



The Daily Bulletin: Tuesday, June 17, 2014

PUBLIC/HOUSE BILLS

H 769 (2013-2014) [ZONING/LIMIT MANUFACTURED HOME RESTRICTIONS](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT AMENDING THE ZONING LAWS TO LIMIT WHEN COUNTIES MAY RESTRICT THE PLACEMENT OF MANUFACTURED HOMES IN AREAS ZONED FOR SINGLE-FAMILY RESIDENTIAL USE.*

Senate committee substitute makes the following changes to the 2nd edition.

Amends GS 153A-341.1 to allow counties to adopt or enforce zoning regulations or other provisions which exclude individual manufactured homes on individual lots from any area zoned for single family residential use in areas heavily dependent on tourism. Restricts adopting or enforcing zoning regulations that make such exclusions on more than 10% of the county land area. Clarifies that the reasonable appearance criteria for manufactured homes (1) is limited to the criteria as specified in this bill, and (2) cannot prohibit the placement of manufactured home on individual lots. Makes clarifying changes to the severability clause. Makes the act effective when it becomes law (was, October 1, 2013).

Intro. by Ramsey, Burr, Wray.

[GS 153A](#)

[View summary](#)

[Development, Land Use and Housing, Land Use, Planning and Zoning, Government, Local Government](#)

H 1145 (2013-2014) [INSURANCE & REGISTRATION REQUIRED FOR MOPEDS](#). Filed May 20 2014, *A BILL TO BE ENTITLED AN ACT TO REQUIRE MOPEDS TO BE REGISTERED WITH THE DIVISION OF MOTOR VEHICLES AND FOR OPERATORS OF MOPEDS TO HAVE IN FULL FORCE AND EFFECT A POLICY OF FINANCIAL RESPONSIBILITY.*

House committee substitute makes the following changes to the 1st edition.

Amends GS 58-36-3, under which moped endorsements are allowed as amended in this act, to provide that the North Carolina Rate Bureau has no jurisdiction over medical payments insurance, uninsured and underinsured motorists coverage, and other insurance coverages as written in connection with the sale of liability insurance (was, Bureau lacked jurisdiction only over liability insurance, and theft or physical damage insurance).

Amends GS 58-40-10(1) to declare that a moped, as defined in GS 105-164.3, is not considered a private passenger motor vehicle (was, not considered a motorcycle, motorized scooter, or other similar motorized vehicle).

Directs the Division of Motor Vehicles, acting in conjunction with the Departments of Justice, Public Safety, and Insurance, to study whether there is a need for additional statutory changes in order to ensure the safe operation of mopeds. Specifies that the report from the study is to include data on (1) the number of mopeds involved in traffic accidents, (2) the types and number of injuries resulting from these traffic accidents, and (3) the causes for these traffic accidents. Directs the DMV to turn in a report containing its analysis, findings, and recommendations, including any statutory changes, to the Joint Legislative Oversight Committee on or before February 1, 2016.

Renumbers sections accordingly.

Makes this act effective July 1, 2015 (was, December 1, 2014) and applies to offenses committed on or after that date.

Intro. by Shepard, R. Brown, Millis.**GS 20, GS 58**[View summary](#)**Courts/Judiciary, Motor Vehicle, Transportation**

H 1267 (2013-2014) **ABSENTEE BALLOT/EVERETTE HARRIS ACT**. Filed Jun 17 2014, *AN ACT TO CLARIFY THAT A VOTER WHO CASTS A MAIL-IN ABSENTEE BALLOT OR AN IN-PERSON ONE-STOP EARLY VOTE AND DIES THEREAFTER MAY NOT HAVE THAT BALLOT CHALLENGED ON ACCOUNT OF DEATH.*

Amends GS 163-89 by enacting a new subsection that provides that an absentee ballot cannot be challenged on the grounds that the voter has died, if the voter was alive at the time the ballot was cast. Provides that this new provision applies to ballots cast (1) in person pursuant to GS Chapter 163-227.2(b) or 163-227.2(g), (2) under other provisions of GS Chapter 163, Article 20 (Absentee Ballot), or (3) under the provisions of GS Chapter 163, Article 21A (Uniform Military and Overseas Voters Act).

Intro. by Tillis, Lewis, Elmore.**GS 163**[View summary](#)**Government, Elections**

PUBLIC/SENATE BILLS

S 355 (2013-2014) **TECH CORRECTION/GASTON, NASH, UNION LOCAL ACT**. Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES AND CLARIFICATIONS IN AN ACT TO ESTABLISH A MORATORIUM ON FILING OF ACTIONS BY CERTAIN LOCAL BOARDS OF EDUCATION CHALLENGING THE SUFFICIENCY OF LOCAL FUNDS APPROPRIATED TO THE PUBLIC SCHOOLS BY THE BOARD OF COUNTY COMMISSIONERS.*

AN ACT TO MAKE TECHNICAL CHANGES AND CLARIFICATIONS IN AN ACT TO ESTABLISH A MORATORIUM ON FILING OF ACTIONS BY CERTAIN LOCAL BOARDS OF EDUCATION CHALLENGING THE SUFFICIENCY OF LOCAL FUNDS APPROPRIATED TO THE PUBLIC SCHOOLS BY THE BOARD OF COUNTY COMMISSIONERS. Enacted June 17, 2014. Effective June 11, 2014.

