



2023-2024 General Assembly

SENATE BILL 382:
Disaster Relief-3/Budget/Various Law Changes,
Sec. 1D.7:
Authorize Waiver of Submission and Approval
of Sedimentation and Pollution Control Plan
Prior to Initiation of Land-Disturbing Activities
in Certain Circumstances

Committee:
Introduced by:
Analysis of: Sec. 1D.7 of S.L. 2024-57

Date: January 7, 2025
Prepared by: Jennifer McGinnis
Staff Attorney

OVERVIEW: Sec. 1D.7 of S.L. 2024-57 provides that, to the extent authorized by federal law, the Sedimentation Control Commission, Department of Environmental Quality, or a local government that administers a delegated erosion and sedimentation control program, as applicable, must waive the requirement that persons conducting land-disturbing activity in an affected area file an erosion and sedimentation control plan (Plan) for approval of the agency with jurisdiction, and obtain a General Permit NCG01000 (NCG01), prior to initiating land-disturbing activity. If the applicable agency with jurisdiction waives the requirement for an approved Plan prior to initiation of activities, persons conducting such land-disturbing activities must: (i) install all erosion control measures required prior to initiation of land-disturbing activities; (ii) notify the agency with jurisdiction of the date on which land disturbing activity will be initiated; and (iii) submit a Plan to the agency with jurisdiction, for the agency's approval, within 30 days of initiation of the land-disturbing activity, and apply for a NCG01 after receipt of Plan approval. Notwithstanding a waiver for a submittal and approval of a Plan authorized pursuant to this section, all other provisions statutes governing erosion and sedimentation control and rules adopted thereunder apply, including required inspections and enforcement authority for noncompliance.

This act was vetoed by the Governor on November 26, 2024, and that veto was overridden by the General Assembly on December 11, 2024.

This section became effective December 11, 2024, and expires March 1, 2025.

Kara McCraw
Director



* S 3 8 2 - S M R I - 9 6 S L - V - 4 *

Legislative Analysis
Division
919-733-2578