

The Law and Mandatory Standards For Land Disturbing Activities

Land owners and grading contractors are legally responsible for controlling sedimentation from any size soil disturbance. In Haywood County, depending upon the location of your site, one of two ordinances will apply.

1. **The Haywood County Sediment Control Ordinance** applies to all areas outside the corporate boundaries and the one mile extraterritorial jurisdictions of the towns. This law is administered by the Haywood County Department of Erosion and Sediment Control.
2. **The North Carolina Sedimentation Pollution Control Act of 1973** applies in the town limits of Canton, Clyde, Maggie Valley, and Waynesville, including their one mile extraterritorial jurisdictions. The Land Quality Section of the North Carolina Department of Environment and Natural Resources administers this law.

The major difference in these two laws is the size of the disturbed area that imposes the requirement for submission and pre-approval of an Erosion and Sediment Control Plan. Sites with disturbed areas below the size stated in the applicable law, do not need prior Plan approval; however, **in all cases you are required to keep sediment on your site**, and prevent damage to other public and private property, as well as streams, ponds and lakes. The remaining requirements of the ordinances apply, regardless of the size of your site.

Standard #1: Whenever disturbing 1/2 acre or more in the County's jurisdiction, an Erosion and Sediment Control Plan must be filed and approved, and a Grading Permit issued by the County prior to beginning work. For those areas under a Town's jurisdiction, you are required to file an Erosion and Sediment Control Plan and obtain approval from the State if one or more acres is disturbed. *Note: if you are required to file a plan, it must be filed at least 30 days prior to beginning any land disturbing activities.*

Standard #2: A buffer zone is required along all bodies of water and natural waterways. It must be wide enough to confine all visible sediment within the first 25% of the buffer zone nearest the land disturbing activity. Waters that have been classified as Trout Waters, must have buffers that meet the above buffer requirement and be a minimum of 25 feet in width.

Standard #3: The slope of graded areas and fills must be capable of retaining a vegetative cover or other adequate erosion control devices and structures. All slopes must be planted or have other adequate erosion control measures in place within 15 working days or 30 calendar days of completion of any phase of grading, whichever is shorter.

Standard #4: A permanent ground cover, sufficient to restrain erosion after construction is complete, must be provided within 30 working days or 120 calendar days, whichever is shorter.



NOTE: This brochure highlights portions of our erosion and sediment control regulations. It is not a substitute for the law. Be sure you understand all applicable laws. If you have questions, contact the regulatory agencies listed on the back page under Technical Help.



Soil erosion is the process—sediment is the ugly result.



To reduce stream sedimentation, silt fences must be properly installed and then maintained.



Soil erosion and the resulting stream sedimentation is the number one water pollution problem in Haywood County.



In all cases you are required to keep sediment on your site.