Intro. by Rabon.**Gaston, Nash, Union, GS 115C**[View summary](#)

S 729 (2013-2014) **COAL ASH MANAGEMENT ACT OF 2104 (NEW)**. Filed May 14 2014, *AN ACT TO (1) PROHIBIT RECOVERY OF COSTS RELATED TO UNLAWFUL DISCHARGES FROM COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (2) ESTABLISH A MORATORIUM ON CERTAIN RATE CASES; (3) CREATE THE COAL ASH MANAGEMENT COMMISSION TO REVIEW AND APPROVE COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS CLASSIFICATIONS AND CLOSURE PLANS AND OTHERWISE STUDY AND MAKE RECOMMENDATIONS ON LAWS GOVERNING MANAGEMENT OF COAL COMBUSTION RESIDUALS; (4) REQUIRE EXPEDITED REVIEW BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES OF ANY PERMIT NECESSARY TO CONDUCT ACTIVITIES REQUIRED BY THIS ACT; (5) ESTABLISH VARIOUS REPORTING REQUIREMENTS TO THE GENERAL ASSEMBLY, INCLUDING A QUARTERLY REPORT FROM THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES ON ITS OPERATIONS, ACTIVITIES, PROGRAMS, AND PROGRESS WITH*

RESPECT TO ITS OBLIGATIONS UNDER THIS ACT FOR COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (6) PROHIBIT LOCAL GOVERNMENT REGULATION OF MANAGEMENT OF COAL COMBUSTION RESIDUALS OR COAL COMBUSTION PRODUCTS; (7) PROHIBIT CONSTRUCTION OF NEW OR EXPANSION OF EXISTING COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS EFFECTIVE JULY 1, 2014; (8) PROHIBIT THE DISPOSAL OF COAL COMBUSTION RESIDUALS INTO COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS AT COAL-FIRED GENERATING UNITS THAT ARE NO LONGER PRODUCING COAL COMBUSTION RESIDUALS EFFECTIVE OCTOBER 1, 2014; (9) PROHIBIT DISPOSAL OF STORMWATER TO COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS EFFECTIVE DECEMBER 31, 2018; (10) REQUIRE ALL ELECTRIC GENERATING FACILITIES TO CONVERT TO GENERATION OF DRY FLY ASH ON OR BEFORE DECEMBER 31, 2017, AND DRY BOTTOM ASH ON OR BEFORE DECEMBER 31, 2020, OR RETIRE; (11) REQUIRE THE ASSESSMENT OF GROUNDWATER AT COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (12) REQUIRE CORRECTIVE ACTION FOR THE RESTORATION OF GROUNDWATER QUALITY AT COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (13) REQUIRE A SURVEY OF DRINKING WATER SUPPLY WELLS AND REPLACEMENT OF CONTAMINATED WATER SUPPLIES; (14) REQUIRE THE IDENTIFICATION, ASSESSMENT, AND CORRECTION OF UNPERMITTED DISCHARGES FROM COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (15) REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO, AS SOON AS PRACTICABLE BUT NO LATER THAN AUGUST 1, 2015, PRIORITIZE FOR THE PURPOSE OF CLOSURE AND REMEDIATION COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS, INCLUDING ACTIVE AND RETIRED SITES, BASED ON THESE SITES' RISKS TO PUBLIC HEALTH, SAFETY, WELFARE, THE ENVIRONMENT, AND NATURAL RESOURCES; (16) REQUIRE OWNERS OF COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS TO SUBMIT A PROPOSED PLAN FOR CLOSURE OF ALL IMPOUNDMENTS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (17) REQUIRE CLOSURE AND REMEDIATION OF CERTAIN COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS AS SOON AS PRACTICABLE, BUT NO LATER THAN AUGUST 1, 2019; (18) REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ESTABLISH A SCHEDULE AND PROCESS FOR CLOSURE AND REMEDIATION OF ALL COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS BASED UPON THE DEPARTMENT'S RISK ASSESSMENT OF THESE SITES, BASELINE REQUIREMENTS SET BY THE GENERAL ASSEMBLY, EVALUATION OF PROPOSED CLOSURE PLANS SUBMITTED BY IMPOUNDMENT OWNERS, AND INPUT FROM THE PUBLIC AND OTHER STAKEHOLDERS; (19) ESTABLISH MINIMUM STATUTORY REQUIREMENTS FOR STRUCTURAL FILL PROJECTS USING COAL COMBUSTION PRODUCTS AND REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO INVENTORY AND INSPECT CERTAIN STRUCTURAL FILL PROJECTS; (20) PLACE A MORATORIUM ON CERTAIN PROJECTS USING COAL COMBUSTION PRODUCTS AS STRUCTURAL FILL UNTIL AUGUST 1, 2015, AND DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE ENVIRONMENTAL MANAGEMENT COMMISSION TO STUDY THE ADEQUACY OF CURRENT LAW GOVERNING USE OF COAL COMBUSTION PRODUCTS AS STRUCTURAL FILL AND FOR BENEFICIAL USE; (21) PLACE A MORATORIUM ON THE EXPANSION AND CONSTRUCTION OF COAL COMBUSTION RESIDUALS LANDFILLS UNTIL AUGUST 1, 2015, AND DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ASSESS THE RISKS TO PUBLIC HEALTH, SAFETY, WELFARE, THE ENVIRONMENT, AND NATURAL RESOURCES OF COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS LOCATED BENEATH THESE LANDFILLS TO DETERMINE THE ADVISABILITY OF CONTINUED OPERATION OF THESE LANDFILLS; (22) STRENGTHEN THE REPORTING AND NOTIFICATION REQUIREMENTS APPLICABLE TO DISCHARGES OF WASTEWATER TO WATERS OF THE STATE; (23) REQUIRE CERTAIN EMERGENCY CALLS TO BE RECORDED; (24) REQUIRE DEVELOPMENT OF EMERGENCY ACTION PLANS FOR HIGH AND INTERMEDIATE HAZARD DAMS AND AMEND OTHER DAM SAFETY LAW REQUIREMENTS APPLICABLE TO COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (25) TRANSFER SOLID WASTE RULE-MAKING AUTHORITY FROM COMMISSION FOR PUBLIC HEALTH TO ENVIRONMENTAL MANAGEMENT COMMISSION; (26) PROVIDE FOR VARIOUS STUDIES; AND (27) PROVIDE RESOURCES FOR IMPLEMENTATION OF THIS ACT.

