Soil Erosion and Sedimentation Control
Ordinance Quick Facts

- The Ordinance was adopted by the Board of Commissioners on November 6, 2006.
- The Ordinance became effective October 1, 2007 to provide time for program setup such as hiring and training staff and purchasing equipment. You may call 1-866-STOPMUD to report a soil erosion problem or you may email concerns to nberry@hendersoncountync.gov.
- The Ordinance does not apply to agricultural uses (see Article VIII section 42-254.B(1) of the Henderson County Land Development Code).
- The County soil erosion control office has jurisdiction inside, Henderson County, City of Hendersonville, Town of Fletcher, Village of Flat Rock as well as Town of Laurel Park, Asheville DEQ office has jurisdiction in the Town of Mills River.
- An erosion control plan designed by a Professional Engineer or a Landscape Architect registered to practice in the State of NC (land disturbance fee $300.00/acre or any portion of an acre plus $200.00 plan review fee) shall be required for any land disturbance that meets one of the criteria below:
  - Any land disturbing activity which uncovers one or more acres (43,560 square feet) of land.
  - Any land disturbing activity which uncovers one-half (1/2) acre or more (21,780 square feet) of land with an average slope of 16 to 25 percent in its natural state. The average slope shall be calculated only for the disturbed area.
  - Any land disturbing activity which uncovers one-quarter (1/4) acre or more (10,890 square feet) of land with an average slope over 25 percent in its natural state. The average slope shall be calculated only for the disturbed area. (See next panel)

Erosion control plans must meet the requirements of the state design manual


Erosion control measures must be designed and constructed to provide protection from the maximum peak runoff from 10-year storm event unless it is located in a “High Quality Water Zone.” In a High Quality Water Zone the measures must control for the 25-year storm event.
- Provisions for a ground cover, such as seeding, are required within 21 calendar days following the completion of construction or development.
- The Ordinance provides for civil and criminal penalties with fines up to $5,000 per day of each violation.
- A copy of the Ordinance may be viewed online at [https://www.hendersoncountync.gov/code-document/article-viii-natural-resources](https://www.hendersoncountync.gov/code-document/article-viii-natural-resources)

Image: Demonstration of Slope
THE LAW
The Sedimentation Pollution Control Act (SPCA) and state rules require anyone involved in land-disturbing activities to take special precautions to reduce soil erosion and prevent sedimentation that damages waterways and property.

“Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activities.” (15A NCAC 04B .0105)

Before any land-disturbing activity begins, check with Henderson County Soil Erosion Control Division for regulations as well as type of permits required.

SUGGESTED PATTERN FOR BROADCASTING SEED AND FERTILIZER

TEMPORARY SEDIMENT FENCING

TEMPORARY CONSTRUCTION ENTRANCE/EXIT

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