

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

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HOUSE BILL 56

Short Title: Amend Environmental Laws. (Public)

Sponsors: Representatives McElraft and Yarborough (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Environment

February 8, 2017

A BILL TO BE ENTITLED
AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.31(a1) reads as rewritten:

"(a1) The owner of a dam classified by the Department as a high-hazard dam or an intermediate-hazard dam shall develop an Emergency Action Plan for the dam as provided in this subsection;

(1) The owner of the dam shall submit a proposed Emergency Action Plan for the dam within 90 days after the dam is classified as a high-hazard dam or an intermediate-hazard dam to the Department and the Department of Public Safety for their review and approval. The Department and the Department of Public Safety shall approve the Emergency Action Plan if they determine that it complies with the requirements of this subsection and will protect public health, safety, and welfare; the environment; and natural resources.

(2) The Emergency Action Plan shall include, at a minimum, all of the following:

- a. A description of potential emergency conditions that could occur at the dam, including security risks.
- b. A description of actions to be taken in response to an emergency condition at the dam.
- c. Emergency notification procedures to aid in warning and evacuations during an emergency condition at the dam.
- d. A downstream inundation map depicting areas affected by a dam failure and sudden release of the impoundment. A downstream inundation map prepared pursuant to this section does not require preparation by a ~~licensed~~ professional engineer or a person under the responsible charge of a ~~licensed~~ professional engineer unless the dam is associated with a coal combustion residuals surface impoundment, as defined by ~~G.S. 130A-309.201~~ G.S. 130A-309.201, or the Department determines that preparation by a professional engineer or a person under the responsible charge of a professional engineer is necessary to protect public health, safety, and welfare; the environment; or natural resources.

(3) The owner of the dam shall update the Emergency Action Plan annually and shall submit it to the Department and the Department of Public Safety for their review and approval within one year of the prior approval.



- 1 (4) The Department shall provide a copy of the Emergency Action Plan to the
- 2 regional offices of the Department that might respond to an emergency
- 3 condition at the dam.
- 4 (5) The Department of Public Safety shall provide a copy of the Emergency Action
- 5 Plan to all local emergency management agencies that might respond to an
- 6 emergency condition at the dam.
- 7 (6) Information included in an Emergency Action Plan that constitutes sensitive
- 8 public security information, as provided in G.S. 132-1.7, shall be maintained as
- 9 confidential information and shall not be subject to disclosure under the Public
- 10 Records Act. For purposes of this section, "sensitive public security
- 11 information" shall include Critical Energy Infrastructure Information protected
- 12 from disclosure under rules adopted by the Federal Energy Regulatory
- 13 Commission in 18 C.F.R. § 333.112."
- 14 **SECTION 2.** This act is effective when it becomes law.