Unless otherwise indicated, the Senate Committee substitute to the 1st edition deletes the provisions of the previous edition and adds the following provisions.

Deletes the whereas clauses.

Part I.

Adds new Part I.

Enacts new GS 62-133.13 prohibiting the Utilities Commission from allowing an electric public utility from recovering from the customers costs that result from an unlawful discharge to the surface waters of the state from a coal combustion residuals surface impoundment, unless it is determined that the discharge was due to an event of force majeure (an event that cannot be reasonably anticipated or controlled). Effective when the act becomes law and applies to discharges occurring on or after January 1, 2014. Prohibits the Utilities Commission from issuing an order authorizing an electric public utility the recovery of any additional costs related to coal combustion residuals surface impoundments until the end of the moratorium. Prohibits the Utilities Commission from entering a final order granting an increase in base rates of an electric public utility for costs related to coal combustion residuals surface impoundments before January 15, 2015.

Part II.

Adds new Part II.

Enacts new Part 2I, Coal Ash Management, in Article 9 of GS Chapter 130A, referred to as the Coal Ash Management Act of 2014. Sets out terms and their definitions. Establishes the nine member Coal Ash Management Commission, with members appointed by the General Assembly and Governor, as specified. Gives the Coal Ash Management Commission the power to (1) review and approve the classification of coal combustion residuals surface impoundments, (2) review and approve Coal Combustion Residuals Surface Impoundment Closure Plans, (3) review and make recommendations on the provisions of this Part and other statutes and rules related to managing coal combustion residuals, and (4) undertake any additional requested studies. Requires disclosure of potential conflicts of interest. Classifies members as covered persons for purposes of the State Government Ethics Act. Members must be appointed no later than September 1, 2014.

Requires the Department of Environment and Natural Resources (DENR) to act as expeditiously as practicable, but no later than the deadlines established in the new statute, to issue all permits necessary to conduct activities required by the Part. Requires DENR to determine whether an application for any necessary permit is complete within 30 days after receiving the application. Allows for applicants to cure deficiencies and specifies deadlines for final determinations as to whether an application is complete. Specifies deadlines and public hearing requirements for draft permit decisions and sets the deadline for issuing a final permit decision.

Requires DENR to submit quarterly written reports to the Environmental Review Commission (ERC) and the Coal Ash Management Commission (Commission) on issues related to DENR's obligations under this Part concerning coal combustion residuals surface impoundments. Specifies items to be included in the report. Requires DENR to report, by October 1 of each year, to each member of the General Assembly who has a coal combustion residuals surface impoundment in the member's district; specifies information to be included in the report. Requires a public utility generating coal combustion residuals and coal combustion products to submit an annual summary, by October 1 of each year, to DENR; specifies items that must be included in the summaries.

Invalidate all provisions of local ordinances that regulate or have the effect of regulating the management of coal combustion residuals and coal combustion products within the local government's jurisdiction, to the extent necessary to effectuate the purposes of this Part, that (1) place any restriction or condition not placed by this Part upon management of coal combustion residuals and coal combustion products within any county, city, or other political subdivisions or (2) conflict with, or are in any manner inconsistent with, the Part's provisions. Provides that if a local zoning or land use ordinance imposes requirements, restrictions, or conditions that are generally applicable to development, and coal combustion residuals and coal combustion products would be regulated under the ordinance of general applicability, the operator of the proposed activities may petition the Environmental Management Commission (EMC) to review the matter. Sets out petition hearing requirements. Provides that a local zoning or land use ordinance is presumed to be valid and enforceable to the extent that it imposes requirements, restrictions, or conditions that are generally applicable to development, unless the EMC makes a finding of fact to the contrary.

Specifies findings that must be made before the EMC may preempt local ordinances and sets out the timeframe during which the preemption decision must be made. The EMC's decision is final unless a party to the action files a written appeal within 30 days of the decision.

Adds a severability clause.

Requires the EMC to adopt rules necessary to implement the Part and makes the rules exempt from GS 150B-19.3 (limitation on certain environmental rules).

