

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1417
SENATE BILL 1185

AN ACT TO AMEND ARTICLE 4, CHAPTER 113A OF THE NORTH CAROLINA
GENERAL STATUTES RELATING TO SEDIMENTATION POLLUTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113A-52 is amended as follows:

(a) by repealing subdivision (1), G.S. 113A-52, and renumbering the remaining subdivisions; and

(b) by rewriting the first sentence of subdivision (6), G.S. 113A-52, as the same appears in Volume 3A, 1973 Cumulative Supplement, General Statutes, to read as follows:

"(5) 'Land-disturbing activity' means any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation."; and

(c) by rewriting subdivision (10), G.S. 113A-52, as the same appears in Volume 3A, 1973 Cumulative Supplement, General Statutes, to read as follows:

"(9) 'Sediment' means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin."

Sec. 2. G.S. 113A-53 is amended as follows:

(a) by rewriting subdivision (1), G.S. 113A-53(a) to read as follows: "A person to be nominated jointly by the boards of the North Carolina League of Municipalities and the North Carolina Association of County Commissioners."; and

(b) by adding to subsection (b), G.S. 113A-53, an additional concluding sentence to read as follows: "The Governor shall designate a member of the Commission to serve as chairman."; and

(c) by rewriting the fourth sentence to read as follows: "The initial terms of office for members filling positions one, two, three and four as specified in G.S. 113-53(a), above, shall expire June 30, 1975; thereafter the terms of office for members filling those positions shall be four years."; and

(d) by deleting from the sixth sentence the word "one".

Sec. 3. G.S. 113A-55 is amended by rewriting the last sentence thereof to read as follows: "The Secretary is authorized to bring enforcement actions pursuant to G.S. 113A-64 and G.S. 113A-65."

Sec. 4. G.S. 113A-56(a) is amended by rewriting subdivisions (5) and (6) to read as follows: "(5) Licensed by the State or the United States; or (6) Funded in whole or in part by the State or the United States."

Sec. 5. G.S. 113A-57 is amended by rewriting subdivision (2) to read as follows:

"(2) The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within 30 working days of completion of any phase of grading,

be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.

Sec. 6. G.S. 113A-54(f) is amended by inserting at the conclusion thereof the following:

"Except for those activities enumerated in G.S. 113A-56 over which the Commission has exclusive jurisdiction, the Commission shall in no event require approval prior to the commencement of land disturbing activity."

Sec. 7. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1974.