

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 1166\*

Short Title: Clarify Gravel Under Stormwater Laws. (Public)

Sponsors: Representatives Samuelson, Hager, Brisson, and Harrison (Primary Sponsors).  
*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Environment.

May 22, 2014

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THE REGULATION OF GRAVEL UNDER STATE  
3 STORMWATER LAWS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW  
4 COMMISSION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** G.S. 143-214.7(b2) reads as rewritten:

7 "(b2) For purposes of implementing stormwater programs, "built-upon area" means  
8 impervious surface and partially impervious surface to the extent that the partially impervious  
9 surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon  
10 area" does not include a ~~wooden-slatted deck, deck or~~ the water area of a swimming pool, ~~or~~  
11 ~~gravel-pool."~~

12 **SECTION 1.(b)** The Environmental Management Commission shall amend its  
13 rules to be consistent with the definition of "built-upon area" set out in subsection (b2) of  
14 G.S. 143-214.7, as amended by Section 1(a) of this act.

15 **SECTION 2.** Unless specifically authorized by the General Assembly, neither the  
16 Environmental Management Commission nor the Department of Environment and Natural  
17 Resources have the authority to define the term "gravel" for purposes of implementing  
18 stormwater programs. Any rule adopted by the Environmental Management Commission or the  
19 Department of Environment and Natural Resources that defines the term "gravel" for purposes  
20 of implementing stormwater programs is not effective and shall not become effective.

21 **SECTION 3.** Of funds available to the Department of Environment and Natural  
22 Resources for the 2013-2015 biennium, the Department shall use up to the sum of one hundred  
23 ten thousand dollars (\$110,000) to contract with the Department of Biological and Agricultural  
24 Engineering at North Carolina State University to conduct the study required by this section.  
25 The Department of Biological and Agricultural Engineering at North Carolina State University  
26 shall conduct a study to determine the extent to which different aggregate surfaces are pervious,  
27 impervious, or partially pervious. The study shall include variables such as different types of  
28 aggregate, different types of underlying soil, different levels of compaction, different types of  
29 soil preparation and aggregate installation, different depths of aggregate, and any other  
30 variables that may significantly affect whether an aggregate surface is pervious, impervious, or  
31 partially pervious. The Department of Biological and Agricultural Engineering at North  
32 Carolina State University shall submit an interim report on the results of the study to the  
33 Department of Environment and Natural Resources and the Environmental Review  
34 Commission no later than September 1, 2014. The Department of Biological and Agricultural  
35 Engineering at North Carolina State University shall submit a final report on the results of the



1 study to the Department of Environment and Natural Resources and the Environmental Review  
2 Commission no later than January 1, 2015.

3 **SECTION 4.** This act is effective when it becomes law. Subsection (b2) of  
4 G.S. 143-214.7, as amended by Section 1(a) of this act, applies to projects for which permit  
5 applications are received on or after that date.