Prohibits the construction of new and expansion of existing coal combustion residuals surface impoundments on or after July 1, 2014. Prohibits, on or after October 1, 2014, the disposal of coal combustion residuals into a coal combustion residuals surface impoundment at an electric generating facility where the coal-fired generating units are no longer producing coal combustion residuals. Prohibits, on or after December 31, 2018, the discharge of stormwater into a coal combustion surface impoundment at an electric generating facility where the coal-fired generating units are no longer producing coal combustion residuals. Prohibits, on or after December 31, 2019, the discharge of stormwater into a coal combustion surface impoundment at an electric generating facility where the coal-fired generating units are actively producing combustion residuals. Requires that on or before December 31, 2018, all electric generating facilities owned by a public utility convert to the disposal of dry fly ash, or retire the facility. Requires that on or before December 31, 2019, all electric generating facilities owned by a public utility convert to the disposal of dry bottom ash, or retire the facility.

Requires the owner of a coal combustion residuals surface impoundment to conduct groundwater monitoring and assessment. Requires owners, by December 31, 2014, to submit a proposed Groundwater Assessment Plan to DENR for approval. Requires that implementation of the plan begin no later than 10 days after it is approved. Also requires the owner to submit a Groundwater Assessment Report to DENR no later than 180 days after the plan is approved. Requires an owner to submit, no later than 90 days after submitting the Groundwater Assessment Report, a proposed Groundwater Corrective Action Plan to DENR for approval; specifies items that must be included in the action plan. Requires that the action plan implementation begin no later than 30 days from the approval of the action plan. Requires the owner of a coal combustion residuals surface impoundment to conduct, no later than October 1, 2014, a Drinking Water Supply Well Survey (Well Survey) that identifies all drinking water supply wells within one-half mile from the established compliance boundary of the impoundment. Directs that the Well Survey be submitted to DENR. Requires DENR to determine based on the Well Survey and no later than December 1, 2014, which drinking water supply wells the owner must sample, how frequently the samples must be taken, and for what time period the sampling must be done. Provides actions that may be taken by DENR and requirements that DENR may impose on the owners based on the sampling and water quality analysis results, including providing an alternate supply of drinking water. Requires the owner to submit, by January 31 of each year, an annual Groundwater Protection and Restoration Report that includes a summary of all groundwater monitoring, protection, and restoration activities related to the impoundment for the preceding year.

Requires, no later than December 31, 2014, the owner of a coal combustion residuals surface impoundment to submit to DENR a topographic map that identifies the location of (1) outfall from engineered channels designed for collecting water from the toe of the impoundment, and (2) seeps discharging from the impoundment that are not captured by engineered channels designed for collecting water from the toe of the impoundment. Sets out requirements for the topographic maps. Requires the owner of a coal combustion residuals surface impoundment to conduct an assessment of unpermitted discharges from the impoundment to the state's surface waters. Requires the owner to submit to DENR, no later than December 31, 2014, a proposed Unpermitted Discharge Assessment Plan; requires implementation of the plan no later than 30 days after approval. Requires DENR to notify an owner if it is determined that an unpermitted discharge from a coal combustion residuals surface impoundment has violated surface water quality standards. Requires an owner, no later than 30 days from the notification, to submit a proposed Unpermitted Discharge Corrective Action Plan to DENR; specifies items that must be included in the plan. Requires that the owner begin implementation of the Corrective Action Plan no later than 30 days after it is approved. Requires the owner of a coal combustion residuals surface impoundment to submit, no later than August 1, 2014, a proposed Plan for the

Identification of New Unpermitted Discharges to DENR for approval. Species items that must be included in the Plan and requires implementation of the Identification Plan no later than 30 days after it is approved. Requires that an owner of a coal combustion residuals surface impoundment submit to DENR an annual Surface Water Protection and Restoration Report no later than January 31 of each year. The first report is due October 1, 2014.

Directs DENR, as soon as is practical but no later than August 1, 2015, to develop proposed classifications for all coal combustion residual surface impoundments, including active and retired sites, for the purpose of closure or remediation of the impoundments. Directs DENR to assess the risk of these sites to public health, safety, and welfare; the environment; and natural resources and requires DENR to determine a schedule for closure and required remediation based on the degree of risk from these sites. Authorizes DENR to request other information from the owner or operator of an impoundment which DENR deems relevant, and specifies factors that, at minimum, DENR should consider. Directs DENR to issue a proposed classification for each impoundment based upon the assessment, classifying the impoundments as low-risk, intermediate-risk, or high-risk. Requires the Secretary of the Environment and Natural Resources (Secretary) to issue a written declaration that includes findings of fact and documents the proposed classification within 30 days after a proposed classification has been issued. Requires that DENR make copies of the written declaration issued under this section available for inspection and specifies that copies should be provided to the local health director, posted on DENR's web site, and placed at the local public library and other locations to ensure accessibility to the public. Provides that before a final classification of an impoundment is issued, DENR must give notice of the intent to issue the written declaration. Specifies timeframe for posting notice and guidelines governing the posting of notice via differing mediums. Requires DENR to hold a public meeting to explain the written declaration to the public no later than 60 days after the issuance of the written declaration. Provides that the public meeting is to be held in the county or counties in which the site is located. Also specifies timelines to allow receipt of written comment on the declaration. Requires the Department to submit a proposed classification to the Commission within 30 days of receiving all written comments. Provides that the Commission may only approve the classification if it is determined that the classification was developed in accordance with the statute and that the classification accurately reflects the level of risk posed by the impoundment. The classification is deemed approved if the Commission fails to act within 60 days.

