

GENERAL ASSEMBLY OF NORTH CAROLINA  
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HOUSE BILL DRH10271-MH-116

Short Title: Req Prop. Disposal/Certain Coal Ash Impdmts. (Public)

Sponsors: Representative Setzer.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE CERTAIN LARGE COAL ASH IMPOUNDMENTS TO BE  
3 MANAGED AS HIGH-RISK IMPOUNDMENTS AND EXCAVATED.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 130A-309.213 reads as rewritten:

6 "§ 130A-309.213. **Prioritization of coal combustion residuals surface impoundments.**

7 (a) As soon as practicable, but no later than December 31, 2015, the Department shall  
8 develop proposed classifications for all coal combustion residuals surface impoundments,  
9 including active and retired sites, for the purpose of closure and remediation based on these sites'  
10 risks to public health, safety, and welfare; the environment; and natural resources and shall  
11 determine a schedule for closure and required remediation that is based on the degree of risk to  
12 public health, safety, and welfare; the environment; and natural resources posed by the  
13 impoundments and that gives priority to the closure and required remediation of impoundments  
14 that pose the greatest risk. In assessing the risk, the Department shall evaluate information  
15 received pursuant to G.S. 130A-309.211 and G.S. 130A-309.212 and any other information  
16 deemed relevant.

17 ...

18 (d) No later than 30 days after expiration of the deadline set forth in  
19 G.S. 130A-309.211(c1), or any applicable extension granted by the Secretary pursuant  
20 G.S. 130A-309.211(c1), the Department shall issue a final classification for each impoundment  
21 as follows:

- 22 (1) The Department shall classify an impoundment as low-risk if the  
23 impoundment owner satisfies both of the following criteria:
- 24 a. Has established permanent water supplies as required for the  
25 impoundment pursuant to G.S. 130A-309.211(c1).
  - 26 b. Has rectified any deficiencies identified by, and otherwise complied  
27 with the requirements of, any dam safety order issued by the  
28 Environmental Management Commission for the impoundment  
29 pursuant to G.S. 143-215.32. No later than July 1, 2018, the  
30 Department shall conduct the annual inspection of each dam  
31 associated with a coal combustion residuals surface impoundment  
32 required for that year, to detect any deficiencies and to ascertain, at a  
33 minimum, whether the dam is sufficiently strong, maintained in good  
34 repair and operating condition, does not pose a danger to life or  
35 property, and satisfies minimum streamflow requirements. The  
36 Department shall issue written findings of fact for each inspection and



1 present such findings to the Environmental Management Commission.  
2 If the Department detects any deficiencies, the Commission shall issue  
3 an order directing the owner of the dam to take action as may be  
4 deemed necessary by the Commission within a time limited by the  
5 order, but not later than 90 days after issuance of the order.

6 (2) All other impoundments shall be classified as intermediate-risk.

7 (d1) Notwithstanding the provisions for classification set forth in subsections (a) through  
8 (d) of this section, the Department shall classify any coal combustion residuals surface  
9 impoundments located at a single site that contain more than 20 million tons of coal combustion  
10 residuals as high-risk and require closure in accordance with G.S. 130A-309.214(a)(1), except  
11 that such impoundments shall be closed as soon as practicable, but no later than December 31,  
12 2029.

13 ...."

14 **SECTION 2.** This act is effective when it becomes law.