

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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SENATE BILL 285

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

Sponsors: Senators Woodard and Murdock (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 15, 2021

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.

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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.