Requires an owner of a coal combustion residuals surface impoundment to submit a proposed Coal Combustion Residuals Surface Impoundment Closure Plan for DENR's approval. Specifies requirements and closure deadlines that apply to the plans depending on the impoundment's risk classification. High-risk impoundments must be closed by December 31, 2019, intermediate-risk impoundments by December 31, 2024, and low-risk impoundments by December 31, 2029. Further specifies items that must be included in the Closure Plan. Requires DENR to review the Closure Plan for consistency with the requirements as to whether the Plan is protective of public health, safety and welfare; the environment; and natural resources. Requires that DENR, before issuing a decision on the Closure Plan, make copies of the Closure Plan available to specified entities and in specific public places; give notice as specified in the act; and conduct a public meeting no later than 60 days after receiving the Closure Plan. Specifies timeframes within which comments are allowed. Requires DENR to disapprove a Closure Plan unless DENR finds that the Closure Plan is protective of public health, safety, and welfare, the environment, and natural resources, and otherwise complies with this Part. Allows the person submitting the Closure Plan to seek review as provided under Article 3 (Administrative Hearings) of GS Chapter 150B if DENR disapproves the plan. Requires DENR to submit an approved Closure Plan to the Commission within 30 days of approval. Provides that the Commission may approve the Closure Plan only if it determines that the plan was developed in accordance with the statute; that the implementation of the plan according to the plan's schedule is technology feasible; and that the benefits to public health, safety, and welfare; the environment; and natural resources outweigh the negative impacts on electricity costs and reliability. If the Commission does not act within 60 days, the Closure Plan is deemed approved. Allows for appeals of the Commissions' final decision as provided under Article 4 (Judicial Review) of GS Chapter 150B. Requires the owner to begin implementation of the approved plan as soon as practicable, but no later than 60 days after approval.

Deletes Part IX of the previous edition (temporary moratorium on structural fill).

Provides that projects using coal combustion products as structural fill involving the placement of less than 10,000 tons of coal combustion products per acre or less than 100,000 tons of products in total per project which proceed in compliance with the statute and related rules are deemed permitted. Requires receiving an individual permit from DENR for projects using coal combustion residuals as structural fill involving the placement of 10,000 or more tons of coal combustion products per acre, or 100,000 or more tons of products in total per project. Specifies information that must be submitted to DENR at least 60 days before initiation of a proposed project using coal combustion products as structural fill.

Sets out specific requirements for the design, construction, and operation of structural fill sites. Requires projects involving placement of 10,000 or more tons of coal combustion products per acre or 100,000 or more tons of product in total per project to have an encapsulation liner system. Sets out requirements for the liner system.

Requires applicants for projects to construct or operate a structural fill for projects involving placement of 10,000 or more tons of coal combustion products per acre or 100,000 or more tons of product in total per project to establish financial assurance that will ensure that sufficient funds are available for facility closure, post-closure maintenance and monitoring, any corrective action required, and to satisfy any potential liability for accidents and subsequent costs incurred by DENR in responding to an incident. Specifies several ways in which the sufficient availability of funds may be established. Requires a permit holder to maintain financial responsibility and provide any requested information in order to continue to hold a permit for a structural fill.

Requires the final cover to be applied over the coal combustion product placement area no later than 30 working or 60 calendar days, whichever is less, after coal combustion product placement has stopped. Specifies other requirements that must be met when the project has closed. Specifies additional closure and post-closure requirements for projects involving placement of 10,000 or more tons of coal combustion products per acre or 100,000 or more tons of product in total per project, and requires that post-closure care be conducted for 20 years.

Requires the owner of land where coal combustion products have been used in volumes of more than 1,000 cubic yards to file a statement of the volume and locations of the coal combustion residuals with the register of deeds in the county where the property is located. Specifies items that must be included in the statement and the process for recordation.

Allows DENR and the Department of Transportation (DOT) to agree on specific design, construction, siting, operation, and closure criteria that may apply to DOT structural fill projects.

Requires DENR to prepare, by July 1, 2015, an inventory of all structural fill projects with a volume of 10,000 cubic yards or more. Requires DENR to inspect those projects at least annually for compliance with laws related to construction and operation of the project or facility.

Despite the new statutes, classifies the following coal combustion residuals surface impoundments as high-risk and requires that they be closed as soon as practicable, but no later than August 1, 2019: (1) impoundments located at the Dan River Steam Station, operated by Duke Energy Carolinas, located in Rockingham County; (2) impoundments located at the Riverbend Steam Station, operated by Duke Energy Carolinas, located in Gaston County; (3) impoundments located at the Asheville Steam Electric Generating Plant, operated by Duke Energy Progress, located in Buncombe County; and (4) impoundments located at the Sutton Plant, operated by Duke Energy Carolinas, located in New Hanover County. Requires that these impoundments be dewatered; that all coal combustion residuals be removed from the impoundments and transferred for disposal in specified types of landfills or used in a structural fill or any other legal, beneficial use; and requires corrective action to restore groundwater quality to be implemented where groundwater quality is degraded as a result of the impoundment.

Deletes the proposed changes to GS 130A-290(a)(35) and GS 143-213(18) and instead amends GS 130A-290 by replacing the term combustion products with coal combustion residuals and the term combustion products landfill with coal combustion residuals landfill. Adds that coal combustion residuals does not include coal combustion products as defined in GS 130A-309.201. Amends the term "open dump" to mean any facility or site where solid waste is disposed of that is not a sanitary landfill and that is not a coal combustion residuals surface impoundment or

a facility for the disposal of hazardous waste. Amends the term "solid waste" to add that the term includes coal combustion residuals.

