



CHAPTER 113A
ARTICLE 4 - SEDIMENTATION POLLUTION CONTROL ACT OF 1973

N.C.G.S. § 113A-56.

Jurisdiction of the Commission.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2023-53, s. 2 — seventh act in the lineage	RETRIEVED 21 September 2026, 04:55 UTC	SOURCE FINGERPRINT 0d8523dfcf4b89720aecdf53 - 7067df0d5dd8aec5d5f0adfd - 489288e117ee964f
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- § 113A-56(a) The Commission shall have jurisdiction, to the exclusion of local governments, to adopt rules concerning land-disturbing activities that are:
- (1) Conducted by the State.
 - (2) Conducted by the United States.
 - (3) Conducted by persons having the power of eminent domain other than a local government, except for an airport authority as set forth in subsection (a1) of this section.
 - (4) Conducted by a local government, except for an airport authority as set forth in subsection (a1) of this section.
 - (5) Funded in whole or in part by the State or the United States.

- § 113A-56(a1) An airport authority operating an airport located wholly or in part in a county with a population greater than 250,000 according to the latest certified population totals of the State demographer may elect to be regulated under the jurisdiction of a local program authorized under G.S. 113A-60. An airport authority to which this subsection applies that is located in more than one county may elect to be regulated under local programs authorized under G.S. 113A-60 in each county for property of the airport authority located in each county. An airport authority making a local program election under this subsection shall be subject to the following requirements:
- (1) The governing board of the local government operating the local program must enact a resolution accepting jurisdiction over the airport authority.

- (2) The airport authority must provide notice to the Commission that includes (i) a certified copy of the resolution required by subdivision (1) of this subsection and (ii) specification of a date not less than 90 days after the date of the notice on which the local program will assume jurisdiction.
- (3) Any existing erosion and sedimentation control permits issued by the Commission shall, despite assumption of permitting authority by a local government, remain under the jurisdiction of the Commission until the airport authority has submitted a permit modification request consistent with this Article to transfer the permit to the local program.

§ 113A-56(b) The Commission may delegate the jurisdiction conferred by G.S. 113A-56(a), in whole or in part, to any other State agency that has submitted an erosion and sedimentation control program to be administered by it, if the program has been approved by the Commission as being in conformity with the general State program.

§ 113A-56(c) The Commission shall have concurrent jurisdiction with local governments that administer a delegated erosion and sedimentation control program over all other land-disturbing activities. In addition to the authority granted to the Commission in G.S. 113A-60(c), the Commission has the following authority with respect to a delegated erosion and sedimentation control program:

- (1) To review erosion and sedimentation control plan approvals made by a delegated erosion and sedimentation control program and to require a revised plan if the Commission determines that a plan does not comply with the requirements of this Article or the rules adopted pursuant to this Article.
- (2) To review the compliance activities of a delegated erosion and sedimentation control program and to take appropriate compliance action if the Commission determines that the local government has failed to take appropriate compliance action.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
7 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

	1973		1998		2023
	TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT				
Nº	YEAR	ACT		CHARACTER	
01	1973	c. 392, s. 7		ENACTED	
02	1973	c. 1417, s. 4		AMENDED	
03	1987	c. 827, s. 130		AMENDED	
04	1987	1987 (Reg. Sess., 1988), c. 1000, s. 4		AMENDED	
05	2002	S.L. 2002-165, s. 2.5		AMENDED	
06	2006	S.L. 2006-250, s. 2		AMENDED	
07	2023	S.L. 2023-53, s. 2		AMENDED	

APPARATUS II
3 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 113A-60	(a1)	"of a local program authorized under"
G.S. 113A-56(a)	(b)	"may delegate the jurisdiction conferred by"
G.S. 113A-60(c)	(c)	"authority granted to the Commission in"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 113A-56 (2023).

PINPOINT

N.C. Gen. Stat. § 113A-56(a) (2023).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1973, c. 392, s. 7; c. 1417, s. 4; 1987, c. 827, s. 130; 1987 (Reg. Sess., 1988), c. 1000, s. 4; 2002-165, s. 2.5; 2006-250, s. 2; 2023-53, s. 2.)

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