



Simplified Overview of the Sedimentation Pollution Control Act of 1973

PURPOSE

The objective of the Sedimentation Pollution Control Act of 1973 is to protect North Carolina land and natural watercourses from erosion and sedimentation impacts. The primary purposes are to: (1) keep sediment from entering our natural watercourses e.g. streams, rivers, lakes, swamps, and marshes; and (2) keep sediment from washing onto adjacent property.

MANDATORY STANDARDS

Buffer Zone Requirements

If you are conducting a land-disturbing activity, such as construction, near a lake or natural watercourse, visible siltation should be kept in the 25% of the buffer zone nearest the land-disturbing activity. For example, land disturbance taking place 20 feet from a stream would be in compliance if the sediment from the construction site travels less than 5 feet into the buffer. If the stream is classified as a Trout Stream, the same requirement applies, but the undisturbed buffer must be at least 25 feet wide.

Slope Stabilization Requirements

Any slope generated or disturbed during a land-disturbing activity may not be so steep that it is impossible to prevent erosion from them by providing a natural groundcover (such as grass) or other adequate erosion-control devices. Groundcover or other erosion-control devices on slopes must be in place within 21 calendar days of completion of any phase of grading. Example: A slope generated during highway construction is not in compliance if it has deep, eroded gullies in it.

Groundcover Requirements

Groundcover may be plants, mulches, rocks, etc. that hold the soil in place. Grass is a common groundcover. Whenever land is disturbed, permanent groundcover must be in place within 15 working days or 90 calendar days, whichever is shorter.

Erosion and Sediment Control Plan Requirements

If more than one acre of land on a tract is to be disturbed, an erosion and sediment control plan is required. Erosion and sedimentation control plan application approvals are issued by Land Quality Section Regional Offices or local government erosion and sedimentation control programs.

Adherence to Erosion and Sediment Control Plan

The land disturbing activity must be done in accordance with the approved erosion and sediment control plan.

EXEMPTIONS

In general, agricultural lands used for the production of plants and animals useful to man are exempt from the Act. As long as best management practices in the Forest Practice Guidelines Related to Water Quality are followed, activities undertaken on forestland for the production and harvesting of timber are exempt. Lands used for mining are also exempt as they are subject to the Mining Act regulations. In emergency situations that threaten human lives, land may be disturbed without an immediate erosion and sedimentation control plan approval.

ENFORCEMENT

Failure to have an approved plan before the land disturbing activity can result in a fine of up to \$5000 per day per violation. Failure to comply with the Sedimentation Pollution Control Act can result in fines up to \$5000 per day per violation for each day of the violation, the issuance of a stop-work order, injunctive relief, a restoration order, or possible criminal prosecutions.

For additional information reference the following:

- The Sedimentation Pollution Control Act of 1973 ([GS113A Article 4](#))
- The NC Department of Environmental Quality Division of Energy, Mineral and Land Resources website: [NC DEQ DEMLR](#)
- Contact the appropriate NCDEQ/DEMLR/Land Quality Section office: [Regional Offices](#)

This summary was created for educational purposes only, and does not preempt the law.

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