

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

SESSION LAW 2023-131
SENATE BILL 531

AN ACT TO AMEND THE DAM SAFETY LAW TO ALLOW PHASED COMPLIANCE WITH REQUIREMENTS OF THE LAW.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 143-215.25 is amended by adding a new subdivision to read:

"(2a) Phased compliance eligible dam. – A dam that (i) is categorized as high hazard by the Department, (ii) was constructed prior to January 1, 1968, and (iii) is not owned by a unit of local government, special district, or public authority, as those terms are defined in G.S. 159-7."

SECTION 1.(b) G.S. 143-215.27 reads as rewritten:

"§ 143-215.27. Repair, alteration, or removal of dam.

...

(e) The Department shall not withhold approval of an application for repair or alteration of a phased compliance eligible dam based solely on the fact that the proposed repair or alteration will not bring the dam into full compliance with the requirements of the Dam Safety Law of 1967 (Law) and rules adopted to implement the Law, provided the applicant meets all of the following conditions with respect to its proposed repair or alteration project:

(1) The project will not increase the height or impoundment capacity of the dam.

(2) The project will not increase the risk to human life or property.

(f) Nothing in this section shall be construed to restrict the Department's authority to approve applications to repair or modify dams that do not meet the criteria of a phased compliance eligible dam."

SECTION 2. This act is effective when it becomes law and applies to applications for repair or alteration received by the Department on or after that date.

In the General Assembly read three times and ratified this the 22nd day of September, 2023.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 4:04 p.m. this 29th day of September, 2023