Part III.

Prohibits the use of coal combustion products, as structural fill until August 1, 2015, in order to allow DENR, EMC, and the General Assembly time to review and evaluate the use of coal combustion residuals as structural fill. Allows coal combustion products to be used as structural fill for (1) projects where the fill is used with a base liner, leachate collection system, cap liner, groundwater monitoring system and where the constructor or operator establishes financial assurance, or (2) as the base or sub-base of a concrete or asphalt paved road constructed under the authority of a public entity. Requires DENR and the EMC to review subpart 3 (use of coal combustion products in structural fill) of Part 2I and 15A NCAC 13B .1701, et seq. Specifies activities that must be included in the review and requires a report to the ERC by January 15, 2015. Requires all electric generating facilities owned by a public utility producing coal combustion residuals and coal combustion products to issue a request for proposals on or before December 31, 2014 for (1) the conduct of a market analysis for the concrete industry and others that might beneficially use coal combustion residuals and coal combustion products; (2) study the feasibility and advisability of installation of technology to convert existing and newly generated coal combustion residuals to commercial grade coal combustion products suitable for use in the concrete industry and others; and (3) an examination of all innovative technologies that might be applied to diminish, recycle or reuse, or mitigate the impact of coal combustion residuals. Requires all electric general facilities to present the material and formation received and an assessment of that information to the EMC and the Commission by August 1, 2016.

Establishes a moratorium on the construction of new or expansion of existing coal combustion residuals landfills. Requires DENR to evaluate each coal combustion residuals landfills currently operating in the state and assess specified risks of coal combustion residuals surface impoundments located beneath coal combustion residuals landfills to determine the advisability of continued operation. Requires a report to the ERC no later than January 15, 2015.

Part IV.

Part includes language from Section 1 of the previous edition with the following changes.

Amends the caption of GS 143-215.1C. Amends proposed GS 143-215.1C (a1) to specify that the discharge reporting requirements apply to owners or operators that have been issued a permit. Requires reporting a discharge of 1,00 gallons or more of untreated wastewater to the state's surface waters to DENR within 24 hours after determining that the discharge has reached the surface waters (was, 1,00 galls or more of untreated wastewater or wastewater containing coal combustion products, or a spill of any amount of untreated wastewater or wastewater containing coal combustion products that reaches waters of the state). Makes conforming changes and deletions in (b) of the statute. Also deletes language adding requirements concerning notice to counties immediately downstream. Makes the changes to GS 143-215.1C effective September 1, 2014. Amends GS 166A-19.12 to require recording all calls to the 24 hour Operations Center emergency hotline and requires keeping the recordings for at least one year.

Part V.

Amends proposed changes to GS 143-215.27 to specify that emergency repairs to dams may be started immediately (was, all repairs); makes conforming changes.

Deletes proposed GS 143-215.31(f) and instead proposes (a1), which does the following. Requires the owner of a high hazard dam or an intermediate hazard dam to develop an Emergency Action Plan, which must be submitted within 90 days of classification to DENR and to the Department of Public Safety for approval. Sets out four items that must be included in the Action Plan. Requires the Action Plan to be updated annually. Requires information in the Action Plan that constitutes sensitive public security information to be maintained as confidential information and provides that it is not subject to disclosure under the Public Records Act. Requires that Actin Plans be submitted by October 1, 2015.

Instead of repealing SL 2009-390 Section 3(b), amends Section 3(b) to provide that any impoundments or other

facilities that were in use January 1, 2010, in connection with nonnuclear electric generating facilities under the Utilities Commission's jurisdiction, and that were exempted under GS 143-215.25A(f) before January 1, 2010, are deemed to have received all of the necessary approvals from DENR and the Commission for Safety.

Amends GS 143-215.32 to delete proposed (e) and (f) and instead moves those provisions into new (a1) with the following changes. Specifies that the owner of a coal combustion residuals surface impoundment must conduct the weekly impoundment inspection. Amends the inspection requirements to include erosion or enlarged seeps on structures. Also requires inspection for any other abnormal conditions at the impoundment that could pose (was, may pose) a risk to public health, safety or welfare, the environment, or natural resources (was, health or safety risk). Requires that observed conditions be documented with DENR and a registered professional engineer. Requires the engineer to investigate the condition, and if necessary, develop a plan of corrective action. Requires the owner to provide documentation of the completed corrective action to DENR. Adds the requirement that DENR inspect, at least annually, each dam associated with a coal combustion residuals surface impoundment. Makes clarifying changes to the requirement that impoundments be inspected annually by an independent registered professional engineer.

Deletes the appropriation to DENR.

Part VI.

Adds new Part 6, which amends various sections of GS Chapter 130A, with the purpose of transferring all rule-making authority regarding solid and hazardous waste management from the Commission for Public Health to the EMC. Makes technical and conforming changes throughout GS Chapter 130A.

Part VII.

Adds new Part 7, requiring the Commission to study whether and under what circumstances no further action or natural attenuation is appropriate for coal combustion residual surface impoundments classified as low-risk. Directs the commission to consider (1) whether there is any contact or interaction between coal combustion residuals and groundwater or surface water, (2) whether the area has reverted to a natural state, as evidenced by wildlife and vegetation, and (3) whether no further action or natural attenuation would be protective of public health, safety, and welfare; the environment; and natural resources. Results of the study, and any recommendations, are to be submitted to the ERC no later than October 1, 2015.

