

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 56
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40037-SB-12 (01/23)

Short Title: Amend Environmental Laws. (Public)

Sponsors: Representatives McElraft and Yarborough (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS.
3 The General Assembly of North Carolina enacts:

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

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

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

15 (2) The Emergency Action Plan shall include, at a minimum, all of the following:
16 a. A description of potential emergency conditions that could occur at the
17 dam, including security risks.
18 b. A description of actions to be taken in response to an emergency
19 condition at the dam.
20 c. Emergency notification procedures to aid in warning and evacuations
21 during an emergency condition at the dam.
22 d. A downstream inundation map depicting areas affected by a dam failure
23 and sudden release of the impoundment. A downstream inundation map
24 prepared pursuant to this section does not require preparation by a
25 ~~licensed~~ professional engineer or a person under the responsible charge
26 of a ~~licensed~~ professional engineer unless the dam is associated with a
27 coal combustion residuals surface impoundment, as defined by ~~G.S.~~
28 ~~130A-309.201~~.G.S. 130A-309.201, or the Department determines that
29 preparation by a professional engineer or a person under the responsible
30 charge of a professional engineer is necessary to protect public health,
31 safety, and welfare; the environment; or natural resources.

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



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- 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.