

CHAPTER 04 - SEDIMENTATION CONTROL

SUBCHAPTER 04A - SEDIMENTATION CONTROL COMMISSION ORGANIZATION

15A NCAC 04A .0101 OFFICES OF THE SEDIMENTATION CONTROL COMMISSION

Persons may contact the North Carolina Sedimentation Control Commission offices at the Archdale Building, 512 N. Salisbury Street, P.O. Box 27687, Raleigh, North Carolina 27611. Persons may contact regional offices of the Commission's staff in the Division of Energy, Mineral, and Land Resources at the following locations:

- (1) Asheville Regional Office
2090 U.S. 70 Hwy.
Swannanoa, NC 28778-8211
- (2) Winston-Salem Regional Office
450 W. Hanes Mill Rd., Suite 300
Winston-Salem, N.C. 27105
- (3) Mooresville Regional Office
610 E. Center Avenue, Suite 301
Mooresville, N.C. 28115-2578
- (4) Raleigh Regional Office
3800 Barrett Drive
Raleigh, N.C. 27609-7222
- (5) Fayetteville Regional Office
225 Green Street, Suite 714
Fayetteville, N.C. 28301-5095
- (6) Washington Regional Office
1424 Carolina Ave.
Washington, N.C. 27889-3314
- (7) Wilmington Regional Office
127 Cardinal Dr., Ext.
Wilmington, N.C. 28405-3845

History Note: Authority G.S. 113A-54; 143B-298;
Eff. February 1, 1976;
Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(f)); October 1, 1995; February 1, 1992;
May 1, 1990; December 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February
2, 2016;
Amended Eff. April 1, 2020.

15A NCAC 04A .0102 PURPOSES

15A NCAC 04A .0103 STRUCTURE

15A NCAC 04A .0104 DELEGATION

History Note: Authority G.S. 113A-54(b)(d)(3); 113A-56(a)(b); 113A-58(1); 113A-61(d); 143B-298;
Eff. February 1, 1976;
Amended Eff. August 1, 1985; November 1, 1984; June 5, 1981; January 31, 1979;
Repealed Eff. August 1, 1988.

15A NCAC 04A .0105 DEFINITIONS

In addition to the terms defined in G.S. 113A-52, the following definitions shall apply in this Chapter and have these meanings:

- (1) "Accelerated Erosion" means any increase over the rate of natural erosion, as a result of land-disturbing activities.
- (2) "Act" means the Sedimentation Pollution Control Act of 1973 in G.S. 113A-50, et seq.
- (3) "Adequate Erosion Control Devices or Structures" means one that controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.

- (4) "Approving Authority" means the Division or other State or a local government agency that has been delegated erosion and sedimentation plan review responsibilities in accordance with the provisions of the Act.
- (5) "Being Conducted" means a land-disturbing activity has been initiated and not deemed complete by the approving authority.
- (6) "Borrow" means fill material that is required for on-site construction that is obtained from other locations.
- (7) "Buffer Zone" means the strip of land adjacent to a lake or natural watercourse.
- (8) "Coastal Counties" means the following counties: Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell, and Washington.
- (9) "Completion of Construction or Development" means that no further land-disturbing activity is required on a phase of a project except that which, as determined by the approving authority, is necessary for establishing a permanent ground cover.
- (10) "Director" means the Director of the Division of Energy, Mineral, and Land Resources of the Department of Environmental Quality.
- (11) "Discharge Point" or "Point of Discharge" means that point where runoff leaves a tract of land where a land-disturbing activity has occurred or enters a lake or natural watercourse.
- (12) "Division" or "DEMLR" means the Division of Energy, Mineral, and Land Resources of the Department of Environmental Quality.
- (13) "Energy Dissipator" means a structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.
- (14) "Ground Cover" means any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.
- (15) "High Quality Waters" means those described in 15A NCAC 02B .0224, which is herein incorporated by reference including subsequent amendments and editions.
- (16) "High Quality Water (HQP) Zones" means areas in the Coastal Counties that are within 575 feet of High Quality Waters and for the remainder of the State, areas that are within one mile of and drain to HQW's.
- (17) "Lake or Natural Watercourse" means any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake, or pond.
- (18) "Natural Erosion" means "erosion" as defined in G.S. 113A-52(5) under natural environmental conditions undisturbed by man.
- (19) "Person Conducting the Land-disturbing Activity" means any person who may be held responsible for a violation unless provided otherwise by the Act, the rules of this Chapter, or any order or local ordinance adopted pursuant to these Rules or the Act.
- (20) "Person Who Violates," or "Violator," as used in G.S. 113A-64, means: any landowner or other person who has financial or operational control over the land-disturbing activity; or who has directly or indirectly allowed the activity, and who has failed to comply with any provision of the Act, the rules of this Chapter, or any order or local ordinance adopted pursuant to the Act, as it imposes a duty upon that person.
- (21) "Plan" means an erosion and sedimentation control plan.
- (22) "Sedimentation" means the process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.
- (23) "Storm Drainage Facilities" means the system of inlets, conduits, channels, ditches, and appurtenances that serve to collect and convey stormwater through and from a given drainage area.
- (24) "Stormwater Runoff" means the runoff of water resulting from precipitation in any form.
- (25) "Ten-Year Storm" means a rainfall of an intensity that, based on historical data, is predicted, by a method acceptable to the approving authority, to be equaled or exceeded, on the average, once in 10 years, and of a duration that will produce the maximum peak rate of runoff from the watershed of interest under average antecedent wetness conditions.
- (26) "Twenty-five Year Storm" or "Q25" means a rainfall of an intensity that, based on historical data, is predicted, by a method acceptable to the approving authority, to be equaled or exceeded, on the

average, once in 25 years, and of a duration that will produce the maximum peak rate of runoff from the watershed of interest under average antecedent wetness conditions.

- (27) "Uncovered" means having had ground cover removed from, on, or above the soil surface.
- (28) "Undertaken" means the initiating of any activity or phase of activity that results or will result in a change in the ground cover or topography of a tract of land.
- (29) "Velocity" means the speed of flow through a cross-section perpendicular to the direction of the main channel at the peak flow of the storm of interest but not exceeding bank full flows.
- (30) "Waste" means surplus materials resulting from on-site construction and to be disposed offsite.

History Note: Authority G.S. 113A-52; 113A-54;
Eff. November 1, 1984;
Amended Eff. May 1, 1990;
Temporary Amendment Eff. November 1, 1990 for a period of 180 days to expire on April 29, 1991;
ARRC Objection Lodged November 14, 1990;
ARRC Objection Removed December 20, 1990;
Amended Eff. January 1, 1991;
Temporary Amendment Eff. January 14, 1992 for a period of 180 days to expire on July 11, 1992;
Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(f)); October 1, 1995; April 1, 1992;
Readopted Eff. April 1, 2020.