

SECTION .0300 – EROSION AND SEDIMENTATION CONTROL PLANS

15A NCAC 01X .0301 PROJECT ELIGIBILITY

The following Erosion and Sedimentation Control Plan Applications shall be ineligible for express review:

- (1) ESC Plans submitted by an individual who does not meet the requirements of being an Experienced Consultant, as defined in 15A NCAC 01X .0102(6), who is familiar with soil performance and erosion control design standards and specifications in North Carolina.
- (2) ESC Plans submitted where the financially responsible party, pursuant to 15A NCAC 04B .0118(c), is currently subject to a Notice of Violation issued pursuant to the authority of G.S. 113A, Article 4; 15A NCAC 04B .0118 is incorporated by reference, including subsequent amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- (3) ESC Plans submitted for a site that is currently subject to a Notice of Violation issued pursuant to the authority of G.S. 113A, Article 4.
- (4) ESC Plans impacting buffer zones adjacent to Trout Waters, as defined in 15A NCAC 02B .0202(58), unless a Trout Buffer Waiver has been obtained in advance in accordance with 15A NCAC 04B .0125(c) and G.S. 113A-57(1); 15A NCAC 04B .0125 is incorporated by reference, including subsequent amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge;
- (5) ESC Plans with a limit of disturbance greater than 20 acres, except where the Department provides prior approval.
- (6) ESC Plans that propose a site or grading plan that does not comply with G.S. 143-214.7, the rules of Section .1000 of Subchapter 02H, G.S. 113A, Article 7, Part 4, the rules of title 15A of Chapter 07, or G.S. 74-49(7)(f).
- (7) ESC Plans that do not include all submission requirements from Rule .0302 of this Section.

History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;
Eff. July 1, 2025.