Also requires the DOT to evaluate additional opportunities for the use of coal combustion residuals in constructing and maintaining roads and bridges in NC. Results and recommendations are to be submitted to the ERC no later than December 1, 2014.

Part VIII.

Adds new Part 8 enacting new GS 62-301.1, regulatory fee for combustion residual surface impoundments, establishing a new regulatory fee in order to defray costs to NC for coal combustion residuals oversight. Provides that this fee is in addition to the regulatory fee imposed by GS 62-302 and the collected fees can only be used to pay expenses incurred by the Commission and DENR in providing oversight of coal combustion residuals. The fee is set at 0.03% of the jurisdictional revenues of public utilities with an impoundment. Sets out schedule for when fees are to be submitted. Creates the Coal Combustion Residuals Management Fund.

Appropriates \$1.75 million to DENR from the Coal Combustion Residuals Management Fund to fund 25 new positions to carry out oversight of coal combustion products and coal combustion residuals. Appropriates remaining funds after the above appropriation to the Commission to fund 4 new positions to support the Commission. Specifies the assignment of the new positions.

Part IX.

Adds new Part 9, a severability clause, providing that if any part is held to be invalid, such invalidity does not affect other provisions of the bill.

Unless otherwise indicated, effective when the act becomes law.

Makes conforming changes to the act's title.

Intro. by Apodaca, Berger.

[GS 62, GS 113, GS 130A, GS 143](#)

[View summary](#)

Environment, Environment/Natural Resources, Public Enterprises and Utilities

S 797 (2013-2014) [911 BOARD/BACK-UP PSAP](#). Filed May 19 2014, *AN ACT TO AMEND THE DUTIES OF THE 911 BOARD RELATING TO PUBLIC SAFETY ANSWERING POINTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON INFORMATION TECHNOLOGY, AND TO CLARIFY THE COLLECTION AUTHORITY OF THE DEPARTMENT OF REVENUE FOR THE 911 FEE ON PREPAID WIRELESS.*

Senate amendment makes the following changes to the 2nd edition.

Adds a new subdivision to GS 62A-40 (Emergency Telephone Service, Article 3, GS Chapter 62A) to define Back-up Public Safety Answering Points (PSAP). Provides that a back-up PSAP has the capability to operate as part of the 911 System (was, a facility equipped to operate as part of the 911 system). Removes the changes from the 2nd edition to GS 62A-42(a).

Amends GS 62A-46(e)(4a) to direct that a PSAP's required plan for taking 911 calls whenever 911 calls cannot be received and processed in the Primary PSAP, must identify the alternative capability of taking the redirected 911 calls. Provides that the subdivision does not require a PSAP to build an alternative facility to serve as a back-up PSAP.

Clarifies that Sections 1.1 through 1.4 of this act are effective when this act becomes law.

Intro. by Brock.

[GS 62A](#)

[View summary](#)

Government, Public Safety

LOCAL/HOUSE BILLS

H 1246 (2013-2014) [ARMED DETENTION OFFICERS/FORSYTH COUNTY](#). Filed May 28 2014, *AN ACT TO PROVIDE THAT THE LAW PROHIBITING WEAPONS ON CAMPUS OR OTHER EDUCATIONAL PROPERTY DOES NOT APPLY TO AN ARMED DETENTION OFFICER WHEN THE OFFICER IS DISCHARGING HIS OR HER OFFICIAL DUTIES IN CABARRUS COUNTY, FORSYTH, AND WAKE COUNTIES.*

House amendment makes the following changes to the 2nd edition:

Changes the long title.

Adds Wake County to the act, which exempts armed detention officers from the prohibition on carrying weapons on campus or other educational property when performing their official duties (previously act only applied to Forsyth and Cabarrus Counties).

Makes conforming changes.

Intro. by Conrad, Hanes, Lambeth, Terry.**Cabarrus, Forsyth, Wake**[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 27: WORKERS' COMP FUND/SAFETY WORKERS ALLOCATION.*Senate: Withdrawn From Com**Senate: Re-ref Com On Finance***H 109: MOTORCYCLE HELMET LAW/STUDY (NEW).***Senate: Withdrawn From Com**Senate: Re-ref Com On Transportation***H 183: DELAY TRANSFER/CLEVELAND COUNTY CORR. FAC. (NEW).***House: Concurred In S/Com Sub**House: Ordered Enrolled***H 267: LIMIT TOLLING ON EXISTING INTERSTATES (NEW).***Senate: Withdrawn From Com**Senate: Re-ref Com On Insurance***H 366: FOREST SERVICE TECH./CLARIFY'G CHANGES-AB***Senate: Withdrawn From Com**Senate: Re-ref Com On Judiciary II**Senate: Sequential Referral To Agriculture/Environment/Natural Resources Added***H 558: SOIL & WATER/REGIONAL JAILS REFUNDS (NEW).***Senate: Regular Message Sent To House**House: Regular Message Received For Concurrence in S Com Sub***H 698: BACKGROUND CHECKS FOR FIREFIGHTERS.***Senate: Regular Message Sent To House**House: Regular Message Received For Concurrence in S Com Sub***H 769: ZONING/LIMIT MANUFACTURED HOME RESTRICTIONS.***Senate: Reptd Fav Com Substitute**Senate: Com Substitute Adopted**Senate: Re-ref Com On Commerce***H 777: SEX OFFENDER/EXPAND RESIDENTIAL RESTRICTIONS.***Senate: Regular Message Sent To House**House: Regular Message Received For Concurrence in S Com Sub***H 1031: NC ECON. DEV. PARTNERSHIP MODIFICATIONS.**

Senate: Sequential Referral To Appropriations/Base Budget Added

Senate: Reptd Fav

Senate: Re-ref Com On Appropriations/Base Budget

H 1034: VOLUNTEER FIRE AND RESCUE FINANCES (PED).

