

**15A NCAC 04B .0116 EXISTING UNCOVERED AREAS**

(a) All uncovered areas which:

- (1) existed on the effective date of these Rules;
- (2) resulted from land disturbing activity;
- (3) exceed one acre;
- (4) are experiencing continued accelerated erosion; and
- (5) are causing off-site damage from sedimentation,

shall be provided with ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.

(b) The commission or local government shall serve a notice to comply with the provisions of G.S. 113A-50 et. seq. or any ordinance, rule or order adopted or issued pursuant to G.S. 113A-50 et. seq. by the Commission or by a local government upon the landowner or other person in possession or control of the land by any means authorized under G.S. 1A-1, Rule 4. The notice shall state the measures needed and the time allowed for compliance. The commission or local government issuing the notice shall consider the economic feasibility, technological expertise and quantity of work required, and shall establish reasonable time limits for compliance.

(c) State agency erosion and sedimentation control programs submitted to the commission for delegation of authority to administer such programs shall contain provisions for the treatment of existing exposed areas. Such provisions shall consider the economic feasibility, existing technology, and quantity of work required.

(d) This Rule shall not require ground cover on cleared land forming the future basin of a planned reservoir.

*History Note: Authority G.S. 113A-54;  
Eff. February 1, 1976;  
Amended Eff. October 1, 1995; February 1, 1992; May 1, 1990; November 1, 1984.*