composed  
23 primarily of plant remains or mixtures of such substances.

24 Provided, however, that this subdivision does not limit the application of this  
25 Article by a local erosion and sedimentation control program to the use of  
26 agricultural land for disposal of debris in excess of 30 feet above existing  
27 grade or for other nonfarm purposes.

28 ...."

29 SECTION 2. In order to provide maximum protection for sensitive public water  
30 supply waterbodies, this act applies only in counties meeting the following criteria:

- 31 (1) The county has a stormwater utility.
- 32 (2) All or a portion of two water supply watersheds are located within the borders  
33 of the county.

34 SECTION 3. This act is effective when it becomes law.



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