Senate: Passed 1st Reading

Senate: Ref to Finance. If fav, re-ref to Pensions & Retirement and Aging

H 1060: MILITARY STUDENT IDENTIFIER.

Ratified

H 1069: UNEMPLOYMENT INSURANCE LAW CHANGES.

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Com Sub

House: Cal Pursuant 36(b)

H 1074: CONFIRM LINDA COMBS AS STATE CONTROLLER.

Ratified

Ch. Res 2014-6

H 1112: CONFIRM CHARLTON L. ALLEN TO INDUSTRIAL COMM.

Ratified

Ch. Res 2014-7

H 1145: INSURANCE & REGISTRATION REQUIRED FOR MOPEDS.

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

H 1195: FISCAL INTEGRITY/PENSION-SPIKING PREVENTION.

House: Withdrawn From Com

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/18/2014

H 1266: HONOR MONA CORNWELL.

House: Passed 1st Reading

House: Cal Pursuant 32(a)

House: Added to Calendar

House: Adopted

H 1267: ABSENTEE BALLOT/EVERETTE HARRIS ACT.

House: Filed

S 355: TECH CORRECTION/GASTON, NASH, UNION LOCAL ACT.

Ratified

Ch. SL 2014-9

S 370: RESPECT FOR STUDENT PRAYER.

Ratified

S 403: AMEND UNIFORM PRUDENT INVESTOR ACT.

House: Withdrawn From Com

House: Re-ref Com On Elections

S 463: JAIL DORMITORY MINIMUM STANDARDS.

Senate: Concurred In H/Com Sub

Senate: Ordered Enrolled

S 493: PROHIBIT AFTERMARKET HID HEADLIGHTS.

House: Withdrawn From Com

House: Ref to the Com on Finance, if favorable, Regulatory Reform

S 574: GROUNDWATER CONTAMINATION/MODIFY RESPONSE (NEW).

Senate: Withdrawn From Cal

Senate: Re-ref Com On Judiciary I

S 719: STUDENT ORGANIZATIONS/RIGHTS & RECOGNITION.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/18/2014

S 729: COAL ASH MANAGEMENT ACT OF 2104 (NEW).

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Appropriations/Base Budget

Senate: Sequential Referral To Finance Added

S 744: APPROPRIATIONS ACT OF 2014.

Senate: Senate Fail to Concur - No Appt Message Sent To House

S 793: CHARTER SCHOOL MODIFICATIONS.

Senate: Passed 3rd Reading

S 797: 911 BOARD/BACK-UP PSAP.

Senate: Amend Adopted Al

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Engrossed

S 815: ENSURING PRIVACY OF STUDENT RECORDS.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 853: BUSINESS COURT MODERNIZATION.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

LOCAL BILLS

H 133: CHARLOTTE AIRPORT COMMISSION CLARIFICATIONS.

House: Concurred In S/Com Sub

House: Ordered Enrolled

H 531: WEAVERVILLE, BUNCOMBE & HENDERSON.

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 569: FOXFIRE/SATELLITE ANNEXATIONS.

Senate: Passed 3rd Reading

H 1045: TOWN OF ELKIN/REG. MUNICIPAL ELECTIONS SCHED.

Senate: Withdrawn From Com

Senate: Re-ref Com On State and Local Government

H 1067: MURPHY DEANNEXATION.

Senate: Passed 1st Reading

Senate: Ref to State and Local Government. If fav, re-ref to Finance

H 1080: WATHA DEANNEXATION.

Senate: Reptd Fav

Senate: Re-ref Com On Finance

H 1158: MORGANTON CHARTER AMENDMENT.

Senate: Reptd Fav

H 1246: ARMED DETENTION OFFICERS/FORSYTH COUNTY.

House: Amend Adopted AI

House: Passed 2nd Reading

H 1250: AMEND DEFINITION OF DANGEROUS FIREARM.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

Senate: Special Message Received From House

Senate: Passed 1st Reading

Senate: Ref To Com On Judiciary II

H 1252: UNNEEDED AMBULANCE/BLADEN & COLUMBUS.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

Senate: Special Message Received From House

Senate: Passed 1st Reading

Senate: Ref To Com On Judiciary II

S 226: REPEAL 1935 DURHAM CO. FIREARM ACT (NEW).

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/18/2014

S 741: BLADEN, COLUMBUS, FRANKLIN/TAX CERT.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 767: ROCKINGHAM DEANNEXATION.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 846: SHALLOTTE DEANNEXATIONS.

Senate: Reptd Fav

Senate: Re-ref Com On Finance

S 864: YANCEYVILLE ATV USE.

Senate: Reptd Fav

S 865: TOWN OF BOONE/EXTRATERRITORIAL JURISDICTION.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 870: DURHAM/PAYMENTS FOR ON-STREET PARKING.

Senate: Reptd Fav

S 871: RALEIGH/DURHAM/DEANNEXATION/ANNEXATION.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 874: SPRUCE PINE DEANNEXATION.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

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